

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 Counties Code is amended by changing
5 Section 3-4011 as follows:

6 (55 ILCS 5/3-4011) (from Ch. 34, par. 3-4011)

7 Sec. 3-4011. Expenses and legal services for indigent
8 defendants in felony cases. It shall be the duty of the county
9 board in counties containing fewer than 500,000 inhabitants to
10 appropriate a sufficient sum for the purpose of paying for the
11 legal services necessarily rendered for the defense of
12 indigent persons in felony cases, ~~and for costs, expenses and~~
13 ~~legal services necessary in the prosecution of an appeal when~~
14 ~~the sentence is death,~~ which is to be paid upon the orders of a
15 court of competent jurisdiction. It shall likewise be the duty
16 of the county board in counties containing fewer than 500,000
17 inhabitants to appropriate a sufficient sum for the payment of
18 out of pocket expenses necessarily incurred by appointed
19 counsel in the prosecution of an appeal on behalf of an
20 indigent incarcerated defendant in felony cases. In such cases
21 payment shall be made upon the order of the reviewing court.

22 (Source: P.A. 86-962.)

1 Section 10. The School Code is amended by changing Section
2 21B-85 as follows:

3 (105 ILCS 5/21B-85)

4 Sec. 21B-85. Conviction of felony.

5 (a) Whenever the holder of any license issued under this
6 Article is employed by the school board of a school district,
7 including a special charter district or a school district
8 organized under Article 34 of this Code, and is convicted,
9 either after a bench trial, trial by jury, or plea of guilty,
10 of any offense for which a sentence to ~~death~~ or a term of
11 imprisonment in a penitentiary for one year or more is
12 provided, the school board shall promptly notify the State
13 Superintendent of Education, in writing, of the name of the
14 license holder, the fact of the conviction, and the name and
15 location of the court in which the conviction occurred.

16 (b) Whenever the school board of a school district,
17 including a special charter district or a school district
18 organized under Article 34 of this Code, learns that any
19 person who is a teacher, as that term is defined in Section
20 16-106 of the Illinois Pension Code, has been convicted,
21 either after a bench trial, trial by jury, or plea of guilty,
22 of any offense for which a sentence to ~~death~~ or a term of
23 imprisonment in a penitentiary for one year or more is
24 provided, the school board shall promptly notify, in writing,
25 the board of trustees of the Teachers' Retirement System of

1 the State of Illinois and the board of trustees of the Public
2 School Teachers' Pension and Retirement Fund of the City of
3 Chicago of the name of the license holder, the fact of the
4 conviction, the name and location of the court in which the
5 conviction occurred, and the number assigned in that court to
6 the case in which the conviction occurred.

7 (Source: P.A. 102-552, eff. 1-1-22.)

8 Section 15. The Illinois Public Aid Code is amended by
9 changing Section 1-8 as follows:

10 (305 ILCS 5/1-8)

11 Sec. 1-8. Fugitives ineligible.

12 (a) The following persons are not eligible for aid under
13 this Code, or federal food stamps or federal food stamp
14 benefits:

15 (1) A person who has fled from the jurisdiction of any
16 court of record of this or any other state or of the United
17 States to avoid prosecution for a felony or to avoid
18 giving testimony in any criminal proceeding involving the
19 alleged commission of a felony.

20 (2) A person who has fled to avoid imprisonment in a
21 correctional facility of this or any other state or the
22 United States for having committed a felony.

23 (3) A person who has escaped from a correctional
24 facility of this or any other state or the United States if

1 the person was incarcerated for having committed a felony.

2 (4) A person who is violating a condition of probation
3 or parole imposed under federal or State law.

4 In this Section, "felony" means a violation of a penal
5 statute of this or any other state or the United States for
6 which a sentence ~~to death or~~ to a term of imprisonment in a
7 penitentiary for one year or more is provided or in which the
8 death penalty may be imposed in another state.

9 To implement this Section, the Illinois Department may
10 exchange necessary information with an appropriate law
11 enforcement agency of this or any other state, a political
12 subdivision of this or any other state, or the United States.

13 (b) (Blank).

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 Section 20. The Criminal Code of 2012 is amended by
16 changing Sections 2-7, 8-4, 9-1, 9-1.2, 12-3.05, and 30-1 as
17 follows:

18 (720 ILCS 5/2-7) (from Ch. 38, par. 2-7)

19 Sec. 2-7. "Felony".

20 "Felony" means an offense for which a sentence ~~to death or~~
21 to a term of imprisonment in a penitentiary for one year or
22 more is provided.

23 (Source: P.A. 77-2638.)

1 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

2 Sec. 8-4. Attempt.

3 (a) Elements of the offense.

4 A person commits the offense of attempt when, with intent
5 to commit a specific offense, he or she does any act that
6 constitutes a substantial step toward the commission of that
7 offense.

8 (b) Impossibility.

9 It is not a defense to a charge of attempt that because of
10 a misapprehension of the circumstances it would have been
11 impossible for the accused to commit the offense attempted.

12 (c) Sentence.

13 A person convicted of attempt may be fined or imprisoned
14 or both not to exceed the maximum provided for the offense
15 attempted but, except for an attempt to commit the offense
16 defined in Section 33A-2 of this Code:

17 (1) the sentence for attempt to commit first degree
18 murder is the sentence for a Class X felony, except that

19 (A) an attempt to commit first degree murder when
20 at least one of the aggravating factors specified in
21 clauses (iii), (iv), and (v) of subsection (a)(1)(c)
22 of Section 5-8-1 of the Unified Code of Corrections
23 ~~paragraphs (1), (2), and (12) of subsection (b) of~~
24 ~~Section 9-1~~ is present is a Class X felony for which
25 the sentence shall be a term of imprisonment of not
26 less than 20 years and not more than 80 years;

1 (B) an attempt to commit first degree murder while
2 armed with a firearm is a Class X felony for which 15
3 years shall be added to the term of imprisonment
4 imposed by the court;

5 (C) an attempt to commit first degree murder
6 during which the person personally discharged a
7 firearm is a Class X felony for which 20 years shall be
8 added to the term of imprisonment imposed by the
9 court;

10 (D) an attempt to commit first degree murder
11 during which the person personally discharged a
12 firearm that proximately caused great bodily harm,
13 permanent disability, permanent disfigurement, or
14 death to another person is a Class X felony for which
15 25 years or up to a term of natural life shall be added
16 to the term of imprisonment imposed by the court; and

17 (E) if the defendant proves by a preponderance of
18 the evidence at sentencing that, at the time of the
19 attempted murder, he or she was acting under a sudden
20 and intense passion resulting from serious provocation
21 by the individual whom the defendant endeavored to
22 kill, or another, and, had the individual the
23 defendant endeavored to kill died, the defendant would
24 have negligently or accidentally caused that death,
25 then the sentence for the attempted murder is the
26 sentence for a Class 1 felony;

1 (2) the sentence for attempt to commit a Class X
2 felony is the sentence for a Class 1 felony;

3 (3) the sentence for attempt to commit a Class 1
4 felony is the sentence for a Class 2 felony;

5 (4) the sentence for attempt to commit a Class 2
6 felony is the sentence for a Class 3 felony; and

7 (5) the sentence for attempt to commit any felony
8 other than those specified in items (1), (2), (3), and (4)
9 of this subsection (c) is the sentence for a Class A
10 misdemeanor.

11 (Source: P.A. 96-710, eff. 1-1-10.)

12 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

13 Sec. 9-1. First degree murder; ~~death penalties;~~
14 ~~exceptions; separate hearings; proof; findings; appellate~~
15 ~~procedures; reversals.~~

16 (a) A person who kills an individual without lawful
17 justification commits first degree murder if, in performing
18 the acts which cause the death:

19 (1) he or she either intends to kill or do great bodily
20 harm to that individual or another, or knows that such
21 acts will cause death to that individual or another; or

22 (2) he or she knows that such acts create a strong
23 probability of death or great bodily harm to that
24 individual or another; or

25 (3) he or she, acting alone or with one or more

1 participants, commits or attempts to commit a forcible
2 felony other than second degree murder, and in the course
3 of or in furtherance of such crime or flight therefrom, he
4 or she or another participant causes the death of a
5 person.

6 (b) (Blank). ~~Aggravating Factors. A defendant who at the~~
7 ~~time of the commission of the offense has attained the age of~~
8 ~~18 or more and who has been found guilty of first degree murder~~
9 ~~may be sentenced to death if:~~

10 ~~(1) the murdered individual was a peace officer or~~
11 ~~fireman killed in the course of performing his official~~
12 ~~duties, to prevent the performance of his or her official~~
13 ~~duties, or in retaliation for performing his or her~~
14 ~~official duties, and the defendant knew or should have~~
15 ~~known that the murdered individual was a peace officer or~~
16 ~~fireman; or~~

17 ~~(2) the murdered individual was an employee of an~~
18 ~~institution or facility of the Department of Corrections,~~
19 ~~or any similar local correctional agency, killed in the~~
20 ~~course of performing his or her official duties, to~~
21 ~~prevent the performance of his or her official duties, or~~
22 ~~in retaliation for performing his or her official duties,~~
23 ~~or the murdered individual was an inmate at such~~
24 ~~institution or facility and was killed on the grounds~~
25 ~~thereof, or the murdered individual was otherwise present~~
26 ~~in such institution or facility with the knowledge and~~

1 ~~approval of the chief administrative officer thereof; or~~

2 ~~(3) the defendant has been convicted of murdering two~~
3 ~~or more individuals under subsection (a) of this Section~~
4 ~~or under any law of the United States or of any state which~~
5 ~~is substantially similar to subsection (a) of this Section~~
6 ~~regardless of whether the deaths occurred as the result of~~
7 ~~the same act or of several related or unrelated acts so~~
8 ~~long as the deaths were the result of either an intent to~~
9 ~~kill more than one person or of separate acts which the~~
10 ~~defendant knew would cause death or create a strong~~
11 ~~probability of death or great bodily harm to the murdered~~
12 ~~individual or another; or~~

13 ~~(4) the murdered individual was killed as a result of~~
14 ~~the hijacking of an airplane, train, ship, bus, or other~~
15 ~~public conveyance; or~~

16 ~~(5) the defendant committed the murder pursuant to a~~
17 ~~contract, agreement, or understanding by which he or she~~
18 ~~was to receive money or anything of value in return for~~
19 ~~committing the murder or procured another to commit the~~
20 ~~murder for money or anything of value; or~~

21 ~~(6) the murdered individual was killed in the course~~
22 ~~of another felony if:~~

23 ~~(a) the murdered individual:~~

24 ~~(i) was actually killed by the defendant, or~~

25 ~~(ii) received physical injuries personally~~
26 ~~inflicted by the defendant substantially~~

1 ~~contemporaneously with physical injuries caused by~~
2 ~~one or more persons for whose conduct the~~
3 ~~defendant is legally accountable under Section 5-2~~
4 ~~of this Code, and the physical injuries inflicted~~
5 ~~by either the defendant or the other person or~~
6 ~~persons for whose conduct he is legally~~
7 ~~accountable caused the death of the murdered~~
8 ~~individual; and~~

9 ~~(b) in performing the acts which caused the death~~
10 ~~of the murdered individual or which resulted in~~
11 ~~physical injuries personally inflicted by the~~
12 ~~defendant on the murdered individual under the~~
13 ~~circumstances of subdivision (ii) of subparagraph (a)~~
14 ~~of paragraph (6) of subsection (b) of this Section,~~
15 ~~the defendant acted with the intent to kill the~~
16 ~~murdered individual or with the knowledge that his~~
17 ~~acts created a strong probability of death or great~~
18 ~~bodily harm to the murdered individual or another; and~~

19 ~~(c) the other felony was an inherently violent~~
20 ~~crime or the attempt to commit an inherently violent~~
21 ~~crime. In this subparagraph (c), "inherently violent~~
22 ~~crime" includes, but is not limited to, armed robbery,~~
23 ~~robbery, predatory criminal sexual assault of a child,~~
24 ~~aggravated criminal sexual assault, aggravated~~
25 ~~kidnapping, aggravated vehicular hijacking, aggravated~~
26 ~~arson, aggravated stalking, residential burglary, and~~

1 ~~home invasion; or~~

2 ~~(7) the murdered individual was under 12 years of age~~
3 ~~and the death resulted from exceptionally brutal or~~
4 ~~heinous behavior indicative of wanton cruelty; or~~

5 ~~(8) the defendant committed the murder with intent to~~
6 ~~prevent the murdered individual from testifying or~~
7 ~~participating in any criminal investigation or prosecution~~
8 ~~or giving material assistance to the State in any~~
9 ~~investigation or prosecution, either against the defendant~~
10 ~~or another; or the defendant committed the murder because~~
11 ~~the murdered individual was a witness in any prosecution~~
12 ~~or gave material assistance to the State in any~~
13 ~~investigation or prosecution, either against the defendant~~
14 ~~or another; for purposes of this paragraph (8),~~
15 ~~"participating in any criminal investigation or~~
16 ~~prosecution" is intended to include those appearing in the~~
17 ~~proceedings in any capacity such as trial judges,~~
18 ~~prosecutors, defense attorneys, investigators, witnesses,~~
19 ~~or jurors; or~~

20 ~~(9) the defendant, while committing an offense~~
21 ~~punishable under Sections 401, 401.1, 401.2, 405, 405.2,~~
22 ~~407 or 407.1 or subsection (b) of Section 404 of the~~
23 ~~Illinois Controlled Substances Act, or while engaged in a~~
24 ~~conspiracy or solicitation to commit such offense,~~
25 ~~intentionally killed an individual or counseled,~~
26 ~~commanded, induced, procured or caused the intentional~~

1 ~~killing of the murdered individual; or~~

2 ~~(10) the defendant was incarcerated in an institution~~
3 ~~or facility of the Department of Corrections at the time~~
4 ~~of the murder, and while committing an offense punishable~~
5 ~~as a felony under Illinois law, or while engaged in a~~
6 ~~conspiracy or solicitation to commit such offense,~~
7 ~~intentionally killed an individual or counseled,~~
8 ~~commanded, induced, procured or caused the intentional~~
9 ~~killing of the murdered individual; or~~

10 ~~(11) the murder was committed in a cold, calculated~~
11 ~~and premeditated manner pursuant to a preconceived plan,~~
12 ~~scheme or design to take a human life by unlawful means,~~
13 ~~and the conduct of the defendant created a reasonable~~
14 ~~expectation that the death of a human being would result~~
15 ~~therefrom; or~~

16 ~~(12) the murdered individual was an emergency medical~~
17 ~~technician ambulance, emergency medical technician~~
18 ~~intermediate, emergency medical technician paramedic,~~
19 ~~ambulance driver, or other medical assistance or first aid~~
20 ~~personnel, employed by a municipality or other~~
21 ~~governmental unit, killed in the course of performing his~~
22 ~~official duties, to prevent the performance of his~~
23 ~~official duties, or in retaliation for performing his~~
24 ~~official duties, and the defendant knew or should have~~
25 ~~known that the murdered individual was an emergency~~
26 ~~medical technician ambulance, emergency medical~~

1 ~~technician intermediate, emergency medical technician~~
2 ~~paramedic, ambulance driver, or other medical assistance~~
3 ~~or first aid personnel; or~~

4 ~~(13) the defendant was a principal administrator,~~
5 ~~organizer, or leader of a calculated criminal drug~~
6 ~~conspiracy consisting of a hierarchical position of~~
7 ~~authority superior to that of all other members of the~~
8 ~~conspiracy, and the defendant counseled, commanded,~~
9 ~~induced, procured, or caused the intentional killing of~~
10 ~~the murdered person; or~~

11 ~~(14) the murder was intentional and involved the~~
12 ~~infliction of torture. For the purpose of this Section~~
13 ~~torture means the infliction of or subjection to extreme~~
14 ~~physical pain, motivated by an intent to increase or~~
15 ~~prolong the pain, suffering or agony of the victim; or~~

16 ~~(15) the murder was committed as a result of the~~
17 ~~intentional discharge of a firearm by the defendant from a~~
18 ~~motor vehicle and the victim was not present within the~~
19 ~~motor vehicle; or~~

20 ~~(16) the murdered individual was 60 years of age or~~
21 ~~older and the death resulted from exceptionally brutal or~~
22 ~~heinous behavior indicative of wanton cruelty; or~~

23 ~~(17) the murdered individual was a person with a~~
24 ~~disability and the defendant knew or should have known~~
25 ~~that the murdered individual was a person with a~~
26 ~~disability. For purposes of this paragraph (17), "person~~

1 ~~with a disability" means a person who suffers from a~~
2 ~~permanent physical or mental impairment resulting from~~
3 ~~disease, an injury, a functional disorder, or a congenital~~
4 ~~condition that renders the person incapable of adequately~~
5 ~~providing for his or her own health or personal care; or~~

6 ~~(18) the murder was committed by reason of any~~
7 ~~person's activity as a community policing volunteer or to~~
8 ~~prevent any person from engaging in activity as a~~
9 ~~community policing volunteer; or~~

10 ~~(19) the murdered individual was subject to an order~~
11 ~~of protection and the murder was committed by a person~~
12 ~~against whom the same order of protection was issued under~~
13 ~~the Illinois Domestic Violence Act of 1986; or~~

14 ~~(20) the murdered individual was known by the~~
15 ~~defendant to be a teacher or other person employed in any~~
16 ~~school and the teacher or other employee is upon the~~
17 ~~grounds of a school or grounds adjacent to a school, or is~~
18 ~~in any part of a building used for school purposes; or~~

