



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3329

Introduced 2/17/2023, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1	from Ch. 38, par. 12-7.1
730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-5-3	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012. Provides for enhanced penalties for hate crime. Provides that hate crime is: (1) a Class 1 felony if committed by a person 18 years of age or older while armed with a firearm or if the victim of the hate crime is under 18 years of age; (2) a Class X felony if a crime of violence as defined in the Crime Victims Compensation Act is committed against a person by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, citizenship, immigration status, or national origin of another individual or group of individuals; or (3) a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 15 years and not more than 60 years if a crime of violence that is a Class X felony is committed against a victim described in (2). Amends the Unified Code of Corrections. Provides that a person who commits any of these offenses is ineligible for a period of probation, a term of periodic imprisonment or conditional discharge. Provides that a prisoner serving sentence for the offenses described in (2) or (3) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides if the underlying offense was first degree murder committed against a person by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, citizenship, immigration status, or national origin of the victim or victims, the court may impose a term of natural life imprisonment upon the offender.

LRB103 27462 RLC 53834 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability,
11 citizenship, immigration status, or national origin of another
12 individual or group of individuals, regardless of the
13 existence of any other motivating factor or factors, he or she
14 commits assault, battery, aggravated assault, intimidation,
15 stalking, cyberstalking, misdemeanor theft, criminal trespass
16 to residence, misdemeanor criminal damage to property,
17 criminal trespass to vehicle, criminal trespass to real
18 property, mob action, disorderly conduct, transmission of
19 obscene messages, harassment by telephone, or harassment
20 through electronic communications as these crimes are defined
21 in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4,
22 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, paragraphs
23 (a) (1), (a) (2), and (a) (3) of Section 12-6, and paragraphs

1 (a) (2) and (a) (5) of Section 26.5-3 of this Code,
2 respectively.

3 (b) Except as provided in subsection (b-5), (b-6), or
4 (b-7), hate crime is a Class 4 felony for a first offense and a
5 Class 2 felony for a second or subsequent offense.

6 (b-5) Hate crime is a Class 3 felony for a first offense
7 and a Class 2 felony for a second or subsequent offense if
8 committed:

9 (1) in, or upon the exterior or grounds of, a church,
10 synagogue, mosque, or other building, structure, or place
11 identified or associated with a particular religion or
12 used for religious worship or other religious purpose;

13 (2) in a cemetery, mortuary, or other facility used
14 for the purpose of burial or memorializing the dead;

15 (3) in a school or other educational facility,
16 including an administrative facility or public or private
17 dormitory facility of or associated with the school or
18 other educational facility;

19 (4) in a public park or an ethnic or religious
20 community center;

21 (5) on the real property comprising any location
22 specified in clauses (1) through (4) of this subsection
23 (b-5); or

24 (6) on a public way within 1,000 feet of the real
25 property comprising any location specified in clauses (1)
26 through (4) of this subsection (b-5).

1 (b-6) Hate crime is:

2 (1) a Class 1 felony if committed by a person 18 years
3 of age or older while armed with a firearm or if the victim
4 of the hate crime is under 18 years of age;

5 (2) a Class X felony if a crime of violence as defined
6 in Section 2 of the Crime Victims Compensation Act is
7 committed against a person by reason of the actual or
8 perceived race, color, creed, religion, ancestry, gender,
9 sexual orientation, physical or mental disability,
10 citizenship, immigration status, or national origin of
11 another individual or group of individuals; or

12 (3) a Class X felony for which the person shall be
13 sentenced to a term of imprisonment of not less than 15
14 years and not more than 60 years if a crime of violence
15 that is a Class X felony is committed against a victim
16 described in paragraph (2).

17 (b-7) The court may sentence a defendant who committed a
18 hate crime to a term of natural life imprisonment if the
19 underlying crime is first degree murder if the murder was
20 committed by reason of the actual or perceived race, color,
21 creed, religion, ancestry, gender, sexual orientation,
22 physical or mental disability, citizenship, immigration
23 status, or national origin of the victim or victims.

