



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2065

Introduced 2/9/2023, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/18-4	
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
720 ILCS 5/24-1.7	
720 ILCS 5/24-3.7	
730 ILCS 5/5-4.5-110	
730 ILCS 5/5-5-3	
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Criminal Code of 2012. Provides for enhanced sentencing for: (1) aggravated vehicular hijacking; (2) unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities; (3) aggravated discharge of a firearm; (4) being an armed habitual criminal; and (5) use of a stolen or illegally acquired firearm in the commission of an offense. Adds additional protected classes of persons for which the offense of aggravated discharge of a firearm applies. Amends the Unified Code of Corrections to make conforming changes.

LRB103 25262 RLC 51606 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, and 24-3.7 as  
6 follows:

7 (720 ILCS 5/18-4)

8 Sec. 18-4. Aggravated vehicular hijacking.

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

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

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

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

19 (4) he or she carries on or about his or her person or  
20 is otherwise armed with a firearm; or

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

23 (6) he or she, during the commission of the offense,

1 personally discharges a firearm that proximately causes  
2 great bodily harm, permanent disability, permanent  
3 disfigurement, or death to another person.

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

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

21 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

25 (a) It is unlawful for a person to knowingly possess on or

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

9 (b) It is unlawful for any person confined in a penal  
10 institution, which is a facility of the Illinois Department of  
11 Corrections, to possess any weapon prohibited under Section  
12 24-1 of this Code or any firearm or firearm ammunition,  
13 regardless of the intent with which he possesses it.

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

18 (d) The defense of necessity is not available to a person  
19 who is charged with a violation of subsection (b) of this  
20 Section.

21 (e) Sentence. Violation of this Section is a Class X  
22 felony for a first offense for which a term of imprisonment of  
23 not less than 10 years shall be imposed. A second or subsequent  
24 offense is a Class X felony for which a term of natural life  
25 imprisonment shall be imposed ~~by a person not confined in a~~  
26 ~~penal institution shall be a Class 3 felony for which the~~

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

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

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

14 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

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

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

18 (1) Discharges a firearm at or into a building he or  
19 she knows or reasonably should know to be occupied and the  
20 firearm is discharged from a place or position outside  
21 that building;

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

25 (3) Discharges a firearm in the direction of a person

1 he or she knows to be a peace officer, a community policing  
2 volunteer, a correctional institution employee, or a  
3 fireman while the officer, volunteer, employee or fireman  
4 is engaged in the execution of any of his or her official  
5 duties, or to prevent the officer, volunteer, employee or  
6 fireman from performing his or her official duties, or in  
7 retaliation for the officer, volunteer, employee or  
8 fireman performing his or her official duties;

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

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

25 (6) Discharges a firearm in the direction of a vehicle  
26 he or she knows to be occupied by emergency medical

1 services personnel while the emergency medical services  
2 personnel is engaged in the execution of any of his or her  
3 official duties, or to prevent the emergency medical  
4 services personnel from performing his or her official  
5 duties, or in retaliation for the emergency medical  
6 services personnel performing his or her official duties;

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

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

20 (9) Discharges a firearm in the direction of a vehicle  
21 he or she knows to be occupied by an emergency management  
22 worker while the emergency management worker is engaged in  
23 the execution of any of his or her official duties, or to  
24 prevent the emergency management worker from performing  
25 his or her official duties, or in retaliation for the  
26 emergency management worker performing his or her official



1 duties; ~~or~~

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

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

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

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

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

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

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

18 (17) discharges a firearm in the direction of a person  
19 who is in a public roadway, a park, public housing, a  
20 school, a building under the control of the State or a unit  
21 of local government, a church, a hospital, a nursing home,  
22 any bus, train, or form of transportation paid for in  
23 whole or in part with public funds, or any building, real  
24 property, or parking area under the control of a public  
25 transportation facility paid for in whole or in part with  
26 public funds; or

1           (18) discharges a firearm during the commission or  
2           attempted commission of vehicular hijacking.

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

18           (c) For purposes of this Section:

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

23           "School" means a public or private elementary or secondary  
24 school, community college, college, or university.

25           "School related activity" means any sporting, social,  
26 academic, or other activity for which students' attendance or

1 participation is sponsored, organized, or funded in whole or  
2 in part by a school or school district.

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

4 (720 ILCS 5/24-1.7)

5 Sec. 24-1.7. Armed habitual criminal.

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

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

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

21 (3) any violation of the Illinois Controlled  
22 Substances Act or the Cannabis Control Act that is  
23 punishable as a Class 3 felony or higher.

