

1 AN ACT concerning sex offenders.

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

4 Section 5. The Election Code is amended by changing
5 Sections 3-1, 3-5, 17-9, and 18-5 and by adding Sections 4-55,
6 5-55, and 6-102 as follows:

7 (10 ILCS 5/3-1) (from Ch. 46, par. 3-1)

8 Sec. 3-1. Voter eligibility.

9 (a) Except as provided in subsection (b) of this Section,
10 every ~~Every~~ person (i) who has resided in this State and in the
11 election district 30 days next preceding any election therein,
12 or (ii) who has resided in and is registered to vote from the
13 election district 30 days next preceding any election therein
14 and has moved to another election district in this State within
15 said 30 days and has made and subscribed to the affidavit
16 provided in paragraph (b) of Section 17-10 of this Act, or
17 (iii) who has resided in and is registered to vote from the
18 election district 30 days next preceding any election therein
19 and has not moved to another residence but whose address has
20 changed as a result of implementation of a 9-1-1 emergency
21 telephone system and has made and subscribed to the affidavit
22 provided in subsection (a) of Section 17-10, and who is a
23 citizen of the United States, of the age of 18 or more years is
24 entitled to vote at such election for all offices and on all
25 propositions. Any military establishment within the boundaries
26 of Illinois is "in this State" even though the government of
27 the United States may have exclusive jurisdiction over such
28 establishment.

29 (b) A person convicted of a sex offense as defined in
30 Section 2 of the Sex Offender Registration Act that is a felony
31 and that is committed on or after the effective date of this
32 amendatory Act of the 94th General Assembly is ineligible to

1 vote at any election during the duration of the sex offender's
2 natural life.

3 (Source: P.A. 90-664, eff. 7-30-98.)

4 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

5 Sec. 3-5. Voting by offender.

6 (a) No person who has been legally convicted, in this or
7 another State or in any federal court, of any crime, and is
8 serving a sentence of confinement in any penal institution, or
9 who has been convicted under any section of this Act and is
10 serving a sentence of confinement in any penal institution,
11 shall vote, offer to vote, attempt to vote or be permitted to
12 vote at any election until his release from confinement.

13 Confinement for purposes of this Section shall include any
14 person convicted and imprisoned but granted a furlough as
15 provided by Section 3-11-1 of the "Unified Code of
16 Corrections", or admitted to a work release program as provided
17 by Section 3-13-2 of the "Unified Code of Corrections".
18 Confinement shall not include any person convicted and
19 imprisoned but released on parole.

20 Confinement or detention in a jail pending acquittal or
21 conviction of a crime is not a disqualification for voting.

22 (b) In addition to the limitations on voting under
23 subsection (a), a person who has been convicted of a sex
24 offense as defined in Section 2 of the Sex Offender
25 Registration Act that is a felony and that is committed on or
26 after the effective date of this amendatory Act of the 94th
27 General Assembly is ineligible to vote for the duration of his
28 or her natural life.

29 (c) A person eligible to vote may not vote by absentee
30 ballot or in a precinct polling place on election day but may
31 vote by early voting ballot or, in the case of a grace period
32 registrant, by grace period ballot if that voter is a person
33 defined as a sex offender in Section 2 of the Sex Offender
34 Registration Act and the sex offense:

35 (1) is a felony that is committed before the effective

1 date of this amendatory Act of the 94th General Assembly;
2 or

3 (2) is a misdemeanor that is committed before, on, or
4 after the effective date of this amendatory Act of the 94th
5 General Assembly.

6 A person subject to this subsection may not vote by early
7 voting ballot at a school building that is used as an early
8 voting polling place.

9 (Source: P.A. 94-637, eff. 1-1-06.)

10 (10 ILCS 5/4-55 new)

11 Sec. 4-55. Sex offenders. Notwithstanding any other
12 provision of this Code to the contrary, the permanent
13 registration record card of a person subject to subsection (c)
14 of Section 3-5 shall indicate that the person may not vote by
15 absentee ballot or on election day at a precinct polling place
16 and may vote only by early voting ballot or, in the case of a
17 grace period registrant, by grace period ballot.

18 Each election authority shall provide the election judges
19 at each precinct polling place with a list of persons
20 registered to vote in that precinct who are subject to
21 subsection (c) of Section 3-5.

22 (10 ILCS 5/5-55 new)

23 Sec. 5-55. Sex offenders. Notwithstanding any other
24 provision of this Code to the contrary, the permanent
25 registration record card of a person subject to subsection (c)
26 of Section 3-5 shall indicate that the person may not vote by
27 absentee ballot or on election day at a precinct polling place
28 and may vote only by early voting ballot or, in the case of a
29 grace period registrant, by grace period ballot.

30 Each election authority shall provide the election judges
31 at each precinct polling place with a list of persons
32 registered to vote in that precinct who are subject to
33 subsection (c) of Section 3-5.

1 (10 ILCS 5/6-102 new)

2 Sec. 6-102. Sex offenders. Notwithstanding any other
3 provision of this Code to the contrary, the permanent
4 registration record card of a person subject to subsection (c)
5 of Section 3-5 shall indicate that the person may not vote by
6 absentee ballot or on election day at a precinct polling place
7 and may vote only by early voting ballot or, in the case of a
8 grace period registrant, by grace period ballot.

