



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2928

Introduced 10/13/2021, by Sen. Chapin Rose, Donald P. DeWitte and Terri Bryant

SYNOPSIS AS INTRODUCED:

720 ILCS 5/18-4	
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-1.7	
720 ILCS 5/24-3.7	
730 ILCS 5/5-4.5-110	
730 ILCS 5/5-5-3	
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Criminal Code of 2012. Provides for enhanced sentencing for: (1) aggravated vehicular hijacking; (2) unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities; (3) aggravated discharge of a firearm; (4) being an armed habitual criminal; and (5) use of a stolen or illegally acquired firearm in the commission of an offense. Adds additional protected classes of persons for which the offense of aggravated discharge of a firearm applies. Amends the Unified Code of Corrections to make conforming changes.

LRB102 20124 RLC 28976 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, and 24-3.7 as
6 follows:

7 (720 ILCS 5/18-4)

8 Sec. 18-4. Aggravated vehicular hijacking.

9 (a) A person commits aggravated vehicular hijacking when
10 he or she violates Section 18-3; and

11 (1) the person from whose immediate presence the motor
12 vehicle is taken is a person with a physical disability or
13 a person 60 years of age or over; or

14 (2) a person under 16 years of age is a passenger in
15 the motor vehicle at the time of the offense; or

16 (3) he or she carries on or about his or her person, or
17 is otherwise armed with a dangerous weapon, other than a
18 firearm; or

19 (4) he or she carries on or about his or her person or
20 is otherwise armed with a firearm; or

21 (5) he or she, during the commission of the offense,
22 personally discharges a firearm; or

23 (6) he or she, during the commission of the offense,

1 personally discharges a firearm that proximately causes
2 great bodily harm, permanent disability, permanent
3 disfigurement, or death to another person.

4 (b) Sentence. Aggravated vehicular hijacking is a Class X
5 felony for a first offense for which a term of imprisonment of
6 not less than 10 years and not more than 60 years shall be
7 imposed. A second or subsequent offense is a Class X felony for
8 which a term of natural life imprisonment shall be imposed ~~in~~
9 ~~violation of subsections (a)(1) or (a)(2) is a Class X felony.~~
10 ~~A violation of subsection (a)(3) is a Class X felony for which~~
11 ~~a term of imprisonment of not less than 7 years shall be~~
12 ~~imposed. A violation of subsection (a)(4) is a Class X felony~~
13 ~~for which 15 years shall be added to the term of imprisonment~~
14 ~~imposed by the court. A violation of subsection (a)(5) is a~~
15 ~~Class X felony for which 20 years shall be added to the term of~~
16 ~~imprisonment imposed by the court. A violation of subsection~~
17 ~~(a)(6) is a Class X felony for which 25 years or up to a term~~
18 ~~of natural life shall be added to the term of imprisonment~~
19 ~~imposed by the court.~~

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

22 Sec. 24-1.1. Unlawful use or possession of weapons by
23 felons or persons in the custody of the Department of
24 Corrections facilities.

25 (a) It is unlawful for a person to knowingly possess on or

1 about his person or on his land or in his own abode or fixed
2 place of business any weapon prohibited under Section 24-1 of
3 this Act or any firearm or any firearm ammunition if the person
4 has been convicted of a felony under the laws of this State or
5 any other jurisdiction. This Section shall not apply if the
6 person has been granted relief by the Director of the
7 Department of State Police under Section 10 of the Firearm
8 Owners Identification Card Act.

9 (b) It is unlawful for any person confined in a penal
10 institution, which is a facility of the Illinois Department of
11 Corrections, to possess any weapon prohibited under Section
12 24-1 of this Code or any firearm or firearm ammunition,
13 regardless of the intent with which he possesses it.

14 (c) It shall be an affirmative defense to a violation of
15 subsection (b), that such possession was specifically
16 authorized by rule, regulation, or directive of the Illinois
17 Department of Corrections or order issued pursuant thereto.

18 (d) The defense of necessity is not available to a person
19 who is charged with a violation of subsection (b) of this
20 Section.

21 (e) Sentence. Violation of this Section is a Class X
22 felony for a first offense for which a term of imprisonment of
23 not less than 10 years shall be imposed. A second or subsequent
24 offense is a Class X felony for which a term of natural life
25 imprisonment shall be imposed ~~by a person not confined in a~~
26 ~~penal institution shall be a Class 3 felony for which the~~

1 ~~person shall be sentenced to no less than 2 years and no more~~
2 ~~than 10 years. A second or subsequent violation of this~~
3 ~~Section shall be a Class 2 felony for which the person shall be~~
4 ~~sentenced to a term of imprisonment of not less than 3 years~~
5 ~~and not more than 14 years, except as provided for in Section~~
6 ~~5-4.5-110 of the Unified Code of Corrections. Violation of~~
7 ~~this Section by a person not confined in a penal institution~~
8 ~~who has been convicted of a forcible felony, a felony~~
9 ~~violation of Article 24 of this Code or of the Firearm Owners~~
10 ~~Identification Card Act, stalking or aggravated stalking, or a~~
11 ~~Class 2 or greater felony under the Illinois Controlled~~
12 ~~Substances Act, the Cannabis Control Act, or the~~
13 ~~Methamphetamine Control and Community Protection Act is a~~
14 ~~Class 2 felony for which the person shall be sentenced to not~~
15 ~~less than 3 years and not more than 14 years, except as~~
16 ~~provided for in Section 5-4.5-110 of the Unified Code of~~
17 ~~Corrections. Violation of this Section by a person who is on~~
18 ~~parole or mandatory supervised release is a Class 2 felony for~~
19 ~~which the person shall be sentenced to not less than 3 years~~
20 ~~and not more than 14 years, except as provided for in Section~~
21 ~~5-4.5-110 of the Unified Code of Corrections. Violation of~~
22 ~~this Section by a person not confined in a penal institution is~~
23 ~~a Class X felony when the firearm possessed is a machine gun.~~
24 ~~Any person who violates this Section while confined in a penal~~
25 ~~institution, which is a facility of the Illinois Department of~~
26 ~~Corrections, is guilty of a Class 1 felony, if he possesses any~~

1 ~~weapon prohibited under Section 24-1 of this Code regardless~~
2 ~~of the intent with which he possesses it, a Class X felony if~~
3 ~~he possesses any firearm, firearm ammunition or explosive, and~~
4 ~~a Class X felony for which the offender shall be sentenced to~~
5 ~~not less than 12 years and not more than 50 years when the~~
6 ~~firearm possessed is a machine gun. A violation of this~~
7 ~~Section while wearing or in possession of body armor as~~
8 ~~defined in Section 33F-1 is a Class X felony punishable by a~~
9 ~~term of imprisonment of not less than 10 years and not more~~
10 ~~than 40 years.~~ The possession of each firearm or firearm
11 ammunition in violation of this Section constitutes a single
12 and separate violation.

