



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2956

Introduced 2/16/2023, by Rep. Dan Caulkins

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Firearm Crime Charging and Sentencing Accountability and Transparency Act. Provides that in a criminal case, if a defendant is charged with an offense involving the illegal use or possession of a firearm and subsequently enters into a plea agreement in which the charge will be reduced to a lesser offense or a non-weapons offense in exchange for a plea of guilty, at or before the time of sentencing, the State's Attorney shall file with the court a written statement of his or her reasons in support of the plea agreement, which shall specifically state why the offense or offenses of conviction resulting from the plea agreement do not include the originally charged weapons offense. Provides that in a criminal case in which the original charge is or was for an offense involving the illegal use or possession of a firearm, if a defendant pleads guilty or is found guilty of the original charge or lesser offense or a non-weapons offense, in imposing sentence, the judge shall set forth in a written sentencing order his or her reasons for imposing the sentence or accepting the plea agreement. Amends the Juvenile Court Act of 1987. Provides for adult prosecution of a minor who was at least 16 years of age at the time of the offense who is charged with armed robbery or aggravated vehicular hijacking while armed with a firearm. Amends the Criminal Code of 2012 to provide for enhanced penalties for committing various offenses with a firearm. Makes other changes concerning criminal procedure and law enforcement. Amends various other Acts to make conforming changes. Specified provisions effective immediately.

LRB103 25548 RLC 51897 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 1. Short title. This Act may be cited as the  
5 Firearm Crime Charging and Sentencing Accountability and  
6 Transparency Act.

7 Section 5. Plea agreement; State's Attorney. In a criminal  
8 case, if a defendant is charged with an offense involving the  
9 illegal use or possession of a firearm and subsequently enters  
10 into a plea agreement in which in the charge will be reduced to  
11 a lesser offense or a non-weapons offense in exchange for a  
12 plea of guilty, at or before the time of sentencing, the  
13 State's Attorney shall file with the court a written statement  
14 of his or her reasons in support of the plea agreement, which  
15 shall specifically state why the offense or offenses of  
16 conviction resulting from the plea agreement do not include  
17 the originally charged weapons offense. The written statement  
18 shall be part of the court record in the case and a copy shall  
19 be provided to any person upon request.

20 Section 10. Sentencing; judge. In a criminal case in which  
21 the original charge is or was for an offense involving the  
22 illegal use or possession of a firearm, if a defendant pleads

1 guilty or is found guilty of the original charge or lesser  
2 offense or a non-weapons offense, in imposing sentence, the  
3 judge shall set forth in a written sentencing order his or her  
4 reasons for imposing the sentence or accepting the plea  
5 agreement. A copy of the written sentencing order shall be  
6 provided to any person upon request.

7 Section 90. The Illinois Criminal Justice Information Act  
8 is amended by adding Section 7.11 as follows:

9 (20 ILCS 3930/7.11 new)

10 Sec. 7.11. Crimes concerning the use of a firearm.

11 (a) The Authority shall perform an analysis of criminal  
12 justice data to track crimes concerning the use of a firearm as  
13 it relates to those criminal acts committed by a convicted  
14 felon and the sentences imposed. The analysis shall track  
15 crimes concerning the use of a firearm over the past 5 years  
16 prior to the effective date of this amendatory Act of the 103rd  
17 General Assembly. The Authority shall report, on or before  
18 January 1, 2026, the following information in a report to the  
19 General Assembly:

20 (1) the number of the people who were arrested for a  
21 firearm crime and how many of those people were convicted  
22 felons; and

23 (2) the disposition of those cases.

24 (b) This Section is repealed January 1, 2027.

1           Section 95. The Illinois Police Training Act is amended  
2 by changing Section 10.22 as follows:

3           (50 ILCS 705/10.22)

4           Sec. 10.22. School resource officers.

5           (a) The Board shall develop or approve a course for school  
6 resource officers as defined in Section 10-20.68 of the School  
7 Code.

8           (b) The school resource officer course shall be developed  
9 within one year after January 1, 2019 (the effective date of  
10 Public Act 100-984) and shall be created in consultation with  
11 organizations demonstrating expertise and or experience in the  
12 areas of youth and adolescent developmental issues,  
13 educational administrative issues, prevention of child abuse  
14 and exploitation, youth mental health treatment, and juvenile  
15 advocacy.

16           (c) The Board shall develop a process allowing law  
17 enforcement agencies to request a waiver of this training  
18 requirement for any specific individual assigned as a school  
19 resource officer. Applications for these waivers may be  
20 submitted by a local law enforcement agency chief  
21 administrator for any officer whose prior training and  
22 experience may qualify for a waiver of the training  
23 requirement of this subsection (c). The Board may issue a  
24 waiver at its discretion, based solely on the prior training

1 and experience of an officer.

2 (d) Upon completion, the employing agency shall be issued  
3 a certificate attesting to a specific officer's completion of  
4 the school resource officer training. Additionally, a letter  
5 of approval shall be issued to the employing agency for any  
6 officer who is approved for a training waiver under this  
7 subsection (d).

8 (e) The Board may offer the school resource officer course  
9 developed under this Section to a qualified retired law  
10 enforcement officer, as defined under the federal Law  
11 Enforcement Officers Safety Act of 2004, for the purpose of  
12 employment at a school or school district and may issue, for  
13 such purpose, a certificate or waiver in the same manner as  
14 provided under this Section for any other officer.

15 (f) Notwithstanding any other provision of law to the  
16 contrary, nothing in this Section prohibits a school resource  
17 officer or qualified retired law enforcement officer from  
18 carrying a firearm.

19 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;  
20 102-694, eff. 1-7-22.)

21 Section 100. The School Code is amended by changing  
22 Section 10-20.68 as follows:

23 (105 ILCS 5/10-20.68)

24 Sec. 10-20.68. School resource officer.

1 (a) In this Section, "school resource officer" means a law  
2 enforcement officer who has been primarily assigned to a  
3 school or school district under an agreement with a local law  
4 enforcement agency.

5 (b) Beginning January 1, 2021, any law enforcement agency  
6 that provides a school resource officer under this Section  
7 shall provide to the school district a certificate of  
8 completion, or approved waiver, issued by the Illinois Law  
9 Enforcement Training Standards Board under Section 10.22 of  
10 the Illinois Police Training Act indicating that the subject  
11 officer has completed the requisite course of instruction in  
12 the applicable subject areas within one year of assignment, or  
13 has prior experience and training which satisfies this  
14 requirement.

15 (c) In an effort to defray the related costs, any law  
16 enforcement agency that provides a school resource officer  
17 should apply for grant funding through the federal Community  
18 Oriented Policing Services grant program.

19 (d) Beginning January 1, 2023, a school or school district  
20 may employ a qualified retired law enforcement officer, as  
21 defined under the federal Law Enforcement Officers Safety Act  
22 of 2004, who obtains a certificate of completion or approved  
23 waiver under Section 10.22 of the Illinois Police Training Act  
24 to carry out the duties of a school resource officer.

25 (e) Notwithstanding any other provision of law to the  
26 contrary, nothing in this Section prohibits a school resource

1 officer or qualified retired law enforcement officer from  
2 carrying a firearm.

3 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

4 Section 105. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 5-130, 5-410, and 5-750 as follows:

6 (705 ILCS 405/5-130)

7 Sec. 5-130. Excluded jurisdiction.

8 (1)(a) The definition of delinquent minor under Section  
9 5-120 of this Article shall not apply to any minor who at the  
10 time of an offense was at least 16 years of age and who is  
11 charged with: (i) first degree murder, (ii) aggravated  
12 criminal sexual assault, ~~or~~ (iii) aggravated battery with a  
13 firearm as described in Section 12-4.2 or subdivision (e)(1),  
14 (e)(2), (e)(3), or (e)(4) of Section 12-3.05 where the minor  
15 personally discharged a firearm as defined in Section 2-15.5  
16 of the Criminal Code of 1961 or the Criminal Code of 2012, (iv)  
17 aggravated vehicular hijacking under paragraph (4), (5), or  
18 (6) of subsection (a) of Section 18-4 of the Criminal Code of  
19 2012, or (v) armed robbery under paragraph (2), (3), or (4) of  
20 subsection (a) of Section 18-2 of the Criminal Code of 2012.

21 These charges and all other charges arising out of the  
22 same incident shall be prosecuted under the criminal laws of  
23 this State.

24 (b)(i) If before trial or plea an information or

1 indictment is filed that does not charge an offense specified  
2 in paragraph (a) of this subsection (1) the State's Attorney  
3 may proceed on any lesser charge or charges, but only in  
4 Juvenile Court under the provisions of this Article. The  
5 State's Attorney may proceed on a lesser charge if before  
6 trial the minor defendant knowingly and with advice of counsel  
7 waives, in writing, his or her right to have the matter proceed  
8 in Juvenile Court.

9 (ii) If before trial or plea an information or indictment  
10 is filed that includes one or more charges specified in  
11 paragraph (a) of this subsection (1) and additional charges  
12 that are not specified in that paragraph, all of the charges  
13 arising out of the same incident shall be prosecuted under the  
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 (c) (i) If after trial or plea the minor is convicted of any  
16 offense covered by paragraph (a) of this subsection (1), then,  
17 in sentencing the minor, the court shall sentence the minor  
18 under Section 5-4.5-105 of the Unified Code of Corrections.

19 (ii) If after trial or plea the court finds that the minor  
20 committed an offense not covered by paragraph (a) of this  
21 subsection (1), that finding shall not invalidate the verdict  
22 or the prosecution of the minor under the criminal laws of the  
23 State; however, unless the State requests a hearing for the  
24 purpose of sentencing the minor under Chapter V of the Unified  
25 Code of Corrections, the Court must proceed under Sections  
26 5-705 and 5-710 of this Article. To request a hearing, the



1 State must file a written motion within 10 days following the  
2 entry of a finding or the return of a verdict. Reasonable  
3 notice of the motion shall be given to the minor or his or her  
4 counsel. If the motion is made by the State, the court shall  
5 conduct a hearing to determine if the minor should be  
6 sentenced under Chapter V of the Unified Code of Corrections.  
7 In making its determination, the court shall consider among  
8 other matters: (a) whether there is evidence that the offense  
9 was committed in an aggressive and premeditated manner; (b)  
10 the age of the minor; (c) the previous history of the minor;  
11 (d) whether there are facilities particularly available to the  
12 Juvenile Court or the Department of Juvenile Justice for the  
13 treatment and rehabilitation of the minor; (e) whether the  
14 security of the public requires sentencing under Chapter V of  
15 the Unified Code of Corrections; and (f) whether the minor  
16 possessed a deadly weapon when committing the offense. The  
17 rules of evidence shall be the same as if at trial. If after  
18 the hearing the court finds that the minor should be sentenced  
19 under Chapter V of the Unified Code of Corrections, then the  
20 court shall sentence the minor under Section 5-4.5-105 of the  
21 Unified Code of Corrections.

22 (2) (Blank).

23 (3) (Blank).

24 (4) (Blank).

25 (5) (Blank).

26 (6) (Blank).

1           (7) The procedures set out in this Article for the  
2 investigation, arrest and prosecution of juvenile offenders  
3 shall not apply to minors who are excluded from jurisdiction  
4 of the Juvenile Court, except that minors under 18 years of age  
5 shall be kept separate from confined adults.

6           (8) Nothing in this Act prohibits or limits the  
7 prosecution of any minor for an offense committed on or after  
8 his or her 18th birthday even though he or she is at the time  
9 of the offense a ward of the court.

10          (9) If an original petition for adjudication of wardship  
11 alleges the commission by a minor 13 years of age or over of an  
12 act that constitutes a crime under the laws of this State, the  
13 minor, with the consent of his or her counsel, may, at any time  
14 before commencement of the adjudicatory hearing, file with the  
15 court a motion that criminal prosecution be ordered and that  
16 the petition be dismissed insofar as the act or acts involved  
17 in the criminal proceedings are concerned. If such a motion is  
18 filed as herein provided, the court shall enter its order  
19 accordingly.

20          (10) If, prior to August 12, 2005 (the effective date of  
21 Public Act 94-574), a minor is charged with a violation of  
22 Section 401 of the Illinois Controlled Substances Act under  
23 the criminal laws of this State, other than a minor charged  
24 with a Class X felony violation of the Illinois Controlled  
25 Substances Act or the Methamphetamine Control and Community  
26 Protection Act, any party including the minor or the court sua

1     sponte may, before trial, move for a hearing for the purpose of  
2     trying and sentencing the minor as a delinquent minor. To  
3     request a hearing, the party must file a motion prior to trial.  
4     Reasonable notice of the motion shall be given to all parties.  
5     On its own motion or upon the filing of a motion by one of the  
6     parties including the minor, the court shall conduct a hearing  
7     to determine whether the minor should be tried and sentenced  
8     as a delinquent minor under this Article. In making its  
9     determination, the court shall consider among other matters:

10           (a) The age of the minor;

11           (b) Any previous delinquent or criminal history of the  
12     minor;

13           (c) Any previous abuse or neglect history of the  
14     minor;

15           (d) Any mental health or educational history of the  
16     minor, or both; and

17           (e) Whether there is probable cause to support the  
18     charge, whether the minor is charged through  
19     accountability, and whether there is evidence the minor  
20     possessed a deadly weapon or caused serious bodily harm  
21     during the offense.

