

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 as follows:

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

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

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

24 (1) A period of probation.

25 (2) A term of periodic imprisonment.

26 (3) A term of conditional discharge.

27 (4) A term of imprisonment.

28 (5) An order directing the offender to clean up and
29 repair the damage, if the offender was convicted under

1 paragraph (h) of Section 21-1 of the Criminal Code of
2 1961.

3 (6) A fine.

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

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

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

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

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

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

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

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

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

26 (B) Attempted first degree murder.

27 (C) A Class X felony.

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

34 (E) A violation of Section 5.1 or 9 of the

1 Cannabis Control Act.

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

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

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

15 (I) Aggravated battery of a senior citizen.

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

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

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

28 (K) Vehicular hijacking.

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

33 (M) A second or subsequent conviction for the
34 offense of institutional vandalism if the damage to

1 the property exceeds \$300.

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

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

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

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

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

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

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

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

32 (4.1) A minimum term of 30 consecutive days of
33 imprisonment, 40 days of 24 hour periodic imprisonment or
34 720 hours of community service, as may be determined by

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

7 (4.2) Except as provided in paragraph (4.3) of this
8 subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or
12 300 hours of community service, as determined by the
13 court, shall be imposed for a second violation of
14 subsection (c) of Section 6-303 of the Illinois Vehicle
15 Code.

16 (4.4) Except as provided in paragraph (4.5) and
17 paragraph (4.6) of this subsection (c), a minimum term of
18 imprisonment of 30 days or 300 hours of community
19 service, as determined by the court, shall be imposed for
20 a third or subsequent violation of Section 6-303 of the
21 Illinois Vehicle Code.

22 (4.5) A minimum term of imprisonment of 30 days
23 shall be imposed for a third violation of subsection (c)
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.6) A minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of
27 subsection (c) of Section 6-303 of the Illinois Vehicle
28 Code.

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

- 32 (A) a period of conditional discharge;
- 33 (B) a fine;
- 34 (C) make restitution to the victim under

1 Section 5-5-6 of this Code.

2 (5.1) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), and except as
4 provided in paragraph (5.2) or (5.3), a person convicted
5 of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 90
8 days but not more than one year, if the violation
9 resulted in damage to the property of another person.

10 (5.2) In addition to any penalties imposed under
11 paragraph (5) of this subsection (c), and except as
12 provided in paragraph (5.3), a person convicted of
13 violating subsection (c) of Section 11-907 of the
14 Illinois Vehicle Code shall have his or her driver's
15 license, permit, or privileges suspended for at least 180
16 days but not more than 2 years, if the violation resulted
17 in injury to another person.

18 (5.3) In addition to any penalties imposed under
19 paragraph (5) of this subsection (c), a person convicted
20 of violating subsection (c) of Section 11-907 of the
21 Illinois Vehicle Code shall have his or her driver's
22 license, permit, or privileges suspended for 2 years, if
23 the violation resulted in the death of another person.

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

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

32 (8) When a defendant, over the age of 21 years, is
33 convicted of a Class 1 or Class 2 felony, after having
34 twice been convicted in any state or federal court of an

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

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

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

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

31 (B) For a second violation of subsection (a)
32 of Section 11-501, in addition to any other penalty
33 that may be imposed under subsection (c) of Section
34 11-501 within 10 years: a mandatory minimum of 2

1 days of imprisonment and a minimum fine of \$1,250.

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

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

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

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

1 court shall consider the safety and welfare of the victim and
2 may impose a sentence of probation only where:

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

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

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

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

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

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

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

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

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

33 For the purposes of this Section, "family member" and
34 "victim" shall have the meanings ascribed to them in Section

1 12-12 of the Criminal Code of 1961.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 Otherwise, the defendant shall be sentenced as
34 provided in this Chapter V.

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

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

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

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

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

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

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

7 (730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

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

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

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

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

33 (2) The person has not previously participated in

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

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

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

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

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

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

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

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

31 (c) The impact incarceration program shall include,
32 among other matters, mandatory physical training and labor,
33 military formation and drills, regimented activities,
34 uniformity of dress and appearance, education and counseling,

1 including drug counseling where appropriate.

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

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

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

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

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

34 (i) The Department may terminate the impact

1 incarceration program at any time.

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

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

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