9 Each election authority shall provide the election judges
10 at each precinct polling place with a list of persons
11 registered to vote in that precinct who are subject to
12 subsection (c) of Section 3-5.

13 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

14 Sec. 17-9. Any person desiring to vote shall give his name
15 and, if required to do so, his residence to the judges of
16 election, one of whom shall thereupon announce the same in a
17 loud and distinct tone of voice, clear, and audible; the judges
18 of elections shall check each application for ballot against
19 the list of voters registered in that precinct to whom absentee
20 or early ballots have been issued for that election, which
21 shall be provided by the election authority and which list
22 shall be available for inspection by pollwatchers. A voter
23 applying to vote in the precinct on election day whose name
24 appears on the list as having been issued an absentee or early
25 ballot shall not be permitted to vote in the precinct. The
26 judges of elections shall check each application for ballot
27 against the list of voters registered in the precinct who are
28 subject to subsection (c) of Section 3-5, which shall be
29 provided by the election authority and available for inspection
30 by pollwatchers; a voter applying to vote in the precinct on
31 election day whose name appears on the list as a person subject
32 to subsection (c) of Section 3-5 shall not be permitted to vote
33 in the precinct. All applicable provisions of Articles 4, 5 or
34 6 shall be complied with and if such name is found on the
35 register of voters by the officer having charge thereof, he

1 shall likewise repeat said name, and the voter shall be allowed
2 to enter within the proximity of the voting booths, as above
3 provided. One of the judges shall give the voter one, and only
4 one of each ballot to be voted at the election, on the back of
5 which ballots such judge shall indorse his initials in such
6 manner that they may be seen when each such ballot is properly
7 folded, and the voter's name shall be immediately checked on
8 the register list. In those election jurisdictions where
9 perforated ballot cards are utilized of the type on which
10 write-in votes can be cast above the perforation, the election
11 authority shall provide a space both above and below the
12 perforation for the judge's initials, and the judge shall
13 endorse his or her initials in both spaces. Whenever a proposal
14 for a constitutional amendment or for the calling of a
15 constitutional convention is to be voted upon at the election,
16 the separate blue ballot or ballots pertaining thereto shall,
17 when being handed to the voter, be placed on top of the other
18 ballots to be voted at the election in such manner that the
19 legend appearing on the back thereof, as prescribed in Section
20 16-6 of this Act, shall be plainly visible to the voter. At all
21 elections, when a registry may be required, if the name of any
22 person so desiring to vote at such election is not found on the
23 register of voters, he or she shall not receive a ballot until
24 he or she shall have complied with the law prescribing the
25 manner and conditions of voting by unregistered voters. If any
26 person desiring to vote at any election shall be challenged, he
27 or she shall not receive a ballot until he or she shall have
28 established his right to vote in the manner provided
29 hereinafter; and if he or she shall be challenged after he has
30 received his ballot, he shall not be permitted to vote until he
31 or she has fully complied with such requirements of the law
32 upon being challenged. Besides the election officer, not more
33 than 2 voters in excess of the whole number of voting booths
34 provided shall be allowed within the proximity of the voting
35 booths at one time. The provisions of this Act, so far as they
36 require the registration of voters as a condition to their

1 being allowed to vote shall not apply to persons otherwise
 2 entitled to vote, who are, at the time of the election, or at
 3 any time within 60 days prior to such election have been
 4 engaged in the military or naval service of the United States,
 5 and who appear personally at the polling place on election day
 6 and produce to the judges of election satisfactory evidence
 7 thereof, but such persons, if otherwise qualified to vote,
 8 shall be permitted to vote at such election without previous
 9 registration.

10 All such persons shall also make an affidavit which shall
 11 be in substantially the following form:

12 State of Illinois,)
 13) ss.
 14 County of)
 15 Precinct Ward

16 I,, do solemnly swear (or affirm) that I am a citizen
 17 of the United States, of the age of 18 years or over, and that
 18 within the past 60 days prior to the date of this election at
 19 which I am applying to vote, I have been engaged in the
 20 (military or naval) service of the United States; and I am
 21 qualified to vote under and by virtue of the Constitution and
 22 laws of the State of Illinois, and that I am a legally
 23 qualified voter of this precinct and ward except that I have,
 24 because of such service, been unable to register as a voter;
 25 that I now reside at (insert street and number, if any) in
 26 this precinct and ward; that I have maintained a legal
 27 residence in this precinct and ward for 30 days and in this
 28 State 30 days next preceding this election.

29
 30 Subscribed and sworn to before me on (insert date).
 31
 32 Judge of Election.

33 The affidavit of any such person shall be supported by the
 34 affidavit of a resident and qualified voter of any such
 35 precinct and ward, which affidavit shall be in substantially

1 the following form:

2 State of Illinois,)

3) ss.

4 County of)

5 Precinct Ward

6 I,, do solemnly swear (or affirm), that I am a
7 resident of this precinct and ward and entitled to vote at this
8 election; that I am acquainted with (name of the
9 applicant); that I verily believe him to be an actual bona fide
10 resident of this precinct and ward and that I verily believe
11 that he or she has maintained a legal residence therein 30 days
12 and in this State 30 days next preceding this election.

