

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 Illinois Vehicle Code is amended by
5 changing Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver
9 permit for the operation of first or second division vehicles
10 being operated as school buses or a permit valid only for the
11 operation of first division vehicles being operated as school
12 buses to those applicants who have met all the requirements of
13 the application and screening process under this Section to
14 insure the welfare and safety of children who are transported
15 on school buses throughout the State of Illinois. Applicants
16 shall obtain the proper application required by the Secretary
17 of State from their prospective or current employer and submit
18 the completed application to the prospective or current
19 employer along with the necessary fingerprint submission as
20 required by the Illinois State Police to conduct
21 fingerprint-based ~~fingerprint-based~~ criminal background checks
22 on current and future information available in the State ~~state~~
23 system and current information available through the Federal

1 Bureau of Investigation's system. Applicants who have
2 completed the fingerprinting requirements shall not be
3 subjected to the fingerprinting process when applying for
4 subsequent permits or submitting proof of successful
5 completion of the annual refresher course. Individuals who on
6 July 1, 1995 (the effective date of Public Act 88-612) possess
7 a valid school bus driver permit that has been previously
8 issued by the appropriate Regional School Superintendent are
9 not subject to the fingerprinting provisions of this Section
10 as long as the permit remains valid and does not lapse. The
11 applicant shall be required to pay all related application and
12 fingerprinting fees as established by rule, including, but not
13 limited to, the amounts established by the Illinois State
14 Police and the Federal Bureau of Investigation to process
15 fingerprint-based ~~fingerprint-based~~ criminal background
16 investigations. All fees paid for fingerprint processing
17 services under this Section shall be deposited into the State
18 Police Services Fund for the cost incurred in processing the
19 fingerprint-based ~~fingerprint-based~~ criminal background
20 investigations. All other fees paid under this Section shall
21 be deposited into the Road Fund for the purpose of defraying
22 the costs of the Secretary of State in administering this
23 Section. All applicants must:

- 24 1. be 21 years of age or older;
- 25 2. possess a valid and properly classified driver's
26 license issued by the Secretary of State;

1 3. possess a valid driver's license, which has not
2 been revoked, suspended, or canceled for 3 years
3 immediately prior to the date of application, or have not
4 had his or her commercial motor vehicle driving privileges
5 disqualified within the 3 years immediately prior to the
6 date of application;

7 4. successfully pass a first division or second
8 division written test, administered by the Secretary of
9 State, on school bus operation, school bus safety, and
10 special traffic laws relating to school buses and submit
11 to a review of the applicant's driving habits by the
12 Secretary of State at the time the written test is given;

13 5. demonstrate ability to exercise reasonable care in
14 the operation of school buses in accordance with rules
15 promulgated by the Secretary of State;

16 6. demonstrate physical fitness to operate school
17 buses by submitting the results of a medical examination,
18 including tests for drug use for each applicant not
19 subject to such testing pursuant to federal law, conducted
20 by a licensed physician, a licensed advanced practice
21 registered nurse, or a licensed physician assistant within
22 90 days of the date of application according to standards
23 promulgated by the Secretary of State;

24 7. affirm under penalties of perjury that he or she
25 has not made a false statement or knowingly concealed a
26 material fact in any application for permit;

1 8. have completed an initial classroom course,
2 including first aid procedures, in school bus driver
3 safety as promulgated by the Secretary of State~~r~~ and~~,~~
4 after satisfactory completion of said initial course~~,~~ an
5 annual refresher course; such courses and the agency or
6 organization conducting such courses shall be approved by
7 the Secretary of State; failure to complete the annual
8 refresher course~~r~~ shall result in cancellation of the
9 permit until such course is completed;

10 9. not have been under an order of court supervision
11 for or convicted of 2 or more serious traffic offenses, as
12 defined by rule, within one year prior to the date of
13 application that may endanger the life or safety of any of
14 the driver's passengers within the duration of the permit
15 period;

16 10. not have been under an order of court supervision
17 for or convicted of reckless driving, aggravated reckless
18 driving, driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or
20 any combination thereof, or reckless homicide resulting
21 from the operation of a motor vehicle within 3 years of the
22 date of application;

23 11. not have been convicted of committing or
24 attempting to commit any one or more of the following
25 offenses: (i) those offenses defined in Sections 8-1,
26 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,

1 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
3 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
4 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
5 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
6 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22,
7 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05,
8 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
9 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6,
10 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33,
12 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
13 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
14 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
15 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
16 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
17 of Section 24-3, and those offenses contained in Article
18 29D of the Criminal Code of 1961 or the Criminal Code of
19 2012; (ii) those offenses defined in the Cannabis Control
20 Act except those offenses defined in subsections (a) and
21 (b) of Section 4, and subsection (a) of Section 5 of the
22 Cannabis Control Act; (iii) those offenses defined in the
23 Illinois Controlled Substances Act; (iv) those offenses
24 defined in the Methamphetamine Control and Community
25 Protection Act; (v) any offense committed or attempted in
26 any other state or against the laws of the United States,

1 which if committed or attempted in this State would be
2 punishable as one or more of the foregoing offenses; (vi)
3 the offenses defined in Section 4.1 and 5.1 of the Wrongs
4 to Children Act or Section 11-9.1A of the Criminal Code of
5 1961 or the Criminal Code of 2012; (vii) those offenses
6 defined in Section 6-16 of the Liquor Control Act of 1934;
7 and (viii) those offenses defined in the Methamphetamine
8 Precursor Control Act;

9 12. not have been repeatedly involved as a driver in
10 motor vehicle collisions or been repeatedly convicted of
11 offenses against laws and ordinances regulating the
12 movement of traffic, to a degree which indicates lack of
13 ability to exercise ordinary and reasonable care in the
14 safe operation of a motor vehicle or disrespect for the
15 traffic laws and the safety of other persons upon the
16 highway;

17 13. not have, through the unlawful operation of a
18 motor vehicle, caused a crash resulting in the death of
19 any person;

20 14. not have, within the last 5 years, been adjudged
21 to be afflicted with or suffering from any mental
22 disability or disease;

23 15. consent, in writing, to the release of results of
24 reasonable suspicion drug and alcohol testing under
25 Section 6-106.1c of this Code by the employer of the
26 applicant to the Secretary of State; and

1 16. not have been convicted of committing or
2 attempting to commit within the last 20 years: (i) an
3 offense defined in subsection (c) of Section 4, subsection
4 (b) of Section 5, and subsection (a) of Section 8 of the
5 Cannabis Control Act; or (ii) any offenses in any other
6 state or against the laws of the United States that, if
7 committed or attempted in this State, would be punishable
8 as one or more of the foregoing offenses.

9 (a-5) If an applicant's driver's license has been
10 suspended within the 3 years immediately prior to the date of
11 application for the sole reason of failure to pay child
12 support, that suspension shall not bar the applicant from
13 receiving a school bus driver permit.

14 (a-10) ~~(a-5)~~ By January 1, 2024, the Secretary of State,
15 in conjunction with the Illinois State Board of Education,
16 shall develop a separate classroom course and refresher course
17 for operation of vehicles of the first division being operated
18 as school buses. Regional superintendents of schools, working
19 with the Illinois State Board of Education, shall offer the
20 course.

21 (b) A school bus driver permit shall be valid for a period
22 specified by the Secretary of State as set forth by rule. It
23 shall be renewable upon compliance with subsection (a) of this
24 Section.

25 (c) A school bus driver permit shall contain the holder's
26 driver's license number, legal name, residence address, zip

1 code, and date of birth, a brief description of the holder, and
2 a space for signature. The Secretary of State may require a
3 suitable photograph of the holder.

4 (d) The employer shall be responsible for conducting a
5 pre-employment interview with prospective school bus driver
6 candidates, distributing school bus driver applications and
7 medical forms to be completed by the applicant, and submitting
8 the applicant's fingerprint cards to the Illinois State Police
9 that are required for the criminal background investigations.
10 The employer shall certify in writing to the Secretary of
11 State that all pre-employment conditions have been
12 successfully completed including the successful completion of
13 an Illinois specific criminal background investigation through
14 the Illinois State Police and the submission of necessary
15 fingerprints to the Federal Bureau of Investigation for
16 criminal history information available through the Federal
17 Bureau of Investigation system. The applicant shall present
18 the certification to the Secretary of State at the time of
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving
21 certification from the employer that all pre-employment
22 conditions have been successfully completed, and upon
23 successful completion of all training and examination
24 requirements for the classification of the vehicle to be
25 operated, the Secretary of State shall provisionally issue a
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal
2 Bureau of Investigation's criminal background investigation
3 based upon fingerprinting specimens submitted to the Federal
4 Bureau of Investigation by the Illinois State Police. The
5 Federal Bureau of Investigation shall report the findings
6 directly to the Secretary of State. The Secretary of State
7 shall remove the bus driver permit from provisional status
8 upon the applicant's successful completion of the Federal
9 Bureau of Investigation's criminal background investigation.

10 (f) A school bus driver permit holder shall notify the
11 employer and the Secretary of State if he or she is issued an
12 order of court supervision for or convicted in another state
13 of an offense that would make him or her ineligible for a
14 permit under subsection (a) of this Section. The written
15 notification shall be made within 5 days of the entry of the
16 order of court supervision or conviction. Failure of the
17 permit holder to provide the notification is punishable as a
18 petty offense for a first violation and a Class B misdemeanor
19 for a second or subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus
22 driver permit of an applicant whose criminal background
23 investigation discloses that he or she is not in
24 compliance with the provisions of subsection (a) of this
25 Section.

26 (2) The Secretary of State shall cancel a school bus

1 driver permit when he or she receives notice that the
2 permit holder fails to comply with any provision of this
3 Section or any rule promulgated for the administration of
4 this Section.

5 (3) The Secretary of State shall cancel a school bus
6 driver permit if the permit holder's restricted commercial
7 or commercial driving privileges are withdrawn or
8 otherwise invalidated.

9 (4) The Secretary of State may not issue a school bus
10 driver permit for a period of 3 years to an applicant who
11 fails to obtain a negative result on a drug test as
12 required in item 6 of subsection (a) of this Section or
13 under federal law.

14 (5) The Secretary of State shall forthwith suspend a
15 school bus driver permit for a period of 3 years upon
16 receiving notice that the holder has failed to obtain a
17 negative result on a drug test as required in item 6 of
18 subsection (a) of this Section or under federal law.

19 (6) The Secretary of State shall suspend a school bus
20 driver permit for a period of 3 years upon receiving
21 notice from the employer that the holder failed to perform
22 the inspection procedure set forth in subsection (a) or
23 (b) of Section 12-816 of this Code.

24 (7) The Secretary of State shall suspend a school bus
25 driver permit for a period of 3 years upon receiving
26 notice from the employer that the holder refused to submit

1 to an alcohol or drug test as required by Section 6-106.1c
2 or has submitted to a test required by that Section which
3 disclosed an alcohol concentration of more than 0.00 or
4 disclosed a positive result on a National Institute on
5 Drug Abuse five-drug panel, utilizing federal standards
6 set forth in 49 CFR 40.87.