13 (Source: P.A. 100-3, eff. 1-1-18.)

14 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

15 Sec. 24-1.2. Aggravated discharge of a firearm.

16 (a) A person commits aggravated discharge of a firearm
17 when he or she knowingly or intentionally:

18 (1) Discharges a firearm at or into a building he or
19 she knows or reasonably should know to be occupied and the
20 firearm is discharged from a place or position outside
21 that building;

22 (2) Discharges a firearm in the direction of another
23 person or in the direction of a vehicle he or she knows or
24 reasonably should know to be occupied by a person;

25 (3) Discharges a firearm in the direction of a person

1 he or she knows to be a peace officer, a community policing
2 volunteer, a correctional institution employee, or a
3 fireman while the officer, volunteer, employee or fireman
4 is engaged in the execution of any of his or her official
5 duties, or to prevent the officer, volunteer, employee or
6 fireman from performing his or her official duties, or in
7 retaliation for the officer, volunteer, employee or
8 fireman performing his or her official duties;

9 (4) Discharges a firearm in the direction of a vehicle
10 he or she knows to be occupied by a peace officer, a person
11 summoned or directed by a peace officer, a correctional
12 institution employee or a fireman while the officer,
13 employee or fireman is engaged in the execution of any of
14 his or her official duties, or to prevent the officer,
15 employee or fireman from performing his or her official
16 duties, or in retaliation for the officer, employee or
17 fireman performing his or her official duties;

18 (5) Discharges a firearm in the direction of a person
19 he or she knows to be emergency medical services personnel
20 who is engaged in the execution of any of his or her
21 official duties, or to prevent the emergency medical
22 services personnel from performing his or her official
23 duties, or in retaliation for the emergency medical
24 services personnel performing his or her official duties;

25 (6) Discharges a firearm in the direction of a vehicle
26 he or she knows to be occupied by emergency medical

1 services personnel while the emergency medical services
2 personnel is engaged in the execution of any of his or her
3 official duties, or to prevent the emergency medical
4 services personnel from performing his or her official
5 duties, or in retaliation for the emergency medical
6 services personnel performing his or her official duties;

7 (7) Discharges a firearm in the direction of a person
8 he or she knows to be a teacher or other person employed in
9 any school and the teacher or other employee is upon the
10 grounds of a school or grounds adjacent to a school, or is
11 in any part of a building used for school purposes;

12 (8) Discharges a firearm in the direction of a person
13 he or she knows to be an emergency management worker while
14 the emergency management worker is engaged in the
15 execution of any of his or her official duties, or to
16 prevent the emergency management worker from performing
17 his or her official duties, or in retaliation for the
18 emergency management worker performing his or her official
19 duties; ~~or~~

20 (9) Discharges a firearm in the direction of a vehicle
21 he or she knows to be occupied by an emergency management
22 worker while the emergency management worker is engaged in
23 the execution of any of his or her official duties, or to
24 prevent the emergency management worker from performing
25 his or her official duties, or in retaliation for the
26 emergency management worker performing his or her official

1 duties; -

2 (10) discharges a firearm in the direction of a person
3 he or she knows to be a person under 18 years old;

4 (11) discharges a firearm in the direction of a person
5 he or she knows to be a veteran;

6 (12) discharges a firearm in the direction of a person
7 he or she knows to be 60 years of age or older;

8 (13) discharges a firearm in the direction of a person
9 he or she knows to be pregnant or has a physical
10 disability;

11 (14) discharges a firearm in the direction of a person
12 he or she knows to be gathering for worship;

13 (15) discharges a firearm in the direction of a person
14 he or she knows to be boarding or riding public transit;

15 (16) discharges a firearm in the direction of a person
16 he or she knows to be a student at an institution of higher
17 education;

18 (17) discharges a firearm in the direction of a person
19 who is in a public roadway, park, public housing, school,
20 building under the control of the State or a unit of local
21 government, church, hospital, nursing home, or any bus,
22 train, or form of transportation paid for in whole or in
23 part with public funds, or any building, real property, or
24 parking area under the control of a public transportation
25 facility paid for in whole or in part with public funds; or

26 (18) discharges a firearm during the commission or

1 attempted commission of vehicular hijacking.

2 (b) A violation of subsection (a)(1) or subsection (a)(2)
3 of this Section is a Class 1 felony. A violation of subsection
4 (a)(1) or (a)(2) of this Section committed in a school, on the
5 real property comprising a school, within 1,000 feet of the
6 real property comprising a school, at a school related
7 activity or on or within 1,000 feet of any conveyance owned,
8 leased, or contracted by a school to transport students to or
9 from school or a school related activity, regardless of the
10 time of day or time of year that the offense was committed is a
11 Class X felony. A violation of subsection (a)(3), (a)(4),
12 (a)(5), (a)(6), (a)(7), (a)(8), ~~or~~ (a)(9), (a)(10), (a)(11),
13 (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), or
14 (a)(18) of this Section is a Class X felony for which the
15 sentence shall be a term of imprisonment of no less than 10
16 years and not more than 45 years.

17 (c) For purposes of this Section:

18 "Emergency medical services personnel" has the meaning
19 specified in Section 3.5 of the Emergency Medical Services
20 (EMS) Systems Act and shall include all ambulance crew
21 members, including drivers or pilots.

22 "School" means a public or private elementary or secondary
23 school, community college, college, or university.

24 "School related activity" means any sporting, social,
25 academic, or other activity for which students' attendance or
26 participation is sponsored, organized, or funded in whole or

1 in part by a school or school district.

2 (Source: P.A. 99-816, eff. 8-15-16.)