22     Any material that is relevant and reliable shall be  
23     admissible at the hearing. In all cases, the judge shall enter  
24     an order permitting prosecution under the criminal laws of  
25     Illinois unless the judge makes a finding based on a  
26     preponderance of the evidence that the minor would be amenable

1 to the care, treatment, and training programs available  
2 through the facilities of the juvenile court based on an  
3 evaluation of the factors listed in this subsection (10).

4 (11) The changes made to this Section by Public Act 98-61  
5 apply to a minor who has been arrested or taken into custody on  
6 or after January 1, 2014 (the effective date of Public Act  
7 98-61).

8 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;  
9 99-258, eff. 1-1-16.)

10 (705 ILCS 405/5-410)

11 Sec. 5-410. Non-secure custody or detention.

12 (1) Any minor arrested or taken into custody pursuant to  
13 this Act who requires care away from his or her home but who  
14 does not require physical restriction shall be given temporary  
15 care in a foster family home or other shelter facility  
16 designated by the court.

17 (2) (a) Any minor 10 years of age or older arrested  
18 pursuant to this Act where there is probable cause to believe  
19 that the minor is a delinquent minor and that (i) secure  
20 custody is a matter of immediate and urgent necessity for the  
21 protection of the minor or of the person or property of  
22 another, (ii) the minor is likely to flee the jurisdiction of  
23 the court, or (iii) the minor was taken into custody under a  
24 warrant, may be kept or detained in an authorized detention  
25 facility. A minor under 13 years of age shall not be admitted,

1 kept, or detained in a detention facility unless a local youth  
2 service provider, including a provider through the  
3 Comprehensive Community Based Youth Services network, has been  
4 contacted and has not been able to accept the minor. No minor  
5 under 12 years of age shall be detained in a county jail or a  
6 municipal lockup for more than 6 hours.

7 (a-5) For a minor arrested or taken into custody for  
8 vehicular hijacking or aggravated vehicular hijacking, a  
9 previous finding of delinquency for vehicular hijacking or  
10 aggravated vehicular hijacking shall be given greater weight  
11 in determining whether secured custody of a minor is a matter  
12 of immediate and urgent necessity for the protection of the  
13 minor or of the person or property of another.

14 (b) The written authorization of the probation officer or  
15 detention officer (or other public officer designated by the  
16 court in a county having 3,000,000 or more inhabitants)  
17 constitutes authority for the superintendent of any juvenile  
18 detention home to detain and keep a minor for up to 40 hours,  
19 excluding Saturdays, Sundays, and court-designated holidays.  
20 These records shall be available to the same persons and  
21 pursuant to the same conditions as are law enforcement records  
22 as provided in Section 5-905.

23 (b-4) The consultation required by paragraph (b-5) shall  
24 not be applicable if the probation officer or detention  
25 officer (or other public officer designated by the court in a  
26 county having 3,000,000 or more inhabitants) utilizes a

1 scorable detention screening instrument, which has been  
2 developed with input by the State's Attorney, to determine  
3 whether a minor should be detained, however, paragraph (b-5)  
4 shall still be applicable where no such screening instrument  
5 is used or where the probation officer, detention officer (or  
6 other public officer designated by the court in a county  
7 having 3,000,000 or more inhabitants) deviates from the  
8 screening instrument.

9 (b-5) Subject to the provisions of paragraph (b-4), if a  
10 probation officer or detention officer (or other public  
11 officer designated by the court in a county having 3,000,000  
12 or more inhabitants) does not intend to detain a minor for an  
13 offense which constitutes one of the following offenses he or  
14 she shall consult with the State's Attorney's Office prior to  
15 the release of the minor: first degree murder, second degree  
16 murder, involuntary manslaughter, criminal sexual assault,  
17 aggravated criminal sexual assault, aggravated battery with a  
18 firearm as described in Section 12-4.2 or subdivision (e)(1),  
19 (e)(2), (e)(3), or (e)(4) of Section 12-3.05, aggravated or  
20 heinous battery involving permanent disability or  
21 disfigurement or great bodily harm, robbery, aggravated  
22 robbery, armed robbery, ~~vehicular hijacking, aggravated~~  
23 ~~vehicular hijacking,~~ vehicular invasion, arson, aggravated  
24 arson, kidnapping, aggravated kidnapping, home invasion,  
25 burglary, or residential burglary. Any minor 10 years of age  
26 or older arrested or taken into custody under this Act for

1 vehicular hijacking or aggravated vehicular hijacking shall be  
2 detained in an authorized detention facility until a detention  
3 or shelter care hearing is held to determine if there is  
4 probable cause to believe that the minor is a delinquent minor  
5 and that: (1) secure custody is a matter of immediate and  
6 urgent necessity for the protection of the minor or of the  
7 person or property of another; (2) the minor is likely to flee  
8 the jurisdiction of the court; or (3) the minor was taken into  
9 custody under a warrant. If the court makes that  
10 determination, the minor shall continue to be held until the  
11 disposition of an adjudicatory hearing under this Article.

12 (c) Except as otherwise provided in paragraph (a), (d), or  
13 (e), no minor shall be detained in a county jail or municipal  
14 lockup for more than 12 hours, unless the offense is a crime of  
15 violence in which case the minor may be detained up to 24  
16 hours. For the purpose of this paragraph, "crime of violence"  
17 has the meaning ascribed to it in Section 1-10 of the  
18 Alcoholism and Other Drug Abuse and Dependency Act.

19 (i) The period of detention is deemed to have begun  
20 once the minor has been placed in a locked room or cell or  
21 handcuffed to a stationary object in a building housing a  
22 county jail or municipal lockup. Time spent transporting a  
23 minor is not considered to be time in detention or secure  
24 custody.

25 (ii) Any minor so confined shall be under periodic  
26 supervision and shall not be permitted to come into or

1 remain in contact with adults in custody in the building.

2 (iii) Upon placement in secure custody in a jail or  
3 lockup, the minor shall be informed of the purpose of the  
4 detention, the time it is expected to last and the fact  
5 that it cannot exceed the time specified under this Act.

6 (iv) A log shall be kept which shows the offense which  
7 is the basis for the detention, the reasons and  
8 circumstances for the decision to detain, and the length  
9 of time the minor was in detention.

10 (v) Violation of the time limit on detention in a  
11 county jail or municipal lockup shall not, in and of  
12 itself, render inadmissible evidence obtained as a result  
13 of the violation of this time limit. Minors under 18 years  
14 of age shall be kept separate from confined adults and may  
15 not at any time be kept in the same cell, room, or yard  
16 with adults confined pursuant to criminal law. Persons 18  
17 years of age and older who have a petition of delinquency  
18 filed against them may be confined in an adult detention  
19 facility. In making a determination whether to confine a  
20 person 18 years of age or older who has a petition of  
21 delinquency filed against the person, these factors, among  
22 other matters, shall be considered:

23 (A) the age of the person;

24 (B) any previous delinquent or criminal history of  
25 the person;

26 (C) any previous abuse or neglect history of the



1 person; and

2 (D) any mental health or educational history of  
3 the person, or both.

4 (d) (i) If a minor 12 years of age or older is confined in  
5 a county jail in a county with a population below 3,000,000  
6 inhabitants, then the minor's confinement shall be implemented  
7 in such a manner that there will be no contact by sight, sound,  
8 or otherwise between the minor and adult prisoners. Minors 12  
9 years of age or older must be kept separate from confined  
10 adults and may not at any time be kept in the same cell, room,  
11 or yard with confined adults. This paragraph (d) (i) shall only  
12 apply to confinement pending an adjudicatory hearing and shall  
13 not exceed 40 hours, excluding Saturdays, Sundays, and  
14 court-designated holidays. To accept or hold minors during  
15 this time period, county jails shall comply with all  
16 monitoring standards adopted by the Department of Corrections  
17 and training standards approved by the Illinois Law  
18 Enforcement Training Standards Board.

19 (ii) To accept or hold minors, 12 years of age or older,  
20 after the time period prescribed in paragraph (d) (i) of this  
21 subsection (2) of this Section but not exceeding 7 days  
22 including Saturdays, Sundays, and holidays pending an  
23 adjudicatory hearing, county jails shall comply with all  
24 temporary detention standards adopted by the Department of  
25 Corrections and training standards approved by the Illinois  
26 Law Enforcement Training Standards Board.

1           (iii) To accept or hold minors 12 years of age or older,  
2 after the time period prescribed in paragraphs (d)(i) and  
3 (d)(ii) of this subsection (2) of this Section, county jails  
4 shall comply with all county juvenile detention standards  
5 adopted by the Department of Juvenile Justice.

6           (e) When a minor who is at least 15 years of age is  
7 prosecuted under the criminal laws of this State, the court  
8 may enter an order directing that the juvenile be confined in  
9 the county jail. However, any juvenile confined in the county  
10 jail under this provision shall be separated from adults who  
11 are confined in the county jail in such a manner that there  
12 will be no contact by sight, sound or otherwise between the  
13 juvenile and adult prisoners.

14           (f) For purposes of appearing in a physical lineup, the  
15 minor may be taken to a county jail or municipal lockup under  
16 the direct and constant supervision of a juvenile police  
17 officer. During such time as is necessary to conduct a lineup,  
18 and while supervised by a juvenile police officer, the sight  
19 and sound separation provisions shall not apply.

20           (g) For purposes of processing a minor, the minor may be  
21 taken to a county jail or municipal lockup under the direct and  
22 constant supervision of a law enforcement officer or  
23 correctional officer. During such time as is necessary to  
24 process the minor, and while supervised by a law enforcement  
25 officer or correctional officer, the sight and sound  
26 separation provisions shall not apply.

1           (3) If the probation officer or State's Attorney (or such  
2 other public officer designated by the court in a county  
3 having 3,000,000 or more inhabitants) determines that the  
4 minor may be a delinquent minor as described in subsection (3)  
5 of Section 5-105, and should be retained in custody but does  
6 not require physical restriction, the minor may be placed in  
7 non-secure custody for up to 40 hours pending a detention  
8 hearing.

9           (4) Any minor taken into temporary custody, not requiring  
10 secure detention, may, however, be detained in the home of his  
11 or her parent or guardian subject to such conditions as the  
12 court may impose.

13           (5) The changes made to this Section by Public Act 98-61  
14 apply to a minor who has been arrested or taken into custody on  
15 or after January 1, 2014 (the effective date of Public Act  
16 98-61).

17 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

18           (705 ILCS 405/5-750)

19           Sec. 5-750. Commitment to the Department of Juvenile  
20 Justice.

21           (1) Except as provided in subsection (2) of this Section,  
22 when any delinquent has been adjudged a ward of the court under  
23 this Act, the court may commit him or her to the Department of  
24 Juvenile Justice, if it finds that (a) his or her parents,  
25 guardian or legal custodian are unfit or are unable, for some

1 reason other than financial circumstances alone, to care for,  
2 protect, train or discipline the minor, or are unwilling to do  
3 so, and the best interests of the minor and the public will not  
4 be served by placement under Section 5-740, or it is necessary  
5 to ensure the protection of the public from the consequences  
6 of criminal activity of the delinquent; and (b) commitment to  
7 the Department of Juvenile Justice is the least restrictive  
8 alternative based on evidence that efforts were made to locate  
9 less restrictive alternatives to secure confinement and the  
10 reasons why efforts were unsuccessful in locating a less  
11 restrictive alternative to secure confinement. Before the  
12 court commits a minor to the Department of Juvenile Justice,  
13 it shall make a finding that secure confinement is necessary,  
14 following a review of the following individualized factors:

15 (A) Age of the minor.

16 (B) Criminal background of the minor.

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

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

23 (E) Physical, mental and emotional health of the  
24 minor, indicating whether the minor has ever been  
25 diagnosed with a health issue and if so what services were  
26 provided and whether the minor was compliant with

1 services.

2 (F) Community based services that have been provided  
3 to the minor, and whether the minor was compliant with the  
4 services, and the reason the services were unsuccessful.

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

7 (1.5) Before the court commits a minor to the Department  
8 of Juvenile Justice, the court must find reasonable efforts  
9 have been made to prevent or eliminate the need for the minor  
10 to be removed from the home, or reasonable efforts cannot, at  
11 this time, for good cause, prevent or eliminate the need for  
12 removal, and removal from home is in the best interests of the  
13 minor, the minor's family, and the public.

14 (2) When a minor of the age of at least 13 years is  
15 adjudged delinquent for the offense of: (i) first degree  
16 murder; (ii) attempted first degree murder; or (iii) any  
17 offense involving the use or discharge of a firearm upon  
18 school grounds or any part of a building or grounds used for  
19 school purposes, including any conveyance owned, leased, or  
20 contracted by a school to transport students to or from school  
21 or a school related activity that results in bodily injury or  
22 death to any person, the court shall declare the minor a ward  
23 of the court and order the minor committed to the Department of  
24 Juvenile Justice until the minor's 21st birthday, without the  
25 possibility of aftercare release, furlough, or non-emergency  
26 authorized absence for a period of 5 years from the date the

1 minor was committed to the Department of Juvenile Justice,  
2 except that the time that a minor spent in custody for the  
3 instant offense before being committed to the Department of  
4 Juvenile Justice shall be considered as time credited towards  
5 that 5 year period. Upon release from a Department facility, a  
6 minor adjudged delinquent for first degree murder shall be  
7 placed on aftercare release until the age of 21, unless sooner  
8 discharged from aftercare release or custodianship is  
9 otherwise terminated in accordance with this Act or as  
10 otherwise provided for by law. Nothing in this subsection (2)  
11 shall preclude the State's Attorney from seeking to prosecute  
12 a minor as an adult as an alternative to proceeding under this  
13 Act.

