



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4153

Introduced 2/9/2022, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-750	
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 Juvenile Court Act of 1987. Provides that when a minor of the age of at least 13 years is adjudged delinquent for: (1) attempted first degree murder or (2) any offense involving the use or discharge of a firearm upon school grounds or any part of a building or grounds used for school purposes, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity that results in bodily injury or death to any person (in addition to first degree murder), the court shall declare the minor a ward of the court and order the minor committed to the Department of Juvenile Justice until the minor's 21st birthday, without the possibility of aftercare release, furlough, or non-emergency authorized absence for a period of 5 years from the date the minor was committed to the Department, except that the time that a minor spent in custody for the instant offense before being committed to the Department shall be considered as time credited towards that 5-year period. 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. Effective immediately.

LRB102 26219 RLC 36042 b

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 Juvenile Court Act of 1987 is amended by  
5 changing Section 5-750 as follows:

6 (705 ILCS 405/5-750)

7 Sec. 5-750. Commitment to the Department of Juvenile  
8 Justice.

9 (1) Except as provided in subsection (2) of this Section,  
10 when any delinquent has been adjudged a ward of the court under  
11 this Act, the court may commit him or her to the Department of  
12 Juvenile Justice, if it finds that (a) his or her parents,  
13 guardian or legal custodian are unfit or are unable, for some  
14 reason other than financial circumstances alone, to care for,  
15 protect, train or discipline the minor, or are unwilling to do  
16 so, and the best interests of the minor and the public will not  
17 be served by placement under Section 5-740, or it is necessary  
18 to ensure the protection of the public from the consequences  
19 of criminal activity of the delinquent; and (b) commitment to  
20 the Department of Juvenile Justice is the least restrictive  
21 alternative based on evidence that efforts were made to locate  
22 less restrictive alternatives to secure confinement and the  
23 reasons why efforts were unsuccessful in locating a less

1 restrictive alternative to secure confinement. Before the  
2 court commits a minor to the Department of Juvenile Justice,  
3 it shall make a finding that secure confinement is necessary,  
4 following a review of the following individualized factors:

5 (A) Age of the minor.

6 (B) Criminal background of the minor.

7 (C) Review of results of any assessments of the minor,  
8 including child centered assessments such as the CANS.

9 (D) Educational background of the minor, indicating  
10 whether the minor has ever been assessed for a learning  
11 disability, and if so what services were provided as well  
12 as any disciplinary incidents at school.

13 (E) Physical, mental and emotional health of the  
14 minor, indicating whether the minor has ever been  
15 diagnosed with a health issue and if so what services were  
16 provided and whether the minor was compliant with  
17 services.

18 (F) Community based services that have been provided  
19 to the minor, and whether the minor was compliant with the  
20 services, and the reason the services were unsuccessful.

21 (G) Services within the Department of Juvenile Justice  
22 that will meet the individualized needs of the minor.

23 (1.5) Before the court commits a minor to the Department  
24 of Juvenile Justice, the court must find reasonable efforts  
25 have been made to prevent or eliminate the need for the minor  
26 to be removed from the home, or reasonable efforts cannot, at

1 this time, for good cause, prevent or eliminate the need for  
2 removal, and removal from home is in the best interests of the  
3 minor, the minor's family, and the public.

4 (2) When a minor of the age of at least 13 years is  
5 adjudged delinquent for the offense of: (i) first degree  
6 murder; (ii) attempted first degree murder; or (iii) any  
7 offense involving the use or discharge of a firearm upon  
8 school grounds or any part of a building or grounds used for  
9 school purposes, including any conveyance owned, leased, or  
10 contracted by a school to transport students to or from school  
11 or a school related activity that results in bodily injury or  
12 death to any person, the court shall declare the minor a ward  
13 of the court and order the minor committed to the Department of  
14 Juvenile Justice until the minor's 21st birthday, without the  
15 possibility of aftercare release, furlough, or non-emergency  
16 authorized absence for a period of 5 years from the date the  
17 minor was committed to the Department of Juvenile Justice,  
18 except that the time that a minor spent in custody for the  
19 instant offense before being committed to the Department of  
20 Juvenile Justice shall be considered as time credited towards  
21 that 5 year period. Upon release from a Department facility, a  
22 minor adjudged delinquent for first degree murder shall be  
23 placed on aftercare release until the age of 21, unless sooner  
24 discharged from aftercare release or custodianship is  
25 otherwise terminated in accordance with this Act or as  
26 otherwise provided for by law. Nothing in this subsection (2)

1 shall preclude the State's Attorney from seeking to prosecute  
2 a minor as an adult as an alternative to proceeding under this  
3 Act.

4 (3) Except as provided in subsection (2), the commitment  
5 of a delinquent to the Department of Juvenile Justice shall be  
6 for an indeterminate term which shall automatically terminate  
7 upon the delinquent attaining the age of 21 years or upon  
8 completion of that period for which an adult could be  
9 committed for the same act, whichever occurs sooner, unless  
10 the delinquent is sooner discharged from aftercare release or  
11 custodianship is otherwise terminated in accordance with this  
12 Act or as otherwise provided for by law.

13 (3.5) Every delinquent minor committed to the Department  
14 of Juvenile Justice under this Act shall be eligible for  
15 aftercare release without regard to the length of time the  
16 minor has been confined or whether the minor has served any  
17 minimum term imposed. Aftercare release shall be administered  
18 by the Department of Juvenile Justice, under the direction of  
19 the Director. Unless sooner discharged, the Department of  
20 Juvenile Justice shall discharge a minor from aftercare  
21 release upon completion of the following aftercare release  
22 terms:

23 (a) One and a half years from the date a minor is  
24 released from a Department facility, if the minor was  
25 committed for a Class X felony;

26 (b) One year from the date a minor is released from a

1 Department facility, if the minor was committed for a  
2 Class 1 or 2 felony; and

3 (c) Six months from the date a minor is released from a  
4 Department facility, if the minor was committed for a  
5 Class 3 felony or lesser offense.