13

14 Subscribed and sworn to before me on (insert date).

15

16 Judge of Election.

17 All affidavits made under the provisions of this Section
18 shall be enclosed in a separate envelope securely sealed, and
19 shall be transmitted with the returns of the elections to the
20 county clerk or to the board of election commissioners, who
21 shall preserve the said affidavits for the period of 6 months,
22 during which period such affidavits shall be deemed public
23 records and shall be freely open to examination as such.

24 (Source: P.A. 94-645, eff. 8-22-05.)

25 (10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

26 Sec. 18-5. Any person desiring to vote and whose name is
27 found upon the register of voters by the person having charge
28 thereof, shall then be questioned by one of the judges as to
29 his nativity, his term of residence at present address,
30 precinct, State and United States, his age, whether naturalized
31 and if so the date of naturalization papers and court from
32 which secured, and he shall be asked to state his residence
33 when last previously registered and the date of the election
34 for which he then registered. The judges of elections shall

1 check each application for ballot against the list of voters
2 registered in that precinct to whom absentee and early ballots
3 have been issued for that election, which shall be provided by
4 the election authority and which list shall be available for
5 inspection by pollwatchers. A voter applying to vote in the
6 precinct on election day whose name appears on the list as
7 having been issued an absentee or early ballot shall not be
8 permitted to vote in the precinct. The judges of elections
9 shall check each application for ballot against the list of
10 voters registered in the precinct who are subject to subsection
11 (c) of Section 3-5, which shall be provided by the election
12 authority and available for inspection by pollwatchers; a voter
13 applying to vote in the precinct on election day whose name
14 appears on the list as a person subject to subsection (c) of
15 Section 3-5 shall not be permitted to vote in the precinct. If
16 such person so registered shall be challenged as disqualified,
17 the party challenging shall assign his reasons therefor, and
18 thereupon one of the judges shall administer to him an oath to
19 answer questions, and if he shall take the oath he shall then
20 be questioned by the judge or judges touching such cause of
21 challenge, and touching any other cause of disqualification.
22 And he may also be questioned by the person challenging him in
23 regard to his qualifications and identity. But if a majority of
24 the judges are of the opinion that he is the person so
25 registered and a qualified voter, his vote shall then be
26 received accordingly. But if his vote be rejected by such
27 judges, such person may afterward produce and deliver an
28 affidavit to such judges, subscribed and sworn to by him before
29 one of the judges, in which it shall be stated how long he has
30 resided in such precinct, and state; that he is a citizen of
31 the United States, and is a duly qualified voter in such
32 precinct, and that he is the identical person so registered. In
33 addition to such an affidavit, the person so challenged shall
34 provide to the judges of election proof of residence by
35 producing 2 forms of identification showing the person's
36 current residence address, provided that such identification

1 to the person at his current residence address and postmarked
2 not earlier than 30 days prior to the date of the election, or
3 the person shall procure a witness personally known to the
4 judges of election, and resident in the precinct (or district),
5 or who shall be proved by some legal voter of such precinct or
6 district, known to the judges to be such, who shall take the
7 oath following, viz:

8 I do solemnly swear (or affirm) that I am a resident of
9 this election precinct (or district), and entitled to vote at
10 this election, and that I have been a resident of this State
11 for 30 days last past, and am well acquainted with the person
12 whose vote is now offered; that he is an actual and bona fide
13 resident of this election precinct (or district), and has
14 resided herein 30 days, and as I verily believe, in this State,
15 30 days next preceding this election.

16 The oath in each case may be administered by one of the
17 judges of election, or by any officer, resident in the precinct
18 or district, authorized by law to administer oaths. Also
19 supported by an affidavit by a registered voter residing in
20 such precinct, stating his own residence, and that he knows
21 such person; and that he does reside at the place mentioned and
22 has resided in such precinct and state for the length of time
23 as stated by such person, which shall be subscribed and sworn
24 to in the same way. Whereupon the vote of such person shall be
25 received, and entered as other votes. But such judges, having
26 charge of such registers, shall state in their respective books
27 the facts in such case, and the affidavits, so delivered to the
28 judges, shall be preserved and returned to the office of the
29 commissioners of election. Blank affidavits of the character
30 aforesaid shall be sent out to the judges of all the precincts,
31 and the judges of election shall furnish the same on demand and
32 administer the oaths without criticism. Such oaths, if
33 administered by any other officer than such judge of election,
34 shall not be received. Whenever a proposal for a constitutional
35 amendment or for the calling of a constitutional convention is
36 to be voted upon at the election, the separate blue ballot or

1 ballots pertaining thereto shall be placed on top of the other
2 ballots to be voted at the election in such manner that the
3 legend appearing on the back thereof, as prescribed in Section
4 16-6 of this Act, shall be plainly visible to the voter, and in
5 this fashion the ballots shall be handed to the voter by the
6 judge.