24 (b) Sentence. Being an armed habitual criminal is a Class  
25 X felony for a first offense for which a term of imprisonment

1 of not less than 10 years and not more than 30 years shall be  
2 imposed. A second or subsequent offense is a Class X felony for  
3 which a term of natural life imprisonment shall be imposed.

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

5 (720 ILCS 5/24-3.7)

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

8 (a) A person commits ~~the offense of~~ use of a stolen or  
9 illegally acquired firearm in the commission of an offense  
10 when he or she knowingly uses a stolen or illegally acquired  
11 firearm in the commission of any offense and the person knows  
12 that the firearm was stolen or illegally acquired.

13 (b) Sentence. Use of a stolen or illegally acquired  
14 firearm in the commission of an offense is a Class X felony for  
15 a first offense for which a term of imprisonment of not less  
16 than 10 years shall be imposed. A second or subsequent offense  
17 is a Class X felony for which a term of natural life  
18 imprisonment shall be imposed ~~2-felony~~.

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

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

22 Section 10. The Unified Code of Corrections is amended by  
23 changing Sections 5-4.5-110, 5-5-3, and 5-8-4 as follows:

1 (730 ILCS 5/5-4.5-110)

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

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

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

6 "Firearm" has the meaning ascribed to it in Section  
7 1.1 of the Firearm Owners Identification Card Act.

8 "Qualifying predicate offense" means the following  
9 offenses under the Criminal Code of 2012:

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

13 (B) unlawful use or possession of a weapon by a  
14 felon under Section 24-1.1 or similar offense under  
15 the Criminal Code of 1961, when the weapon is a  
16 firearm;

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

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

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

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

1 (G) aggravated criminal sexual assault under  
2 Section 11-1.30 or similar offense under the Criminal  
3 Code of 1961;

4 (H) predatory criminal sexual assault of a child  
5 under Section 11-1.40 or similar offense under the  
6 Criminal Code of 1961;

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

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

11 (K) aggravated vehicular hijacking under Section  
12 18-4 or similar offense under the Criminal Code of  
13 1961;

14 (L) home invasion with a firearm under paragraph  
15 (3), (4), or (5) of subsection (a) of Section 19-6 or  
16 similar offense under the Criminal Code of 1961;

17 (M) aggravated discharge of a firearm under  
18 Section 24-1.2 or similar offense under the Criminal  
19 Code of 1961;

20 (N) aggravated discharge of a machine gun or a  
21 firearm equipped with a device designed or used for  
22 silencing the report of a firearm under Section  
23 24-1.2-5 or similar offense under the Criminal Code of  
24 1961;

25 (O) unlawful use of firearm projectiles under  
26 Section 24-2.1 or similar offense under the Criminal

1 Code of 1961;

2 (P) manufacture, sale, or transfer of bullets or  
3 shells represented to be armor piercing bullets,  
4 dragon's breath shotgun shells, bolo shells, or  
5 flechette shells under Section 24-2.2 or similar  
6 offense under the Criminal Code of 1961;

7 (Q) unlawful sale or delivery of firearms under  
8 Section 24-3 or similar offense under the Criminal  
9 Code of 1961;

10 (R) unlawful discharge of firearm projectiles  
11 under Section 24-3.2 or similar offense under the  
12 Criminal Code of 1961;

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

16 (T) unlawful purchase of a firearm under Section  
17 24-3.5 or similar offense under the Criminal Code of  
18 1961;

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

22 (V) possession of a stolen firearm under Section  
23 24-3.8 or similar offense under the Criminal Code of  
24 1961;

25 (W) aggravated possession of a stolen firearm  
26 under Section 24-3.9 or similar offense under the

1 Criminal Code of 1961;

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

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

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

9 (b) APPLICABILITY. For an offense committed on or after  
10 January 1, 2018 (the effective date of Public Act 100-3) and  
11 before January 1, 2024, when a person is convicted of unlawful  
12 use or possession of a weapon by a felon, when the weapon is a  
13 firearm, or aggravated unlawful use of a weapon, when the  
14 weapon is a firearm, after being previously convicted of a  
15 qualifying predicate offense the person shall be subject to  
16 the sentencing guidelines under this Section.

17 (c) SENTENCING GUIDELINES.

18 (1) When a person is convicted of unlawful use or  
19 possession of a weapon by a felon, when the weapon is a  
20 firearm, and that person has been previously convicted of  
21 a qualifying predicate offense, the person shall be  
22 sentenced to a term of imprisonment within the sentencing  
23 range of not less than 7 years and not more than 14 years,  
24 unless the court finds that a departure from the  
25 sentencing guidelines under this paragraph is warranted  
26 under subsection (d) of this Section.