6 (4) When the court commits a minor to the Department of  
7 Juvenile Justice, it shall order him or her conveyed forthwith  
8 to the appropriate reception station or other place designated  
9 by the Department of Juvenile Justice, and shall appoint the  
10 Director of Juvenile Justice legal custodian of the minor. The  
11 clerk of the court shall issue to the Director of Juvenile  
12 Justice a certified copy of the order, which constitutes proof  
13 of the Director's authority. No other process need issue to  
14 warrant the keeping of the minor.

15 (5) If a minor is committed to the Department of Juvenile  
16 Justice, the clerk of the court shall forward to the  
17 Department:

18 (a) the sentencing order and copies of committing  
19 petition;

20 (b) all reports;

21 (c) the court's statement of the basis for ordering  
22 the disposition;

23 (d) any sex offender evaluations;

24 (e) any risk assessment or substance abuse treatment  
25 eligibility screening and assessment of the minor by an  
26 agent designated by the State to provide assessment

1 services for the courts;

2 (f) the number of days, if any, which the minor has  
3 been in custody and for which he or she is entitled to  
4 credit against the sentence, which information shall be  
5 provided to the clerk by the sheriff;

6 (g) any medical or mental health records or summaries  
7 of the minor;

8 (h) the municipality where the arrest of the minor  
9 occurred, the commission of the offense occurred, and the  
10 minor resided at the time of commission;

11 (h-5) a report detailing the minor's criminal history  
12 in a manner and form prescribed by the Department of  
13 Juvenile Justice;

14 (i) all additional matters which the court directs the  
15 clerk to transmit; and

16 (j) all police reports for sex offenses as defined by  
17 the Sex Offender Management Board Act.

18 (6) Whenever the Department of Juvenile Justice lawfully  
19 discharges from its custody and control a minor committed to  
20 it, the Director of Juvenile Justice shall petition the court  
21 for an order terminating his or her custodianship. The  
22 custodianship shall terminate automatically 30 days after  
23 receipt of the petition unless the court orders otherwise.

24 (7) If, while on aftercare release, a minor committed to  
25 the Department of Juvenile Justice who resides in this State  
26 is charged under the criminal laws of this State, the criminal

1 laws of any other state, or federal law with an offense that  
2 could result in a sentence of imprisonment within the  
3 Department of Corrections, the penal system of any state, or  
4 the federal Bureau of Prisons, the commitment to the  
5 Department of Juvenile Justice and all rights and duties  
6 created by that commitment are automatically suspended pending  
7 final disposition of the criminal charge. If the minor is  
8 found guilty of the criminal charge and sentenced to a term of  
9 imprisonment in the penitentiary system of the Department of  
10 Corrections, the penal system of any state, or the federal  
11 Bureau of Prisons, the commitment to the Department of  
12 Juvenile Justice shall be automatically terminated. If the  
13 criminal charge is dismissed, the minor is found not guilty,  
14 or the minor completes a criminal sentence other than  
15 imprisonment within the Department of Corrections, the penal  
16 system of any state, or the federal Bureau of Prisons, the  
17 previously imposed commitment to the Department of Juvenile  
18 Justice and the full aftercare release term shall be  
19 automatically reinstated unless custodianship is sooner  
20 terminated. Nothing in this subsection (7) shall preclude the  
21 court from ordering another sentence under Section 5-710 of  
22 this Act or from terminating the Department's custodianship  
23 while the commitment to the Department is suspended.

24 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)

25 Section 10. The Criminal Code of 2012 is amended by



1 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, and 24-3.7 as  
2 follows:

3 (720 ILCS 5/18-4)

4 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

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

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

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

19 (6) he or she, during the commission of the offense,  
20 personally discharges a firearm that proximately causes  
21 great bodily harm, permanent disability, permanent  
22 disfigurement, or death to another person.

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

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

15 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

19 (a) It is unlawful for a person to knowingly possess on or  
20 about his person or on his land or in his own abode or fixed  
21 place of business any weapon prohibited under Section 24-1 of  
22 this Act or any firearm or any firearm ammunition if the person  
23 has been convicted of a felony under the laws of this State or  
24 any other jurisdiction. This Section shall not apply if the  
25 person has been granted relief by the Director of the Illinois

1 State Police under Section 10 of the Firearm Owners  
2 Identification Card Act.

3 (b) It is unlawful for any person confined in a penal  
4 institution, which is a facility of the Illinois Department of  
5 Corrections, to possess any weapon prohibited under Section  
6 24-1 of this Code or any firearm or firearm ammunition,  
7 regardless of the intent with which he possesses it.

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

12 (d) The defense of necessity is not available to a person  
13 who is charged with a violation of subsection (b) of this  
14 Section.

15 (e) Sentence. Violation of this Section is a Class X  
16 felony for a first offense for which a term of imprisonment of  
17 not less than 10 years shall be imposed. A second or subsequent  
18 offense is a Class X felony for which a term of natural life  
19 imprisonment shall be imposed ~~by a person not confined in a~~  
20 ~~penal institution shall be a Class 3 felony for which the~~  
21 ~~person shall be sentenced to no less than 2 years and no more~~  
22 ~~than 10 years. A second or subsequent violation of this~~  
23 ~~Section shall be a Class 2 felony for which the person shall be~~  
24 ~~sentenced to a term of imprisonment of not less than 3 years~~  
25 ~~and not more than 14 years, except as provided for in Section~~  
26 ~~5-4.5 110 of the Unified Code of Corrections. Violation of~~