7 The voter shall, upon quitting the voting booth, deliver to
8 one of the judges of election all of the ballots, properly
9 folded, which he received. The judge of election to whom the
10 voter delivers his ballots shall not accept the same unless all
11 of the ballots given to the voter are returned by him. If a
12 voter delivers less than all of the ballots given to him, the
13 judge to whom the same are offered shall advise him in a voice
14 clearly audible to the other judges of election that the voter
15 must return the remainder of the ballots. The statement of the
16 judge to the voter shall clearly express the fact that the
17 voter is not required to vote such remaining ballots but that
18 whether or not he votes them he must fold and deliver them to
19 the judge. In making such statement the judge of election shall
20 not indicate by word, gesture or intonation of voice that the
21 unreturned ballots shall be voted in any particular manner. No
22 new voter shall be permitted to enter the voting booth of a
23 voter who has failed to deliver the total number of ballots
24 received by him until such voter has returned to the voting
25 booth pursuant to the judge's request and again quit the booth
26 with all of the ballots required to be returned by him. Upon
27 receipt of all such ballots the judges of election shall enter
28 the name of the voter, and his number, as above provided in
29 this Section, and the judge to whom the ballots are delivered
30 shall immediately put the ballots into the ballot box. If any
31 voter who has failed to deliver all the ballots received by him
32 refuses to return to the voting booth after being advised by
33 the judge of election as herein provided, the judge shall
34 inform the other judges of such refusal, and thereupon the
35 ballot or ballots returned to the judge shall be deposited in
36 the ballot box, the voter shall be permitted to depart from the

1 polling place, and a new voter shall be permitted to enter the
2 voting booth.

3 The judge of election who receives the ballot or ballots
4 from the voter shall announce the residence and name of such
5 voter in a loud voice. The judge shall put the ballot or
6 ballots received from the voter into the ballot box in the
7 presence of the voter and the judges of election, and in plain
8 view of the public. The judges having charge of such registers
9 shall then, in a column prepared thereon, in the same line of,
10 the name of the voter, mark "Voted" or the letter "V".

11 No judge of election shall accept from any voter less than
12 the full number of ballots received by such voter without first
13 advising the voter in the manner above provided of the
14 necessity of returning all of the ballots, nor shall any such
15 judge advise such voter in a manner contrary to that which is
16 herein permitted, or in any other manner violate the provisions
17 of this Section; provided, that the acceptance by a judge of
18 election of less than the full number of ballots delivered to a
19 voter who refuses to return to the voting booth after being
20 properly advised by such judge shall not be a violation of this
21 Section.

22 (Source: P.A. 94-645, eff. 8-22-05.)

23 Section 10. The Criminal Code of 1961 is amended by
24 changing Section 11-9.3 as follows:

25 (720 ILCS 5/11-9.3)

26 Sec. 11-9.3. Presence within school zone by child sex
27 offenders prohibited.

28 (a) It is unlawful for a child sex offender to knowingly be
29 present in any school building, on real property comprising any
30 school, or in any conveyance owned, leased, or contracted by a
31 school to transport students to or from school or a school
32 related activity when persons under the age of 18 are present
33 in the building, on the grounds or in the conveyance, unless
34 the offender is a parent or guardian of a student attending the

1 school and the parent or guardian is: (i) attending a
2 conference at the school with school personnel to discuss the
3 progress of his or her child academically or socially, (ii)
4 participating in child review conferences in which evaluation
5 and placement decisions may be made with respect to his or her
6 child regarding special education services, or (iii) attending
7 conferences to discuss other student issues concerning his or
8 her child such as retention and promotion and notifies the
9 principal of the school of his or her presence at the school or
10 unless the offender has permission to be present from the
11 superintendent or the school board or in the case of a private
12 school from the principal. In the case of a public school, if
13 permission is granted, the superintendent or school board
14 president must inform the principal of the school where the sex
15 offender will be present. Notification includes the nature of
16 the sex offender's visit and the hours in which the sex
17 offender will be present in the school. The sex offender is
18 responsible for notifying the principal's office when he or she
19 arrives on school property and when he or she departs from
20 school property. If the sex offender is to be present in the
21 vicinity of children, the sex offender has the duty to remain
22 under the direct supervision of a school official. A child sex
23 offender who violates this provision is guilty of a Class 4
24 felony.

25 (a-5) It is unlawful for a child sex offender to knowingly
26 be present within 100 feet of a site posted as a pick-up or
27 discharge stop for a conveyance owned, leased, or contracted by
28 a school to transport students to or from school or a school
29 related activity when one or more persons under the age of 18
30 are present at the site.

31 ~~Nothing in this Section shall be construed to infringe upon~~
32 ~~the constitutional right of a child sex offender to be present~~
33 ~~in a school building that is used as a polling place for the~~
34 ~~purpose of voting.~~

35 ~~(1) (Blank; or)~~

36 ~~(2) (Blank.)~~

1 (b) It is unlawful for a child sex offender to knowingly
2 loiter within 500 feet of a school building or real property
3 comprising any school while persons under the age of 18 are
4 present in the building or on the grounds, unless the offender
5 is a parent or guardian of a student attending the school and
6 the parent or guardian is: (i) attending a conference at the
7 school with school personnel to discuss the progress of his or
8 her child academically or socially, (ii) participating in child
9 review conferences in which evaluation and placement decisions
10 may be made with respect to his or her child regarding special
11 education services, or (iii) attending conferences to discuss
12 other student issues concerning his or her child such as
13 retention and promotion and notifies the principal of the
14 school of his or her presence at the school or has permission
15 to be present from the superintendent or the school board or in
16 the case of a private school from the principal. In the case of
17 a public school, if permission is granted, the superintendent
18 or school board president must inform the principal of the
19 school where the sex offender will be present. Notification
20 includes the nature of the sex offender's visit and the hours
21 in which the sex offender will be present in the school. The
22 sex offender is responsible for notifying the principal's
23 office when he or she arrives on school property and when he or
24 she departs from school property. If the sex offender is to be
25 present in the vicinity of children, the sex offender has the
26 duty to remain under the direct supervision of a school
27 official. A child sex offender who violates this provision is
28 guilty of a Class 4 felony.

