



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3806**

Introduced 2/25/2005, by Rep. Timothy L. Schmitz

**SYNOPSIS AS INTRODUCED:**

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Provides that when a defendant, over the age of 21 years, is convicted of a felony that is gang-related, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and the charges are separately brought and tried and arise out of different series of acts, the defendant shall be sentenced as a Class X offender.

LRB094 08649 RLC 38858 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
7 Sec. 5-5-3. Disposition.

8 (a) Except as provided in Section 11-501 of the Illinois  
9 Vehicle Code, every person convicted of an offense shall be  
10 sentenced as provided in this Section.

11 (b) The following options shall be appropriate  
12 dispositions, alone or in combination, for all felonies and  
13 misdemeanors other than those identified in subsection (c) of  
14 this Section:

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) An order directing the offender to clean up and  
20 repair the damage, if the offender was convicted under  
21 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
22 (now repealed).

23 (6) A fine.

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

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

28 (9) A term of imprisonment in combination with a term  
29 of probation when the offender has been admitted into a  
30 drug court program under Section 20 of the Drug Court  
31 Treatment Act.

32 Neither a fine nor restitution shall be the sole

1 disposition for a felony and either or both may be imposed only  
2 in conjunction with another disposition.

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

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

15 (A) First degree murder where the death penalty is  
16 not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

19 (D) A violation of Section 401.1 or 407 of the  
20 Illinois Controlled Substances Act, or a violation of  
21 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
22 which relates to more than 5 grams of a substance  
23 containing heroin or cocaine or an analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis  
25 Control Act.

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

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

35 (H) Criminal sexual assault.

36 (I) Aggravated battery of a senior citizen.

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

3 Before July 1, 1994, for the purposes of this  
4 paragraph, "organized gang" means an association of 5  
5 or more persons, with an established hierarchy, that  
6 encourages members of the association to perpetrate  
7 crimes or provides support to the members of the  
8 association who do commit crimes.

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

13 (K) Vehicular hijacking.

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

18 (M) A second or subsequent conviction for the  
19 offense of institutional vandalism if the damage to the  
20 property exceeds \$300.

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

24 (O) A violation of Section 12-6.1 of the Criminal  
25 Code of 1961.

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

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

31 (R) A violation of Section 24-3A of the Criminal  
32 Code of 1961.

33 (S) (Blank).

34 (T) A second or subsequent violation of paragraph  
35 (6.6) of subsection (a), subsection (c-5), or  
36 subsection (d-5) of Section 401 of the Illinois

1           Controlled Substances Act.

2           (3) (Blank).

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

7           (4.1) (Blank).

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

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

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

25           (4.6) A minimum term of imprisonment of 180 days shall  
26 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 a  
30 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 Section  
35 5-5-6 of this Code.

36           (5.1) In addition to any penalties imposed under

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

8 (5.2) In addition to any penalties imposed under  
9 paragraph (5) of this subsection (c), and except as  
10 provided in paragraph (5.3), a person convicted of  
11 violating subsection (c) of Section 11-907 of the Illinois  
12 Vehicle Code shall have his or her driver's license,  
13 permit, or privileges suspended for at least 180 days but  
14 not more than 2 years, if the violation resulted in injury  
15 to another person.

16 (5.3) In addition to any penalties imposed under  
17 paragraph (5) of this subsection (c), a person convicted of  
18 violating subsection (c) of Section 11-907 of the Illinois  
19 Vehicle Code shall have his or her driver's license,  
20 permit, or privileges suspended for 2 years, if the  
21 violation resulted in the death of another person.

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

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

30 (8) When a defendant, over the age of 21 years, is  
31 convicted of a Class 1 or Class 2 felony or any felony that  
32 is gang-related, after having twice been convicted in any  
33 state or federal court of an offense that contains the same  
34 elements as an offense now classified in Illinois as a  
35 Class 2 or greater Class felony and such charges are  
36 separately brought and tried and arise out of different

1 series of acts, such defendant shall be sentenced as a  
2 Class X offender. This paragraph shall not apply unless (1)  
3 the first felony was committed after the effective date of  
4 this amendatory Act of 1977; and (2) the second felony was  
5 committed after conviction on the first; and (3) the third  
6 felony was committed after conviction on the second. A  
7 person sentenced as a Class X offender under this paragraph  
8 is not eligible to apply for treatment as a condition of  
9 probation as provided by Section 40-10 of the Alcoholism  
10 and Other Drug Abuse and Dependency Act. For the purposes  
11 of this paragraph (8), "gang-related" has the meaning  
12 ascribed to it in Section 10 of the Illinois Streetgang  
13 Terrorism Omnibus Prevention Act.

