

SB4154



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4154

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

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3
730 ILCS 5/5-5-3

from Ch. 38, par. 24-3

Amends the Criminal Code of 2012. Provides that a person who sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction is guilty of a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 10 years and not more than 30 years (rather than a Class 3 felony). Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for the offense.

LRB102 26221 RLC 36044 b

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 Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful sale or delivery of firearms.

8 (A) A person commits the offense of unlawful sale or
9 delivery of firearms when he or she knowingly does any of the
10 following:

11 (a) Sells or gives any firearm of a size which may be
12 concealed upon the person to any person under 18 years of
13 age.

14 (b) Sells or gives any firearm to a person under 21
15 years of age who has been convicted of a misdemeanor other
16 than a traffic offense or adjudged delinquent.

17 (c) Sells or gives any firearm to any narcotic addict.

18 (d) Sells or gives any firearm to any person who has
19 been convicted of a felony under the laws of this or any
20 other jurisdiction.

21 (e) Sells or gives any firearm to any person who has
22 been a patient in a mental institution within the past 5
23 years. In this subsection (e):

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used
4 primarily for the care or treatment of persons with
5 mental illness.

6 "Patient in a mental institution" means the person
7 was admitted, either voluntarily or involuntarily, to
8 a mental institution for mental health treatment,
9 unless the treatment was voluntary and solely for an
10 alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness.

12 (f) Sells or gives any firearms to any person who is a
13 person with an intellectual disability.

14 (g) Delivers any firearm, incidental to a sale,
15 without withholding delivery of the firearm for at least
16 72 hours after application for its purchase has been made,
17 or delivers a stun gun or taser, incidental to a sale,
18 without withholding delivery of the stun gun or taser for
19 at least 24 hours after application for its purchase has
20 been made. However, this paragraph (g) does not apply to:

21 (1) the sale of a firearm to a law enforcement officer if
22 the seller of the firearm knows that the person to whom he
23 or she is selling the firearm is a law enforcement officer
24 or the sale of a firearm to a person who desires to
25 purchase a firearm for use in promoting the public
26 interest incident to his or her employment as a bank

1 guard, armed truck guard, or other similar employment; (2)
2 a mail order sale of a firearm from a federally licensed
3 firearms dealer to a nonresident of Illinois under which
4 the firearm is mailed to a federally licensed firearms
5 dealer outside the boundaries of Illinois; (3) (blank);
6 (4) the sale of a firearm to a dealer licensed as a federal
7 firearms dealer under Section 923 of the federal Gun
8 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
9 sale of any rifle, shotgun, or other long gun to a resident
10 registered competitor or attendee or non-resident
11 registered competitor or attendee by any dealer licensed
12 as a federal firearms dealer under Section 923 of the
13 federal Gun Control Act of 1968 at competitive shooting
14 events held at the World Shooting Complex sanctioned by a
15 national governing body. For purposes of transfers or
16 sales under subparagraph (5) of this paragraph (g), the
17 Department of Natural Resources shall give notice to the
18 Illinois State Police at least 30 calendar days prior to
19 any competitive shooting events at the World Shooting
20 Complex sanctioned by a national governing body. The
21 notification shall be made on a form prescribed by the
22 Illinois State Police. The sanctioning body shall provide
23 a list of all registered competitors and attendees at
24 least 24 hours before the events to the Illinois State
25 Police. Any changes to the list of registered competitors
26 and attendees shall be forwarded to the Illinois State

1 Police as soon as practicable. The Illinois State Police
2 must destroy the list of registered competitors and
3 attendees no later than 30 days after the date of the
4 event. Nothing in this paragraph (g) relieves a federally
5 licensed firearm dealer from the requirements of
6 conducting a NICS background check through the Illinois
7 Point of Contact under 18 U.S.C. 922(t). For purposes of
8 this paragraph (g), "application" means when the buyer and
9 seller reach an agreement to purchase a firearm. For
10 purposes of this paragraph (g), "national governing body"
11 means a group of persons who adopt rules and formulate
12 policy on behalf of a national firearm sporting
13 organization.

14 (h) While holding any license as a dealer, importer,
15 manufacturer or pawnbroker under the federal Gun Control
16 Act of 1968, manufactures, sells or delivers to any
17 unlicensed person a handgun having a barrel, slide, frame
18 or receiver which is a die casting of zinc alloy or any
19 other nonhomogeneous metal which will melt or deform at a
20 temperature of less than 800 degrees Fahrenheit. For
21 purposes of this paragraph, (1) "firearm" is defined as in
22 the Firearm Owners Identification Card Act; and (2)
23 "handgun" is defined as a firearm designed to be held and
24 fired by the use of a single hand, and includes a
25 combination of parts from which such a firearm can be
26 assembled.