14 (3) Except as provided in subsection (2), the commitment  
15 of a delinquent to the Department of Juvenile Justice shall be  
16 for an indeterminate term which shall automatically terminate  
17 upon the delinquent attaining the age of 21 years or upon  
18 completion of that period for which an adult could be  
19 committed for the same act, whichever occurs sooner, unless  
20 the delinquent is sooner discharged from aftercare release or  
21 custodianship is otherwise terminated in accordance with this  
22 Act or as otherwise provided for by law.

23 (3.5) Every delinquent minor committed to the Department  
24 of Juvenile Justice under this Act shall be eligible for  
25 aftercare release without regard to the length of time the  
26 minor has been confined or whether the minor has served any

1 minimum term imposed. Aftercare release shall be administered  
2 by the Department of Juvenile Justice, under the direction of  
3 the Director. Unless sooner discharged, the Department of  
4 Juvenile Justice shall discharge a minor from aftercare  
5 release upon completion of the following aftercare release  
6 terms:

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

10 (b) One year from the date a minor is released from a  
11 Department facility, if the minor was committed for a  
12 Class 1 or 2 felony; and

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

16 (4) When the court commits a minor to the Department of  
17 Juvenile Justice, it shall order him or her conveyed forthwith  
18 to the appropriate reception station or other place designated  
19 by the Department of Juvenile Justice, and shall appoint the  
20 Director of Juvenile Justice legal custodian of the minor. The  
21 clerk of the court shall issue to the Director of Juvenile  
22 Justice a certified copy of the order, which constitutes proof  
23 of the Director's authority. No other process need issue to  
24 warrant the keeping of the minor.

25 (5) If a minor is committed to the Department of Juvenile  
26 Justice, the clerk of the court shall forward to the

1 Department:

2 (a) the sentencing order and copies of committing  
3 petition;

4 (b) all reports;

5 (c) the court's statement of the basis for ordering  
6 the disposition;

7 (d) any sex offender evaluations;

8 (e) any risk assessment or substance abuse treatment  
9 eligibility screening and assessment of the minor by an  
10 agent designated by the State to provide assessment  
11 services for the courts;

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

16 (g) any medical or mental health records or summaries  
17 of the minor;

18 (h) the municipality where the arrest of the minor  
19 occurred, the commission of the offense occurred, and the  
20 minor resided at the time of commission;

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

24 (i) all additional matters which the court directs the  
25 clerk to transmit; and

26 (j) all police reports for sex offenses as defined by



1 the Sex Offender Management Board Act.

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

8 (7) If, while on aftercare release, a minor committed to  
9 the Department of Juvenile Justice who resides in this State  
10 is charged under the criminal laws of this State, the criminal  
11 laws of any other state, or federal law with an offense that  
12 could result in a sentence of imprisonment within the  
13 Department of Corrections, the penal system of any state, or  
14 the federal Bureau of Prisons, the commitment to the  
15 Department of Juvenile Justice and all rights and duties  
16 created by that commitment are automatically suspended pending  
17 final disposition of the criminal charge. If the minor is  
18 found guilty of the criminal charge and sentenced to a term of  
19 imprisonment in the penitentiary system of the Department of  
20 Corrections, the penal system of any state, or the federal  
21 Bureau of Prisons, the commitment to the Department of  
22 Juvenile Justice shall be automatically terminated. If the  
23 criminal charge is dismissed, the minor is found not guilty,  
24 or the minor completes a criminal sentence other than  
25 imprisonment within the Department of Corrections, the penal  
26 system of any state, or the federal Bureau of Prisons, the

1 previously imposed commitment to the Department of Juvenile  
2 Justice and the full aftercare release term shall be  
3 automatically reinstated unless custodianship is sooner  
4 terminated. Nothing in this subsection (7) shall preclude the  
5 court from ordering another sentence under Section 5-710 of  
6 this Act or from terminating the Department's custodianship  
7 while the commitment to the Department is suspended.

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

9 Section 110. The Criminal Code of 2012 is amended by  
10 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, 24-3, and  
11 24-3.7 as follows:

12 (720 ILCS 5/18-4)

13 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

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

24 (4) he or she carries on or about his or her person or

1 is otherwise armed with a firearm; or

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

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

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

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

25 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

4           (a) It is unlawful for a person to knowingly possess on or  
5 about his person or on his land or in his own abode or fixed  
6 place of business any weapon prohibited under Section 24-1 of  
7 this Act or any firearm or any firearm ammunition if the person  
8 has been convicted of a felony under the laws of this State or  
9 any other jurisdiction. This Section shall not apply if the  
10 person has been granted relief by the Director of the Illinois  
11 State Police under Section 10 of the Firearm Owners  
12 Identification Card Act.

13           (b) It is unlawful for any person confined in a penal  
14 institution, which is a facility of the Illinois Department of  
15 Corrections, to possess any weapon prohibited under Section  
16 24-1 of this Code or any firearm or firearm ammunition,  
17 regardless of the intent with which he possesses it.

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

22           (d) The defense of necessity is not available to a person  
23 who is charged with a violation of subsection (b) of this  
24 Section.

25           (e) Sentence. Violation of this Section is a Class X  
26 felony for a first offense for which a term of imprisonment of

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

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

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

18 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

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

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

22 (1) Discharges a firearm at or into a building he or  
23 she knows or reasonably should know to be occupied and the  
24 firearm is discharged from a place or position outside  
25 that building;

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

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

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

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

1 duties, or in retaliation for the emergency medical  
2 services personnel performing his or her official duties;

3 (6) Discharges a firearm in the direction of a vehicle  
4 he or she knows to be occupied by emergency medical  
5 services personnel while the emergency medical services  
6 personnel is engaged in the execution of any of his or her  
7 official duties, or to prevent the emergency medical  
8 services personnel from performing his or her official  
9 duties, or in retaliation for the emergency medical  
10 services personnel performing his or her official duties;

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

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

24 (9) Discharges a firearm in the direction of a vehicle  
25 he or she knows to be occupied by an emergency management  
26 worker while the emergency management worker is engaged in



1 the execution of any of his or her official duties, or to  
2 prevent the emergency management worker from performing  
3 his or her official duties, or in retaliation for the  
4 emergency management worker performing his or her official  
5 duties; -

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

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

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

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

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

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

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

22 (17) discharges a firearm in the direction of a person  
23 who is in a public roadway, a park, public housing, a  
24 school, a building under the control of the State or a unit  
25 of local government, a church, a hospital, a nursing home,  
26 any bus, train, or form of transportation paid for in

1 whole or in part with public funds, or any building, real  
2 property, or parking area under the control of a public  
3 transportation facility paid for in whole or in part with  
4 public funds; or

5 (18) discharges a firearm during the commission or  
6 attempted commission of vehicular hijacking.

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

22 (c) For purposes of this Section:

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

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

8 (720 ILCS 5/24-1.7)

9 Sec. 24-1.7. Armed habitual criminal.

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

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

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

25 (3) any violation of the Illinois Controlled

1 Substances Act or the Cannabis Control Act that is  
2 punishable as a Class 3 felony or higher.

3 (b) Sentence. Being an armed habitual criminal is a Class  
4 X felony for a first offense for which a term of imprisonment  
5 of not less than 10 years and not more than 30 years shall be  
6 imposed. A second or subsequent offense is a Class X felony for  
7 which a term of natural life imprisonment shall be imposed.

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

9 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

11 (A) A person commits the offense of unlawful sale or  
12 delivery of firearms when he or she knowingly does any of the  
13 following:

14 (a) Sells or gives any firearm of a size which may be  
15 concealed upon the person to any person under 18 years of  
16 age.

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

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

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

24 (e) Sells or gives any firearm to any person who has  
25 been a patient in a mental institution within the past 5

1 years. In this subsection (e):

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

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

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

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

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

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

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

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

1 assembled.

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

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

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

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

26 (k) Sells or transfers ownership of a firearm to a



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

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

25 (2) All sellers or transferors who have complied  
26 with the requirements of subparagraph (1) of this

1 paragraph (k) shall not be liable for damages in any  
2 civil action arising from the use or misuse by the  
3 transferee of the firearm transferred, except for  
4 willful or wanton misconduct on the part of the seller  
5 or transferor.

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

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

22 (C) Sentence.

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

26 (2) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (b) or (i) of  
2 subsection (A) commits a Class 3 felony.

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

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

1 Class 1 felony for which the sentence shall be a term of  
2 imprisonment of no less than 5 years and no more than 15  
3 years.

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

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

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

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

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

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

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

1 sale or delivery of firearms in violation of paragraph (1)  
2 of subsection (A) commits a Class X felony for which he or  
3 she shall be sentenced to a term of imprisonment of not  
4 less than 6 years and not more than 30 years if the  
5 delivery is of not less than 6 and not more than 10  
6 firearms at the same time or within a 2-year period. Any  
7 person convicted of unlawful sale or delivery of firearms  
8 in violation of paragraph (1) of subsection (A) commits a  
9 Class X felony for which he or she shall be sentenced to a  
10 term of imprisonment of not less than 6 years and not more  
11 than 40 years if the delivery is of not less than 11 and  
12 not more than 20 firearms at the same time or within a  
13 3-year period. Any person convicted of unlawful sale or  
14 delivery of firearms in violation of paragraph (1) of  
15 subsection (A) commits a Class X felony for which he or she  
16 shall be sentenced to a term of imprisonment of not less  
17 than 6 years and not more than 50 years if the delivery is  
18 of not less than 21 and not more than 30 firearms at the  
19 same time or within a 4-year period. Any person convicted  
20 of unlawful sale or delivery of firearms in violation of  
21 paragraph (1) of subsection (A) commits a Class X felony  
22 for which he or she shall be sentenced to a term of  
23 imprisonment of not less than 6 years and not more than 60  
24 years if the delivery is of 31 or more firearms at the same  
25 time or within a 5-year 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;  
15 102-813, eff. 5-13-22.)

16 (720 ILCS 5/24-3.7)

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

19 (a) A person commits ~~the offense of~~ use of a stolen or  
20 illegally acquired firearm in the commission of an offense  
21 when he or she knowingly uses a stolen or illegally acquired  
22 firearm in the commission of any offense and the person knows  
23 that the firearm was stolen or illegally acquired.

24 (b) Sentence. Use of a stolen or illegally acquired  
25 firearm in the commission of an offense is a Class X felony for

1 a first offense for which a term of imprisonment of not less  
2 than 10 years shall be imposed. A second or subsequent offense  
3 is a Class X felony for which a term of natural life  
4 imprisonment shall be imposed ~~2-felony.~~

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

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

8 Section 115. The Code of Criminal Procedure of 1963 is  
9 amended by changing Sections 102-7.1 and 110-19 and by adding  
10 Section 110-4.5 as follows:

11 (725 ILCS 5/102-7.1)

12 (Text of Section before amendment by P.A. 102-982)

13 Sec. 102-7.1. "Category A offense". "Category A offense"  
14 means a Class 1 felony, Class 2 felony, Class X felony, first  
15 degree murder, a violation of Section 11-204 of the Illinois  
16 Vehicle Code, a second or subsequent violation of Section  
17 11-501 of the Illinois Vehicle Code, a violation of subsection  
18 (d) of Section 11-501 of the Illinois Vehicle Code, a  
19 violation of Section 11-401 of the Illinois Vehicle Code if  
20 the accident results in injury and the person failed to report  
21 the accident within 30 minutes, a violation of Section 9-3,  
22 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,  
23 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,  
24 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,



1 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a  
2 second or subsequent violation of 12-3.2 or 12-3.4 of the  
3 Criminal Code of 2012, a violation of paragraph (5) or (6) of  
4 subsection (b) of Section 10-9 of the Criminal Code of 2012, a  
5 violation of subsection (b) or (c) or paragraph (1) or (2) of  
6 subsection (a) of Section 11-1.50 of the Criminal Code of  
7 2012, a violation of Section 12-7 of the Criminal Code of 2012  
8 if the defendant inflicts bodily harm on the victim to obtain a  
9 confession, statement, or information, a violation of Section  
10 12-7.5 of the Criminal Code of 2012 if the action results in  
11 bodily harm, a violation of paragraph (3) of subsection (b) of  
12 Section 17-2 of the Criminal Code of 2012, a violation of  
13 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of  
14 2012, a violation of paragraph (6) of subsection (a) of  
15 Section 24-1 of the Criminal Code of 2012, a first violation of  
16 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
17 years of age or older where the factors listed in both items  
18 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
19 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
20 are present, a Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act, or a violation of Section 10 of the  
23 Sex Offender Registration Act.

