

1 AN ACT in relation to sex offenders.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 5-6-2 and 5-8-1 and adding Article 17 to  
6 Chapter III as follows:

7 (730 ILCS 5/Chap. III, Art. 17 heading new)

8 ARTICLE 17. LIFETIME SUPERVISION OF  
9 SEX OFFENDERS

10 (730 ILCS 5/3-17-1 new)

11 Sec. 3-17-1. Short title. This Article may be cited as  
12 the Sex Offender Lifetime Supervision Law.

13 (730 ILCS 5/3-17-5 new)

14 Sec. 3-17-5. Legislative declaration. The General  
15 Assembly finds that the majority of persons who commit sex  
16 offenses, if incarcerated or supervised without treatment,  
17 will continue to present a danger to the public when released  
18 from incarceration and supervision. The General Assembly also  
19 finds that keeping all sex offenders in lifetime  
20 incarceration imposes an unacceptably high cost in both State  
21 dollars and loss of human potential. The General Assembly  
22 further finds that some sex offenders respond well to  
23 treatment and can function as safe, responsible, and  
24 contributing members of society, so long as they receive  
25 treatment and supervision. The General Assembly declares that  
26 a program under which sex offenders may receive treatment and  
27 supervision for the rest of their lives, if necessary, is  
28 necessary for the safety, health, and welfare of the State.

1 (730 ILCS 5/3-17-10 new)

2 Sec. 3-17-10. Definitions. As used in this Article 17,  
3 unless the context otherwise requires:

4 "Department" means the Department of Corrections.

5 "Management Board" means the Sex Offender Management  
6 Board created in Section 15 of the Sex Offender Management  
7 Board Act.

8 "Sex offender" means a person who is required to register  
9 as a sex offender under the Sex Offender Registration Act.

10 "Sex offense" means a felony offense defined in Section 2  
11 of the Sex Offender Registration Act.

12 (730 ILCS 5/3-17-15 new)

13 Sec. 3-17-15. Indeterminate sentence.

14 (a) (1) Except as otherwise provided in the Sexually  
15 Violent Persons Commitment Act or the Sexually Dangerous  
16 Persons Act or in this subsection (a) or in subsection (b) of  
17 this Section, the circuit court shall sentence a sex offender  
18 to the custody of the Department for an indeterminate term of  
19 at least the minimum of the presumptive range specified in  
20 Section 5-8-1 for the level of offense committed and a  
21 maximum of the sex offender's natural life.

22 (2) If the sex offender committed a sex offense that  
23 constitutes a violent crime, as defined in Section 3 of  
24 the Rights of Crime Victims and Witnesses Act, the  
25 circuit court shall sentence the sex offender to the  
26 custody of the Department for an indeterminate term of at  
27 least the midpoint in the presumptive range for the level  
28 of offense committed and a maximum of the sex offender's  
29 natural life.

30 (3) If the sex offender is a child sex offender as  
31 defined in Section 11-9.3 of the Criminal Code of 1961,  
32 the circuit court shall sentence the sex offender to the  
33 custody of the Department for an indeterminate term of at

1 least 3 times the upper limit of the presumptive range  
2 for the level of offense committed under Section 5-8-1  
3 and a maximum of the sex offender's natural life.

4 (4) If the sex offender committed a sex offense that  
5 has as an element of the offense sexual penetration as  
6 defined in Section 12-12 of the Criminal Code of 1961 and  
7 the sex offender, prior to committing the offense, had  
8 notice that he or she had tested positive for the human  
9 immunodeficiency virus (HIV) that causes acquired immune  
10 deficiency syndrome, the circuit court shall sentence the  
11 sex offender to the custody of the Department for an  
12 indeterminate term of at least 3 times the upper limit of  
13 the presumptive range for the level of offense committed  
14 and a maximum of the sex offender's natural life.

15 (b) (1) The circuit court, based on consideration of the  
16 evaluation conducted under Section 15 of the Sex Offender  
17 Management Board Act, and the factors specified in Section  
18 5-6-1, may sentence a sex offender to probation for an  
19 indeterminate period of at least 10 years, notwithstanding  
20 the limits specified in Section 5-6-2, for a Class 4 felony  
21 or 20 years for a Class 1, 2 or 3 felony and a maximum of the  
22 sex offender's natural life; except that, if the sex offender  
23 committed a sex offense that constitutes a violent crime, as  
24 defined in Section 3 of the Rights of Crime Victims and  
25 Witnesses Act, or committed a sex offense that makes him or  
26 her eligible for sentencing under paragraph (3) of subsection  
27 (b) of Section 12-13 of the Criminal Code of 1961, the court  
28 shall sentence the sex offender to the Department of  
29 Corrections as provided in subsection (a) of this Section.  
30 For any sex offender sentenced to probation under this  
31 subsection (b), the court shall order that the sex offender,  
32 as a condition of probation, participate in an intensive  
33 supervision probation program established under Section  
34 3-17-30, until further order of the court.