24 (b-10) Upon imposition of any sentence, the trial court
25 shall also either order restitution paid to the victim or
26 impose a fine in an amount to be determined by the court based

1 on the severity of the crime and the injury or damages suffered
2 by the victim. In addition, any order of probation or
3 conditional discharge entered following a conviction or an
4 adjudication of delinquency shall include a condition that the
5 offender perform public or community service of no less than
6 200 hours if that service is established in the county where
7 the offender was convicted of hate crime. In addition, any
8 order of probation or conditional discharge entered following
9 a conviction or an adjudication of delinquency shall include a
10 condition that the offender enroll in an educational program
11 discouraging hate crimes involving the protected class
12 identified in subsection (a) that gave rise to the offense the
13 offender committed. The educational program must be attended
14 by the offender in-person and may be administered, as
15 determined by the court, by a university, college, community
16 college, non-profit organization, the Illinois Holocaust and
17 Genocide Commission, or any other organization that provides
18 educational programs discouraging hate crimes, except that
19 programs administered online or that can otherwise be attended
20 remotely are prohibited. The court may also impose any other
21 condition of probation or conditional discharge under this
22 Section. If the court sentences the offender to imprisonment
23 or periodic imprisonment for a violation of this Section, as a
24 condition of the offender's mandatory supervised release, the
25 court shall require that the offender perform public or
26 community service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the
2 protected class identified in subsection (a) that gave rise to
3 the offense the offender committed.

4 (c) Independent of any criminal prosecution or the result
5 of a criminal prosecution, any person suffering injury to his
6 or her person, damage to his or her property, intimidation as
7 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section
8 12-6 of this Code, stalking as defined in Section 12-7.3 of
9 this Code, cyberstalking as defined in Section 12-7.5 of this
10 Code, disorderly conduct as defined in paragraph (a)(1),
11 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,
12 transmission of obscene messages as defined in Section 26.5-1
13 of this Code, harassment by telephone as defined in Section
14 26.5-2 of this Code, or harassment through electronic
15 communications as defined in paragraphs (a)(2) and (a)(5) of
16 Section 26.5-3 of this Code as a result of a hate crime may
17 bring a civil action for damages, injunction or other
18 appropriate relief. The court may award actual damages,
19 including damages for emotional distress, as well as punitive
20 damages. The court may impose a civil penalty up to \$25,000 for
21 each violation of this subsection (c). A judgment in favor of a
22 person who brings a civil action under this subsection (c)
23 shall include attorney's fees and costs. After consulting with
24 the local State's Attorney, the Attorney General may bring a
25 civil action in the name of the People of the State for an
26 injunction or other equitable relief under this subsection

1 (c). In addition, the Attorney General may request and the
2 court may impose a civil penalty up to \$25,000 for each
3 violation under this subsection (c). The parents or legal
4 guardians, other than guardians appointed pursuant to the
5 Juvenile Court Act or the Juvenile Court Act of 1987, of an
6 unemancipated minor shall be liable for the amount of any
7 judgment for all damages rendered against such minor under
8 this subsection (c) in any amount not exceeding the amount
9 provided under Section 5 of the Parental Responsibility Law.

10 (d) "Sexual orientation" has the meaning ascribed to it in
11 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
12 Act.

13 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;
14 102-813, eff. 5-13-22.)

15 Section 10. The Unified Code of Corrections is amended by
16 changing Sections 3-6-3, 5-5-3 and 5-8-1 as follows:

17 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

19 (a) (1) The Department of Corrections shall prescribe rules
20 and regulations for awarding and revoking sentence credit for
21 persons committed to the Department of Corrections and the
22 Department of Juvenile Justice shall prescribe rules and
23 regulations for awarding and revoking sentence credit for
24 persons committed to the Department of Juvenile Justice under

1 Section 5-8-6 of the Unified Code of Corrections, which shall
2 be subject to review by the Prisoner Review Board.

3 (1.5) As otherwise provided by law, sentence credit may be
4 awarded for the following:

5 (A) successful completion of programming while in
6 custody of the Department of Corrections or the Department
7 of Juvenile Justice or while in custody prior to
8 sentencing;

9 (B) compliance with the rules and regulations of the
10 Department; or

11 (C) service to the institution, service to a
12 community, or service to the State.

13 (2) Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations on sentence credit
15 shall provide, with respect to offenses listed in clause (i),
16 (ii), or (iii) of this paragraph (2) committed on or after June
17 19, 1998 or with respect to the offense listed in clause (iv)
18 of this paragraph (2) committed on or after June 23, 2005 (the
19 effective date of Public Act 94-71) or with respect to offense
20 listed in clause (vi) committed on or after June 1, 2008 (the
21 effective date of Public Act 95-625) or with respect to the
22 offense of being an armed habitual criminal committed on or
23 after August 2, 2005 (the effective date of Public Act 94-398)
24 or with respect to the offenses listed in clause (v) of this
25 paragraph (2) committed on or after August 13, 2007 (the
26 effective date of Public Act 95-134) or with respect to the