24 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

25 (Text of Section after amendment by P.A. 102-982)

1           Sec. 102-7.1. "Category A offense". "Category A offense"  
2 means a Class 1 felony, Class 2 felony, Class X felony, first  
3 degree murder, a violation of Section 11-204 or 11-204.1 of  
4 the Illinois Vehicle Code, a second or subsequent violation of  
5 Section 11-501 of the Illinois Vehicle Code, a violation of  
6 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
7 a violation of Section 11-401 of the Illinois Vehicle Code if  
8 the crash results in injury and the person failed to report the  
9 crash within 30 minutes, a violation of Section 9-3, 9-3.4,  
10 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,  
11 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,  
12 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,  
13 25-1, 26.5-2, 31-6, 32-10, or 48-1 of the Criminal Code of  
14 2012, a second or subsequent violation of 12-3.2 or 12-3.4 of  
15 the Criminal Code of 2012, a violation of paragraph (5) or (6)  
16 of subsection (b) of Section 10-9 of the Criminal Code of 2012,  
17 a violation of subsection (b) or (c) or paragraph (1) or (2) of  
18 subsection (a) of Section 11-1.50 of the Criminal Code of  
19 2012, a violation of Section 12-7 of the Criminal Code of 2012  
20 if the defendant inflicts bodily harm on the victim to obtain a  
21 confession, statement, or information, a violation of Section  
22 12-7.5 of the Criminal Code of 2012 if the action results in  
23 bodily harm, a violation of paragraph (3) of subsection (b) of  
24 Section 17-2 of the Criminal Code of 2012, a violation of  
25 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of  
26 2012, a violation of paragraph (6) of subsection (a) of

1 Section 24-1 of the Criminal Code of 2012, a first violation of  
2 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
3 years of age or older where the factors listed in both items  
4 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
5 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
6 are present, a Class 3 felony violation of paragraph (1) of  
7 subsection (a) of Section 2 of the Firearm Owners  
8 Identification Card Act, or a violation of Section 10 of the  
9 Sex Offender Registration Act.

10 (Source: P.A. 102-982, eff. 7-1-23.)

11 (725 ILCS 5/110-4.5 new)

12 Sec. 110-4.5. Denial of bail and pretrial release; firearm  
13 offenses. Notwithstanding any other provision of this Code to  
14 the contrary, the denial of bail or pretrial release is  
15 required if the person is a felon who is charged with a firearm  
16 offense.

17 (725 ILCS 5/110-19 new)

18 Sec. 110-19. Bail reform opt out. Notwithstanding any  
19 other provision of law to the contrary, a county with a  
20 population of less than 3,000,000 does not have to comply with  
21 the changes made by Public Act 100-1 and the changes made to  
22 Article 110 of this Code by Public Acts 101-652 and 102-28 if  
23 the county board adopts a resolution for that purpose on or  
24 after the effective date of this amendatory Act of the 103rd

1 General Assembly.

2 Section 120. The Unified Code of Corrections is amended by  
3 changing Sections 3-6-3, 5-4.5-110, 5-5-3, and 5-8-4 as  
4 follows:

5 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

6 Sec. 3-6-3. Rules and regulations for sentence credit.

7 (a) (1) The Department of Corrections shall prescribe rules  
8 and regulations for awarding and revoking sentence credit for  
9 persons committed to the Department of Corrections and the  
10 Department of Juvenile Justice shall prescribe rules and  
11 regulations for awarding and revoking sentence credit for  
12 persons committed to the Department of Juvenile Justice under  
13 Section 5-8-6 of the Unified Code of Corrections, which shall  
14 be subject to review by the Prisoner Review Board.

15 (1.5) As otherwise provided by law, sentence credit may be  
16 awarded for the following:

17 (A) successful completion of programming while in  
18 custody of the Department of Corrections or the Department  
19 of Juvenile Justice or while in custody prior to  
20 sentencing;

21 (B) compliance with the rules and regulations of the  
22 Department; or

23 (C) service to the institution, service to a  
24 community, or service to the State.

1           (2) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations on sentence credit  
3 shall provide, with respect to offenses listed in clause (i),  
4 (ii), or (iii) of this paragraph (2) committed on or after June  
5 19, 1998 or with respect to the offense listed in clause (iv)  
6 of this paragraph (2) committed on or after June 23, 2005 (the  
7 effective date of Public Act 94-71) or with respect to offense  
8 listed in clause (vi) committed on or after June 1, 2008 (the  
9 effective date of Public Act 95-625) or with respect to the  
10 offense of being an armed habitual criminal committed on or  
11 after August 2, 2005 (the effective date of Public Act 94-398)  
12 or with respect to the offenses listed in clause (v) of this  
13 paragraph (2) committed on or after August 13, 2007 (the  
14 effective date of Public Act 95-134) or with respect to the  
15 offense of aggravated domestic battery committed on or after  
16 July 23, 2010 (the effective date of Public Act 96-1224) or  
17 with respect to the offense of attempt to commit terrorism  
18 committed on or after January 1, 2013 (the effective date of  
19 Public Act 97-990) or with respect to the offense of  
20 aggravated battery under paragraph (4) of subsection (d) of  
21 Section 12-3.05 of the Criminal Code of 2012 in which the  
22 victim was a peace officer committed on or after the effective  
23 date of this amendatory Act of the 103rd General Assembly or  
24 with respect to the offense of bringing contraband into a  
25 penal institution as described in subsection (a) of Section  
26 31A-1.1 of the Criminal Code of 2012 committed on or after the

1 effective date of this amendatory Act of the 103rd General  
2 Assembly, the following:

3 (i) that a prisoner who is serving a term of  
4 imprisonment for first degree murder or for the offense of  
5 terrorism shall receive no sentence credit and shall serve  
6 the entire sentence imposed by the court;

7 (ii) that a prisoner serving a sentence for attempt to  
8 commit terrorism, attempt to commit first degree murder,  
9 solicitation of murder, solicitation of murder for hire,  
10 intentional homicide of an unborn child, predatory  
11 criminal sexual assault of a child, aggravated criminal  
12 sexual assault, criminal sexual assault, aggravated  
13 kidnapping, aggravated battery with a firearm as described  
14 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
15 or (e) (4) of Section 12-3.05, heinous battery as described  
16 in Section 12-4.1 or subdivision (a) (2) of Section  
17 12-3.05, being an armed habitual criminal, aggravated  
18 battery of a senior citizen as described in Section 12-4.6  
19 or subdivision (a) (4) of Section 12-3.05, or aggravated  
20 battery of a child as described in Section 12-4.3 or  
21 subdivision (b) (1) of Section 12-3.05 shall receive no  
22 more than 4.5 days of sentence credit for each month of his  
23 or her sentence of imprisonment;

24 (iii) that a prisoner serving a sentence for home  
25 invasion, armed robbery, aggravated vehicular hijacking,  
26 aggravated discharge of a firearm, or armed violence with

1 a category I weapon or category II weapon, when the court  
2 has made and entered a finding, pursuant to subsection  
3 (c-1) of Section 5-4-1 of this Code, that the conduct  
4 leading to conviction for the enumerated offense resulted  
5 in great bodily harm to a victim, shall receive no more  
6 than 4.5 days of sentence credit for each month of his or  
7 her sentence of imprisonment;

8 (iv) that a prisoner serving a sentence for aggravated  
9 discharge of a firearm, whether or not the conduct leading  
10 to conviction for the offense resulted in great bodily  
11 harm to the victim, shall receive no more than 4.5 days of  
12 sentence credit for each month of his or her sentence of  
13 imprisonment;

14 (v) that a person serving a sentence for gunrunning,  
15 narcotics racketeering, controlled substance trafficking,  
16 methamphetamine trafficking, drug-induced homicide,  
17 aggravated methamphetamine-related child endangerment,  
18 money laundering pursuant to clause (c) (4) or (5) of  
19 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012, or a Class X felony conviction for delivery  
21 of a controlled substance, possession of a controlled  
22 substance with intent to manufacture or deliver,  
23 calculated criminal drug conspiracy, criminal drug  
24 conspiracy, street gang criminal drug conspiracy,  
25 participation in methamphetamine manufacturing,  
26 aggravated participation in methamphetamine

1 manufacturing, delivery of methamphetamine, possession  
2 with intent to deliver methamphetamine, aggravated  
3 delivery of methamphetamine, aggravated possession with  
4 intent to deliver methamphetamine, methamphetamine  
5 conspiracy when the substance containing the controlled  
6 substance or methamphetamine is 100 grams or more shall  
7 receive no more than 7.5 days sentence credit for each  
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a second  
10 or subsequent offense of luring a minor shall receive no  
11 more than 4.5 days of sentence credit for each month of his  
12 or her sentence of imprisonment; ~~and~~

13 (vii) that a prisoner serving a sentence for  
14 aggravated domestic battery shall receive no more than 4.5  
15 days of sentence credit for each month of his or her  
16 sentence of imprisonment; ~~and~~

17 (viii) that a prisoner serving a sentence for  
18 aggravated battery under paragraph (4) of subsection (d)  
19 of Section 12-3.05 of the Criminal Code of 2012 in which  
20 the victim was a peace officer shall receive no more than  
21 4.5 days of sentence credit for each month of his or her  
22 sentence of imprisonment; and

23 (ix) that a prisoner serving a sentence for bringing  
24 contraband into a penal institution as described in  
25 subsection (a) of Section 31A-1.1 of the Criminal Code of  
26 2012 committed on or after the effective date of this



1 amendatory Act of the 103rd General Assembly shall receive  
2 no more than 4.5 days of sentence credit for each month of  
3 his or her sentence of imprisonment.

4 (2.1) For all offenses, other than those enumerated in  
5 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
6 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
7 June 23, 2005 (the effective date of Public Act 94-71) or  
8 subdivision (a)(2)(v) committed on or after August 13, 2007  
9 (the effective date of Public Act 95-134) or subdivision  
10 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
11 date of Public Act 95-625) or subdivision (a)(2)(vii)  
12 committed on or after July 23, 2010 (the effective date of  
13 Public Act 96-1224)or subdivision (a)(2)(viii) committed on or  
14 after the effective date of this amendatory Act of the 103rd  
15 General Assembly or subdivision (a)(2)(ix) committed on or  
16 after the effective date of this amendatory Act of the 103rd  
17 General Assembly, and other than the offense of aggravated  
18 driving under the influence of alcohol, other drug or drugs,  
19 or intoxicating compound or compounds, or any combination  
20 thereof as defined in subparagraph (F) of paragraph (1) of  
21 subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
22 and other than the offense of aggravated driving under the  
23 influence of alcohol, other drug or drugs, or intoxicating  
24 compound or compounds, or any combination thereof as defined  
25 in subparagraph (C) of paragraph (1) of subsection (d) of  
26 Section 11-501 of the Illinois Vehicle Code committed on or

1 after January 1, 2011 (the effective date of Public Act  
2 96-1230), the rules and regulations shall provide that a  
3 prisoner who is serving a term of imprisonment shall receive  
4 one day of sentence credit for each day of his or her sentence  
5 of imprisonment or recommitment under Section 3-3-9. Each day  
6 of sentence credit shall reduce by one day the prisoner's  
7 period of imprisonment or recommitment under Section 3-3-9.

8 (2.2) A prisoner serving a term of natural life  
9 imprisonment or a prisoner who has been sentenced to death  
10 shall receive no sentence credit.

11 (2.3) Except as provided in paragraph (4.7) of this  
12 subsection (a), the rules and regulations on sentence credit  
13 shall provide that a prisoner who is serving a sentence for  
14 aggravated driving under the influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds, or any  
16 combination thereof as defined in subparagraph (F) of  
17 paragraph (1) of subsection (d) of Section 11-501 of the  
18 Illinois Vehicle Code, shall receive no more than 4.5 days of  
19 sentence credit for each month of his or her sentence of  
20 imprisonment.

21 (2.4) Except as provided in paragraph (4.7) of this  
22 subsection (a), the rules and regulations on sentence credit  
23 shall provide with respect to the offenses of aggravated  
24 battery with a machine gun or a firearm equipped with any  
25 device or attachment designed or used for silencing the report  
26 of a firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or  
2 used for silencing the report of a firearm, committed on or  
3 after July 15, 1999 (the effective date of Public Act 91-121),  
4 that a prisoner serving a sentence for any of these offenses  
5 shall receive no more than 4.5 days of sentence credit for each  
6 month of his or her sentence of imprisonment.

7 (2.5) Except as provided in paragraph (4.7) of this  
8 subsection (a), the rules and regulations on sentence credit  
9 shall provide that a prisoner who is serving a sentence for  
10 aggravated arson committed on or after July 27, 2001 (the  
11 effective date of Public Act 92-176) shall receive no more  
12 than 4.5 days of sentence credit for each month of his or her  
13 sentence of imprisonment.

14 (2.6) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide that a prisoner who is serving a sentence for  
17 aggravated driving under the influence of alcohol, other drug  
18 or drugs, or intoxicating compound or compounds or any  
19 combination thereof as defined in subparagraph (C) of  
20 paragraph (1) of subsection (d) of Section 11-501 of the  
21 Illinois Vehicle Code committed on or after January 1, 2011  
22 (the effective date of Public Act 96-1230) shall receive no  
23 more than 4.5 days of sentence credit for each month of his or  
24 her sentence of imprisonment.