19 ~~(21) the murder was committed by the defendant in~~
20 ~~connection with or as a result of the offense of terrorism~~
21 ~~as defined in Section 29D-14.9 of this Code; or~~

22 ~~(22) the murdered individual was a member of a~~
23 ~~congregation engaged in prayer or other religious~~
24 ~~activities at a church, synagogue, mosque, or other~~
25 ~~building, structure, or place used for religious worship.~~

26 (b-5) (Blank). ~~Aggravating Factor; Natural Life~~

1 ~~Imprisonment. A defendant who has been found guilty of first~~
2 ~~degree murder and who at the time of the commission of the~~
3 ~~offense had attained the age of 18 years or more may be~~
4 ~~sentenced to natural life imprisonment if (i) the murdered~~
5 ~~individual was a physician, physician assistant, psychologist,~~
6 ~~nurse, or advanced practice registered nurse, (ii) the~~
7 ~~defendant knew or should have known that the murdered~~
8 ~~individual was a physician, physician assistant, psychologist,~~
9 ~~nurse, or advanced practice registered nurse, and (iii) the~~
10 ~~murdered individual was killed in the course of acting in his~~
11 ~~or her capacity as a physician, physician assistant,~~
12 ~~psychologist, nurse, or advanced practice registered nurse, or~~
13 ~~to prevent him or her from acting in that capacity, or in~~
14 ~~retaliation for his or her acting in that capacity.~~

15 (c) (Blank). ~~Consideration of factors in Aggravation and~~
16 ~~Mitigation.~~

17 ~~The court shall consider, or shall instruct the jury to~~
18 ~~consider any aggravating and any mitigating factors which are~~
19 ~~relevant to the imposition of the death penalty. Aggravating~~
20 ~~factors may include but need not be limited to those factors~~
21 ~~set forth in subsection (b). Mitigating factors may include~~
22 ~~but need not be limited to the following:~~

23 ~~(1) the defendant has no significant history of prior~~
24 ~~criminal activity;~~

25 ~~(2) the murder was committed while the defendant was~~
26 ~~under the influence of extreme mental or emotional~~

1 ~~disturbance, although not such as to constitute a defense~~
2 ~~to prosecution;~~

3 ~~(3) the murdered individual was a participant in the~~
4 ~~defendant's homicidal conduct or consented to the~~
5 ~~homicidal act;~~

6 ~~(4) the defendant acted under the compulsion of threat~~
7 ~~or menace of the imminent infliction of death or great~~
8 ~~bodily harm;~~

9 ~~(5) the defendant was not personally present during~~
10 ~~commission of the act or acts causing death;~~

11 ~~(6) the defendant's background includes a history of~~
12 ~~extreme emotional or physical abuse;~~

13 ~~(7) the defendant suffers from a reduced mental~~
14 ~~capacity.~~

15 ~~Provided, however, that an action that does not otherwise~~
16 ~~mitigate first degree murder cannot qualify as a mitigating~~
17 ~~factor for first degree murder because of the discovery,~~
18 ~~knowledge, or disclosure of the victim's sexual orientation as~~
19 ~~defined in Section 1-103 of the Illinois Human Rights Act.~~

20 (d) (Blank). ~~Separate sentencing hearing.~~

21 ~~Where requested by the State, the court shall conduct a~~
22 ~~separate sentencing proceeding to determine the existence of~~
23 ~~factors set forth in subsection (b) and to consider any~~
24 ~~aggravating or mitigating factors as indicated in subsection~~
25 ~~(c). The proceeding shall be conducted:~~

26 ~~(1) before the jury that determined the defendant's~~

1 ~~guilt; or~~

2 ~~(2) before a jury impanelled for the purpose of the~~
3 ~~proceeding if:~~

4 ~~A. the defendant was convicted upon a plea of~~
5 ~~guilty; or~~

6 ~~B. the defendant was convicted after a trial~~
7 ~~before the court sitting without a jury; or~~

8 ~~C. the court for good cause shown discharges the~~
9 ~~jury that determined the defendant's guilt; or~~

10 ~~(3) before the court alone if the defendant waives a~~
11 ~~jury for the separate proceeding.~~

12 (e) (Blank). ~~Evidence and Argument.~~

13 ~~During the proceeding any information relevant to any of~~
14 ~~the factors set forth in subsection (b) may be presented by~~
15 ~~either the State or the defendant under the rules governing~~
16 ~~the admission of evidence at criminal trials. Any information~~
17 ~~relevant to any additional aggravating factors or any~~
18 ~~mitigating factors indicated in subsection (c) may be~~
19 ~~presented by the State or defendant regardless of its~~
20 ~~admissibility under the rules governing the admission of~~
21 ~~evidence at criminal trials. The State and the defendant shall~~
22 ~~be given fair opportunity to rebut any information received at~~
23 ~~the hearing.~~

24 (f) (Blank). ~~Proof.~~

25 ~~The burden of proof of establishing the existence of any~~
26 ~~of the factors set forth in subsection (b) is on the State and~~

1 ~~shall not be satisfied unless established beyond a reasonable~~
2 ~~doubt.~~

3 (g) (Blank). ~~Procedure - Jury.~~

4 ~~If at the separate sentencing proceeding the jury finds~~
5 ~~that none of the factors set forth in subsection (b) exists,~~
6 ~~the court shall sentence the defendant to a term of~~
7 ~~imprisonment under Chapter V of the Unified Code of~~
8 ~~Corrections. If there is a unanimous finding by the jury that~~
9 ~~one or more of the factors set forth in subsection (b) exist,~~
10 ~~the jury shall consider aggravating and mitigating factors as~~
11 ~~instructed by the court and shall determine whether the~~
12 ~~sentence of death shall be imposed. If the jury determines~~
13 ~~unanimously, after weighing the factors in aggravation and~~
14 ~~mitigation, that death is the appropriate sentence, the court~~
15 ~~shall sentence the defendant to death. If the court does not~~
16 ~~concur with the jury determination that death is the~~
17 ~~appropriate sentence, the court shall set forth reasons in~~
18 ~~writing including what facts or circumstances the court relied~~
19 ~~upon, along with any relevant documents, that compelled the~~
20 ~~court to non-concur with the sentence. This document and any~~
21 ~~attachments shall be part of the record for appellate review.~~
22 ~~The court shall be bound by the jury's sentencing~~
23 ~~determination.~~

24 ~~If after weighing the factors in aggravation and~~
25 ~~mitigation, one or more jurors determines that death is not~~
26 ~~the appropriate sentence, the court shall sentence the~~

1 ~~defendant to a term of imprisonment under Chapter V of the~~
2 ~~Unified Code of Corrections.~~

3 (h) (Blank). ~~Procedure - No Jury.~~

4 ~~In a proceeding before the court alone, if the court finds~~
5 ~~that none of the factors found in subsection (b) exists, the~~
6 ~~court shall sentence the defendant to a term of imprisonment~~
7 ~~under Chapter V of the Unified Code of Corrections.~~

8 ~~If the Court determines that one or more of the factors set~~
9 ~~forth in subsection (b) exists, the Court shall consider any~~
10 ~~aggravating and mitigating factors as indicated in subsection~~
11 ~~(c). If the Court determines, after weighing the factors in~~
12 ~~aggravation and mitigation, that death is the appropriate~~
13 ~~sentence, the Court shall sentence the defendant to death.~~

14 ~~If the court finds that death is not the appropriate~~
15 ~~sentence, the court shall sentence the defendant to a term of~~
16 ~~imprisonment under Chapter V of the Unified Code of~~
17 ~~Corrections.~~

18 (h-5) (Blank). ~~Decertification as a capital case.~~

19 ~~In a case in which the defendant has been found guilty of~~
20 ~~first degree murder by a judge or jury, or a case on remand for~~
21 ~~resentencing, and the State seeks the death penalty as an~~
22 ~~appropriate sentence, on the court's own motion or the written~~
23 ~~motion of the defendant, the court may decertify the case as a~~
24 ~~death penalty case if the court finds that the only evidence~~
25 ~~supporting the defendant's conviction is the uncorroborated~~
26 ~~testimony of an informant witness, as defined in Section~~

1 ~~115-21 of the Code of Criminal Procedure of 1963, concerning~~
2 ~~the confession or admission of the defendant or that the sole~~
3 ~~evidence against the defendant is a single eyewitness or~~
4 ~~single accomplice without any other corroborating evidence. If~~
5 ~~the court decertifies the case as a capital case under either~~
6 ~~of the grounds set forth above, the court shall issue a written~~
7 ~~finding. The State may pursue its right to appeal the~~
8 ~~decertification pursuant to Supreme Court Rule 604(a)(1). If~~
9 ~~the court does not decertify the case as a capital case, the~~
10 ~~matter shall proceed to the eligibility phase of the~~
11 ~~sentencing hearing.~~

12 (i) (Blank). ~~Appellate Procedure.~~

13 ~~The conviction and sentence of death shall be subject to~~
14 ~~automatic review by the Supreme Court. Such review shall be in~~
15 ~~accordance with rules promulgated by the Supreme Court. The~~
16 ~~Illinois Supreme Court may overturn the death sentence, and~~
17 ~~order the imposition of imprisonment under Chapter V of the~~
18 ~~Unified Code of Corrections if the court finds that the death~~
19 ~~sentence is fundamentally unjust as applied to the particular~~
20 ~~ease. If the Illinois Supreme Court finds that the death~~
21 ~~sentence is fundamentally unjust as applied to the particular~~
22 ~~ease, independent of any procedural grounds for relief, the~~
23 ~~Illinois Supreme Court shall issue a written opinion~~
24 ~~explaining this finding.~~

25 (j) (Blank). ~~Disposition of reversed death sentence.~~

26 ~~In the event that the death penalty in this Act is held to~~

1 ~~be unconstitutional by the Supreme Court of the United States~~
2 ~~or of the State of Illinois, any person convicted of first~~
3 ~~degree murder shall be sentenced by the court to a term of~~
4 ~~imprisonment under Chapter V of the Unified Code of~~
5 ~~Corrections.~~

6 ~~In the event that any death sentence pursuant to the~~
7 ~~sentencing provisions of this Section is declared~~
8 ~~unconstitutional by the Supreme Court of the United States or~~
9 ~~of the State of Illinois, the court having jurisdiction over a~~
10 ~~person previously sentenced to death shall cause the defendant~~
11 ~~to be brought before the court, and the court shall sentence~~
12 ~~the defendant to a term of imprisonment under Chapter V of the~~
13 ~~Unified Code of Corrections.~~

14 (k) (Blank). ~~Guidelines for seeking the death penalty.~~

15 ~~The Attorney General and State's Attorneys Association~~
16 ~~shall consult on voluntary guidelines for procedures governing~~
17 ~~whether or not to seek the death penalty. The guidelines do not~~
18 ~~have the force of law and are only advisory in nature.~~

19 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
20 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652, eff.
21 7-1-21.)

22 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

23 Sec. 9-1.2. Intentional homicide of an unborn child.

24 (a) A person commits the offense of intentional homicide
25 of an unborn child if, in performing acts which cause the death

1 of an unborn child, he without lawful justification:

2 (1) either intended to cause the death of or do great
3 bodily harm to the pregnant individual or unborn child or
4 knew that such acts would cause death or great bodily harm
5 to the pregnant individual or unborn child; or

6 (2) knew that his acts created a strong probability of
7 death or great bodily harm to the pregnant individual or
8 unborn child; and

9 (3) knew that the individual was pregnant.

10 (b) For purposes of this Section, (1) "unborn child" shall
11 mean any individual of the human species from the implantation
12 of an embryo until birth, and (2) "person" shall not include
13 the pregnant woman whose unborn child is killed.

14 (c) This Section shall not apply to acts which cause the
15 death of an unborn child if those acts were committed during
16 any abortion, as defined in Section 1-10 of the Reproductive
17 Health Act, to which the pregnant individual has consented.
18 This Section shall not apply to acts which were committed
19 pursuant to usual and customary standards of medical practice
20 during diagnostic testing or therapeutic treatment.

21 (d) Penalty. The sentence for intentional homicide of an
22 unborn child shall be the same as for first degree murder,
23 except that:

24 (1) (blank) ~~the death penalty may not be imposed;~~

25 (2) if the person committed the offense while armed
26 with a firearm, 15 years shall be added to the term of

1 imprisonment imposed by the court;

2 (3) if, during the commission of the offense, the
3 person personally discharged a firearm, 20 years shall be
4 added to the term of imprisonment imposed by the court;

5 (4) if, during the commission of the offense, the
6 person personally discharged a firearm that proximately
7 caused great bodily harm, permanent disability, permanent
8 disfigurement, or death to another person, 25 years or up
9 to a term of natural life shall be added to the term of
10 imprisonment imposed by the court.

11 (e) The provisions of this Act shall not be construed to
12 prohibit the prosecution of any person under any other
13 provision of law.

14 (Source: P.A. 101-13, eff. 6-12-19.)

15 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

16 Sec. 12-3.05. Aggravated battery.

17 (a) Offense based on injury. A person commits aggravated
18 battery when, in committing a battery, other than by the
19 discharge of a firearm, he or she knowingly does any of the
20 following:

21 (1) Causes great bodily harm or permanent disability
22 or disfigurement.

23 (2) Causes severe and permanent disability, great
24 bodily harm, or disfigurement by means of a caustic or
25 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability
4 or disfigurement to an individual whom the person knows to
5 be a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Causes great bodily harm or permanent disability
16 or disfigurement to an individual 60 years of age or
17 older.

18 (5) Strangles another individual.

19 (b) Offense based on injury to a child or person with an
20 intellectual disability. A person who is at least 18 years of
21 age commits aggravated battery when, in committing a battery,
22 he or she knowingly and without legal justification by any
23 means:

24 (1) causes great bodily harm or permanent disability
25 or disfigurement to any child under the age of 13 years, or
26 to any person with a severe or profound intellectual

1 disability; or

2 (2) causes bodily harm or disability or disfigurement
3 to any child under the age of 13 years or to any person
4 with a severe or profound intellectual disability.

5 (c) Offense based on location of conduct. A person commits
6 aggravated battery when, in committing a battery, other than
7 by the discharge of a firearm, he or she is or the person
8 battered is on or about a public way, public property, a public
9 place of accommodation or amusement, a sports venue, or a
10 domestic violence shelter, or in a church, synagogue, mosque,
11 or other building, structure, or place used for religious
12 worship.

13 (d) Offense based on status of victim. A person commits
14 aggravated battery when, in committing a battery, other than
15 by discharge of a firearm, he or she knows the individual
16 battered to be any of the following:

17 (1) A person 60 years of age or older.

18 (2) A person who is pregnant or has a physical
19 disability.

20 (3) A teacher or school employee upon school grounds
21 or grounds adjacent to a school or in any part of a
22 building used for school purposes.

23 (4) A peace officer, community policing volunteer,
24 fireman, private security officer, correctional
25 institution employee, or Department of Human Services
26 employee supervising or controlling sexually dangerous

1 persons or sexually violent persons:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (5) A judge, emergency management worker, emergency
8 medical services personnel, or utility worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (6) An officer or employee of the State of Illinois, a
15 unit of local government, or a school district, while
16 performing his or her official duties.

17 (7) A transit employee performing his or her official
18 duties, or a transit passenger.

19 (8) A taxi driver on duty.

20 (9) A merchant who detains the person for an alleged
21 commission of retail theft under Section 16-26 of this
22 Code and the person without legal justification by any
23 means causes bodily harm to the merchant.

24 (10) A person authorized to serve process under
25 Section 2-202 of the Code of Civil Procedure or a special
26 process server appointed by the circuit court while that

1 individual is in the performance of his or her duties as a
2 process server.

3 (11) A nurse while in the performance of his or her
4 duties as a nurse.

5 (12) A merchant: (i) while performing his or her
6 duties, including, but not limited to, relaying directions
7 for healthcare or safety from his or her supervisor or
8 employer or relaying health or safety guidelines,
9 recommendations, regulations, or rules from a federal,
10 State, or local public health agency; and (ii) during a
11 disaster declared by the Governor, or a state of emergency
12 declared by the mayor of the municipality in which the
13 merchant is located, due to a public health emergency and
14 for a period of 6 months after such declaration.

15 (e) Offense based on use of a firearm. A person commits
16 aggravated battery when, in committing a battery, he or she
17 knowingly does any of the following:

18 (1) Discharges a firearm, other than a machine gun or
19 a firearm equipped with a silencer, and causes any injury
20 to another person.

21 (2) Discharges a firearm, other than a machine gun or
22 a firearm equipped with a silencer, and causes any injury
23 to a person he or she knows to be a peace officer,
24 community policing volunteer, person summoned by a police
25 officer, fireman, private security officer, correctional
26 institution employee, or emergency management worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (3) Discharges a firearm, other than a machine gun or
7 a firearm equipped with a silencer, and causes any injury
8 to a person he or she knows to be emergency medical
9 services personnel:

- 10 (i) performing his or her official duties;
11 (ii) battered to prevent performance of his or her
12 official duties; or
13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Discharges a firearm and causes any injury to a
16 person he or she knows to be a teacher, a student in a
17 school, or a school employee, and the teacher, student, or
18 employee is upon school grounds or grounds adjacent to a
19 school or in any part of a building used for school
20 purposes.

21 (5) Discharges a machine gun or a firearm equipped
22 with a silencer, and causes any injury to another person.