7 The Secretary of State shall notify the State
8 Superintendent of Education and the permit holder's
9 prospective or current employer that the applicant ~~has~~ (1) has
10 failed a criminal background investigation or (2) is no longer
11 eligible for a school bus driver permit; and of the related
12 cancellation of the applicant's provisional school bus driver
13 permit. The cancellation shall remain in effect pending the
14 outcome of a hearing pursuant to Section 2-118 of this Code.
15 The scope of the hearing shall be limited to the issuance
16 criteria contained in subsection (a) of this Section. A
17 petition requesting a hearing shall be submitted to the
18 Secretary of State and shall contain the reason the individual
19 feels he or she is entitled to a school bus driver permit. The
20 permit holder's employer shall notify in writing to the
21 Secretary of State that the employer has certified the removal
22 of the offending school bus driver from service prior to the
23 start of that school bus driver's next work shift ~~workshift~~.
24 An employing school board that fails to remove the offending
25 school bus driver from service is subject to the penalties
26 defined in Section 3-14.23 of the School Code. A school bus

1 contractor who violates a provision of this Section is subject
2 to the penalties defined in Section 6-106.11.

3 All valid school bus driver permits issued under this
4 Section prior to January 1, 1995, shall remain effective until
5 their expiration date unless otherwise invalidated.

6 (h) When a school bus driver permit holder who is a service
7 member is called to active duty, the employer of the permit
8 holder shall notify the Secretary of State, within 30 days of
9 notification from the permit holder, that the permit holder
10 has been called to active duty. Upon notification pursuant to
11 this subsection, (i) the Secretary of State shall characterize
12 the permit as inactive until a permit holder renews the permit
13 as provided in subsection (i) of this Section, and (ii) if a
14 permit holder fails to comply with the requirements of this
15 Section while called to active duty, the Secretary of State
16 shall not characterize the permit as invalid.

17 (i) A school bus driver permit holder who is a service
18 member returning from active duty must, within 90 days, renew
19 a permit characterized as inactive pursuant to subsection (h)
20 of this Section by complying with the renewal requirements of
21 subsection (b) of this Section.

22 (j) For purposes of subsections (h) and (i) of this
23 Section:

24 "Active duty" means active duty pursuant to an executive
25 order of the President of the United States, an act of the
26 Congress of the United States, or an order of the Governor.

1 "Service member" means a member of the Armed Services or
2 reserve forces of the United States or a member of the Illinois
3 National Guard.

4 (k) A private carrier employer of a school bus driver
5 permit holder, having satisfied the employer requirements of
6 this Section, shall be held to a standard of ordinary care for
7 intentional acts committed in the course of employment by the
8 bus driver permit holder. This subsection (k) shall in no way
9 limit the liability of the private carrier employer for
10 violation of any provision of this Section or for the
11 negligent hiring or retention of a school bus driver permit
12 holder.

13 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;
14 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.
15 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1130,
16 eff. 7-1-23; revised 9-19-23.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)
18 Sec. 6-508. Commercial Driver's License (CDL);
19 qualification standards.

20 (a) Testing.

21 (1) General. No person shall be issued an original or
22 renewal CDL unless that person is domiciled in this State
23 or is applying for a non-domiciled CDL under Sections
24 6-509 and 6-510 of this Code. The Secretary shall cause to
25 be administered such tests as the Secretary deems

1 necessary to meet the requirements of 49 CFR Part 383,
2 subparts F, G, H, and J.

3 (1.5) Effective July 1, 2014, no person shall be
4 issued an original CDL or an upgraded CDL that requires a
5 skills test unless that person has held a CLP, for a
6 minimum of 14 calendar days, for the classification of
7 vehicle and endorsement, if any, for which the person is
8 seeking a CDL.

9 (2) Third party testing. The Secretary of State may
10 authorize a "third party tester", pursuant to 49 CFR
11 383.75 and 49 CFR 384.228 and 384.229, to administer the
12 skills test or tests specified by the Federal Motor
13 Carrier Safety Administration pursuant to the Commercial
14 Motor Vehicle Safety Act of 1986 and any appropriate
15 federal rule.

16 (3) (i) Effective February 7, 2020, unless the person
17 is exempted by 49 CFR 380.603, no person shall be issued an
18 original (first time issuance) CDL, an upgraded CDL or a
19 school bus (S), passenger (P), or hazardous Materials (H)
20 endorsement unless the person has successfully completed
21 entry-level driver training (ELDT) taught by a training
22 provider listed on the federal Training Provider Registry.

23 (ii) Persons who obtain a CLP before February 7, 2020
24 are not required to complete ELDT if the person obtains a
25 CDL before the CLP or renewed CLP expires.

26 (iii) Except for persons seeking the H endorsement,

1 persons must complete the theory and behind-the-wheel
2 (range and public road) portions of ELDT within one year
3 of completing the first portion.

4 (iv) The Secretary shall adopt rules to implement this
5 subsection.

6 (b) Waiver of Skills Test. The Secretary of State may
7 waive the skills test specified in this Section for a driver
8 applicant for a commercial driver license who meets the
9 requirements of 49 CFR 383.77. The Secretary of State shall
10 waive the skills tests specified in this Section for a driver
11 applicant who has military commercial motor vehicle
12 experience, subject to the requirements of 49 CFR 383.77.

13 (b-1) No person shall be issued a CDL unless the person
14 certifies to the Secretary one of the following types of
15 driving operations in which he or she will be engaged:

- 16 (1) non-excepted interstate;
17 (2) non-excepted intrastate;
18 (3) excepted interstate; or
19 (4) excepted intrastate.

20 (b-2) (Blank).

21 (c) Limitations on issuance of a CDL. A CDL shall not be
22 issued to a person while the person is subject to a
23 disqualification from driving a commercial motor vehicle, or
24 unless otherwise permitted by this Code, while the person's
25 driver's license is suspended, revoked, or cancelled in any
26 state, or any territory or province of Canada; nor may a CLP or

1 CDL be issued to a person who has a CLP or CDL issued by any
2 other state, or foreign jurisdiction, nor may a CDL be issued
3 to a person who has an Illinois CLP unless the person first
4 surrenders all of these licenses or permits. However, a person
5 may hold an Illinois CLP and an Illinois CDL providing the CLP
6 is necessary to train or practice for an endorsement or
7 vehicle classification not present on the current CDL. No CDL
8 shall be issued to or renewed for a person who does not meet
9 the requirement of 49 CFR 391.41(b)(11). The requirement may
10 be met with the aid of a hearing aid.

11 (c-1) The Secretary may issue a CDL with a school bus
12 driver endorsement to allow a person to drive the type of bus
13 described in subsection (d-5) of Section 6-104 of this Code.
14 The CDL with a school bus driver endorsement may be issued only
15 to a person meeting the following requirements:

16 (1) the person has submitted his or her fingerprints
17 to the Illinois State Police in the form and manner
18 prescribed by the Illinois State Police. These
19 fingerprints shall be checked against the fingerprint
20 records now and hereafter filed in the Illinois State
21 Police and Federal Bureau of Investigation criminal
22 history records databases;

23 (2) the person has passed a written test, administered
24 by the Secretary of State, on charter bus operation,
25 charter bus safety, and certain special traffic laws
26 relating to school buses determined by the Secretary of

1 State to be relevant to charter buses, and submitted to a
2 review of the driver applicant's driving habits by the
3 Secretary of State at the time the written test is given;

4 (3) the person has demonstrated physical fitness to
5 operate school buses by submitting the results of a
6 medical examination, including tests for drug use; and

7 (4) the person has not been convicted of committing or
8 attempting to commit any one or more of the following
9 offenses: (i) those offenses defined in Sections 8-1.2,
10 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
11 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
12 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
13 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
14 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
15 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
16 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24,
17 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,
18 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
19 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
20 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5,
21 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45,
22 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,
23 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
24 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
25 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
26 subsection (b) of Section 8-1, and in subdivisions (a)(1),

1 (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1)
2 of Section 12-3.05, and in subsection (a) and subsection
3 (b), clause (1), of Section 12-4, and in subsection (A),
4 clauses (a) and (b), of Section 24-3, and those offenses
5 contained in Article 29D of the Criminal Code of 1961 or
6 the Criminal Code of 2012; (ii) those offenses defined in
7 the Cannabis Control Act except those offenses defined in
8 subsections (a) and (b) of Section 4, and subsection (a)
9 of Section 5 of the Cannabis Control Act; (iii) those
10 offenses defined in the Illinois Controlled Substances
11 Act; (iv) those offenses defined in the Methamphetamine
12 Control and Community Protection Act; (v) any offense
13 committed or attempted in any other state or against the
14 laws of the United States, which if committed or attempted
15 in this State would be punishable as one or more of the
16 foregoing offenses; (vi) the offenses defined in Sections
17 4.1 and 5.1 of the Wrongs to Children Act or Section
18 11-9.1A of the Criminal Code of 1961 or the Criminal Code
19 of 2012; (vii) those offenses defined in Section 6-16 of
20 the Liquor Control Act of 1934; and (viii) those offenses
21 defined in the Methamphetamine Precursor Control Act.

22 The Illinois State Police shall charge a fee for
23 conducting the criminal history records check, which shall be
24 deposited into the State Police Services Fund and may not
25 exceed the actual cost of the records check.

26 (c-2) The Secretary shall issue a CDL with a school bus

1 endorsement to allow a person to drive a school bus as defined
2 in this Section. The CDL shall be issued according to the
3 requirements outlined in 49 CFR 383. A person may not operate a
4 school bus as defined in this Section without a school bus
5 endorsement. The Secretary of State may adopt rules consistent
6 with Federal guidelines to implement this subsection (c-2).

7 (d) (Blank).

8 (Source: P.A. 101-185, eff. 1-1-20; 102-168, eff. 7-27-21;
9 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-813, eff.
10 5-13-22.)

11 Section 10. The Criminal Code of 2012 is amended by
12 changing Sections 11-20.1 and 11-23.5 and by adding Sections
13 11-20.4 and 11-23.7 as follows:

14 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

15 Sec. 11-20.1. Child pornography.

16 (a) A person commits child pornography who:

17 (1) films, videotapes, photographs, or otherwise
18 depicts or portrays by means of any similar visual medium
19 or reproduction or depicts by computer any child whom he
20 or she knows or reasonably should know to be under the age
21 of 18 or any person with a severe or profound intellectual
22 disability where such child or person with a severe or
23 profound intellectual disability is:

24 (i) actually or by simulation engaged in any act

1 of sexual penetration or sexual conduct with any
2 person or animal; or

3 (ii) actually or by simulation engaged in any act
4 of sexual penetration or sexual conduct involving the
5 sex organs of the child or person with a severe or
6 profound intellectual disability and the mouth, anus,
7 or sex organs of another person or animal; or which
8 involves the mouth, anus or sex organs of the child or
9 person with a severe or profound intellectual
10 disability and the sex organs of another person or
11 animal; or

12 (iii) actually or by simulation engaged in any act
13 of masturbation; or

14 (iv) actually or by simulation portrayed as being
15 the object of, or otherwise engaged in, any act of lewd
16 fondling, touching, or caressing involving another
17 person or animal; or

18 (v) actually or by simulation engaged in any act
19 of excretion or urination within a sexual context; or

20 (vi) actually or by simulation portrayed or
21 depicted as bound, fettered, or subject to sadistic,
22 masochistic, or sadomasochistic abuse in any sexual
23 context; or

24 (vii) depicted or portrayed in any pose, posture
25 or setting involving a lewd exhibition of the
26 unclothed or transparently clothed genitals, pubic

1 area, buttocks, or, if such person is female, a fully
2 or partially developed breast of the child or other
3 person; or

4 (2) with the knowledge of the nature or content
5 thereof, reproduces, disseminates, offers to disseminate,
6 exhibits or possesses with intent to disseminate any film,
7 videotape, photograph or other similar visual reproduction
8 or depiction by computer of any child or person with a
9 severe or profound intellectual disability whom the person
10 knows or reasonably should know to be under the age of 18
11 or to be a person with a severe or profound intellectual
12 disability, engaged in any activity described in
13 subparagraphs (i) through (vii) of paragraph (1) of this
14 subsection; or