25 (3) In addition to the sentence credits earned under  
26 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this

1 subsection (a), the rules and regulations shall also provide  
2 that the Director of Corrections or the Director of Juvenile  
3 Justice may award up to 180 days of earned sentence credit for  
4 prisoners serving a sentence of incarceration of less than 5  
5 years, and up to 365 days of earned sentence credit for  
6 prisoners serving a sentence of 5 years or longer. The  
7 Director may grant this credit for good conduct in specific  
8 instances as either Director deems proper for eligible persons  
9 in the custody of each Director's respective Department. The  
10 good conduct may include, but is not limited to, compliance  
11 with the rules and regulations of the Department, service to  
12 the Department, service to a community, or service to the  
13 State.

14 Eligible inmates for an award of earned sentence credit  
15 under this paragraph (3) may be selected to receive the credit  
16 at either Director's or his or her designee's sole discretion.  
17 Eligibility for the additional earned sentence credit under  
18 this paragraph (3) may be based on, but is not limited to,  
19 participation in programming offered by the Department as  
20 appropriate for the prisoner based on the results of any  
21 available risk/needs assessment or other relevant assessments  
22 or evaluations administered by the Department using a  
23 validated instrument, the circumstances of the crime,  
24 demonstrated commitment to rehabilitation by a prisoner with a  
25 history of conviction for a forcible felony enumerated in  
26 Section 2-8 of the Criminal Code of 2012, the inmate's

1 behavior and improvements in disciplinary history while  
2 incarcerated, and the inmate's commitment to rehabilitation,  
3 including participation in programming offered by the  
4 Department.

5 The Director of Corrections or the Director of Juvenile  
6 Justice shall not award sentence credit under this paragraph  
7 (3) to an inmate unless the inmate has served a minimum of 60  
8 days of the sentence; except nothing in this paragraph shall  
9 be construed to permit either Director to extend an inmate's  
10 sentence beyond that which was imposed by the court. Prior to  
11 awarding credit under this paragraph (3), each Director shall  
12 make a written determination that the inmate:

13 (A) is eligible for the earned sentence credit;

14 (B) has served a minimum of 60 days, or as close to 60  
15 days as the sentence will allow;

16 (B-1) has received a risk/needs assessment or other  
17 relevant evaluation or assessment administered by the  
18 Department using a validated instrument; and

19 (C) has met the eligibility criteria established by  
20 rule for earned sentence credit.

21 The Director of Corrections or the Director of Juvenile  
22 Justice shall determine the form and content of the written  
23 determination required in this subsection.

24 (3.5) The Department shall provide annual written reports  
25 to the Governor and the General Assembly on the award of earned  
26 sentence credit no later than February 1 of each year. The

1 Department must publish both reports on its website within 48  
2 hours of transmitting the reports to the Governor and the  
3 General Assembly. The reports must include:

4 (A) the number of inmates awarded earned sentence  
5 credit;

6 (B) the average amount of earned sentence credit  
7 awarded;

8 (C) the holding offenses of inmates awarded earned  
9 sentence credit; and

10 (D) the number of earned sentence credit revocations.

11 (4) (A) Except as provided in paragraph (4.7) of this  
12 subsection (a), the rules and regulations shall also provide  
13 that any prisoner who is engaged full-time in substance abuse  
14 programs, correctional industry assignments, educational  
15 programs, work-release programs or activities in accordance  
16 with Article 13 of Chapter III of this Code, behavior  
17 modification programs, life skills courses, or re-entry  
18 planning provided by the Department under this paragraph (4)  
19 and satisfactorily completes the assigned program as  
20 determined by the standards of the Department, shall receive  
21 one day of sentence credit for each day in which that prisoner  
22 is engaged in the activities described in this paragraph. The  
23 rules and regulations shall also provide that sentence credit  
24 may be provided to an inmate who was held in pre-trial  
25 detention prior to his or her current commitment to the  
26 Department of Corrections and successfully completed a

1 full-time, 60-day or longer substance abuse program,  
2 educational program, behavior modification program, life  
3 skills course, or re-entry planning provided by the county  
4 department of corrections or county jail. Calculation of this  
5 county program credit shall be done at sentencing as provided  
6 in Section 5-4.5-100 of this Code and shall be included in the  
7 sentencing order. The rules and regulations shall also provide  
8 that sentence credit may be provided to an inmate who is in  
9 compliance with programming requirements in an adult  
10 transition center.

11 (B) The Department shall award sentence credit under this  
12 paragraph (4) accumulated prior to January 1, 2020 (the  
13 effective date of Public Act 101-440) in an amount specified  
14 in subparagraph (C) of this paragraph (4) to an inmate serving  
15 a sentence for an offense committed prior to June 19, 1998, if  
16 the Department determines that the inmate is entitled to this  
17 sentence credit, based upon:

18 (i) documentation provided by the Department that the  
19 inmate engaged in any full-time substance abuse programs,  
20 correctional industry assignments, educational programs,  
21 behavior modification programs, life skills courses, or  
22 re-entry planning provided by the Department under this  
23 paragraph (4) and satisfactorily completed the assigned  
24 program as determined by the standards of the Department  
25 during the inmate's current term of incarceration; or

26 (ii) the inmate's own testimony in the form of an

1 affidavit or documentation, or a third party's  
2 documentation or testimony in the form of an affidavit  
3 that the inmate likely engaged in any full-time substance  
4 abuse programs, correctional industry assignments,  
5 educational programs, behavior modification programs, life  
6 skills courses, or re-entry planning provided by the  
7 Department under paragraph (4) and satisfactorily  
8 completed the assigned program as determined by the  
9 standards of the Department during the inmate's current  
10 term of incarceration.

11 (C) If the inmate can provide documentation that he or she  
12 is entitled to sentence credit under subparagraph (B) in  
13 excess of 45 days of participation in those programs, the  
14 inmate shall receive 90 days of sentence credit. If the inmate  
15 cannot provide documentation of more than 45 days of  
16 participation in those programs, the inmate shall receive 45  
17 days of sentence credit. In the event of a disagreement  
18 between the Department and the inmate as to the amount of  
19 credit accumulated under subparagraph (B), if the Department  
20 provides documented proof of a lesser amount of days of  
21 participation in those programs, that proof shall control. If  
22 the Department provides no documentary proof, the inmate's  
23 proof as set forth in clause (ii) of subparagraph (B) shall  
24 control as to the amount of sentence credit provided.

25 (D) If the inmate has been convicted of a sex offense as  
26 defined in Section 2 of the Sex Offender Registration Act,



1 sentencing credits under subparagraph (B) of this paragraph  
2 (4) shall be awarded by the Department only if the conditions  
3 set forth in paragraph (4.6) of subsection (a) are satisfied.  
4 No inmate serving a term of natural life imprisonment shall  
5 receive sentence credit under subparagraph (B) of this  
6 paragraph (4).

7 Educational, vocational, substance abuse, behavior  
8 modification programs, life skills courses, re-entry planning,  
9 and correctional industry programs under which sentence credit  
10 may be earned under this paragraph (4) and paragraph (4.1) of  
11 this subsection (a) shall be evaluated by the Department on  
12 the basis of documented standards. The Department shall report  
13 the results of these evaluations to the Governor and the  
14 General Assembly by September 30th of each year. The reports  
15 shall include data relating to the recidivism rate among  
16 program participants.

17 Availability of these programs shall be subject to the  
18 limits of fiscal resources appropriated by the General  
19 Assembly for these purposes. Eligible inmates who are denied  
20 immediate admission shall be placed on a waiting list under  
21 criteria established by the Department. The rules and  
22 regulations shall provide that a prisoner who has been placed  
23 on a waiting list but is transferred for non-disciplinary  
24 reasons before beginning a program shall receive priority  
25 placement on the waitlist for appropriate programs at the new  
26 facility. The inability of any inmate to become engaged in any

1 such programs by reason of insufficient program resources or  
2 for any other reason established under the rules and  
3 regulations of the Department shall not be deemed a cause of  
4 action under which the Department or any employee or agent of  
5 the Department shall be liable for damages to the inmate. The  
6 rules and regulations shall provide that a prisoner who begins  
7 an educational, vocational, substance abuse, work-release  
8 programs or activities in accordance with Article 13 of  
9 Chapter III of this Code, behavior modification program, life  
10 skills course, re-entry planning, or correctional industry  
11 programs but is unable to complete the program due to illness,  
12 disability, transfer, lockdown, or another reason outside of  
13 the prisoner's control shall receive prorated sentence credits  
14 for the days in which the prisoner did participate.

15 (4.1) Except as provided in paragraph (4.7) of this  
16 subsection (a), the rules and regulations shall also provide  
17 that an additional 90 days of sentence credit shall be awarded  
18 to any prisoner who passes high school equivalency testing  
19 while the prisoner is committed to the Department of  
20 Corrections. The sentence credit awarded under this paragraph  
21 (4.1) shall be in addition to, and shall not affect, the award  
22 of sentence credit under any other paragraph of this Section,  
23 but shall also be pursuant to the guidelines and restrictions  
24 set forth in paragraph (4) of subsection (a) of this Section.  
25 The sentence credit provided for in this paragraph shall be  
26 available only to those prisoners who have not previously

1 earned a high school diploma or a State of Illinois High School  
2 Diploma. If, after an award of the high school equivalency  
3 testing sentence credit has been made, the Department  
4 determines that the prisoner was not eligible, then the award  
5 shall be revoked. The Department may also award 90 days of  
6 sentence credit to any committed person who passed high school  
7 equivalency testing while he or she was held in pre-trial  
8 detention prior to the current commitment to the Department of  
9 Corrections. Except as provided in paragraph (4.7) of this  
10 subsection (a), the rules and regulations shall provide that  
11 an additional 120 days of sentence credit shall be awarded to  
12 any prisoner who obtains an associate degree while the  
13 prisoner is committed to the Department of Corrections,  
14 regardless of the date that the associate degree was obtained,  
15 including if prior to July 1, 2021 (the effective date of  
16 Public Act 101-652). The sentence credit awarded under this  
17 paragraph (4.1) shall be in addition to, and shall not affect,  
18 the award of sentence credit under any other paragraph of this  
19 Section, but shall also be under the guidelines and  
20 restrictions set forth in paragraph (4) of subsection (a) of  
21 this Section. The sentence credit provided for in this  
22 paragraph (4.1) shall be available only to those prisoners who  
23 have not previously earned an associate degree prior to the  
24 current commitment to the Department of Corrections. If, after  
25 an award of the associate degree sentence credit has been made  
26 and the Department determines that the prisoner was not

1 eligible, then the award shall be revoked. The Department may  
2 also award 120 days of sentence credit to any committed person  
3 who earned an associate degree while he or she was held in  
4 pre-trial detention prior to the current commitment to the  
5 Department of Corrections.

6 Except as provided in paragraph (4.7) of this subsection  
7 (a), the rules and regulations shall provide that an  
8 additional 180 days of sentence credit shall be awarded to any  
9 prisoner who obtains a bachelor's degree while the prisoner is  
10 committed to the Department of Corrections. The sentence  
11 credit awarded under this paragraph (4.1) shall be in addition  
12 to, and shall not affect, the award of sentence credit under  
13 any other paragraph of this Section, but shall also be under  
14 the guidelines and restrictions set forth in paragraph (4) of  
15 this subsection (a). The sentence credit provided for in this  
16 paragraph shall be available only to those prisoners who have  
17 not earned a bachelor's degree prior to the current commitment  
18 to the Department of Corrections. If, after an award of the  
19 bachelor's degree sentence credit has been made, the  
20 Department determines that the prisoner was not eligible, then  
21 the award shall be revoked. The Department may also award 180  
22 days of sentence credit to any committed person who earned a  
23 bachelor's degree while he or she was held in pre-trial  
24 detention prior to the current commitment to the Department of  
25 Corrections.

26 Except as provided in paragraph (4.7) of this subsection

1 (a), the rules and regulations shall provide that an  
2 additional 180 days of sentence credit shall be awarded to any  
3 prisoner who obtains a master's or professional degree while  
4 the prisoner is committed to the Department of Corrections.  
5 The sentence credit awarded under this paragraph (4.1) shall  
6 be in addition to, and shall not affect, the award of sentence  
7 credit under any other paragraph of this Section, but shall  
8 also be under the guidelines and restrictions set forth in  
9 paragraph (4) of this subsection (a). The sentence credit  
10 provided for in this paragraph shall be available only to  
11 those prisoners who have not previously earned a master's or  
12 professional degree prior to the current commitment to the  
13 Department of Corrections. If, after an award of the master's  
14 or professional degree sentence credit has been made, the  
15 Department determines that the prisoner was not eligible, then  
16 the award shall be revoked. The Department may also award 180  
17 days of sentence credit to any committed person who earned a  
18 master's or professional degree while he or she was held in  
19 pre-trial detention prior to the current commitment to the  
20 Department of Corrections.

21 (4.2) The rules and regulations shall also provide that  
22 any prisoner engaged in self-improvement programs, volunteer  
23 work, or work assignments that are not otherwise eligible  
24 activities under paragraph (4), shall receive up to 0.5 days  
25 of sentence credit for each day in which the prisoner is  
26 engaged in activities described in this paragraph.