23 (6) Discharges a machine gun or a firearm equipped
24 with a silencer, and causes any injury to a person he or
25 she knows to be a peace officer, community policing
26 volunteer, person summoned by a police officer, fireman,

1 private security officer, correctional institution
2 employee or emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (7) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be emergency medical services personnel:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (8) Discharges a machine gun or a firearm equipped
17 with a silencer, and causes any injury to a person he or
18 she knows to be a teacher, or a student in a school, or a
19 school employee, and the teacher, student, or employee is
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (f) Offense based on use of a weapon or device. A person
23 commits aggravated battery when, in committing a battery, he
24 or she does any of the following:

25 (1) Uses a deadly weapon other than by discharge of a
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

2 (2) Wears a hood, robe, or mask to conceal his or her
3 identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (4) Knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (g) Offense based on certain conduct. A person commits
12 aggravated battery when, other than by discharge of a firearm,
13 he or she does any of the following:

14 (1) Violates Section 401 of the Illinois Controlled
15 Substances Act by unlawfully delivering a controlled
16 substance to another and any user experiences great bodily
17 harm or permanent disability as a result of the injection,
18 inhalation, or ingestion of any amount of the controlled
19 substance.

20 (2) Knowingly administers to an individual or causes
21 him or her to take, without his or her consent or by threat
22 or deception, and for other than medical purposes, any
23 intoxicating, poisonous, stupefying, narcotic,
24 anesthetic, or controlled substance, or gives to another
25 person any food containing any substance or object
26 intended to cause physical injury if eaten.

1 (3) Knowingly causes or attempts to cause a
2 correctional institution employee or Department of Human
3 Services employee to come into contact with blood, seminal
4 fluid, urine, or feces by throwing, tossing, or expelling
5 the fluid or material, and the person is an inmate of a
6 penal institution or is a sexually dangerous person or
7 sexually violent person in the custody of the Department
8 of Human Services.

9 (h) Sentence. Unless otherwise provided, aggravated
10 battery is a Class 3 felony.

11 Aggravated battery as defined in subdivision (a)(4),
12 (d)(4), or (g)(3) is a Class 2 felony.

13 Aggravated battery as defined in subdivision (a)(3) or
14 (g)(1) is a Class 1 felony.

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 1 felony when the aggravated battery was intentional and
17 involved the infliction of torture, as defined in paragraph
18 (10) ~~(14)~~ of subsection (b-5) ~~(b)~~ of Section 5-8-1 of the
19 Unified Code of Corrections ~~Section 9-1 of this Code~~, as the
20 infliction of or subjection to extreme physical pain,
21 motivated by an intent to increase or prolong the pain,
22 suffering, or agony of the victim.

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 2 felony when the person causes great bodily harm or
25 permanent disability to an individual whom the person knows to
26 be a member of a congregation engaged in prayer or other

1 religious activities at a church, synagogue, mosque, or other
2 building, structure, or place used for religious worship.

3 Aggravated battery under subdivision (a)(5) is a Class 1
4 felony if:

5 (A) the person used or attempted to use a dangerous
6 instrument while committing the offense;

7 (B) the person caused great bodily harm or permanent
8 disability or disfigurement to the other person while
9 committing the offense; or

10 (C) the person has been previously convicted of a
11 violation of subdivision (a)(5) under the laws of this
12 State or laws similar to subdivision (a)(5) of any other
13 state.

14 Aggravated battery as defined in subdivision (e)(1) is a
15 Class X felony.

16 Aggravated battery as defined in subdivision (a)(2) is a
17 Class X felony for which a person shall be sentenced to a term
18 of imprisonment of a minimum of 6 years and a maximum of 45
19 years.

20 Aggravated battery as defined in subdivision (e)(5) is a
21 Class X felony for which a person shall be sentenced to a term
22 of imprisonment of a minimum of 12 years and a maximum of 45
23 years.

24 Aggravated battery as defined in subdivision (e)(2),
25 (e)(3), or (e)(4) is a Class X felony for which a person shall
26 be sentenced to a term of imprisonment of a minimum of 15 years

1 and a maximum of 60 years.

2 Aggravated battery as defined in subdivision (e)(6),
3 (e)(7), or (e)(8) is a Class X felony for which a person shall
4 be sentenced to a term of imprisonment of a minimum of 20 years
5 and a maximum of 60 years.

6 Aggravated battery as defined in subdivision (b)(1) is a
7 Class X felony, except that:

8 (1) if the person committed the offense while armed
9 with a firearm, 15 years shall be added to the term of
10 imprisonment imposed by the court;

11 (2) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall be
13 added to the term of imprisonment imposed by the court;

14 (3) if, during the commission of the offense, the
15 person personally discharged a firearm that proximately
16 caused great bodily harm, permanent disability, permanent
17 disfigurement, or death to another person, 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court.

20 (i) Definitions. In this Section:

21 "Building or other structure used to provide shelter" has
22 the meaning ascribed to "shelter" in Section 1 of the Domestic
23 Violence Shelters Act.

24 "Domestic violence" has the meaning ascribed to it in
25 Section 103 of the Illinois Domestic Violence Act of 1986.

26 "Domestic violence shelter" means any building or other

1 structure used to provide shelter or other services to victims
2 or to the dependent children of victims of domestic violence
3 pursuant to the Illinois Domestic Violence Act of 1986 or the
4 Domestic Violence Shelters Act, or any place within 500 feet
5 of such a building or other structure in the case of a person
6 who is going to or from such a building or other structure.

7 "Firearm" has the meaning provided under Section 1.1 of
8 the Firearm Owners Identification Card Act, and does not
9 include an air rifle as defined by Section 24.8-0.1 of this
10 Code.

11 "Machine gun" has the meaning ascribed to it in Section
12 24-1 of this Code.

13 "Merchant" has the meaning ascribed to it in Section
14 16-0.1 of this Code.

15 "Strangle" means intentionally impeding the normal
16 breathing or circulation of the blood of an individual by
17 applying pressure on the throat or neck of that individual or
18 by blocking the nose or mouth of that individual.

19 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

20 (720 ILCS 5/30-1) (from Ch. 38, par. 30-1)

21 Sec. 30-1. Treason.

22 (a) A person owing allegiance to this State commits
23 treason when he or she knowingly:

24 (1) levies war against this State; or

25 (2) adheres to the enemies of this State, giving them

1 aid or comfort.

2 (b) No person may be convicted of treason except on the
3 testimony of 2 witnesses to the same overt act, or on his
4 confession in open court.

5 (c) Sentence. Treason is a Class X felony ~~for which an~~
6 ~~offender may be sentenced to death under Section 5-5-3 of the~~
7 ~~Unified Code of Corrections.~~

8 (Source: P.A. 80-1099.)

9 Section 25. The Cannabis Control Act is amended by
10 changing Section 9 as follows:

11 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

12 Sec. 9. (a) Any person who engages in a calculated
13 criminal cannabis conspiracy, as defined in subsection (b), is
14 guilty of a Class 3 felony, and fined not more than \$200,000
15 and shall be subject to the forfeitures prescribed in
16 subsection (c); except that, if any person engages in such
17 offense after one or more prior convictions under this
18 Section, Section 4 (d), Section 5 (d), Section 8 (d) or any law
19 of the United States or of any State relating to cannabis, or
20 controlled substances as defined in the Illinois Controlled
21 Substances Act, in addition to the fine and forfeiture
22 authorized above, he shall be guilty of a Class 1 felony ~~for~~
23 ~~which an offender may not be sentenced to death.~~

24 (b) For purposes of this section, a person engages in a

1 calculated criminal cannabis conspiracy when:

2 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c)
3 or 8 (d) of this Act; and

4 (2) such violation is a part of a conspiracy undertaken or
5 carried on with 2 or more other persons; and

6 (3) he obtains anything of value greater than \$500 from,
7 or organizes, directs or finances such violation or
8 conspiracy.

9 (c) Any person who is convicted under this Section of
10 engaging in a calculated criminal cannabis conspiracy shall
11 forfeit to the State of Illinois:

12 (1) the receipts obtained by him in such conspiracy; and

13 (2) any of his interests in, claims against, receipts
14 from, or property or rights of any kind affording a source of
15 influence over, such conspiracy.

16 (d) The circuit court may enter such injunctions,
17 restraining orders, directions, or prohibitions, or take such
18 other actions, including the acceptance of satisfactory
19 performance bonds, in connection with any property, claim,
20 receipt, right or other interest subject to forfeiture under
21 this Section, as it deems proper.

22 (Source: P.A. 84-1233.)

23 Section 30. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 104-26, 111-3, 116-4, 121-13,
25 122-1, 122-2.1, 122-2.2, and 122-4 as follows:

1 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

2 Sec. 104-26. Disposition of Defendants suffering
3 disabilities.

4 (a) A defendant convicted following a trial conducted
5 under the provisions of Section 104-22 shall not be sentenced
6 before a written presentence report of investigation is
7 presented to and considered by the court. The presentence
8 report shall be prepared pursuant to Sections 5-3-2, 5-3-3 and
9 5-3-4 of the Unified Code of Corrections, as now or hereafter
10 amended, and shall include a physical and mental examination
11 unless the court finds that the reports of prior physical and
12 mental examinations conducted pursuant to this Article are
13 adequate and recent enough so that additional examinations
14 would be unnecessary.

15 (b) (Blank). ~~A defendant convicted following a trial under~~
16 ~~Section 104-22 shall not be subject to the death penalty.~~

17 (c) A defendant convicted following a trial under Section
18 104-22 shall be sentenced according to the procedures and
19 dispositions authorized under the Unified Code of Corrections,
20 as now or hereafter amended, subject to the following
21 provisions:

22 (1) The court shall not impose a sentence of
23 imprisonment upon the offender if the court believes that
24 because of his disability a sentence of imprisonment would
25 not serve the ends of justice and the interests of society

1 and the offender or that because of his disability a
2 sentence of imprisonment would subject the offender to
3 excessive hardship. In addition to any other conditions of
4 a sentence of conditional discharge or probation the court
5 may require that the offender undergo treatment
6 appropriate to his mental or physical condition.

7 (2) After imposing a sentence of imprisonment upon an
8 offender who has a mental disability, the court may remand
9 him to the custody of the Department of Human Services and
10 order a hearing to be conducted pursuant to the provisions
11 of the Mental Health and Developmental Disabilities Code,
12 as now or hereafter amended. If the offender is committed
13 following such hearing, he shall be treated in the same
14 manner as any other civilly committed patient for all
15 purposes except as provided in this Section. If the
16 defendant is not committed pursuant to such hearing, he
17 shall be remanded to the sentencing court for disposition
18 according to the sentence imposed.

19 (3) If the court imposes a sentence of imprisonment
20 upon an offender who has a mental disability but does not
21 proceed under subparagraph (2) of paragraph (c) of this
22 Section, it shall order the Department of Corrections to
23 proceed pursuant to Section 3-8-5 of the Unified Code of
24 Corrections, as now or hereafter amended.

25 (3.5) If the court imposes a sentence of imprisonment
26 upon an offender who has a mental disability, the court

1 shall direct the circuit court clerk to immediately notify
2 the Illinois State Police, Firearm Owner's Identification
3 (FOID) Office, in a form and manner prescribed by the
4 Illinois State Police and shall forward a copy of the
5 court order to the Department.

6 (4) If the court imposes a sentence of imprisonment
7 upon an offender who has a physical disability, it may
8 authorize the Department of Corrections to place the
9 offender in a public or private facility which is able to
10 provide care or treatment for the offender's disability
11 and which agrees to do so.

12 (5) When an offender is placed with the Department of
13 Human Services or another facility pursuant to
14 subparagraph (2) or (4) of this paragraph (c), the
15 Department or private facility shall not discharge or
16 allow the offender to be at large in the community without
17 prior approval of the court. If the defendant is placed in
18 the custody of the Department of Human Services, the
19 defendant shall be placed in a secure setting unless the
20 court determines that there are compelling reasons why
21 such placement is not necessary. The offender shall accrue
22 good time and shall be eligible for parole in the same
23 manner as if he were serving his sentence within the
24 Department of Corrections. When the offender no longer
25 requires hospitalization, care, or treatment, the
26 Department of Human Services or the facility shall

1 transfer him, if his sentence has not expired, to the
2 Department of Corrections. If an offender is transferred
3 to the Department of Corrections, the Department of Human
4 Services shall transfer to the Department of Corrections
5 all related records pertaining to length of custody and
6 treatment services provided during the time the offender
7 was held.

8 (6) The Department of Corrections shall notify the
9 Department of Human Services or a facility in which an
10 offender has been placed pursuant to subparagraph (2) or
11 (4) of paragraph (c) of this Section of the expiration of
12 his sentence. Thereafter, an offender in the Department of
13 Human Services shall continue to be treated pursuant to
14 his commitment order and shall be considered a civilly
15 committed patient for all purposes including discharge. An
16 offender who is in a facility pursuant to subparagraph (4)
17 of paragraph (c) of this Section shall be informed by the
18 facility of the expiration of his sentence, and shall
19 either consent to the continuation of his care or
20 treatment by the facility or shall be discharged.

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

22 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

23 Sec. 111-3. Form of charge.

24 (a) A charge shall be in writing and allege the commission
25 of an offense by:

- 1 (1) Stating the name of the offense;
- 2 (2) Citing the statutory provision alleged to have
3 been violated;
- 4 (3) Setting forth the nature and elements of the
5 offense charged;
- 6 (4) Stating the date and county of the offense as
7 definitely as can be done; and
- 8 (5) Stating the name of the accused, if known, and if
9 not known, designate the accused by any name or
10 description by which he can be identified with reasonable
11 certainty.

12 (a-5) If the victim is alleged to have been subjected to an
13 offense involving an illegal sexual act including, but not
14 limited to, a sexual offense defined in Article 11 or Section
15 10-9 of the Criminal Code of 2012, the charge shall state the
16 identity of the victim by name, initials, or description.

17 (b) An indictment shall be signed by the foreman of the
18 Grand Jury and an information shall be signed by the State's
19 Attorney and sworn to by him or another. A complaint shall be
20 sworn to and signed by the complainant; provided, that when a
21 peace officer observes the commission of a misdemeanor and is
22 the complaining witness, the signing of the complaint by the
23 peace officer is sufficient to charge the defendant with the
24 commission of the offense, and the complaint need not be sworn
25 to if the officer signing the complaint certifies that the
26 statements set forth in the complaint are true and correct and

1 are subject to the penalties provided by law for false
2 certification under Section 1-109 of the Code of Civil
3 Procedure and perjury under Section 32-2 of the Criminal Code
4 of 2012; and further provided, however, that when a citation
5 is issued on a Uniform Traffic Ticket or Uniform Conservation
6 Ticket (in a form prescribed by the Conference of Chief
7 Circuit Judges and filed with the Supreme Court), the copy of
8 such Uniform Ticket which is filed with the circuit court
9 constitutes a complaint to which the defendant may plead,
10 unless he specifically requests that a verified complaint be
11 filed.

12 (c) When the State seeks an enhanced sentence because of a
13 prior conviction, the charge shall also state the intention to
14 seek an enhanced sentence and shall state such prior
15 conviction so as to give notice to the defendant. However, the
16 fact of such prior conviction and the State's intention to
17 seek an enhanced sentence are not elements of the offense and
18 may not be disclosed to the jury during trial unless otherwise
19 permitted by issues properly raised during such trial. For the
20 purposes of this Section, "enhanced sentence" means a sentence
21 which is increased by a prior conviction from one
22 classification of offense to another higher level
23 classification of offense set forth in Section 5-4.5-10 of the
24 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not
25 include an increase in the sentence applied within the same
26 level of classification of offense.

1 (c-5) Notwithstanding any other provision of law, in all
2 cases ~~in which the imposition of the death penalty is not a~~
3 ~~possibility,~~ if an alleged fact (other than the fact of a prior
4 conviction) is not an element of an offense but is sought to be
5 used to increase the range of penalties for the offense beyond
6 the statutory maximum that could otherwise be imposed for the
7 offense, the alleged fact must be included in the charging
8 instrument or otherwise provided to the defendant through a
9 written notification before trial, submitted to a trier of
10 fact as an aggravating factor, and proved beyond a reasonable
11 doubt. Failure to prove the fact beyond a reasonable doubt is
12 not a bar to a conviction for commission of the offense, but is
13 a bar to increasing, based on that fact, the range of penalties
14 for the offense beyond the statutory maximum that could
15 otherwise be imposed for that offense. Nothing in this
16 subsection (c-5) requires the imposition of a sentence that
17 increases the range of penalties for the offense beyond the
18 statutory maximum that could otherwise be imposed for the
19 offense if the imposition of that sentence is not required by
20 law.

21 (d) At any time prior to trial, the State on motion shall
22 be permitted to amend the charge, whether brought by
23 indictment, information or complaint, to make the charge
24 comply with subsection (c) or (c-5) of this Section. Nothing
25 in Section 103-5 of this Code precludes such an amendment or a
26 written notification made in accordance with subsection (c-5)

1 of this Section.