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

17 (10) (Blank).

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

35 (12) ~~(11)~~ A person may not receive a disposition of  
36 court supervision for a violation of Section 5-16 of the

1 Boat Registration and Safety Act if that person has  
2 previously received a disposition of court supervision for  
3 a violation of that Section.

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

22 (e) In cases where prosecution for aggravated criminal  
23 sexual abuse under Section 12-16 of the Criminal Code of 1961  
24 results in conviction of a defendant who was a family member of  
25 the victim at the time of the commission of the offense, the  
26 court shall consider the safety and welfare of the victim and  
27 may impose a sentence of probation only where:

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

29 (A) the defendant is willing to undergo a court  
30 approved counseling program for a minimum duration of 2  
31 years; or

32 (B) the defendant is willing to participate in a  
33 court approved plan including but not limited to the  
34 defendant's:

35 (i) removal from the household;

36 (ii) restricted contact with the victim;



1 (iii) continued financial support of the  
2 family;

3 (iv) restitution for harm done to the victim;  
4 and

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

7 (2) the court orders the defendant to pay for the  
8 victim's counseling services, to the extent that the court  
9 finds, after considering the defendant's income and  
10 assets, that the defendant is financially capable of paying  
11 for such services, if the victim was under 18 years of age  
12 at the time the offense was committed and requires  
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section  
15 5-6-4; except where the court determines at the hearing that  
16 the defendant violated a condition of his or her probation  
17 restricting contact with the victim or other family members or  
18 commits another offense with the victim or other family  
19 members, the court shall revoke the defendant's probation and  
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and  
22 "victim" shall have the meanings ascribed to them in Section  
23 12-12 of the Criminal Code of 1961.

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

28 (g) Whenever a defendant is convicted of an offense under  
29 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
30 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
31 of the Criminal Code of 1961, the defendant shall undergo  
32 medical testing to determine whether the defendant has any  
33 sexually transmissible disease, including a test for infection  
34 with human immunodeficiency virus (HIV) or any other identified  
35 causative agent of acquired immunodeficiency syndrome (AIDS).  
36 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of  
2 any bodily fluids as well as an examination of the defendant's  
3 person. Except as otherwise provided by law, the results of  
4 such test shall be kept strictly confidential by all medical  
5 personnel involved in the testing and must be personally  
6 delivered in a sealed envelope to the judge of the court in  
7 which the conviction was entered for the judge's inspection in  
8 camera. Acting in accordance with the best interests of the  
9 victim and the public, the judge shall have the discretion to  
10 determine to whom, if anyone, the results of the testing may be  
11 revealed. The court shall notify the defendant of the test  
12 results. The court shall also notify the victim if requested by  
13 the victim, and if the victim is under the age of 15 and if  
14 requested by the victim's parents or legal guardian, the court  
15 shall notify the victim's parents or legal guardian of the test  
16 results. The court shall provide information on the  
17 availability of HIV testing and counseling at Department of  
18 Public Health facilities to all parties to whom the results of  
19 the testing are revealed and shall direct the State's Attorney  
20 to provide the information to the victim when possible. A  
21 State's Attorney may petition the court to obtain the results  
22 of any HIV test administered under this Section, and the court  
23 shall grant the disclosure if the State's Attorney shows it is  
24 relevant in order to prosecute a charge of criminal  
25 transmission of HIV under Section 12-16.2 of the Criminal Code  
26 of 1961 against the defendant. The court shall order that the  
27 cost of any such test shall be paid by the county and may be  
28 taxed as costs against the convicted defendant.

