

1 AN ACT in relation to 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 1961 is amended by adding
5 Section 20-1.3 as follows:

6 (720 ILCS 5/20-1.3 new)

7 Sec. 20-1.3. Place of worship arson.

8 (a) A person commits the offense of place of worship
9 arson when, in the course of committing an arson, he or she
10 knowingly damages, partially or totally, any place of
11 worship.

12 (b) Sentence. Place of worship arson is a Class 1
13 felony.

14 Section 10. The Unified Code of Corrections is amended
15 by changing Sections 5-5-3 and 5-8-1.1 and adding Section
16 5-9-1.12 as follows:

17 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) Every person convicted of an offense shall be
20 sentenced as provided in this Section.

21 (b) The following options shall be appropriate
22 dispositions, alone or in combination, for all felonies and
23 misdemeanors other than those identified in subsection (c) of
24 this Section:

25 (1) A period of probation.

26 (2) A term of periodic imprisonment.

27 (3) A term of conditional discharge.

28 (4) A term of imprisonment.

29 (5) An order directing the offender to clean up and

1 repair the damage, if the offender was convicted under
2 paragraph (h) of Section 21-1 of the Criminal Code of
3 1961.

4 (6) A fine.

5 (7) An order directing the offender to make
6 restitution to the victim under Section 5-5-6 of this
7 Code.

8 (8) A sentence of participation in a county impact
9 incarceration program under Section 5-8-1.2 of this Code.

10 Whenever an individual is sentenced for an offense based
11 upon an arrest for a violation of Section 11-501 of the
12 Illinois Vehicle Code, or a similar provision of a local
13 ordinance, and the professional evaluation recommends
14 remedial or rehabilitative treatment or education, neither
15 the treatment nor the education shall be the sole disposition
16 and either or both may be imposed only in conjunction with
17 another disposition. The court shall monitor compliance with
18 any remedial education or treatment recommendations contained
19 in the professional evaluation. Programs conducting alcohol
20 or other drug evaluation or remedial education must be
21 licensed by the Department of Human Services. However, if
22 the individual is not a resident of Illinois, the court may
23 accept an alcohol or other drug evaluation or remedial
24 education program in the state of such individual's
25 residence. Programs providing treatment must be licensed
26 under existing applicable alcoholism and drug treatment
27 licensure standards.

28 In addition to any other fine or penalty required by law,
29 any individual convicted of a violation of Section 11-501 of
30 the Illinois Vehicle Code or a similar provision of local
31 ordinance, whose operation of a motor vehicle while in
32 violation of Section 11-501 or such ordinance proximately
33 caused an incident resulting in an appropriate emergency
34 response, shall be required to make restitution to a public

1 agency for the costs of that emergency response. Such
2 restitution shall not exceed \$500 per public agency for each
3 such emergency response. For the purpose of this paragraph,
4 emergency response shall mean any incident requiring a
5 response by: a police officer as defined under Section 1-162
6 of the Illinois Vehicle Code; a fireman carried on the rolls
7 of a regularly constituted fire department; and an ambulance
8 as defined under Section 4.05 of the Emergency Medical
9 Services (EMS) Systems Act.

10 Neither a fine nor restitution shall be the sole
11 disposition for a felony and either or both may be imposed
12 only in conjunction with another disposition.

13 (c) (1) When a defendant is found guilty of first degree
14 murder the State may either seek a sentence of
15 imprisonment under Section 5-8-1 of this Code, or where
16 appropriate seek a sentence of death under Section 9-1 of
17 the Criminal Code of 1961.

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

25 (A) First degree murder where the death
26 penalty is not imposed.

27 (B) Attempted first degree murder.

28 (C) A Class X felony.

29 (D) A violation of Section 401.1 or 407 of the
30 Illinois Controlled Substances Act, or a violation
31 of subdivision (c)(1) or (c)(2) of Section 401 of
32 that Act which relates to more than 5 grams of a
33 substance containing heroin or cocaine or an analog
34 thereof.

1 (E) A violation of Section 5.1 or 9 of the
2 Cannabis Control Act.