1           (2) The court, as a condition of probation, may  
2           sentence a sex offender to a community correctional  
3           center for a minimum period specified by the court.  
4           Following completion of the minimum period, the sex  
5           offender may be released to intensive supervision  
6           probation as provided in Section 3-17-35.

7           (c) Each sex offender sentenced under this Section shall  
8           be required as a part of the sentence to undergo treatment to  
9           the extent appropriate as determined by the Management Board.

10          (d) (1) The court may sentence any person under the  
11          provisions of this Section if:

12                   (A) The person is convicted of or pleads  
13                   guilty to a crime specified in paragraph (2) of this  
14                   subsection (d); and

15                   (B) An assessment of the person under Section  
16                   5-3-2 determines that the person is likely to commit  
17                   one or more of the offenses specified in Section  
18                   12-13, 12-14, 12-14.1, 12-15, 12-16, or 12-16.2 of  
19                   the Criminal Code of 1961 and may transmit the human  
20                   immunodeficiency virus or any other identified  
21                   causative agent of acquired immunodeficiency  
22                   syndrome.

23          (2) The provisions of this subsection (d) apply to  
24          any person who is convicted of or pleads guilty to any of  
25          the following offenses or criminal attempt, conspiracy,  
26          or solicitation to commit any of the following offenses  
27          under the Criminal Code of 1961:

28                   (A) Indecent solicitation of a child under  
29                   Section 11-6;

30                   (B) Felony indecent solicitation of an adult  
31                   under Section 11-6.5;

32                   (C) Felony sexual exploitation of a child  
33                   under Section 11-9.1;

34                   (D) Soliciting for a juvenile prostitute under

1           Section 11-15.1;

2           (E) Keeping a place of juvenile prostitution  
3           under Section 11-17.1;

4           (F) Patronizing a juvenile prostitute under  
5           Section 11-18.1;

6           (G) Juvenile pimping under Section 11-19.1; or

7           (H) Exploitation of a child under Section  
8           11-19.2.

9           (3) Any person sentenced as a sex offender under  
10          this subsection (d) shall be subject to the provisions of  
11          this Article.

12          (e) (1) Any sex offender sentenced under subsection (a)  
13          or (d) of this Section and convicted of one or more  
14          additional crimes arising out of the same incident as the sex  
15          offense shall be sentenced for the sex offense and such other  
16          crimes so that the sentences are served consecutively rather  
17          than concurrently.

18          (2) (A) Except as otherwise provided in  
19          subparagraph (B) of this paragraph (2), if a sex  
20          offender sentenced under this Article is convicted of a  
21          subsequent crime prior to being discharged from parole or  
22          mandatory supervised release under Section 3-17-25 or  
23          discharged from probation under Section 3-17-35, any  
24          sentence imposed for the second crime may not supersede  
25          the sex offender's sentence under the provisions of this  
26          Article. If the sex offender commits the subsequent crime  
27          while he or she is on parole or mandatory supervised  
28          release or probation and the sex offender receives a  
29          sentence to the Department of Corrections for the  
30          subsequent crime, the sex offender's parole or mandatory  
31          supervised release or probation shall be deemed revoked  
32          under Section 3-17-45, and the sex offender shall  
33          continue to be subject to the provisions of this Article.

34          (B) The provisions of subparagraph (A) of

1 this paragraph (2) do not apply if the sex offender  
2 commits a subsequent crime for which the penalty  
3 upon conviction is death or a term of natural life  
4 imprisonment.

5 (730 ILCS 5/3-17-20 new)

6 Sec. 3-17-20. Parole or mandatory supervised release;  
7 intensive supervision program.

8 (a) The Department shall establish an intensive  
9 supervision parole or mandatory supervised release program  
10 for sex offenders sentenced to incarceration and subsequently  
11 released on parole or mandatory supervised release under this  
12 Article. In addition, the Prisoner Review Board may require a  
13 person, as a condition of parole or mandatory supervised  
14 release, to participate in the intensive supervision parole  
15 or mandatory supervised release program established under  
16 this Section if the person is convicted of:

17 (1) Felony public indecency under Section 11-9 of  
18 the Criminal Code of 1961;

19 (2) Criminal attempt, conspiracy, or solicitation  
20 to commit any of the offenses specified in Section  
21 3-17-10, which attempt, conspiracy, or solicitation would  
22 constitute a felony; or

23 (3) Any of the offenses specified in paragraph (2)  
24 of subsection (d) of Section 3-17-15.

25 (b) In addition to the persons specified in subsection  
26 (a) of this Section, the Prisoner Review Board shall require,  
27 as a condition of parole or mandatory supervised release, any  
28 person convicted of a felony sex offense who fails to  
29 register as a sex offender, as described in Section 2 of the  
30 Sex Offender Registration Act, who is sentenced to  
31 incarceration and subsequently released on parole or  
32 mandatory supervised release, to participate in the intensive  
33 supervision parole or mandatory supervised release program

1 established under this Section.