1           (4.5) The rules and regulations on sentence credit shall  
2 also provide that when the court's sentencing order recommends  
3 a prisoner for substance abuse treatment and the crime was  
4 committed on or after September 1, 2003 (the effective date of  
5 Public Act 93-354), the prisoner shall receive no sentence  
6 credit awarded under clause (3) of this subsection (a) unless  
7 he or she participates in and completes a substance abuse  
8 treatment program. The Director of Corrections may waive the  
9 requirement to participate in or complete a substance abuse  
10 treatment program in specific instances if the prisoner is not  
11 a good candidate for a substance abuse treatment program for  
12 medical, programming, or operational reasons. Availability of  
13 substance abuse treatment shall be subject to the limits of  
14 fiscal resources appropriated by the General Assembly for  
15 these purposes. If treatment is not available and the  
16 requirement to participate and complete the treatment has not  
17 been waived by the Director, the prisoner shall be placed on a  
18 waiting list under criteria established by the Department. The  
19 Director may allow a prisoner placed on a waiting list to  
20 participate in and complete a substance abuse education class  
21 or attend substance abuse self-help meetings in lieu of a  
22 substance abuse treatment program. A prisoner on a waiting  
23 list who is not placed in a substance abuse program prior to  
24 release may be eligible for a waiver and receive sentence  
25 credit under clause (3) of this subsection (a) at the  
26 discretion of the Director.

1           (4.6) The rules and regulations on sentence credit shall  
2 also provide that a prisoner who has been convicted of a sex  
3 offense as defined in Section 2 of the Sex Offender  
4 Registration Act shall receive no sentence credit unless he or  
5 she either has successfully completed or is participating in  
6 sex offender treatment as defined by the Sex Offender  
7 Management Board. However, prisoners who are waiting to  
8 receive treatment, but who are unable to do so due solely to  
9 the lack of resources on the part of the Department, may, at  
10 either Director's sole discretion, be awarded sentence credit  
11 at a rate as the Director shall determine.

12           (4.7) On or after January 1, 2018 (the effective date of  
13 Public Act 100-3), sentence credit under paragraph (3), (4),  
14 or (4.1) of this subsection (a) may be awarded to a prisoner  
15 who is serving a sentence for an offense described in  
16 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
17 on or after January 1, 2018 (the effective date of Public Act  
18 100-3); provided, the award of the credits under this  
19 paragraph (4.7) shall not reduce the sentence of the prisoner  
20 to less than the following amounts:

21           (i) 85% of his or her sentence if the prisoner is  
22 required to serve 85% of his or her sentence; or

23           (ii) 60% of his or her sentence if the prisoner is  
24 required to serve 75% of his or her sentence, except if the  
25 prisoner is serving a sentence for gunrunning his or her  
26 sentence shall not be reduced to less than 75%.

1 (iii) 100% of his or her sentence if the prisoner is  
2 required to serve 100% of his or her sentence.

3 (4.8) On or after the effective date of this amendatory  
4 Act of the 103rd General Assembly, sentence credit under  
5 paragraph (3), (4), (4.1), (4.2), or (4.7) of this subsection  
6 (a) may not be awarded to a prisoner who is serving a sentence  
7 for bringing contraband into a penal institution as described  
8 in subsection (a) of Section 31A-1.1 of the Criminal Code of  
9 2012.

10 (5) Whenever the Department is to release any inmate  
11 earlier than it otherwise would because of a grant of earned  
12 sentence credit under paragraph (3) of subsection (a) of this  
13 Section given at any time during the term, the Department  
14 shall give reasonable notice of the impending release not less  
15 than 14 days prior to the date of the release to the State's  
16 Attorney of the county where the prosecution of the inmate  
17 took place, and if applicable, the State's Attorney of the  
18 county into which the inmate will be released. The Department  
19 must also make identification information and a recent photo  
20 of the inmate being released accessible on the Internet by  
21 means of a hyperlink labeled "Community Notification of Inmate  
22 Early Release" on the Department's World Wide Web homepage.  
23 The identification information shall include the inmate's:  
24 name, any known alias, date of birth, physical  
25 characteristics, commitment offense, and county where  
26 conviction was imposed. The identification information shall



1 be placed on the website within 3 days of the inmate's release  
2 and the information may not be removed until either:  
3 completion of the first year of mandatory supervised release  
4 or return of the inmate to custody of the Department.

5 (b) Whenever a person is or has been committed under  
6 several convictions, with separate sentences, the sentences  
7 shall be construed under Section 5-8-4 in granting and  
8 forfeiting of sentence credit.

9 (c) (1) The Department shall prescribe rules and  
10 regulations for revoking sentence credit, including revoking  
11 sentence credit awarded under paragraph (3) of subsection (a)  
12 of this Section. The Department shall prescribe rules and  
13 regulations establishing and requiring the use of a sanctions  
14 matrix for revoking sentence credit. The Department shall  
15 prescribe rules and regulations for suspending or reducing the  
16 rate of accumulation of sentence credit for specific rule  
17 violations, during imprisonment. These rules and regulations  
18 shall provide that no inmate may be penalized more than one  
19 year of sentence credit for any one infraction.

20 (2) When the Department seeks to revoke, suspend, or  
21 reduce the rate of accumulation of any sentence credits for an  
22 alleged infraction of its rules, it shall bring charges  
23 therefor against the prisoner sought to be so deprived of  
24 sentence credits before the Prisoner Review Board as provided  
25 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
26 amount of credit at issue exceeds 30 days, whether from one

1     infraction or cumulatively from multiple infractions arising  
2     out of a single event, or when, during any 12-month period, the  
3     cumulative amount of credit revoked exceeds 30 days except  
4     where the infraction is committed or discovered within 60 days  
5     of scheduled release. In those cases, the Department of  
6     Corrections may revoke up to 30 days of sentence credit. The  
7     Board may subsequently approve the revocation of additional  
8     sentence credit, if the Department seeks to revoke sentence  
9     credit in excess of 30 days. However, the Board shall not be  
10    empowered to review the Department's decision with respect to  
11    the loss of 30 days of sentence credit within any calendar year  
12    for any prisoner or to increase any penalty beyond the length  
13    requested by the Department.

14         (3) The Director of Corrections or the Director of  
15     Juvenile Justice, in appropriate cases, may restore sentence  
16     credits which have been revoked, suspended, or reduced. The  
17     Department shall prescribe rules and regulations governing the  
18     restoration of sentence credits. These rules and regulations  
19     shall provide for the automatic restoration of sentence  
20     credits following a period in which the prisoner maintains a  
21     record without a disciplinary violation.

22         Nothing contained in this Section shall prohibit the  
23     Prisoner Review Board from ordering, pursuant to Section  
24     3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the  
25     sentence imposed by the court that was not served due to the  
26     accumulation of sentence credit.

1 (d) If a lawsuit is filed by a prisoner in an Illinois or  
2 federal court against the State, the Department of  
3 Corrections, or the Prisoner Review Board, or against any of  
4 their officers or employees, and the court makes a specific  
5 finding that a pleading, motion, or other paper filed by the  
6 prisoner is frivolous, the Department of Corrections shall  
7 conduct a hearing to revoke up to 180 days of sentence credit  
8 by bringing charges against the prisoner sought to be deprived  
9 of the sentence credits before the Prisoner Review Board as  
10 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.  
11 If the prisoner has not accumulated 180 days of sentence  
12 credit at the time of the finding, then the Prisoner Review  
13 Board may revoke all sentence credit accumulated by the  
14 prisoner.

15 For purposes of this subsection (d):

16 (1) "Frivolous" means that a pleading, motion, or  
17 other filing which purports to be a legal document filed  
18 by a prisoner in his or her lawsuit meets any or all of the  
19 following criteria:

20 (A) it lacks an arguable basis either in law or in  
21 fact;

22 (B) it is being presented for any improper  
23 purpose, such as to harass or to cause unnecessary  
24 delay or needless increase in the cost of litigation;

25 (C) the claims, defenses, and other legal  
26 contentions therein are not warranted by existing law

1 or by a nonfrivolous argument for the extension,  
2 modification, or reversal of existing law or the  
3 establishment of new law;

4 (D) the allegations and other factual contentions  
5 do not have evidentiary support or, if specifically so  
6 identified, are not likely to have evidentiary support  
7 after a reasonable opportunity for further  
8 investigation or discovery; or

9 (E) the denials of factual contentions are not  
10 warranted on the evidence, or if specifically so  
11 identified, are not reasonably based on a lack of  
12 information or belief.

13 (2) "Lawsuit" means a motion pursuant to Section 116-3  
14 of the Code of Criminal Procedure of 1963, a habeas corpus  
15 action under Article X of the Code of Civil Procedure or  
16 under federal law (28 U.S.C. 2254), a petition for claim  
17 under the Court of Claims Act, an action under the federal  
18 Civil Rights Act (42 U.S.C. 1983), or a second or  
19 subsequent petition for post-conviction relief under  
20 Article 122 of the Code of Criminal Procedure of 1963  
21 whether filed with or without leave of court or a second or  
22 subsequent petition for relief from judgment under Section  
23 2-1401 of the Code of Civil Procedure.

24 (e) Nothing in Public Act 90-592 or 90-593 affects the  
25 validity of Public Act 89-404.

26 (f) Whenever the Department is to release any inmate who

1 has been convicted of a violation of an order of protection  
2 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012, earlier than it otherwise would  
4 because of a grant of sentence credit, the Department, as a  
5 condition of release, shall require that the person, upon  
6 release, be placed under electronic surveillance as provided  
7 in Section 5-8A-7 of this Code.

8 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;  
9 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.  
10 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

11 (730 ILCS 5/5-4.5-110)

12 (Section scheduled to be repealed on January 1, 2024)

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

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

16 "Firearm" has the meaning ascribed to it in Section  
17 1.1 of the Firearm Owners Identification Card Act.

18 "Qualifying predicate offense" means the following  
19 offenses under the Criminal Code of 2012:

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

23 (B) unlawful use or possession of a weapon by a  
24 felon under Section 24-1.1 or similar offense under  
25 the Criminal Code of 1961, when the weapon is a

1 firearm;

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

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

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

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

12 (G) aggravated criminal sexual assault under  
13 Section 11-1.30 or similar offense under the Criminal  
14 Code of 1961;

15 (H) predatory criminal sexual assault of a child  
16 under Section 11-1.40 or similar offense under the  
17 Criminal Code of 1961;

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

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

22 (K) aggravated vehicular hijacking under Section  
23 18-4 or similar offense under the Criminal Code of  
24 1961;

25 (L) home invasion with a firearm under paragraph  
26 (3), (4), or (5) of subsection (a) of Section 19-6 or

1 similar offense under the Criminal Code of 1961;

2 (M) aggravated discharge of a firearm under  
3 Section 24-1.2 or similar offense under the Criminal  
4 Code of 1961;

5 (N) aggravated discharge of a machine gun or a  
6 firearm equipped with a device designed or used for  
7 silencing the report of a firearm under Section  
8 24-1.2-5 or similar offense under the Criminal Code of  
9 1961;

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

13 (P) manufacture, sale, or transfer of bullets or  
14 shells represented to be armor piercing bullets,  
15 dragon's breath shotgun shells, bolo shells, or  
16 flechette shells under Section 24-2.2 or similar  
17 offense under the Criminal Code of 1961;

18 (Q) unlawful sale or delivery of firearms under  
19 Section 24-3 or similar offense under the Criminal  
20 Code of 1961;

21 (R) unlawful discharge of firearm projectiles  
22 under Section 24-3.2 or similar offense under the  
23 Criminal Code of 1961;

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

1 (T) unlawful purchase of a firearm under Section  
2 24-3.5 or similar offense under the Criminal Code of  
3 1961;

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

7 (V) possession of a stolen firearm under Section  
8 24-3.8 or similar offense under the Criminal Code of  
9 1961;

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

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

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

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

20 (b) APPLICABILITY. For an offense committed on or after  
21 January 1, 2018 (the effective date of Public Act 100-3) and  
22 before January 1, 2024, when a person is convicted of unlawful  
23 use or possession of a weapon by a felon, when the weapon is a  
24 firearm, or aggravated unlawful use of a weapon, when the  
25 weapon is a firearm, after being previously convicted of a  
26 qualifying predicate offense the person shall be subject to



1 the sentencing guidelines under this Section.

2 (c) SENTENCING GUIDELINES.

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

12 (2) When a person is convicted of aggravated unlawful  
13 use of a weapon, when the weapon is a firearm, and that  
14 person has been previously convicted of a qualifying  
15 predicate offense, the person shall be sentenced to a term  
16 of imprisonment within the sentencing range of not less  
17 than 6 years and not more than 7 years, unless the court  
18 finds that a departure from the sentencing guidelines  
19 under this paragraph is warranted under subsection (d) of  
20 this Section.

21 (3) The sentencing guidelines in paragraphs (1) and  
22 (2) of this subsection (c) apply only to offenses  
23 committed on and after January 1, 2018 (the effective date  
24 of Public Act 100-3) and before January 1, 2024.

25 (d) DEPARTURE FROM SENTENCING GUIDELINES.