15 (3) with knowledge of the subject matter or theme
16 thereof, produces any stage play, live performance, film,
17 videotape or other similar visual portrayal or depiction
18 by computer which includes a child whom the person knows
19 or reasonably should know to be under the age of 18 or a
20 person with a severe or profound intellectual disability
21 engaged in any activity described in subparagraphs (i)
22 through (vii) of paragraph (1) of this subsection; or

23 (4) solicits, uses, persuades, induces, entices, or
24 coerces any child whom he or she knows or reasonably
25 should know to be under the age of 18 or a person with a
26 severe or profound intellectual disability to appear in

1 any stage play, live presentation, film, videotape,
2 photograph or other similar visual reproduction or
3 depiction by computer in which the child or person with a
4 severe or profound intellectual disability is or will be
5 depicted, actually or by simulation, in any act, pose or
6 setting described in subparagraphs (i) through (vii) of
7 paragraph (1) of this subsection; or

8 (5) is a parent, step-parent, legal guardian or other
9 person having care or custody of a child whom the person
10 knows or reasonably should know to be under the age of 18
11 or a person with a severe or profound intellectual
12 disability and who knowingly permits, induces, promotes,
13 or arranges for such child or person with a severe or
14 profound intellectual disability to appear in any stage
15 play, live performance, film, videotape, photograph or
16 other similar visual presentation, portrayal or simulation
17 or depiction by computer of any act or activity described
18 in subparagraphs (i) through (vii) of paragraph (1) of
19 this subsection; or

20 (6) with knowledge of the nature or content thereof,
21 possesses any film, videotape, photograph or other similar
22 visual reproduction or depiction by computer of any child
23 or person with a severe or profound intellectual
24 disability whom the person knows or reasonably should know
25 to be under the age of 18 or to be a person with a severe
26 or profound intellectual disability, engaged in any

1 activity described in subparagraphs (i) through (vii) of
2 paragraph (1) of this subsection; or

3 (7) solicits, or knowingly uses, persuades, induces,
4 entices, or coerces, a person to provide a child under the
5 age of 18 or a person with a severe or profound
6 intellectual disability to appear in any videotape,
7 photograph, film, stage play, live presentation, or other
8 similar visual reproduction or depiction by computer in
9 which the child or person with a severe or profound
10 intellectual disability will be depicted, actually or by
11 simulation, in any act, pose, or setting described in
12 subparagraphs (i) through (vii) of paragraph (1) of this
13 subsection.

14 (a-5) The possession of each individual film, videotape,
15 photograph, or other similar visual reproduction or depiction
16 by computer in violation of this Section constitutes a single
17 and separate violation. This subsection (a-5) does not apply
18 to multiple copies of the same film, videotape, photograph, or
19 other similar visual reproduction or depiction by computer
20 that are identical to each other.

21 (b)(1) It shall be an affirmative defense to a charge of
22 child pornography that the defendant reasonably believed,
23 under all of the circumstances, that the child was 18 years of
24 age or older or that the person was not a person with a severe
25 or profound intellectual disability but only where, prior to
26 the act or acts giving rise to a prosecution under this

1 Section, he or she took some affirmative action or made a
2 bonafide inquiry designed to ascertain whether the child was
3 18 years of age or older or that the person was not a person
4 with a severe or profound intellectual disability and his or
5 her reliance upon the information so obtained was clearly
6 reasonable.

7 (1.5) Telecommunications carriers, commercial mobile
8 service providers, and providers of information services,
9 including, but not limited to, Internet service providers and
10 hosting service providers, are not liable under this Section
11 by virtue of the transmission, storage, or caching of
12 electronic communications or messages of others or by virtue
13 of the provision of other related telecommunications,
14 commercial mobile services, or information services used by
15 others in violation of this Section.

16 (2) (Blank).

17 (3) The charge of child pornography shall not apply to the
18 performance of official duties by law enforcement or
19 prosecuting officers or persons employed by law enforcement or
20 prosecuting agencies, court personnel or attorneys, nor to
21 bonafide treatment or professional education programs
22 conducted by licensed physicians, psychologists or social
23 workers. In any criminal proceeding, any property or material
24 that constitutes child pornography shall remain in the care,
25 custody, and control of either the State or the court. A motion
26 to view the evidence shall comply with subsection (e-5) of

1 this Section.

2 (4) If the defendant possessed more than one of the same
3 film, videotape or visual reproduction or depiction by
4 computer in which child pornography is depicted, then the
5 trier of fact may infer that the defendant possessed such
6 materials with the intent to disseminate them.

7 (5) The charge of child pornography does not apply to a
8 person who does not voluntarily possess a film, videotape, or
9 visual reproduction or depiction by computer in which child
10 pornography is depicted. Possession is voluntary if the
11 defendant knowingly procures or receives a film, videotape, or
12 visual reproduction or depiction for a sufficient time to be
13 able to terminate his or her possession.

14 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
15 (7) of subsection (a) that includes a child engaged in,
16 solicited for, depicted in, or posed in any act of sexual
17 penetration or bound, fettered, or subject to sadistic,
18 masochistic, or sadomasochistic abuse in a sexual context
19 shall be deemed a crime of violence.

20 (c) If the violation does not involve a film, videotape,
21 or other moving depiction, a violation of paragraph (1), (4),
22 (5), or (7) of subsection (a) is a Class 1 felony with a
23 mandatory minimum fine of \$2,000 and a maximum fine of
24 \$100,000. If the violation involves a film, videotape, or
25 other moving depiction, a violation of paragraph (1), (4),
26 (5), or (7) of subsection (a) is a Class X felony with a

1 mandatory minimum fine of \$2,000 and a maximum fine of
2 \$100,000. If the violation does not involve a film, videotape,
3 or other moving depiction, a violation of paragraph (3) of
4 subsection (a) is a Class 1 felony with a mandatory minimum
5 fine of \$1500 and a maximum fine of \$100,000. If the violation
6 involves a film, videotape, or other moving depiction, a
7 violation of paragraph (3) of subsection (a) is a Class X
8 felony with a mandatory minimum fine of \$1500 and a maximum
9 fine of \$100,000. If the violation does not involve a film,
10 videotape, or other moving depiction, a violation of paragraph
11 (2) of subsection (a) is a Class 1 felony with a mandatory
12 minimum fine of \$1000 and a maximum fine of \$100,000. If the
13 violation involves a film, videotape, or other moving
14 depiction, a violation of paragraph (2) of subsection (a) is a
15 Class X felony with a mandatory minimum fine of \$1000 and a
16 maximum fine of \$100,000. If the violation does not involve a
17 film, videotape, or other moving depiction, a violation of
18 paragraph (6) of subsection (a) is a Class 3 felony with a
19 mandatory minimum fine of \$1000 and a maximum fine of
20 \$100,000. If the violation involves a film, videotape, or
21 other moving depiction, a violation of paragraph (6) of
22 subsection (a) is a Class 2 felony with a mandatory minimum
23 fine of \$1000 and a maximum fine of \$100,000.

24 (c-5) Where the child depicted is under the age of 13, a
25 violation of paragraph (1), (2), (3), (4), (5), or (7) of
26 subsection (a) is a Class X felony with a mandatory minimum

1 fine of \$2,000 and a maximum fine of \$100,000. Where the child
2 depicted is under the age of 13, a violation of paragraph (6)
3 of subsection (a) is a Class 2 felony with a mandatory minimum
4 fine of \$1,000 and a maximum fine of \$100,000. Where the child
5 depicted is under the age of 13, a person who commits a
6 violation of paragraph (1), (2), (3), (4), (5), or (7) of
7 subsection (a) where the defendant has previously been
8 convicted under the laws of this State or any other state of
9 the offense of child pornography, aggravated child
10 pornography, aggravated criminal sexual abuse, aggravated
11 criminal sexual assault, predatory criminal sexual assault of
12 a child, or any of the offenses formerly known as rape, deviate
13 sexual assault, indecent liberties with a child, or aggravated
14 indecent liberties with a child where the victim was under the
15 age of 18 years or an offense that is substantially equivalent
16 to those offenses, is guilty of a Class X felony for which the
17 person shall be sentenced to a term of imprisonment of not less
18 than 9 years with a mandatory minimum fine of \$2,000 and a
19 maximum fine of \$100,000. Where the child depicted is under
20 the age of 13, a person who commits a violation of paragraph
21 (6) of subsection (a) where the defendant has previously been
22 convicted under the laws of this State or any other state of
23 the offense of child pornography, aggravated child
24 pornography, aggravated criminal sexual abuse, aggravated
25 criminal sexual assault, predatory criminal sexual assault of
26 a child, or any of the offenses formerly known as rape, deviate

1 sexual assault, indecent liberties with a child, or aggravated
2 indecent liberties with a child where the victim was under the
3 age of 18 years or an offense that is substantially equivalent
4 to those offenses, is guilty of a Class 1 felony with a
5 mandatory minimum fine of \$1,000 and a maximum fine of
6 \$100,000. The issue of whether the child depicted is under the
7 age of 13 is an element of the offense to be resolved by the
8 trier of fact.

9 (d) If a person is convicted of a second or subsequent
10 violation of this Section within 10 years of a prior
11 conviction, the court shall order a presentence psychiatric
12 examination of the person. The examiner shall report to the
13 court whether treatment of the person is necessary.

14 (e) Any film, videotape, photograph or other similar
15 visual reproduction or depiction by computer which includes a
16 child under the age of 18 or a person with a severe or profound
17 intellectual disability engaged in any activity described in
18 subparagraphs (i) through (vii) or paragraph 1 of subsection
19 (a), and any material or equipment used or intended for use in
20 photographing, filming, printing, producing, reproducing,
21 manufacturing, projecting, exhibiting, depiction by computer,
22 or disseminating such material shall be seized and forfeited
23 in the manner, method and procedure provided by Section 36-1
24 of this Code for the seizure and forfeiture of vessels,
25 vehicles and aircraft.

26 In addition, any person convicted under this Section is

1 subject to the property forfeiture provisions set forth in
2 Article 124B of the Code of Criminal Procedure of 1963.

3 (e-5) Upon the conclusion of a case brought under this
4 Section, the court shall seal all evidence depicting a victim
5 or witness that is sexually explicit. The evidence may be
6 unsealed and viewed, on a motion of the party seeking to unseal
7 and view the evidence, only for good cause shown and in the
8 discretion of the court. The motion must expressly set forth
9 the purpose for viewing the material. The State's attorney and
10 the victim, if possible, shall be provided reasonable notice
11 of the hearing on the motion to unseal the evidence. Any person
12 entitled to notice of a hearing under this subsection (e-5)
13 may object to the motion.

14 (f) Definitions. For the purposes of this Section:

15 (1) "Disseminate" means (i) to sell, distribute,
16 exchange or transfer possession, whether with or without
17 consideration or (ii) to make a depiction by computer
18 available for distribution or downloading through the
19 facilities of any telecommunications network or through
20 any other means of transferring computer programs or data
21 to a computer.

22 (2) "Produce" means to direct, promote, advertise,
23 publish, manufacture, issue, present or show.

24 (3) "Reproduce" means to make a duplication or copy.

25 (4) "Depict by computer" means to generate or create,
26 or cause to be created or generated, a computer program or

1 data that, after being processed by a computer either
2 alone or in conjunction with one or more computer
3 programs, results in a visual depiction on a computer
4 monitor, screen, or display.

5 (5) "Depiction by computer" means a computer program
6 or data that, after being processed by a computer either
7 alone or in conjunction with one or more computer
8 programs, results in a visual depiction on a computer
9 monitor, screen, or display.