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

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

14           (d) DEPARTURE FROM SENTENCING GUIDELINES.

15           (1) At the sentencing hearing conducted under Section  
16 5-4-1 of this Code, the court may depart from the  
17 sentencing guidelines provided in subsection (c) of this  
18 Section and impose a sentence otherwise authorized by law  
19 for the offense if the court, after considering any factor  
20 under paragraph (2) of this subsection (d) relevant to the  
21 nature and circumstances of the crime and to the history  
22 and character of the defendant, finds on the record  
23 substantial and compelling justification that the sentence  
24 within the sentencing guidelines would be unduly harsh and  
25 that a sentence otherwise authorized by law would be  
26 consistent with public safety and does not deprecate the

1           seriousness of the offense.

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

4           (A) the age, immaturity, or limited mental  
5 capacity of the defendant at the time of commission of  
6 the qualifying predicate or current offense, including  
7 whether the defendant was suffering from a mental or  
8 physical condition insufficient to constitute a  
9 defense but significantly reduced the defendant's  
10 culpability;

11           (B) the nature and circumstances of the qualifying  
12 predicate offense;

13           (C) the time elapsed since the qualifying  
14 predicate offense;

15           (D) the nature and circumstances of the current  
16 offense;

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

18           (F) whether the defendant committed the qualifying  
19 predicate or current offense under specific and  
20 credible duress, coercion, threat, or compulsion;

21           (G) whether the defendant aided in the  
22 apprehension of another felon or testified truthfully  
23 on behalf of another prosecution of a felony; and

24           (H) whether departure is in the interest of the  
25 person's rehabilitation, including employment or  
26 educational or vocational training, after taking into

1 account any past rehabilitation efforts or  
2 dispositions of probation or supervision, and the  
3 defendant's cooperation or response to rehabilitation.

4 (3) When departing from the sentencing guidelines  
5 under this Section, the court shall specify on the record,  
6 the particular evidence, information, factor or factors,  
7 or other reasons which led to the departure from the  
8 sentencing guidelines. When departing from the sentencing  
9 range in accordance with this subsection (d), the court  
10 shall indicate on the sentencing order which departure  
11 factor or factors outlined in paragraph (2) of this  
12 subsection (d) led to the sentence imposed. The sentencing  
13 order shall be filed with the clerk of the court and shall  
14 be a public record.

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

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

17 (730 ILCS 5/5-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

22 (2) A period of probation, a term of periodic imprisonment  
23 or conditional discharge shall not be imposed for the  
24 following offenses. The court shall sentence the offender to  
25 not less than the minimum term of imprisonment set forth in

1 this Code for the following offenses, and may order a fine or  
2 restitution or both in conjunction with such term of  
3 imprisonment:

4 (A) First degree murder where the death penalty is not  
5 imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the  
9 Illinois Controlled Substances Act, or a violation of  
10 subdivision (c)(1.5) of Section 401 of that Act which  
11 relates to more than 5 grams of a substance containing  
12 fentanyl or an analog thereof.

13 (D-5) A violation of subdivision (c)(1) of Section 401  
14 of the Illinois Controlled Substances Act which relates to  
15 3 or more grams of a substance containing heroin or an  
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had  
19 been convicted of a Class 1 or greater felony, including  
20 any state or federal conviction for an offense that  
21 contained, at the time it was committed, the same elements  
22 as an offense now (the date of the offense committed after  
23 the prior Class 1 or greater felony) classified as a Class  
24 1 or greater felony, within 10 years of the date on which  
25 the offender committed the offense for which he or she is  
26 being sentenced, except as otherwise provided in Section

1 40-10 of the Substance Use Disorder Act.

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

13 (F-5) A violation of Section 18-4, 24-1, 24-1.1,  
14 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012 for  
16 which imprisonment is prescribed in those Sections.

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

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as  
21 described in Section 12-4.6 or subdivision (a)(4) of  
22 Section 12-3.05 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012.

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

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or  
2 more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate crimes  
4 or provides support to the members of the association who  
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed to it  
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense  
12 of hate crime when the underlying offense upon which the  
13 hate crime is based is felony aggravated assault or felony  
14 mob action.

15 (M) A second or subsequent conviction for the offense  
16 of institutional vandalism if the damage to the property  
17 exceeds \$300.

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

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

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

26 (P-5) A violation of paragraph (6) of subsection (a)

1 of Section 11-20.1 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 if the victim is a household or  
3 family member of the defendant.

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

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

9 (S) (Blank).

10 (T) (Blank).