2 (c) The Department shall require that sex offenders and  
3 any other persons in the intensive supervision parole or  
4 mandatory supervised release program established under this  
5 Section receive the highest level of supervision that is  
6 provided to parolees or mandatory supervised releasees. The  
7 intensive supervision parole or mandatory supervised release  
8 program may include, but is not limited to, severely  
9 restricted activities, daily contact between the sex offender  
10 or other person and the parole or supervising officer,  
11 monitored curfew, home visitation, employment visitation and  
12 monitoring, drug and alcohol screening, treatment referrals  
13 and monitoring, including physiological monitoring, and  
14 payment of restitution. In addition, the intensive  
15 supervision parole or mandatory supervised release program  
16 shall be designed to minimize the risk to the public to the  
17 greatest extent possible.

18 (d) The Director of Corrections shall establish and  
19 enforce standards and criteria for administration of the  
20 intensive supervision parole or mandatory supervised release  
21 program created under this Section.

22 (730 ILCS 5/3-17-25 new)

23 Sec. 3-17-25. Release from incarceration; parole or  
24 mandatory supervised release; conditions.

25 (a) (1) On completion of the minimum period of  
26 incarceration specified in a sex offender's indeterminate  
27 sentence, less any good conduct credits that the sex offender  
28 received under Section 3-6-3, the Prisoner Review Board shall  
29 schedule a hearing to determine whether the sex offender may  
30 be released on parole or mandatory supervised release. In  
31 determining whether to release the sex offender on parole or  
32 mandatory supervised release, the Prisoner Review Board shall  
33 determine whether the sex offender has successfully

1 progressed in treatment and would not pose an undue threat to  
2 the community if released under appropriate treatment and  
3 monitoring requirements and whether there is a strong and  
4 reasonable probability that the person will not thereafter  
5 violate the law. The Department shall make recommendations to  
6 the Prisoner Review Board concerning whether the sex offender  
7 should be released on parole or mandatory supervised release  
8 and the level of treatment and monitoring that should be  
9 imposed as a condition of parole or mandatory supervised  
10 release. The recommendation shall be based on the criteria  
11 established by the Management Board under Section 3-17-40.

12 (2) If a sex offender is released on parole or  
13 mandatory supervised release under this Section, the sex  
14 offender's sentence to incarceration shall continue and  
15 shall not be deemed discharged until such time as the  
16 Prisoner Review Board may discharge the sex offender from  
17 parole or mandatory supervised release under subsection  
18 (c) of this Section. The period of parole or mandatory  
19 supervised release for any sex offender convicted of  
20 first degree murder or a Class X felony shall be an  
21 indeterminate term of at least 20 years and a maximum of  
22 the remainder of the sex offender's natural life. The  
23 period of parole or mandatory supervised release for any  
24 sex offender convicted of a Class 1, 2, 3, or 4 felony  
25 shall be an indeterminate term of at least 10 years and a  
26 maximum of the remainder of the sex offender's natural  
27 life.

28 (3) If the Prisoner Review Board does not release  
29 the sex offender on parole or mandatory supervised  
30 release under paragraph (1) of this subsection (a), the  
31 Prisoner Review Board shall review such denial at least  
32 once every 3 years until it determines that the sex  
33 offender meets the criteria for release on parole or  
34 mandatory supervised release specified in paragraph (1)



1 of this subsection (a). At each review, the Department  
2 shall make recommendations, based on the criteria  
3 established by the Management Board under Section  
4 3-17-40, concerning whether the sex offender should be  
5 released on parole or mandatory supervised release.

6 (b) (1) As a condition of release on parole or mandatory  
7 supervised release under this Section, a sex offender shall  
8 participate in the intensive supervision parole or mandatory  
9 supervised release program created by the Department under  
10 Section 3-17-20. Participation in the intensive supervision  
11 parole or mandatory supervised release program shall continue  
12 until the sex offender can demonstrate that he or she has  
13 successfully progressed in treatment and would not pose an  
14 undue threat to the community if paroled or released on  
15 mandatory supervision at a lower level of supervision, at  
16 which time the sex offender's parole or supervising officer  
17 may petition the Prisoner Review Board for a reduction in the  
18 sex offender's level of supervision. The sex offender's  
19 parole or supervising officer and treatment provider shall  
20 make recommendations to the Prisoner Review Board concerning  
21 whether the sex offender has met the requirements specified  
22 in this subsection (b) such that the level of parole or  
23 mandatory supervised release supervision should be reduced.  
24 The recommendations shall be based on the criteria  
25 established by the Management Board under Section 3-17-40.

26 (2) Following reduction in a sex offender's level of  
27 parole or mandatory supervised release supervision under  
28 paragraph (1) of this subsection (b), the sex offender's  
29 parole or supervising officer may return the sex offender  
30 to the intensive supervision parole or mandatory  
31 supervised release program if the parole or supervising  
32 officer determines that an increased level of supervision  
33 is necessary to protect the public safety. The parole or  
34 supervising officer shall notify the Prisoner Review

1 Board as soon as possible after returning the sex  
2 offender to the intensive supervision parole or mandatory  
3 supervised release program. To subsequently reduce the  
4 sex offender's level of supervision, the parole or  
5 supervising officer may petition the Prisoner Review  
6 Board as provided in paragraph (1) of this subsection  
7 (b).