1 (i) Sells or gives a firearm of any size to any person
2 under 18 years of age who does not possess a valid Firearm
3 Owner's Identification Card.

4 (j) Sells or gives a firearm while engaged in the
5 business of selling firearms at wholesale or retail
6 without being licensed as a federal firearms dealer under
7 Section 923 of the federal Gun Control Act of 1968 (18
8 U.S.C. 923). In this paragraph (j):

9 A person "engaged in the business" means a person who
10 devotes time, attention, and labor to engaging in the
11 activity as a regular course of trade or business with the
12 principal objective of livelihood and profit, but does not
13 include a person who makes occasional repairs of firearms
14 or who occasionally fits special barrels, stocks, or
15 trigger mechanisms to firearms.

16 "With the principal objective of livelihood and
17 profit" means that the intent underlying the sale or
18 disposition of firearms is predominantly one of obtaining
19 livelihood and pecuniary gain, as opposed to other
20 intents, such as improving or liquidating a personal
21 firearms collection; however, proof of profit shall not be
22 required as to a person who engages in the regular and
23 repetitive purchase and disposition of firearms for
24 criminal purposes or terrorism.

25 (k) Sells or transfers ownership of a firearm to a
26 person who does not display to the seller or transferor of

1 the firearm either: (1) a currently valid Firearm Owner's
2 Identification Card that has previously been issued in the
3 transferee's name by the Illinois State Police under the
4 provisions of the Firearm Owners Identification Card Act;
5 or (2) a currently valid license to carry a concealed
6 firearm that has previously been issued in the
7 transferee's name by the Illinois State Police under the
8 Firearm Concealed Carry Act. This paragraph (k) does not
9 apply to the transfer of a firearm to a person who is
10 exempt from the requirement of possessing a Firearm
11 Owner's Identification Card under Section 2 of the Firearm
12 Owners Identification Card Act. For the purposes of this
13 Section, a currently valid Firearm Owner's Identification
14 Card or license to carry a concealed firearm means receipt
15 of an approval number issued in accordance with subsection
16 (a-10) of Section ~~subsection~~ 3 or Section 3.1 of the
17 Firearm Owners Identification Card Act.

18 (1) In addition to the other requirements of this
19 paragraph (k), all persons who are not federally
20 licensed firearms dealers must also have complied with
21 subsection (a-10) of Section 3 of the Firearm Owners
22 Identification Card Act by determining the validity of
23 a purchaser's Firearm Owner's Identification Card.

24 (2) All sellers or transferors who have complied
25 with the requirements of subparagraph (1) of this
26 paragraph (k) shall not be liable for damages in any

1 civil action arising from the use or misuse by the
2 transferee of the firearm transferred, except for
3 willful or wanton misconduct on the part of the seller
4 or transferor.

5 (1) Not being entitled to the possession of a firearm,
6 delivers the firearm, knowing it to have been stolen or
7 converted. It may be inferred that a person who possesses
8 a firearm with knowledge that its serial number has been
9 removed or altered has knowledge that the firearm is
10 stolen or converted.

11 (B) Paragraph (h) of subsection (A) does not include
12 firearms sold within 6 months after enactment of Public Act
13 78-355 (approved August 21, 1973, effective October 1, 1973),
14 nor is any firearm legally owned or possessed by any citizen or
15 purchased by any citizen within 6 months after the enactment
16 of Public Act 78-355 subject to confiscation or seizure under
17 the provisions of that Public Act. Nothing in Public Act
18 78-355 shall be construed to prohibit the gift or trade of any
19 firearm if that firearm was legally held or acquired within 6
20 months after the enactment of that Public Act.

21 (C) Sentence.

22 (1) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (c), (e), (f), (g),
24 or (h) of subsection (A) commits a Class 4 felony.

25 (2) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (b) or (i) of

1 subsection (A) commits a Class 3 felony.

2 (3) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a) of subsection
4 (A) commits a Class 2 felony.

