



# Adopted in House Comm. on Feb 07, 2006

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1 AMENDMENT TO HOUSE BILL 4311

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4311, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Election Code is amended by changing  
6 Sections 3-1, 3-5, 17-9, and 18-5 and by adding Sections 4-55,  
7 5-55, and 6-102 as follows:

8 (10 ILCS 5/3-1) (from Ch. 46, par. 3-1)

9 Sec. 3-1. Voter eligibility.

10 (a) Except as provided in subsection (b) of this Section,  
11 every ~~Every~~ person (i) who has resided in this State and in the  
12 election district 30 days next preceding any election therein,  
13 or (ii) who has resided in and is registered to vote from the  
14 election district 30 days next preceding any election therein  
15 and has moved to another election district in this State within  
16 said 30 days and has made and subscribed to the affidavit  
17 provided in paragraph (b) of Section 17-10 of this Act, or  
18 (iii) who has resided in and is registered to vote from the  
19 election district 30 days next preceding any election therein  
20 and has not moved to another residence but whose address has  
21 changed as a result of implementation of a 9-1-1 emergency  
22 telephone system and has made and subscribed to the affidavit  
23 provided in subsection (a) of Section 17-10, and who is a  
24 citizen of the United States, of the age of 18 or more years is

1 entitled to vote at such election for all offices and on all  
2 propositions. Any military establishment within the boundaries  
3 of Illinois is "in this State" even though the government of  
4 the United States may have exclusive jurisdiction over such  
5 establishment.

6 (b) A person convicted of a sex offense as defined in  
7 Section 2 of the Sex Offender Registration Act that is a felony  
8 and that is committed on or after the effective date of this  
9 amendatory Act of the 94th General Assembly is ineligible to  
10 vote at any election during the duration of the sex offender's  
11 natural life.

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

13 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

14 Sec. 3-5. Voting by offender.

15 (a) No person who has been legally convicted, in this or  
16 another State or in any federal court, of any crime, and is  
17 serving a sentence of confinement in any penal institution, or  
18 who has been convicted under any section of this Act and is  
19 serving a sentence of confinement in any penal institution,  
20 shall vote, offer to vote, attempt to vote or be permitted to  
21 vote at any election until his release from confinement.

22 Confinement for purposes of this Section shall include any  
23 person convicted and imprisoned but granted a furlough as  
24 provided by Section 3-11-1 of the "Unified Code of  
25 Corrections", or admitted to a work release program as provided  
26 by Section 3-13-2 of the "Unified Code of Corrections".  
27 Confinement shall not include any person convicted and  
28 imprisoned but released on parole.

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

31 (b) In addition to the limitations on voting under  
32 subsection (a), a person who has been convicted of a sex  
33 offense as defined in Section 2 of the Sex Offender

1 Registration Act that is a felony and that is committed on or  
2 after the effective date of this amendatory Act of the 94th  
3 General Assembly is ineligible to vote for the duration of his  
4 or her natural life.

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

11 (1) is a felony that is committed before the effective  
12 date of this amendatory Act of the 94th General Assembly;

13 or

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

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

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

21 (10 ILCS 5/4-55 new)

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

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

1 (10 ILCS 5/5-55 new)

2 Sec. 5-55. 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 5/6-102 new)

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

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

25 (10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

26 Sec. 17-9. Any person desiring to vote shall give his name  
27 and, if required to do so, his residence to the judges of  
28 election, one of whom shall thereupon announce the same in a  
29 loud and distinct tone of voice, clear, and audible; the judges  
30 of elections shall check each application for ballot against  
31 the list of voters registered in that precinct to whom absentee  
32 or early ballots have been issued for that election, which