3 (720 ILCS 5/24-1.7)

4 Sec. 24-1.7. Armed habitual criminal.

5 (a) A person commits the offense of being an armed
6 habitual criminal if he or she receives, sells, possesses, or
7 transfers any firearm after having been convicted a total of 2
8 or more times of any combination of the following offenses:

9 (1) a forcible felony as defined in Section 2-8 of
10 this Code;

11 (2) unlawful use of a weapon by a felon; aggravated
12 unlawful use of a weapon; aggravated discharge of a
13 firearm; vehicular hijacking; aggravated vehicular
14 hijacking; aggravated battery of a child as described in
15 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
16 intimidation; aggravated intimidation; gunrunning; home
17 invasion; or aggravated battery with a firearm as
18 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
19 (e)(3), or (e)(4) of Section 12-3.05; or

20 (3) any violation of the Illinois Controlled
21 Substances Act or the Cannabis Control Act that is
22 punishable as a Class 3 felony or higher.

23 (b) Sentence. Being an armed habitual criminal is a Class
24 X felony for a first offense for which a term of imprisonment
25 of not less than 10 years and not more than 30 years shall be

1 imposed. A second or subsequent offense is a Class X felony for
2 which a term of natural life imprisonment shall be imposed.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 (720 ILCS 5/24-3.7)

5 Sec. 24-3.7. Use of a stolen or illegally acquired firearm
6 in the commission of an offense.

7 (a) A person commits ~~the offense of~~ use of a stolen or
8 illegally acquired firearm in the commission of an offense
9 when he or she knowingly uses a stolen or illegally acquired
10 firearm in the commission of any offense and the person knows
11 that the firearm was stolen or illegally acquired.

12 (b) Sentence. Use of a stolen or illegally acquired
13 firearm in the commission of an offense is a Class X felony for
14 a first offense for which a term of imprisonment of not less
15 than 10 years shall be imposed. A second or subsequent offense
16 is a Class X felony for which a term of natural life
17 imprisonment shall be imposed ~~2 felony~~.

18 (c) "Illegally acquired firearm" means a firearm acquired
19 in violation of Section 24-3.

20 (Source: P.A. 96-190, eff. 1-1-10.)

21 Section 10. The Unified Code of Corrections is amended by
22 changing Sections 5-4.5-110, 5-5-3, and 5-8-4 as follows:

23 (730 ILCS 5/5-4.5-110)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
3 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

4 (a) DEFINITIONS. For the purposes of this Section:

5 "Firearm" has the meaning ascribed to it in Section
6 1.1 of the Firearm Owners Identification Card Act.

7 "Qualifying predicate offense" means the following
8 offenses under the Criminal Code of 2012:

9 (A) aggravated unlawful use of a weapon under
10 Section 24-1.6 or similar offense under the Criminal
11 Code of 1961, when the weapon is a firearm;

12 (B) unlawful use or possession of a weapon by a
13 felon under Section 24-1.1 or similar offense under
14 the Criminal Code of 1961, when the weapon is a
15 firearm;

16 (C) first degree murder under Section 9-1 or
17 similar offense under the Criminal Code of 1961;

18 (D) attempted first degree murder with a firearm
19 or similar offense under the Criminal Code of 1961;

20 (E) aggravated kidnapping with a firearm under
21 paragraph (6) or (7) of subsection (a) of Section 10-2
22 or similar offense under the Criminal Code of 1961;

23 (F) aggravated battery with a firearm under
24 subsection (e) of Section 12-3.05 or similar offense
25 under the Criminal Code of 1961;

26 (G) aggravated criminal sexual assault under

1 Section 11-1.30 or similar offense under the Criminal
2 Code of 1961;

3 (H) predatory criminal sexual assault of a child
4 under Section 11-1.40 or similar offense under the
5 Criminal Code of 1961;

6 (I) armed robbery under Section 18-2 or similar
7 offense under the Criminal Code of 1961;

8 (J) vehicular hijacking under Section 18-3 or
9 similar offense under the Criminal Code of 1961;

10 (K) aggravated vehicular hijacking under Section
11 18-4 or similar offense under the Criminal Code of
12 1961;

13 (L) home invasion with a firearm under paragraph
14 (3), (4), or (5) of subsection (a) of Section 19-6 or
15 similar offense under the Criminal Code of 1961;

16 (M) aggravated discharge of a firearm under
17 Section 24-1.2 or similar offense under the Criminal
18 Code of 1961;

19 (N) aggravated discharge of a machine gun or a
20 firearm equipped with a device designed or used for
21 silencing the report of a firearm under Section
22 24-1.2-5 or similar offense under the Criminal Code of
23 1961;

24 (O) unlawful use of firearm projectiles under
25 Section 24-2.1 or similar offense under the Criminal
26 Code of 1961;

1 (P) manufacture, sale, or transfer of bullets or
2 shells represented to be armor piercing bullets,
3 dragon's breath shotgun shells, bolo shells, or
4 flechette shells under Section 24-2.2 or similar
5 offense under the Criminal Code of 1961;

6 (Q) unlawful sale or delivery of firearms under
7 Section 24-3 or similar offense under the Criminal
8 Code of 1961;

9 (R) unlawful discharge of firearm projectiles
10 under Section 24-3.2 or similar offense under the
11 Criminal Code of 1961;

12 (S) unlawful sale or delivery of firearms on
13 school premises of any school under Section 24-3.3 or
14 similar offense under the Criminal Code of 1961;

15 (T) unlawful purchase of a firearm under Section
16 24-3.5 or similar offense under the Criminal Code of
17 1961;

18 (U) use of a stolen or illegally acquired firearm
19 in the commission of an offense under Section 24-3.7
20 or similar offense under the Criminal Code of 1961;

21 (V) possession of a stolen firearm under Section
22 24-3.8 or similar offense under the Criminal Code of
23 1961;

24 (W) aggravated possession of a stolen firearm
25 under Section 24-3.9 or similar offense under the
26 Criminal Code of 1961;

1 (X) gunrunning under Section 24-3A or similar
2 offense under the Criminal Code of 1961;

3 (Y) defacing identification marks of firearms
4 under Section 24-5 or similar offense under the
5 Criminal Code of 1961; and

6 (Z) armed violence under Section 33A-2 or similar
7 offense under the Criminal Code of 1961.