2 (e) The provisions of subsection (a) of Section 5-4.5-95
3 of the Unified Code of Corrections ~~(730 ILCS 5/5-4.5-95)~~ shall
4 not be affected by this Section.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

6 (725 ILCS 5/116-4)

7 Sec. 116-4. Preservation of evidence for forensic testing.

8 (a) Before or after the trial in a prosecution for a
9 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
10 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
11 Criminal Code of 1961 or the Criminal Code of 2012 or in a
12 prosecution for an offense defined in Article 9 of that Code,
13 or in a prosecution for an attempt in violation of Section 8-4
14 of that Code of any of the above-enumerated offenses, unless
15 otherwise provided herein under subsection (b) or (c), a law
16 enforcement agency or an agent acting on behalf of the law
17 enforcement agency shall preserve, subject to a continuous
18 chain of custody, any physical evidence in their possession or
19 control that is reasonably likely to contain forensic
20 evidence, including, but not limited to, fingerprints or
21 biological material secured in relation to a trial and with
22 sufficient documentation to locate that evidence.

23 (b) After a judgment of conviction is entered, the
24 evidence shall either be impounded with the Clerk of the
25 Circuit Court or shall be securely retained by a law

1 enforcement agency. ~~Retention shall be permanent in cases~~
2 ~~where a sentence of death is imposed.~~ Retention shall be until
3 the completion of the sentence, including the period of
4 mandatory supervised release for the offense, or January 1,
5 2006, whichever is later, for any conviction for an offense or
6 an attempt of an offense defined in Article 9 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 or in Section
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
9 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 or for 7 years following any conviction
11 for any other felony for which the defendant's genetic profile
12 may be taken by a law enforcement agency and submitted for
13 comparison in a forensic DNA database for unsolved offenses.

14 (c) After a judgment of conviction is entered, the law
15 enforcement agency required to retain evidence described in
16 subsection (a) may petition the court with notice to the
17 defendant or, in cases where the defendant has died, his
18 estate, his attorney of record, or an attorney appointed for
19 that purpose by the court for entry of an order allowing it to
20 dispose of evidence if, after a hearing, the court determines
21 by a preponderance of the evidence that:

22 (1) it has no significant value for forensic science
23 analysis and should be returned to its rightful owner,
24 destroyed, used for training purposes, or as otherwise
25 provided by law; or

26 (2) it has no significant value for forensic science

1 analysis and is of a size, bulk, or physical character not
2 usually retained by the law enforcement agency and cannot
3 practicably be retained by the law enforcement agency; or

4 (3) there no longer exists a reasonable basis to
5 require the preservation of the evidence because of the
6 death of the defendant; ~~however, this paragraph (3) does~~
7 ~~not apply if a sentence of death was imposed.~~

8 (d) The court may order the disposition of the evidence if
9 the defendant is allowed the opportunity to take reasonable
10 measures to remove or preserve portions of the evidence in
11 question for future testing.

12 (d-5) Any order allowing the disposition of evidence
13 pursuant to subsection (c) or (d) shall be a final and
14 appealable order. No evidence shall be disposed of until 30
15 days after the order is entered, and if a notice of appeal is
16 filed, no evidence shall be disposed of until the mandate has
17 been received by the circuit court from the appellate court.

18 (d-10) All records documenting the possession, control,
19 storage, and destruction of evidence and all police reports,
20 evidence control or inventory records, and other reports cited
21 in this Section, including computer records, must be retained
22 for as long as the evidence exists and may not be disposed of
23 without the approval of the Local Records Commission.

24 (e) In this Section, "law enforcement agency" includes any
25 of the following or an agent acting on behalf of any of the
26 following: a municipal police department, county sheriff's

1 office, any prosecuting authority, the Illinois State Police,
2 or any other State, university, county, federal, or municipal
3 police unit or police force.

4 "Biological material" includes, but is not limited to, any
5 blood, hair, saliva, or semen from which genetic marker
6 groupings may be obtained.

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

8 (725 ILCS 5/121-13) (from Ch. 38, par. 121-13)

9 Sec. 121-13. Pauper Appeals.

10 (a) In any case wherein the defendant was convicted of a
11 felony, if the court determines that the defendant desires
12 counsel on appeal but is indigent the Public Defender or the
13 State Appellate Defender shall be appointed as counsel, unless
14 with the consent of the defendant and for good cause shown, the
15 court may appoint counsel other than the Public Defender or
16 the State Appellate Defender.

17 (b) In any case wherein the defendant was convicted of a
18 felony ~~and a sentence of death was not imposed in the trial~~
19 ~~court~~ the reviewing court, upon petition of the defendant's
20 counsel made not more frequently than every 60 days after
21 appointment, shall determine a reasonable amount to be allowed
22 an indigent defendant's counsel other than the Public Defender
23 or the State Appellate Defender for compensation and
24 reimbursement of expenditures necessarily incurred in the
25 prosecution of the appeal or review proceedings. The

1 compensation shall not exceed \$1500 in each case, except that,
2 in extraordinary circumstances, payment in excess of the
3 limits herein stated may be made if the reviewing court
4 certifies that the payment is necessary to provide fair
5 compensation for protracted representation. The reviewing
6 court shall enter an order directing the county treasurer of
7 the county where the case was tried to pay the amount allowed
8 by the court. The reviewing court may order the provisional
9 payment of sums during the pendency of the cause.

10 (c) (blank). ~~In any case in which a sentence of death was~~
11 ~~imposed in the trial court, the Supreme Court, upon written~~
12 ~~petition of the defendant's counsel made not more than every~~
13 ~~60 days after appointment, shall determine reasonable~~
14 ~~compensation for an indigent defendant's attorneys on appeal.~~
15 ~~The compensation shall not exceed \$2,000 in each case, except~~
16 ~~that, in extraordinary circumstances, payment in excess of the~~
17 ~~limits herein stated may be made if the reviewing court~~
18 ~~certifies that the payment is necessary to provide fair~~
19 ~~compensation for protracted representation. The Supreme Court~~
20 ~~shall enter an order directing the county treasurer of the~~
21 ~~county where the case was tried to pay compensation and~~
22 ~~reimburse expenditures necessarily incurred in the prosecution~~
23 ~~of the appeal or review proceedings. The Supreme Court may~~
24 ~~order the provisional payment of sums during the pendency of~~
25 ~~the cause.~~

26 (Source: P.A. 86-318; 87-580.)

1 (725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

2 Sec. 122-1. Petition in the trial court.

3 (a) Any person imprisoned in the penitentiary may
4 institute a proceeding under this Article if the person
5 asserts that:

6 (1) in the proceedings which resulted in his or her
7 conviction there was a substantial denial of his or her
8 rights under the Constitution of the United States or of
9 the State of Illinois or both;

10 (2) (blank) ~~the death penalty was imposed and there is~~
11 ~~newly discovered evidence not available to the person at~~
12 ~~the time of the proceeding that resulted in his or her~~
13 ~~conviction that establishes a substantial basis to believe~~
14 ~~that the defendant is actually innocent by clear and~~
15 ~~convincing evidence; or~~

16 (3) (blank).

17 (a-5) A proceeding under paragraph (2) of subsection (a)
18 may be commenced within a reasonable period of time after the
19 person's conviction notwithstanding any other provisions of
20 this Article. In such a proceeding regarding actual innocence,
21 if the court determines the petition is frivolous or is
22 patently without merit, it shall dismiss the petition in a
23 written order, specifying the findings of fact and conclusions
24 of law it made in reaching its decision. Such order of
25 dismissal is a final judgment and shall be served upon the

1 petitioner by certified mail within 10 days of its entry.

2 (b) The proceeding shall be commenced by filing with the
3 clerk of the court in which the conviction took place a
4 petition (together with a copy thereof) verified by affidavit.
5 Petitioner shall also serve another copy upon the State's
6 Attorney by any of the methods provided in Rule 7 of the
7 Supreme Court. The clerk shall docket the petition for
8 consideration by the court pursuant to Section 122-2.1 upon
9 his or her receipt thereof and bring the same promptly to the
10 attention of the court.

11 ~~(c) Except as otherwise provided in subsection (a-5), if~~
12 ~~the petitioner is under sentence of death and a petition for~~
13 ~~writ of certiorari is filed, no proceedings under this Article~~
14 ~~shall be commenced more than 6 months after the conclusion of~~
15 ~~proceedings in the United States Supreme Court, unless the~~
16 ~~petitioner alleges facts showing that the delay was not due to~~
17 ~~his or her culpable negligence. If a petition for certiorari~~
18 ~~is not filed, no proceedings under this Article shall be~~
19 ~~commenced more than 6 months from the date for filing a~~
20 ~~certiorari petition, unless the petitioner alleges facts~~
21 ~~showing that the delay was not due to his or her culpable~~
22 ~~negligence.~~

23 No ~~When a defendant has a sentence other than death, no~~
24 proceedings under this Article shall be commenced more than 6
25 months after the conclusion of proceedings in the United
26 States Supreme Court, unless the petitioner alleges facts

1 showing that the delay was not due to his or her culpable
2 negligence. If a petition for certiorari is not filed, no
3 proceedings under this Article shall be commenced more than 6
4 months from the date for filing a certiorari petition, unless
5 the petitioner alleges facts showing that the delay was not
6 due to his or her culpable negligence. If a defendant does not
7 file a direct appeal, the post-conviction petition shall be
8 filed no later than 3 years from the date of conviction, unless
9 the petitioner alleges facts showing that the delay was not
10 due to his or her culpable negligence.

11 This limitation does not apply to a petition advancing a
12 claim of actual innocence.

13 (d) A person seeking relief by filing a petition under
14 this Section must specify in the petition or its heading that
15 it is filed under this Section. A trial court that has received
16 a petition complaining of a conviction or sentence that fails
17 to specify in the petition or its heading that it is filed
18 under this Section need not evaluate the petition to determine
19 whether it could otherwise have stated some grounds for relief
20 under this Article.

21 (e) (Blank). ~~A proceeding under this Article may not be~~
22 ~~commenced on behalf of a defendant who has been sentenced to~~
23 ~~death without the written consent of the defendant, unless the~~
24 ~~defendant, because of a mental or physical condition, is~~
25 ~~incapable of asserting his or her own claim.~~

26 (f) Only one petition may be filed by a petitioner under

1 this Article without leave of the court. Leave of court may be
2 granted only if a petitioner demonstrates cause for his or her
3 failure to bring the claim in his or her initial
4 post-conviction proceedings and prejudice results from that
5 failure. For purposes of this subsection (f): (1) a prisoner
6 shows cause by identifying an objective factor that impeded
7 his or her ability to raise a specific claim during his or her
8 initial post-conviction proceedings; and (2) a prisoner shows
9 prejudice by demonstrating that the claim not raised during
10 his or her initial post-conviction proceedings so infected the
11 trial that the resulting conviction or sentence violated due
12 process.

13 (Source: P.A. 101-411, eff. 8-16-19; 102-639, eff. 8-27-21.)

14 (725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

15 Sec. 122-2.1. (a) Within 90 days after the filing and
16 docketing of each petition, the court shall examine such
17 petition and enter an order thereon pursuant to this Section.

18 (1) (Blank). ~~If the petitioner is under sentence of~~
19 ~~death and is without counsel and alleges that he is~~
20 ~~without means to procure counsel, he shall state whether~~
21 ~~or not he wishes counsel to be appointed to represent him.~~
22 ~~If appointment of counsel is so requested, the court shall~~
23 ~~appoint counsel if satisfied that the petitioner has no~~
24 ~~means to procure counsel.~~

25 (2) If the petitioner is sentenced to imprisonment and

1 the court determines the petition is frivolous or is
2 patently without merit, it shall dismiss the petition in a
3 written order, specifying the findings of fact and
4 conclusions of law it made in reaching its decision. Such
5 order of dismissal is a final judgment and shall be served
6 upon the petitioner by certified mail within 10 days of
7 its entry.

8 (b) If the petition is not dismissed pursuant to this
9 Section, the court shall order the petition to be docketed for
10 further consideration in accordance with Sections 122-4
11 through 122-6. ~~If the petitioner is under sentence of death,~~
12 ~~the court shall order the petition to be docketed for further~~
13 ~~consideration and hearing within one year of the filing of the~~
14 ~~petition. Continuances may be granted as the court deems~~
15 ~~appropriate.~~

16 (c) In considering a petition pursuant to this Section,
17 the court may examine the court file of the proceeding in which
18 the petitioner was convicted, any action taken by an appellate
19 court in such proceeding and any transcripts of such
20 proceeding.

21 (Source: P.A. 93-605, eff. 11-19-03.)

22 (725 ILCS 5/122-2.2)

23 Sec. 122-2.2. Intellectual disability and post-conviction
24 relief.

25 (a) (Blank). ~~In cases where no determination of an~~

1 ~~intellectual disability was made and a defendant has been~~
2 ~~convicted of first degree murder, sentenced to death, and is~~
3 ~~in custody pending execution of the sentence of death, the~~
4 ~~following procedures shall apply:~~

5 ~~(1) Notwithstanding any other provision of law or rule~~
6 ~~of court, a defendant may seek relief from the death~~
7 ~~sentence through a petition for post conviction relief~~
8 ~~under this Article alleging that the defendant was a~~
9 ~~person with an intellectual disability as defined in~~
10 ~~Section 114 15 at the time the offense was alleged to have~~
11 ~~been committed.~~

12 ~~(2) The petition must be filed within 180 days of the~~
13 ~~effective date of this amendatory Act of the 93rd General~~
14 ~~Assembly or within 180 days of the issuance of the mandate~~
15 ~~by the Illinois Supreme Court setting the date of~~
16 ~~execution, whichever is later.~~

17 (b) All other provisions of this Article governing
18 petitions for post-conviction relief shall apply to a petition
19 for post-conviction relief alleging an intellectual
20 disability.

21 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

22 (725 ILCS 5/122-4) (from Ch. 38, par. 122-4)

23 Sec. 122-4. Pauper Petitions. If the petition is not
24 dismissed pursuant to Section 122-2.1, and alleges that the
25 petitioner is unable to pay the costs of the proceeding, the

1 court may order that the petitioner be permitted to proceed as
2 a poor person and order a transcript of the proceedings
3 delivered to petitioner in accordance with Rule of the Supreme
4 Court. If the petitioner is without counsel and alleges that
5 he is without means to procure counsel, he shall state whether
6 or not he wishes counsel to be appointed to represent him. If
7 appointment of counsel is so requested, and the petition is
8 not dismissed pursuant to Section 122-2.1, the court shall
9 appoint counsel if satisfied that the petitioner has no means
10 to procure counsel. A petitioner who is a prisoner in an
11 Illinois Department of Corrections facility who files a
12 pleading, motion, or other filing that purports to be a legal
13 document seeking post-conviction relief under this Article
14 against the State, the Illinois Department of Corrections, the
15 Prisoner Review Board, or any of their officers or employees
16 in which the court makes a specific finding that the pleading,
17 motion, or other filing that purports to be a legal document is
18 frivolous shall not proceed as a poor person and shall be
19 liable for the full payment of filing fees and actual court
20 costs as provided in Article XXII of the Code of Civil
21 Procedure.

22 ~~A Circuit Court or the Illinois Supreme Court may appoint~~
23 ~~the State Appellate Defender to provide post conviction~~
24 ~~representation in a case in which the defendant is sentenced~~
25 ~~to death. Any attorney assigned by the Office of the State~~
26 ~~Appellate Defender to provide post conviction representation~~

1 ~~for indigent defendants in cases in which a sentence of death~~
2 ~~was imposed in the trial court may, from time to time submit~~
3 ~~bills and time sheets to the Office of the State Appellate~~
4 ~~Defender for payment of services rendered and the Office of~~
5 ~~the State Appellate Defender shall pay bills from funds~~
6 ~~appropriated for this purpose in accordance with rules~~
7 ~~promulgated by the State Appellate Defender.~~

8 The court, at the conclusion of the proceedings upon
9 receipt of a petition by the appointed counsel, shall
10 determine a reasonable amount to be allowed an indigent
11 defendant's counsel other than the Public Defender or the
12 State Appellate Defender for compensation and reimbursement of
13 expenditures necessarily incurred in the proceedings. The
14 compensation shall not exceed \$500 in each case, except that,
15 in extraordinary circumstances, payment in excess of the
16 limits herein stated may be made if the trial court certifies
17 that the payment is necessary to provide fair compensation for
18 protracted representation, and the amount is approved by the
19 chief judge of the circuit. The court shall enter an order
20 directing the county treasurer of the county where the case
21 was tried to pay the amount thereby allowed by the court. The
22 court may order the provisional payment of sums during the
23 pendency of the cause.

24 (Source: P.A. 90-505, eff. 8-19-97.)

25 (725 ILCS 5/114-15 rep.)

1 (725 ILCS 5/119-5 rep.)

2 Section 35. The Code of Criminal Procedure of 1963 is
3 amended by repealing Sections 114-15 and 119-5.

4 Section 40. The State Appellate Defender Act is amended by
5 changing Section 10.5 as follows:

6 (725 ILCS 105/10.5)

7 Sec. 10.5. Competitive bidding for appellate services.

8 (a) The State Appellate Defender may, to the extent
9 necessary to dispose of its backlog of indigent criminal
10 appeals, institute a competitive bidding program under which
11 contracts for the services of attorneys in ~~non-death penalty~~
12 criminal appeals are awarded to the lowest responsible bidder.

13 (b) The State Appellate Defender, before letting out bids
14 for contracts for the services of attorneys to represent
15 indigent defendants on appeal in criminal cases, shall
16 advertise the letting of the bids in a publication or
17 publications of the Illinois State Bar Association, the
18 Chicago Daily Law Bulletin, and the Chicago Lawyer. The State
19 Appellate Defender shall also advertise the letting of the
20 bids in newspapers of general circulation in major
21 municipalities to be determined by the State Appellate
22 Defender. The State Appellate Defender shall mail notices of
23 the letting of the bids to county and local bar associations.