1 shall be provided by the election authority and which list  
2 shall be available for inspection by pollwatchers. A voter  
3 applying to vote in the precinct on election day whose name  
4 appears on the list as having been issued an absentee or early  
5 ballot shall not be permitted to vote in the precinct. The  
6 judges of elections shall check each application for ballot  
7 against the list of voters registered in the precinct who are  
8 subject to subsection (c) of Section 3-5, which shall be  
9 provided by the election authority and available for inspection  
10 by pollwatchers; a voter applying to vote in the precinct on  
11 election day whose name appears on the list as a person subject  
12 to subsection (c) of Section 3-5 shall not be permitted to vote  
13 in the precinct. All applicable provisions of Articles 4, 5 or  
14 6 shall be complied with and if such name is found on the  
15 register of voters by the officer having charge thereof, he  
16 shall likewise repeat said name, and the voter shall be allowed  
17 to enter within the proximity of the voting booths, as above  
18 provided. One of the judges shall give the voter one, and only  
19 one of each ballot to be voted at the election, on the back of  
20 which ballots such judge shall indorse his initials in such  
21 manner that they may be seen when each such ballot is properly  
22 folded, and the voter's name shall be immediately checked on  
23 the register list. In those election jurisdictions where  
24 perforated ballot cards are utilized of the type on which  
25 write-in votes can be cast above the perforation, the election  
26 authority shall provide a space both above and below the  
27 perforation for the judge's initials, and the judge shall  
28 endorse his or her initials in both spaces. Whenever a proposal  
29 for a constitutional amendment or for the calling of a  
30 constitutional convention is to be voted upon at the election,  
31 the separate blue ballot or ballots pertaining thereto shall,  
32 when being handed to the voter, be placed on top of the other  
33 ballots to be voted at the election in such manner that the  
34 legend appearing on the back thereof, as prescribed in Section

1 16-6 of this Act, shall be plainly visible to the voter. At all  
 2 elections, when a registry may be required, if the name of any  
 3 person so desiring to vote at such election is not found on the  
 4 register of voters, he or she shall not receive a ballot until  
 5 he or she shall have complied with the law prescribing the  
 6 manner and conditions of voting by unregistered voters. If any  
 7 person desiring to vote at any election shall be challenged, he  
 8 or she shall not receive a ballot until he or she shall have  
 9 established his right to vote in the manner provided  
 10 hereinafter; and if he or she shall be challenged after he has  
 11 received his ballot, he shall not be permitted to vote until he  
 12 or she has fully complied with such requirements of the law  
 13 upon being challenged. Besides the election officer, not more  
 14 than 2 voters in excess of the whole number of voting booths  
 15 provided shall be allowed within the proximity of the voting  
 16 booths at one time. The provisions of this Act, so far as they  
 17 require the registration of voters as a condition to their  
 18 being allowed to vote shall not apply to persons otherwise  
 19 entitled to vote, who are, at the time of the election, or at  
 20 any time within 60 days prior to such election have been  
 21 engaged in the military or naval service of the United States,  
 22 and who appear personally at the polling place on election day  
 23 and produce to the judges of election satisfactory evidence  
 24 thereof, but such persons, if otherwise qualified to vote,  
 25 shall be permitted to vote at such election without previous  
 26 registration.

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

29 State of Illinois,)

30 ) ss.

31 County of .....)

32 ..... Precinct ..... Ward

33 I, ....., do solemnly swear (or affirm) that I am a citizen  
 34 of the United States, of the age of 18 years or over, and that



1 Judge of Election.

2 All affidavits made under the provisions of this Section  
3 shall be enclosed in a separate envelope securely sealed, and  
4 shall be transmitted with the returns of the elections to the  
5 county clerk or to the board of election commissioners, who  
6 shall preserve the said affidavits for the period of 6 months,  
7 during which period such affidavits shall be deemed public  
8 records and shall be freely open to examination as such.

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

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

11 Sec. 18-5. Any person desiring to vote and whose name is  
12 found upon the register of voters by the person having charge  
13 thereof, shall then be questioned by one of the judges as to  
14 his nativity, his term of residence at present address,  
15 precinct, State and United States, his age, whether naturalized  
16 and if so the date of naturalization papers and court from  
17 which secured, and he shall be asked to state his residence  
18 when last previously registered and the date of the election  
19 for which he then registered. The judges of elections shall  
20 check each application for ballot against the list of voters  
21 registered in that precinct to whom absentee and early ballots  
22 have been issued for that election, which shall be provided by  
23 the election authority and which list shall be available for  
24 inspection by pollwatchers. A voter applying to vote in the  
25 precinct on election day whose name appears on the list as  
26 having been issued an absentee or early ballot shall not be  
27 permitted to vote in the precinct. The judges of elections  
28 shall check each application for ballot against the list of  
29 voters registered in the precinct who are subject to subsection  
30 (c) of Section 3-5, which shall be provided by the election  
31 authority and available for inspection by pollwatchers; a voter  
32 applying to vote in the precinct on election day whose name