10 (6) "Computer", "computer program", and "data" have
11 the meanings ascribed to them in Section 17.05 of this
12 Code.

13 (7) For the purposes of this Section, "child
14 pornography" includes a film, videotape, photograph, or
15 other similar visual medium or reproduction or depiction
16 by computer that is, or appears to be, that of a person,
17 either in part, or in total, under the age of 18 or a
18 person with a severe or profound intellectual disability,
19 regardless of the method by which the film, videotape,
20 photograph, or other similar visual medium or reproduction
21 or depiction by computer is created, adopted, or modified
22 to appear as such. "Child pornography" also includes a
23 film, videotape, photograph, or other similar visual
24 medium or reproduction or depiction by computer that is
25 advertised, promoted, presented, described, or distributed
26 in such a manner that conveys the impression that the

1 film, videotape, photograph, or other similar visual
2 medium or reproduction or depiction by computer is of a
3 person under the age of 18 or a person with a severe or
4 profound intellectual disability. "Child pornography"
5 includes the depiction of a part of an actual child under
6 the age of 18 who, by manipulation, creation, or
7 modification, appears to be engaged in any activity
8 described in subparagraphs (i) through (vii) of paragraph
9 (1) of subsection (a). "Child pornography" does not
10 include images or materials in which the creator of the
11 image or materials is the sole subject of the depiction.

12 (g) Re-enactment; findings; purposes.

13 (1) The General Assembly finds and declares that:

14 (i) Section 50-5 of Public Act 88-680, effective
15 January 1, 1995, contained provisions amending the
16 child pornography statute, Section 11-20.1 of the
17 Criminal Code of 1961. Section 50-5 also contained
18 other provisions.

19 (ii) In addition, Public Act 88-680 was entitled
20 "AN ACT to create a Safe Neighborhoods Law". (A)
21 Article 5 was entitled JUVENILE JUSTICE and amended
22 the Juvenile Court Act of 1987. (B) Article 15 was
23 entitled GANGS and amended various provisions of the
24 Criminal Code of 1961 and the Unified Code of
25 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
26 and amended various provisions of the Illinois Vehicle

1 Code. (D) Article 25 was entitled DRUG ABUSE and
2 amended the Cannabis Control Act and the Illinois
3 Controlled Substances Act. (E) Article 30 was entitled
4 FIREARMS and amended the Criminal Code of 1961 and the
5 Code of Criminal Procedure of 1963. (F) Article 35
6 amended the Criminal Code of 1961, the Rights of Crime
7 Victims and Witnesses Act, and the Unified Code of
8 Corrections. (G) Article 40 amended the Criminal Code
9 of 1961 to increase the penalty for compelling
10 organization membership of persons. (H) Article 45
11 created the Secure Residential Youth Care Facility
12 Licensing Act and amended the State Finance Act, the
13 Juvenile Court Act of 1987, the Unified Code of
14 Corrections, and the Private Correctional Facility
15 Moratorium Act. (I) Article 50 amended the WIC Vendor
16 Management Act, the Firearm Owners Identification Card
17 Act, the Juvenile Court Act of 1987, the Criminal Code
18 of 1961, the Wrongs to Children Act, and the Unified
19 Code of Corrections.

20 (iii) On September 22, 1998, the Third District
21 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
22 ruled that Public Act 88-680 violates the single
23 subject clause of the Illinois Constitution (Article
24 IV, Section 8 (d)) and was unconstitutional in its
25 entirety. As of the time this amendatory Act of 1999
26 was prepared, *People v. Dainty* was still subject to

1 appeal.

2 (iv) Child pornography is a vital concern to the
3 people of this State and the validity of future
4 prosecutions under the child pornography statute of
5 the Criminal Code of 1961 is in grave doubt.

6 (2) It is the purpose of this amendatory Act of 1999 to
7 prevent or minimize any problems relating to prosecutions
8 for child pornography that may result from challenges to
9 the constitutional validity of Public Act 88-680 by
10 re-enacting the Section relating to child pornography that
11 was included in Public Act 88-680.

12 (3) This amendatory Act of 1999 re-enacts Section
13 11-20.1 of the Criminal Code of 1961, as it has been
14 amended. This re-enactment is intended to remove any
15 question as to the validity or content of that Section; it
16 is not intended to supersede any other Public Act that
17 amends the text of the Section as set forth in this
18 amendatory Act of 1999. The material is shown as existing
19 text (i.e., without underscoring) because, as of the time
20 this amendatory Act of 1999 was prepared, *People v. Dainty*
21 was subject to appeal to the Illinois Supreme Court.

22 (4) The re-enactment by this amendatory Act of 1999 of
23 Section 11-20.1 of the Criminal Code of 1961 relating to
24 child pornography that was amended by Public Act 88-680 is
25 not intended, and shall not be construed, to imply that
26 Public Act 88-680 is invalid or to limit or impair any

1 legal argument concerning whether those provisions were
2 substantially re-enacted by other Public Acts.

3 (Source: P.A. 101-87, eff. 1-1-20; 102-567, eff. 1-1-22.)

4 (720 ILCS 5/11-20.4 new)

5 Sec. 11-20.4. Obscene depiction of a purported child.

6 (a) In this Section:

7 "Obscene depiction" means a visual representation of
8 any kind, including an image, video, or computer-generated
9 image or video, whether made, produced, or altered by
10 electronic, mechanical, or other means, that:

11 (i) the average person, applying contemporary
12 adult community standards, would find that, taken as a
13 whole, it appeals to the prurient interest;

14 (ii) the average person, applying contemporary
15 adult community standards, would find that it depicts
16 or describes, in a patently offensive way, sexual acts
17 or sadomasochistic sexual acts, whether normal or
18 perverted, actual or simulated, or masturbation,
19 excretory functions, or lewd exhibition of the
20 unclothed or transparently clothed genitals, pubic
21 area, buttocks or, if such person is a female, the
22 fully or partially developed breast of the child or
23 other person; and

24 (iii) taken as a whole, it lacks serious literary,
25 artistic, political, or scientific value.

1 "Purported child" means a visual representation that
2 appears to depict a child under the age of 18 but may or
3 may not depict an actual child under the age of 18.

4 (b) A person commits obscene depiction of a purported
5 child when, with knowledge of the nature or content thereof,
6 the person:

7 (1) receives, obtains, or accesses in any way with the
8 intent to view, any obscene depiction of a purported
9 child; or

10 (2) reproduces, disseminates, offers to disseminate,
11 exhibits, or possesses with intent to disseminate, any
12 obscene depiction of a purported child.

13 (c) A violation of paragraph (1) of subsection (b) is a
14 Class 3 felony, and a second or subsequent offense is a Class 2
15 felony. A violation of paragraph (2) of subsection (b) is a
16 Class 1 felony, and a second or subsequent offense is a Class X
17 felony.

18 (d) If the age of the purported child depicted is under the
19 age of 13, a violation of paragraph (1) of subsection (b) is a
20 Class 2 felony, and a second or subsequent offense is a Class 1
21 felony. If the age of the purported child depicted is under the
22 age of 13, a violation of paragraph (2) of subsection (b) is a
23 Class X felony, and a second or subsequent offense is a Class X
24 felony for which the person shall be sentenced to a term of
25 imprisonment of not less than 9 years.

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

1 liability upon the following entities solely as a result of
2 content or information provided by another person:

3 (1) an interactive computer service, as defined in 47
4 U.S.C. 230(f)(2);

5 (2) a provider of public mobile services or private
6 radio services, as defined in Section 13-214 of the Public
7 Utilities Act; or

8 (3) a telecommunications network or broadband
9 provider.

10 (f) A person convicted under this Section is subject to
11 the forfeiture provisions in Article 124B of the Code of
12 Criminal Procedure of 1963.

13 (720 ILCS 5/11-23.5)

14 Sec. 11-23.5. Non-consensual dissemination of private
15 sexual images.

16 (a) Definitions. For the purposes of this Section:

17 "Computer", "computer program", and "data" have the
18 meanings ascribed to them in Section 17-0.5 of this Code.

19 "Image" includes a photograph, film, videotape,
20 digital recording, or other depiction or portrayal of an
21 object, including a human body.

22 "Intimate parts" means the fully unclothed, partially
23 unclothed or transparently clothed genitals, pubic area,
24 anus, or if the person is female, a partially or fully
25 exposed nipple, including exposure through transparent

1 clothing.

2 "Personal identifying information" has the meaning
3 ascribed to the term in Section 16-0.1.

4 "Sexual act" means sexual penetration, masturbation,
5 or sexual activity.

6 "Sexual activity" means any:

7 (1) knowing touching or fondling by the victim or
8 another person or animal, either directly or through
9 clothing, of the sex organs, anus, or breast of the
10 victim or another person or animal for the purpose of
11 sexual gratification or arousal; or

12 (2) any transfer or transmission of semen upon any
13 part of the clothed or unclothed body of the victim,
14 for the purpose of sexual gratification or arousal of
15 the victim or another; or

16 (3) an act of urination within a sexual context;
17 or

18 (4) any bondage, fetter, or sadism masochism; or

19 (5) sadomasochism abuse in any sexual context.

20 (b) A person commits non-consensual dissemination of
21 private sexual images when he or she:

22 (1) intentionally disseminates an image of another
23 person:

24 (A) (blank); and ~~who is at least 18 years of age;~~

25 ~~and~~

26 (B) who is identifiable from the image itself, or

1 whose personal identifying information is ~~or~~
2 ~~information~~ displayed or disseminated in connection
3 with the image, or whose identity is known to the
4 person who disseminated the image; and

5 (C) who is engaged in a sexual act or whose
6 intimate parts are exposed, in whole or in part; and

7 (2) obtains the image under circumstances in which a
8 reasonable person would know or understand that the image
9 was to remain private; and

10 (3) knows or should have known that the person in the
11 image has not consented to the dissemination.

12 (c) The following activities are exempt from the
13 provisions of this Section:

14 (1) The intentional dissemination of an image of
15 another identifiable person who is engaged in a sexual act
16 or whose intimate parts are exposed when the dissemination
17 is made for the purpose of a criminal investigation that
18 is otherwise lawful.

19 (2) The intentional dissemination of an image of
20 another identifiable person who is engaged in a sexual act
21 or whose intimate parts are exposed when the dissemination
22 is for the purpose of, or in connection with, the
23 reporting of unlawful conduct.

24 (3) The intentional dissemination of an image of
25 another identifiable person who is engaged in a sexual act
26 or whose intimate parts are exposed when the images

1 involve voluntary exposure in public or commercial
2 settings.

3 (4) The intentional dissemination of an image of
4 another identifiable person who is engaged in a sexual act
5 or whose intimate parts are exposed when the dissemination
6 serves a lawful public purpose.

7 (d) Nothing in this Section shall be construed to impose
8 liability upon the following entities solely as a result of
9 content or information provided by another person:

10 (1) an interactive computer service, as defined in 47
11 U.S.C. 230(f)(2);

12 (2) a provider of public mobile services or private
13 radio services, as defined in Section 13-214 of the Public
14 Utilities Act; or

15 (3) a telecommunications network or broadband
16 provider.

17 (e) A person convicted under this Section is subject to
18 the forfeiture provisions in Article 124B of the Code of
19 Criminal Procedure of 1963.

20 (f) Sentence. Non-consensual dissemination of private
21 sexual images is a Class 4 felony.

22 (Source: P.A. 98-1138, eff. 6-1-15.)

23 (720 ILCS 5/11-23.7 new)

24 Sec. 11-23.7. Non-consensual dissemination of sexually
25 explicit digitized depictions.

1 (a) Definitions. For the purposes of this Section:

2 "Intimate parts" means the fully unclothed, partially
3 unclothed or transparently clothed genitals, pubic area, anus,
4 or if the person is female, a partially or fully exposed
5 nipple, including exposure through transparent clothing.

