

HB1390



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1390

Introduced 1/31/2023, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

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 a felony offense that requires registration under the Sex Offender Registration Act.

LRB103 05220 RJT 50236 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 Unified Code of Corrections is amended by
5 changing Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

18 (A) First degree murder where the death penalty is not
19 imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the
23 Illinois Controlled Substances Act, or a violation of

1 subdivision (c)(1.5) of Section 401 of that Act which
2 relates to more than 5 grams of a substance containing
3 fentanyl or an analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401
5 of the Illinois Controlled Substances Act which relates to
6 3 or more grams of a substance containing heroin or an
7 analog thereof.

8 (E) (Blank).

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

19 (F-3) A Class 2 or greater felony sex offense or
20 felony firearm offense if the offender had been convicted
21 of a Class 2 or greater felony, including any state or
22 federal conviction for an offense that contained, at the
23 time it was committed, the same elements as an offense now
24 (the date of the offense committed after the prior Class 2
25 or greater felony) classified as a Class 2 or greater
26 felony, within 10 years of the date on which the offender

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

4 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
5 of the Criminal Code of 1961 or the Criminal Code of 2012
6 for which imprisonment is prescribed in those Sections.

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

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen as
11 described in Section 12-4.6 or subdivision (a)(4) of
12 Section 12-3.05 of the Criminal Code of 1961 or the
13 Criminal Code of 2012.

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

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

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

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the offense
2 of hate crime when the underlying offense upon which the
3 hate crime is based is felony aggravated assault or felony
4 mob action.

5 (M) A second or subsequent conviction for the offense
6 of institutional vandalism if the damage to the property
7 exceeds \$300.

8 (N) A Class 3 felony violation of paragraph (1) of
9 subsection (a) of Section 2 of the Firearm Owners
10 Identification Card Act.

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

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

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

20 (Q) A violation of subsection (b) or (b-5) of Section
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012.

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

25 (S) (Blank).

26 (T) (Blank).

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

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

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

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

1 (Y) A conviction for unlawful possession of a firearm
2 by a street gang member when the firearm was loaded or
3 contained firearm ammunition.

4 (Z) A Class 1 felony committed while he or she was
5 serving a term of probation or conditional discharge for a
6 felony.

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

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

11 (CC) Knowingly selling, offering for sale, holding for
12 sale, or using 2,000 or more counterfeit items or
13 counterfeit items having a retail value in the aggregate
14 of \$500,000 or more.

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

20 (EE) A conviction for a violation of paragraph (2) of
21 subsection (a) of Section 24-3B of the Criminal Code of
22 2012.

23 (FF) A felony offense that requires registration under
24 the Sex Offender Registration Act.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303 of
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
6 this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court, shall
11 be imposed for a second violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and
14 (4.9) of this subsection (c), a minimum term of imprisonment
15 of 30 days or 300 hours of community service, as determined by
16 the court, shall be imposed for a third or subsequent
17 violation of Section 6-303 of the Illinois Vehicle Code. The
18 court may give credit toward the fulfillment of community
19 service hours for participation in activities and treatment as
20 determined by court services.

21 (4.5) A minimum term of imprisonment of 30 days shall be
22 imposed for a third violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this
25 subsection (c), a minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of

1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

2 (4.7) A minimum term of imprisonment of not less than 30
3 consecutive days, or 300 hours of community service, shall be
4 imposed for a violation of subsection (a-5) of Section 6-303
5 of the Illinois Vehicle Code, as provided in subsection (b-5)
6 of that Section.

7 (4.8) A mandatory prison sentence shall be imposed for a
8 second violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (c-5) of that
10 Section. The person's driving privileges shall be revoked for
11 a period of not less than 5 years from the date of his or her
12 release from prison.

13 (4.9) A mandatory prison sentence of not less than 4 and
14 not more than 15 years shall be imposed for a third violation
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
16 Code, as provided in subsection (d-2.5) of that Section. The
17 person's driving privileges shall be revoked for the remainder
18 of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony
20 shall be imposed, and the person shall be eligible for an
21 extended term sentence, for a fourth or subsequent violation
22 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
23 Code, as provided in subsection (d-3.5) of that Section. The
24 person's driving privileges shall be revoked for the remainder
25 of his or her life.

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

6 (5.1) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.2) or (5.3), a person
8 convicted of violating subsection (c) of Section 11-907 of the
9 Illinois Vehicle Code shall have his or her driver's license,
10 permit, or privileges suspended for at least 90 days but not
11 more than one year, if the violation resulted in damage to the
12 property of another person.