8 (b) APPLICABILITY. For an offense committed on or after
9 the effective date of this amendatory Act of the 100th General
10 Assembly and before January 1, 2023, when a person is
11 convicted of unlawful use or possession of a weapon by a felon,
12 when the weapon is a firearm, or aggravated unlawful use of a
13 weapon, when the weapon is a firearm, after being previously
14 convicted of a qualifying predicate offense the person shall
15 be subject to the sentencing guidelines under this Section.

16 (c) SENTENCING GUIDELINES.

17 (1) When a person is convicted of unlawful use or
18 possession of a weapon by a felon, when the weapon is a
19 firearm, and that person has been previously convicted of
20 a qualifying predicate offense, the person shall be
21 sentenced to a term of imprisonment within the sentencing
22 range of not less than 7 years and not more than 14 years,
23 unless the court finds that a departure from the
24 sentencing guidelines under this paragraph is warranted
25 under subsection (d) of this Section.

26 (2) When a person is convicted of aggravated unlawful

1 use of a weapon, when the weapon is a firearm, and that
2 person has been previously convicted of a qualifying
3 predicate offense, the person shall be sentenced to a term
4 of imprisonment within the sentencing range of not less
5 than 6 years and not more than 7 years, unless the court
6 finds that a departure from the sentencing guidelines
7 under this paragraph is warranted under subsection (d) of
8 this Section.

9 (3) The sentencing guidelines in paragraphs (1) and
10 (2) of this subsection (c) apply only to offenses
11 committed on and after the effective date of this
12 amendatory Act of the 100th General Assembly and before
13 January 1, 2023.

14 (d) DEPARTURE FROM SENTENCING GUIDELINES.

15 (1) At the sentencing hearing conducted under Section
16 5-4-1 of this Code, the court may depart from the
17 sentencing guidelines provided in subsection (c) of this
18 Section and impose a sentence otherwise authorized by law
19 for the offense if the court, after considering any factor
20 under paragraph (2) of this subsection (d) relevant to the
21 nature and circumstances of the crime and to the history
22 and character of the defendant, finds on the record
23 substantial and compelling justification that the sentence
24 within the sentencing guidelines would be unduly harsh and
25 that a sentence otherwise authorized by law would be
26 consistent with public safety and does not deprecate the

1 seriousness of the offense.

2 (2) In deciding whether to depart from the sentencing
3 guidelines under this paragraph, the court shall consider:

4 (A) the age, immaturity, or limited mental
5 capacity of the defendant at the time of commission of
6 the qualifying predicate or current offense, including
7 whether the defendant was suffering from a mental or
8 physical condition insufficient to constitute a
9 defense but significantly reduced the defendant's
10 culpability;

11 (B) the nature and circumstances of the qualifying
12 predicate offense;

13 (C) the time elapsed since the qualifying
14 predicate offense;

15 (D) the nature and circumstances of the current
16 offense;

17 (E) the defendant's prior criminal history;

18 (F) whether the defendant committed the qualifying
19 predicate or current offense under specific and
20 credible duress, coercion, threat, or compulsion;

21 (G) whether the defendant aided in the
22 apprehension of another felon or testified truthfully
23 on behalf of another prosecution of a felony; and

24 (H) whether departure is in the interest of the
25 person's rehabilitation, including employment or
26 educational or vocational training, after taking into

1 account any past rehabilitation efforts or
2 dispositions of probation or supervision, and the
3 defendant's cooperation or response to rehabilitation.

4 (3) When departing from the sentencing guidelines
5 under this Section, the court shall specify on the record,
6 the particular evidence, information, factor or factors,
7 or other reasons which led to the departure from the
8 sentencing guidelines. When departing from the sentencing
9 range in accordance with this subsection (d), the court
10 shall indicate on the sentencing order which departure
11 factor or factors outlined in paragraph (2) of this
12 subsection (d) led to the sentence imposed. The sentencing
13 order shall be filed with the clerk of the court and shall
14 be a public record.

15 (e) This Section is repealed on January 1, 2023.

16 (Source: P.A. 100-3, eff. 1-1-18.)

17 (730 ILCS 5/5-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

22 (2) A period of probation, a term of periodic imprisonment
23 or conditional discharge shall not be imposed for the
24 following offenses. The court shall sentence the offender to
25 not less than the minimum term of imprisonment set forth in

1 this Code for the following offenses, and may order a fine or
2 restitution or both in conjunction with such term of
3 imprisonment:

4 (A) First degree murder where the death penalty is not
5 imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the
9 Illinois Controlled Substances Act, or a violation of
10 subdivision (c)(1.5) of Section 401 of that Act which
11 relates to more than 5 grams of a substance containing
12 fentanyl or an analog thereof.

13 (D-5) A violation of subdivision (c)(1) of Section 401
14 of the Illinois Controlled Substances Act which relates to
15 3 or more grams of a substance containing heroin or an
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had
19 been convicted of a Class 1 or greater felony, including
20 any state or federal conviction for an offense that
21 contained, at the time it was committed, the same elements
22 as an offense now (the date of the offense committed after
23 the prior Class 1 or greater felony) classified as a Class
24 1 or greater felony, within 10 years of the date on which
25 the offender committed the offense for which he or she is
26 being sentenced, except as otherwise provided in Section

1 40-10 of the Substance Use Disorder Act.

2 (F-3) A Class 2 or greater felony sex offense or
3 felony firearm offense if the offender had been convicted
4 of a Class 2 or greater felony, including any state or
5 federal conviction for an offense that contained, at the
6 time it was committed, the same elements as an offense now
7 (the date of the offense committed after the prior Class 2
8 or greater felony) classified as a Class 2 or greater
9 felony, within 10 years of the date on which the offender
10 committed the offense for which he or she is being
11 sentenced, except as otherwise provided in Section 40-10
12 of the Substance Use Disorder Act.

13 (F-5) A violation of Section 18-4, 24-1, 24-1.1,
14 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 for
16 which imprisonment is prescribed in those Sections.

17 (G) Residential burglary, except as otherwise provided
18 in Section 40-10 of the Substance Use Disorder Act.

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as
21 described in Section 12-4.6 or subdivision (a)(4) of
22 Section 12-3.05 of the Criminal Code of 1961 or the
23 Criminal Code of 2012.

24 (J) A forcible felony if the offense was related to
25 the activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or
2 more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate crimes
4 or provides support to the members of the association who
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense
12 of hate crime when the underlying offense upon which the
13 hate crime is based is felony aggravated assault or felony
14 mob action.