24 (c) Bids may be let in packages of one to 5, appeals.

1 Additional cases may be assigned, in the discretion of the
2 State Appellate Defender, after a successful bidder completes
3 work on existing packages.

4 (d) A bid for services of an attorney under this Section
5 shall be let only to an attorney licensed to practice law in
6 Illinois who has prior criminal appellate experience or to an
7 attorney who is a member or employee of a law firm which has at
8 least one member with that experience. Prospective bidders
9 must furnish legal writing samples that are deemed acceptable
10 to the State Appellate Defender.

11 (e) An attorney who is awarded a contract under this
12 Section shall communicate with each of his or her clients and
13 shall file each initial brief before the due date established
14 by Supreme Court Rule or by the Appellate Court. The State
15 Appellate Defender may rescind the contract for attorney
16 services and may require the return of the record on appeal if
17 the contracted attorney fails to make satisfactory progress,
18 in the opinion of the State Appellate Defender, toward filing
19 a brief.

20 (f) Gross compensation for completing of a case shall be
21 \$40 per hour but shall not exceed \$2,000 per case. The contract
22 shall specify the manner of payment.

23 (g) (Blank).

24 (h) (Blank).

25 (Source: P.A. 89-689, eff. 12-31-96; 90-505, eff. 8-19-97.)

1 Section 45. The Uniform Rendition of Prisoners as
2 Witnesses in Criminal Proceedings Act is amended by changing
3 Section 5 as follows:

4 (725 ILCS 235/5) (from Ch. 38, par. 157-5)

5 Sec. 5. Exceptions.

6 This act does not apply to any person in this State
7 confined as mentally ill or ~~and~~ in need of mental treatment, ~~or~~
8 ~~under sentence of death.~~

9 (Source: Laws 1963, p. 2171.)

10 Section 50. The Unified Code of Corrections is amended by
11 changing Sections 3-3-13, 3-6-3, 3-8-10, 5-1-9, 5-4-1, 5-4-3,
12 5-4.5-20, 5-5-3, and 5-8-1 as follows:

13 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

14 Sec. 3-3-13. Procedure for executive clemency.

15 (a) Petitions seeking pardon, commutation, or reprieve
16 shall be addressed to the Governor and filed with the Prisoner
17 Review Board. The petition shall be in writing and signed by
18 the person under conviction or by a person on his behalf. It
19 shall contain a brief history of the case, the reasons for
20 seeking executive clemency, and other relevant information the
21 Board may require.

22 (a-5) After a petition has been denied by the Governor,
23 the Board may not accept a repeat petition for executive

1 clemency for the same person until one full year has elapsed
2 from the date of the denial. The Chairman of the Board may
3 waive the one-year requirement if the petitioner offers in
4 writing new information that was unavailable to the petitioner
5 at the time of the filing of the prior petition and which the
6 Chairman determines to be significant. The Chairman also may
7 waive the one-year waiting period if the petitioner can show
8 that a change in circumstances of a compelling humanitarian
9 nature has arisen since the denial of the prior petition.

10 (b) Notice of the proposed application shall be given by
11 the Board to the committing court and the state's attorney of
12 the county where the conviction was had.

13 (b-5) Victims registered with the Board shall receive
14 reasonable written notice not less than 30 days prior to the
15 executive clemency hearing date. The victim has the right to
16 submit a victim statement to the Prisoner Review Board for
17 consideration at an executive clemency hearing as provided in
18 subsection (c) of this Section. Victim statements provided to
19 the Board shall be confidential and privileged, including any
20 statements received prior to the effective date of this
21 amendatory Act of the 101st General Assembly, except if the
22 statement was an oral statement made by the victim at a hearing
23 open to the public.

24 (c) The Board shall, upon due notice, give a hearing to
25 each application, allowing representation by counsel, if
26 desired, after which it shall confidentially advise the

1 Governor by a written report of its recommendations which
2 shall be determined by majority vote. The written report to
3 the Governor shall be confidential and privileged, including
4 any reports made prior to the effective date of this
5 amendatory Act of the 101st General Assembly. The Board shall
6 meet to consider such petitions no less than 4 times each year.

7 ~~Application for executive clemency under this Section may~~
8 ~~not be commenced on behalf of a person who has been sentenced~~
9 ~~to death without the written consent of the defendant, unless~~
10 ~~the defendant, because of a mental or physical condition, is~~
11 ~~incapable of asserting his or her own claim.~~

12 (d) The Governor shall decide each application and
13 communicate his decision to the Board which shall notify the
14 petitioner.

15 In the event a petitioner who has been convicted of a Class
16 X felony is granted a release, after the Governor has
17 communicated such decision to the Board, the Board shall give
18 written notice to the Sheriff of the county from which the
19 offender was sentenced if such sheriff has requested that such
20 notice be given on a continuing basis. In cases where arrest of
21 the offender or the commission of the offense took place in any
22 municipality with a population of more than 10,000 persons,
23 the Board shall also give written notice to the proper law
24 enforcement agency for said municipality which has requested
25 notice on a continuing basis.

26 (e) Nothing in this Section shall be construed to limit

1 the power of the Governor under the constitution to grant a
2 reprieve, commutation of sentence, or pardon.

3 (Source: P.A. 101-288, eff. 1-1-20.)

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

14 (1.5) As otherwise provided by law, sentence credit may be
15 awarded for the following:

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

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

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

24 (2) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit

1 shall provide, with respect to offenses listed in clause (i),
2 (ii), or (iii) of this paragraph (2) committed on or after June
3 19, 1998 or with respect to the offense listed in clause (iv)
4 of this paragraph (2) committed on or after June 23, 2005 (the
5 effective date of Public Act 94-71) or with respect to offense
6 listed in clause (vi) committed on or after June 1, 2008 (the
7 effective date of Public Act 95-625) or with respect to the
8 offense of being an armed habitual criminal committed on or
9 after August 2, 2005 (the effective date of Public Act 94-398)
10 or with respect to the offenses listed in clause (v) of this
11 paragraph (2) committed on or after August 13, 2007 (the
12 effective date of Public Act 95-134) or with respect to the
13 offense of aggravated domestic battery committed on or after
14 July 23, 2010 (the effective date of Public Act 96-1224) or
15 with respect to the offense of attempt to commit terrorism
16 committed on or after January 1, 2013 (the effective date of
17 Public Act 97-990), the following:

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

22 (ii) that a prisoner serving a sentence for attempt to
23 commit terrorism, attempt to commit first degree murder,
24 solicitation of murder, solicitation of murder for hire,
25 intentional homicide of an unborn child, predatory
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, criminal sexual assault, aggravated
2 kidnapping, aggravated battery with a firearm as described
3 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
4 or (e)(4) of Section 12-3.05, heinous battery as described
5 in Section 12-4.1 or subdivision (a)(2) of Section
6 12-3.05, being an armed habitual criminal, aggravated
7 battery of a senior citizen as described in Section 12-4.6
8 or subdivision (a)(4) of Section 12-3.05, or aggravated
9 battery of a child as described in Section 12-4.3 or
10 subdivision (b)(1) of Section 12-3.05 shall receive no
11 more than 4.5 days of sentence credit for each month of his
12 or her sentence of imprisonment;

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

23 (iv) that a prisoner serving a sentence for aggravated
24 discharge of a firearm, whether or not the conduct leading
25 to conviction for the offense resulted in great bodily
26 harm to the victim, shall receive no more than 4.5 days of

1 sentence credit for each month of his or her sentence of
2 imprisonment;

3 (v) that a person serving a sentence for gunrunning,
4 narcotics racketeering, controlled substance trafficking,
5 methamphetamine trafficking, drug-induced homicide,
6 aggravated methamphetamine-related child endangerment,
7 money laundering pursuant to clause (c) (4) or (5) of
8 Section 29B-1 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, or a Class X felony conviction for delivery
10 of a controlled substance, possession of a controlled
11 substance with intent to manufacture or deliver,
12 calculated criminal drug conspiracy, criminal drug
13 conspiracy, street gang criminal drug conspiracy,
14 participation in methamphetamine manufacturing,
15 aggravated participation in methamphetamine
16 manufacturing, delivery of methamphetamine, possession
17 with intent to deliver methamphetamine, aggravated
18 delivery of methamphetamine, aggravated possession with
19 intent to deliver methamphetamine, methamphetamine
20 conspiracy when the substance containing the controlled
21 substance or methamphetamine is 100 grams or more shall
22 receive no more than 7.5 days sentence credit for each
23 month of his or her sentence of imprisonment;

24 (vi) that a prisoner serving a sentence for a second
25 or subsequent offense of luring a minor shall receive no
26 more than 4.5 days of sentence credit for each month of his

1 or her sentence of imprisonment; and

2 (vii) that a prisoner serving a sentence for
3 aggravated domestic battery shall receive no more than 4.5
4 days of sentence credit for each month of his or her
5 sentence of imprisonment.

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

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

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

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

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

1 after July 15, 1999 (the effective date of Public Act 91-121),
2 that a prisoner serving a sentence for any of these offenses
3 shall receive no more than 4.5 days of sentence credit for each
4 month of his or her sentence of imprisonment.

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

12 (2.6) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations on sentence credit
14 shall provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds or any
17 combination thereof as defined in subparagraph (C) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code committed on or after January 1, 2011
20 (the effective date of Public Act 96-1230) shall receive no
21 more than 4.5 days of sentence credit for each month of his or
22 her sentence of imprisonment.

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

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

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

1 including participation in programming offered by the
2 Department.

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

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

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

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

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

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

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

1 General Assembly. The reports must include:

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

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

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

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

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

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

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

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

24 (ii) the inmate's own testimony in the form of an
25 affidavit or documentation, or a third party's
26 documentation or testimony in the form of an affidavit

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

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

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

1 set forth in paragraph (4.6) of subsection (a) are satisfied.
2 No inmate serving a term of natural life imprisonment shall
3 receive sentence credit under subparagraph (B) of this
4 paragraph (4).

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

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

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

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

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

1 who earned an associate degree while he or she was held in
2 pre-trial detention prior to the current commitment to the
3 Department of Corrections.

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

24 Except as provided in paragraph (4.7) of this subsection
25 (a), the rules and regulations shall provide that an
26 additional 180 days of sentence credit shall be awarded to any

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

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

25 (4.5) The rules and regulations on sentence credit shall
26 also provide that when the court's sentencing order recommends

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

25 (4.6) The rules and regulations on sentence credit shall
26 also provide that a prisoner who has been convicted of a sex

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

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

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

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

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

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

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

26 (c) (1) The Department shall prescribe rules and

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

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

1 empowered to review the Department's decision with respect to
2 the loss of 30 days of sentence credit within any calendar year
3 for any prisoner or to increase any penalty beyond the length
4 requested by the Department.

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

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

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

1 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
2 If the prisoner has not accumulated 180 days of sentence
3 credit at the time of the finding, then the Prisoner Review
4 Board may revoke all sentence credit accumulated by the
5 prisoner.

6 For purposes of this subsection (d):

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

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

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

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

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

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so
2 identified, are not reasonably based on a lack of
3 information or belief.

4 (2) "Lawsuit" means a motion pursuant to Section 116-3
5 of the Code of Criminal Procedure of 1963, a habeas corpus
6 action under Article X of the Code of Civil Procedure or
7 under federal law (28 U.S.C. 2254), a petition for claim
8 under the Court of Claims Act, an action under the federal
9 Civil Rights Act (42 U.S.C. 1983), or a second or
10 subsequent petition for post-conviction relief under
11 Article 122 of the Code of Criminal Procedure of 1963
12 whether filed with or without leave of court or a second or
13 subsequent petition for relief from judgment under Section
14 2-1401 of the Code of Civil Procedure.

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

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

25 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
26 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.

1 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

2 (730 ILCS 5/3-8-10) (from Ch. 38, par. 1003-8-10)

3 Sec. 3-8-10. Intrastate Detainers. Subsection ~~Except for~~
4 ~~persons sentenced to death, subsection~~ (b), (c) and (e) of
5 Section 103-5 of the Code of Criminal Procedure of 1963 shall
6 also apply to persons committed to any institution or facility
7 or program of the Illinois Department of Corrections who have
8 untried complaints, charges or indictments pending in any
9 county of this State, and such person shall include in the
10 demand under subsection (b), a statement of the place of
11 present commitment, the term, and length of the remaining
12 term, the charges pending against him or her to be tried and
13 the county of the charges, and the demand shall be addressed to
14 the state's attorney of the county where he or she is charged
15 with a copy to the clerk of that court and a copy to the chief
16 administrative officer of the Department of Corrections
17 institution or facility to which he or she is committed. The
18 state's attorney shall then procure the presence of the
19 defendant for trial in his county by habeas corpus. Additional
20 time may be granted by the court for the process of bringing
21 and serving an order of habeas corpus ad prosequendum. In the
22 event that the person is not brought to trial within the
23 allotted time, then the charge for which he or she has
24 requested a speedy trial shall be dismissed. The provisions of
25 this Section do not apply to persons no longer committed to a

1 facility or program of the Illinois Department of Corrections.
2 A person serving a period of parole or mandatory supervised
3 release under the supervision of the Department of
4 Corrections, for the purpose of this Section, shall not be
5 deemed to be committed to the Department.

6 (Source: P.A. 96-642, eff. 8-24-09.)

7 (730 ILCS 5/5-1-9) (from Ch. 38, par. 1005-1-9)

8 Sec. 5-1-9. Felony.

9 "Felony" means an offense for which a sentence to ~~death or~~
10 ~~to~~ a term of imprisonment in a penitentiary for one year or
11 more is provided.

12 (Source: P.A. 77-2097.)

13 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

14 Sec. 5-4-1. Sentencing hearing.

15 (a) After ~~Except when the death penalty is sought under~~
16 ~~hearing procedures otherwise specified, after~~ a determination
17 of guilt, a hearing shall be held to impose the sentence.
18 However, prior to the imposition of sentence on an individual
19 being sentenced for an offense based upon a charge for a
20 violation of Section 11-501 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance, the individual must
22 undergo a professional evaluation to determine if an alcohol
23 or other drug abuse problem exists and the extent of such a
24 problem. Programs conducting these evaluations shall be

1 licensed by the Department of Human Services. However, if the
2 individual is not a resident of Illinois, the court may, in its
3 discretion, accept an evaluation from a program in the state
4 of such individual's residence. The court shall make a
5 specific finding about whether the defendant is eligible for
6 participation in a Department impact incarceration program as
7 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
8 explanation as to why a sentence to impact incarceration is
9 not an appropriate sentence. The court may in its sentencing
10 order recommend a defendant for placement in a Department of
11 Corrections substance abuse treatment program as provided in
12 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
13 upon the defendant being accepted in a program by the
14 Department of Corrections. At the hearing the court shall:

15 (1) consider the evidence, if any, received upon the
16 trial;

17 (2) consider any presentence reports;

18 (3) consider the financial impact of incarceration
19 based on the financial impact statement filed with the
20 clerk of the court by the Department of Corrections;

21 (4) consider evidence and information offered by the
22 parties in aggravation and mitigation;

23 (4.5) consider substance abuse treatment, eligibility
24 screening, and an assessment, if any, of the defendant by
25 an agent designated by the State of Illinois to provide
26 assessment services for the Illinois courts;

1 (5) hear arguments as to sentencing alternatives;

2 (6) afford the defendant the opportunity to make a
3 statement in his own behalf;

4 (7) afford the victim of a violent crime or a
5 violation of Section 11-501 of the Illinois Vehicle Code,
6 or a similar provision of a local ordinance, the
7 opportunity to present an oral or written statement, as
8 guaranteed by Article I, Section 8.1 of the Illinois
9 Constitution and provided in Section 6 of the Rights of
10 Crime Victims and Witnesses Act. The court shall allow a
11 victim to make an oral statement if the victim is present
12 in the courtroom and requests to make an oral or written
13 statement. An oral or written statement includes the
14 victim or a representative of the victim reading the
15 written statement. The court may allow persons impacted by
16 the crime who are not victims under subsection (a) of
17 Section 3 of the Rights of Crime Victims and Witnesses Act
18 to present an oral or written statement. A victim and any
19 person making an oral statement shall not be put under
20 oath or subject to cross-examination. All statements
21 offered under this paragraph (7) shall become part of the
22 record of the court. In this paragraph (7), "victim of a
23 violent crime" means a person who is a victim of a violent
24 crime for which the defendant has been convicted after a
25 bench or jury trial or a person who is the victim of a
26 violent crime with which the defendant was charged and the

1 defendant has been convicted under a plea agreement of a
2 crime that is not a violent crime as defined in subsection
3 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

4 (7.5) afford a qualified person affected by: (i) a
5 violation of Section 405, 405.1, 405.2, or 407 of the
6 Illinois Controlled Substances Act or a violation of
7 Section 55 or Section 65 of the Methamphetamine Control
8 and Community Protection Act; or (ii) a Class 4 felony
9 violation of Section 11-14, 11-14.3 except as described in
10 subdivisions (a) (2) (A) and (a) (2) (B), 11-15, 11-17, 11-18,
11 11-18.1, or 11-19 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, committed by the defendant the
13 opportunity to make a statement concerning the impact on
14 the qualified person and to offer evidence in aggravation
15 or mitigation; provided that the statement and evidence
16 offered in aggravation or mitigation shall first be
17 prepared in writing in conjunction with the State's
18 Attorney before it may be presented orally at the hearing.
19 Sworn testimony offered by the qualified person is subject
20 to the defendant's right to cross-examine. All statements
21 and evidence offered under this paragraph (7.5) shall
22 become part of the record of the court. In this paragraph
23 (7.5), "qualified person" means any person who: (i) lived
24 or worked within the territorial jurisdiction where the
25 offense took place when the offense took place; or (ii) is
26 familiar with various public places within the territorial

1 jurisdiction where the offense took place when the offense
2 took place. "Qualified person" includes any peace officer
3 or any member of any duly organized State, county, or
4 municipal peace officer unit assigned to the territorial
5 jurisdiction where the offense took place when the offense
6 took place;

7 (8) in cases of reckless homicide afford the victim's
8 spouse, guardians, parents or other immediate family
9 members an opportunity to make oral statements;

10 (9) in cases involving a felony sex offense as defined
11 under the Sex Offender Management Board Act, consider the
12 results of the sex offender evaluation conducted pursuant
13 to Section 5-3-2 of this Act; and

14 (10) make a finding of whether a motor vehicle was
15 used in the commission of the offense for which the
16 defendant is being sentenced.