13 (5.2) In addition to any other penalties imposed, and
14 except as provided in paragraph (5.3), a person convicted of
15 violating subsection (c) of Section 11-907 of the Illinois
16 Vehicle Code shall have his or her driver's license, permit,
17 or privileges suspended for at least 180 days but not more than
18 2 years, if the violation resulted in injury to another
19 person.

20 (5.3) In addition to any other penalties imposed, a person
21 convicted of violating subsection (c) of Section 11-907 of the
22 Illinois Vehicle Code shall have his or her driver's license,
23 permit, or privileges suspended for 2 years, if the violation
24 resulted in the death of another person.

25 (5.4) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code shall have his or her driver's license, permit, or
2 privileges suspended for 3 months and until he or she has paid
3 a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a person
5 convicted of violating Section 3-707 of the Illinois Vehicle
6 Code during a period in which his or her driver's license,
7 permit, or privileges were suspended for a previous violation
8 of that Section shall have his or her driver's license,
9 permit, or privileges suspended for an additional 6 months
10 after the expiration of the original 3-month suspension and
11 until he or she has paid a reinstatement fee of \$100.

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

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

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

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

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

23 (d) In any case in which a sentence originally imposed is
24 vacated, the case shall be remanded to the trial court. The
25 trial court shall hold a hearing under Section 5-4-1 of this
26 Code which may include evidence of the defendant's life, moral

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

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

22 (1) the court finds (A) or (B) or both are
23 appropriate:

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of
26 2 years; or

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

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

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

9 and

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

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

19 Probation may be revoked or modified pursuant to Section
20 5-6-4; except where the court determines at the hearing that
21 the defendant violated a condition of his or her probation
22 restricting contact with the victim or other family members or
23 commits another offense with the victim or other family
24 members, the court shall revoke the defendant's probation and
25 impose a term of imprisonment.

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

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

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

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

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

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

21 (i) All fines and penalties imposed under this Section for
22 any violation of Chapters 3, 4, 6, and 11 of the Illinois
23 Vehicle Code, or a similar provision of a local ordinance, and
24 any violation of the Child Passenger Protection Act, or a
25 similar provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under the Criminal

1 and Traffic Assessment Act.

2 (j) In cases when prosecution for any violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
4 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
7 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, any violation of the Illinois Controlled
9 Substances Act, any violation of the Cannabis Control Act, or
10 any violation of the Methamphetamine Control and Community
11 Protection Act results in conviction, a disposition of court
12 supervision, or an order of probation granted under Section 10
13 of the Cannabis Control Act, Section 410 of the Illinois
14 Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act of a
16 defendant, the court shall determine whether the defendant is
17 employed by a facility or center as defined under the Child
18 Care Act of 1969, a public or private elementary or secondary
19 school, or otherwise works with children under 18 years of age
20 on a daily basis. When a defendant is so employed, the court
21 shall order the Clerk of the Court to send a copy of the
22 judgment of conviction or order of supervision or probation to
23 the defendant's employer by certified mail. If the employer of
24 the defendant is a school, the Clerk of the Court shall direct
25 the mailing of a copy of the judgment of conviction or order of
26 supervision or probation to the appropriate regional

1 superintendent of schools. The regional superintendent of
2 schools shall notify the State Board of Education of any
3 notification under this subsection.

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

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

11 (k) (Blank).

12 (l) (A) Except as provided in paragraph (C) of subsection
13 (l), whenever a defendant, who is not a citizen or national of
14 the United States, is convicted of any felony or misdemeanor
15 offense, the court after sentencing the defendant may, upon
16 motion of the State's Attorney, hold sentence in abeyance and
17 remand the defendant to the custody of the Attorney General of
18 the United States or his or her designated agent to be deported
19 when:

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

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

26 Otherwise, the defendant shall be sentenced as provided in

1 this Chapter V.

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

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

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

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

20 (D) Upon motion of the State's Attorney, if a defendant
21 sentenced under this Section returns to the jurisdiction of
22 the United States, the defendant shall be recommitted to the
23 custody of the county from which he or she was sentenced.
24 Thereafter, the defendant shall be brought before the
25 sentencing court, which may impose any sentence that was
26 available under Section 5-5-3 at the time of initial

1 sentencing. In addition, the defendant shall not be eligible
2 for additional earned sentence credit as provided under
3 Section 3-6-3.

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

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

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

24 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
25 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
26 5-27-22.)