6 "Personal identifying information" has the meaning
7 ascribed to it in Section 16-0.1.

8 "Sexual activity" means:

9 (1) any knowing touching or fondling of the victim or
10 another person or animal, either directly or through
11 clothing, of the sex organs, anus, or breast of the victim
12 or another person or animal for the purpose of sexual
13 gratification or arousal;

14 (2) any transfer or transmission of semen upon any
15 part of the clothed or unclothed body of the victim, for
16 the purpose of sexual gratification or arousal of the
17 victim or another;

18 (3) an act of urination within a sexual context;

19 (4) any bondage, fetter, or sadism masochism; or

20 (5) sadomasochism abuse in any sexual context.

21 "Sexually explicit digitized depiction" means any image,
22 photograph, film, video, digital recording, or other depiction
23 or portrayal that has been created, altered, or otherwise
24 modified to realistically depict either:

25 (1) the intimate parts of another human being as the
26 intimate parts of the depicted individual or

1 computer-generated intimate parts as the intimate parts of
2 the depicted individual; or

3 (2) the depicted individual engaging in sexual
4 activity in which the depicted individual did not engage.

5 (b) A person commits non-consensual dissemination of
6 sexually explicit digitized depictions when the person:

7 (1) intentionally disseminates a sexually explicit
8 digitized depiction of another person who is identifiable
9 from the image itself, or whose personal identifying
10 information is displayed or disseminated in connection
11 with the image, or whose identify is known to the person
12 who disseminates the image; and

13 (2) knows or should have known that the person in the
14 image has not consented to the dissemination.

15 (c) The following activities are exempt from the
16 provisions of this Section:

17 (1) The intentional dissemination of an image of
18 another identifiable person who is engaged in a sexual act
19 or whose intimate parts are exposed when the dissemination
20 is made for the purpose of a criminal investigation that
21 is otherwise lawful.

22 (2) The intentional dissemination of an image of
23 another identifiable person who is engaged in a sexual act
24 or whose intimate parts are exposed when the dissemination
25 is for the purpose of, or in connection with, the
26 reporting of unlawful conduct.

1 (3) The intentional dissemination of an image of
2 another identifiable person who is engaged in a sexual act
3 or whose intimate parts are exposed when the images
4 involve voluntary exposure in public or commercial
5 settings.

6 (4) The intentional dissemination of an image of
7 another identifiable person who is engaged in a sexual act
8 or whose intimate parts are exposed when the dissemination
9 serves a lawful public purpose.

10 (d) Nothing in this Section shall be construed to impose
11 liability upon the following entities solely as a result of
12 content or information provided by another person:

13 (1) an interactive computer service, as defined in 47
14 U.S.C. 230(f) (2);

15 (2) a provider of public mobile services or private
16 radio services, as defined in Section 13-214 of the Public
17 Utilities Act; or

18 (3) a telecommunications network or broadband
19 provider.

20 (e) A person convicted under this Section is subject to
21 the forfeiture provisions in Article 124B of the Code of
22 Criminal Procedure of 1963.

23 (f) Sentence. Non-consensual dissemination of sexually
24 explicit digitized depictions is a Class 4 felony.

25 Section 15. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 124B-500 as follows:

2 (725 ILCS 5/124B-500)

3 Sec. 124B-500. Persons and property subject to forfeiture.
4 A person who commits child pornography, aggravated child
5 pornography, obscene depiction of a purported child, ~~or~~
6 non-consensual dissemination of private sexual images, or
7 non-consensual dissemination of sexually explicit digitized
8 depictions under Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
9 ~~or~~ 11-23.5, or 11-23.7 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 shall forfeit the following property to
11 the State of Illinois:

12 (1) Any profits or proceeds and any property the
13 person has acquired or maintained in violation of Section
14 11-20.1, 11-20.1B, 11-20.3, 11-20.4, ~~or~~ 11-23.5, or
15 11-23.7 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 that the sentencing court determines, after a
17 forfeiture hearing under this Article, to have been
18 acquired or maintained as a result of child pornography,
19 aggravated child pornography, obscene depiction of a
20 purported child, ~~or~~ non-consensual dissemination of
21 private sexual images, or non-consensual dissemination of
22 sexually explicit digitized depictions.

23 (2) Any interest in, securities of, claim against, or
24 property or contractual right of any kind affording a
25 source of influence over any enterprise that the person

1 has established, operated, controlled, or conducted in
2 violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
3 ~~or 11-23.5,~~ or 11-23.7 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 that the sentencing court
5 determines, after a forfeiture hearing under this Article,
6 to have been acquired or maintained as a result of child
7 pornography, aggravated child pornography, obscene
8 depiction of a purported child, ~~or~~ non-consensual
9 dissemination of private sexual images, or non-consensual
10 dissemination of sexually explicit digitized depictions.

11 (3) Any computer that contains a depiction of child
12 pornography or an obscene depiction of a purported child
13 in any encoded or decoded format in violation of Section
14 11-20.1, 11-20.1B, ~~or 11-20.3,~~ or 11-20.4 of the Criminal
15 Code of 1961 or the Criminal Code of 2012. For purposes of
16 this paragraph (3), "computer" has the meaning ascribed to
17 it in Section 17-0.5 of the Criminal Code of 2012.

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;
19 98-1138, eff. 6-1-15.)

20 Section 20. The Bill of Rights for Children is amended by
21 changing Section 3 as follows:

22 (725 ILCS 115/3) (from Ch. 38, par. 1353)

23 Sec. 3. Rights to present child impact statement.

24 (a) In any case where a defendant has been convicted of a

1 violent crime involving a child or a juvenile has been
2 adjudicated a delinquent for any offense defined in Sections
3 11-6, 11-20.1, 11-20.1B, ~~and~~ 11-20.3, and 11-20.4 and in
4 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, except
6 those in which both parties have agreed to the imposition of a
7 specific sentence, and a parent or legal guardian of the child
8 involved is present in the courtroom at the time of the
9 sentencing or the disposition hearing, the parent or legal
10 guardian upon his or her request shall have the right to
11 address the court regarding the impact which the defendant's
12 criminal conduct or the juvenile's delinquent conduct has had
13 upon the child. If the parent or legal guardian chooses to
14 exercise this right, the impact statement must have been
15 prepared in writing in conjunction with the Office of the
16 State's Attorney prior to the initial hearing or sentencing,
17 before it can be presented orally at the sentencing hearing.
18 The court shall consider any statements made by the parent or
19 legal guardian, along with all other appropriate factors in
20 determining the sentence of the defendant or disposition of
21 such juvenile.

22 (b) The crime victim has the right to prepare a victim
23 impact statement and present it to the office of the State's
24 Attorney at any time during the proceedings.

25 (c) This Section shall apply to any child victims of any
26 offense defined in Sections 11-1.20 through 11-1.60 or 12-13

1 through 12-16 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 during any dispositional hearing under Section 5-705
3 of the Juvenile Court Act of 1987 which takes place pursuant to
4 an adjudication of delinquency for any such offense.

5 (Source: P.A. 96-292, eff. 1-1-10; 96-1551, eff. 7-1-11;
6 97-1150, eff. 1-25-13.)

7 Section 25. The Unified Code of Corrections is amended by
8 changing Sections 5-5-3, 5-5-3.2, 5-8-1, and 5-8-4 as follows:

9 (730 ILCS 5/5-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

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

21 (A) First degree murder.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the

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

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

9 (E) (Blank).

10 (F) A Class 1 or greater felony if the offender had
11 been convicted of a Class 1 or greater felony, including
12 any state or federal conviction for an offense that
13 contained, at the time it was committed, the same elements
14 as an offense now (the date of the offense committed after
15 the prior Class 1 or greater felony) classified as a Class
16 1 or greater felony, within 10 years of the date on which
17 the offender committed the offense for which he or she is
18 being sentenced, except as otherwise provided in Section
19 40-10 of the Substance Use Disorder Act.

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

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

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

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

10 (H) Criminal sexual assault.

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

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

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

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

1 (K) Vehicular hijacking.

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

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

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

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

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

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

21 (P-6) A violation of paragraph (2) of subsection (b)
22 of Section 11-20.4 of the Criminal Code of 2012.

23 (Q) A violation of subsection (b) or (b-5) of Section
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

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

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

26 (V-5) A violation of paragraph (1) of subsection (b)

1 of Section 11-20.4 of the Criminal Code of 2012 when the
2 victim is under 13 years of age and the defendant has
3 previously been convicted under the laws of this State or
4 any other state of the offense of child pornography,
5 aggravated child pornography, aggravated criminal sexual
6 abuse, aggravated criminal sexual assault, predatory
7 criminal sexual assault of a child, or any of the offenses
8 formerly known as rape, deviate sexual assault, indecent
9 liberties with a child, or aggravated indecent liberties
10 with a child if the victim was under the age of 18 years or
11 an offense that is substantially equivalent to those
12 offenses.

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

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

17 (Y) A conviction for unlawful possession of a firearm
18 by a street gang member when the firearm was loaded or
19 contained firearm ammunition.

20 (Z) A Class 1 felony committed while he or she was
21 serving a term of probation or conditional discharge for a
22 felony.

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

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

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

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

10 (EE) A conviction for a violation of paragraph (2) of
11 subsection (a) of Section 24-3B of the Criminal Code of
12 2012.

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
20 this subsection (c), a minimum of 100 hours of community
21 service shall be imposed for a second violation of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300
24 hours of community service, as determined by the court, shall
25 be imposed for a second violation of subsection (c) of Section
26 6-303 of the Illinois Vehicle Code.

1 (4.4) Except as provided in paragraphs (4.5), (4.6), and
2 (4.9) of this subsection (c), a minimum term of imprisonment
3 of 30 days or 300 hours of community service, as determined by
4 the court, shall be imposed for a third or subsequent
5 violation of Section 6-303 of the Illinois Vehicle Code. The
6 court may give credit toward the fulfillment of community
7 service hours for participation in activities and treatment as
8 determined by court services.

9 (4.5) A minimum term of imprisonment of 30 days shall be
10 imposed for a third violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.6) Except as provided in paragraph (4.10) of this
13 subsection (c), a minimum term of imprisonment of 180 days
14 shall be imposed for a fourth or subsequent violation of
15 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

1 (4.9) A mandatory prison sentence of not less than 4 and
2 not more than 15 years shall be imposed for a third violation
3 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
4 Code, as provided in subsection (d-2.5) of that Section. The
5 person's driving privileges shall be revoked for the remainder
6 of his or her life.

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

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

16 (A) a period of conditional discharge;

17 (B) a fine;

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

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

1 (5.2) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.3), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license, permit,
5 or privileges suspended for at least 180 days but not more than
6 2 years, if the violation resulted in injury to another
7 person.

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

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

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

26 (6) (Blank).

1 (7) (Blank).

2 (8) (Blank).

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

6 (10) (Blank).

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

23 (12) A person may not receive a disposition of court
24 supervision for a violation of Section 5-16 of the Boat
25 Registration and Safety Act if that person has previously
26 received a disposition of court supervision for a violation of

1 that Section.

2 (13) A person convicted of or placed on court supervision
3 for an assault or aggravated assault when the victim and the
4 offender are family or household members as defined in Section
5 103 of the Illinois Domestic Violence Act of 1986 or convicted
6 of domestic battery or aggravated domestic battery may be
7 required to attend a Partner Abuse Intervention Program under
8 protocols set forth by the Illinois Department of Human
9 Services under such terms and conditions imposed by the court.
10 The costs of such classes shall be paid by the offender.