29 (1) (Blank; or)

30 (2) (Blank.)

31 (b-5) It is unlawful for a child sex offender to knowingly
32 reside within 500 feet of a school building or the real
33 property comprising any school that persons under the age of 18
34 attend. Nothing in this subsection (b-5) prohibits a child sex
35 offender from residing within 500 feet of a school building or
36 the real property comprising any school that persons under 18

1 attend if the property is owned by the child sex offender and
2 was purchased before the effective date of this amendatory Act
3 of the 91st General Assembly.

4 (c) Definitions. In this Section:

5 (1) "Child sex offender" means any person who:

6 (i) has been charged under Illinois law, or any
7 substantially similar federal law or law of another
8 state, with a sex offense set forth in paragraph (2) of
9 this subsection (c) or the attempt to commit an
10 included sex offense, and:

11 (A) is convicted of such offense or an attempt
12 to commit such offense; or

13 (B) is found not guilty by reason of insanity
14 of such offense or an attempt to commit such
15 offense; or

16 (C) is found not guilty by reason of insanity
17 pursuant to subsection (c) of Section 104-25 of the
18 Code of Criminal Procedure of 1963 of such offense
19 or an attempt to commit such offense; or

20 (D) is the subject of a finding not resulting
21 in an acquittal at a hearing conducted pursuant to
22 subsection (a) of Section 104-25 of the Code of
23 Criminal Procedure of 1963 for the alleged
24 commission or attempted commission of such
25 offense; or

26 (E) is found not guilty by reason of insanity
27 following a hearing conducted pursuant to a
28 federal law or the law of another state
29 substantially similar to subsection (c) of Section
30 104-25 of the Code of Criminal Procedure of 1963 of
31 such offense or of the attempted commission of such
32 offense; or

33 (F) is the subject of a finding not resulting
34 in an acquittal at a hearing conducted pursuant to
35 a federal law or the law of another state
36 substantially similar to subsection (a) of Section

1 104-25 of the Code of Criminal Procedure of 1963
2 for the alleged violation or attempted commission
3 of such offense; or

4 (ii) is certified as a sexually dangerous person
5 pursuant to the Illinois Sexually Dangerous Persons
6 Act, or any substantially similar federal law or the
7 law of another state, when any conduct giving rise to
8 such certification is committed or attempted against a
9 person less than 18 years of age; or

10 (iii) is subject to the provisions of Section 2 of
11 the Interstate Agreements on Sexually Dangerous
12 Persons Act.

13 Convictions that result from or are connected with the
14 same act, or result from offenses committed at the same
15 time, shall be counted for the purpose of this Section as
16 one conviction. Any conviction set aside pursuant to law is
17 not a conviction for purposes of this Section.

18 (2) Except as otherwise provided in paragraph (2.5),
19 "sex offense" means:

20 (i) A violation of any of the following Sections of
21 the Criminal Code of 1961: 10-7 (aiding and abetting
22 child abduction under Section 10-5(b)(10)),
23 10-5(b)(10) (child luring), 11-6 (indecent
24 solicitation of a child), 11-6.5 (indecent
25 solicitation of an adult), 11-9 (public indecency when
26 committed in a school, on the real property comprising
27 a school, or on a conveyance, owned, leased, or
28 contracted by a school to transport students to or from
29 school or a school related activity), 11-9.1 (sexual
30 exploitation of a child), 11-15.1 (soliciting for a
31 juvenile prostitute), 11-17.1 (keeping a place of
32 juvenile prostitution), 11-18.1 (patronizing a
33 juvenile prostitute), 11-19.1 (juvenile pimping),
34 11-19.2 (exploitation of a child), 11-20.1 (child
35 pornography), 11-21 (harmful material), 12-14.1
36 (predatory criminal sexual assault of a child), 12-33

1 (ritualized abuse of a child), 11-20 (obscenity) (when
2 that offense was committed in any school, on real
3 property comprising any school, in any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related
6 activity). An attempt to commit any of these offenses.

7 (ii) A violation of any of the following Sections
8 of the Criminal Code of 1961, when the victim is a
9 person under 18 years of age: 12-13 (criminal sexual
10 assault), 12-14 (aggravated criminal sexual assault),
11 12-15 (criminal sexual abuse), 12-16 (aggravated
12 criminal sexual abuse). An attempt to commit any of
13 these offenses.

14 (iii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age and the defendant is not a
17 parent of the victim:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State
24 substantially equivalent to any offense listed in
25 clause (2)(i) of subsection (c) of this Section.