1 offense of aggravated domestic battery committed on or after
2 July 23, 2010 (the effective date of Public Act 96-1224) or
3 with respect to the offense of attempt to commit terrorism
4 committed on or after January 1, 2013 (the effective date of
5 Public Act 97-990) or with respect to the offenses listed in
6 clause (viii) of this paragraph (2) committed on or after the
7 effective date of this amendatory Act of the 103rd General
8 Assembly, the following:

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

13 (ii) that a prisoner serving a sentence for attempt to
14 commit terrorism, attempt to commit first degree murder,
15 solicitation of murder, solicitation of murder for hire,
16 intentional homicide of an unborn child, predatory
17 criminal sexual assault of a child, aggravated criminal
18 sexual assault, criminal sexual assault, aggravated
19 kidnapping, aggravated battery with a firearm as described
20 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
21 or (e)(4) of Section 12-3.05, heinous battery as described
22 in Section 12-4.1 or subdivision (a)(2) of Section
23 12-3.05, being an armed habitual criminal, aggravated
24 battery of a senior citizen as described in Section 12-4.6
25 or subdivision (a)(4) of Section 12-3.05, or aggravated
26 battery of a child as described in Section 12-4.3 or

1 subdivision (b)(1) of Section 12-3.05 shall receive no
2 more than 4.5 days of sentence credit for each month of his
3 or her sentence of imprisonment;

4 (iii) that a prisoner serving a sentence for home
5 invasion, armed robbery, aggravated vehicular hijacking,
6 aggravated discharge of a firearm, or armed violence with
7 a category I weapon or category II weapon, when the court
8 has made and entered a finding, pursuant to subsection
9 (c-1) of Section 5-4-1 of this Code, that the conduct
10 leading to conviction for the enumerated offense resulted
11 in great bodily harm to a victim, shall receive no more
12 than 4.5 days of sentence credit for each month of his or
13 her sentence of imprisonment;

14 (iv) that a prisoner serving a sentence for aggravated
15 discharge of a firearm, whether or not the conduct leading
16 to conviction for the offense resulted in great bodily
17 harm to the victim, shall receive no more than 4.5 days of
18 sentence credit for each month of his or her sentence of
19 imprisonment;

20 (v) that a person serving a sentence for gunrunning,
21 narcotics racketeering, controlled substance trafficking,
22 methamphetamine trafficking, drug-induced homicide,
23 aggravated methamphetamine-related child endangerment,
24 money laundering pursuant to clause (c) (4) or (5) of
25 Section 29B-1 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, or a Class X felony conviction for delivery

1 of a controlled substance, possession of a controlled
2 substance with intent to manufacture or deliver,
3 calculated criminal drug conspiracy, criminal drug
4 conspiracy, street gang criminal drug conspiracy,
5 participation in methamphetamine manufacturing,
6 aggravated participation in methamphetamine
7 manufacturing, delivery of methamphetamine, possession
8 with intent to deliver methamphetamine, aggravated
9 delivery of methamphetamine, aggravated possession with
10 intent to deliver methamphetamine, methamphetamine
11 conspiracy when the substance containing the controlled
12 substance or methamphetamine is 100 grams or more shall
13 receive no more than 7.5 days sentence credit for each
14 month of his or her sentence of imprisonment;

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

19 (vii) that a prisoner serving a sentence for
20 aggravated domestic battery shall receive no more than 4.5
21 days of sentence credit for each month of his or her
22 sentence of imprisonment; and-

23 (viii) that a prisoner serving a sentence for a hate
24 crime described in paragraph (2) or (3) of subsection
25 (b-6) of Section 12-7.1 of the Criminal Code of 2012 shall
26 receive no more than 4.5 days of sentence credit for each

1 month of his or her sentence of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) committed on or after August 13, 2007
7 (the effective date of Public Act 95-134) or subdivision
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective
9 date of Public Act 95-625) or subdivision (a)(2)(vii)
10 committed on or after July 23, 2010 (the effective date of
11 Public Act 96-1224), and other than the offense of aggravated
12 driving under the influence of alcohol, other drug or drugs,
13 or intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
16 and other than the offense of aggravated driving under the
17 influence of alcohol, other drug or drugs, or intoxicating
18 compound or compounds, or any combination thereof as defined
19 in subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230) and other than the offenses described in subdivision
23 (a)(2)(viii) committed on or after the effective date of this
24 amendatory Act of the 103rd General Assembly, the rules and
25 regulations shall provide that a prisoner who is serving a
26 term of imprisonment shall receive one day of sentence credit

1 for each day of his or her sentence of imprisonment or
2 recommitment under Section 3-3-9. Each day of sentence credit
3 shall reduce by one day the prisoner's period of imprisonment
4 or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no sentence credit.