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 or 12-6.5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4), (5),
24 or (7) of subsection (a) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

3 (R) A violation of Section 24-3A of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (S) (Blank).

6 (T) (Blank).

7 (U) A second or subsequent violation of Section 6-303
8 of the Illinois Vehicle Code committed while his or her
9 driver's license, permit, or privilege was revoked because
10 of a violation of Section 9-3 of the Criminal Code of 1961
11 or the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a similar provision of a law of
13 another state.

14 (V) A violation of paragraph (4) of subsection (c) of
15 Section 11-20.1B or paragraph (4) of subsection (c) of
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph
17 (6) of subsection (a) of Section 11-20.1 of the Criminal
18 Code of 2012 when the victim is under 13 years of age and
19 the defendant has previously been convicted under the laws
20 of this State or any other state of the offense of child
21 pornography, aggravated child pornography, aggravated
22 criminal sexual abuse, aggravated criminal sexual assault,
23 predatory criminal sexual assault of a child, or any of
24 the offenses formerly known as rape, deviate sexual
25 assault, indecent liberties with a child, or aggravated
26 indecent liberties with a child where the victim was under

1 the age of 18 years or an offense that is substantially
2 equivalent to those offenses.

3 (W) A violation of Section 24-3.5 of the Criminal Code
4 of 1961 or the Criminal Code of 2012.

5 (X) A violation of subsection (a) of Section 31-1a of
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 (Y) A conviction for unlawful possession of a firearm
8 by a street gang member when the firearm was loaded or
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was
11 serving a term of probation or conditional discharge for a
12 felony.

13 (AA) Theft of property exceeding \$500,000 and not
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of a
16 value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding for
18 sale, or using 2,000 or more counterfeit items or
19 counterfeit items having a retail value in the aggregate
20 of \$500,000 or more.

21 (DD) A conviction for aggravated assault under
22 paragraph (6) of subsection (c) of Section 12-2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012 if the
24 firearm is aimed toward the person against whom the
25 firearm is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10
5 consecutive days or 30 days of community service shall be
6 imposed for a violation of paragraph (c) of Section 6-303 of
7 the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
18 (4.9) of this subsection (c), a minimum term of imprisonment
19 of 30 days or 300 hours of community service, as determined by
20 the court, shall be imposed for a third or subsequent
21 violation of Section 6-303 of the Illinois Vehicle Code. The
22 court may give credit toward the fulfillment of community
23 service hours for participation in activities and treatment as
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

6 (4.7) A minimum term of imprisonment of not less than 30
7 consecutive days, or 300 hours of community service, shall be
8 imposed for a violation of subsection (a-5) of Section 6-303
9 of the Illinois Vehicle Code, as provided in subsection (b-5)
10 of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for a
12 second violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (c-5) of that
14 Section. The person's driving privileges shall be revoked for
15 a period of not less than 5 years from the date of his or her
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and
18 not more than 15 years shall be imposed for a third violation
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
20 Code, as provided in subsection (d-2.5) of that Section. The
21 person's driving privileges shall be revoked for the remainder
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

4 (5) The court may sentence a corporation or unincorporated
5 association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section 5-5-6
9 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but not
15 more than one year, if the violation resulted in damage to the
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license, permit,
21 or privileges suspended for at least 180 days but not more than
22 2 years, if the violation resulted in injury to another
23 person.

24 (5.3) In addition to any other penalties imposed, a person
25 convicted of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation
2 resulted in the death of another person.

3 (5.4) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code shall have his or her driver's license, permit, or
6 privileges suspended for 3 months and until he or she has paid
7 a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a person
9 convicted of violating Section 3-707 of the Illinois Vehicle
10 Code during a period in which his or her driver's license,
11 permit, or privileges were suspended for a previous violation
12 of that Section shall have his or her driver's license,
13 permit, or privileges suspended for an additional 6 months
14 after the expiration of the original 3-month suspension and
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent
20 offense of ritualized abuse of a child may be sentenced to a
21 term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a
24 first offense and \$2,000 for a second or subsequent offense
25 upon a person convicted of or placed on supervision for
26 battery when the individual harmed was a sports official or

1 coach at any level of competition and the act causing harm to
2 the sports official or coach occurred within an athletic
3 facility or within the immediate vicinity of the athletic
4 facility at which the sports official or coach was an active
5 participant of the athletic contest held at the athletic
6 facility. For the purposes of this paragraph (11), "sports
7 official" means a person at an athletic contest who enforces
8 the rules of the contest, such as an umpire or referee;
9 "athletic facility" means an indoor or outdoor playing field
10 or recreational area where sports activities are conducted;
11 and "coach" means a person recognized as a coach by the
12 sanctioning authority that conducted the sporting event.

13 (12) A person may not receive a disposition of court
14 supervision for a violation of Section 5-16 of the Boat
15 Registration and Safety Act if that person has previously
16 received a disposition of court supervision for a violation of
17 that Section.

18 (13) A person convicted of or placed on court supervision
19 for an assault or aggravated assault when the victim and the
20 offender are family or household members as defined in Section
21 103 of the Illinois Domestic Violence Act of 1986 or convicted
22 of domestic battery or aggravated domestic battery may be
23 required to attend a Partner Abuse Intervention Program under
24 protocols set forth by the Illinois Department of Human
25 Services under such terms and conditions imposed by the court.
26 The costs of such classes shall be paid by the offender.

1 (d) In any case in which a sentence originally imposed is
2 vacated, the case shall be remanded to the trial court. The
3 trial court shall hold a hearing under Section 5-4-1 of this
4 Code which may include evidence of the defendant's life, moral
5 character and occupation during the time since the original
6 sentence was passed. The trial court shall then impose
7 sentence upon the defendant. The trial court may impose any
8 sentence which could have been imposed at the original trial
9 subject to Section 5-5-4 of this Code. If a sentence is vacated
10 on appeal or on collateral attack due to the failure of the
11 trier of fact at trial to determine beyond a reasonable doubt
12 the existence of a fact (other than a prior conviction)
13 necessary to increase the punishment for the offense beyond
14 the statutory maximum otherwise applicable, either the
15 defendant may be re-sentenced to a term within the range
16 otherwise provided or, if the State files notice of its
17 intention to again seek the extended sentence, the defendant
18 shall be afforded a new trial.