29 (g-5) When an inmate is tested for an airborne communicable  
30 disease, as determined by the Illinois Department of Public  
31 Health including but not limited to tuberculosis, the results  
32 of the test shall be personally delivered by the warden or his  
33 or her designee in a sealed envelope to the judge of the court  
34 in which the inmate must appear for the judge's inspection in  
35 camera if requested by the judge. Acting in accordance with the  
36 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be  
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under  
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
5 defendant shall undergo medical testing to determine whether  
6 the defendant has been exposed to human immunodeficiency virus  
7 (HIV) or any other identified causative agent of acquired  
8 immunodeficiency syndrome (AIDS). Except as otherwise provided  
9 by law, the results of such test shall be kept strictly  
10 confidential by all medical personnel involved in the testing  
11 and must be personally delivered in a sealed envelope to the  
12 judge of the court in which the conviction was entered for the  
13 judge's inspection in camera. Acting in accordance with the  
14 best interests of the public, the judge shall have the  
15 discretion to determine to whom, if anyone, the results of the  
16 testing may be revealed. The court shall notify the defendant  
17 of a positive test showing an infection with the human  
18 immunodeficiency virus (HIV). The court shall provide  
19 information on the availability of HIV testing and counseling  
20 at Department of Public Health facilities to all parties to  
21 whom the results of the testing are revealed and shall direct  
22 the State's Attorney to provide the information to the victim  
23 when possible. A State's Attorney may petition the court to  
24 obtain the results of any HIV test administered under this  
25 Section, and the court shall grant the disclosure if the  
26 State's Attorney shows it is relevant in order to prosecute a  
27 charge of criminal transmission of HIV under Section 12-16.2 of  
28 the Criminal Code of 1961 against the defendant. The court  
29 shall order that the cost of any such test shall be paid by the  
30 county and may be taxed as costs against the convicted  
31 defendant.

32 (i) All fines and penalties imposed under this Section for  
33 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
34 Vehicle Code, or a similar provision of a local ordinance, and  
35 any violation of the Child Passenger Protection Act, or a  
36 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5  
2 of the Clerks of Courts Act.

3 (j) In cases when prosecution for any violation of Section  
4 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
6 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
7 Code of 1961, any violation of the Illinois Controlled  
8 Substances Act, or any violation of the Cannabis Control Act  
9 results in conviction, a disposition of court supervision, or  
10 an order of probation granted under Section 10 of the Cannabis  
11 Control Act or Section 410 of the Illinois Controlled Substance  
12 Act of a defendant, the court shall determine whether the  
13 defendant is employed by a facility or center as defined under  
14 the Child Care Act of 1969, a public or private elementary or  
15 secondary school, or otherwise works with children under 18  
16 years of age on a daily basis. When a defendant is so employed,  
17 the court shall order the Clerk of the Court to send a copy of  
18 the judgment of conviction or order of supervision or probation  
19 to the defendant's employer by certified mail. If the employer  
20 of the defendant is a school, the Clerk of the Court shall  
21 direct the mailing of a copy of the judgment of conviction or  
22 order of supervision or probation to the appropriate regional  
23 superintendent of schools. The regional superintendent of  
24 schools shall notify the State Board of Education of any  
25 notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted  
27 of a felony and who has not been previously convicted of a  
28 misdemeanor or felony and who is sentenced to a term of  
29 imprisonment in the Illinois Department of Corrections shall as  
30 a condition of his or her sentence be required by the court to  
31 attend educational courses designed to prepare the defendant  
32 for a high school diploma and to work toward a high school  
33 diploma or to work toward passing the high school level Test of  
34 General Educational Development (GED) or to work toward  
35 completing a vocational training program offered by the  
36 Department of Corrections. If a defendant fails to complete the

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

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

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

33 (1) a final order of deportation has been issued  
34 against the defendant pursuant to proceedings under  
35 the Immigration and Nationality Act, and

36 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct  
2 and would not be inconsistent with the ends of justice.

3 Otherwise, the defendant shall be sentenced as  
4 provided in this Chapter V.

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

13 (1) a final order of deportation has been issued  
14 against the defendant pursuant to proceedings under  
15 the Immigration and Nationality Act, and

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

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

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

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

1 defacement.

2 (n) The court may sentence a person convicted of a  
3 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
4 Code of 1961 (i) to an impact incarceration program if the  
5 person is otherwise eligible for that program under Section  
6 5-8-1.1, (ii) to community service, or (iii) if the person is  
7 an addict or alcoholic, as defined in the Alcoholism and Other  
8 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
9 program licensed under that Act.

10 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;  
11 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.  
12 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,  
13 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
14 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
15 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
16 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)