8 (2.3) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations on sentence credit
10 shall provide that a prisoner who is serving a sentence for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment.

18 (2.4) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations on sentence credit
20 shall provide with respect to the offenses of aggravated
21 battery with a machine gun or a firearm equipped with any
22 device or attachment designed or used for silencing the report
23 of a firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act 91-121),

1 that a prisoner serving a sentence for any of these offenses
2 shall receive no more than 4.5 days of sentence credit for each
3 month of his or her sentence of imprisonment.

4 (2.5) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide that a prisoner who is serving a sentence for
7 aggravated arson committed on or after July 27, 2001 (the
8 effective date of Public Act 92-176) shall receive no more
9 than 4.5 days of sentence credit for each month of his or her
10 sentence of imprisonment.

11 (2.6) 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 (C) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code committed on or after January 1, 2011
19 (the effective date of Public Act 96-1230) shall receive no
20 more than 4.5 days of sentence credit for each month of his or
21 her sentence of imprisonment.

22 (3) In addition to the sentence credits earned under
23 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that the Director of Corrections or the Director of Juvenile
26 Justice may award up to 180 days of earned sentence credit for

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

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

1 Department.

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

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

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

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

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

18 The Director of Corrections or the Director of Juvenile
19 Justice shall determine the form and content of the written
20 determination required in this subsection.

21 (3.5) The Department shall provide annual written reports
22 to the Governor and the General Assembly on the award of earned
23 sentence credit no later than February 1 of each year. The
24 Department must publish both reports on its website within 48
25 hours of transmitting the reports to the Governor and the
26 General Assembly. The reports must include:

1 (A) the number of inmates awarded earned sentence
2 credit;

3 (B) the average amount of earned sentence credit
4 awarded;

5 (C) the holding offenses of inmates awarded earned
6 sentence credit; and

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

8 (4) (A) Except as provided in paragraph (4.7) of this
9 subsection (a), the rules and regulations shall also provide
10 that any prisoner who is engaged full-time in substance abuse
11 programs, correctional industry assignments, educational
12 programs, work-release programs or activities in accordance
13 with Article 13 of Chapter III of this Code, behavior
14 modification programs, life skills courses, or re-entry
15 planning provided by the Department under this paragraph (4)
16 and satisfactorily completes the assigned program as
17 determined by the standards of the Department, shall receive
18 one day of sentence credit for each day in which that prisoner
19 is engaged in the activities described in this paragraph. The
20 rules and regulations shall also provide that sentence credit
21 may be provided to an inmate who was held in pre-trial
22 detention prior to his or her current commitment to the
23 Department of Corrections and successfully completed a
24 full-time, 60-day or longer substance abuse program,
25 educational program, behavior modification program, life
26 skills course, or re-entry planning provided by the county

1 department of corrections or county jail. Calculation of this
2 county program credit shall be done at sentencing as provided
3 in Section 5-4.5-100 of this Code and shall be included in the
4 sentencing order. The rules and regulations shall also provide
5 that sentence credit may be provided to an inmate who is in
6 compliance with programming requirements in an adult
7 transition center.

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

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

23 (ii) the inmate's own testimony in the form of an
24 affidavit or documentation, or a third party's
25 documentation or testimony in the form of an affidavit
26 that the inmate likely engaged in any full-time substance

1 abuse programs, correctional industry assignments,
2 educational programs, behavior modification programs, life
3 skills courses, or re-entry planning provided by the
4 Department under paragraph (4) and satisfactorily
5 completed the assigned program as determined by the
6 standards of the Department during the inmate's current
7 term of incarceration.

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

22 (D) If the inmate has been convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act,
24 sentencing credits under subparagraph (B) of this paragraph
25 (4) shall be awarded by the Department only if the conditions
26 set forth in paragraph (4.6) of subsection (a) are satisfied.

1 No inmate serving a term of natural life imprisonment shall
2 receive sentence credit under subparagraph (B) of this
3 paragraph (4).