8 (c) (1) On completion of 20 years on parole or mandatory  
9 supervised release for any sex offender convicted of first  
10 degree murder or a Class X felony or on completion of 10  
11 years of parole or mandatory supervised release for any sex  
12 offender convicted of a Class 1, 2, 3, or 4 felony, the  
13 Prisoner Review Board shall schedule a hearing to determine  
14 whether the sex offender may be discharged from parole or  
15 mandatory supervised release. In determining whether to  
16 discharge the sex offender from parole or mandatory  
17 supervised release, the Prisoner Review Board shall determine  
18 whether the sex offender has successfully progressed in  
19 treatment and would not pose an undue threat to the community  
20 if allowed to live in the community without treatment or  
21 supervision. The sex offender's parole or supervising officer  
22 and treatment provider shall make recommendations to the  
23 Prisoner Review Board concerning whether the sex offender has  
24 met the requirements specified in this subsection (c) such  
25 that the sex offender should be discharged from parole or  
26 mandatory supervised release. The recommendations shall be  
27 based on the criteria established by the Management Board  
28 under Section 3-17-40.

29 (2) If the Prisoner Review Board does not discharge  
30 the sex offender from parole or mandatory supervised  
31 release under paragraph (1) of this subsection (c), the  
32 Prisoner Review Board shall review such denial at least  
33 once every 3 years until it determines that the sex  
34 offender meets the criteria for discharge specified in

1 paragraph (1) of this subsection (c). At each review, the  
 2 sex offender's parole or supervising officer and  
 3 treatment provider shall make recommendations, based on  
 4 the criteria established by the Management Board under  
 5 Section 3-17-40, concerning whether the sex offender  
 6 should be discharged.

7 (d) In determining whether to release a sex offender on  
 8 parole or mandatory supervised release, reduce the level of  
 9 supervision, or discharge a sex offender from parole or  
 10 mandatory supervised release under this Section, the Prisoner  
 11 Review Board shall consider the recommendations of the  
 12 Department and the sex offender's parole or supervising  
 13 officer and treatment provider. If the Prisoner Review Board  
 14 chooses not to follow the recommendations made, it shall make  
 15 findings on the record in support of its decision.

16 (730 ILCS 5/3-17-30 new)

17 Sec. 3-17-30. Probation; intensive supervision program.

18 (a) The Division of Probation Services of the Supreme  
 19 Court shall establish an intensive supervision probation  
 20 program for sex offenders sentenced to probation under this  
 21 Article. In addition, the court shall require a person, as a  
 22 condition of probation, to participate in the intensive  
 23 supervision probation program established under this Section  
 24 if the person is convicted of one of the following offenses  
 25 and sentenced to probation:

26 (A) Felony public indecency under Section 11-9  
 27 of the Criminal Code of 1961;

28 (B) Criminal attempt, conspiracy, or  
 29 solicitation to commit any of the offenses specified  
 30 in Section 3-17-10, which attempt, conspiracy, or  
 31 solicitation would constitute a felony;

32 (C) Any of the offenses specified in paragraph  
 33 (2) of subsection (d) of Section 3-17-15;

1           (D) Any felony offense that involves unlawful  
2           sexual behavior or any felony offense with an  
3           underlying factual basis, as determined by the  
4           court, resulting in a conviction or plea of guilty  
5           on or after the effective date of this amendatory  
6           Act of the 93rd General Assembly; or

7           (E) Criminal sexual assault or aggravated  
8           criminal sexual abuse.

9           (b) The Division of Probation Services of the Supreme  
10          Court may establish the intensive supervision probation  
11          program in any judicial district or combination of judicial  
12          districts.

13          (c) In addition to the persons specified in subsection  
14          (a) of this Section, the court shall require any person  
15          convicted of a felony sex offense who fails to register as a  
16          sex offender under the Sex Offender Registration Act and who  
17          is sentenced to probation to participate, as a condition of  
18          probation and until further order of the court, in the  
19          intensive supervision probation program established under  
20          this Section.

21          (d) The Division of Probation Services of the Supreme  
22          Court shall require that sex offenders and any other persons  
23          participating in the intensive supervision probation program  
24          created under this Section receive the highest level of  
25          supervision that is provided to probationers. The intensive  
26          supervision probation program may include but need not be  
27          limited to severely restricted activities, daily contact  
28          between the sex offender or other person and the probation  
29          officer, monitored curfew, home visitation, employment  
30          visitation and monitoring, drug and alcohol screening,  
31          treatment referrals and monitoring, including physiological  
32          monitoring, and payment of restitution. In addition, the  
33          intensive supervision probation program shall be designed to  
34          minimize the risk to the public to the greatest extent

1 possible.

2 (e) The Division of Probation Services of the Supreme  
3 Court shall establish and enforce standards and criteria for  
4 administration of the intensive supervision probation program  
5 created under this Section.