17 (b) All sentences shall be imposed by the judge based upon
18 his independent assessment of the elements specified above and
19 any agreement as to sentence reached by the parties. The judge
20 who presided at the trial or the judge who accepted the plea of
21 guilty shall impose the sentence unless he is no longer
22 sitting as a judge in that court. Where the judge does not
23 impose sentence at the same time on all defendants who are
24 convicted as a result of being involved in the same offense,
25 the defendant or the State's Attorney may advise the
26 sentencing court of the disposition of any other defendants

1 who have been sentenced.

2 (b-1) In imposing a sentence of imprisonment or periodic
3 imprisonment for a Class 3 or Class 4 felony for which a
4 sentence of probation or conditional discharge is an available
5 sentence, if the defendant has no prior sentence of probation
6 or conditional discharge and no prior conviction for a violent
7 crime, the defendant shall not be sentenced to imprisonment
8 before review and consideration of a presentence report and
9 determination and explanation of why the particular evidence,
10 information, factor in aggravation, factual finding, or other
11 reasons support a sentencing determination that one or more of
12 the factors under subsection (a) of Section 5-6-1 of this Code
13 apply and that probation or conditional discharge is not an
14 appropriate sentence.

15 (c) In imposing a sentence for a violent crime or for an
16 offense of operating or being in physical control of a vehicle
17 while under the influence of alcohol, any other drug or any
18 combination thereof, or a similar provision of a local
19 ordinance, when such offense resulted in the personal injury
20 to someone other than the defendant, the trial judge shall
21 specify on the record the particular evidence, information,
22 factors in mitigation and aggravation or other reasons that
23 led to his sentencing determination. The full verbatim record
24 of the sentencing hearing shall be filed with the clerk of the
25 court and shall be a public record.

26 (c-1) In imposing a sentence for the offense of aggravated

1 kidnapping for ransom, home invasion, armed robbery,
2 aggravated vehicular hijacking, aggravated discharge of a
3 firearm, or armed violence with a category I weapon or
4 category II weapon, the trial judge shall make a finding as to
5 whether the conduct leading to conviction for the offense
6 resulted in great bodily harm to a victim, and shall enter that
7 finding and the basis for that finding in the record.

8 (c-1.5) Notwithstanding any other provision of law to the
9 contrary, in imposing a sentence for an offense that requires
10 a mandatory minimum sentence of imprisonment, the court may
11 instead sentence the offender to probation, conditional
12 discharge, or a lesser term of imprisonment it deems
13 appropriate if: (1) the offense involves the use or possession
14 of drugs, retail theft, or driving on a revoked license due to
15 unpaid financial obligations; (2) the court finds that the
16 defendant does not pose a risk to public safety; and (3) the
17 interest of justice requires imposing a term of probation,
18 conditional discharge, or a lesser term of imprisonment. The
19 court must state on the record its reasons for imposing
20 probation, conditional discharge, or a lesser term of
21 imprisonment.

22 (c-2) If the defendant is sentenced to prison, other than
23 when a sentence of natural life imprisonment ~~or a sentence of~~
24 ~~death~~ is imposed, at the time the sentence is imposed the judge
25 shall state on the record in open court the approximate period
26 of time the defendant will serve in custody according to the

1 then current statutory rules and regulations for sentence
2 credit found in Section 3-6-3 and other related provisions of
3 this Code. This statement is intended solely to inform the
4 public, has no legal effect on the defendant's actual release,
5 and may not be relied on by the defendant on appeal.

6 The judge's statement, to be given after pronouncing the
7 sentence, other than when the sentence is imposed for one of
8 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
9 shall include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois
14 as applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, assuming the defendant receives all of his or her
17 sentence credit, the period of estimated actual custody is ...
18 years and ... months, less up to 180 days additional earned
19 sentence credit. If the defendant, because of his or her own
20 misconduct or failure to comply with the institutional
21 regulations, does not receive those credits, the actual time
22 served in prison will be longer. The defendant may also
23 receive an additional one-half day sentence credit for each
24 day of participation in vocational, industry, substance abuse,
25 and educational programs as provided for by Illinois statute."

26 When the sentence is imposed for one of the offenses

1 enumerated in paragraph (a)(2) of Section 3-6-3, other than
2 first degree murder, and the offense was committed on or after
3 June 19, 1998, and when the sentence is imposed for reckless
4 homicide as defined in subsection (e) of Section 9-3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 if the
6 offense was committed on or after January 1, 1999, and when the
7 sentence is imposed for aggravated driving under the influence
8 of alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of Section
11 11-501 of the Illinois Vehicle Code, and when the sentence is
12 imposed for aggravated arson if the offense was committed on
13 or after July 27, 2001 (the effective date of Public Act
14 92-176), and when the sentence is imposed for aggravated
15 driving under the influence of alcohol, other drug or drugs,
16 or intoxicating compound or compounds, or any combination
17 thereof as defined in subparagraph (C) of paragraph (1) of
18 subsection (d) of Section 11-501 of the Illinois Vehicle Code
19 committed on or after January 1, 2011 (the effective date of
20 Public Act 96-1230), the judge's statement, to be given after
21 pronouncing the sentence, shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois
26 as applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is entitled to no more than 4 1/2 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment. Therefore, this defendant will serve at least
5 85% of his or her sentence. Assuming the defendant receives 4
6 1/2 days credit for each month of his or her sentence, the
7 period of estimated actual custody is ... years and ...
8 months. If the defendant, because of his or her own misconduct
9 or failure to comply with the institutional regulations
10 receives lesser credit, the actual time served in prison will
11 be longer."

12 When a sentence of imprisonment is imposed for first
13 degree murder and the offense was committed on or after June
14 19, 1998, the judge's statement, to be given after pronouncing
15 the sentence, shall include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois
20 as applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant is not entitled to sentence credit.
23 Therefore, this defendant will serve 100% of his or her
24 sentence."

25 When the sentencing order recommends placement in a
26 substance abuse program for any offense that results in

1 incarceration in a Department of Corrections facility and the
2 crime was committed on or after September 1, 2003 (the
3 effective date of Public Act 93-354), the judge's statement,
4 in addition to any other judge's statement required under this
5 Section, to be given after pronouncing the sentence, shall
6 include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois
11 as applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant shall receive no earned sentence credit
14 under clause (3) of subsection (a) of Section 3-6-3 until he or
15 she participates in and completes a substance abuse treatment
16 program or receives a waiver from the Director of Corrections
17 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

18 (c-4) Before the sentencing hearing and as part of the
19 presentence investigation under Section 5-3-1, the court shall
20 inquire of the defendant whether the defendant is currently
21 serving in or is a veteran of the Armed Forces of the United
22 States. If the defendant is currently serving in the Armed
23 Forces of the United States or is a veteran of the Armed Forces
24 of the United States and has been diagnosed as having a mental
25 illness by a qualified psychiatrist or clinical psychologist
26 or physician, the court may:

1 (1) order that the officer preparing the presentence
2 report consult with the United States Department of
3 Veterans Affairs, Illinois Department of Veterans'
4 Affairs, or another agency or person with suitable
5 knowledge or experience for the purpose of providing the
6 court with information regarding treatment options
7 available to the defendant, including federal, State, and
8 local programming; and

9 (2) consider the treatment recommendations of any
10 diagnosing or treating mental health professionals
11 together with the treatment options available to the
12 defendant in imposing sentence.

13 For the purposes of this subsection (c-4), "qualified
14 psychiatrist" means a reputable physician licensed in Illinois
15 to practice medicine in all its branches, who has specialized
16 in the diagnosis and treatment of mental and nervous disorders
17 for a period of not less than 5 years.

18 (c-6) In imposing a sentence, the trial judge shall
19 specify, on the record, the particular evidence and other
20 reasons which led to his or her determination that a motor
21 vehicle was used in the commission of the offense.

22 (c-7) In imposing a sentence for a Class 3 or 4 felony,
23 other than a violent crime as defined in Section 3 of the
24 Rights of Crime Victims and Witnesses Act, the court shall
25 determine and indicate in the sentencing order whether the
26 defendant has 4 or more or fewer than 4 months remaining on his

1 or her sentence accounting for time served.

2 (d) When the defendant is committed to the Department of
3 Corrections, the State's Attorney shall and counsel for the
4 defendant may file a statement with the clerk of the court to
5 be transmitted to the department, agency or institution to
6 which the defendant is committed to furnish such department,
7 agency or institution with the facts and circumstances of the
8 offense for which the person was committed together with all
9 other factual information accessible to them in regard to the
10 person prior to his commitment relative to his habits,
11 associates, disposition and reputation and any other facts and
12 circumstances which may aid such department, agency or
13 institution during its custody of such person. The clerk shall
14 within 10 days after receiving any such statements transmit a
15 copy to such department, agency or institution and a copy to
16 the other party, provided, however, that this shall not be
17 cause for delay in conveying the person to the department,
18 agency or institution to which he has been committed.

19 (e) The clerk of the court shall transmit to the
20 department, agency or institution, if any, to which the
21 defendant is committed, the following:

22 (1) the sentence imposed;

23 (2) any statement by the court of the basis for
24 imposing the sentence;

25 (3) any presentence reports;

26 (3.5) any sex offender evaluations;

1 (3.6) any substance abuse treatment eligibility
2 screening and assessment of the defendant by an agent
3 designated by the State of Illinois to provide assessment
4 services for the Illinois courts;

5 (4) the number of days, if any, which the defendant
6 has been in custody and for which he is entitled to credit
7 against the sentence, which information shall be provided
8 to the clerk by the sheriff;

9 (4.1) any finding of great bodily harm made by the
10 court with respect to an offense enumerated in subsection
11 (c-1);

12 (5) all statements filed under subsection (d) of this
13 Section;

14 (6) any medical or mental health records or summaries
15 of the defendant;

16 (7) the municipality where the arrest of the offender
17 or the commission of the offense has occurred, where such
18 municipality has a population of more than 25,000 persons;

19 (8) all statements made and evidence offered under
20 paragraph (7) of subsection (a) of this Section; and

21 (9) all additional matters which the court directs the
22 clerk to transmit.

23 (f) In cases in which the court finds that a motor vehicle
24 was used in the commission of the offense for which the
25 defendant is being sentenced, the clerk of the court shall,
26 within 5 days thereafter, forward a report of such conviction

1 to the Secretary of State.

2 (Source: P.A. 101-81, eff. 7-12-19; 101-105, eff. 1-1-20;
3 101-652, Article 10, Section 10-281, eff. 7-1-21; 101-652,
4 Article 20, Section 20-5, eff. 7-1-21; 102-813, eff. 5-13-22.)

5 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

6 Sec. 5-4-3. Specimens; genetic marker groups.

7 (a) Any person convicted of, found guilty under the
8 Juvenile Court Act of 1987 for, or who received a disposition
9 of court supervision for, a qualifying offense or attempt of a
10 qualifying offense, convicted or found guilty of any offense
11 classified as a felony under Illinois law, convicted or found
12 guilty of any offense requiring registration under the Sex
13 Offender Registration Act, found guilty or given supervision
14 for any offense classified as a felony under the Juvenile
15 Court Act of 1987, convicted or found guilty of, under the
16 Juvenile Court Act of 1987, any offense requiring registration
17 under the Sex Offender Registration Act, or institutionalized
18 as a sexually dangerous person under the Sexually Dangerous
19 Persons Act, or committed as a sexually violent person under
20 the Sexually Violent Persons Commitment Act shall, regardless
21 of the sentence or disposition imposed, be required to submit
22 specimens of blood, saliva, or tissue to the Illinois State
23 Police in accordance with the provisions of this Section,
24 provided such person is:

25 (1) convicted of a qualifying offense or attempt of a

1 qualifying offense on or after July 1, 1990 and sentenced
2 to a term of imprisonment, periodic imprisonment, fine,
3 probation, conditional discharge or any other form of
4 sentence, or given a disposition of court supervision for
5 the offense;

6 (1.5) found guilty or given supervision under the
7 Juvenile Court Act of 1987 for a qualifying offense or
8 attempt of a qualifying offense on or after January 1,
9 1997;

10 (2) ordered institutionalized as a sexually dangerous
11 person on or after July 1, 1990;

12 (3) convicted of a qualifying offense or attempt of a
13 qualifying offense before July 1, 1990 and is presently
14 confined as a result of such conviction in any State
15 correctional facility or county jail or is presently
16 serving a sentence of probation, conditional discharge or
17 periodic imprisonment as a result of such conviction;

18 (3.5) convicted or found guilty of any offense
19 classified as a felony under Illinois law or found guilty
20 or given supervision for such an offense under the
21 Juvenile Court Act of 1987 on or after August 22, 2002;

22 (4) presently institutionalized as a sexually
23 dangerous person or presently institutionalized as a
24 person found guilty but mentally ill of a sexual offense
25 or attempt to commit a sexual offense; or

26 (4.5) ordered committed as a sexually violent person

1 on or after the effective date of the Sexually Violent
2 Persons Commitment Act.

3 (a-1) Any person incarcerated in a facility of the
4 Illinois Department of Corrections or the Illinois Department
5 of Juvenile Justice on or after August 22, 2002, whether for a
6 term of years or ~~7~~ natural life, ~~or a sentence of death,~~ who
7 has not yet submitted a specimen of blood, saliva, or tissue
8 shall be required to submit a specimen of blood, saliva, or
9 tissue prior to his or her final discharge, or release on
10 parole, aftercare release, or mandatory supervised release, as
11 a condition of his or her parole, aftercare release, or
12 mandatory supervised release, or within 6 months from August
13 13, 2009 (the effective date of Public Act 96-426), whichever
14 is sooner. A person incarcerated on or after August 13, 2009
15 (the effective date of Public Act 96-426) shall be required to
16 submit a specimen within 45 days of incarceration, or prior to
17 his or her final discharge, or release on parole, aftercare
18 release, or mandatory supervised release, as a condition of
19 his or her parole, aftercare release, or mandatory supervised
20 release, whichever is sooner. These specimens shall be placed
21 into the State or national DNA database, to be used in
22 accordance with other provisions of this Section, by the
23 Illinois State Police.

24 (a-2) Any person sentenced to life imprisonment in a
25 facility of the Illinois Department of Corrections after the
26 effective date of this amendatory Act of the 94th General

1 ~~Assembly or sentenced to death after the effective date of~~
2 ~~this amendatory Act of the 94th General Assembly~~ shall be
3 required to provide a specimen of blood, saliva, or tissue
4 within 45 days after sentencing or disposition at a collection
5 site designated by the Illinois State Police. Any person
6 serving a sentence of life imprisonment in a facility of the
7 Illinois Department of Corrections on the effective date of
8 this amendatory Act of the 94th General Assembly or any person
9 who is under a sentence of death on the effective date of this
10 amendatory Act of the 94th General Assembly shall be required
11 to provide a specimen of blood, saliva, or tissue upon request
12 at a collection site designated by the Illinois State Police.

13 (a-3) Any person seeking transfer to or residency in
14 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
15 Code, the Interstate Compact for Adult Offender Supervision,
16 or the Interstate Agreements on Sexually Dangerous Persons Act
17 shall be required to provide a specimen of blood, saliva, or
18 tissue within 45 days after transfer to or residency in
19 Illinois at a collection site designated by the Illinois State
20 Police.

21 (a-3.1) Any person required by an order of the court to
22 submit a DNA specimen shall be required to provide a specimen
23 of blood, saliva, or tissue within 45 days after the court
24 order at a collection site designated by the Illinois State
25 Police.

26 (a-3.2) On or after January 1, 2012 (the effective date of

1 Public Act 97-383), any person arrested for any of the
2 following offenses, after an indictment has been returned by a
3 grand jury, or following a hearing pursuant to Section 109-3
4 of the Code of Criminal Procedure of 1963 and a judge finds
5 there is probable cause to believe the arrestee has committed
6 one of the designated offenses, or an arrestee has waived a
7 preliminary hearing shall be required to provide a specimen of
8 blood, saliva, or tissue within 14 days after such indictment
9 or hearing at a collection site designated by the Illinois
10 State Police:

11 (A) first degree murder;

12 (B) home invasion;

13 (C) predatory criminal sexual assault of a child;

14 (D) aggravated criminal sexual assault; or

15 (E) criminal sexual assault.

16 (a-3.3) Any person required to register as a sex offender
17 under the Sex Offender Registration Act, regardless of the
18 date of conviction as set forth in subsection (c-5.2) shall be
19 required to provide a specimen of blood, saliva, or tissue
20 within the time period prescribed in subsection (c-5.2) at a
21 collection site designated by the Illinois State Police.