1 appears on the list as a person subject to subsection (c) of  
2 Section 3-5 shall not be permitted to vote in the precinct. If  
3 such person so registered shall be challenged as disqualified,  
4 the party challenging shall assign his reasons therefor, and  
5 thereupon one of the judges shall administer to him an oath to  
6 answer questions, and if he shall take the oath he shall then  
7 be questioned by the judge or judges touching such cause of  
8 challenge, and touching any other cause of disqualification.  
9 And he may also be questioned by the person challenging him in  
10 regard to his qualifications and identity. But if a majority of  
11 the judges are of the opinion that he is the person so  
12 registered and a qualified voter, his vote shall then be  
13 received accordingly. But if his vote be rejected by such  
14 judges, such person may afterward produce and deliver an  
15 affidavit to such judges, subscribed and sworn to by him before  
16 one of the judges, in which it shall be stated how long he has  
17 resided in such precinct, and state; that he is a citizen of  
18 the United States, and is a duly qualified voter in such  
19 precinct, and that he is the identical person so registered. In  
20 addition to such an affidavit, the person so challenged shall  
21 provide to the judges of election proof of residence by  
22 producing 2 forms of identification showing the person's  
23 current residence address, provided that such identification  
24 to the person at his current residence address and postmarked  
25 not earlier than 30 days prior to the date of the election, or  
26 the person shall procure a witness personally known to the  
27 judges of election, and resident in the precinct (or district),  
28 or who shall be proved by some legal voter of such precinct or  
29 district, known to the judges to be such, who shall take the  
30 oath following, viz:

31 I do solemnly swear (or affirm) that I am a resident of  
32 this election precinct (or district), and entitled to vote at  
33 this election, and that I have been a resident of this State  
34 for 30 days last past, and am well acquainted with the person

1 whose vote is now offered; that he is an actual and bona fide  
2 resident of this election precinct (or district), and has  
3 resided herein 30 days, and as I verily believe, in this State,  
4 30 days next preceding this election.

5 The oath in each case may be administered by one of the  
6 judges of election, or by any officer, resident in the precinct  
7 or district, authorized by law to administer oaths. Also  
8 supported by an affidavit by a registered voter residing in  
9 such precinct, stating his own residence, and that he knows  
10 such person; and that he does reside at the place mentioned and  
11 has resided in such precinct and state for the length of time  
12 as stated by such person, which shall be subscribed and sworn  
13 to in the same way. Whereupon the vote of such person shall be  
14 received, and entered as other votes. But such judges, having  
15 charge of such registers, shall state in their respective books  
16 the facts in such case, and the affidavits, so delivered to the  
17 judges, shall be preserved and returned to the office of the  
18 commissioners of election. Blank affidavits of the character  
19 aforesaid shall be sent out to the judges of all the precincts,  
20 and the judges of election shall furnish the same on demand and  
21 administer the oaths without criticism. Such oaths, if  
22 administered by any other officer than such judge of election,  
23 shall not be received. Whenever a proposal for a constitutional  
24 amendment or for the calling of a constitutional convention is  
25 to be voted upon at the election, the separate blue ballot or  
26 ballots pertaining thereto shall be placed on top of the other  
27 ballots to be voted at the election in such manner that the  
28 legend appearing on the back thereof, as prescribed in Section  
29 16-6 of this Act, shall be plainly visible to the voter, and in  
30 this fashion the ballots shall be handed to the voter by the  
31 judge.

32 The voter shall, upon quitting the voting booth, deliver to  
33 one of the judges of election all of the ballots, properly  
34 folded, which he received. The judge of election to whom the

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

30 The judge of election who receives the ballot or ballots  
31 from the voter shall announce the residence and name of such  
32 voter in a loud voice. The judge shall put the ballot or  
33 ballots received from the voter into the ballot box in the  
34 presence of the voter and the judges of election, and in plain

1 view of the public. The judges having charge of such registers  
2 shall then, in a column prepared thereon, in the same line of,  
3 the name of the voter, mark "Voted" or the letter "V".

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

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

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

18 (720 ILCS 5/11-9.3)

19 Sec. 11-9.3. Presence within school zone by child sex  
20 offenders prohibited.

21 (a) It is unlawful for a child sex offender to knowingly be  
22 present in any school building, on real property comprising any  
23 school, or in any conveyance owned, leased, or contracted by a  
24 school to transport students to or from school or a school  
25 related activity when persons under the age of 18 are present  
26 in the building, on the grounds or in the conveyance, unless  
27 the offender is a parent or guardian of a student attending the  
28 school and the parent or guardian is: (i) attending a  
29 conference at the school with school personnel to discuss the  
30 progress of his or her child academically or socially, (ii)  
31 participating in child review conferences in which evaluation  
32 and placement decisions may be made with respect to his or her

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

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

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

30 ~~(1) (Blank; or)~~

31 ~~(2) (Blank.)~~

32 (b) It is unlawful for a child sex offender to knowingly  
33 loiter within 500 feet of a school building or real property  
34 comprising any school while persons under the age of 18 are

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

26 (1) (Blank; or)

27 (2) (Blank.)