6 (f) For the purposes of this Section, "convicted" means a  
7 conviction as defined in Section 5-1-5.

8 (730 ILCS 5/3-17-35 new)

9 Sec. 3-17-35. Probation; conditions; release.

10 (a) If the court sentences a sex offender to probation,  
11 in addition to any conditions imposed under Section 5-6-3,  
12 the court shall require as a condition of probation that the  
13 sex offender participate until further order of the court in  
14 the intensive supervision probation program created under  
15 Section 3-17-30.

16 (a-5) If the court as a condition of probation sentences  
17 a sex offender to a community correctional program, following  
18 completion of the minimum period of sentence specified by the  
19 court, the community correctional program shall notify the  
20 Division of Probation Services of the Supreme Court when it  
21 determines that the sex offender has successfully progressed  
22 in treatment and would not pose an undue threat to the  
23 community if allowed to live in the community while  
24 continuing on intensive supervision probation. The community  
25 correctional program shall base its determination on the  
26 criteria established by the Management Board under Section  
27 3-17-40. The Division of Probation Services of the Supreme  
28 Court shall file the recommendations of the community  
29 correctional program with the court. Upon order of the court,  
30 the sex offender shall be released from the community  
31 correctional program, and the court shall order the sex  
32 offender, as a condition of probation, to participate in the  
33 intensive supervision program created in Section 3-17-30. The

1 sex offender shall participate in the program until further  
2 order of the court.

3 (b) On completion of 20 years of probation for any sex  
4 offender convicted of a Class 1, 2, or 3 felony or on  
5 completion of 10 years of probation for any sex offender  
6 convicted of a Class 4 felony, the court shall schedule a  
7 review hearing to determine whether the sex offender should  
8 be discharged from probation. In making its determination,  
9 the court shall determine whether the sex offender has  
10 successfully progressed in treatment and would not pose an  
11 undue threat to the community if allowed to live in the  
12 community without treatment or supervision. The sex  
13 offender's probation officer and treatment provider shall  
14 make recommendations to the court concerning whether the sex  
15 offender has met the requirements of this Section such that  
16 he or she should be discharged from probation.

17 (c) (1) In determining whether to discharge a sex  
18 offender from probation under this Section, the court shall  
19 consider the recommendations of the sex offender's probation  
20 officer and treatment provider. The recommendations of the  
21 probation officer and the treatment provider shall be based  
22 on the criteria established by the Management Board under  
23 Section 3-17-40. If the court chooses not to follow the  
24 recommendations made, the court shall make findings on the  
25 record in support of its decision.

26 (2) If the court does not discharge the sex offender  
27 from probation under paragraph (1) of this subsection  
28 (c), the court shall review such denial at least once  
29 every 3 years until it determines that the sex offender  
30 meets the criteria for discharge as specified in  
31 paragraph (1) of this subsection (c). At each review, the  
32 sex offender's probation officer and treatment provider  
33 shall make recommendations, based on the criteria  
34 established by the Management Board under Section

1 3-17-40, concerning whether the sex offender should be  
2 discharged.

3 (730 ILCS 5/3-17-40 new)

4 Sec. 3-17-40. Criteria for release from incarceration,  
5 reduction in supervision, and discharge. On or before July  
6 1, 2005, the Management Board, in collaboration with the  
7 Department of Corrections, the Division of Probation Services  
8 of the Supreme Court, and the Prisoner Review Board, shall  
9 establish the following:

10 (1) The criteria by and the manner in which a sex  
11 offender may demonstrate that he or she would not pose an  
12 undue threat to the community if released on parole or  
13 mandatory supervised release or to a lower level of  
14 supervision while on parole or mandatory supervised  
15 release or probation or if discharged from parole or  
16 mandatory supervised release or probation. The court and  
17 the Prisoner Review Board may use the criteria to assist  
18 in making decisions concerning release of a sex offender,  
19 reduction of the level of supervision for a sex offender,  
20 and discharge of a sex offender.

21 (2) The methods of determining whether a sex  
22 offender has successfully progressed in treatment.

23 (3) Standards for community entities that provide  
24 supervision and treatment specifically designed for sex  
25 offenders who have developmental disabilities. At a  
26 minimum, the standards shall determine whether an entity  
27 would provide adequate support and supervision to  
28 minimize any threat that the sex offender may pose to the  
29 community.

30 (730 ILCS 5/3-17-45 new)

31 Sec. 3-17-45. Arrest of parolee or mandatory supervised  
32 releasee or probationer; revocation.

1       (a) (1) A sex offender paroled or released on mandatory  
2 supervised release under Section 3-17-25 is subject to arrest  
3 and revocation of parole or mandatory supervised release as  
4 provided in Section 3-3-9. At any revocation proceeding, the  
5 sex offender's parole or supervising officer and the  
6 treatment provider shall submit written recommendations  
7 concerning the level of treatment and monitoring that should  
8 be imposed as a condition of parole or mandatory supervised  
9 release if parole or mandatory supervised release is not  
10 revoked or whether the sex offender poses a sufficient threat  
11 to the community that parole or mandatory supervised release  
12 should be revoked. The recommendations shall be based on the  
13 criteria established by the Management Board under Section  
14 3-17-40. If the Prisoner Review Board revokes the sex  
15 offender's parole or mandatory supervised release under  
16 Section 3-3-9, the sex offender shall continue to be subject  
17 to the provisions of this Article.