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

14 Availability of these programs shall be subject to the
15 limits of fiscal resources appropriated by the General
16 Assembly for these purposes. Eligible inmates who are denied
17 immediate admission shall be placed on a waiting list under
18 criteria established by the Department. The rules and
19 regulations shall provide that a prisoner who has been placed
20 on a waiting list but is transferred for non-disciplinary
21 reasons before beginning a program shall receive priority
22 placement on the waitlist for appropriate programs at the new
23 facility. The inability of any inmate to become engaged in any
24 such programs by reason of insufficient program resources or
25 for any other reason established under the rules and
26 regulations of the Department shall not be deemed a cause of

1 action under which the Department or any employee or agent of
2 the Department shall be liable for damages to the inmate. The
3 rules and regulations shall provide that a prisoner who begins
4 an educational, vocational, substance abuse, work-release
5 programs or activities in accordance with Article 13 of
6 Chapter III of this Code, behavior modification program, life
7 skills course, re-entry planning, or correctional industry
8 programs but is unable to complete the program due to illness,
9 disability, transfer, lockdown, or another reason outside of
10 the prisoner's control shall receive prorated sentence credits
11 for the days in which the prisoner did participate.

12 (4.1) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that an additional 90 days of sentence credit shall be awarded
15 to any prisoner who passes high school equivalency testing
16 while the prisoner is committed to the Department of
17 Corrections. The sentence credit awarded under this paragraph
18 (4.1) shall be in addition to, and shall not affect, the award
19 of sentence credit under any other paragraph of this Section,
20 but shall also be pursuant to the guidelines and restrictions
21 set forth in paragraph (4) of subsection (a) of this Section.
22 The sentence credit provided for in this paragraph shall be
23 available only to those prisoners who have not previously
24 earned a high school diploma or a State of Illinois High School
25 Diploma. If, after an award of the high school equivalency
26 testing sentence credit has been made, the Department

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

1 pre-trial detention prior to the current commitment to the
2 Department of Corrections.

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

23 Except as provided in paragraph (4.7) of this subsection
24 (a), the rules and regulations shall provide that an
25 additional 180 days of sentence credit shall be awarded to any
26 prisoner who obtains a master's or professional degree while

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

18 (4.2) The rules and regulations shall also provide that
19 any prisoner engaged in self-improvement programs, volunteer
20 work, or work assignments that are not otherwise eligible
21 activities under paragraph (4), shall receive up to 0.5 days
22 of sentence credit for each day in which the prisoner is
23 engaged in activities described in this paragraph.

24 (4.5) The rules and regulations on sentence credit shall
25 also provide that when the court's sentencing order recommends
26 a prisoner for substance abuse treatment and the crime was

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

24 (4.6) The rules and regulations on sentence credit shall
25 also provide that a prisoner who has been convicted of a sex
26 offense as defined in Section 2 of the Sex Offender

1 Registration Act shall receive no sentence credit unless he or
2 she either has successfully completed or is participating in
3 sex offender treatment as defined by the Sex Offender
4 Management Board. However, prisoners who are waiting to
5 receive treatment, but who are unable to do so due solely to
6 the lack of resources on the part of the Department, may, at
7 either Director's sole discretion, be awarded sentence credit
8 at a rate as the Director shall determine.

9 (4.7) On or after January 1, 2018 (the effective date of
10 Public Act 100-3), sentence credit under paragraph (3), (4),
11 or (4.1) of this subsection (a) may be awarded to a prisoner
12 who is serving a sentence for an offense described in
13 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
14 on or after January 1, 2018 (the effective date of Public Act
15 100-3); provided, the award of the credits under this
16 paragraph (4.7) shall not reduce the sentence of the prisoner
17 to less than the following amounts:

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

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

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

26 (5) Whenever the Department is to release any inmate

1 earlier than it otherwise would because of a grant of earned
2 sentence credit under paragraph (3) of subsection (a) of this
3 Section given at any time during the term, the Department
4 shall give reasonable notice of the impending release not less
5 than 14 days prior to the date of the release to the State's
6 Attorney of the county where the prosecution of the inmate
7 took place, and if applicable, the State's Attorney of the
8 county into which the inmate will be released. The Department
9 must also make identification information and a recent photo
10 of the inmate being released accessible on the Internet by
11 means of a hyperlink labeled "Community Notification of Inmate
12 Early Release" on the Department's World Wide Web homepage.
13 The identification information shall include the inmate's:
14 name, any known alias, date of birth, physical
15 characteristics, commitment offense, and county where
16 conviction was imposed. The identification information shall
17 be placed on the website within 3 days of the inmate's release
18 and the information may not be removed until either:
19 completion of the first year of mandatory supervised release
20 or return of the inmate to custody of the Department.

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

25 (c) (1) The Department shall prescribe rules and
26 regulations for revoking sentence credit, including revoking

1 sentence credit awarded under paragraph (3) of subsection (a)
2 of this Section. The Department shall prescribe rules and
3 regulations establishing and requiring the use of a sanctions
4 matrix for revoking sentence credit. The Department shall
5 prescribe rules and regulations for suspending or reducing the
6 rate of accumulation of sentence credit for specific rule
7 violations, during imprisonment. These rules and regulations
8 shall provide that no inmate may be penalized more than one
9 year of sentence credit for any one infraction.