3 (F) A Class 2 or greater felony if the
4 offender had been convicted of a Class 2 or greater
5 felony within 10 years of the date on which the
6 offender committed the offense for which he or she
7 is being sentenced, except as otherwise provided in
8 Section 40-10 of the Alcoholism and Other Drug Abuse
9 and Dependency Act.

10 (G) Residential burglary, except as otherwise
11 provided in Section 40-10 of the Alcoholism and
12 Other Drug Abuse and Dependency Act.

13 (H) Criminal sexual assault, except as
14 otherwise provided in subsection (e) of this
15 Section.

16 (I) Aggravated battery of a senior citizen.

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

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

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

29 (K) Vehicular hijacking.

30 (L) A second or subsequent conviction for the
31 offense of hate crime when the underlying offense
32 upon which the hate crime is based is felony
33 aggravated assault or felony mob action.

34 (M) A second or subsequent conviction for the

1 offense of institutional vandalism if the damage to
2 the property exceeds \$300.

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

6 (O) A violation of Section 12-6.1 of the
7 Criminal Code of 1961.

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

11 (Q) A violation of Section 20-1.2 or 20-1.3 of
12 the Criminal Code of 1961.

13 (R) A violation of Section 24-3A of the
14 Criminal Code of 1961.

15 (S) A violation of Section 11-501(c-1)(3) of
16 the Illinois Vehicle Code.

17 (3) A minimum term of imprisonment of not less than
18 5 days or 30 days of community service as may be
19 determined by the court shall be imposed for a second
20 violation committed within 5 years of a previous
21 violation of Section 11-501 of the Illinois Vehicle Code
22 or a similar provision of a local ordinance. In the case
23 of a third or subsequent violation committed within 5
24 years of a previous violation of Section 11-501 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance, a minimum term of either 10 days of
27 imprisonment or 60 days of community service shall be
28 imposed.

29 (4) A minimum term of imprisonment of not less than
30 10 consecutive days or 30 days of community service shall
31 be imposed for a violation of paragraph (c) of Section
32 6-303 of the Illinois Vehicle Code.

33 (4.1) A minimum term of 30 consecutive days of
34 imprisonment, 40 days of 24 hour periodic imprisonment or

1 720 hours of community service, as may be determined by
2 the court, shall be imposed for a violation of Section
3 11-501 of the Illinois Vehicle Code during a period in
4 which the defendant's driving privileges are revoked or
5 suspended, where the revocation or suspension was for a
6 violation of Section 11-501 or Section 11-501.1 of that
7 Code.

8 (4.2) Except as provided in paragraph (4.3) of this
9 subsection (c), a minimum of 100 hours of community
10 service shall be imposed for a second violation of
11 Section 6-303 of the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or
13 300 hours of community service, as determined by the
14 court, shall be imposed for a second violation of
15 subsection (c) of Section 6-303 of the Illinois Vehicle
16 Code.

17 (4.4) Except as provided in paragraph (4.5) and
18 paragraph (4.6) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community
20 service, as determined by the court, shall be imposed for
21 a third or subsequent violation of Section 6-303 of the
22 Illinois Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days
24 shall be imposed for a third violation of subsection (c)
25 of Section 6-303 of the Illinois Vehicle Code.

26 (4.6) A minimum term of imprisonment of 180 days
27 shall be imposed for a fourth or subsequent violation of
28 subsection (c) of Section 6-303 of the Illinois Vehicle
29 Code.

30 (5) The court may sentence an offender convicted of
31 a business offense or a petty offense or a corporation or
32 unincorporated association convicted of any offense to:

33 (A) a period of conditional discharge;

34 (B) a fine;

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

3 (5.1) In addition to any penalties imposed under
4 paragraph (5) of this subsection (c), and except as
5 provided in paragraph (5.2) or (5.3), a person convicted
6 of violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's
8 license, permit, or privileges suspended for at least 90
9 days but not more than one year, if the violation
10 resulted in damage to the property of another person.

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

19 (5.3) In addition to any penalties imposed under
20 paragraph (5) of this subsection (c), a person convicted
21 of violating subsection (c) of Section 11-907 of the
22 Illinois Vehicle Code shall have his or her driver's
23 license, permit, or privileges suspended for 2 years, if
24 the violation resulted in the death of another person.