1 ~~this Section by a person not confined in a penal institution~~  
2 ~~who has been convicted of a forcible felony, a felony~~  
3 ~~violation of Article 24 of this Code or of the Firearm Owners~~  
4 ~~Identification Card Act, stalking or aggravated stalking, or a~~  
5 ~~Class 2 or greater felony under the Illinois Controlled~~  
6 ~~Substances Act, the Cannabis Control Act, or the~~  
7 ~~Methamphetamine Control and Community Protection Act is a~~  
8 ~~Class 2 felony for which the person shall be sentenced to not~~  
9 ~~less than 3 years and not more than 14 years, except as~~  
10 ~~provided for in Section 5-4.5-110 of the Unified Code of~~  
11 ~~Corrections. Violation of this Section by a person who is on~~  
12 ~~parole or mandatory supervised release is a Class 2 felony for~~  
13 ~~which the person shall be sentenced to not less than 3 years~~  
14 ~~and not more than 14 years, except as provided for in Section~~  
15 ~~5-4.5-110 of the Unified Code of Corrections. Violation of~~  
16 ~~this Section by a person not confined in a penal institution is~~  
17 ~~a Class X felony when the firearm possessed is a machine gun.~~  
18 ~~Any person who violates this Section while confined in a penal~~  
19 ~~institution, which is a facility of the Illinois Department of~~  
20 ~~Corrections, is guilty of a Class 1 felony, if he possesses any~~  
21 ~~weapon prohibited under Section 24-1 of this Code regardless~~  
22 ~~of the intent with which he possesses it, a Class X felony if~~  
23 ~~he possesses any firearm, firearm ammunition or explosive, and~~  
24 ~~a Class X felony for which the offender shall be sentenced to~~  
25 ~~not less than 12 years and not more than 50 years when the~~  
26 ~~firearm possessed is a machine gun. A violation of this~~

1 ~~Section while wearing or in possession of body armor as~~  
2 ~~defined in Section 33F-1 is a Class X felony punishable by a~~  
3 ~~term of imprisonment of not less than 10 years and not more~~  
4 ~~than 40 years.~~ The possession of each firearm or firearm  
5 ammunition in violation of this Section constitutes a single  
6 and separate violation.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

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

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

12 (1) Discharges a firearm at or into a building he or  
13 she knows or reasonably should know to be occupied and the  
14 firearm is discharged from a place or position outside  
15 that building;

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

19 (3) Discharges a firearm in the direction of a person  
20 he or she knows to be a peace officer, a community policing  
21 volunteer, a correctional institution employee, or a  
22 fireman while the officer, volunteer, employee or fireman  
23 is engaged in the execution of any of his or her official  
24 duties, or to prevent the officer, volunteer, employee or  
25 fireman from performing his or her official duties, or in

1           retaliation for the officer, volunteer, employee or  
2           fireman performing his or her official duties;

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

12          (5) Discharges a firearm in the direction of a person  
13          he or she knows to be emergency medical services personnel  
14          who is engaged in the execution of any of his or her  
15          official duties, or to prevent the emergency medical  
16          services personnel from performing his or her official  
17          duties, or in retaliation for the emergency medical  
18          services personnel performing his or her official duties;

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

1           (7) Discharges a firearm in the direction of a person  
2 he or she knows to be a teacher or other person employed in  
3 any school and the teacher or other employee is upon the  
4 grounds of a school or grounds adjacent to a school, or is  
5 in any part of a building used for school purposes;

6           (8) Discharges a firearm in the direction of a person  
7 he or she knows to be an emergency management worker while  
8 the emergency management worker is engaged in the  
9 execution of any of his or her official duties, or to  
10 prevent the emergency management worker from performing  
11 his or her official duties, or in retaliation for the  
12 emergency management worker performing his or her official  
13 duties; ~~or~~

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

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

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

26           (12) discharges a firearm in the direction of a person

1 he or she knows to be 60 years of age or older;

2 (13) discharges a firearm in the direction of a person  
3 he or she knows to be pregnant or has a physical  
4 disability;

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

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

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

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

20 (18) discharges a firearm during the commission or  
21 attempted commission of vehicular hijacking.

22 (b) A violation of subsection (a) (1) or subsection (a) (2)  
23 of this Section is a Class 1 felony. A violation of subsection  
24 (a) (1) or (a) (2) of this Section committed in a school, on the  
25 real property comprising a school, within 1,000 feet of the  
26 real property comprising a school, at a school related



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

11 (c) For purposes of this Section:

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

16 "School" means a public or private elementary or secondary  
17 school, community college, college, or university.

18 "School related activity" means any sporting, social,  
19 academic, or other activity for which students' attendance or  
20 participation is sponsored, organized, or funded in whole or  
21 in part by a school or school district.

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

23 (720 ILCS 5/24-1.7)

24 Sec. 24-1.7. Armed habitual criminal.

25 (a) A person commits the offense of being an armed

1 habitual criminal if he or she receives, sells, possesses, or  
2 transfers any firearm after having been convicted a total of 2  
3 or more times of any combination of the following offenses:

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

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

15 (3) any violation of the Illinois Controlled  
16 Substances Act or the Cannabis Control Act that is  
17 punishable as a Class 3 felony or higher.

18 (b) Sentence. Being an armed habitual criminal is a Class  
19 X felony for a first offense for which a term of imprisonment  
20 of not less than 10 years and not more than 30 years shall be  
21 imposed. A second or subsequent offense is a Class X felony for  
22 which a term of natural life imprisonment shall be imposed.

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

24 (720 ILCS 5/24-3.7)

25 Sec. 24-3.7. Use of a stolen or illegally acquired firearm

1 in the commission of an offense.

2 (a) A person commits ~~the offense of~~ use of a stolen or  
3 illegally acquired firearm in the commission of an offense  
4 when he or she knowingly uses a stolen or illegally acquired  
5 firearm in the commission of any offense and the person knows  
6 that the firearm was stolen or illegally acquired.

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

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

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

16 Section 15. The Unified Code of Corrections is amended by  
17 changing Sections 5-4.5-110, 5-5-3, and 5-8-4 as follows:

18 (730 ILCS 5/5-4.5-110)

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

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

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

23 "Firearm" has the meaning ascribed to it in Section  
24 1.1 of the Firearm Owners Identification Card Act.