5 (4) Any person convicted of unlawful sale or delivery
6 of firearms in violation of paragraph (a), (b), or (i) of
7 subsection (A) in any school, on the real property
8 comprising a school, within 1,000 feet of the real
9 property comprising a school, at a school related
10 activity, or on or within 1,000 feet of any conveyance
11 owned, leased, or contracted by a school or school
12 district to transport students to or from school or a
13 school related activity, regardless of the time of day or
14 time of year at which the offense was committed, commits a
15 Class 1 felony. Any person convicted of a second or
16 subsequent violation of unlawful sale or delivery of
17 firearms in violation of paragraph (a), (b), or (i) of
18 subsection (A) in any school, on the real property
19 comprising a school, within 1,000 feet of the real
20 property comprising a school, at a school related
21 activity, or on or within 1,000 feet of any conveyance
22 owned, leased, or contracted by a school or school
23 district to transport students to or from school or a
24 school related activity, regardless of the time of day or
25 time of year at which the offense was committed, commits a
26 Class 1 felony for which the sentence shall be a term of

1 imprisonment of no less than 5 years and no more than 15
2 years.

3 (5) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (a) or (i) of
5 subsection (A) in residential property owned, operated, or
6 managed by a public housing agency or leased by a public
7 housing agency as part of a scattered site or mixed-income
8 development, in a public park, in a courthouse, on
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development,
12 on the real property comprising any public park, on the
13 real property comprising any courthouse, or on any public
14 way within 1,000 feet of the real property comprising any
15 public park, courthouse, or residential property owned,
16 operated, or managed by a public housing agency or leased
17 by a public housing agency as part of a scattered site or
18 mixed-income development commits a Class 2 felony.

19 (6) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (j) of subsection
21 (A) commits a Class A misdemeanor. A second or subsequent
22 violation is a Class 4 felony.

23 (7) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (k) of subsection
25 (A) commits a Class 4 felony, except that a violation of
26 subparagraph (1) of paragraph (k) of subsection (A) shall

1 not be punishable as a crime or petty offense. A third or
2 subsequent conviction for a violation of paragraph (k) of
3 subsection (A) is a Class 1 felony.

4 (8) A person 18 years of age or older convicted of
5 unlawful sale or delivery of firearms in violation of
6 paragraph (a) or (i) of subsection (A), when the firearm
7 that was sold or given to another person under 18 years of
8 age was used in the commission of or attempt to commit a
9 forcible felony, shall be fined or imprisoned, or both,
10 not to exceed the maximum provided for the most serious
11 forcible felony so committed or attempted by the person
12 under 18 years of age who was sold or given the firearm.

13 (9) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (d) of subsection
15 (A) commits a Class X felony for which he or she shall be
16 sentenced to a term of imprisonment of not less than 10
17 years and not more than 30 years ~~3 felony~~.

18 (10) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (l) of subsection
20 (A) commits a Class 2 felony if the delivery is of one
21 firearm. Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (l) of subsection
23 (A) commits a Class 1 felony if the delivery is of not less
24 than 2 and not more than 5 firearms at the same time or
25 within a one-year ~~one-year~~ period. Any person convicted of
26 unlawful sale or delivery of firearms in violation of

1 paragraph (1) of subsection (A) commits a Class X felony
2 for which he or she shall be sentenced to a term of
3 imprisonment of not less than 6 years and not more than 30
4 years if the delivery is of not less than 6 and not more
5 than 10 firearms at the same time or within a 2-year ~~2-year~~
6 period. Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (1) of subsection
8 (A) commits a Class X felony for which he or she shall be
9 sentenced to a term of imprisonment of not less than 6
10 years and not more than 40 years if the delivery is of not
11 less than 11 and not more than 20 firearms at the same time
12 or within a 3-year ~~3-year~~ period. Any person convicted of
13 unlawful sale or delivery of firearms in violation of
14 paragraph (1) of subsection (A) commits a Class X felony
15 for which he or she shall be sentenced to a term of
16 imprisonment of not less than 6 years and not more than 50
17 years if the delivery is of not less than 21 and not more
18 than 30 firearms at the same time or within a 4-year ~~4-year~~
19 period. Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (1) of subsection
21 (A) commits a Class X felony for which he or she shall be
22 sentenced to a term of imprisonment of not less than 6
23 years and not more than 60 years if the delivery is of 31
24 or more firearms at the same time or within a 5-year ~~5-year~~
25 period.

26 (D) For purposes of this Section:

1 "School" means a public or private elementary or secondary
2 school, community college, college, or university.

3 "School related activity" means any sporting, social,
4 academic, or other activity for which students' attendance or
5 participation is sponsored, organized, or funded in whole or
6 in part by a school or school district.