25 (6) In no case shall an offender be eligible for a
26 disposition of probation or conditional discharge for a
27 Class 1 felony committed while he was serving a term of
28 probation or conditional discharge for a felony.

29 (7) When a defendant is adjudged a habitual
30 criminal under Article 33B of the Criminal Code of 1961,
31 the court shall sentence the defendant to a term of
32 natural life imprisonment.

33 (8) When a defendant, over the age of 21 years, is
34 convicted of a Class 1 or Class 2 felony, after having

1 twice been convicted in any state or federal court of an
2 offense that contains the same elements as an offense now
3 classified in Illinois as a Class 2 or greater Class
4 felony and such charges are separately brought and tried
5 and arise out of different series of acts, such defendant
6 shall be sentenced as a Class X offender. This paragraph
7 shall not apply unless (1) the first felony was committed
8 after the effective date of this amendatory Act of 1977;
9 and (2) the second felony was committed after conviction
10 on the first; and (3) the third felony was committed
11 after conviction on the second. A person sentenced as a
12 Class X offender under this paragraph is not eligible to
13 apply for treatment as a condition of probation as
14 provided by Section 40-10 of the Alcoholism and Other
15 Drug Abuse and Dependency Act.

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

19 (10) When a person is convicted of violating
20 Section 11-501 of the Illinois Vehicle Code or a similar
21 provision of a local ordinance, the following penalties
22 apply when his or her blood, breath, or urine was .16 or
23 more based on the definition of blood, breath, or urine
24 units in Section 11-501.2 or that person is convicted of
25 violating Section 11-501 of the Illinois Vehicle Code
26 while transporting a child under the age of 16:

27 (A) For a first violation of subsection (a) of
28 Section 11-501, in addition to any other penalty
29 that may be imposed under subsection (c) of Section
30 11-501: a mandatory minimum of 100 hours of
31 community service and a minimum fine of \$500.

32 (B) For a second violation of subsection (a)
33 of Section 11-501, in addition to any other penalty
34 that may be imposed under subsection (c) of Section

1 11-501 within 10 years: a mandatory minimum of 2
2 days of imprisonment and a minimum fine of \$1,250.

3 (C) For a third violation of subsection (a) of
4 Section 11-501, in addition to any other penalty
5 that may be imposed under subsection (c) of Section
6 11-501 within 20 years: a mandatory minimum of 90
7 days of imprisonment and a minimum fine of \$2,500.

8 (D) For a fourth or subsequent violation of
9 subsection (a) of Section 11-501: ineligibility for
10 a sentence of probation or conditional discharge and
11 a minimum fine of \$2,500.

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

31 (e) In cases where prosecution for criminal sexual
32 assault or aggravated criminal sexual abuse under Section
33 12-13 or 12-16 of the Criminal Code of 1961 results in
34 conviction of a defendant who was a family member of the

1 victim at the time of the commission of the offense, the
2 court shall consider the safety and welfare of the victim and
3 may impose a 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
7 court approved counseling program for a minimum
8 duration of 2 years; or

9 (B) the defendant is willing to participate in
10 a 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
17 victim; and

18 (v) compliance with any other measures
19 that 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
22 court 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
25 years of age at the time the offense was committed and
26 requires counseling as a result of the offense.

27 Probation may be revoked or modified pursuant to Section
28 5-6-4; except where the court determines at the hearing that
29 the defendant violated a condition of his or her probation
30 restricting contact with the victim or other family members
31 or commits another offense with the victim or other family
32 members, the court shall revoke the defendant's probation and
33 impose a term of imprisonment.

34 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 12-12 of the Criminal Code of 1961.

3 (f) This Article shall not deprive a court in other
4 proceedings to order a forfeiture of property, to suspend or
5 cancel a license, to remove a person from office, or to
6 impose any other civil penalty.

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

1 of the testing are revealed and shall direct the State's
2 Attorney to provide the information to the victim when
3 possible. A State's Attorney may petition the court to obtain
4 the results of any HIV test administered under this Section,
5 and the court shall grant the disclosure if the State's
6 Attorney shows it is relevant in order to prosecute a charge
7 of criminal transmission of HIV under Section 12-16.2 of the
8 Criminal Code of 1961 against the defendant. The court shall
9 order that the cost of any such test shall be paid by the
10 county and may be taxed as costs against the convicted
11 defendant.