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

1 intention to again seek the extended sentence, the defendant
2 shall be afforded a new trial.

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

10 (1) the court finds (A) or (B) or both are
11 appropriate:

12 (A) the defendant is willing to undergo a court
13 approved counseling program for a minimum duration of
14 2 years; or

15 (B) the defendant is willing to participate in a
16 court approved plan, including, but not limited to,
17 the defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

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

23 and

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

26 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the court
2 finds, after considering the defendant's income and
3 assets, that the defendant is financially capable of
4 paying for such services, if the victim was under 18 years
5 of age at the time the offense was committed and requires
6 counseling as a result of the offense.

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

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 11-0.1 of the Criminal Code of 2012.

17 (f) (Blank).

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
20 11-14.3, 11-14.4 except for an offense that involves keeping a
21 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
22 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
23 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the defendant shall undergo medical
25 testing to determine whether the defendant has any sexually
26 transmissible disease, including a test for infection with

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

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

12 (h) Whenever a defendant is convicted of an offense under
13 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
14 defendant shall undergo medical testing to determine whether
15 the defendant has been exposed to human immunodeficiency virus
16 (HIV) or any other identified causative agent of acquired
17 immunodeficiency syndrome (AIDS). Except as otherwise provided
18 by law, the results of such test shall be kept strictly
19 confidential by all medical personnel involved in the testing
20 and must be personally delivered in a sealed envelope to the
21 judge of the court in which the conviction was entered for the
22 judge's inspection in camera. Acting in accordance with the
23 best interests of the public, the judge shall have the
24 discretion to determine to whom, if anyone, the results of the
25 testing may be revealed. The court shall notify the defendant
26 of a positive test showing an infection with the human

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

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

16 (j) In cases when prosecution for any violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
18 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
21 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, any violation of the Illinois
23 Controlled Substances Act, any violation of the Cannabis
24 Control Act, or any violation of the Methamphetamine Control
25 and Community Protection Act results in conviction, a
26 disposition of court supervision, or an order of probation

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

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

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

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

1 (1), whenever a defendant, who is not a citizen or national of
2 the United States, is convicted of any felony or misdemeanor
3 offense, the court after sentencing the defendant may, upon
4 motion of the State's Attorney, hold sentence in abeyance and
5 remand the defendant to the custody of the Attorney General of
6 the United States or his or her designated agent to be deported
7 when:

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

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

14 Otherwise, the defendant shall be sentenced as provided in
15 this Chapter V.

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

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

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

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

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

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

24 (n) The court may sentence a person convicted of a
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012 (i) to an impact
2 incarceration program if the person is otherwise eligible for
3 that program under Section 5-8-1.1, (ii) to community service,
4 or (iii) if the person has a substance use disorder, as defined
5 in the Substance Use Disorder Act, to a treatment program
6 licensed under that Act.

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

12 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
13 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
14 1-1-24.)

15 (730 ILCS 5/5-5-3.2)

16 Sec. 5-5-3.2. Factors in aggravation and extended-term
17 sentencing.

18 (a) The following factors shall be accorded weight in
19 favor of imposing a term of imprisonment or may be considered
20 by the court as reasons to impose a more severe sentence under
21 Section 5-8-1 or Article 4.5 of Chapter V:

22 (1) the defendant's conduct caused or threatened
23 serious harm;

24 (2) the defendant received compensation for committing
25 the offense;

1 (3) the defendant has a history of prior delinquency
2 or criminal activity;

3 (4) the defendant, by the duties of his office or by
4 his position, was obliged to prevent the particular
5 offense committed or to bring the offenders committing it
6 to justice;

7 (5) the defendant held public office at the time of
8 the offense, and the offense related to the conduct of
9 that office;

10 (6) the defendant utilized his professional reputation
11 or position in the community to commit the offense, or to
12 afford him an easier means of committing it;

13 (7) the sentence is necessary to deter others from
14 committing the same crime;

15 (8) the defendant committed the offense against a
16 person 60 years of age or older or such person's property;

17 (9) the defendant committed the offense against a
18 person who has a physical disability or such person's
19 property;

20 (10) by reason of another individual's actual or
21 perceived race, color, creed, religion, ancestry, gender,
22 sexual orientation, physical or mental disability, or
23 national origin, the defendant committed the offense
24 against (i) the person or property of that individual;
25 (ii) the person or property of a person who has an
26 association with, is married to, or has a friendship with

1 the other individual; or (iii) the person or property of a
2 relative (by blood or marriage) of a person described in
3 clause (i) or (ii). For the purposes of this Section,
4 "sexual orientation" has the meaning ascribed to it in
5 paragraph (0-1) of Section 1-103 of the Illinois Human
6 Rights Act;

7 (11) the offense took place in a place of worship or on
8 the grounds of a place of worship, immediately prior to,
9 during or immediately following worship services. For
10 purposes of this subparagraph, "place of worship" shall
11 mean any church, synagogue or other building, structure or
12 place used primarily for religious worship;

13 (12) the defendant was convicted of a felony committed
14 while he was on pretrial release or his own recognizance
15 pending trial for a prior felony and was convicted of such
16 prior felony, or the defendant was convicted of a felony
17 committed while he was serving a period of probation,
18 conditional discharge, or mandatory supervised release
19 under subsection (d) of Section 5-8-1 for a prior felony;

20 (13) the defendant committed or attempted to commit a
21 felony while he was wearing a bulletproof vest. For the
22 purposes of this paragraph (13), a bulletproof vest is any
23 device which is designed for the purpose of protecting the
24 wearer from bullets, shot or other lethal projectiles;

25 (14) the defendant held a position of trust or
26 supervision such as, but not limited to, family member as

1 defined in Section 11-0.1 of the Criminal Code of 2012,
2 teacher, scout leader, baby sitter, or day care worker, in
3 relation to a victim under 18 years of age, and the
4 defendant committed an offense in violation of Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
6 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
8 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
9 or 12-16 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 against that victim;

11 (15) the defendant committed an offense related to the
12 activities of an organized gang. For the purposes of this
13 factor, "organized gang" has the meaning ascribed to it in
14 Section 10 of the Streetgang Terrorism Omnibus Prevention
15 Act;

16 (16) the defendant committed an offense in violation
17 of one of the following Sections while in a school,
18 regardless of the time of day or time of year; on any
19 conveyance owned, leased, or contracted by a school to
20 transport students to or from school or a school related
21 activity; on the real property of a school; or on a public
22 way within 1,000 feet of the real property comprising any
23 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
25 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
26 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,

1 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
2 for subdivision (a)(4) or (g)(1), of the Criminal Code of
3 1961 or the Criminal Code of 2012;

4 (16.5) the defendant committed an offense in violation
5 of one of the following Sections while in a day care
6 center, regardless of the time of day or time of year; on
7 the real property of a day care center, regardless of the
8 time of day or time of year; or on a public way within
9 1,000 feet of the real property comprising any day care
10 center, regardless of the time of day or time of year:
11 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
14 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
15 18-2, or 33A-2, or Section 12-3.05 except for subdivision
16 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
17 Criminal Code of 2012;

18 (17) the defendant committed the offense by reason of
19 any person's activity as a community policing volunteer or
20 to prevent any person from engaging in activity as a
21 community policing volunteer. For the purpose of this
22 Section, "community policing volunteer" has the meaning
23 ascribed to it in Section 2-3.5 of the Criminal Code of
24 2012;

25 (18) the defendant committed the offense in a nursing
26 home or on the real property comprising a nursing home.

1 For the purposes of this paragraph (18), "nursing home"
2 means a skilled nursing or intermediate long term care
3 facility that is subject to license by the Illinois
4 Department of Public Health under the Nursing Home Care
5 Act, the Specialized Mental Health Rehabilitation Act of
6 2013, the ID/DD Community Care Act, or the MC/DD Act;

7 (19) the defendant was a federally licensed firearm
8 dealer and was previously convicted of a violation of
9 subsection (a) of Section 3 of the Firearm Owners
10 Identification Card Act and has now committed either a
11 felony violation of the Firearm Owners Identification Card
12 Act or an act of armed violence while armed with a firearm;

13 (20) the defendant (i) committed the offense of
14 reckless homicide under Section 9-3 of the Criminal Code
15 of 1961 or the Criminal Code of 2012 or the offense of
16 driving under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds or any
18 combination thereof under Section 11-501 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance
20 and (ii) was operating a motor vehicle in excess of 20
21 miles per hour over the posted speed limit as provided in
22 Article VI of Chapter 11 of the Illinois Vehicle Code;

23 (21) the defendant (i) committed the offense of
24 reckless driving or aggravated reckless driving under
25 Section 11-503 of the Illinois Vehicle Code and (ii) was
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of
2 Chapter 11 of the Illinois Vehicle Code;

3 (22) the defendant committed the offense against a
4 person that the defendant knew, or reasonably should have
5 known, was a member of the Armed Forces of the United
6 States serving on active duty. For purposes of this clause
7 (22), the term "Armed Forces" means any of the Armed
8 Forces of the United States, including a member of any
9 reserve component thereof or National Guard unit called to
10 active duty;

11 (23) the defendant committed the offense against a
12 person who was elderly or infirm or who was a person with a
13 disability by taking advantage of a family or fiduciary
14 relationship with the elderly or infirm person or person
15 with a disability;

16 (24) the defendant committed any offense under Section
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 and possessed 100 or more images;

19 (25) the defendant committed the offense while the
20 defendant or the victim was in a train, bus, or other
21 vehicle used for public transportation;

22 (26) the defendant committed the offense of child
23 pornography or aggravated child pornography, specifically
24 including paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) of Section 11-20.1 of the Criminal Code of
26 1961 or the Criminal Code of 2012 where a child engaged in,

1 solicited for, depicted in, or posed in any act of sexual
2 penetration or bound, fettered, or subject to sadistic,
3 masochistic, or sadomasochistic abuse in a sexual context
4 and specifically including paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1B or
6 Section 11-20.3 of the Criminal Code of 1961 where a child
7 engaged in, solicited for, depicted in, or posed in any
8 act of sexual penetration or bound, fettered, or subject
9 to sadistic, masochistic, or sadomasochistic abuse in a
10 sexual context;

11 (26.5) the defendant committed the offense of obscene
12 depiction of a purported child, specifically including
13 paragraph (2) of subsection (b) of Section 11-20.4 of the
14 Criminal Code of 2012 if a child engaged in, solicited
15 for, depicted in, or posed in any act of sexual
16 penetration or bound, fettered, or subject to sadistic,
17 masochistic, or sadomasochistic abuse in a sexual context;

18 (27) the defendant committed the offense of first
19 degree murder, assault, aggravated assault, battery,
20 aggravated battery, robbery, armed robbery, or aggravated
21 robbery against a person who was a veteran and the
22 defendant knew, or reasonably should have known, that the
23 person was a veteran performing duties as a representative
24 of a veterans' organization. For the purposes of this
25 paragraph (27), "veteran" means an Illinois resident who
26 has served as a member of the United States Armed Forces, a

1 member of the Illinois National Guard, or a member of the
2 United States Reserve Forces; and "veterans' organization"
3 means an organization comprised of members of which
4 substantially all are individuals who are veterans or
5 spouses, widows, or widowers of veterans, the primary
6 purpose of which is to promote the welfare of its members
7 and to provide assistance to the general public in such a
8 way as to confer a public benefit;

9 (28) the defendant committed the offense of assault,
10 aggravated assault, battery, aggravated battery, robbery,
11 armed robbery, or aggravated robbery against a person that
12 the defendant knew or reasonably should have known was a
13 letter carrier or postal worker while that person was
14 performing his or her duties delivering mail for the
15 United States Postal Service;