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

18 (V) A violation of paragraph (4) of subsection (c) of  
19 Section 11-20.1B or paragraph (4) of subsection (c) of  
20 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
21 (6) of subsection (a) of Section 11-20.1 of the Criminal  
22 Code of 2012 when the victim is under 13 years of age and  
23 the defendant has previously been convicted under the laws  
24 of this State or any other state of the offense of child  
25 pornography, aggravated child pornography, aggravated  
26 criminal sexual abuse, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, or any of  
2 the offenses formerly known as rape, deviate sexual  
3 assault, indecent liberties with a child, or aggravated  
4 indecent liberties with a child where the victim was under  
5 the age of 18 years or an offense that is substantially  
6 equivalent to those offenses.

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

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

11 (Y) A conviction for unlawful possession of a firearm  
12 by a street gang member when the firearm was loaded or  
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was  
15 serving a term of probation or conditional discharge for a  
16 felony.

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

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

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

25 (DD) A conviction for aggravated assault under  
26 paragraph (6) of subsection (c) of Section 12-2 of the



1 Criminal Code of 1961 or the Criminal Code of 2012 if the  
2 firearm is aimed toward the person against whom the  
3 firearm is being used.

4 (EE) A conviction for a violation of paragraph (2) of  
5 subsection (a) of Section 24-3B of the Criminal Code of  
6 2012.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
14 this subsection (c), a minimum of 100 hours of community  
15 service shall be imposed for a second violation of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court, shall  
19 be imposed for a second violation of subsection (c) of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
22 (4.9) of this subsection (c), a minimum term of imprisonment  
23 of 30 days or 300 hours of community service, as determined by  
24 the court, shall be imposed for a third or subsequent  
25 violation of Section 6-303 of the Illinois Vehicle Code. The  
26 court may give credit toward the fulfillment of community

1 service hours for participation in activities and treatment as  
2 determined by court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be  
4 imposed for a third violation of subsection (c) of Section  
5 6-303 of the Illinois Vehicle Code.

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

10 (4.7) A minimum term of imprisonment of not less than 30  
11 consecutive days, or 300 hours of community service, shall be  
12 imposed for a violation of subsection (a-5) of Section 6-303  
13 of the Illinois Vehicle Code, as provided in subsection (b-5)  
14 of that Section.

15 (4.8) A mandatory prison sentence shall be imposed for a  
16 second violation of subsection (a-5) of Section 6-303 of the  
17 Illinois Vehicle Code, as provided in subsection (c-5) of that  
18 Section. The person's driving privileges shall be revoked for  
19 a period of not less than 5 years from the date of his or her  
20 release from prison.

21 (4.9) A mandatory prison sentence of not less than 4 and  
22 not more than 15 years shall be imposed for a third violation  
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
24 Code, as provided in subsection (d-2.5) of that Section. The  
25 person's driving privileges shall be revoked for the remainder  
26 of his or her life.

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

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

10           (A) a period of conditional discharge;

11           (B) a fine;

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

14           (5.1) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.2) or (5.3), a person  
16 convicted of violating subsection (c) of Section 11-907 of the  
17 Illinois Vehicle Code shall have his or her driver's license,  
18 permit, or privileges suspended for at least 90 days but not  
19 more than one year, if the violation resulted in damage to the  
20 property of another person.

21           (5.2) In addition to any other penalties imposed, and  
22 except as provided in paragraph (5.3), a person convicted of  
23 violating subsection (c) of Section 11-907 of the Illinois  
24 Vehicle Code shall have his or her driver's license, permit,  
25 or privileges suspended for at least 180 days but not more than  
26 2 years, if the violation resulted in injury to another

1 person.

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

7 (5.4) In addition to any other penalties imposed, a person  
8 convicted of violating Section 3-707 of the Illinois Vehicle  
9 Code shall have his or her driver's license, permit, or  
10 privileges suspended for 3 months and until he or she has paid  
11 a reinstatement fee of \$100.

12 (5.5) In addition to any other penalties imposed, a person  
13 convicted of violating Section 3-707 of the Illinois Vehicle  
14 Code during a period in which his or her driver's license,  
15 permit, or privileges were suspended for a previous violation  
16 of that Section shall have his or her driver's license,  
17 permit, or privileges suspended for an additional 6 months  
18 after the expiration of the original 3-month suspension and  
19 until he or she has paid a reinstatement fee of \$100.

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

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

17           (12) A person may not receive a disposition of court  
18 supervision for a violation of Section 5-16 of the Boat  
19 Registration and Safety Act if that person has previously  
20 received a disposition of court supervision for a violation of  
21 that Section.