7 (E) A prosecution for a violation of paragraph (k) of
8 subsection (A) of this Section may be commenced within 6 years
9 after the commission of the offense. A prosecution for a
10 violation of this Section other than paragraph (g) of
11 subsection (A) of this Section may be commenced within 5 years
12 after the commission of the offense defined in the particular
13 paragraph.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 revised 10-12-21.)

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 5-5-3 as follows:

18 (730 ILCS 5/5-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the

1 following offenses. The court shall sentence the offender to
2 not less than the minimum term of imprisonment set forth in
3 this Code for the following offenses, and may order a fine or
4 restitution or both in conjunction with such term of
5 imprisonment:

6 (A) First degree murder where the death penalty is not
7 imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

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

15 (D-5) A violation of subdivision (c)(1) of Section 401
16 of the Illinois Controlled Substances Act which relates to
17 3 or more grams of a substance containing heroin or an
18 analog thereof.

19 (E) (Blank).

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

1 the offender committed the offense for which he or she is
2 being sentenced, except as otherwise provided in Section
3 40-10 of the Substance Use Disorder Act.

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

15 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
16 or paragraph (d) of subsection (A) of Section 24-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 for
18 which imprisonment is prescribed in those Sections.

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

21 (H) Criminal sexual assault.

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

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

2 Before July 1, 1994, for the purposes of this
3 paragraph, "organized gang" means an association of 5 or
4 more persons, with an established hierarchy, that
5 encourages members of the association to perpetrate crimes
6 or provides support to the members of the association who
7 do commit crimes.

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

12 (K) Vehicular hijacking.

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

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

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

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

25 (P) A violation of paragraph (1), (2), (3), (4), (5),
26 or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

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

6 (Q) A violation of subsection (b) or (b-5) of Section
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

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

11 (S) (Blank).

12 (T) (Blank).

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

20 (V) A violation of paragraph (4) of subsection (c) of
21 Section 11-20.1B or paragraph (4) of subsection (c) of
22 Section 11-20.3 of the Criminal Code of 1961, or paragraph
23 (6) of subsection (a) of Section 11-20.1 of the Criminal
24 Code of 2012 when the victim is under 13 years of age and
25 the defendant has previously been convicted under the laws
26 of this State or any other state of the offense of child

1 pornography, aggravated child pornography, aggravated
2 criminal sexual abuse, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, or any of
4 the offenses formerly known as rape, deviate sexual
5 assault, indecent liberties with a child, or aggravated
6 indecent liberties with a child where the victim was under
7 the age of 18 years or an offense that is substantially
8 equivalent to those offenses.

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

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

13 (Y) A conviction for unlawful possession of a firearm
14 by a street gang member when the firearm was loaded or
15 contained firearm ammunition.

16 (Z) A Class 1 felony committed while he or she was
17 serving a term of probation or conditional discharge for a
18 felony.

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

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

23 (CC) Knowingly selling, offering for sale, holding for
24 sale, or using 2,000 or more counterfeit items or
25 counterfeit items having a retail value in the aggregate
26 of \$500,000 or more.

1 (DD) A conviction for aggravated assault under
2 paragraph (6) of subsection (c) of Section 12-2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 if the
4 firearm is aimed toward the person against whom the
5 firearm is being used.

6 (EE) A conviction for a violation of paragraph (2) of
7 subsection (a) of Section 24-3B of the Criminal Code of
8 2012.

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
16 this subsection (c), a minimum of 100 hours of community
17 service shall be imposed for a second violation of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300
20 hours of community service, as determined by the court, shall
21 be imposed for a second violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6), and
24 (4.9) of this subsection (c), a minimum term of imprisonment
25 of 30 days or 300 hours of community service, as determined by
26 the court, shall be imposed for a third or subsequent

1 violation of Section 6-303 of the Illinois Vehicle Code. The
2 court may give credit toward the fulfillment of community
3 service hours for participation in activities and treatment as
4 determined by court services.

5 (4.5) A minimum term of imprisonment of 30 days shall be
6 imposed for a third violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this
9 subsection (c), a minimum term of imprisonment of 180 days
10 shall be imposed for a fourth or subsequent violation of
11 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

12 (4.7) A minimum term of imprisonment of not less than 30
13 consecutive days, or 300 hours of community service, shall be
14 imposed for a violation of subsection (a-5) of Section 6-303
15 of the Illinois Vehicle Code, as provided in subsection (b-5)
16 of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for a
18 second violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (c-5) of that
20 Section. The person's driving privileges shall be revoked for
21 a period of not less than 5 years from the date of his or her
22 release from prison.