18       (2) At a revocation hearing held under this  
19 subsection (a), the Prisoner Review Board shall consider  
20 the recommendations of the parole or supervising officer  
21 and the treatment provider, in addition to evidence  
22 concerning any of the grounds for revocation of parole or  
23 mandatory supervised release specified in Section 3-3-9.  
24 If the Prisoner Review Board chooses not to follow the  
25 recommendations made, it shall make findings on the  
26 record in support of its decision.

27       (b) (1) A sex offender sentenced to probation under  
28 Section 3-17-15 is subject to arrest and revocation of  
29 probation as provided in Section 5-6-4. At any revocation  
30 proceeding, the sex offender's probation officer and the sex  
31 offender's treatment provider shall submit recommendations  
32 concerning the level of treatment and monitoring that should  
33 be imposed as a condition of probation if probation is not  
34 revoked or whether the sex offender poses a sufficient threat



1 to the community that probation should be revoked. The  
2 recommendations shall be based on the criteria established by  
3 the Management Board under Section 3-17-40. If the court  
4 revokes the sex offender's probation, the court shall  
5 sentence the sex offender as provided in Section 3-17-15, and  
6 the sex offender shall be subject to the provisions of this  
7 Article.

8 (2) At a revocation hearing held under this  
9 subsection (b), the court shall consider the  
10 recommendations of the probation officer and the  
11 treatment provider, in addition to evidence concerning  
12 any of the grounds for revocation of probation specified  
13 in Section 5-6-4. If the court chooses not to follow the  
14 recommendations made, it shall make findings on the  
15 record in support of its decision.

16 (730 ILCS 5/3-17-50 new)

17 Sec. 3-17-50. Annual report. On or before November 1,  
18 2004, and on or before each November 1 thereafter, the  
19 Department of Corrections, the Department of State Police,  
20 and the Division of Probation Services of the Supreme Court  
21 shall submit a report to the judiciary committees of the  
22 House of Representatives and the Senate specifying, at a  
23 minimum:

24 (a) The impact on the prison population, the parole or  
25 mandatory supervised release population, and the probation  
26 population in the State due to the extended length of  
27 incarceration and supervision provided for in Sections  
28 3-17-15, 3-17-25, and 3-17-35;

29 (b) The number of offenders placed in the intensive  
30 supervision parole or mandatory supervised release program  
31 and the intensive supervision probation program and the  
32 length of supervision of offenders in the programs;

33 (c) The number of sex offenders sentenced under this

1 Article who received parole or mandatory supervised release  
2 hearings and the number released on parole or mandatory  
3 supervised release during the preceding 12 months, if any;

4 (d) The number of sex offenders sentenced under this  
5 Article who received parole or mandatory supervised release  
6 or probation discharge hearings and the number discharged  
7 from parole or mandatory supervised release or probation  
8 during the preceding 12 months, if any;

9 (e) The number of sex offenders sentenced under this  
10 Article who received parole or mandatory supervised release  
11 or probation revocation hearings and the number whose parole  
12 or mandatory supervised release or probation was revoked  
13 during the preceding 12 months, if any;

14 (f) A summary of the evaluation instruments developed by  
15 the Management Board and use of the evaluation instruments in  
16 evaluating sex offenders under this Article; and

17 (g) The availability of sex offender treatment providers  
18 throughout the State, including location of the treatment  
19 providers, the services provided, and the amount paid by  
20 offenders and by the State for the services provided, and the  
21 manner of regulation and review of the services provided by  
22 sex offender treatment providers.

23 (730 ILCS 5/3-17-55 new)

24 Sec. 3-17-55. Applicability of Article. The provisions  
25 of this Article apply to any person who commits a sex offense  
26 on or after the effective date of this amendatory Act of the  
27 93rd General Assembly.

28 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

29 Sec. 5-6-2. Incidents of Probation and of Conditional  
30 Discharge.

31 (a) When an offender is sentenced to probation or  
32 conditional discharge, the court shall impose a period under

1 paragraph (b) of this Section, and shall specify the  
2 conditions under Section 5-6-3.

3 (b) Except as otherwise provided in Article 17 of  
4 Chapter III, unless terminated sooner as provided in  
5 paragraph (c) of this Section or extended pursuant to  
6 paragraph (e) of this Section, the period of probation or  
7 conditional discharge shall be as follows:

8 (1) for a Class 1 or Class 2 felony, not to exceed  
9 4 years;

10 (2) for a Class 3 or Class 4 felony, not to exceed  
11 30 months;

12 (3) for a misdemeanor, not to exceed 2 years;

13 (4) for a petty offense, not to exceed 6 months.