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

23 (h) Whenever a defendant is convicted of an offense
24 under Section 1 or 2 of the Hypodermic Syringes and Needles
25 Act, the defendant shall undergo medical testing to determine
26 whether the defendant has been exposed to human
27 immunodeficiency virus (HIV) or any other identified
28 causative agent of acquired immunodeficiency syndrome (AIDS).
29 Except as otherwise provided by law, the results of such test
30 shall be kept strictly confidential by all medical personnel
31 involved in the testing and must be personally delivered in a
32 sealed envelope to the judge of the court in which the
33 conviction was entered for the judge's inspection in camera.
34 Acting in accordance with the best interests of the public,

1 the judge shall have the discretion to determine to whom, if
2 anyone, the results of the testing may be revealed. The court
3 shall notify the defendant of a positive test showing an
4 infection with the human immunodeficiency virus (HIV). The
5 court shall provide information on the availability of HIV
6 testing and counseling at Department of Public Health
7 facilities to all parties to whom the results of the testing
8 are revealed and shall direct the State's Attorney to provide
9 the information to the victim when possible. A State's
10 Attorney may petition the court to obtain the results of any
11 HIV test administered under this Section, and the court
12 shall grant the disclosure if the State's Attorney shows it
13 is relevant in order to prosecute a charge of criminal
14 transmission of HIV under Section 12-16.2 of the Criminal
15 Code of 1961 against the defendant. The court shall order
16 that the cost of any such test shall be paid by the county
17 and may be taxed as costs against the convicted defendant.

18 (i) All fines and penalties imposed under this Section
19 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance,
21 and any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected
23 and disbursed by the circuit clerk as provided under Section
24 27.5 of the Clerks of Courts Act.

25 (j) In cases when prosecution for any violation of
26 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
27 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
28 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
29 12-16 of the Criminal Code of 1961, any violation of the
30 Illinois Controlled Substances Act, or any violation of the
31 Cannabis Control Act results in conviction, a disposition of
32 court supervision, or an order of probation granted under
33 Section 10 of the Cannabis Control Act or Section 410 of the
34 Illinois Controlled Substance Act of a defendant, the court

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

15 (j-5) A defendant at least 17 years of age who is
16 convicted of a felony and who has not been previously
17 convicted of a misdemeanor or felony and who is sentenced to
18 a term of imprisonment in the Illinois Department of
19 Corrections shall as a condition of his or her sentence be
20 required by the court to attend educational courses designed
21 to prepare the defendant for a high school diploma and to
22 work toward a high school diploma or to work toward passing
23 the high school level Test of General Educational Development
24 (GED) or to work toward completing a vocational training
25 program offered by the Department of Corrections. If a
26 defendant fails to complete the educational training required
27 by his or her sentence during the term of incarceration, the
28 Prisoner Review Board shall, as a condition of mandatory
29 supervised release, require the defendant, at his or her own
30 expense, to pursue a course of study toward a high school
31 diploma or passage of the GED test. The Prisoner Review
32 Board shall revoke the mandatory supervised release of a
33 defendant who wilfully fails to comply with this subsection
34 (j-5) upon his or her release from confinement in a penal

1 institution while serving a mandatory supervised release
2 term; however, the inability of the defendant after making a
3 good faith effort to obtain financial aid or pay for the
4 educational training shall not be deemed a wilful failure to
5 comply. The Prisoner Review Board shall recommit the
6 defendant whose mandatory supervised release term has been
7 revoked under this subsection (j-5) as provided in Section
8 3-3-9. This subsection (j-5) does not apply to a defendant
9 who has a high school diploma or has successfully passed the
10 GED test. This subsection (j-5) does not apply to a defendant
11 who is determined by the court to be developmentally disabled
12 or otherwise mentally incapable of completing the educational
13 or vocational program.

14 (k) A court may not impose a sentence or disposition for
15 a felony or misdemeanor that requires the defendant to be
16 implanted or injected with or to use any form of birth
17 control.