23 (4.9) A mandatory prison sentence of not less than 4 and
24 not more than 15 years shall be imposed for a third violation
25 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
26 Code, as provided in subsection (d-2.5) of that Section. The

1 person's driving privileges shall be revoked for the remainder
2 of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony
4 shall be imposed, and the person shall be eligible for an
5 extended term sentence, for a fourth or subsequent violation
6 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
7 Code, as provided in subsection (d-3.5) of that Section. The
8 person's driving privileges shall be revoked for the remainder
9 of his or her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

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

23 (5.2) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.3), a person convicted of
25 violating subsection (c) of Section 11-907 of the Illinois
26 Vehicle Code shall have his or her driver's license, permit,

1 or privileges suspended for at least 180 days but not more than
2 2 years, if the violation resulted in injury to another
3 person.

4 (5.3) In addition to any other penalties imposed, a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for 2 years, if the violation
8 resulted in the death of another person.

9 (5.4) In addition to any other penalties imposed, a person
10 convicted of violating Section 3-707 of the Illinois Vehicle
11 Code shall have his or her driver's license, permit, or
12 privileges suspended for 3 months and until he or she has paid
13 a reinstatement fee of \$100.

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (9) A defendant convicted of a second or subsequent
26 offense of ritualized abuse of a child may be sentenced to a

1 term of natural life imprisonment.

2 (10) (Blank).

3 (11) The court shall impose a minimum fine of \$1,000 for a
4 first offense and \$2,000 for a second or subsequent offense
5 upon a person convicted of or placed on supervision for
6 battery when the individual harmed was a sports official or
7 coach at any level of competition and the act causing harm to
8 the sports official or coach occurred within an athletic
9 facility or within the immediate vicinity of the athletic
10 facility at which the sports official or coach was an active
11 participant of the athletic contest held at the athletic
12 facility. For the purposes of this paragraph (11), "sports
13 official" means a person at an athletic contest who enforces
14 the rules of the contest, such as an umpire or referee;
15 "athletic facility" means an indoor or outdoor playing field
16 or recreational area where sports activities are conducted;
17 and "coach" means a person recognized as a coach by the
18 sanctioning authority that conducted the sporting event.

19 (12) A person may not receive a disposition of court
20 supervision for a violation of Section 5-16 of the Boat
21 Registration and Safety Act if that person has previously
22 received a disposition of court supervision for a violation of
23 that Section.

24 (13) A person convicted of or placed on court supervision
25 for an assault or aggravated assault when the victim and the
26 offender are family or household members as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986 or convicted
2 of domestic battery or aggravated domestic battery may be
3 required to attend a Partner Abuse Intervention Program under
4 protocols set forth by the Illinois Department of Human
5 Services under such terms and conditions imposed by the court.
6 The costs of such classes shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction
2 of a defendant who was a family member of the victim at the
3 time of the commission of the offense, the court shall
4 consider the safety and welfare of the victim and may impose a
5 sentence of probation only where:

6 (1) the court finds (A) or (B) or both are
7 appropriate:

8 (A) the defendant is willing to undergo a court
9 approved counseling program for a minimum duration of
10 2 years; or

11 (B) the defendant is willing to participate in a
12 court approved plan, including, but not limited to,
13 the defendant's:

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

16 (iii) continued financial support of the
17 family;

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

19 and

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

22 (2) the court orders the defendant to pay for the
23 victim's counseling services, to the extent that the court
24 finds, after considering the defendant's income and
25 assets, that the defendant is financially capable of
26 paying for such services, if the victim was under 18 years

1 of age at the time the offense was committed and requires
2 counseling as a result of the offense.

3 Probation may be revoked or modified pursuant to Section
4 5-6-4; except where the court determines at the hearing that
5 the defendant violated a condition of his or her probation
6 restricting contact with the victim or other family members or
7 commits another offense with the victim or other family
8 members, the court shall revoke the defendant's probation and
9 impose a term of imprisonment.

10 For the purposes of this Section, "family member" and
11 "victim" shall have the meanings ascribed to them in Section
12 11-0.1 of the Criminal Code of 2012.

13 (f) (Blank).