26 (1) At the sentencing hearing conducted under Section

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

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

15                         (A) the age, immaturity, or limited mental  
16                         capacity of the defendant at the time of commission of  
17                         the qualifying predicate or current offense, including  
18                         whether the defendant was suffering from a mental or  
19                         physical condition insufficient to constitute a  
20                         defense but significantly reduced the defendant's  
21                         culpability;

22                         (B) the nature and circumstances of the qualifying  
23                         predicate offense;

24                         (C) the time elapsed since the qualifying  
25                         predicate offense;

26                         (D) the nature and circumstances of the current

1 offense;

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

3 (F) whether the defendant committed the qualifying  
4 predicate or current offense under specific and  
5 credible duress, coercion, threat, or compulsion;

6 (G) whether the defendant aided in the  
7 apprehension of another felon or testified truthfully  
8 on behalf of another prosecution of a felony; and

9 (H) whether departure is in the interest of the  
10 person's rehabilitation, including employment or  
11 educational or vocational training, after taking into  
12 account any past rehabilitation efforts or  
13 dispositions of probation or supervision, and the  
14 defendant's cooperation or response to rehabilitation.

15 (3) When departing from the sentencing guidelines  
16 under this Section, the court shall specify on the record,  
17 the particular evidence, information, factor or factors,  
18 or other reasons which led to the departure from the  
19 sentencing guidelines. When departing from the sentencing  
20 range in accordance with this subsection (d), the court  
21 shall indicate on the sentencing order which departure  
22 factor or factors outlined in paragraph (2) of this  
23 subsection (d) led to the sentence imposed. The sentencing  
24 order shall be filed with the clerk of the court and shall  
25 be a public record.

26 (e) This Section is repealed on January 1, 2024.

1 (Source: P.A. 102-1109, eff. 12-21-22.)

2 (730 ILCS 5/5-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

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

14 (A) First degree murder where the death penalty is not  
15 imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

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

23 (D-5) A violation of subdivision (c)(1) of Section 401  
24 of the Illinois Controlled Substances Act which relates to  
25 3 or more grams of a substance containing heroin or an

1 analog thereof.

2 (E) (Blank).

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

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

24 (F-5) A violation of Section 18-4, 24-1, 24-1.1,  
25 24-1.2, ~~or~~ 24-1.6, 24-1.6, 24-1.7, 24-1.8, or 24-3.7 or  
26 paragraph (d) of subsection (A) of Section 24-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 for  
2 which imprisonment is prescribed in those Sections.

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

5 (H) Criminal sexual assault.

6 (I) Aggravated battery of a senior citizen as  
7 described in Section 12-4.6 or subdivision (a)(4) of  
8 Section 12-3.05 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012.

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

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

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

22 (K) Vehicular hijacking.

23 (L) A second or subsequent conviction for the offense  
24 of hate crime when the underlying offense upon which the  
25 hate crime is based is felony aggravated assault or felony  
26 mob action.

1 (M) A second or subsequent conviction for the offense  
2 of institutional vandalism if the damage to the property  
3 exceeds \$300.

4 (N) A Class 3 felony violation of paragraph (1) of  
5 subsection (a) of Section 2 of the Firearm Owners  
6 Identification Card Act.

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

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

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

16 (Q) A violation of subsection (b) or (b-5) of Section  
17 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012.

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

21 (S) (Blank).

22 (T) (Blank).

23 (U) A second or subsequent violation of Section 6-303  
24 of the Illinois Vehicle Code committed while his or her  
25 driver's license, permit, or privilege was revoked because  
26 of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar provision of a law of  
3 another state.

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

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

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

23 (Y) A conviction for unlawful possession of a firearm  
24 by a street gang member when the firearm was loaded or  
25 contained firearm ammunition.

26 (Z) A Class 1 felony committed while he or she was



1 serving a term of probation or conditional discharge for a  
2 felony.

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

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

7 (CC) Knowingly selling, offering for sale, holding for  
8 sale, or using 2,000 or more counterfeit items or  
9 counterfeit items having a retail value in the aggregate  
10 of \$500,000 or more.

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

16 (EE) A conviction for a violation of paragraph (2) of  
17 subsection (a) of Section 24-3B of the Criminal Code of  
18 2012.

19 (3) (Blank).

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

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
26 this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court, shall  
5 be imposed for a second violation of subsection (c) of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
8 (4.9) of this subsection (c), a minimum term of imprisonment  
9 of 30 days or 300 hours of community service, as determined by  
10 the court, shall be imposed for a third or subsequent  
11 violation of Section 6-303 of the Illinois Vehicle Code. The  
12 court may give credit toward the fulfillment of community  
13 service hours for participation in activities and treatment as  
14 determined by court services.

15 (4.5) A minimum term of imprisonment of 30 days shall be  
16 imposed for a third violation of subsection (c) of Section  
17 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

22 (4.7) A minimum term of imprisonment of not less than 30  
23 consecutive days, or 300 hours of community service, shall be  
24 imposed for a violation of subsection (a-5) of Section 6-303  
25 of the Illinois Vehicle Code, as provided in subsection (b-5)  
26 of that Section.

1           (4.8) A mandatory prison sentence shall be imposed for a  
2 second violation of subsection (a-5) of Section 6-303 of the  
3 Illinois Vehicle Code, as provided in subsection (c-5) of that  
4 Section. The person's driving privileges shall be revoked for  
5 a period of not less than 5 years from the date of his or her  
6 release from prison.

7           (4.9) A mandatory prison sentence of not less than 4 and  
8 not more than 15 years shall be imposed for a third violation  
9 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
10 Code, as provided in subsection (d-2.5) of that Section. The  
11 person's driving privileges shall be revoked for the remainder  
12 of his or her life.

13           (4.10) A mandatory prison sentence for a Class 1 felony  
14 shall be imposed, and the person shall be eligible for an  
15 extended term sentence, for a fourth or subsequent violation  
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
17 Code, as provided in subsection (d-3.5) of that Section. The  
18 person's driving privileges shall be revoked for the remainder  
19 of his or her life.

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

22                   (A) a period of conditional discharge;

23                   (B) a fine;

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

26           (5.1) In addition to any other penalties imposed, and

1     except as provided in paragraph (5.2) or (5.3), a person  
2     convicted of violating subsection (c) of Section 11-907 of the  
3     Illinois Vehicle Code shall have his or her driver's license,  
4     permit, or privileges suspended for at least 90 days but not  
5     more than one year, if the violation resulted in damage to the  
6     property of another person.

7           (5.2) In addition to any other penalties imposed, and  
8     except as provided in paragraph (5.3), a person convicted of  
9     violating subsection (c) of Section 11-907 of the Illinois  
10    Vehicle Code shall have his or her driver's license, permit,  
11    or privileges suspended for at least 180 days but not more than  
12    2 years, if the violation resulted in injury to another  
13    person.

14           (5.3) In addition to any other penalties imposed, a person  
15    convicted of violating subsection (c) of Section 11-907 of the  
16    Illinois Vehicle Code shall have his or her driver's license,  
17    permit, or privileges suspended for 2 years, if the violation  
18    resulted in the death of another person.

19           (5.4) In addition to any other penalties imposed, a person  
20    convicted of violating Section 3-707 of the Illinois Vehicle  
21    Code shall have his or her driver's license, permit, or  
22    privileges suspended for 3 months and until he or she has paid  
23    a reinstatement fee of \$100.

24           (5.5) In addition to any other penalties imposed, a person  
25    convicted of violating Section 3-707 of the Illinois Vehicle  
26    Code during a period in which his or her driver's license,

1 permit, or privileges were suspended for a previous violation  
2 of that Section shall have his or her driver's license,  
3 permit, or privileges suspended for an additional 6 months  
4 after the expiration of the original 3-month suspension and  
5 until he or she has paid a reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

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

12 (10) (Blank).

13 (11) The court shall impose a minimum fine of \$1,000 for a  
14 first offense and \$2,000 for a second or subsequent offense  
15 upon a person convicted of or placed on supervision for  
16 battery when the individual harmed was a sports official or  
17 coach at any level of competition and the act causing harm to  
18 the sports official or coach occurred within an athletic  
19 facility or within the immediate vicinity of the athletic  
20 facility at which the sports official or coach was an active  
21 participant of the athletic contest held at the athletic  
22 facility. For the purposes of this paragraph (11), "sports  
23 official" means a person at an athletic contest who enforces  
24 the rules of the contest, such as an umpire or referee;  
25 "athletic facility" means an indoor or outdoor playing field  
26 or recreational area where sports activities are conducted;

1 and "coach" means a person recognized as a coach by the  
2 sanctioning authority that conducted the sporting event.

3 (12) A person may not receive a disposition of court  
4 supervision for a violation of Section 5-16 of the Boat  
5 Registration and Safety Act if that person has previously  
6 received a disposition of court supervision for a violation of  
7 that Section.

8 (13) A person convicted of or placed on court supervision  
9 for an assault or aggravated assault when the victim and the  
10 offender are family or household members as defined in Section  
11 103 of the Illinois Domestic Violence Act of 1986 or convicted  
12 of domestic battery or aggravated domestic battery may be  
13 required to attend a Partner Abuse Intervention Program under  
14 protocols set forth by the Illinois Department of Human  
15 Services under such terms and conditions imposed by the court.  
16 The costs of such classes shall be paid by the offender.

17 (d) In any case in which a sentence originally imposed is  
18 vacated, the case shall be remanded to the trial court. The  
19 trial court shall hold a hearing under Section 5-4-1 of this  
20 Code which may include evidence of the defendant's life, moral  
21 character and occupation during the time since the original  
22 sentence was passed. The trial court shall then impose  
23 sentence upon the defendant. The trial court may impose any  
24 sentence which could have been imposed at the original trial  
25 subject to Section 5-5-4 of this Code. If a sentence is vacated  
26 on appeal or on collateral attack due to the failure of the

1 trier of fact at trial to determine beyond a reasonable doubt  
2 the existence of a fact (other than a prior conviction)  
3 necessary to increase the punishment for the offense beyond  
4 the statutory maximum otherwise applicable, either the  
5 defendant may be re-sentenced to a term within the range  
6 otherwise provided or, if the State files notice of its  
7 intention to again seek the extended sentence, the defendant  
8 shall be afforded a new trial.

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

16 (1) the court finds (A) or (B) or both are  
17 appropriate:

18 (A) the defendant is willing to undergo a court  
19 approved counseling program for a minimum duration of  
20 2 years; or

21 (B) the defendant is willing to participate in a  
22 court approved plan, including, but not limited to,  
23 the defendant's:

24 (i) removal from the household;

25 (ii) restricted contact with the victim;

26 (iii) continued financial support of the

1 family;

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

3 and

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

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

13 Probation may be revoked or modified pursuant to Section  
14 5-6-4; except where the court determines at the hearing that  
15 the defendant violated a condition of his or her probation  
16 restricting contact with the victim or other family members or  
17 commits another offense with the victim or other family  
18 members, the court shall revoke the defendant's probation and  
19 impose a term of imprisonment.

20 For the purposes of this Section, "family member" and  
21 "victim" shall have the meanings ascribed to them in Section  
22 11-0.1 of the Criminal Code of 2012.

23 (f) (Blank).

24 (g) Whenever a defendant is convicted of an offense under  
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
26 11-14.3, 11-14.4 except for an offense that involves keeping a



1 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
2 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
3 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, the defendant shall undergo medical  
5 testing to determine whether the defendant has any sexually  
6 transmissible disease, including a test for infection with  
7 human immunodeficiency virus (HIV) or any other identified  
8 causative agent of acquired immunodeficiency syndrome (AIDS).  
9 Any such medical test shall be performed only by appropriately  
10 licensed medical practitioners and may include an analysis of  
11 any bodily fluids as well as an examination of the defendant's  
12 person. Except as otherwise provided by law, the results of  
13 such test shall be kept strictly confidential by all medical  
14 personnel involved in the testing and must be personally  
15 delivered in a sealed envelope to the judge of the court in  
16 which the conviction was entered for the judge's inspection in  
17 camera. Acting in accordance with the best interests of the  
18 victim and the public, the judge shall have the discretion to  
19 determine to whom, if anyone, the results of the testing may be  
20 revealed. The court shall notify the defendant of the test  
21 results. The court shall also notify the victim if requested  
22 by the victim, and if the victim is under the age of 15 and if  
23 requested by the victim's parents or legal guardian, the court  
24 shall notify the victim's parents or legal guardian of the  
25 test results. The court shall provide information on the  
26 availability of HIV testing and counseling at Department of

1 Public Health facilities to all parties to whom the results of  
2 the testing are revealed and shall direct the State's Attorney  
3 to provide the information to the victim when possible. The  
4 court shall order that the cost of any such test shall be paid  
5 by the county and may be taxed as costs against the convicted  
6 defendant.

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

18 (h) Whenever a defendant is convicted of an offense under  
19 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
20 defendant shall undergo medical testing to determine whether  
21 the defendant has been exposed to human immunodeficiency virus  
22 (HIV) or any other identified causative agent of acquired  
23 immunodeficiency syndrome (AIDS). Except as otherwise provided  
24 by law, the results of such test shall be kept strictly  
25 confidential by all medical personnel involved in the testing  
26 and must be personally delivered in a sealed envelope to the

1 judge of the court in which the conviction was entered for the  
2 judge's inspection in camera. Acting in accordance with the  
3 best interests of the public, the judge shall have the  
4 discretion to determine to whom, if anyone, the results of the  
5 testing may be revealed. The court shall notify the defendant  
6 of a positive test showing an infection with the human  
7 immunodeficiency virus (HIV). The court shall provide  
8 information on the availability of HIV testing and counseling  
9 at Department of Public Health facilities to all parties to  
10 whom the results of the testing are revealed and shall direct  
11 the State's Attorney to provide the information to the victim  
12 when possible. The court shall order that the cost of any such  
13 test shall be paid by the county and may be taxed as costs  
14 against the convicted defendant.