10 (2) When the Department seeks to revoke, suspend, or
11 reduce the rate of accumulation of any sentence credits for an
12 alleged infraction of its rules, it shall bring charges
13 therefor against the prisoner sought to be so deprived of
14 sentence credits before the Prisoner Review Board as provided
15 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the
16 amount of credit at issue exceeds 30 days, whether from one
17 infraction or cumulatively from multiple infractions arising
18 out of a single event, or when, during any 12-month period, the
19 cumulative amount of credit revoked exceeds 30 days except
20 where the infraction is committed or discovered within 60 days
21 of scheduled release. In those cases, the Department of
22 Corrections may revoke up to 30 days of sentence credit. The
23 Board may subsequently approve the revocation of additional
24 sentence credit, if the Department seeks to revoke sentence
25 credit in excess of 30 days. However, the Board shall not be
26 empowered to review the Department's decision with respect to

1 the loss of 30 days of sentence credit within any calendar year
2 for any prisoner or to increase any penalty beyond the length
3 requested by the Department.

4 (3) The Director of Corrections or the Director of
5 Juvenile Justice, in appropriate cases, may restore sentence
6 credits which have been revoked, suspended, or reduced. The
7 Department shall prescribe rules and regulations governing the
8 restoration of sentence credits. These rules and regulations
9 shall provide for the automatic restoration of sentence
10 credits following a period in which the prisoner maintains a
11 record without a disciplinary violation.

12 Nothing contained in this Section shall prohibit the
13 Prisoner Review Board from ordering, pursuant to Section
14 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
15 sentence imposed by the court that was not served due to the
16 accumulation of sentence credit.

17 (d) If a lawsuit is filed by a prisoner in an Illinois or
18 federal court against the State, the Department of
19 Corrections, or the Prisoner Review Board, or against any of
20 their officers or employees, and the court makes a specific
21 finding that a pleading, motion, or other paper filed by the
22 prisoner is frivolous, the Department of Corrections shall
23 conduct a hearing to revoke up to 180 days of sentence credit
24 by bringing charges against the prisoner sought to be deprived
25 of the sentence credits before the Prisoner Review Board as
26 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.

1 If the prisoner has not accumulated 180 days of sentence
2 credit at the time of the finding, then the Prisoner Review
3 Board may revoke all sentence credit accumulated by the
4 prisoner.

5 For purposes of this subsection (d):

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

10 (A) it lacks an arguable basis either in law or in
11 fact;

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

15 (C) the claims, defenses, and other legal
16 contentions therein are not warranted by existing law
17 or by a nonfrivolous argument for the extension,
18 modification, or reversal of existing law or the
19 establishment of new law;

20 (D) the allegations and other factual contentions
21 do not have evidentiary support or, if specifically so
22 identified, are not likely to have evidentiary support
23 after a reasonable opportunity for further
24 investigation or discovery; or

25 (E) the denials of factual contentions are not
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of
2 information or belief.

3 (2) "Lawsuit" means a motion pursuant to Section 116-3
4 of the Code of Criminal Procedure of 1963, a habeas corpus
5 action under Article X of the Code of Civil Procedure or
6 under federal law (28 U.S.C. 2254), a petition for claim
7 under the Court of Claims Act, an action under the federal
8 Civil Rights Act (42 U.S.C. 1983), or a second or
9 subsequent petition for post-conviction relief under
10 Article 122 of the Code of Criminal Procedure of 1963
11 whether filed with or without leave of court or a second or
12 subsequent petition for relief from judgment under Section
13 2-1401 of the Code of Civil Procedure.

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

16 (f) Whenever the Department is to release any inmate who
17 has been convicted of a violation of an order of protection
18 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, earlier than it otherwise would
20 because of a grant of sentence credit, the Department, as a
21 condition of release, shall require that the person, upon
22 release, be placed under electronic surveillance as provided
23 in Section 5-8A-7 of this Code.

24 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
25 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
26 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

1 (730 ILCS 5/5-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

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

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

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

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

1 (E) (Blank).

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

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

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

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Substance Use Disorder Act.

2 (H) Criminal sexual assault.

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

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

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

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

19 (K) Vehicular hijacking.

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

24 (M) A second or subsequent conviction for the offense
25 of institutional vandalism if the damage to the property
26 exceeds \$300.