1 "Qualifying predicate offense" means the following  
2 offenses under the Criminal Code of 2012:

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

6 (B) unlawful use or possession of a weapon by a  
7 felon under Section 24-1.1 or similar offense under  
8 the Criminal Code of 1961, when the weapon is a  
9 firearm;

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

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

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

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

20 (G) aggravated criminal sexual assault under  
21 Section 11-1.30 or similar offense under the Criminal  
22 Code of 1961;

23 (H) predatory criminal sexual assault of a child  
24 under Section 11-1.40 or similar offense under the  
25 Criminal Code of 1961;

26 (I) armed robbery under Section 18-2 or similar

1 offense under the Criminal Code of 1961;

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

4 (K) aggravated vehicular hijacking under Section  
5 18-4 or similar offense under the Criminal Code of  
6 1961;

7 (L) home invasion with a firearm under paragraph  
8 (3), (4), or (5) of subsection (a) of Section 19-6 or  
9 similar offense under the Criminal Code of 1961;

10 (M) aggravated discharge of a firearm under  
11 Section 24-1.2 or similar offense under the Criminal  
12 Code of 1961;

13 (N) aggravated discharge of a machine gun or a  
14 firearm equipped with a device designed or used for  
15 silencing the report of a firearm under Section  
16 24-1.2-5 or similar offense under the Criminal Code of  
17 1961;

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

21 (P) manufacture, sale, or transfer of bullets or  
22 shells represented to be armor piercing bullets,  
23 dragon's breath shotgun shells, bolo shells, or  
24 flechette shells under Section 24-2.2 or similar  
25 offense under the Criminal Code of 1961;

26 (Q) unlawful sale or delivery of firearms under

1 Section 24-3 or similar offense under the Criminal  
2 Code of 1961;

3 (R) unlawful discharge of firearm projectiles  
4 under Section 24-3.2 or similar offense under the  
5 Criminal Code of 1961;

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

9 (T) unlawful purchase of a firearm under Section  
10 24-3.5 or similar offense under the Criminal Code of  
11 1961;

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

15 (V) possession of a stolen firearm under Section  
16 24-3.8 or similar offense under the Criminal Code of  
17 1961;

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

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

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

26 (Z) armed violence under Section 33A-2 or similar

1 offense under the Criminal Code of 1961.

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

10 (c) SENTENCING GUIDELINES.

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

20 (2) When a person is convicted of aggravated unlawful  
21 use of a weapon, when the weapon is a firearm, and that  
22 person has been previously convicted of a qualifying  
23 predicate offense, the person shall be sentenced to a term  
24 of imprisonment within the sentencing range of not less  
25 than 6 years and not more than 7 years, unless the court  
26 finds that a departure from the sentencing guidelines

1 under this paragraph is warranted under subsection (d) of  
2 this Section.

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

8 (d) DEPARTURE FROM SENTENCING GUIDELINES.

9 (1) At the sentencing hearing conducted under Section  
10 5-4-1 of this Code, the court may depart from the  
11 sentencing guidelines provided in subsection (c) of this  
12 Section and impose a sentence otherwise authorized by law  
13 for the offense if the court, after considering any factor  
14 under paragraph (2) of this subsection (d) relevant to the  
15 nature and circumstances of the crime and to the history  
16 and character of the defendant, finds on the record  
17 substantial and compelling justification that the sentence  
18 within the sentencing guidelines would be unduly harsh and  
19 that a sentence otherwise authorized by law would be  
20 consistent with public safety and does not deprecate the  
21 seriousness of the offense.

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

24 (A) the age, immaturity, or limited mental  
25 capacity of the defendant at the time of commission of  
26 the qualifying predicate or current offense, including



1           whether the defendant was suffering from a mental or  
2           physical condition insufficient to constitute a  
3           defense but significantly reduced the defendant's  
4           culpability;

5           (B) the nature and circumstances of the qualifying  
6           predicate offense;

7           (C) the time elapsed since the qualifying  
8           predicate offense;

9           (D) the nature and circumstances of the current  
10          offense;

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

12          (F) whether the defendant committed the qualifying  
13          predicate or current offense under specific and  
14          credible duress, coercion, threat, or compulsion;

15          (G) whether the defendant aided in the  
16          apprehension of another felon or testified truthfully  
17          on behalf of another prosecution of a felony; and

18          (H) whether departure is in the interest of the  
19          person's rehabilitation, including employment or  
20          educational or vocational training, after taking into  
21          account any past rehabilitation efforts or  
22          dispositions of probation or supervision, and the  
23          defendant's cooperation or response to rehabilitation.

24          (3) When departing from the sentencing guidelines  
25          under this Section, the court shall specify on the record,  
26          the particular evidence, information, factor or factors,

1 or other reasons which led to the departure from the  
2 sentencing guidelines. When departing from the sentencing  
3 range in accordance with this subsection (d), the court  
4 shall indicate on the sentencing order which departure  
5 factor or factors outlined in paragraph (2) of this  
6 subsection (d) led to the sentence imposed. The sentencing  
7 order shall be filed with the clerk of the court and shall  
8 be a public record.

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

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

11 (730 ILCS 5/5-5-3)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

16 (2) A period of probation, a term of periodic imprisonment  
17 or conditional discharge shall not be imposed for the  
18 following offenses. The court shall sentence the offender to  
19 not less than the minimum term of imprisonment set forth in  
20 this Code for the following offenses, and may order a fine or  
21 restitution or both in conjunction with such term of  
22 imprisonment:

23 (A) First degree murder where the death penalty is not  
24 imposed.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

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

7 (D-5) A violation of subdivision (c)(1) of Section 401  
8 of the Illinois Controlled Substances Act which relates to  
9 3 or more grams of a substance containing heroin or an  
10 analog thereof.