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 results in conviction
22 of a defendant who was a family member of the victim at the
23 time of the commission of the offense, the court shall
24 consider the safety and welfare of the victim and may impose a
25 sentence of probation only where:

26 (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court
3 approved counseling program for a minimum duration of
4 2 years; or

5 (B) the defendant is willing to participate in a
6 court approved plan including but not limited to the
7 defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the
17 victim's counseling services, to the extent that the court
18 finds, after considering the defendant's income and
19 assets, that the defendant is financially capable of
20 paying for such services, if the victim was under 18 years
21 of age at the time the offense was committed and requires
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section
24 5-6-4; except where the court determines at the hearing that
25 the defendant violated a condition of his or her probation
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family
2 members, the court shall revoke the defendant's probation and
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
10 11-14.3, 11-14.4 except for an offense that involves keeping a
11 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
12 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
13 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the defendant shall undergo medical
15 testing to determine whether the defendant has any sexually
16 transmissible disease, including a test for infection with
17 human immunodeficiency virus (HIV) or any other identified
18 causative agent of acquired immunodeficiency syndrome (AIDS).
19 Any such medical test shall be performed only by appropriately
20 licensed medical practitioners and may include an analysis of
21 any bodily fluids as well as an examination of the defendant's
22 person. Except as otherwise provided by law, the results of
23 such test shall be kept strictly confidential by all medical
24 personnel involved in the testing and must be personally
25 delivered in a sealed envelope to the judge of the court in
26 which the conviction was entered for the judge's inspection in

1 camera. Acting in accordance with the best interests of the
2 victim and the public, the judge shall have the discretion to
3 determine to whom, if anyone, the results of the testing may be
4 revealed. The court shall notify the defendant of the test
5 results. The court shall also notify the victim if requested
6 by the victim, and if the victim is under the age of 15 and if
7 requested by the victim's parents or legal guardian, the court
8 shall notify the victim's parents or legal guardian of the
9 test results. The court shall provide information on the
10 availability of HIV testing and counseling at Department of
11 Public Health facilities to all parties to whom the results of
12 the testing are revealed and shall direct the State's Attorney
13 to provide the information to the victim when possible. A
14 State's Attorney may petition the court to obtain the results
15 of any HIV test administered under this Section, and the court
16 shall grant the disclosure if the State's Attorney shows it is
17 relevant in order to prosecute a charge of criminal
18 transmission of HIV under Section 12-5.01 or 12-16.2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 against the
20 defendant. The court shall order that the cost of any such test
21 shall be paid by the county and may be taxed as costs against
22 the convicted defendant.

23 (g-5) When an inmate is tested for an airborne
24 communicable disease, as determined by the Illinois Department
25 of Public Health including but not limited to tuberculosis,
26 the results of the test shall be personally delivered by the

1 warden or his or her designee in a sealed envelope to the judge
2 of the court in which the inmate must appear for the judge's
3 inspection in camera if requested by the judge. Acting in
4 accordance with the best interests of those in the courtroom,
5 the judge shall have the discretion to determine what if any
6 precautions need to be taken to prevent transmission of the
7 disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
10 defendant shall undergo medical testing to determine whether
11 the defendant has been exposed to human immunodeficiency virus
12 (HIV) or any other identified causative agent of acquired
13 immunodeficiency syndrome (AIDS). Except as otherwise provided
14 by law, the results of such test shall be kept strictly
15 confidential by all medical personnel involved in the testing
16 and must be personally delivered in a sealed envelope to the
17 judge of the court in which the conviction was entered for the
18 judge's inspection in camera. Acting in accordance with the
19 best interests of the public, the judge shall have the
20 discretion to determine to whom, if anyone, the results of the
21 testing may be revealed. The court shall notify the defendant
22 of a positive test showing an infection with the human
23 immunodeficiency virus (HIV). The court shall provide
24 information on the availability of HIV testing and counseling
25 at Department of Public Health facilities to all parties to
26 whom the results of the testing are revealed and shall direct

1 the State's Attorney to provide the information to the victim
2 when possible. A State's Attorney may petition the court to
3 obtain the results of any HIV test administered under this
4 Section, and the court shall grant the disclosure if the
5 State's Attorney shows it is relevant in order to prosecute a
6 charge of criminal transmission of HIV under Section 12-5.01
7 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
8 2012 against the defendant. The court shall order that the
9 cost of any such test shall be paid by the county and may be
10 taxed as costs against the convicted defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under the Criminal
17 and Traffic Assessment Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, any violation of the Illinois Controlled
25 Substances Act, any violation of the Cannabis Control Act, or
26 any violation of the Methamphetamine Control and Community

1 Protection Act results in conviction, a disposition of court
2 supervision, or an order of probation granted under Section 10
3 of the Cannabis Control Act, Section 410 of the Illinois
4 Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act of a
6 defendant, the court shall determine whether the defendant is
7 employed by a facility or center as defined under the Child
8 Care Act of 1969, a public or private elementary or secondary
9 school, or otherwise works with children under 18 years of age
10 on a daily basis. When a defendant is so employed, the court
11 shall order the Clerk of the Court to send a copy of the
12 judgment of conviction or order of supervision or probation to
13 the defendant's employer by certified mail. If the employer of
14 the defendant is a school, the Clerk of the Court shall direct
15 the mailing of a copy of the judgment of conviction or order of
16 supervision or probation to the appropriate regional
17 superintendent of schools. The regional superintendent of
18 schools shall notify the State Board of Education of any
19 notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall
24 as a condition of his or her sentence be required by the court
25 to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a high