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

1 was purchased before the effective date of this amendatory Act  
2 of the 91st General Assembly.

3 (c) Definitions. In this Section:

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

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

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

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

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

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

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

32 (F) is the subject of a finding not resulting  
33 in an acquittal at a hearing conducted pursuant to  
34 a federal law or the law of another state

1 substantially similar to subsection (a) of Section  
2 104-25 of the Code of Criminal Procedure of 1963  
3 for the alleged violation or attempted commission  
4 of such offense; or

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

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

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

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

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



1 11-19.2 (exploitation of a child), 11-20.1 (child  
2 pornography), 11-21 (harmful material), 12-14.1  
3 (predatory criminal sexual assault of a child), 12-33  
4 (ritualized abuse of a child), 11-20 (obscenity) (when  
5 that offense was committed in any school, on real  
6 property comprising any school, in any conveyance  
7 owned, leased, or contracted by a school to transport  
8 students to or from school or a school related  
9 activity). An attempt to commit any of these offenses.

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

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

21 10-1 (kidnapping),

22 10-2 (aggravated kidnapping),

23 10-3 (unlawful restraint),

24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

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

29 (2.5) For the purposes of subsection (b-5) only, a sex  
30 offense means:

31 (i) A violation of any of the following Sections of  
32 the Criminal Code of 1961:

33 10-5(b) (10) (child luring), 10-7 (aiding and  
34 abetting child abduction under Section

1 10-5(b)(10)), 11-6 (indecent solicitation of a  
2 child), 11-6.5 (indecent solicitation of an  
3 adult), 11-15.1 (soliciting for a juvenile  
4 prostitute), 11-17.1 (keeping a place of juvenile  
5 prostitution), 11-18.1 (patronizing a juvenile  
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
7 (exploitation of a child), 11-20.1 (child  
8 pornography), 12-14.1 (predatory criminal sexual  
9 assault of a child), or 12-33 (ritualized abuse of  
10 a child). An attempt to commit any of these  
11 offenses.

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

19 (iii) A violation of any of the following Sections  
20 of the Criminal Code of 1961, when the victim is a  
21 person under 18 years of age and the defendant is not a  
22 parent of the victim:

23 10-1 (kidnapping),  
24 10-2 (aggravated kidnapping),  
25 10-3 (unlawful restraint),  
26 10-3.1 (aggravated unlawful restraint).

27 An attempt to commit any of these offenses.

28 (iv) A violation of any former law of this State  
29 substantially equivalent to any offense listed in this  
30 paragraph (2.5) of this subsection.

31 (3) A conviction for an offense of federal law or the  
32 law of another state that is substantially equivalent to  
33 any offense listed in paragraph (2) of subsection (c) of  
34 this Section shall constitute a conviction for the purpose

1 of this Article. A finding or adjudication as a sexually  
2 dangerous person under any federal law or law of another  
3 state that is substantially equivalent to the Sexually  
4 Dangerous Persons Act shall constitute an adjudication for  
5 the purposes of this Section.

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

8 (5) "Loiter" means:

9 (i) Standing, sitting idly, whether or not the  
10 person is in a vehicle or remaining in or around school  
11 property.

12 (ii) Standing, sitting idly, whether or not the  
13 person is in a vehicle or remaining in or around school  
14 property, for the purpose of committing or attempting  
15 to commit a sex offense.

16 (iii) Entering or remaining in a building in or  
17 around school property, other than the offender's  
18 residence.

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

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

24 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;  
25 94-170, eff. 7-11-05; revised 8-19-05.)

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

28 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

29 Sec. 5-5-3. Disposition.

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

1           (b) The following options shall be appropriate  
2 dispositions, alone or in combination, for all felonies and  
3 misdemeanors other than those identified in subsection (c) of  
4 this Section:

5           (1) A period of probation.

6           (2) A term of periodic imprisonment.

7           (3) A term of conditional discharge.

8           (4) A term of imprisonment.

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

13           (6) A fine.

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

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

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

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

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

30           (2) A period of probation, a term of periodic  
31 imprisonment or conditional discharge shall not be imposed  
32 for the following offenses. The court shall sentence the  
33 offender to not less than the minimum term of imprisonment  
34 set forth in this Code for the following offenses, and may

1 order a fine or restitution or both in conjunction with  
2 such term of imprisonment:

3 (A) First degree murder where the death penalty is  
4 not imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

7 (D) A violation of Section 401.1 or 407 of the  
8 Illinois Controlled Substances Act, or a violation of  
9 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
10 which relates to more than 5 grams of a substance  
11 containing heroin or cocaine or an analog thereof.