22           (13) A person convicted of or placed on court supervision  
23 for an assault or aggravated assault when the victim and the  
24 offender are family or household members as defined in Section  
25 103 of the Illinois Domestic Violence Act of 1986 or convicted  
26 of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under  
2 protocols set forth by the Illinois Department of Human  
3 Services under such terms and conditions imposed by the court.  
4 The costs of such classes shall be paid by the offender.

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

23 (e) In cases where prosecution for aggravated criminal  
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 results in conviction  
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall  
2 consider the safety and welfare of the victim and may impose a  
3 sentence of probation only where:

4 (1) the court finds (A) or (B) or both are  
5 appropriate:

6 (A) the defendant is willing to undergo a court  
7 approved counseling program for a minimum duration of  
8 2 years; or

9 (B) the defendant is willing to participate in a  
10 court approved plan, including, but not limited to,  
11 the defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the  
15 family;

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

17 and

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

20 (2) the court orders the defendant to pay for the  
21 victim's counseling services, to the extent that the court  
22 finds, after considering the defendant's income and  
23 assets, that the defendant is financially capable of  
24 paying for such services, if the victim was under 18 years  
25 of age at the time the offense was committed and requires  
26 counseling as a result of the offense.

1 Probation may be revoked or modified pursuant to Section  
2 5-6-4; except where the court determines at the hearing that  
3 the defendant violated a condition of his or her probation  
4 restricting contact with the victim or other family members or  
5 commits another offense with the victim or other family  
6 members, the court shall revoke the defendant's probation and  
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and  
9 "victim" shall have the meanings ascribed to them in Section  
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under  
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
14 11-14.3, 11-14.4 except for an offense that involves keeping a  
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
17 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, the defendant shall undergo medical  
19 testing to determine whether the defendant has any sexually  
20 transmissible disease, including a test for infection with  
21 human immunodeficiency virus (HIV) or any other identified  
22 causative agent of acquired immunodeficiency syndrome (AIDS).  
23 Any such medical test shall be performed only by appropriately  
24 licensed medical practitioners and may include an analysis of  
25 any bodily fluids as well as an examination of the defendant's  
26 person. Except as otherwise provided by law, the results of



1 such test shall be kept strictly confidential by all medical  
2 personnel involved in the testing and must be personally  
3 delivered in a sealed envelope to the judge of the court in  
4 which the conviction was entered for the judge's inspection in  
5 camera. Acting in accordance with the best interests of the  
6 victim and the public, the judge shall have the discretion to  
7 determine to whom, if anyone, the results of the testing may be  
8 revealed. The court shall notify the defendant of the test  
9 results. The court shall also notify the victim if requested  
10 by the victim, and if the victim is under the age of 15 and if  
11 requested by the victim's parents or legal guardian, the court  
12 shall notify the victim's parents or legal guardian of the  
13 test results. The court shall provide information on the  
14 availability of HIV testing and counseling at Department of  
15 Public Health facilities to all parties to whom the results of  
16 the testing are revealed and shall direct the State's Attorney  
17 to provide the information to the victim when possible. The  
18 court shall order that the cost of any such test shall be paid  
19 by the county and may be taxed as costs against the convicted  
20 defendant.

21 (g-5) When an inmate is tested for an airborne  
22 communicable disease, as determined by the Illinois Department  
23 of Public Health, including, but not limited to, tuberculosis,  
24 the results of the test shall be personally delivered by the  
25 warden or his or her designee in a sealed envelope to the judge  
26 of the court in which the inmate must appear for the judge's

1 inspection in camera if requested by the judge. Acting in  
2 accordance with the best interests of those in the courtroom,  
3 the judge shall have the discretion to determine what if any  
4 precautions need to be taken to prevent transmission of the  
5 disease in the courtroom.

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

1 test shall be paid by the county and may be taxed as costs  
2 against the convicted defendant.

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

10 (j) In cases when prosecution for any violation of Section  
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
14 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
15 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012, any violation of the Illinois Controlled  
17 Substances Act, any violation of the Cannabis Control Act, or  
18 any violation of the Methamphetamine Control and Community  
19 Protection Act results in conviction, a disposition of court  
20 supervision, or an order of probation granted under Section 10  
21 of the Cannabis Control Act, Section 410 of the Illinois  
22 Controlled Substances Act, or Section 70 of the  
23 Methamphetamine Control and Community Protection Act of a  
24 defendant, the court shall determine whether the defendant is  
25 employed by a facility or center as defined under the Child  
26 Care Act of 1969, a public or private elementary or secondary