16 (29) the defendant committed the offense of criminal
17 sexual assault, aggravated criminal sexual assault,
18 criminal sexual abuse, or aggravated criminal sexual abuse
19 against a victim with an intellectual disability, and the
20 defendant holds a position of trust, authority, or
21 supervision in relation to the victim;

22 (30) the defendant committed the offense of promoting
23 juvenile prostitution, patronizing a prostitute, or
24 patronizing a minor engaged in prostitution and at the
25 time of the commission of the offense knew that the
26 prostitute or minor engaged in prostitution was in the

1 custody or guardianship of the Department of Children and
2 Family Services;

3 (31) the defendant (i) committed the offense of
4 driving while under the influence of alcohol, other drug
5 or drugs, intoxicating compound or compounds or any
6 combination thereof in violation of Section 11-501 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance and (ii) the defendant during the commission of
9 the offense was driving his or her vehicle upon a roadway
10 designated for one-way traffic in the opposite direction
11 of the direction indicated by official traffic control
12 devices;

13 (32) the defendant committed the offense of reckless
14 homicide while committing a violation of Section 11-907 of
15 the Illinois Vehicle Code;

16 (33) the defendant was found guilty of an
17 administrative infraction related to an act or acts of
18 public indecency or sexual misconduct in the penal
19 institution. In this paragraph (33), "penal institution"
20 has the same meaning as in Section 2-14 of the Criminal
21 Code of 2012; or

22 (34) the defendant committed the offense of leaving
23 the scene of a crash in violation of subsection (b) of
24 Section 11-401 of the Illinois Vehicle Code and the crash
25 resulted in the death of a person and at the time of the
26 offense, the defendant was: (i) driving under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds or any combination thereof as
3 defined by Section 11-501 of the Illinois Vehicle Code; or
4 (ii) operating the motor vehicle while using an electronic
5 communication device as defined in Section 12-610.2 of the
6 Illinois Vehicle Code.

7 For the purposes of this Section:

8 "School" is defined as a public or private elementary or
9 secondary school, community college, college, or university.

10 "Day care center" means a public or private State
11 certified and licensed day care center as defined in Section
12 2.09 of the Child Care Act of 1969 that displays a sign in
13 plain view stating that the property is a day care center.

14 "Intellectual disability" means significantly subaverage
15 intellectual functioning which exists concurrently with
16 impairment in adaptive behavior.

17 "Public transportation" means the transportation or
18 conveyance of persons by means available to the general
19 public, and includes paratransit services.

20 "Traffic control devices" means all signs, signals,
21 markings, and devices that conform to the Illinois Manual on
22 Uniform Traffic Control Devices, placed or erected by
23 authority of a public body or official having jurisdiction,
24 for the purpose of regulating, warning, or guiding traffic.

25 (b) The following factors, related to all felonies, may be
26 considered by the court as reasons to impose an extended term

1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after
3 having been previously convicted in Illinois or any other
4 jurisdiction of the same or similar class felony or
5 greater class felony, when such conviction has occurred
6 within 10 years after the previous conviction, excluding
7 time spent in custody, and such charges are separately
8 brought and tried and arise out of different series of
9 acts; or

10 (2) When a defendant is convicted of any felony and
11 the court finds that the offense was accompanied by
12 exceptionally brutal or heinous behavior indicative of
13 wanton cruelty; or

14 (3) When a defendant is convicted of any felony
15 committed against:

16 (i) a person under 12 years of age at the time of
17 the offense or such person's property;

18 (ii) a person 60 years of age or older at the time
19 of the offense or such person's property; or

20 (iii) a person who had a physical disability at
21 the time of the offense or such person's property; or

22 (4) When a defendant is convicted of any felony and
23 the offense involved any of the following types of
24 specific misconduct committed as part of a ceremony, rite,
25 initiation, observance, performance, practice or activity
26 of any actual or ostensible religious, fraternal, or

1 social group:

2 (i) the brutalizing or torturing of humans or
3 animals;

4 (ii) the theft of human corpses;

5 (iii) the kidnapping of humans;

6 (iv) the desecration of any cemetery, religious,
7 fraternal, business, governmental, educational, or
8 other building or property; or

9 (v) ritualized abuse of a child; or

10 (5) When a defendant is convicted of a felony other
11 than conspiracy and the court finds that the felony was
12 committed under an agreement with 2 or more other persons
13 to commit that offense and the defendant, with respect to
14 the other individuals, occupied a position of organizer,
15 supervisor, financier, or any other position of management
16 or leadership, and the court further finds that the felony
17 committed was related to or in furtherance of the criminal
18 activities of an organized gang or was motivated by the
19 defendant's leadership in an organized gang; or

20 (6) When a defendant is convicted of an offense
21 committed while using a firearm with a laser sight
22 attached to it. For purposes of this paragraph, "laser
23 sight" has the meaning ascribed to it in Section 26-7 of
24 the Criminal Code of 2012; or

25 (7) When a defendant who was at least 17 years of age
26 at the time of the commission of the offense is convicted

1 of a felony and has been previously adjudicated a
2 delinquent minor under the Juvenile Court Act of 1987 for
3 an act that if committed by an adult would be a Class X or
4 Class 1 felony when the conviction has occurred within 10
5 years after the previous adjudication, excluding time
6 spent in custody; or

7 (8) When a defendant commits any felony and the
8 defendant used, possessed, exercised control over, or
9 otherwise directed an animal to assault a law enforcement
10 officer engaged in the execution of his or her official
11 duties or in furtherance of the criminal activities of an
12 organized gang in which the defendant is engaged; or

13 (9) When a defendant commits any felony and the
14 defendant knowingly video or audio records the offense
15 with the intent to disseminate the recording.

16 (c) The following factors may be considered by the court
17 as reasons to impose an extended term sentence under Section
18 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
19 offenses:

20 (1) When a defendant is convicted of first degree
21 murder, after having been previously convicted in Illinois
22 of any offense listed under paragraph (c)(2) of Section
23 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
24 occurred within 10 years after the previous conviction,
25 excluding time spent in custody, and the charges are
26 separately brought and tried and arise out of different

1 series of acts.

2 (1.5) When a defendant is convicted of first degree
3 murder, after having been previously convicted of domestic
4 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
5 (720 ILCS 5/12-3.3) committed on the same victim or after
6 having been previously convicted of violation of an order
7 of protection (720 ILCS 5/12-30) in which the same victim
8 was the protected person.

9 (2) When a defendant is convicted of voluntary
10 manslaughter, second degree murder, involuntary
11 manslaughter, or reckless homicide in which the defendant
12 has been convicted of causing the death of more than one
13 individual.

14 (3) When a defendant is convicted of aggravated
15 criminal sexual assault or criminal sexual assault, when
16 there is a finding that aggravated criminal sexual assault
17 or criminal sexual assault was also committed on the same
18 victim by one or more other individuals, and the defendant
19 voluntarily participated in the crime with the knowledge
20 of the participation of the others in the crime, and the
21 commission of the crime was part of a single course of
22 conduct during which there was no substantial change in
23 the nature of the criminal objective.

24 (4) If the victim was under 18 years of age at the time
25 of the commission of the offense, when a defendant is
26 convicted of aggravated criminal sexual assault or

1 predatory criminal sexual assault of a child under
2 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
3 of Section 12-14.1 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

5 (5) When a defendant is convicted of a felony
6 violation of Section 24-1 of the Criminal Code of 1961 or
7 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
8 finding that the defendant is a member of an organized
9 gang.

10 (6) When a defendant was convicted of unlawful use of
11 weapons under Section 24-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
13 a weapon that is not readily distinguishable as one of the
14 weapons enumerated in Section 24-1 of the Criminal Code of
15 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

16 (7) When a defendant is convicted of an offense
17 involving the illegal manufacture of a controlled
18 substance under Section 401 of the Illinois Controlled
19 Substances Act (720 ILCS 570/401), the illegal manufacture
20 of methamphetamine under Section 25 of the Methamphetamine
21 Control and Community Protection Act (720 ILCS 646/25), or
22 the illegal possession of explosives and an emergency
23 response officer in the performance of his or her duties
24 is killed or injured at the scene of the offense while
25 responding to the emergency caused by the commission of
26 the offense. In this paragraph, "emergency" means a

1 situation in which a person's life, health, or safety is
2 in jeopardy; and "emergency response officer" means a
3 peace officer, community policing volunteer, fireman,
4 emergency medical technician-ambulance, emergency medical
5 technician-intermediate, emergency medical
6 technician-paramedic, ambulance driver, other medical
7 assistance or first aid personnel, or hospital emergency
8 room personnel.

9 (8) When the defendant is convicted of attempted mob
10 action, solicitation to commit mob action, or conspiracy
11 to commit mob action under Section 8-1, 8-2, or 8-4 of the
12 Criminal Code of 2012, where the criminal object is a
13 violation of Section 25-1 of the Criminal Code of 2012,
14 and an electronic communication is used in the commission
15 of the offense. For the purposes of this paragraph (8),
16 "electronic communication" shall have the meaning provided
17 in Section 26.5-0.1 of the Criminal Code of 2012.

18 (d) For the purposes of this Section, "organized gang" has
19 the meaning ascribed to it in Section 10 of the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

21 (e) The court may impose an extended term sentence under
22 Article 4.5 of Chapter V upon an offender who has been
23 convicted of a felony violation of Section 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
25 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
26 when the victim of the offense is under 18 years of age at the

1 time of the commission of the offense and, during the
2 commission of the offense, the victim was under the influence
3 of alcohol, regardless of whether or not the alcohol was
4 supplied by the offender; and the offender, at the time of the
5 commission of the offense, knew or should have known that the
6 victim had consumed alcohol.

7 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
8 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
9 8-20-21; 102-982, eff. 7-1-23.)

10 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

18 (1) for first degree murder,

19 (a) (blank),

20 (b) if a trier of fact finds beyond a reasonable
21 doubt that the murder was accompanied by exceptionally
22 brutal or heinous behavior indicative of wanton
23 cruelty or, except as set forth in subsection
24 (a) (1) (c) of this Section, that any of the aggravating
25 factors listed in subparagraph (b-5) are present, the

1 court may sentence the defendant, subject to Section
2 5-4.5-105, to a term of natural life imprisonment, or

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

8 (1) the murdered individual was an inmate at
9 an institution or facility of the Department of
10 Corrections, or any similar local correctional
11 agency and was killed on the grounds thereof, or
12 the murdered individual was otherwise present in
13 such institution or facility with the knowledge
14 and approval of the chief administrative officer
15 thereof;

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

19 (3) the defendant committed the murder
20 pursuant to a contract, agreement, or
21 understanding by which he or she was to receive
22 money or anything of value in return for
23 committing the murder or procured another to
24 commit the murder for money or anything of value;

25 (4) the murdered individual was killed in the
26 course of another felony if:

1 (A) the murdered individual:
2 (i) was actually killed by the
3 defendant, or
4 (ii) received physical injuries
5 personally inflicted by the defendant
6 substantially contemporaneously with
7 physical injuries caused by one or more
8 persons for whose conduct the defendant is
9 legally accountable under Section 5-2 of
10 this Code, and the physical injuries
11 inflicted by either the defendant or the
12 other person or persons for whose conduct
13 he is legally accountable caused the death
14 of the murdered individual; and (B) in
15 performing the acts which caused the death
16 of the murdered individual or which
17 resulted in physical injuries personally
18 inflicted by the defendant on the murdered
19 individual under the circumstances of
20 subdivision (ii) of clause (A) of this
21 clause (4), the defendant acted with the
22 intent to kill the murdered individual or
23 with the knowledge that his or her acts
24 created a strong probability of death or
25 great bodily harm to the murdered
26 individual or another; and