14 Multiple terms of probation imposed at the same time  
15 shall run concurrently.

16 (c) The court may at any time terminate probation or  
17 conditional discharge if warranted by the conduct of the  
18 offender and the ends of justice, as provided in Section  
19 5-6-4.

20 (d) Upon the expiration or termination of the period of  
21 probation or of conditional discharge, the court shall enter  
22 an order discharging the offender.

23 (e) The court may extend any period of probation or  
24 conditional discharge beyond the limits set forth in  
25 paragraph (b) of this Section upon a violation of a condition  
26 of the probation or conditional discharge, for the payment of  
27 an assessment required by Section 10.3 of the Cannabis  
28 Control Act or Section 411.2 of the Illinois Controlled  
29 Substances Act, or for the payment of restitution as provided  
30 by an order of restitution under Section 5-5-6 of this Code.

31 (Source: P.A. 91-153, eff. 1-1-00.)

32 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

33 Sec. 5-8-1. Sentence of Imprisonment for Felony.

1           (a) Except as otherwise provided in the statute defining  
2 the offense or as otherwise provided in Article 17 of Chapter  
3 III, a sentence of imprisonment for a felony shall be a  
4 determinate sentence set by the court under this Section,  
5 according to the following limitations:

6           (1) for first degree murder,

7                 (a) a term shall be not less than 20 years and  
8 not more than 60 years, or

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

18                 (c) the court shall sentence the defendant to  
19 a term of natural life imprisonment when the death  
20 penalty is not imposed if the defendant,

21                     (i) has previously been convicted of  
22 first degree murder under any state or federal  
23 law, or

24                     (ii) is a person who, at the time of the  
25 commission of the murder, had attained the age  
26 of 17 or more and is found guilty of murdering  
27 an individual under 12 years of age; or,  
28 irrespective of the defendant's age at the time  
29 of the commission of the offense, is found  
30 guilty of murdering more than one victim, or

31                     (iii) is found guilty of murdering a  
32 peace officer or fireman when the peace officer  
33 or fireman was killed in the course of  
34 performing his official duties, or to prevent

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

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

16 (v) is found guilty of murdering an  
17 emergency medical technician - ambulance,  
18 emergency medical technician - intermediate,  
19 emergency medical technician - paramedic,  
20 ambulance driver or other medical assistance or  
21 first aid person while employed by a  
22 municipality or other governmental unit when  
23 the person was killed in the course of  
24 performing official duties or to prevent the  
25 person from performing official duties or in  
26 retaliation for performing official duties and  
27 the defendant knew or should have known that  
28 the murdered individual was an emergency  
29 medical technician - ambulance, emergency  
30 medical technician - intermediate, emergency  
31 medical technician - paramedic, ambulance  
32 driver, or other medical assistant or first aid  
33 personnel, or

34 (vi) is a person who, at the time of the

1 commission of the murder, had not attained the  
2 age of 17, and is found guilty of murdering a  
3 person under 12 years of age and the murder is  
4 committed during the course of aggravated  
5 criminal sexual assault, criminal sexual  
6 assault, or aggravated kidnaping, or

7 (vii) is found guilty of first degree  
8 murder and the murder was committed by reason  
9 of any person's activity as a community  
10 policing volunteer or to prevent any person  
11 from engaging in activity as a community  
12 policing volunteer. For the purpose of this  
13 Section, "community policing volunteer" has the  
14 meaning ascribed to it in Section 2-3.5 of the  
15 Criminal Code of 1961.

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

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

26 (ii) if, during the commission of the  
27 offense, the person personally discharged a  
28 firearm, 20 years shall be added to the term of  
29 imprisonment imposed by the court;

30 (iii) if, during the commission of the  
31 offense, the person personally discharged a  
32 firearm that proximately caused great bodily  
33 harm, permanent disability, permanent  
34 disfigurement, or death to another person, 25

1           years or up to a term of natural life shall be  
2           added to the term of imprisonment imposed by  
3           the court.

4           (1.5) for second degree murder, a term shall be not  
5           less than 4 years and not more than 20 years;

6           (2) for a person adjudged a habitual criminal under  
7           Article 33B of the Criminal Code of 1961, as amended, the  
8           sentence shall be a term of natural life imprisonment;

9           (2.5) for a person convicted under the  
10          circumstances described in paragraph (3) of subsection  
11          (b) of Section 12-13, paragraph (2) of subsection (d) of  
12          Section 12-14, paragraph (1.2) of subsection (b) of  
13          Section 12-14.1, or paragraph (2) of subsection (b) of  
14          Section 12-14.1 of the Criminal Code of 1961, the  
15          sentence shall be a term of natural life imprisonment;

16          (3) except as otherwise provided in the statute  
17          defining the offense, for a Class X felony, the sentence  
18          shall be not less than 6 years and not more than 30  
19          years;

20          (4) for a Class 1 felony, other than second degree  
21          murder, the sentence shall be not less than 4 years and  
22          not more than 15 years;

23          (5) for a Class 2 felony, the sentence shall be not  
24          less than 3 years and not more than 7 years;

25          (6) for a Class 3 felony, the sentence shall be not  
26          less than 2 years and not more than 5 years;

27          (7) for a Class 4 felony, the sentence shall be not  
28          less than 1 year and not more than 3 years.