18 (l) (A) Except as provided in paragraph (C) of
19 subsection (l), whenever a defendant, who is an alien as
20 defined by the Immigration and Nationality Act, is
21 convicted of any felony or misdemeanor offense, the court
22 after sentencing the defendant may, upon motion of the
23 State's Attorney, hold sentence in abeyance and remand
24 the defendant to the custody of the Attorney General of
25 the United States or his or her designated agent to be
26 deported when:

27 (1) a final order of deportation has been
28 issued against the defendant pursuant to proceedings
29 under the Immigration and Nationality Act, and

30 (2) the deportation of the defendant would not
31 deprecate the seriousness of the defendant's conduct
32 and would not be inconsistent with the ends of
33 justice.

34 Otherwise, the defendant shall be sentenced as

1 provided in this Chapter V.

2 (B) If the defendant has already been sentenced for
3 a felony or misdemeanor offense, or has been placed on
4 probation under Section 10 of the Cannabis Control Act or
5 Section 410 of the Illinois Controlled Substances Act,
6 the court may, upon motion of the State's Attorney to
7 suspend the sentence imposed, commit the defendant to the
8 custody of the Attorney General of the United States or
9 his or her designated agent when:

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

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

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

20 (D) Upon motion of the State's Attorney, if a
21 defendant sentenced under this Section returns to the
22 jurisdiction of the United States, the defendant shall be
23 recommitted to the custody of the county from which he or
24 she was sentenced. Thereafter, the defendant shall be
25 brought before the sentencing court, which may impose any
26 sentence that was available under Section 5-5-3 at the
27 time of initial sentencing. In addition, the defendant
28 shall not be eligible for additional good conduct credit
29 for meritorious service as provided under Section 3-6-6.

30 (m) A person convicted of criminal defacement of
31 property under Section 21-1.3 of the Criminal Code of 1961,
32 in which the property damage exceeds \$300 and the property
33 damaged is a school building, shall be ordered to perform
34 community service that may include cleanup, removal, or

1 painting over the defacement.

2 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
3 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
4 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
5 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
6 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
7 7-19-02.)

8 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

9 Sec. 5-8-1.1. Impact incarceration.

10 (a) The Department may establish and operate an impact
11 incarceration program for eligible offenders. If the court
12 finds under Section 5-4-1 that an offender sentenced to a
13 term of imprisonment for a felony may meet the eligibility
14 requirements of the Department, the court may in its
15 sentencing order approve the offender for placement in the
16 impact incarceration program conditioned upon his acceptance
17 in the program by the Department. Notwithstanding the
18 sentencing provisions of this Code, the sentencing order also
19 shall provide that if the Department accepts the offender in
20 the program and determines that the offender has successfully
21 completed the impact incarceration program, the sentence
22 shall be reduced to time considered served upon certification
23 to the court by the Department that the offender has
24 successfully completed the program. In the event the
25 offender is not accepted for placement in the impact
26 incarceration program or the offender does not successfully
27 complete the program, his term of imprisonment shall be as
28 set forth by the court in its sentencing order.

29 (b) In order to be eligible to participate in the impact
30 incarceration program, the committed person shall meet all of
31 the following requirements:

32 (1) The person must be not less than 17 years of
33 age nor more than 35 years of age.

1 (2) The person has not previously participated in
2 the impact incarceration program and has not previously
3 served more than one prior sentence of imprisonment for a
4 felony in an adult correctional facility.

5 (3) The person has not been convicted of a Class X
6 felony, first or second degree murder, armed violence,
7 aggravated kidnapping, criminal sexual assault,
8 aggravated criminal sexual abuse or a subsequent
9 conviction for criminal sexual abuse, forcible detention,
10 residential arson, place of worship arson, or arson and
11 has not been convicted previously of any of those
12 offenses.

13 (4) The person has been sentenced to a term of
14 imprisonment of 8 years or less.

15 (5) The person must be physically able to
16 participate in strenuous physical activities or labor.

17 (6) The person must not have any mental disorder or
18 disability that would prevent participation in the impact
19 incarceration program.

20 (7) The person has consented in writing to
21 participation in the impact incarceration program and to
22 the terms and conditions thereof.