11 (E) (Blank).

12 (F) A Class 1 or greater felony if the offender had  
13 been convicted of a Class 1 or greater felony, including  
14 any state or federal conviction for an offense that  
15 contained, at the time it was committed, the same elements  
16 as an offense now (the date of the offense committed after  
17 the prior Class 1 or greater felony) classified as a Class  
18 1 or greater felony, within 10 years of the date on which  
19 the offender committed the offense for which he or she is  
20 being sentenced, except as otherwise provided in Section  
21 40-10 of the Substance Use Disorder Act.

22 (F-3) A Class 2 or greater felony sex offense or  
23 felony firearm offense if the offender had been convicted  
24 of a Class 2 or greater felony, including any state or  
25 federal conviction for an offense that contained, at the  
26 time it was committed, the same elements as an offense now

1 (the date of the offense committed after the prior Class 2  
2 or greater felony) classified as a Class 2 or greater  
3 felony, within 10 years of the date on which the offender  
4 committed the offense for which he or she is being  
5 sentenced, except as otherwise provided in Section 40-10  
6 of the Substance Use Disorder Act.

7 (F-5) A violation of Section 18-4, 24-1, 24-1.1,  
8 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012 for  
10 which imprisonment is prescribed in those Sections.

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

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen as  
15 described in Section 12-4.6 or subdivision (a)(4) of  
16 Section 12-3.05 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012.

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

20 Before July 1, 1994, for the purposes of this  
21 paragraph, "organized gang" means an association of 5 or  
22 more persons, with an established hierarchy, that  
23 encourages members of the association to perpetrate crimes  
24 or provides support to the members of the association who  
25 do commit crimes.

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

1 paragraph, "organized gang" has the meaning ascribed to it  
2 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

4 (K) Vehicular hijacking.

5 (L) A second or subsequent conviction for the offense  
6 of hate crime when the underlying offense upon which the  
7 hate crime is based is felony aggravated assault or felony  
8 mob action.

9 (M) A second or subsequent conviction for the offense  
10 of institutional vandalism if the damage to the property  
11 exceeds \$300.

12 (N) A Class 3 felony violation of paragraph (1) of  
13 subsection (a) of Section 2 of the Firearm Owners  
14 Identification Card Act.

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

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

20 (P-5) A violation of paragraph (6) of subsection (a)  
21 of Section 11-20.1 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012 if the victim is a household or  
23 family member of the defendant.

24 (Q) A violation of subsection (b) or (b-5) of Section  
25 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012.

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

3 (S) (Blank).

4 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

24 (EE) A conviction for a violation of paragraph (2) of  
25 subsection (a) of Section 24-3B of the Criminal Code of  
26 2012.

1 (3) (Blank).

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

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
8 this subsection (c), a minimum of 100 hours of community  
9 service shall be imposed for a second violation of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300  
12 hours of community service, as determined by the court, shall  
13 be imposed for a second violation of subsection (c) of Section  
14 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
16 (4.9) of this subsection (c), a minimum term of imprisonment  
17 of 30 days or 300 hours of community service, as determined by  
18 the court, shall be imposed for a third or subsequent  
19 violation of Section 6-303 of the Illinois Vehicle Code. The  
20 court may give credit toward the fulfillment of community  
21 service hours for participation in activities and treatment as  
22 determined by court services.

23 (4.5) A minimum term of imprisonment of 30 days shall be  
24 imposed for a third violation of subsection (c) of Section  
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this



1 subsection (c), a minimum term of imprisonment of 180 days  
2 shall be imposed for a fourth or subsequent violation of  
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

4 (4.7) A minimum term of imprisonment of not less than 30  
5 consecutive days, or 300 hours of community service, shall be  
6 imposed for a violation of subsection (a-5) of Section 6-303  
7 of the Illinois Vehicle Code, as provided in subsection (b-5)  
8 of that Section.

9 (4.8) A mandatory prison sentence shall be imposed for a  
10 second violation of subsection (a-5) of Section 6-303 of the  
11 Illinois Vehicle Code, as provided in subsection (c-5) of that  
12 Section. The person's driving privileges shall be revoked for  
13 a period of not less than 5 years from the date of his or her  
14 release from prison.

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

21 (4.10) A mandatory prison sentence for a Class 1 felony  
22 shall be imposed, and the person shall be eligible for an  
23 extended term sentence, for a fourth or subsequent violation  
24 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
25 Code, as provided in subsection (d-3.5) of that Section. The  
26 person's driving privileges shall be revoked for the remainder

1 of his or her life.

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

4 (A) a period of conditional discharge;

5 (B) a fine;

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

8 (5.1) In addition to any other penalties imposed, and  
9 except as provided in paragraph (5.2) or (5.3), a person  
10 convicted of violating subsection (c) of Section 11-907 of the  
11 Illinois Vehicle Code shall have his or her driver's license,  
12 permit, or privileges suspended for at least 90 days but not  
13 more than one year, if the violation resulted in damage to the  
14 property of another person.

15 (5.2) In addition to any other penalties imposed, and  
16 except as provided in paragraph (5.3), a person convicted of  
17 violating subsection (c) of Section 11-907 of the Illinois  
18 Vehicle Code shall have his or her driver's license, permit,  
19 or privileges suspended for at least 180 days but not more than  
20 2 years, if the violation resulted in injury to another  
21 person.

22 (5.3) In addition to any other penalties imposed, a person  
23 convicted of violating subsection (c) of Section 11-907 of the  
24 Illinois Vehicle Code shall have his or her driver's license,  
25 permit, or privileges suspended for 2 years, if the violation  
26 resulted in the death of another person.

1           (5.4) In addition to any other penalties imposed, a person  
2 convicted of violating Section 3-707 of the Illinois Vehicle  
3 Code shall have his or her driver's license, permit, or  
4 privileges suspended for 3 months and until he or she has paid  
5 a reinstatement fee of \$100.