1 school diploma or to work toward passing high school
2 equivalency testing or to work toward completing a vocational
3 training program offered by the Department of Corrections. If
4 a defendant fails to complete the educational training
5 required by his or her sentence during the term of
6 incarceration, the Prisoner Review Board shall, as a condition
7 of mandatory supervised release, require the defendant, at his
8 or her own expense, to pursue a course of study toward a high
9 school diploma or passage of high school equivalency testing.
10 The Prisoner Review Board shall revoke the mandatory
11 supervised release of a defendant who wilfully fails to comply
12 with this subsection (j-5) upon his or her release from
13 confinement in a penal institution while serving a mandatory
14 supervised release term; however, the inability of the
15 defendant after making a good faith effort to obtain financial
16 aid or pay for the educational training shall not be deemed a
17 wilful failure to comply. The Prisoner Review Board shall
18 recommit the defendant whose mandatory supervised release term
19 has been revoked under this subsection (j-5) as provided in
20 Section 3-3-9. This subsection (j-5) does not apply to a
21 defendant who has a high school diploma or has successfully
22 passed high school equivalency testing. This subsection (j-5)
23 does not apply to a defendant who is determined by the court to
24 be a person with a developmental disability or otherwise
25 mentally incapable of completing the educational or vocational
26 program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection
3 (1), whenever a defendant, who is an alien as defined by the
4 Immigration and Nationality Act, is convicted of any felony or
5 misdemeanor offense, the court after sentencing the defendant
6 may, upon motion of the State's Attorney, hold sentence in
7 abeyance and remand the defendant to the custody of the
8 Attorney General of the United States or his or her designated
9 agent to be deported when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

16 Otherwise, the defendant shall be sentenced as provided in
17 this Chapter V.

18 (B) If the defendant has already been sentenced for a
19 felony or misdemeanor offense, or has been placed on probation
20 under Section 10 of the Cannabis Control Act, Section 410 of
21 the Illinois Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act, the
23 court may, upon motion of the State's Attorney to suspend the
24 sentence imposed, commit the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under the
3 Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct and
6 would not be inconsistent with the ends of justice.

7 (C) This subsection (1) does not apply to offenders who
8 are subject to the provisions of paragraph (2) of subsection
9 (a) of Section 3-6-3.

10 (D) Upon motion of the State's Attorney, if a defendant
11 sentenced under this Section returns to the jurisdiction of
12 the United States, the defendant shall be recommitted to the
13 custody of the county from which he or she was sentenced.
14 Thereafter, the defendant shall be brought before the
15 sentencing court, which may impose any sentence that was
16 available under Section 5-5-3 at the time of initial
17 sentencing. In addition, the defendant shall not be eligible
18 for additional earned sentence credit as provided under
19 Section 3-6-3.

20 (m) A person convicted of criminal defacement of property
21 under Section 21-1.3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, in which the property damage exceeds
23 \$300 and the property damaged is a school building, shall be
24 ordered to perform community service that may include cleanup,
25 removal, or painting over the defacement.

26 (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
3 of 1961 or the Criminal Code of 2012 (i) to an impact
4 incarceration program if the person is otherwise eligible for
5 that program under Section 5-8-1.1, (ii) to community service,
6 or (iii) if the person has a substance use disorder, as defined
7 in the Substance Use Disorder Act, to a treatment program
8 licensed under that Act.

9 (o) Whenever a person is convicted of a sex offense as
10 defined in Section 2 of the Sex Offender Registration Act, the
11 defendant's driver's license or permit shall be subject to
12 renewal on an annual basis in accordance with the provisions
13 of license renewal established by the Secretary of State.

14 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
15 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

16 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

17 Sec. 5-8-4. Concurrent and consecutive terms of
18 imprisonment.

19 (a) Concurrent terms; multiple or additional sentences.
20 When an Illinois court (i) imposes multiple sentences of
21 imprisonment on a defendant at the same time or (ii) imposes a
22 sentence of imprisonment on a defendant who is already subject
23 to a sentence of imprisonment imposed by an Illinois court, a
24 court of another state, or a federal court, then the sentences
25 shall run concurrently unless otherwise determined by the

1 Illinois court under this Section.

2 (b) Concurrent terms; misdemeanor and felony. A defendant
3 serving a sentence for a misdemeanor who is convicted of a
4 felony and sentenced to imprisonment shall be transferred to
5 the Department of Corrections, and the misdemeanor sentence
6 shall be merged in and run concurrently with the felony
7 sentence.

8 (c) Consecutive terms; permissive. The court may impose
9 consecutive sentences in any of the following circumstances:

10 (1) If, having regard to the nature and circumstances
11 of the offense and the history and character of the
12 defendant, it is the opinion of the court that consecutive
13 sentences are required to protect the public from further
14 criminal conduct by the defendant, the basis for which the
15 court shall set forth in the record.

16 (2) If one of the offenses for which a defendant was
17 convicted was a violation of Section 32-5.2 (aggravated
18 false personation of a peace officer) of the Criminal Code
19 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
20 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
21 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
22 offense was committed in attempting or committing a
23 forcible felony.

24 (d) Consecutive terms; mandatory. The court shall impose
25 consecutive sentences in each of the following circumstances:

26 (1) One of the offenses for which the defendant was

1 convicted was first degree murder or a Class X or Class 1
2 felony and the defendant inflicted severe bodily injury.

3 (2) The defendant was convicted of a violation of
4 Section 11-1.20 or 12-13 (criminal sexual assault),
5 11-1.30 or 12-14 (aggravated criminal sexual assault), or
6 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
7 child) of the Criminal Code of 1961 or the Criminal Code of
8 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
9 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
10 5/12-14.1).

11 (2.5) The defendant was convicted of a violation of
12 paragraph (1), (2), (3), (4), (5), or (7) of subsection
13 (a) of Section 11-20.1 (child pornography) or of paragraph
14 (1), (2), (3), (4), (5), or (7) of subsection (a) of
15 Section 11-20.1B or 11-20.3 (aggravated child pornography)
16 of the Criminal Code of 1961 or the Criminal Code of 2012;
17 or the defendant was convicted of a violation of paragraph
18 (6) of subsection (a) of Section 11-20.1 (child
19 pornography) or of paragraph (6) of subsection (a) of
20 Section 11-20.1B or 11-20.3 (aggravated child pornography)
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 when the child depicted is under the age of 13.

23 (3) The defendant was convicted of armed violence
24 based upon the predicate offense of any of the following:
25 solicitation of murder, solicitation of murder for hire,
26 heinous battery as described in Section 12-4.1 or

1 subdivision (a) (2) of Section 12-3.05, aggravated battery
2 of a senior citizen as described in Section 12-4.6 or
3 subdivision (a) (4) of Section 12-3.05, criminal sexual
4 assault, a violation of subsection (g) of Section 5 of the
5 Cannabis Control Act (720 ILCS 550/5), cannabis
6 trafficking, a violation of subsection (a) of Section 401
7 of the Illinois Controlled Substances Act (720 ILCS
8 570/401), controlled substance trafficking involving a
9 Class X felony amount of controlled substance under
10 Section 401 of the Illinois Controlled Substances Act (720
11 ILCS 570/401), a violation of the Methamphetamine Control
12 and Community Protection Act (720 ILCS 646/), calculated
13 criminal drug conspiracy, or streetgang criminal drug
14 conspiracy.