14 (g) Whenever a defendant is convicted of an offense under
15 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
16 11-14.3, 11-14.4 except for an offense that involves keeping a
17 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
18 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
19 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, the defendant shall undergo medical
21 testing to determine whether the defendant has any sexually
22 transmissible disease, including a test for infection with
23 human immunodeficiency virus (HIV) or any other identified
24 causative agent of acquired immunodeficiency syndrome (AIDS).
25 Any such medical test shall be performed only by appropriately
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's
2 person. Except as otherwise provided by law, the results of
3 such test shall be kept strictly confidential by all medical
4 personnel involved in the testing and must be personally
5 delivered in a sealed envelope to the judge of the court in
6 which the conviction was entered for the judge's inspection in
7 camera. Acting in accordance with the best interests of the
8 victim and the public, the judge shall have the discretion to
9 determine to whom, if anyone, the results of the testing may be
10 revealed. The court shall notify the defendant of the test
11 results. The court shall also notify the victim if requested
12 by the victim, and if the victim is under the age of 15 and if
13 requested by the victim's parents or legal guardian, the court
14 shall notify the victim's parents or legal guardian of the
15 test results. The court shall provide information on the
16 availability of HIV testing and counseling at Department of
17 Public Health facilities to all parties to whom the results of
18 the testing are revealed and shall direct the State's Attorney
19 to provide the information to the victim when possible. The
20 court shall order that the cost of any such test shall be paid
21 by the county and may be taxed as costs against the convicted
22 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. The court shall order that the cost of any such
3 test shall be paid by the county and may be taxed as costs
4 against the convicted defendant.

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

12 (j) In cases when prosecution for any violation of Section
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
14 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
16 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
17 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, any violation of the Illinois Controlled
19 Substances Act, any violation of the Cannabis Control Act, or
20 any violation of the Methamphetamine Control and Community
21 Protection Act results in conviction, a disposition of court
22 supervision, or an order of probation granted under Section 10
23 of the Cannabis Control Act, Section 410 of the Illinois
24 Controlled Substances Act, or Section 70 of the
25 Methamphetamine Control and Community Protection Act of a
26 defendant, the court shall determine whether the defendant is

1 employed by a facility or center as defined under the Child
2 Care Act of 1969, a public or private elementary or secondary
3 school, or otherwise works with children under 18 years of age
4 on a daily basis. When a defendant is so employed, the court
5 shall order the Clerk of the Court to send a copy of the
6 judgment of conviction or order of supervision or probation to
7 the defendant's employer by certified mail. If the employer of
8 the defendant is a school, the Clerk of the Court shall direct
9 the mailing of a copy of the judgment of conviction or order of
10 supervision or probation to the appropriate regional
11 superintendent of schools. The regional superintendent of
12 schools shall notify the State Board of Education of any
13 notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall
18 as a condition of his or her sentence be required by the court
19 to attend educational courses designed to prepare the
20 defendant for a high school diploma and to work toward a high
21 school diploma or to work toward passing high school
22 equivalency testing or to work toward completing a vocational
23 training program offered by the Department of Corrections. If
24 a defendant fails to complete the educational training
25 required by his or her sentence during the term of
26 incarceration, the Prisoner Review Board shall, as a condition

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

21 (k) (Blank).

22 (l) (A) Except as provided in paragraph (C) of subsection
23 (l), whenever a defendant, who is an alien as defined by the
24 Immigration and Nationality Act, is convicted of any felony or
25 misdemeanor offense, the court after sentencing the defendant
26 may, upon motion of the State's Attorney, hold sentence in

1 abeyance and remand the defendant to the custody of the
2 Attorney General of the United States or his or her designated
3 agent to be deported when:

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

7 (2) the deportation of the defendant would not
8 deprecate the seriousness of the defendant's conduct and
9 would not be inconsistent with the ends of justice.

10 Otherwise, the defendant shall be sentenced as provided in
11 this Chapter V.

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

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

24 (2) the deportation of the defendant would not
25 deprecate the seriousness of the defendant's conduct and
26 would not be inconsistent with the ends of justice.

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

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

14 (m) A person convicted of criminal defacement of property
15 under Section 21-1.3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, in which the property damage exceeds
17 \$300 and the property damaged is a school building, shall be
18 ordered to perform community service that may include cleanup,
19 removal, or painting over the defacement.

20 (n) The court may sentence a person convicted of a
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
23 of 1961 or the Criminal Code of 2012 (i) to an impact
24 incarceration program if the person is otherwise eligible for
25 that program under Section 5-8-1.1, (ii) to community service,
26 or (iii) if the person has a substance use disorder, as defined

1 in the Substance Use Disorder Act, to a treatment program
2 licensed under that Act.

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

8 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
9 102-531, eff. 1-1-22; revised 10-12-21.)