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

14           (6) (Blank).

15           (7) (Blank).

16           (8) (Blank).

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

20           (10) (Blank).

21           (11) The court shall impose a minimum fine of \$1,000 for a  
22 first offense and \$2,000 for a second or subsequent offense  
23 upon a person convicted of or placed on supervision for  
24 battery when the individual harmed was a sports official or  
25 coach at any level of competition and the act causing harm to  
26 the sports official or coach occurred within an athletic

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

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

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

25 (d) In any case in which a sentence originally imposed is  
26 vacated, the case shall be remanded to the trial court. The

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

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

24 (1) the court finds (A) or (B) or both are  
25 appropriate:

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of  
2 2 years; or

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

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the  
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section  
22 5-6-4; except where the court determines at the hearing that  
23 the defendant violated a condition of his or her probation  
24 restricting contact with the victim or other family members or  
25 commits another offense with the victim or other family  
26 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

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

5 (f) (Blank).

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

1 determine to whom, if anyone, the results of the testing may be  
2 revealed. The court shall notify the defendant of the test  
3 results. The court shall also notify the victim if requested  
4 by the victim, and if the victim is under the age of 15 and if  
5 requested by the victim's parents or legal guardian, the court  
6 shall notify the victim's parents or legal guardian of the  
7 test results. The court shall provide information on the  
8 availability of HIV testing and counseling at Department of  
9 Public Health facilities to all parties to whom the results of  
10 the testing are revealed and shall direct the State's Attorney  
11 to provide the information to the victim when possible. The  
12 court shall order that the cost of any such test shall be paid  
13 by the county and may be taxed as costs against the convicted  
14 defendant.

15 (g-5) When an inmate is tested for an airborne  
16 communicable disease, as determined by the Illinois Department  
17 of Public Health, including, but not limited to, tuberculosis,  
18 the results of the test shall be personally delivered by the  
19 warden or his or her designee in a sealed envelope to the judge  
20 of the court in which the inmate must appear for the judge's  
21 inspection in camera if requested by the judge. Acting in  
22 accordance with the best interests of those in the courtroom,  
23 the judge shall have the discretion to determine what if any  
24 precautions need to be taken to prevent transmission of the  
25 disease in the courtroom.

26 (h) Whenever a defendant is convicted of an offense under



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

23 (i) All fines and penalties imposed under this Section for  
24 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
25 Vehicle Code, or a similar provision of a local ordinance, and  
26 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under the Criminal  
3 and Traffic Assessment Act.

4 (j) In cases when prosecution for any violation of Section  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
6 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
7 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
8 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
9 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, any violation of the Illinois Controlled  
11 Substances Act, any violation of the Cannabis Control Act, or  
12 any violation of the Methamphetamine Control and Community  
13 Protection Act results in conviction, a disposition of court  
14 supervision, or an order of probation granted under Section 10  
15 of the Cannabis Control Act, Section 410 of the Illinois  
16 Controlled Substances Act, or Section 70 of the  
17 Methamphetamine Control and Community Protection Act of a  
18 defendant, the court shall determine whether the defendant is  
19 employed by a facility or center as defined under the Child  
20 Care Act of 1969, a public or private elementary or secondary  
21 school, or otherwise works with children under 18 years of age  
22 on a daily basis. When a defendant is so employed, the court  
23 shall order the Clerk of the Court to send a copy of the  
24 judgment of conviction or order of supervision or probation to  
25 the defendant's employer by certified mail. If the employer of  
26 the defendant is a school, the Clerk of the Court shall direct

1 the mailing of a copy of the judgment of conviction or order of  
2 supervision or probation to the appropriate regional  
3 superintendent of schools. The regional superintendent of  
4 schools shall notify the State Board of Education of any  
5 notification under this subsection.

6 (j-5) A defendant at least 17 years of age who is convicted  
7 of a felony and who has not been previously convicted of a  
8 misdemeanor or felony and who is sentenced to a term of  
9 imprisonment in the Illinois Department of Corrections shall  
10 as a condition of his or her sentence be required by the court  
11 to attend educational courses designed to prepare the  
12 defendant for a high school diploma and to work toward a high  
13 school diploma or to work toward passing high school  
14 equivalency testing or to work toward completing a vocational  
15 training program offered by the Department of Corrections. If  
16 a defendant fails to complete the educational training  
17 required by his or her sentence during the term of  
18 incarceration, the Prisoner Review Board shall, as a condition  
19 of mandatory supervised release, require the defendant, at his  
20 or her own expense, to pursue a course of study toward a high  
21 school diploma or passage of high school equivalency testing.  
22 The Prisoner Review Board shall revoke the mandatory  
23 supervised release of a defendant who wilfully fails to comply  
24 with this subsection (j-5) upon his or her release from  
25 confinement in a penal institution while serving a mandatory  
26 supervised release term; however, the inability of the

1 defendant after making a good faith effort to obtain financial  
2 aid or pay for the educational training shall not be deemed a  
3 wilful failure to comply. The Prisoner Review Board shall  
4 recommit the defendant whose mandatory supervised release term  
5 has been revoked under this subsection (j-5) as provided in  
6 Section 3-3-9. This subsection (j-5) does not apply to a  
7 defendant who has a high school diploma or has successfully  
8 passed high school equivalency testing. This subsection (j-5)  
9 does not apply to a defendant who is determined by the court to  
10 be a person with a developmental disability or otherwise  
11 mentally incapable of completing the educational or vocational  
12 program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection  
15 (l), whenever a defendant, who is an alien as defined by the  
16 Immigration and Nationality Act, is convicted of any felony or  
17 misdemeanor offense, the court after sentencing the defendant  
18 may, upon motion of the State's Attorney, hold sentence in  
19 abeyance and remand the defendant to the custody of the  
20 Attorney General of the United States or his or her designated  
21 agent to be deported when:

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

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as provided in  
3 this Chapter V.