1 school, or otherwise works with children under 18 years of age  
2 on a daily basis. When a defendant is so employed, the court  
3 shall order the Clerk of the Court to send a copy of the  
4 judgment of conviction or order of supervision or probation to  
5 the defendant's employer by certified mail. If the employer of  
6 the defendant is a school, the Clerk of the Court shall direct  
7 the mailing of a copy of the judgment of conviction or order of  
8 supervision or probation to the appropriate regional  
9 superintendent of schools. The regional superintendent of  
10 schools shall notify the State Board of Education of any  
11 notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted  
13 of a felony and who has not been previously convicted of a  
14 misdemeanor or felony and who is sentenced to a term of  
15 imprisonment in the Illinois Department of Corrections shall  
16 as a condition of his or her sentence be required by the court  
17 to attend educational courses designed to prepare the  
18 defendant for a high school diploma and to work toward a high  
19 school diploma or to work toward passing high school  
20 equivalency testing or to work toward completing a vocational  
21 training program offered by the Department of Corrections. If  
22 a defendant fails to complete the educational training  
23 required by his or her sentence during the term of  
24 incarceration, the Prisoner Review Board shall, as a condition  
25 of mandatory supervised release, require the defendant, at his  
26 or her own expense, to pursue a course of study toward a high

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

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection  
21 (l), whenever a defendant, who is not a citizen or national of  
22 the United States, is convicted of any felony or misdemeanor  
23 offense, the court after sentencing the defendant may, upon  
24 motion of the State's Attorney, hold sentence in abeyance and  
25 remand the defendant to the custody of the Attorney General of  
26 the United States or his or her designated agent to be deported

1 when:

2 (1) a final order of deportation has been issued  
3 against the defendant pursuant to proceedings under the  
4 Immigration and Nationality Act, and

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

8 Otherwise, the defendant shall be sentenced as provided in  
9 this Chapter V.

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

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

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

25 (C) This subsection (1) does not apply to offenders who  
26 are subject to the provisions of paragraph (2) of subsection

1 (a) of Section 3-6-3.

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

12 (m) A person convicted of criminal defacement of property  
13 under Section 21-1.3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, in which the property damage exceeds  
15 \$300 and the property damaged is a school building, shall be  
16 ordered to perform community service that may include cleanup,  
17 removal, or painting over the defacement.

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

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

6 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
7 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
8 5-27-22.)

9 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

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

11 Sec. 5-8-4. Concurrent and consecutive terms of  
12 imprisonment.

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

21 (b) Concurrent terms; misdemeanor and felony. A defendant  
22 serving a sentence for a misdemeanor who is convicted of a  
23 felony and sentenced to imprisonment shall be transferred to  
24 the Department of Corrections, and the misdemeanor sentence  
25 shall be merged in and run concurrently with the felony



1 sentence.

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

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

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

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

25 (4) If a person commits a battery against a county  
26 correctional officer or sheriff's employee while serving a

1 sentence or in pretrial detention in a county jail  
2 facility, then the sentence imposed upon conviction of the  
3 battery may be served consecutively with the sentence  
4 imposed upon conviction of the earlier misdemeanor or  
5 felony, regardless of the order in which the judgments of  
6 conviction are entered.

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

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

26 (7) If a person is sentenced for a violation of a

1 condition of pretrial release under Section 32-10 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012, any  
3 sentence imposed for that violation may be served  
4 consecutive to the sentence imposed for the charge for  
5 which pretrial release had been granted and with respect  
6 to which the defendant has been convicted.

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

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

12 (2) The defendant was convicted of a violation of  
13 Section 11-1.20 or 12-13 (criminal sexual assault),  
14 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
15 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
16 child) of the Criminal Code of 1961 or the Criminal Code of  
17 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
18 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
19 5/12-14.1).

20 (2.5) The defendant was convicted of a violation of  
21 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
22 (a) of Section 11-20.1 (child pornography) or of paragraph  
23 (1), (2), (3), (4), (5), or (7) of subsection (a) of  
24 Section 11-20.1B or 11-20.3 (aggravated child pornography)  
25 of the Criminal Code of 1961 or the Criminal Code of 2012;  
26 or the defendant was convicted of a violation of paragraph

1 (6) of subsection (a) of Section 11-20.1 (child  
2 pornography) or of paragraph (6) 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 when the child depicted is under the age of 13.

6 (3) The defendant was convicted of armed violence  
7 based upon the predicate offense of any of the following:  
8 solicitation of murder, solicitation of murder for hire,  
9 heinous battery as described in Section 12-4.1 or  
10 subdivision (a)(2) of Section 12-3.05, aggravated battery  
11 of a senior citizen as described in Section 12-4.6 or  
12 subdivision (a)(4) of Section 12-3.05, criminal sexual  
13 assault, a violation of subsection (g) of Section 5 of the  
14 Cannabis Control Act (720 ILCS 550/5), cannabis  
15 trafficking, a violation of subsection (a) of Section 401  
16 of the Illinois Controlled Substances Act (720 ILCS  
17 570/401), controlled substance trafficking involving a  
18 Class X felony amount of controlled substance under  
19 Section 401 of the Illinois Controlled Substances Act (720  
20 ILCS 570/401), a violation of the Methamphetamine Control  
21 and Community Protection Act (720 ILCS 646/), calculated  
22 criminal drug conspiracy, or streetgang criminal drug  
23 conspiracy.