15 (4) The defendant was convicted of the offense of
16 leaving the scene of a motor vehicle accident involving
17 death or personal injuries under Section 11-401 of the
18 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof under Section 11-501 of the
22 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
23 homicide under Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
25 offense described in item (A) and an offense described in
26 item (B).

1 (5) The defendant was convicted of a violation of
2 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
3 death) or Section 12-20.5 (dismembering a human body) of
4 the Criminal Code of 1961 or the Criminal Code of 2012 (720
5 ILCS 5/9-3.1 or 5/12-20.5).

6 (5.5) The defendant was convicted of a violation of
7 Section 24-3.7 (use of a stolen or illegally acquired
8 firearm in the commission of an offense) of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

10 (6) If the defendant was in the custody of the
11 Department of Corrections at the time of the commission of
12 the offense, the sentence shall be served consecutive to
13 the sentence under which the defendant is held by the
14 Department of Corrections. If, however, the defendant is
15 sentenced to punishment by death, the sentence shall be
16 executed at such time as the court may fix without regard
17 to the sentence under which the defendant may be held by
18 the Department.

19 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
20 for escape or attempted escape shall be served consecutive
21 to the terms under which the offender is held by the
22 Department of Corrections.

23 (8) If a person charged with a felony commits a
24 separate felony while on pretrial release or in pretrial
25 detention in a county jail facility or county detention
26 facility, then the sentences imposed upon conviction of

1 these felonies shall be served consecutively regardless of
2 the order in which the judgments of conviction are
3 entered.

4 (8.5) If a person commits a battery against a county
5 correctional officer or sheriff's employee while serving a
6 sentence or in pretrial detention in a county jail
7 facility, then the sentence imposed upon conviction of the
8 battery shall be served consecutively with the sentence
9 imposed upon conviction of the earlier misdemeanor or
10 felony, regardless of the order in which the judgments of
11 conviction are entered.

12 (9) If a person admitted to bail following conviction
13 of a felony commits a separate felony while free on bond or
14 if a person detained in a county jail facility or county
15 detention facility following conviction of a felony
16 commits a separate felony while in detention, then any
17 sentence following conviction of the separate felony shall
18 be consecutive to that of the original sentence for which
19 the defendant was on bond or detained.

20 (10) If a person is found to be in possession of an
21 item of contraband, as defined in Section 31A-0.1 of the
22 Criminal Code of 2012, while serving a sentence in a
23 county jail or while in pre-trial detention in a county
24 jail, the sentence imposed upon conviction for the offense
25 of possessing contraband in a penal institution shall be
26 served consecutively to the sentence imposed for the

1 offense in which the person is serving sentence in the
2 county jail or serving pretrial detention, regardless of
3 the order in which the judgments of conviction are
4 entered.

5 (11) If a person is sentenced for a violation of bail
6 bond under Section 32-10 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, any sentence imposed for that
8 violation shall be served consecutive to the sentence
9 imposed for the charge for which bail had been granted and
10 with respect to which the defendant has been convicted.

11 (e) Consecutive terms; subsequent non-Illinois term. If an
12 Illinois court has imposed a sentence of imprisonment on a
13 defendant and the defendant is subsequently sentenced to a
14 term of imprisonment by a court of another state or a federal
15 court, then the Illinois sentence shall run consecutively to
16 the sentence imposed by the court of the other state or the
17 federal court. That same Illinois court, however, may order
18 that the Illinois sentence run concurrently with the sentence
19 imposed by the court of the other state or the federal court,
20 but only if the defendant applies to that same Illinois court
21 within 30 days after the sentence imposed by the court of the
22 other state or the federal court is finalized.

23 (f) Consecutive terms; aggregate maximums and minimums.
24 The aggregate maximum and aggregate minimum of consecutive
25 sentences shall be determined as follows:

26 (1) For sentences imposed under law in effect prior to

1 February 1, 1978, the aggregate maximum of consecutive
2 sentences shall not exceed the maximum term authorized
3 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
4 Chapter V for the 2 most serious felonies involved. The
5 aggregate minimum period of consecutive sentences shall
6 not exceed the highest minimum term authorized under
7 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
8 V for the 2 most serious felonies involved. When sentenced
9 only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (2) For sentences imposed under the law in effect on
13 or after February 1, 1978, the aggregate of consecutive
14 sentences for offenses that were committed as part of a
15 single course of conduct during which there was no
16 substantial change in the nature of the criminal objective
17 shall not exceed the sum of the maximum terms authorized
18 under Article 4.5 of Chapter V for the 2 most serious
19 felonies involved, but no such limitation shall apply for
20 offenses that were not committed as part of a single
21 course of conduct during which there was no substantial
22 change in the nature of the criminal objective. When
23 sentenced only for misdemeanors, a defendant shall not be
24 consecutively sentenced to more than the maximum for one
25 Class A misdemeanor.

26 (g) Consecutive terms; manner served. In determining the

1 manner in which consecutive sentences of imprisonment, one or
2 more of which is for a felony, will be served, the Department
3 of Corrections shall treat the defendant as though he or she
4 had been committed for a single term subject to each of the
5 following:

6 (1) The maximum period of a term of imprisonment shall
7 consist of the aggregate of the maximums of the imposed
8 indeterminate terms, if any, plus the aggregate of the
9 imposed determinate sentences for felonies, plus the
10 aggregate of the imposed determinate sentences for
11 misdemeanors, subject to subsection (f) of this Section.

12 (2) The parole or mandatory supervised release term
13 shall be as provided in paragraph (e) of Section 5-4.5-50
14 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
15 involved.

16 (3) The minimum period of imprisonment shall be the
17 aggregate of the minimum and determinate periods of
18 imprisonment imposed by the court, subject to subsection
19 (f) of this Section.

20 (4) The defendant shall be awarded credit against the
21 aggregate maximum term and the aggregate minimum term of
22 imprisonment for all time served in an institution since
23 the commission of the offense or offenses and as a
24 consequence thereof at the rate specified in Section 3-6-3
25 (730 ILCS 5/3-6-3).

26 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;

1 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
2 1-1-14.)