26 (2.5) For the purposes of subsection (b-5) only, a sex
27 offense means:

28 (i) A violation of any of the following Sections of
29 the Criminal Code of 1961:

30 10-5(b)(10) (child luring), 10-7 (aiding and
31 abetting child abduction under Section
32 10-5(b)(10)), 11-6 (indecent solicitation of a
33 child), 11-6.5 (indecent solicitation of an
34 adult), 11-15.1 (soliciting for a juvenile
35 prostitute), 11-17.1 (keeping a place of juvenile
36 prostitution), 11-18.1 (patronizing a juvenile

1 prostitute), 11-19.1 (juvenile pimping), 11-19.2
2 (exploitation of a child), 11-20.1 (child
3 pornography), 12-14.1 (predatory criminal sexual
4 assault of a child), or 12-33 (ritualized abuse of
5 a child). An attempt to commit any of these
6 offenses.

7 (ii) A violation of any of the following Sections
8 of the Criminal Code of 1961, when the victim is a
9 person under 18 years of age: 12-13 (criminal sexual
10 assault), 12-14 (aggravated criminal sexual assault),
11 12-16 (aggravated criminal sexual abuse), and
12 subsection (a) of Section 12-15 (criminal sexual
13 abuse). An attempt to commit any of these offenses.

14 (iii) A violation of any of the following Sections
15 of the Criminal Code of 1961, when the victim is a
16 person under 18 years of age and the defendant is not a
17 parent of the victim:

18 10-1 (kidnapping),
19 10-2 (aggravated kidnapping),
20 10-3 (unlawful restraint),
21 10-3.1 (aggravated unlawful restraint).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State
24 substantially equivalent to any offense listed in this
25 paragraph (2.5) of this subsection.

26 (3) A conviction for an offense of federal law or the
27 law of another state that is substantially equivalent to
28 any offense listed in paragraph (2) of subsection (c) of
29 this Section shall constitute a conviction for the purpose
30 of this Article. A finding or adjudication as a sexually
31 dangerous person under any federal law or law of another
32 state that is substantially equivalent to the Sexually
33 Dangerous Persons Act shall constitute an adjudication for
34 the purposes of this Section.

35 (4) "School" means a public or private pre-school,
36 elementary, or secondary school.

1 (5) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the
3 person is in a vehicle or remaining in or around school
4 property.

5 (ii) Standing, sitting idly, whether or not the
6 person is in a vehicle or remaining in or around school
7 property, for the purpose of committing or attempting
8 to commit a sex offense.

9 (iii) Entering or remaining in a building in or
10 around school property, other than the offender's
11 residence.

12 (6) "School official" means the principal, a teacher,
13 or any other certified employee of the school, the
14 superintendent of schools or a member of the school board.

15 (d) Sentence. A person who violates this Section is guilty
16 of a Class 4 felony.

17 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
18 94-170, eff. 7-11-05; revised 8-19-05.)

19 Section 15. The Unified Code of Corrections is amended by
20 changing Section 5-5-3 as follows:

21 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22 Sec. 5-5-3. Disposition.

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

26 (b) The following options shall be appropriate
27 dispositions, alone or in combination, for all felonies and
28 misdemeanors other than those identified in subsection (c) of
29 this Section:

30 (1) A period of probation.

31 (2) A term of periodic imprisonment.

32 (3) A term of conditional discharge.

33 (4) A term of imprisonment.

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

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

4 (6) A fine.

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

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

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

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

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

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

28 (A) First degree murder where the death penalty is
29 not imposed.

30 (B) Attempted first degree murder.

31 (C) A Class X felony.

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

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

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

9 (F-5) A violation of Section 24-1, 24-1.1, or
10 24-1.6 of the Criminal Code of 1961 for which
11 imprisonment is prescribed in those Sections.

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

15 (H) Criminal sexual assault.

16 (I) Aggravated battery of a senior citizen.

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

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

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

29 (K) Vehicular hijacking.

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

34 (M) A second or subsequent conviction for the
35 offense of institutional vandalism if the damage to the
36 property exceeds \$300.

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

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

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

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

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

13 (S) (Blank).

14 (T) A second or subsequent violation of the
15 Methamphetamine Control and Community Protection Act.

16 (3) (Blank).

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

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraph (4.3) of this
23 subsection (c), a minimum of 100 hours of community service
24 shall be imposed for a second violation of Section 6-303 of
25 the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300
27 hours of community service, as determined by the court,
28 shall be imposed for a second violation of subsection (c)
29 of Section 6-303 of the Illinois Vehicle Code.

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

36 (4.5) A minimum term of imprisonment of 30 days shall

1 be imposed for a third violation of subsection (c) of
2 Section 6-303 of the Illinois Vehicle Code.

3 (4.6) A minimum term of imprisonment of 180 days shall
4 be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle
6 Code.

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

10 (A) a period of conditional discharge;

11 (B) a fine;

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

14 (5.1) In addition to any penalties imposed under
15 paragraph (5) of this subsection (c), and except as
16 provided in paragraph (5.2) or (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for at least 90 days but
20 not more than one year, if the violation resulted in damage
21 to the property of another person.

22 (5.2) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), and except as
24 provided in paragraph (5.3), a person convicted of
25 violating subsection (c) of Section 11-907 of the Illinois
26 Vehicle Code shall have his or her driver's license,
27 permit, or privileges suspended for at least 180 days but
28 not more than 2 years, if the violation resulted in injury
29 to another person.