29          (b) The sentencing judge in each felony conviction shall  
30          set forth his reasons for imposing the particular sentence he  
31          enters in the case, as provided in Section 5-4-1 of this  
32          Code. Those reasons may include any mitigating or  
33          aggravating factors specified in this Code, or the lack of  
34          any such circumstances, as well as any other such factors as

1 the judge shall set forth on the record that are consistent  
2 with the purposes and principles of sentencing set out in  
3 this Code.

4 (c) A motion to reduce a sentence may be made, or the  
5 court may reduce a sentence without motion, within 30 days  
6 after the sentence is imposed. A defendant's challenge to  
7 the correctness of a sentence or to any aspect of the  
8 sentencing hearing shall be made by a written motion filed  
9 within 30 days following the imposition of sentence.  
10 However, the court may not increase a sentence once it is  
11 imposed.

12 If a motion filed pursuant to this subsection is timely  
13 filed within 30 days after the sentence is imposed, the  
14 proponent of the motion shall exercise due diligence in  
15 seeking a determination on the motion and the court shall  
16 thereafter decide such motion within a reasonable time.

17 If a motion filed pursuant to this subsection is timely  
18 filed within 30 days after the sentence is imposed, then for  
19 purposes of perfecting an appeal, a final judgment shall not  
20 be considered to have been entered until the motion to reduce  
21 a sentence has been decided by order entered by the trial  
22 court.

23 A motion filed pursuant to this subsection shall not be  
24 considered to have been timely filed unless it is filed with  
25 the circuit court clerk within 30 days after the sentence is  
26 imposed together with a notice of motion, which notice of  
27 motion shall set the motion on the court's calendar on a date  
28 certain within a reasonable time after the date of filing.

29 (d) Except where a term of natural life is imposed,  
30 every sentence shall include as though written therein a term  
31 in addition to the term of imprisonment. For those sentenced  
32 under the law in effect prior to February 1, 1978, such term  
33 shall be identified as a parole term. For those sentenced on  
34 or after February 1, 1978, such term shall be identified as a



1 mandatory supervised release term. Subject to earlier  
2 termination under Section 3-3-8 or as otherwise provided in  
3 Article 17 of Chapter III, the parole or mandatory supervised  
4 release term shall be as follows:

5 (1) for first degree murder or a Class X felony, 3  
6 years;

7 (2) for a Class 1 felony or a Class 2 felony, 2  
8 years;

9 (3) for a Class 3 felony or a Class 4 felony, 1  
10 year;

11 (4) if the victim is under 18 years of age, for a  
12 second or subsequent offense of criminal sexual assault  
13 or aggravated criminal sexual assault, 5 years, at least  
14 the first 2 years of which the defendant shall serve in  
15 an electronic home detention program under Article 8A of  
16 Chapter V of this Code;

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

23 (e) A defendant who has a previous and unexpired  
24 sentence of imprisonment imposed by another state or by any  
25 district court of the United States and who, after sentence  
26 for a crime in Illinois, must return to serve the unexpired  
27 prior sentence may have his sentence by the Illinois court  
28 ordered to be concurrent with the prior sentence in the other  
29 state. The court may order that any time served on the  
30 unexpired portion of the sentence in the other state, prior  
31 to his return to Illinois, shall be credited on his Illinois  
32 sentence. The other state shall be furnished with a copy of  
33 the order imposing sentence which shall provide that, when  
34 the offender is released from confinement of the other state,

1 whether by parole or by termination of sentence, the offender  
2 shall be transferred by the Sheriff of the committing county  
3 to the Illinois Department of Corrections. The court shall  
4 cause the Department of Corrections to be notified of such  
5 sentence at the time of commitment and to be provided with  
6 copies of all records regarding the sentence.

7 (f) A defendant who has a previous and unexpired  
8 sentence of imprisonment imposed by an Illinois circuit court  
9 for a crime in this State and who is subsequently sentenced  
10 to a term of imprisonment by another state or by any district  
11 court of the United States and who has served a term of  
12 imprisonment imposed by the other state or district court of  
13 the United States, and must return to serve the unexpired  
14 prior sentence imposed by the Illinois Circuit Court may  
15 apply to the court which imposed sentence to have his  
16 sentence reduced.

17 The circuit court may order that any time served on the  
18 sentence imposed by the other state or district court of the  
19 United States be credited on his Illinois sentence. Such  
20 application for reduction of a sentence under this  
21 subsection (f) shall be made within 30 days after the  
22 defendant has completed the sentence imposed by the other  
23 state or district court of the United States.

24 (Source: P.A. 91-279, eff. 1-1-00; 91-404, eff. 1-1-00;  
25 91-953, eff. 2-23-01; 92-16, eff. 6-28-01.)