22 (a-5) Any person who was otherwise convicted of or
23 received a disposition of court supervision for any other
24 offense under the Criminal Code of 1961 or the Criminal Code of
25 2012 or who was found guilty or given supervision for such a
26 violation under the Juvenile Court Act of 1987, may,

1 regardless of the sentence imposed, be required by an order of
2 the court to submit specimens of blood, saliva, or tissue to
3 the Illinois State Police in accordance with the provisions of
4 this Section.

5 (b) Any person required by paragraphs (a)(1), (a)(1.5),
6 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
7 saliva, or tissue shall provide specimens of blood, saliva, or
8 tissue within 45 days after sentencing or disposition at a
9 collection site designated by the Illinois State Police.

10 (c) Any person required by paragraphs (a)(3), (a)(4), and
11 (a)(4.5) to provide specimens of blood, saliva, or tissue
12 shall be required to provide such specimens prior to final
13 discharge or within 6 months from August 13, 2009 (the
14 effective date of Public Act 96-426), whichever is sooner.
15 These specimens shall be placed into the State or national DNA
16 database, to be used in accordance with other provisions of
17 this Act, by the Illinois State Police.

18 (c-5) Any person required by paragraph (a-3) to provide
19 specimens of blood, saliva, or tissue shall, where feasible,
20 be required to provide the specimens before being accepted for
21 conditioned residency in Illinois under the interstate compact
22 or agreement, but no later than 45 days after arrival in this
23 State.

24 (c-5.2) Unless it is determined that a registered sex
25 offender has previously submitted a specimen of blood, saliva,
26 or tissue that has been placed into the State DNA database, a

1 person registering as a sex offender shall be required to
2 submit a specimen at the time of his or her initial
3 registration pursuant to the Sex Offender Registration Act or,
4 for a person registered as a sex offender on or prior to
5 January 1, 2012 (the effective date of Public Act 97-383),
6 within one year of January 1, 2012 (the effective date of
7 Public Act 97-383) or at the time of his or her next required
8 registration.

9 (c-6) The Illinois State Police may determine which type
10 of specimen or specimens, blood, saliva, or tissue, is
11 acceptable for submission to the Division of Forensic Services
12 for analysis. The Illinois State Police may require the
13 submission of fingerprints from anyone required to give a
14 specimen under this Act.

15 (d) The Illinois State Police shall provide all equipment
16 and instructions necessary for the collection of blood
17 specimens. The collection of specimens shall be performed in a
18 medically approved manner. Only a physician authorized to
19 practice medicine, a registered nurse or other qualified
20 person trained in venipuncture may withdraw blood for the
21 purposes of this Act. The specimens shall thereafter be
22 forwarded to the Illinois State Police, Division of Forensic
23 Services, for analysis and categorizing into genetic marker
24 groupings.

25 (d-1) The Illinois State Police shall provide all
26 equipment and instructions necessary for the collection of

1 saliva specimens. The collection of saliva specimens shall be
2 performed in a medically approved manner. Only a person
3 trained in the instructions promulgated by the Illinois State
4 Police on collecting saliva may collect saliva for the
5 purposes of this Section. The specimens shall thereafter be
6 forwarded to the Illinois State Police, Division of Forensic
7 Services, for analysis and categorizing into genetic marker
8 groupings.

9 (d-2) The Illinois State Police shall provide all
10 equipment and instructions necessary for the collection of
11 tissue specimens. The collection of tissue specimens shall be
12 performed in a medically approved manner. Only a person
13 trained in the instructions promulgated by the Illinois State
14 Police on collecting tissue may collect tissue for the
15 purposes of this Section. The specimens shall thereafter be
16 forwarded to the Illinois State Police, Division of Forensic
17 Services, for analysis and categorizing into genetic marker
18 groupings.

19 (d-5) To the extent that funds are available, the Illinois
20 State Police shall contract with qualified personnel and
21 certified laboratories for the collection, analysis, and
22 categorization of known specimens, except as provided in
23 subsection (n) of this Section.

24 (d-6) Agencies designated by the Illinois State Police and
25 the Illinois State Police may contract with third parties to
26 provide for the collection or analysis of DNA, or both, of an

1 offender's blood, saliva, and tissue specimens, except as
2 provided in subsection (n) of this Section.

3 (e) The genetic marker groupings shall be maintained by
4 the Illinois State Police, Division of Forensic Services.

5 (f) The genetic marker grouping analysis information
6 obtained pursuant to this Act shall be confidential and shall
7 be released only to peace officers of the United States, of
8 other states or territories, of the insular possessions of the
9 United States, of foreign countries duly authorized to receive
10 the same, to all peace officers of the State of Illinois and to
11 all prosecutorial agencies, and to defense counsel as provided
12 by Section 116-5 of the Code of Criminal Procedure of 1963. The
13 genetic marker grouping analysis information obtained pursuant
14 to this Act shall be used only for (i) valid law enforcement
15 identification purposes and as required by the Federal Bureau
16 of Investigation for participation in the National DNA
17 database, (ii) technology validation purposes, (iii) a
18 population statistics database, (iv) quality assurance
19 purposes if personally identifying information is removed, (v)
20 assisting in the defense of the criminally accused pursuant to
21 Section 116-5 of the Code of Criminal Procedure of 1963, or
22 (vi) identifying and assisting in the prosecution of a person
23 who is suspected of committing a sexual assault as defined in
24 Section 1a of the Sexual Assault Survivors Emergency Treatment
25 Act. Notwithstanding any other statutory provision to the
26 contrary, all information obtained under this Section shall be

1 maintained in a single State data base, which may be uploaded
2 into a national database, and which information may be subject
3 to expungement only as set forth in subsection (f-1).

4 (f-1) Upon receipt of notification of a reversal of a
5 conviction based on actual innocence, or of the granting of a
6 pardon pursuant to Section 12 of Article V of the Illinois
7 Constitution, if that pardon document specifically states that
8 the reason for the pardon is the actual innocence of an
9 individual whose DNA record has been stored in the State or
10 national DNA identification index in accordance with this
11 Section by the Illinois State Police, the DNA record shall be
12 expunged from the DNA identification index, and the Department
13 shall by rule prescribe procedures to ensure that the record
14 and any specimens, analyses, or other documents relating to
15 such record, whether in the possession of the Department or
16 any law enforcement or police agency, or any forensic DNA
17 laboratory, including any duplicates or copies thereof, are
18 destroyed and a letter is sent to the court verifying the
19 expungement is completed. For specimens required to be
20 collected prior to conviction, unless the individual has other
21 charges or convictions that require submission of a specimen,
22 the DNA record for an individual shall be expunged from the DNA
23 identification databases and the specimen destroyed upon
24 receipt of a certified copy of a final court order for each
25 charge against an individual in which the charge has been
26 dismissed, resulted in acquittal, or that the charge was not

1 filed within the applicable time period. The Department shall
2 by rule prescribe procedures to ensure that the record and any
3 specimens in the possession or control of the Department are
4 destroyed and a letter is sent to the court verifying the
5 expungement is completed.

6 (f-5) Any person who intentionally uses genetic marker
7 grouping analysis information, or any other information
8 derived from a DNA specimen, beyond the authorized uses as
9 provided under this Section, or any other Illinois law, is
10 guilty of a Class 4 felony, and shall be subject to a fine of
11 not less than \$5,000.

12 (f-6) The Illinois State Police may contract with third
13 parties for the purposes of implementing this amendatory Act
14 of the 93rd General Assembly, except as provided in subsection
15 (n) of this Section. Any other party contracting to carry out
16 the functions of this Section shall be subject to the same
17 restrictions and requirements of this Section insofar as
18 applicable, as the Illinois State Police, and to any
19 additional restrictions imposed by the Illinois State Police.

20 (g) For the purposes of this Section, "qualifying offense"
21 means any of the following:

22 (1) any violation or inchoate violation of Section
23 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
24 12-16 of the Criminal Code of 1961 or the Criminal Code of
25 2012;

26 (1.1) any violation or inchoate violation of Section

1 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
2 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
3 1961 or the Criminal Code of 2012 for which persons are
4 convicted on or after July 1, 2001;

5 (2) any former statute of this State which defined a
6 felony sexual offense;

7 (3) (blank);

8 (4) any inchoate violation of Section 9-3.1, 9-3.4,
9 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
10 the Criminal Code of 2012; or

11 (5) any violation or inchoate violation of Article 29D
12 of the Criminal Code of 1961 or the Criminal Code of 2012.

13 (g-5) (Blank).

14 (h) The Illinois State Police shall be the State central
15 repository for all genetic marker grouping analysis
16 information obtained pursuant to this Act. The Illinois State
17 Police may promulgate rules for the form and manner of the
18 collection of blood, saliva, or tissue specimens and other
19 procedures for the operation of this Act. The provisions of
20 the Administrative Review Law shall apply to all actions taken
21 under the rules so promulgated.

22 (i)(1) A person required to provide a blood, saliva, or
23 tissue specimen shall cooperate with the collection of the
24 specimen and any deliberate act by that person intended to
25 impede, delay or stop the collection of the blood, saliva, or
26 tissue specimen is a Class 4 felony.

1 (2) In the event that a person's DNA specimen is not
2 adequate for any reason, the person shall provide another DNA
3 specimen for analysis. Duly authorized law enforcement and
4 corrections personnel may employ reasonable force in cases in
5 which an individual refuses to provide a DNA specimen required
6 under this Act.

7 (j) (Blank).

8 (k) All analysis and categorization assessments provided
9 under the Criminal and Traffic Assessments Act to the State
10 Crime Laboratory Fund shall be regulated as follows:

11 (1) (Blank).

12 (2) (Blank).

13 (3) Moneys deposited into the State Crime Laboratory
14 Fund shall be used by Illinois State Police crime
15 laboratories as designated by the Director of the Illinois
16 State Police. These funds shall be in addition to any
17 allocations made pursuant to existing laws and shall be
18 designated for the exclusive use of State crime
19 laboratories. These uses may include, but are not limited
20 to, the following:

21 (A) Costs incurred in providing analysis and
22 genetic marker categorization as required by
23 subsection (d).

24 (B) Costs incurred in maintaining genetic marker
25 groupings as required by subsection (e).

26 (C) Costs incurred in the purchase and maintenance

1 of equipment for use in performing analyses.

2 (D) Costs incurred in continuing research and
3 development of new techniques for analysis and genetic
4 marker categorization.

5 (E) Costs incurred in continuing education,
6 training, and professional development of forensic
7 scientists regularly employed by these laboratories.

8 (l) The failure of a person to provide a specimen, or of
9 any person or agency to collect a specimen, shall in no way
10 alter the obligation of the person to submit such specimen, or
11 the authority of the Illinois State Police or persons
12 designated by the Illinois State Police to collect the
13 specimen, or the authority of the Illinois State Police to
14 accept, analyze and maintain the specimen or to maintain or
15 upload results of genetic marker grouping analysis information
16 into a State or national database.

17 (m) If any provision of this amendatory Act of the 93rd
18 General Assembly is held unconstitutional or otherwise
19 invalid, the remainder of this amendatory Act of the 93rd
20 General Assembly is not affected.

21 (n) Neither the Illinois State Police, the Division of
22 Forensic Services, nor any laboratory of the Division of
23 Forensic Services may contract out forensic testing for the
24 purpose of an active investigation or a matter pending before
25 a court of competent jurisdiction without the written consent
26 of the prosecuting agency. For the purposes of this subsection

1 (n), "forensic testing" includes the analysis of physical
2 evidence in an investigation or other proceeding for the
3 prosecution of a violation of the Criminal Code of 1961 or the
4 Criminal Code of 2012 or for matters adjudicated under the
5 Juvenile Court Act of 1987, and includes the use of forensic
6 databases and databanks, including DNA, firearm, and
7 fingerprint databases, and expert testimony.

8 (o) Mistake does not invalidate a database match. The
9 detention, arrest, or conviction of a person based upon a
10 database match or database information is not invalidated if
11 it is determined that the specimen was obtained or placed in
12 the database by mistake.

13 (p) This Section may be referred to as the Illinois DNA
14 Database Law of 2011.

15 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21.)

16 (730 ILCS 5/5-4.5-20)

17 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
18 degree murder:

19 (a) TERM. The defendant shall be sentenced to imprisonment
20 ~~or, if appropriate, death~~ under Section 9-1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/9-1)~~.
22 Imprisonment shall be for a determinate term, subject to
23 Section 5-4.5-115 of this Code, of (1) not less than 20 years
24 and not more than 60 years; (2) not less than 60 years and not
25 more than 100 years when an extended term is imposed under

1 Section 5-8-2 ~~(730 ILCS 5/5-8-2)~~; or (3) natural life as
2 provided in Section 5-8-1 ~~(730 ILCS 5/5-8-1)~~.

3 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
4 shall not be imposed.

5 (c) IMPACT INCARCERATION. The impact incarceration program
6 or the county impact incarceration program is not an
7 authorized disposition.

8 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
9 probation or conditional discharge shall not be imposed.

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

12 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
16 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

17 (h) DRUG COURT. Drug court is not an authorized
18 disposition.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
20 ~~ILCS 5/5-4.5-100)~~ concerning no credit for time spent in home
21 detention prior to judgment.

22 (j) SENTENCE CREDIT. See Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~
23 for rules and regulations for sentence credit.

24 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
25 monitoring and home detention are not authorized dispositions,
26 except in limited circumstances as provided in Section 5-8A-3

1 ~~(730 ILCS 5/5-8A-3).~~

2 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
3 provided in Section 3-3-8 ~~(730 ILCS 5/3-3-8)~~, the parole or
4 mandatory supervised release term shall be 3 years upon
5 release from imprisonment.

6 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
7 101-288, eff. 1-1-20.)

8 (730 ILCS 5/5-5-3)

9 Sec. 5-5-3. Disposition.

10 (a) (Blank).

11 (b) (Blank).

12 (c) (1) (Blank).

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

20 (A) First degree murder ~~where the death penalty is not~~
21 ~~imposed.~~

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

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

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

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

8 (E) (Blank).

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

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

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

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

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

9 (H) Criminal sexual assault.

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

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

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

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

26 (K) Vehicular hijacking.

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

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

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

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

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

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

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

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

25 (S) (Blank).

26 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

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

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10
25 consecutive days or 30 days of community service shall be
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
4 this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court, shall
9 be imposed for a second violation of subsection (c) of Section
10 6-303 of the Illinois Vehicle Code.

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

19 (4.5) A minimum term of imprisonment of 30 days shall be
20 imposed for a third violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this
23 subsection (c), a minimum term of imprisonment of 180 days
24 shall be imposed for a fourth or subsequent violation of
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be
2 imposed for a violation of subsection (a-5) of Section 6-303
3 of the Illinois Vehicle Code, as provided in subsection (b-5)
4 of that Section.

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

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

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

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

26 (A) a period of conditional discharge;

1 (B) a fine;

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

4 (5.1) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.2) or (5.3), a person
6 convicted of violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for at least 90 days but not
9 more than one year, if the violation resulted in damage to the
10 property of another person.

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

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

23 (5.4) In addition to any other penalties imposed, a person
24 convicted of violating Section 3-707 of the Illinois Vehicle
25 Code shall have his or her driver's license, permit, or
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code during a period in which his or her driver's license,
5 permit, or privileges were suspended for a previous violation
6 of that Section shall have his or her driver's license,
7 permit, or privileges suspended for an additional 6 months
8 after the expiration of the original 3-month suspension and
9 until he or she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

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

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

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

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of this
24 Code which may include evidence of the defendant's life, moral
25 character and occupation during the time since the original
26 sentence was passed. The trial court shall then impose

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

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

20 (1) the court finds (A) or (B) or both are
21 appropriate:

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

25 (B) the defendant is willing to participate in a
26 court approved plan, including, but not limited to,

1 the defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

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

7 and

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

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

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

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

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

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

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

22 (h) Whenever a defendant is convicted of an offense under
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
24 defendant shall undergo medical testing to determine whether
25 the defendant has been exposed to human immunodeficiency virus
26 (HIV) or any other identified causative agent of acquired

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

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

26 (j) In cases when prosecution for any violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
2 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
3 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
4 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
5 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, any violation of the Illinois Controlled
7 Substances Act, any violation of the Cannabis Control Act, or
8 any violation of the Methamphetamine Control and Community
9 Protection Act results in conviction, a disposition of court
10 supervision, or an order of probation granted under Section 10
11 of the Cannabis Control Act, Section 410 of the Illinois
12 Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act of a
14 defendant, the court shall determine whether the defendant is
15 employed by a facility or center as defined under the Child
16 Care Act of 1969, a public or private elementary or secondary
17 school, or otherwise works with children under 18 years of age
18 on a daily basis. When a defendant is so employed, the court
19 shall order the Clerk of the Court to send a copy of the
20 judgment of conviction or order of supervision or probation to
21 the defendant's employer by certified mail. If the employer of
22 the defendant is a school, the Clerk of the Court shall direct
23 the mailing of a copy of the judgment of conviction or order of
24 supervision or probation to the appropriate regional
25 superintendent of schools. The regional superintendent of
26 schools shall notify the State Board of Education of any

1 notification under this subsection.