23 (8) The person was recommended and approved for
24 placement in the impact incarceration program in the
25 court's sentencing order.

26 The Department may also consider, among other matters,
27 whether the committed person has any outstanding detainers or
28 warrants, whether the committed person has a history of
29 escaping or absconding, whether participation in the impact
30 incarceration program may pose a risk to the safety or
31 security of any person and whether space is available.

32 (c) The impact incarceration program shall include,
33 among other matters, mandatory physical training and labor,
34 military formation and drills, regimented activities,

1 uniformity of dress and appearance, education and counseling,
2 including drug counseling where appropriate.

3 (d) Privileges including visitation, commissary, receipt
4 and retention of property and publications and access to
5 television, radio and a library may be suspended or
6 restricted, notwithstanding provisions to the contrary in
7 this Code.

8 (e) Committed persons participating in the impact
9 incarceration program shall adhere to all Department rules
10 and all requirements of the program. Committed persons shall
11 be informed of rules of behavior and conduct. Disciplinary
12 procedures required by this Code or by Department rule are
13 not applicable except in those instances in which the
14 Department seeks to revoke good time.

15 (f) Participation in the impact incarceration program
16 shall be for a period of 120 to 180 days. The period of time
17 a committed person shall serve in the impact incarceration
18 program shall not be reduced by the accumulation of good
19 time.

20 (g) The committed person shall serve a term of mandatory
21 supervised release as set forth in subsection (d) of Section
22 5-8-1.

23 (h) A committed person may be removed from the program
24 for a violation of the terms or conditions of the program or
25 in the event he is for any reason unable to participate. The
26 Department shall promulgate rules and regulations governing
27 conduct which could result in removal from the program or in
28 a determination that the committed person has not
29 successfully completed the program. Committed persons shall
30 have access to such rules, which shall provide that a
31 committed person shall receive notice and have the
32 opportunity to appear before and address one or more hearing
33 officers. A committed person may be transferred to any of
34 the Department's facilities prior to the hearing.

1 (i) The Department may terminate the impact
2 incarceration program at any time.

3 (j) The Department shall report to the Governor and the
4 General Assembly on or before September 30th of each year on
5 the impact incarceration program, including the composition
6 of the program by the offenders, by county of commitment,
7 sentence, age, offense and race.

8 (k) The Department of Corrections shall consider the
9 affirmative action plan approved by the Department of Human
10 Rights in hiring staff at the impact incarceration
11 facilities. The Department shall report to the Director of
12 Human Rights on or before April 1 of the year on the sex,
13 race and national origin of persons employed at each impact
14 incarceration facility.

15 (Source: P.A. 88-311; 88-674, eff. 12-14-94.)

16 (730 ILCS 5/5-9-1.12 new)

17 Sec. 5-9-1.12. Arson fines.

18 (a) In addition to any other penalty imposed, a fine of
19 \$500 shall be imposed upon a person convicted of the offense
20 of arson, residential arson, or aggravated arson.

21 (b) The additional fine shall be assessed by the
22 court imposing sentence and shall be collected by the
23 Circuit Clerk in addition to the fine, if any, and costs in
24 the case. Each such additional fine shall be remitted by the
25 Circuit Clerk within one month after receipt to the State
26 Treasurer for deposit into the Fire Prevention Fund.
27 The Circuit Clerk shall retain 10% of such fine to cover
28 the costs incurred in administering and enforcing this
29 Section. The additional fine may not be considered a part of
30 the fine for purposes of any reduction in the fine for
31 time served either before or after sentencing.

32 (c) The moneys in the Fire Prevention Fund collected as
33 additional fines under this Section shall be distributed by

1 the Office of the State Fire Marshal to the fire department
2 or fire protection district that suppressed or investigated
3 the fire that was set by the defendant and for which the
4 defendant was convicted of arson, residential arson, or
5 aggravated arson. If more than one fire department or fire
6 protection district suppressed or investigated the fire, the
7 additional fine shall be distributed equally among those
8 departments or districts.

9 (d) The moneys distributed to the fire departments or
10 fire protection districts under this Section may only be used
11 to purchase fire suppression or fire investigation equipment.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.