30 (5.3) In addition to any penalties imposed under
31 paragraph (5) of this subsection (c), a person convicted of
32 violating subsection (c) of Section 11-907 of the Illinois
33 Vehicle Code shall have his or her driver's license,
34 permit, or privileges suspended for 2 years, if the
35 violation resulted in the death of another person.

36 (6) In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a
2 Class 1 felony committed while he was serving a term of
3 probation or conditional discharge for a felony.

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

8 (8) When a defendant, over the age of 21 years, is
9 convicted of a Class 1 or Class 2 felony, after having
10 twice been convicted in any state or federal court of an
11 offense that contains the same elements as an offense now
12 classified in Illinois as a Class 2 or greater Class felony
13 and such charges are separately brought and tried and arise
14 out of different series of acts, such defendant shall be
15 sentenced as a Class X offender. This paragraph shall not
16 apply unless (1) the first felony was committed after the
17 effective date of this amendatory Act of 1977; and (2) the
18 second felony was committed after conviction on the first;
19 and (3) the third felony was committed after conviction on
20 the second. A person sentenced as a Class X offender under
21 this paragraph is not eligible to apply for treatment as a
22 condition of probation as provided by Section 40-10 of the
23 Alcoholism and Other Drug Abuse and Dependency Act.

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

27 (10) (Blank).

28 (11) The court shall impose a minimum fine of \$1,000
29 for a first offense and \$2,000 for a second or subsequent
30 offense upon a person convicted of or placed on supervision
31 for battery when the individual harmed was a sports
32 official or coach at any level of competition and the act
33 causing harm to the sports official or coach occurred
34 within an athletic facility or within the immediate
35 vicinity of the athletic facility at which the sports
36 official or coach was an active participant of the athletic

1 contest held at the athletic facility. For the purposes of
2 this paragraph (11), "sports official" means a person at an
3 athletic contest who enforces the rules of the contest,
4 such as an umpire or referee; "athletic facility" means an
5 indoor or outdoor playing field or recreational area where
6 sports activities are conducted; and "coach" means a person
7 recognized as a coach by the sanctioning authority that
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court
10 supervision for a violation of Section 5-16 of the Boat
11 Registration and Safety Act if that person has previously
12 received a disposition of court supervision for a violation
13 of that Section.

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

32 (e) In cases where prosecution for aggravated criminal
33 sexual abuse under Section 12-16 of the Criminal Code of 1961
34 results in conviction of a defendant who was a family member of
35 the victim at the time of the commission of the offense, the
36 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

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

14 and

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

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

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation
27 restricting contact with the victim or other family members or
28 commits another offense with the victim or other family
29 members, the court shall revoke the defendant's probation and
30 impose a term of imprisonment.

31 For the purposes of this Section, "family member" and
32 "victim" shall have the meanings ascribed to them in Section
33 12-12 of the Criminal Code of 1961.

34 (f) This Article shall not deprive a court in other
35 proceedings to order a forfeiture of property, to suspend or
36 cancel a license, to remove a person from office, or to impose

1 any other civil penalty.

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
4 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
5 of the Criminal Code of 1961, the defendant shall undergo
6 medical testing to determine whether the defendant has any
7 sexually transmissible disease, including a test for infection
8 with human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the
27 availability of HIV testing and counseling at Department of
28 Public Health facilities to all parties to whom the results of
29 the testing are revealed and shall direct the State's Attorney
30 to provide the information to the victim when possible. A
31 State's Attorney may petition the court to obtain the results
32 of any HIV test administered under this Section, and the court
33 shall grant the disclosure if the State's Attorney shows it is
34 relevant in order to prosecute a charge of criminal
35 transmission of HIV under Section 12-16.2 of the Criminal Code
36 of 1961 against the defendant. The court shall order that the

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

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

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

1 charge of criminal transmission of HIV under Section 12-16.2 of
2 the Criminal Code of 1961 against the defendant. The court
3 shall order that the cost of any such test shall be paid by the
4 county and may be taxed as costs against the convicted
5 defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
17 Code of 1961, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substance Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public
27 or private elementary or secondary school, or otherwise works
28 with children under 18 years of age on a daily basis. When a
29 defendant is so employed, the court shall order the Clerk of
30 the Court to send a copy of the judgment of conviction or order
31 of supervision or probation to the defendant's employer by
32 certified mail. If the employer of the defendant is a school,
33 the Clerk of the Court shall direct the mailing of a copy of
34 the judgment of conviction or order of supervision or probation
35 to the appropriate regional superintendent of schools. The
36 regional superintendent of schools shall notify the State Board