4 (B) If the defendant has already been sentenced for a  
5 felony or misdemeanor offense, or has been placed on probation  
6 under Section 10 of the Cannabis Control Act, Section 410 of  
7 the Illinois Controlled Substances Act, or Section 70 of the  
8 Methamphetamine Control and Community Protection Act, the  
9 court may, upon motion of the State's Attorney to suspend the  
10 sentence imposed, commit the defendant to the custody of the  
11 Attorney General of the United States or his or her designated  
12 agent when:

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

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct and  
18 would not be inconsistent with the ends of justice.

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

22 (D) Upon motion of the State's Attorney, if a defendant  
23 sentenced under this Section returns to the jurisdiction of  
24 the United States, the defendant shall be recommitted to the  
25 custody of the county from which he or she was sentenced.  
26 Thereafter, the defendant shall be brought before the

1 sentencing court, which may impose any sentence that was  
2 available under Section 5-5-3 at the time of initial  
3 sentencing. In addition, the defendant shall not be eligible  
4 for additional earned sentence credit as provided under  
5 Section 3-6-3.

6 (m) A person convicted of criminal defacement of property  
7 under Section 21-1.3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, in which the property damage exceeds  
9 \$300 and the property damaged is a school building, shall be  
10 ordered to perform community service that may include cleanup,  
11 removal, or painting over the defacement.

12 (n) The court may sentence a person convicted of a  
13 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
15 of 1961 or the Criminal Code of 2012 (i) to an impact  
16 incarceration program if the person is otherwise eligible for  
17 that program under Section 5-8-1.1, (ii) to community service,  
18 or (iii) if the person has a substance use disorder, as defined  
19 in the Substance Use Disorder Act, to a treatment program  
20 licensed under that Act.

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

26 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;

1 102-531, eff. 1-1-22; revised 10-12-21.)

2 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

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

5 (a) Concurrent terms; multiple or additional sentences.  
6 When an Illinois court (i) imposes multiple sentences of  
7 imprisonment on a defendant at the same time or (ii) imposes a  
8 sentence of imprisonment on a defendant who is already subject  
9 to a sentence of imprisonment imposed by an Illinois court, a  
10 court of another state, or a federal court, then the sentences  
11 shall run concurrently unless otherwise determined by the  
12 Illinois court under this Section.

13 (b) Concurrent terms; misdemeanor and felony. A defendant  
14 serving a sentence for a misdemeanor who is convicted of a  
15 felony and sentenced to imprisonment shall be transferred to  
16 the Department of Corrections, and the misdemeanor sentence  
17 shall be merged in and run concurrently with the felony  
18 sentence.

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

21 (1) If, having regard to the nature and circumstances  
22 of the offense and the history and character of the  
23 defendant, it is the opinion of the court that consecutive  
24 sentences are required to protect the public from further  
25 criminal conduct by the defendant, the basis for which the

1 court shall set forth in the record.

2 (2) If one of the offenses for which a defendant was  
3 convicted was a violation of Section 32-5.2 (aggravated  
4 false personation of a peace officer) of the Criminal Code  
5 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
6 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
7 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
8 offense was committed in attempting or committing a  
9 forcible felony.

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

12 (1) One of the offenses for which the defendant was  
13 convicted was first degree murder or a Class X or Class 1  
14 felony and the defendant inflicted severe bodily injury.

15 (2) The defendant was convicted of a violation of  
16 Section 11-1.20 or 12-13 (criminal sexual assault),  
17 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
18 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
19 child) of the Criminal Code of 1961 or the Criminal Code of  
20 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
21 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
22 5/12-14.1).

23 (2.5) The defendant was convicted of a violation of  
24 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
25 (a) of Section 11-20.1 (child pornography) or of paragraph  
26 (1), (2), (3), (4), (5), or (7) of subsection (a) of



1 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
2 of the Criminal Code of 1961 or the Criminal Code of 2012;  
3 or the defendant was convicted of a violation of paragraph  
4 (6) of subsection (a) of Section 11-20.1 (child  
5 pornography) or of paragraph (6) of subsection (a) of  
6 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 when the child depicted is under the age of 13.

9 (3) The defendant was convicted of armed violence  
10 based upon the predicate offense of any of the following:  
11 solicitation of murder, solicitation of murder for hire,  
12 heinous battery as described in Section 12-4.1 or  
13 subdivision (a)(2) of Section 12-3.05, aggravated battery  
14 of a senior citizen as described in Section 12-4.6 or  
15 subdivision (a)(4) of Section 12-3.05, criminal sexual  
16 assault, a violation of subsection (g) of Section 5 of the  
17 Cannabis Control Act (720 ILCS 550/5), cannabis  
18 trafficking, a violation of subsection (a) of Section 401  
19 of the Illinois Controlled Substances Act (720 ILCS  
20 570/401), controlled substance trafficking involving a  
21 Class X felony amount of controlled substance under  
22 Section 401 of the Illinois Controlled Substances Act (720  
23 ILCS 570/401), a violation of the Methamphetamine Control  
24 and Community Protection Act (720 ILCS 646/), calculated  
25 criminal drug conspiracy, or streetgang criminal drug  
26 conspiracy.

1           (4) The defendant was convicted of the offense of  
2 leaving the scene of a motor vehicle accident involving  
3 death or personal injuries under Section 11-401 of the  
4 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
5 aggravated driving under the influence of alcohol, other  
6 drug or drugs, or intoxicating compound or compounds, or  
7 any combination thereof under Section 11-501 of the  
8 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
9 homicide under Section 9-3 of the Criminal Code of 1961 or  
10 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
11 offense described in item (A) and an offense described in  
12 item (B).

13           (5) The defendant was convicted of a violation of  
14 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
15 death) or Section 12-20.5 (dismembering a human body) of  
16 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
17 ILCS 5/9-3.1 or 5/12-20.5).