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

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

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

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

13 (Q) A violation of subsection (b) or (b-5) of Section
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

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

18 (S) (Blank).

19 (T) (Blank).

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

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

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

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

20 (Y) A conviction for unlawful possession of a firearm
21 by a street gang member when the firearm was loaded or
22 contained firearm ammunition.

23 (Z) A Class 1 felony committed while he or she was
24 serving a term of probation or conditional discharge for a
25 felony.

26 (AA) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value.

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

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

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

13 (EE) A conviction for a violation of paragraph (2) of
14 subsection (a) of Section 24-3B of the Criminal Code of
15 2012.

16 (FF) A conviction for a hate crime described in
17 subsection (b-6) of Section 12-7.1 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 5/5-8-1) (from Ch. 38, par. 1005-8-1)

22 Sec. 5-8-1. Natural life imprisonment; enhancements for
23 use of a firearm; mandatory supervised release terms.

24 (a) Except as otherwise provided in the statute defining
25 the offense or in Article 4.5 of Chapter V, a sentence of

1 imprisonment for a felony shall be a determinate sentence set
2 by the court under this Section, subject to Section 5-4.5-115
3 of this Code, according to the following limitations:

4 (1) for first degree murder,

5 (a) (blank),

6 (b) if a trier of fact finds beyond a reasonable
7 doubt that the murder was accompanied by exceptionally
8 brutal or heinous behavior indicative of wanton
9 cruelty or, except as set forth in subsection
10 (a) (1) (c) of this Section, that any of the aggravating
11 factors listed in subsection (b) or (b-5) of Section
12 9-1 of the Criminal Code of 1961 or the Criminal Code
13 of 2012 are present or that the murder was committed by
14 reason of the actual or perceived race, color, creed,
15 religion, ancestry, gender, sexual orientation,
16 physical or mental disability, citizenship,
17 immigration status, or national origin of another
18 individual or group of individuals of the victim or
19 victims, the court may sentence the defendant, subject
20 to Section 5-4.5-105, to a term of natural life
21 imprisonment, or

22 (c) the court shall sentence the defendant to a
23 term of natural life imprisonment if the defendant, at
24 the time of the commission of the murder, had attained
25 the age of 18, and:

26 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is found guilty of murdering more than
3 one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, fireman, or emergency management worker
6 when the peace officer, fireman, or emergency
7 management worker was killed in the course of
8 performing his official duties, or to prevent the
9 peace officer or fireman from performing his
10 official duties, or in retaliation for the peace
11 officer, fireman, or emergency management worker
12 from performing his official duties, and the
13 defendant knew or should have known that the
14 murdered individual was a peace officer, fireman,
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver or other
2 medical assistance or first aid person while
3 employed by a municipality or other governmental
4 unit when the person was killed in the course of
5 performing official duties or to prevent the
6 person from performing official duties or in
7 retaliation for performing official duties and the
8 defendant knew or should have known that the
9 murdered individual was an emergency medical
10 technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistant or first aid personnel, or

14 (vi) (blank), or

15 (vii) is found guilty of first degree murder
16 and the murder was committed by reason of any
17 person's activity as a community policing
18 volunteer or to prevent any person from engaging
19 in activity as a community policing volunteer. For
20 the purpose of this Section, "community policing
21 volunteer" has the meaning ascribed to it in
22 Section 2-3.5 of the Criminal Code of 2012.

23 For purposes of clause (v), "emergency medical
24 technician - ambulance", "emergency medical technician
25 - intermediate", "emergency medical technician -
26 paramedic", have the meanings ascribed to them in the

1 Emergency Medical Services (EMS) Systems Act.

2 (d) (i) if the person committed the offense while
3 armed with a firearm, 15 years shall be added to
4 the term of imprisonment imposed by the court;

5 (ii) if, during the commission of the offense, the
6 person personally discharged a firearm, 20 years shall
7 be added to the term of imprisonment imposed by the
8 court;

9 (iii) if, during the commission of the offense,
10 the person personally discharged a firearm that
11 proximately caused great bodily harm, permanent
12 disability, permanent disfigurement, or death to
13 another person, 25 years or up to a term of natural
14 life shall be added to the term of imprisonment
15 imposed by the court.