1 of Education of any notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted
3 of a felony and who has not been previously convicted of a
4 misdemeanor or felony and who is sentenced to a term of
5 imprisonment in the Illinois Department of Corrections shall as
6 a condition of his or her sentence be required by the court to
7 attend educational courses designed to prepare the defendant
8 for a high school diploma and to work toward a high school
9 diploma or to work toward passing the high school level Test of
10 General Educational Development (GED) or to work toward
11 completing a vocational training program offered by the
12 Department of Corrections. If a defendant fails to complete the
13 educational training required by his or her sentence during the
14 term of incarceration, the Prisoner Review Board shall, as a
15 condition of mandatory supervised release, require the
16 defendant, at his or her own expense, to pursue a course of
17 study toward a high school diploma or passage of the GED test.
18 The Prisoner Review Board shall revoke the mandatory supervised
19 release of a defendant who wilfully fails to comply with this
20 subsection (j-5) upon his or her release from confinement in a
21 penal institution while serving a mandatory supervised release
22 term; however, the inability of the defendant after making a
23 good faith effort to obtain financial aid or pay for the
24 educational training shall not be deemed a wilful failure to
25 comply. The Prisoner Review Board shall recommit the defendant
26 whose mandatory supervised release term has been revoked under
27 this subsection (j-5) as provided in Section 3-3-9. This
28 subsection (j-5) does not apply to a defendant who has a high
29 school diploma or has successfully passed the GED test. This
30 subsection (j-5) does not apply to a defendant who is
31 determined by the court to be developmentally disabled or
32 otherwise mentally incapable of completing the educational or
33 vocational program.

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

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

9 (1) a final order of deportation has been issued
10 against the defendant pursuant to proceedings under
11 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 justice.

15 Otherwise, the defendant shall be sentenced as
16 provided in this Chapter V.

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

26 (1) a final order of deportation has been issued
27 against the defendant pursuant to proceedings under
28 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 justice.

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

35 (D) Upon motion of the State's Attorney, if a defendant
36 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to
2 the custody of the county from which he or she was
3 sentenced. Thereafter, the defendant shall be brought
4 before the sentencing court, which may impose any sentence
5 that was available under Section 5-5-3 at the time of
6 initial sentencing. In addition, the defendant shall not be
7 eligible for additional good conduct credit for
8 meritorious service as provided under Section 3-6-6.

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

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

23 (o) The court shall impose as part of the sentence of a
24 person convicted of a sex offense as defined in Section 2 of
25 the Sex Offender Registration Act that is a felony and that is
26 committed on or after the effective date of this amendatory Act
27 of the 94th General Assembly that the person register as a sex
28 offender under the Sex Offender Registration Act. The
29 registration requirements imposed by this subsection (o) are a
30 part of the sentence. Nothing in this subsection (o) shall be
31 construed to imply that any registration requirements are a
32 part of the sentence of a person convicted of a felony sex
33 offense committed before the effective date of this amendatory
34 Act of the 94th General Assembly or of a person convicted of or
35 placed on supervision for a misdemeanor sex offense.

36 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,

1 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
2 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
3 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
4 eff. 9-11-05; revised 8-19-05.)

5 Section 20. The Sex Offender Registration Act is amended by
6 changing Section 7 as follows:

7 (730 ILCS 150/7) (from Ch. 38, par. 227)

8 Sec. 7. Duration of registration. A person who has been
9 adjudicated to be sexually dangerous and is later released or
10 found to be no longer sexually dangerous and discharged, shall
11 register for the period of his or her natural life. A sexually
12 violent person or sexual predator shall register for the period
13 of his or her natural life after conviction or adjudication if
14 not confined to a penal institution, hospital, or other
15 institution or facility, and if confined, for the period of his
16 or her natural life after parole, discharge, or release from
17 any such facility. A person convicted of a sex offense that is
18 a felony and that is committed on or after the effective date
19 of this amendatory Act of the 94th General Assembly who is
20 required to register under this Article shall be required to
21 register for a period of his or her natural life. Any other
22 person who is required to register under this Article shall be
23 required to register for a period of 10 years after conviction
24 or adjudication if not confined to a penal institution,
25 hospital or any other institution or facility, and if confined,
26 for a period of 10 years after parole, discharge or release
27 from any such facility. A sex offender who is allowed to leave
28 a county, State, or federal facility for the purposes of work
29 release, education, or overnight visitations shall be required
30 to register within 5 days of beginning such a program.
31 Liability for registration terminates at the expiration of 10
32 years from the date of conviction or adjudication if not
33 confined to a penal institution, hospital or any other
34 institution or facility and if confined, at the expiration of

1 10 years from the date of parole, discharge or release from any
2 such facility, providing such person does not, during that
3 period, again become liable to register under the provisions of
4 this Article. Reconfinement due to a violation of parole or
5 other circumstances that relates to the original conviction or
6 adjudication shall extend the period of registration to 10
7 years after final parole, discharge, or release. The Director
8 of State Police, consistent with administrative rules, shall
9 extend for 10 years the registration period of any sex
10 offender, as defined in Section 2 of this Act, who fails to
11 comply with the provisions of this Article. The registration
12 period for any sex offender who fails to comply with any
13 provision of the Act shall extend the period of registration by
14 10 years beginning from the first date of registration after
15 the violation. If the registration period is extended, the
16 Department of State Police shall send a registered letter to
17 the law enforcement agency where the sex offender resides
18 within 3 days after the extension of the registration period.
19 The sex offender shall report to that law enforcement agency
20 and sign for that letter. One copy of that letter shall be kept
21 on file with the law enforcement agency of the jurisdiction
22 where the sex offender resides and one copy shall be returned
23 to the Department of State Police.

24 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
25 94-168, eff. 1-1-06; revised 8-19-05.)

26 Section 97. Severability. The provisions of this Act are
27 severable under Section 1.31 of the Statute on Statutes.

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.