1 (B) in performing the acts which caused
2 the death of the murdered individual or which
3 resulted in physical injuries personally
4 inflicted by the defendant on the murdered
5 individual under the circumstances of
6 subdivision (ii) of clause (A) of this clause
7 (4), the defendant acted with the intent to
8 kill the murdered individual or with the
9 knowledge that his or her acts created a
10 strong probability of death or great bodily
11 harm to the murdered individual or another;
12 and

13 (C) the other felony was an inherently
14 violent crime or the attempt to commit an
15 inherently violent crime. In this clause (C),
16 "inherently violent crime" includes, but is
17 not limited to, armed robbery, robbery,
18 predatory criminal sexual assault of a child,
19 aggravated criminal sexual assault, aggravated
20 kidnapping, aggravated vehicular hijacking,
21 aggravated arson, aggravated stalking,
22 residential burglary, and home invasion;

23 (5) the defendant committed the murder with
24 intent to prevent the murdered individual from
25 testifying or participating in any criminal
26 investigation or prosecution or giving material

1 assistance to the State in any investigation or
2 prosecution, either against the defendant or
3 another; or the defendant committed the murder
4 because the murdered individual was a witness in
5 any prosecution or gave material assistance to the
6 State in any investigation or prosecution, either
7 against the defendant or another; for purposes of
8 this clause (5), "participating in any criminal
9 investigation or prosecution" is intended to
10 include those appearing in the proceedings in any
11 capacity such as trial judges, prosecutors,
12 defense attorneys, investigators, witnesses, or
13 jurors;

14 (6) the defendant, while committing an offense
15 punishable under Section 401, 401.1, 401.2, 405,
16 405.2, 407 or 407.1 or subsection (b) of Section
17 404 of the Illinois Controlled Substances Act, or
18 while engaged in a conspiracy or solicitation to
19 commit such offense, intentionally killed an
20 individual or counseled, commanded, induced,
21 procured or caused the intentional killing of the
22 murdered individual;

23 (7) the defendant was incarcerated in an
24 institution or facility of the Department of
25 Corrections at the time of the murder, and while
26 committing an offense punishable as a felony under

1 Illinois law, or while engaged in a conspiracy or
2 solicitation to commit such offense, intentionally
3 killed an individual or counseled, commanded,
4 induced, procured or caused the intentional
5 killing of the murdered individual;

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

13 (9) the defendant was a principal
14 administrator, organizer, or leader of a
15 calculated criminal drug conspiracy consisting of
16 a hierarchical position of authority superior to
17 that of all other members of the conspiracy, and
18 the defendant counseled, commanded, induced,
19 procured, or caused the intentional killing of the
20 murdered person;

21 (10) the murder was intentional and involved
22 the infliction of torture. For the purpose of this
23 clause (10), torture means the infliction of or
24 subjection to extreme physical pain, motivated by
25 an intent to increase or prolong the pain,
26 suffering or agony of the victim;

1 (11) the murder was committed as a result of
2 the intentional discharge of a firearm by the
3 defendant from a motor vehicle and the victim was
4 not present within the motor vehicle;

5 (12) the murdered individual was a person with
6 a disability and the defendant knew or should have
7 known that the murdered individual was a person
8 with a disability. For purposes of this clause
9 (12), "person with a disability" means a person
10 who suffers from a permanent physical or mental
11 impairment resulting from disease, an injury, a
12 functional disorder, or a congenital condition
13 that renders the person incapable of adequately
14 providing for his or her own health or personal
15 care;

16 (13) the murdered individual was subject to an
17 order of protection and the murder was committed
18 by a person against whom the same order of
19 protection was issued under the Illinois Domestic
20 Violence Act of 1986;

21 (14) the murdered individual was known by the
22 defendant to be a teacher or other person employed
23 in any school and the teacher or other employee is
24 upon the grounds of a school or grounds adjacent
25 to a school, or is in any part of a building used
26 for school purposes;

1 (15) the murder was committed by the defendant
2 in connection with or as a result of the offense of
3 terrorism as defined in Section 29D-14.9 of this
4 Code;

5 (16) the murdered individual was a member of a
6 congregation engaged in prayer or other religious
7 activities at a church, synagogue, mosque, or
8 other building, structure, or place used for
9 religious worship; or

10 (17) (i) the murdered individual was a
11 physician, physician assistant, psychologist,
12 nurse, or advanced practice registered nurse;

13 (ii) the defendant knew or should have known
14 that the murdered individual was a physician,
15 physician assistant, psychologist, nurse, or
16 advanced practice registered nurse; and

17 (iii) the murdered individual was killed in
18 the course of acting in his or her capacity as a
19 physician, physician assistant, psychologist,
20 nurse, or advanced practice registered nurse, or
21 to prevent him or her from acting in that
22 capacity, or in retaliation for his or her acting
23 in that capacity.

24 (c) the court shall sentence the defendant to a
25 term of natural life imprisonment if the defendant, at
26 the time of the commission of the murder, had attained

1 the age of 18, and:

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

4 (ii) is found guilty of murdering more than
5 one victim, or

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

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

26 (v) is found guilty of murdering an emergency

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

16 (vi) (blank), or

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

25 For purposes of clause (v), "emergency medical
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -
2 paramedic", have the meanings ascribed to them in the
3 Emergency Medical Services (EMS) Systems Act.

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

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

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

18 (2) (blank);

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

1 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
2 subsection (b) of Section 12-14.1 of the Criminal Code of
3 1961 or the Criminal Code of 2012, the sentence shall be a
4 term of natural life imprisonment.

5 (b) (Blank).

6 (c) (Blank).

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

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

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

1 under subsection (d) of Section 11-20.4 of the Criminal
2 Code of 2012, 18 months;

3 (2) except as provided in paragraph (7) of this
4 subsection (d), for a Class 1 felony or a Class 2 felony
5 except for the offense of criminal sexual assault if
6 committed on or after December 13, 2005 (the effective
7 date of Public Act 94-715) and except for the offenses of
8 manufacture and dissemination of child pornography under
9 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, if
11 committed on or after January 1, 2009, and except for the
12 offense of obscene depiction of a purported child under
13 paragraph (2) of subsection (b) of Section 11-20.4 of the
14 Criminal Code of 2012, 12 months;

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

1 the 102nd General Assembly, including those individuals
2 whose sentences were imposed prior to the effective date
3 of this amendatory Act of the 102nd General Assembly;

4 (4) for defendants who commit the offense of predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, or criminal sexual assault, on or after
7 December 13, 2005 (the effective date of Public Act
8 94-715), or who commit the offense of aggravated child
9 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
10 with sentencing under subsection (c-5) of Section 11-20.1
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 manufacture of child pornography, or dissemination of
13 child pornography after January 1, 2009, or who commit the
14 offense of obscene depiction of a purported child under
15 paragraph (2) of subsection (b) of Section 11-20.4 of the
16 Criminal Code of 2012 or who commit the offense of obscene
17 depiction of a purported child with sentencing under
18 subsection (d) of Section 11-20.4 of the Criminal Code of
19 2012, the term of mandatory supervised release shall range
20 from a minimum of 3 years to a maximum of the natural life
21 of the defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic monitoring or home detention program under

1 Article 8A of Chapter V of this Code;

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

5 (7) for any felony described in paragraph (a) (2) (ii),
6 (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),
7 (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section
8 3-6-3 of the Unified Code of Corrections requiring an
9 inmate to serve a minimum of 85% of their court-imposed
10 sentence, except for the offenses of predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, and criminal sexual assault if committed on or
13 after December 13, 2005 (the effective date of Public Act
14 94-715) and except for the offense of aggravated child
15 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
16 with sentencing under subsection (c-5) of Section 11-20.1
17 of the Criminal Code of 1961 or the Criminal Code of 2012,
18 if committed on or after January 1, 2009, and except for
19 the offense of obscene depiction of a purported child with
20 sentencing under subsection (d) of Section 11-20.4 of the
21 Criminal Code of 2012, and except as provided in paragraph
22 (4) or paragraph (6) of this subsection (d), the term of
23 mandatory supervised release shall be as follows:

24 (A) Class X felony, 3 years;

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

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

1 (e) (Blank).

2 (f) (Blank).

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

12 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
13 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
14 1-1-24.)

15 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

16 Sec. 5-8-4. Concurrent and consecutive terms of
17 imprisonment.

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

1 (b) Concurrent terms; misdemeanor and felony. A defendant
2 serving a sentence for a misdemeanor who is convicted of a
3 felony and sentenced to imprisonment shall be transferred to
4 the Department of Corrections, and the misdemeanor sentence
5 shall be merged in and run concurrently with the felony
6 sentence.

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

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

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

23 (3) If a person charged with a felony commits a
24 separate felony while on pretrial release or in pretrial
25 detention in a county jail facility or county detention
26 facility, then the sentences imposed upon conviction of

1 these felonies may be served consecutively regardless of
2 the order in which the judgments of conviction are
3 entered.

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

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

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

1 offense for which the person is serving a sentence in the
2 county jail or while in pretrial detention, regardless of
3 the order in which the judgments of conviction are
4 entered.

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

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

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

17 (2) The defendant was convicted of a violation of
18 Section 11-1.20 or 12-13 (criminal sexual assault),
19 11-1.30 or 12-14 (aggravated criminal sexual assault), or
20 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
21 child) of the Criminal Code of 1961 or the Criminal Code of
22 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
23 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
24 5/12-14.1).

25 (2.5) The defendant was convicted of a violation of
26 paragraph (1), (2), (3), (4), (5), or (7) of subsection

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

11 (2.6) The defendant was convicted of:

12 (A) a violation of paragraph (2) of subsection (b)
13 of Section 11-20.4 of the Criminal Code of 2012; or

14 (B) a violation of paragraph (1) of Section
15 11-20.4 of the Criminal Code of 2012 when the
16 purported child depicted is under the age of 13.

17 (3) The defendant was convicted of armed violence
18 based upon the predicate offense of any of the following:
19 solicitation of murder, solicitation of murder for hire,
20 heinous battery as described in Section 12-4.1 or
21 subdivision (a)(2) of Section 12-3.05, aggravated battery
22 of a senior citizen as described in Section 12-4.6 or
23 subdivision (a)(4) of Section 12-3.05, criminal sexual
24 assault, a violation of subsection (g) of Section 5 of the
25 Cannabis Control Act (720 ILCS 550/5), cannabis
26 trafficking, a violation of subsection (a) of Section 401

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

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

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

26 (5.5) The defendant was convicted of a violation of

1 Section 24-3.7 (use of a stolen firearm in the commission
2 of an offense) of the Criminal Code of 1961 or the Criminal
3 Code of 2012.

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

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

13 (8) (Blank).

14 (8.5) (Blank).

15 (9) (Blank).

16 (10) (Blank).

17 (11) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Section 97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

1

INDEX

2

Statutes amended in order of appearance

3

625 ILCS 5/6-106.1

4

720 ILCS 5/11-20.1

from Ch. 38, par. 11-20.1

5

720 ILCS 5/11-20.4 new

6

720 ILCS 5/11-23.5

7

720 ILCS 5/11-23.7 new

8

725 ILCS 5/124B-500

9

725 ILCS 115/3

from Ch. 38, par. 1353

10

730 ILCS 5/5-5-3

11

730 ILCS 5/5-5-3.2

12

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

13

730 ILCS 5/5-8-4

from Ch. 38, par. 1005-8-4

14

730 ILCS 150/2

from Ch. 38, par. 222

15

730 ILCS 150/3