16 (2) (blank);

17 (2.5) for a person who has attained the age of 18 years
18 at the time of the commission of the offense and who is
19 convicted under the circumstances described in subdivision
20 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
21 subsection (b) of Section 12-13, subdivision (d)(2) of
22 Section 11-1.30 or paragraph (2) of subsection (d) of
23 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
24 paragraph (1.2) of subsection (b) of Section 12-14.1,
25 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
26 subsection (b) of Section 12-14.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012, the sentence shall be a
2 term of natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Subject to earlier termination under Section 3-3-8,
6 the parole or mandatory supervised release term shall be
7 written as part of the sentencing order and shall be as
8 follows:

9 (1) for first degree murder or for the offenses of
10 predatory criminal sexual assault of a child, aggravated
11 criminal sexual assault, and criminal sexual assault if
12 committed on or before December 12, 2005, 3 years;

13 (1.5) except as provided in paragraph (7) of this
14 subsection (d), for a Class X felony except for the
15 offenses of predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, and criminal sexual
17 assault if committed on or after December 13, 2005 (the
18 effective date of Public Act 94-715) and except for the
19 offense of aggravated child pornography under Section
20 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
21 subsection (c-5) of Section 11-20.1 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, if committed on or
23 after January 1, 2009, 18 months;

24 (2) except as provided in paragraph (7) of this
25 subsection (d), for a Class 1 felony or a Class 2 felony
26 except for the offense of criminal sexual assault if

1 committed on or after December 13, 2005 (the effective
2 date of Public Act 94-715) and except for the offenses of
3 manufacture and dissemination of child pornography under
4 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, if
6 committed on or after January 1, 2009, 12 months;

7 (3) except as provided in paragraph (4), (6), or (7)
8 of this subsection (d), for a Class 3 felony or a Class 4
9 felony, 6 months; no later than 45 days after the onset of
10 the term of mandatory supervised release, the Prisoner
11 Review Board shall conduct a discretionary discharge
12 review pursuant to the provisions of Section 3-3-8, which
13 shall include the results of a standardized risk and needs
14 assessment tool administered by the Department of
15 Corrections; the changes to this paragraph (3) made by
16 this amendatory Act of the 102nd General Assembly apply to
17 all individuals released on mandatory supervised release
18 on or after the effective date of this amendatory Act of
19 the 102nd General Assembly, including those individuals
20 whose sentences were imposed prior to the effective date
21 of this amendatory Act of the 102nd General Assembly;

22 (4) for defendants who commit the offense of predatory
23 criminal sexual assault of a child, aggravated criminal
24 sexual assault, or criminal sexual assault, on or after
25 December 13, 2005 (the effective date of Public Act
26 94-715), or who commit the offense of aggravated child

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 manufacture of child pornography, or dissemination of
5 child pornography after January 1, 2009, the term of
6 mandatory supervised release shall range from a minimum of
7 3 years to a maximum of the natural life of the defendant;

8 (5) if the victim is under 18 years of age, for a
9 second or subsequent offense of aggravated criminal sexual
10 abuse or felony criminal sexual abuse, 4 years, at least
11 the first 2 years of which the defendant shall serve in an
12 electronic monitoring or home detention program under
13 Article 8A of Chapter V of this Code;

14 (6) for a felony domestic battery, aggravated domestic
15 battery, stalking, aggravated stalking, and a felony
16 violation of an order of protection, 4 years;

17 (7) for any felony described in paragraph (a)(2)(ii),
18 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
19 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
20 3-6-3 of the Unified Code of Corrections requiring an
21 inmate to serve a minimum of 85% of their court-imposed
22 sentence, except for the offenses of predatory criminal
23 sexual assault of a child, aggravated criminal sexual
24 assault, and criminal sexual assault if committed on or
25 after December 13, 2005 (the effective date of Public Act
26 94-715) and except for the offense of aggravated child

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 if committed on or after January 1, 2009 and except as
5 provided in paragraph (4) or paragraph (6) of this
6 subsection (d), the term of mandatory supervised release
7 shall be as follows:

8 (A) Class X felony, 3 years;

9 (B) Class 1 or Class 2 felonies, 2 years;

10 (C) Class 3 or Class 4 felonies, 1 year.

11 (e) (Blank).

12 (f) (Blank).

13 (g) Notwithstanding any other provisions of this Act and
14 of Public Act 101-652: (i) the provisions of paragraph (3) of
15 subsection (d) are effective on July 1, 2022 and shall apply to
16 all individuals convicted on or after the effective date of
17 paragraph (3) of subsection (d); and (ii) the provisions of
18 paragraphs (1.5) and (2) of subsection (d) are effective on
19 July 1, 2021 and shall apply to all individuals convicted on or
20 after the effective date of paragraphs (1.5) and (2) of
21 subsection (d).

22 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
23 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
24 1-7-22; 102-1104, eff. 12-6-22.)