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

1 has been revoked under this subsection (j-5) as provided in
2 Section 3-3-9. This subsection (j-5) does not apply to a
3 defendant who has a high school diploma or has successfully
4 passed high school equivalency testing. This subsection (j-5)
5 does not apply to a defendant who is determined by the court to
6 be a person with a developmental disability or otherwise
7 mentally incapable of completing the educational or vocational
8 program.

9 (k) (Blank).

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

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

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

24 Otherwise, the defendant shall be sentenced as provided in
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

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

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

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

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

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

1 Section 3-6-3.

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

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

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

22 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
23 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
24 5-27-22.)

25 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, subject to Section 5-4.5-115
7 of this Code, according to the following limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection
14 (a) (1) (c) of this Section, that any of the aggravating
15 factors listed in subparagraph (b-5) ~~subsection (b) or~~
16 ~~(b-5) of Section 9-1 of the Criminal Code of 1961 or~~
17 ~~the Criminal Code of 2012~~ are present, the court may
18 sentence the defendant, subject to Section 5-4.5-105,
19 to a term of natural life imprisonment, or

20 (b-5) A defendant who at the time of the
21 commission of the offense has attained the age of 18 or
22 more and who has been found guilty of first degree
23 murder may be sentenced to a term of natural life
24 imprisonment if:

25 (1) the murdered individual was an inmate at
26 an institution or facility of the Department of

1 Corrections, or any similar local correctional
2 agency and was killed on the grounds thereof, or
3 the murdered individual was otherwise present in
4 such institution or facility with the knowledge
5 and approval of the chief administrative officer
6 thereof;

7 (2) the murdered individual was killed as a
8 result of the hijacking of an airplane, train,
9 ship, bus, or other public conveyance;

10 (3) the defendant committed the murder
11 pursuant to a contract, agreement, or
12 understanding by which he or she was to receive
13 money or anything of value in return for
14 committing the murder or procured another to
15 commit the murder for money or anything of value;

16 (4) the murdered individual was killed in the
17 course of another felony if:

18 (A) the murdered individual:

19 (i) was actually killed by the
20 defendant, or

21 (ii) received physical injuries
22 personally inflicted by the defendant
23 substantially contemporaneously with
24 physical injuries caused by one or more
25 persons for whose conduct the defendant is
26 legally accountable under Section 5-2 of

1 this Code, and the physical injuries
2 inflicted by either the defendant or the
3 other person or persons for whose conduct
4 he is legally accountable caused the death
5 of the murdered individual; and (B) in
6 performing the acts which caused the death
7 of the murdered individual or which
8 resulted in physical injuries personally
9 inflicted by the defendant on the murdered
10 individual under the circumstances of
11 subdivision (ii) of clause (A) of this
12 clause (4), the defendant acted with the
13 intent to kill the murdered individual or
14 with the knowledge that his or her acts
15 created a strong probability of death or
16 great bodily harm to the murdered
17 individual or another; and

18 (B) in performing the acts which caused
19 the death of the murdered individual or which
20 resulted in physical injuries personally
21 inflicted by the defendant on the murdered
22 individual under the circumstances of
23 subdivision (ii) of clause (A) of this clause
24 (4), the defendant acted with the intent to
25 kill the murdered individual or with the
26 knowledge that his or her acts created a

1 strong probability of death or great bodily
2 harm to the murdered individual or another;
3 and

4 (C) the other felony was an inherently
5 violent crime or the attempt to commit an
6 inherently violent crime. In this clause (C),
7 "inherently violent crime" includes, but is
8 not limited to, armed robbery, robbery,
9 predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, aggravated
11 kidnapping, aggravated vehicular hijacking,
12 aggravated arson, aggravated stalking,
13 residential burglary, and home invasion;

14 (5) the defendant committed the murder with
15 intent to prevent the murdered individual from
16 testifying or participating in any criminal
17 investigation or prosecution or giving material
18 assistance to the State in any investigation or
19 prosecution, either against the defendant or
20 another; or the defendant committed the murder
21 because the murdered individual was a witness in
22 any prosecution or gave material assistance to the
23 State in any investigation or prosecution, either
24 against the defendant or another; for purposes of
25 this clause (5), "participating in any criminal
26 investigation or prosecution" is intended to

1 include those appearing in the proceedings in any
2 capacity such as trial judges, prosecutors,
3 defense attorneys, investigators, witnesses, or
4 jurors;

5 (6) the defendant, while committing an offense
6 punishable under Section 401, 401.1, 401.2, 405,
7 405.2, 407 or 407.1 or subsection (b) of Section
8 404 of the Illinois Controlled Substances Act, or
9 while engaged in a conspiracy or solicitation to
10 commit such offense, intentionally killed an
11 individual or counseled, commanded, induced,
12 procured or caused the intentional killing of the
13 murdered individual;

14 (7) the defendant was incarcerated in an
15 institution or facility of the Department of
16 Corrections at the time of the murder, and while
17 committing an offense punishable as a felony under
18 Illinois law, or while engaged in a conspiracy or
19 solicitation to commit such offense, intentionally
20 killed an individual or counseled, commanded,
21 induced, procured or caused the intentional
22 killing of the murdered individual;

23 (8) the murder was committed in a cold,
24 calculated and premeditated manner pursuant to a
25 preconceived plan, scheme or design to take a
26 human life by unlawful means, and the conduct of

1 the defendant created a reasonable expectation
2 that the death of a human being would result
3 therefrom;

4 (9) the defendant was a principal
5 administrator, organizer, or leader of a
6 calculated criminal drug conspiracy consisting of
7 a hierarchical position of authority superior to
8 that of all other members of the conspiracy, and
9 the defendant counseled, commanded, induced,
10 procured, or caused the intentional killing of the
11 murdered person;

12 (10) the murder was intentional and involved
13 the infliction of torture. For the purpose of this
14 clause (10), torture means the infliction of or
15 subjection to extreme physical pain, motivated by
16 an intent to increase or prolong the pain,
17 suffering or agony of the victim;

18 (11) the murder was committed as a result of
19 the intentional discharge of a firearm by the
20 defendant from a motor vehicle and the victim was
21 not present within the motor vehicle;

22 (12) the murdered individual was a person with
23 a disability and the defendant knew or should have
24 known that the murdered individual was a person
25 with a disability. For purposes of this clause
26 (12), "person with a disability" means a person

1 who suffers from a permanent physical or mental
2 impairment resulting from disease, an injury, a
3 functional disorder, or a congenital condition
4 that renders the person incapable of adequately
5 providing for his or her own health or personal
6 care;

7 (13) the murdered individual was subject to an
8 order of protection and the murder was committed
9 by a person against whom the same order of
10 protection was issued under the Illinois Domestic
11 Violence Act of 1986;

12 (14) the murdered individual was known by the
13 defendant to be a teacher or other person employed
14 in any school and the teacher or other employee is
15 upon the grounds of a school or grounds adjacent
16 to a school, or is in any part of a building used
17 for school purposes;

18 (15) the murder was committed by the defendant
19 in connection with or as a result of the offense of
20 terrorism as defined in Section 29D-14.9 of this
21 Code;

22 (16) the murdered individual was a member of a
23 congregation engaged in prayer or other religious
24 activities at a church, synagogue, mosque, or
25 other building, structure, or place used for
26 religious worship; or

1 (17)(i) the murdered individual was a
2 physician, physician assistant, psychologist,
3 nurse, or advanced practice registered nurse;

4 (ii) the defendant knew or should have known
5 that the murdered individual was a physician,
6 physician assistant, psychologist, nurse, or
7 advanced practice registered nurse; and

8 (iii) the murdered individual was killed in
9 the course of acting in his or her capacity as a
10 physician, physician assistant, psychologist,
11 nurse, or advanced practice registered nurse, or
12 to prevent him or her from acting in that
13 capacity, or in retaliation for his or her acting
14 in that capacity.

15 (c) the court shall sentence the defendant to a
16 term of natural life imprisonment if the defendant, at
17 the time of the commission of the murder, had attained
18 the age of 18, and:

19 (i) has previously been convicted of first
20 degree murder under any state or federal law, or

21 (ii) is found guilty of murdering more than
22 one victim, or

23 (iii) is found guilty of murdering a peace
24 officer, fireman, or emergency management worker
25 when the peace officer, fireman, or emergency
26 management worker was killed in the course of

1 performing his official duties, or to prevent the
2 peace officer or fireman from performing his
3 official duties, or in retaliation for the peace
4 officer, fireman, or emergency management worker
5 from performing his official duties, and the
6 defendant knew or should have known that the
7 murdered individual was a peace officer, fireman,
8 or emergency management worker, or

9 (iv) is found guilty of murdering an employee
10 of an institution or facility of the Department of
11 Corrections, or any similar local correctional
12 agency, when the employee was killed in the course
13 of performing his official duties, or to prevent
14 the employee from performing his official duties,
15 or in retaliation for the employee performing his
16 official duties, or

17 (v) is found guilty of murdering an emergency
18 medical technician - ambulance, emergency medical
19 technician - intermediate, emergency medical
20 technician - paramedic, ambulance driver or other
21 medical assistance or first aid person while
22 employed by a municipality or other governmental
23 unit when the person was killed in the course of
24 performing official duties or to prevent the
25 person from performing official duties or in
26 retaliation for performing official duties and the

1 defendant knew or should have known that the
2 murdered individual was an emergency medical
3 technician - ambulance, emergency medical
4 technician - intermediate, emergency medical
5 technician - paramedic, ambulance driver, or other
6 medical assistant or first aid personnel, or

7 (vi) (blank), or

8 (vii) is found guilty of first degree murder
9 and the murder was committed by reason of any
10 person's activity as a community policing
11 volunteer or to prevent any person from engaging
12 in activity as a community policing volunteer. For
13 the purpose of this Section, "community policing
14 volunteer" has the meaning ascribed to it in
15 Section 2-3.5 of the Criminal Code of 2012.

16 For purposes of clause (v), "emergency medical
17 technician - ambulance", "emergency medical technician
18 - intermediate", "emergency medical technician -
19 paramedic", have the meanings ascribed to them in the
20 Emergency Medical Services (EMS) Systems Act.

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

24 (ii) if, during the commission of the offense, the
25 person personally discharged a firearm, 20 years shall
26 be added to the term of imprisonment imposed by the

1 court;

2 (iii) if, during the commission of the offense,
3 the person personally discharged a firearm that
4 proximately caused great bodily harm, permanent
5 disability, permanent disfigurement, or death to
6 another person, 25 years or up to a term of natural
7 life shall be added to the term of imprisonment
8 imposed by the court.

9 (2) (blank);

10 (2.5) for a person who has attained the age of 18 years
11 at the time of the commission of the offense and who is
12 convicted under the circumstances described in subdivision
13 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
14 subsection (b) of Section 12-13, subdivision (d)(2) of
15 Section 11-1.30 or paragraph (2) of subsection (d) of
16 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
17 paragraph (1.2) of subsection (b) of Section 12-14.1,
18 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
19 subsection (b) of Section 12-14.1 of the Criminal Code of
20 1961 or the Criminal Code of 2012, the sentence shall be a
21 term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8,
25 the parole or mandatory supervised release term shall be
26 written as part of the sentencing order and shall be as

1 follows:

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

6 (1.5) except as provided in paragraph (7) of this
7 subsection (d), for a Class X felony except for the
8 offenses of predatory criminal sexual assault of a child,
9 aggravated criminal sexual assault, and criminal sexual
10 assault if committed on or after December 13, 2005 (the
11 effective date of Public Act 94-715) and except for the
12 offense of aggravated child pornography under Section
13 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
14 subsection (c-5) of Section 11-20.1 of the Criminal Code
15 of 1961 or the Criminal Code of 2012, if committed on or
16 after January 1, 2009, 18 months;

17 (2) except as provided in paragraph (7) of this
18 subsection (d), for a Class 1 felony or a Class 2 felony
19 except for the offense of criminal sexual assault if
20 committed on or after December 13, 2005 (the effective
21 date of Public Act 94-715) and except for the offenses of
22 manufacture and dissemination of child pornography under
23 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, if
25 committed on or after January 1, 2009, 12 months;

26 (3) except as provided in paragraph (4), (6), or (7)

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

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after
18 December 13, 2005 (the effective date of Public Act
19 94-715), or who commit the offense of aggravated child
20 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
21 with sentencing under subsection (c-5) of Section 11-20.1
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 manufacture of child pornography, or dissemination of
24 child pornography after January 1, 2009, the term of
25 mandatory supervised release shall range from a minimum of
26 3 years to a maximum of the natural life of the defendant;

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

7 (6) for a felony domestic battery, aggravated domestic
8 battery, stalking, aggravated stalking, and a felony
9 violation of an order of protection, 4 years;

10 (7) for any felony described in paragraph (a)(2)(ii),
11 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
12 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
13 3-6-3 of the Unified Code of Corrections requiring an
14 inmate to serve a minimum of 85% of their court-imposed
15 sentence, except for the offenses of predatory criminal
16 sexual assault of a child, aggravated criminal sexual
17 assault, and criminal sexual assault if committed on or
18 after December 13, 2005 (the effective date of Public Act
19 94-715) and except for the offense of aggravated child
20 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
21 with sentencing under subsection (c-5) of Section 11-20.1
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 if committed on or after January 1, 2009 and except as
24 provided in paragraph (4) or paragraph (6) of this
25 subsection (d), the term of mandatory supervised release
26 shall be as follows:

1 (A) Class X felony, 3 years;

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

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

4 (e) (Blank).

5 (f) (Blank).

6 (g) Notwithstanding any other provisions of this Act and
7 of Public Act 101-652: (i) the provisions of paragraph (3) of
8 subsection (d) are effective on July 1, 2022 and shall apply to
9 all individuals convicted on or after the effective date of
10 paragraph (3) of subsection (d); and (ii) the provisions of
11 paragraphs (1.5) and (2) of subsection (d) are effective on
12 July 1, 2021 and shall apply to all individuals convicted on or
13 after the effective date of paragraphs (1.5) and (2) of
14 subsection (d).

15 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
16 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.
17 1-7-22; 102-1104, eff. 12-6-22.)

18 Section 55. The County Jail Act is amended by changing
19 Section 13 as follows:

20 (730 ILCS 125/13) (from Ch. 75, par. 113)

21 Sec. 13. Whenever the Warden of any jail shall have in his
22 custody any person charged with a ~~capital offense or other~~
23 high crime, and there is no jail in his county, or the jail is
24 insufficient, he may, with the advice of the judge of the

1 circuit court of such county, employ a sufficient guard, not
2 exceeding 3 persons, for the guarding and safe keeping of such
3 prisoner in his own county. The expense of such guard shall be
4 audited and paid as other county expenses.

5 (Source: P.A. 83-1073.)

6 Section 60. The Code of Civil Procedure is amended by
7 changing Section 10-103 as follows:

8 (735 ILCS 5/10-103) (from Ch. 110, par. 10-103)

9 Sec. 10-103. Application. Application for the relief shall
10 be made to the Supreme Court or to the circuit court of the
11 county in which the person in whose behalf the application is
12 made, is imprisoned or restrained, or to the circuit court of
13 the county from which such person was sentenced or committed.
14 Application shall be made by complaint signed by the person
15 for whose relief it is intended, or by some person in his or
16 her behalf, and verified by affidavit. ~~Application for relief~~
17 ~~under this Article may not be commenced on behalf of a person~~
18 ~~who has been sentenced to death without the written consent of~~
19 ~~that person, unless the person, because of a mental or~~
20 ~~physical condition, is incapable of asserting his or her own~~
21 ~~claim.~~

22 (Source: P.A. 89-684, eff. 6-1-97.)

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Statutes amended in order of appearance

3	55 ILCS 5/3-4011	from Ch. 34, par. 3-4011
4	105 ILCS 5/21B-85	
5	305 ILCS 5/1-8	
6	720 ILCS 5/2-7	from Ch. 38, par. 2-7
7	720 ILCS 5/8-4	from Ch. 38, par. 8-4
8	720 ILCS 5/9-1	from Ch. 38, par. 9-1
9	720 ILCS 5/9-1.2	from Ch. 38, par. 9-1.2
10	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
11	720 ILCS 5/30-1	from Ch. 38, par. 30-1
12	720 ILCS 550/9	from Ch. 56 1/2, par. 709
13	725 ILCS 5/104-26	from Ch. 38, par. 104-26
14	725 ILCS 5/111-3	from Ch. 38, par. 111-3
15	725 ILCS 5/114-15	
16	725 ILCS 5/116-4	
17	725 ILCS 5/121-13	from Ch. 38, par. 121-13
18	725 ILCS 5/122-1	from Ch. 38, par. 122-1
19	725 ILCS 5/122-2.1	from Ch. 38, par. 122-2.1
20	725 ILCS 5/122-2.2	
21	725 ILCS 5/122-4	from Ch. 38, par. 122-4
22	725 ILCS 5/119-5 rep.	
23	725 ILCS 105/10.5	
24	725 ILCS 235/5	from Ch. 38, par. 157-5
25	730 ILCS 5/3-3-13	from Ch. 38, par. 1003-3-13

1	730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
2	730 ILCS 5/3-8-10	from Ch. 38, par. 1003-8-10
3	730 ILCS 5/5-1-9	from Ch. 38, par. 1005-1-9
4	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
5	730 ILCS 5/5-4-3	from Ch. 38, par. 1005-4-3
6	730 ILCS 5/5-4.5-20	
7	730 ILCS 5/5-5-3	
8	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
9	730 ILCS 125/13	from Ch. 75, par. 113
10	735 ILCS 5/10-103	from Ch. 110, par. 10-103