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

22 (j) In cases when prosecution for any violation of Section  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
24 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
26 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012, any violation of the Illinois Controlled  
3 Substances Act, any violation of the Cannabis Control Act, or  
4 any violation of the Methamphetamine Control and Community  
5 Protection Act results in conviction, a disposition of court  
6 supervision, or an order of probation granted under Section 10  
7 of the Cannabis Control Act, Section 410 of the Illinois  
8 Controlled Substances Act, or Section 70 of the  
9 Methamphetamine Control and Community Protection Act of a  
10 defendant, the court shall determine whether the defendant is  
11 employed by a facility or center as defined under the Child  
12 Care Act of 1969, a public or private elementary or secondary  
13 school, or otherwise works with children under 18 years of age  
14 on a daily basis. When a defendant is so employed, the court  
15 shall order the Clerk of the Court to send a copy of the  
16 judgment of conviction or order of supervision or probation to  
17 the defendant's employer by certified mail. If the employer of  
18 the defendant is a school, the Clerk of the Court shall direct  
19 the mailing of a copy of the judgment of conviction or order of  
20 supervision or probation to the appropriate regional  
21 superintendent of schools. The regional superintendent of  
22 schools shall notify the State Board of Education of any  
23 notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted  
25 of a felony and who has not been previously convicted of a  
26 misdemeanor or felony and who is sentenced to a term of

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

1 does not apply to a defendant who is determined by the court to  
2 be a person with a developmental disability or otherwise  
3 mentally incapable of completing the educational or vocational  
4 program.

5 (k) (Blank).

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

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

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

20 Otherwise, the defendant shall be sentenced as provided in  
21 this Chapter V.

22 (B) If the defendant has already been sentenced for a  
23 felony or misdemeanor offense, or has been placed on probation  
24 under Section 10 of the Cannabis Control Act, Section 410 of  
25 the Illinois Controlled Substances Act, or Section 70 of the  
26 Methamphetamine Control and Community Protection Act, the

1 court may, upon motion of the State's Attorney to suspend the  
2 sentence imposed, commit the defendant to the custody of the  
3 Attorney General of the United States or his or her designated  
4 agent when:

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

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

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

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

24 (m) A person convicted of criminal defacement of property  
25 under Section 21-1.3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, in which the property damage exceeds

1 \$300 and the property damaged is a school building, shall be  
2 ordered to perform community service that may include cleanup,  
3 removal, or painting over the defacement.

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

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

18 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
19 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
20 5-27-22.)

21 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

22 (Text of Section before amendment by P.A. 102-982)

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

25 (a) Concurrent terms; multiple or additional sentences.



1 When an Illinois court (i) imposes multiple sentences of  
2 imprisonment on a defendant at the same time or (ii) imposes a  
3 sentence of imprisonment on a defendant who is already subject  
4 to a sentence of imprisonment imposed by an Illinois court, a  
5 court of another state, or a federal court, then the sentences  
6 shall run concurrently unless otherwise determined by the  
7 Illinois court under this Section.

8 (b) Concurrent terms; misdemeanor and felony. A defendant  
9 serving a sentence for a misdemeanor who is convicted of a  
10 felony and sentenced to imprisonment shall be transferred to  
11 the Department of Corrections, and the misdemeanor sentence  
12 shall be merged in and run concurrently with the felony  
13 sentence.

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

16 (1) If, having regard to the nature and circumstances  
17 of the offense and the history and character of the  
18 defendant, it is the opinion of the court that consecutive  
19 sentences are required to protect the public from further  
20 criminal conduct by the defendant, the basis for which the  
21 court shall set forth in the record.

22 (2) If one of the offenses for which a defendant was  
23 convicted was a violation of Section 32-5.2 (aggravated  
24 false personation of a peace officer) of the Criminal Code  
25 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
26 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
2 offense was committed in attempting or committing a  
3 forcible felony.

4 (3) If a person charged with a felony commits a  
5 separate felony while on pretrial release or in pretrial  
6 detention in a county jail facility or county detention  
7 facility, then the sentences imposed upon conviction of  
8 these felonies may be served consecutively regardless of  
9 the order in which the judgments of conviction are  
10 entered.

11 (4) If a person commits a battery against a county  
12 correctional officer or sheriff's employee while serving a  
13 sentence or in pretrial detention in a county jail  
14 facility, then the sentence imposed upon conviction of the  
15 battery may be served consecutively with the sentence  
16 imposed upon conviction of the earlier misdemeanor or  
17 felony, regardless of the order in which the judgments of  
18 conviction are entered.

19 (5) If a person admitted to pretrial release following  
20 conviction of a felony commits a separate felony while  
21 released pretrial or if a person detained in a county jail  
22 facility or county detention facility following conviction  
23 of a felony commits a separate felony while in detention,  
24 then any sentence following conviction of the separate  
25 felony may be consecutive to that of the original sentence  
26 for which the defendant was released pretrial or detained.

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

12           (7) If a person is sentenced for a violation of a  
13 condition of pretrial release under Section 32-10 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012, any  
15 sentence imposed for that violation may be served  
16 consecutive to the sentence imposed for the charge for  
17 which pretrial release had been granted and with respect  
18 to which the defendant has been convicted.

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

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

24           (2) The defendant was convicted of a violation of  
25 Section 11-1.20 or 12-13 (criminal sexual assault),  
26 11-1.30 or 12-14 (aggravated criminal sexual assault), or

1 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
2 child) of the Criminal Code of 1961 or the Criminal Code of  
3 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
4 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
5 5/12-14.1).

6 (2.5) The defendant was convicted of a violation of  
7 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
8 (a) of Section 11-20.1 (child pornography) or of paragraph  
9 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
10 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
11 of the Criminal Code of 1961 or the Criminal Code of 2012;  
12 or the defendant was convicted of a violation of paragraph  
13 (6) of subsection (a) of Section 11-20.1 (child  
14 pornography) or of paragraph (6) of subsection (a) of  
15 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 when the child depicted is under the age of 13.

18 (3) The defendant was convicted of armed violence  
19 based upon the predicate offense of any of the following:  
20 solicitation of murder, solicitation of murder for hire,  
21 heinous battery as described in Section 12-4.1 or  
22 subdivision (a)(2) of Section 12-3.05, aggravated battery  
23 of a senior citizen as described in Section 12-4.6 or  
24 subdivision (a)(4) of Section 12-3.05, criminal sexual  
25 assault, a violation of subsection (g) of Section 5 of the  
26 Cannabis Control Act (720 ILCS 550/5), cannabis

1 trafficking, a violation of subsection (a) of Section 401  
2 of the Illinois Controlled Substances Act (720 ILCS  
3 570/401), controlled substance trafficking involving a  
4 Class X felony amount of controlled substance under  
5 Section 401 of the Illinois Controlled Substances Act (720  
6 ILCS 570/401), a violation of the Methamphetamine Control  
7 and Community Protection Act (720 ILCS 646/), calculated  
8 criminal drug conspiracy, or streetgang criminal drug  
9 conspiracy.

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

22 (5) The defendant was convicted of a violation of  
23 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
24 death) or Section 12-20.5 (dismembering a human body) of  
25 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
26 ILCS 5/9-3.1 or 5/12-20.5).

1           (5.5) The defendant was convicted of a violation of  
2           Section 24-3.7 (use of a stolen firearm in the commission  
3           of an offense) of the Criminal Code of 1961 or the Criminal  
4           Code of 2012.

5           (6) If the defendant was in the custody of the  
6           Department of Corrections at the time of the commission of  
7           the offense, the sentence shall be served consecutive to  
8           the sentence under which the defendant is held by the  
9           Department of Corrections.

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

14          (8) (Blank).

15          (8.5) (Blank).

16          (9) (Blank).

17          (10) (Blank).

18          (11) (Blank).

19          (e) Consecutive terms; subsequent non-Illinois term. If an  
20          Illinois court has imposed a sentence of imprisonment on a  
21          defendant and the defendant is subsequently sentenced to a  
22          term of imprisonment by a court of another state or a federal  
23          court, then the Illinois sentence shall run consecutively to  
24          the sentence imposed by the court of the other state or the  
25          federal court. That same Illinois court, however, may order  
26          that the Illinois sentence run concurrently with the sentence

1 imposed by the court of the other state or the federal court,  
2 but only if the defendant applies to that same Illinois court  
3 within 30 days after the sentence imposed by the court of the  
4 other state or the federal court is finalized.

5 (f) Consecutive terms; aggregate maximums and minimums.  
6 The aggregate maximum and aggregate minimum of consecutive  
7 sentences shall be determined as follows:

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

20 (2) For sentences imposed under the law in effect on  
21 or after February 1, 1978, the aggregate of consecutive  
22 sentences for offenses that were committed as part of a  
23 single course of conduct during which there was no  
24 substantial change in the nature of the criminal objective  
25 shall not exceed the sum of the maximum terms authorized  
26 under Article 4.5 of Chapter V for the 2 most serious

1 felonies involved, but no such limitation shall apply for  
2 offenses that were not committed as part of a single  
3 course of conduct during which there was no substantial  
4 change in the nature of the criminal objective. When  
5 sentenced only for misdemeanors, a defendant shall not be  
6 consecutively sentenced to more than the maximum for one  
7 Class A misdemeanor.

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

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

20 (2) The parole or mandatory supervised release term  
21 shall be as provided in paragraph (e) of Section 5-4.5-50  
22 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
23 involved.

24 (3) The minimum period of imprisonment shall be the  
25 aggregate of the minimum and determinate periods of  
26 imprisonment imposed by the court, subject to subsection



1 (f) of this Section.

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

8 (h) Notwithstanding any other provisions of this Section,  
9 all sentences imposed by an Illinois court under this Code  
10 shall run concurrent to any and all sentences imposed under  
11 the Juvenile Court Act of 1987.

12 (Source: P.A. 102-350, eff. 8-13-21; 102-1104, eff. 12-6-22.)

13 (Text of Section after amendment by P.A. 102-982)

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

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

24 (b) Concurrent terms; misdemeanor and felony. A defendant  
25 serving a sentence for a misdemeanor who is convicted of a

1 felony and sentenced to imprisonment shall be transferred to  
2 the Department of Corrections, and the misdemeanor sentence  
3 shall be merged in and run concurrently with the felony  
4 sentence.

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

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

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

21 (3) If a person charged with a felony commits a  
22 separate felony while on pretrial release or in pretrial  
23 detention in a county jail facility or county detention  
24 facility, then the sentences imposed upon conviction of  
25 these felonies may be served consecutively regardless of  
26 the order in which the judgments of conviction are

1 entered.

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

10 (5) If a person admitted to pretrial release following  
11 conviction of a felony commits a separate felony while  
12 released pretrial or if a person detained in a county jail  
13 facility or county detention facility following conviction  
14 of a felony commits a separate felony while in detention,  
15 then any sentence following conviction of the separate  
16 felony may be consecutive to that of the original sentence  
17 for which the defendant was released pretrial or detained.

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

1 the order in which the judgments of conviction are  
2 entered.

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

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 crash involving death  
3 or personal injuries under Section 11-401 of the Illinois  
4 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.

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

5           (8) (Blank).

6           (8.5) (Blank).

7           (9) (Blank).

8           (10) (Blank).

9           (11) (Blank).

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

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

25                 (1) For sentences imposed under law in effect prior to  
26                 February 1, 1978, the aggregate maximum of consecutive

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

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

25 (g) Consecutive terms; manner served. In determining the  
26 manner in which consecutive sentences of imprisonment, one or



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

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

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

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

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

25 (h) Notwithstanding any other provisions of this Section,  
26 all sentences imposed by an Illinois court under this Code

1 shall run concurrent to any and all sentences imposed under  
2 the Juvenile Court Act of 1987.

3 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
4 102-1104, eff. 12-6-22.)

5 Section 995. No acceleration or delay. Where this Act  
6 makes changes in a statute that is represented in this Act by  
7 text that is not yet or no longer in effect (for example, a  
8 Section represented by multiple versions), the use of that  
9 text does not accelerate or delay the taking effect of (i) the  
10 changes made by this Act or (ii) provisions derived from any  
11 other Public Act.

12 Section 999. Effective date. This Section and Sections 95  
13 and 100 take effect upon becoming law.

1 INDEX  
2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 3930/7.11 new

5 50 ILCS 705/10.22

6 105 ILCS 5/10-20.68

7 705 ILCS 405/5-130

8 705 ILCS 405/5-410

9 705 ILCS 405/5-750

10 720 ILCS 5/18-4

11 720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1

12 720 ILCS 5/24-1.2 from Ch. 38, par. 24-1.2

13 720 ILCS 5/24-1.7

14 720 ILCS 5/24-3 from Ch. 38, par. 24-3

15 720 ILCS 5/24-3.7

16 725 ILCS 5/102-7.1

17 725 ILCS 5/110-4.5 new

18 725 ILCS 5/110-19 new

19 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

20 730 ILCS 5/5-4.5-110

21 730 ILCS 5/5-5-3

22 730 ILCS 5/5-8-4 from Ch. 38, par. 1005-8-4