24 (4) The defendant was convicted of the offense of  
25 leaving the scene of a motor vehicle accident involving  
26 death or personal injuries under Section 11-401 of the

1 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof under Section 11-501 of the  
5 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
6 homicide under Section 9-3 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
8 offense described in item (A) and an offense described in  
9 item (B).

10 (5) The defendant was convicted of a violation of  
11 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
12 death) or Section 12-20.5 (dismembering a human body) of  
13 the Criminal Code of 1961 or the Criminal Code of 2012 (720  
14 ILCS 5/9-3.1 or 5/12-20.5).

15 (5.5) The defendant was convicted of a violation of  
16 Section 24-3.7 (use of a stolen firearm in the commission  
17 of an offense) of the Criminal Code of 1961 or the Criminal  
18 Code of 2012.

19 (6) If the defendant was in the custody of the  
20 Department of Corrections at the time of the commission of  
21 the offense, the sentence shall be served consecutive to  
22 the sentence under which the defendant is held by the  
23 Department of Corrections.

24 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
25 for escape or attempted escape shall be served consecutive  
26 to the terms under which the offender is held by the

1 Department of Corrections.

2 (8) (Blank).

3 (8.5) (Blank).

4 (9) (Blank).

5 (10) (Blank).

6 (11) (Blank).

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

19 (f) Consecutive terms; aggregate maximums and minimums.  
20 The aggregate maximum and aggregate minimum of consecutive  
21 sentences shall be determined as follows:

22 (1) For sentences imposed under law in effect prior to  
23 February 1, 1978, the aggregate maximum of consecutive  
24 sentences shall not exceed the maximum term authorized  
25 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
26 Chapter V for the 2 most serious felonies involved. The

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

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

22 (g) Consecutive terms; manner served. In determining the  
23 manner in which consecutive sentences of imprisonment, one or  
24 more of which is for a felony, will be served, the Department  
25 of Corrections shall treat the defendant as though he or she  
26 had been committed for a single term subject to each of the

1 following:

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

8 (2) The parole or mandatory supervised release term  
9 shall be as provided in paragraph (e) of Section 5-4.5-50  
10 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
11 involved.

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

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

22 (h) Notwithstanding any other provisions of this Section,  
23 all sentences imposed by an Illinois court under this Code  
24 shall run concurrent to any and all sentences imposed under  
25 the Juvenile Court Act of 1987.

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



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

2 Sec. 5-8-4. Concurrent and consecutive terms of  
3 imprisonment.

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

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

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

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

1           (2) If one of the offenses for which a defendant was  
2 convicted was a violation of Section 32-5.2 (aggravated  
3 false personation of a peace officer) of the Criminal Code  
4 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
5 (b)(5) or (b)(6) of Section 17-2 of the Criminal Code of  
6 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
7 offense was committed in attempting or committing a  
8 forcible felony.

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

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

24           (5) If a person admitted to pretrial release following  
25 conviction of a felony commits a separate felony while  
26 released pretrial or if a person detained in a county jail

1 facility or county detention facility following conviction  
2 of a felony commits a separate felony while in detention,  
3 then any sentence following conviction of the separate  
4 felony may be consecutive to that of the original sentence  
5 for which the defendant was released pretrial or detained.

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

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

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

26 (1) One of the offenses for which the defendant was

1 convicted was first degree murder or a Class X or Class 1  
2 felony and the defendant inflicted severe bodily injury.

3 (2) The defendant was convicted of a violation of  
4 Section 11-1.20 or 12-13 (criminal sexual assault),  
5 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
6 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
7 child) of the Criminal Code of 1961 or the Criminal Code of  
8 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
9 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
10 5/12-14.1).