18           (5.5) The defendant was convicted of a violation of  
19 Section 24-3.7 (use of a stolen or illegally acquired  
20 firearm in the commission of an offense) of the Criminal  
21 Code of 1961 or the Criminal Code of 2012.

22           (6) If the defendant was in the custody of the  
23 Department of Corrections at the time of the commission of  
24 the offense, the sentence shall be served consecutive to  
25 the sentence under which the defendant is held by the  
26 Department of Corrections. If, however, the defendant is

1 sentenced to punishment by death, the sentence shall be  
2 executed at such time as the court may fix without regard  
3 to the sentence under which the defendant may be held by  
4 the Department.

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

9 (8) If a person charged with a felony commits a  
10 separate felony while on pretrial release or in pretrial  
11 detention in a county jail facility or county detention  
12 facility, then the sentences imposed upon conviction of  
13 these felonies shall be served consecutively regardless of  
14 the order in which the judgments of conviction are  
15 entered.

16 (8.5) If a person commits a battery against a county  
17 correctional officer or sheriff's employee while serving a  
18 sentence or in pretrial detention in a county jail  
19 facility, then the sentence imposed upon conviction of the  
20 battery shall be served consecutively with the sentence  
21 imposed upon conviction of the earlier misdemeanor or  
22 felony, regardless of the order in which the judgments of  
23 conviction are entered.

24 (9) If a person admitted to bail following conviction  
25 of a felony commits a separate felony while free on bond or  
26 if a person detained in a county jail facility or county

1 detention facility following conviction of a felony  
2 commits a separate felony while in detention, then any  
3 sentence following conviction of the separate felony shall  
4 be consecutive to that of the original sentence for which  
5 the defendant was on bond or detained.

6 (10) If a person is found to be in possession of an  
7 item of contraband, as defined in Section 31A-0.1 of the  
8 Criminal Code of 2012, while serving a sentence in a  
9 county jail or while in pre-trial detention in a county  
10 jail, the sentence imposed upon conviction for the offense  
11 of possessing contraband in a penal institution shall be  
12 served consecutively to the sentence imposed for the  
13 offense in which the person is serving sentence in the  
14 county jail or serving pretrial detention, regardless of  
15 the order in which the judgments of conviction are  
16 entered.

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

23 (e) Consecutive terms; subsequent non-Illinois term. If an  
24 Illinois court has imposed a sentence of imprisonment on a  
25 defendant and the defendant is subsequently sentenced to a  
26 term of imprisonment by a court of another state or a federal

1 court, then the Illinois sentence shall run consecutively to  
2 the sentence imposed by the court of the other state or the  
3 federal court. That same Illinois court, however, may order  
4 that the Illinois sentence run concurrently with the sentence  
5 imposed by the court of the other state or the federal court,  
6 but only if the defendant applies to that same Illinois court  
7 within 30 days after the sentence imposed by the court of the  
8 other state or the federal court is finalized.

9 (f) Consecutive terms; aggregate maximums and minimums.  
10 The aggregate maximum and aggregate minimum of consecutive  
11 sentences shall be determined as follows:

12 (1) For sentences imposed under law in effect prior to  
13 February 1, 1978, the aggregate maximum of consecutive  
14 sentences shall not exceed the maximum term authorized  
15 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
16 Chapter V for the 2 most serious felonies involved. The  
17 aggregate minimum period of consecutive sentences shall  
18 not exceed the highest minimum term authorized under  
19 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
20 V for the 2 most serious felonies involved. When sentenced  
21 only for misdemeanors, a defendant shall not be  
22 consecutively sentenced to more than the maximum for one  
23 Class A misdemeanor.

24 (2) For sentences imposed under the law in effect on  
25 or after February 1, 1978, the aggregate of consecutive  
26 sentences for offenses that were committed as part of a

1 single course of conduct during which there was no  
2 substantial change in the nature of the criminal objective  
3 shall not exceed the sum of the maximum terms authorized  
4 under Article 4.5 of Chapter V for the 2 most serious  
5 felonies involved, but no such limitation shall apply for  
6 offenses that were not committed as part of a single  
7 course of conduct during which there was no substantial  
8 change in the nature of the criminal objective. When  
9 sentenced only for misdemeanors, a defendant shall not be  
10 consecutively sentenced to more than the maximum for one  
11 Class A misdemeanor.

12 (g) Consecutive terms; manner served. In determining the  
13 manner in which consecutive sentences of imprisonment, one or  
14 more of which is for a felony, will be served, the Department  
15 of Corrections shall treat the defendant as though he or she  
16 had been committed for a single term subject to each of the  
17 following:

18 (1) The maximum period of a term of imprisonment shall  
19 consist of the aggregate of the maximums of the imposed  
20 indeterminate terms, if any, plus the aggregate of the  
21 imposed determinate sentences for felonies, plus the  
22 aggregate of the imposed determinate sentences for  
23 misdemeanors, subject to subsection (f) of this Section.

24 (2) The parole or mandatory supervised release term  
25 shall be as provided in paragraph (e) of Section 5-4.5-50  
26 (730 ILCS 5/5-4.5-50) for the most serious of the offenses

1 involved.

2 (3) The minimum period of imprisonment shall be the  
3 aggregate of the minimum and determinate periods of  
4 imprisonment imposed by the court, subject to subsection  
5 (f) of this Section.

6 (4) The defendant shall be awarded credit against the  
7 aggregate maximum term and the aggregate minimum term of  
8 imprisonment for all time served in an institution since  
9 the commission of the offense or offenses and as a  
10 consequence thereof at the rate specified in Section 3-6-3  
11 (730 ILCS 5/3-6-3).

12 (h) Notwithstanding any other provisions of this Section,  
13 all sentences imposed by an Illinois court under this Code  
14 shall run concurrent to any and all sentences imposed under  
15 the Juvenile Court Act of 1987.

16 (Source: P.A. 102-350, eff. 8-13-21.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.