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

23 (3) The defendant was convicted of armed violence  
24 based upon the predicate offense of any of the following:  
25 solicitation of murder, solicitation of murder for hire,  
26 heinous battery as described in Section 12-4.1 or

1 subdivision (a) (2) of Section 12-3.05, aggravated battery  
2 of a senior citizen as described in Section 12-4.6 or  
3 subdivision (a) (4) of Section 12-3.05, criminal sexual  
4 assault, a violation of subsection (g) of Section 5 of the  
5 Cannabis Control Act (720 ILCS 550/5), cannabis  
6 trafficking, a violation of subsection (a) of Section 401  
7 of the Illinois Controlled Substances Act (720 ILCS  
8 570/401), controlled substance trafficking involving a  
9 Class X felony amount of controlled substance under  
10 Section 401 of the Illinois Controlled Substances Act (720  
11 ILCS 570/401), a violation of the Methamphetamine Control  
12 and Community Protection Act (720 ILCS 646/), calculated  
13 criminal drug conspiracy, or streetgang criminal drug  
14 conspiracy.

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

1           (5) The defendant was convicted of a violation of  
2           Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
3           death) or Section 12-20.5 (dismembering a human body) of  
4           the Criminal Code of 1961 or the Criminal Code of 2012 (720  
5           ILCS 5/9-3.1 or 5/12-20.5).

6           (5.5) The defendant was convicted of a violation of  
7           Section 24-3.7 (use of a stolen or illegally acquired  
8           firearm in the commission of an offense) of the Criminal  
9           Code of 1961 or the Criminal Code of 2012.

10          (6) If the defendant was in the custody of the  
11          Department of Corrections at the time of the commission of  
12          the offense, the sentence shall be served consecutive to  
13          the sentence under which the defendant is held by the  
14          Department of Corrections.

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

19          (8) (Blank).

20          (8.5) (Blank).

21          (9) (Blank).

22          (10) (Blank).

23          (11) (Blank).

24          (e) Consecutive terms; subsequent non-Illinois term. If an  
25          Illinois court has imposed a sentence of imprisonment on a  
26          defendant and the defendant is subsequently sentenced to a

1 term of imprisonment by a court of another state or a federal  
2 court, then the Illinois sentence shall run consecutively to  
3 the sentence imposed by the court of the other state or the  
4 federal court. That same Illinois court, however, may order  
5 that the Illinois sentence run concurrently with the sentence  
6 imposed by the court of the other state or the federal court,  
7 but only if the defendant applies to that same Illinois court  
8 within 30 days after the sentence imposed by the court of the  
9 other state or the federal court is finalized.

10 (f) Consecutive terms; aggregate maximums and minimums.  
11 The aggregate maximum and aggregate minimum of consecutive  
12 sentences shall be determined as follows:

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

25 (2) For sentences imposed under the law in effect on  
26 or after February 1, 1978, the aggregate of consecutive

1 sentences for offenses that were committed as part of a  
2 single course of conduct during which there was no  
3 substantial change in the nature of the criminal objective  
4 shall not exceed the sum of the maximum terms authorized  
5 under Article 4.5 of Chapter V for the 2 most serious  
6 felonies involved, but no such limitation shall apply for  
7 offenses that were not committed as part of a single  
8 course of conduct during which there was no substantial  
9 change in the nature of the criminal objective. When  
10 sentenced only for misdemeanors, a defendant shall not be  
11 consecutively sentenced to more than the maximum for one  
12 Class A misdemeanor.

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

19 (1) The maximum period of a term of imprisonment shall  
20 consist of the aggregate of the maximums of the imposed  
21 indeterminate terms, if any, plus the aggregate of the  
22 imposed determinate sentences for felonies, plus the  
23 aggregate of the imposed determinate sentences for  
24 misdemeanors, subject to subsection (f) of this Section.

25 (2) The parole or mandatory supervised release term  
26 shall be as provided in paragraph (e) of Section 5-4.5-50



1 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
2 involved.

3 (3) The minimum period of imprisonment shall be the  
4 aggregate of the minimum and determinate periods of  
5 imprisonment imposed by the court, subject to subsection  
6 (f) of this Section.

7 (4) The defendant shall be awarded credit against the  
8 aggregate maximum term and the aggregate minimum term of  
9 imprisonment for all time served in an institution since  
10 the commission of the offense or offenses and as a  
11 consequence thereof at the rate specified in Section 3-6-3  
12 (730 ILCS 5/3-6-3).

13 (h) Notwithstanding any other provisions of this Section,  
14 all sentences imposed by an Illinois court under this Code  
15 shall run concurrent to any and all sentences imposed under  
16 the Juvenile Court Act of 1987.

17 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
18 102-1104, eff. 12-6-22.)

19 Section 95. No acceleration or delay. Where this Act makes  
20 changes in a statute that is represented in this Act by text  
21 that is not yet or no longer in effect (for example, a Section  
22 represented by multiple versions), the use of that text does  
23 not accelerate or delay the taking effect of (i) the changes  
24 made by this Act or (ii) provisions derived from any other  
25 Public Act.