12 (E) A violation of Section 5.1 or 9 of the Cannabis  
13 Control Act.

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

20 (F-5) A violation of Section 24-1, 24-1.1, or  
21 24-1.6 of the Criminal Code of 1961 for which  
22 imprisonment is prescribed in those Sections.

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

26 (H) Criminal sexual assault.

27 (I) Aggravated battery of a senior citizen.

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

30 Before July 1, 1994, for the purposes of this  
31 paragraph, "organized gang" means an association of 5  
32 or more persons, with an established hierarchy, that  
33 encourages members of the association to perpetrate  
34 crimes or provides support to the members of the

1 association who do commit crimes.

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

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the  
8 offense of hate crime when the underlying offense upon  
9 which the hate crime is based is felony aggravated  
10 assault or felony mob action.

11 (M) A second or subsequent conviction for the  
12 offense of institutional vandalism if the damage to the  
13 property exceeds \$300.

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

17 (O) A violation of Section 12-6.1 of the Criminal  
18 Code of 1961.

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

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

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

26 (S) (Blank).

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

29 (3) (Blank).

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

34 (4.1) (Blank).

1           (4.2) Except as provided in paragraph (4.3) of this  
2 subsection (c), a minimum of 100 hours of community service  
3 shall be imposed for a second violation of Section 6-303 of  
4 the Illinois Vehicle Code.

5           (4.3) A minimum term of imprisonment of 30 days or 300  
6 hours of community service, as determined by the court,  
7 shall be imposed for a second violation of subsection (c)  
8 of Section 6-303 of the Illinois Vehicle Code.

9           (4.4) Except as provided in paragraph (4.5) and  
10 paragraph (4.6) of this subsection (c), a minimum term of  
11 imprisonment of 30 days or 300 hours of community service,  
12 as determined by the court, shall be imposed for a third or  
13 subsequent violation of Section 6-303 of the Illinois  
14 Vehicle Code.

15           (4.5) A minimum term of imprisonment of 30 days shall  
16 be imposed for a third violation of subsection (c) of  
17 Section 6-303 of the Illinois Vehicle Code.

18           (4.6) A minimum term of imprisonment of 180 days shall  
19 be imposed for a fourth or subsequent violation of  
20 subsection (c) of Section 6-303 of the Illinois Vehicle  
21 Code.

22           (5) The court may sentence an offender convicted of a  
23 business offense or a petty offense or a corporation or  
24 unincorporated association convicted of any offense to:

25                   (A) a period of conditional discharge;

26                   (B) a fine;

27                   (C) make restitution to the victim under Section  
28 5-5-6 of this Code.

29           (5.1) In addition to any penalties imposed under  
30 paragraph (5) of this subsection (c), and except as  
31 provided in paragraph (5.2) or (5.3), 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 at least 90 days but

1 not more than one year, if the violation resulted in damage  
2 to the property of another person.

3 (5.2) In addition to any penalties imposed under  
4 paragraph (5) of this subsection (c), and except as  
5 provided in paragraph (5.3), a person convicted of  
6 violating subsection (c) of Section 11-907 of the Illinois  
7 Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for at least 180 days but  
9 not more than 2 years, if the violation resulted in injury  
10 to another person.

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

17 (6) In no case shall an offender be eligible for a  
18 disposition of probation or conditional discharge for a  
19 Class 1 felony committed while he was serving a term of  
20 probation or conditional discharge for a felony.

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

25 (8) When a defendant, over the age of 21 years, is  
26 convicted of a Class 1 or Class 2 felony, after having  
27 twice been convicted in any state or federal court of an  
28 offense that contains the same elements as an offense now  
29 classified in Illinois as a Class 2 or greater Class felony  
30 and such charges are separately brought and tried and arise  
31 out of different series of acts, such defendant shall be  
32 sentenced as a Class X offender. This paragraph shall not  
33 apply unless (1) the first felony was committed after the  
34 effective date of this amendatory Act of 1977; and (2) the



1 second felony was committed after conviction on the first;  
2 and (3) the third felony was committed after conviction on  
3 the second. A person sentenced as a Class X offender under  
4 this paragraph is not eligible to apply for treatment as a  
5 condition of probation as provided by Section 40-10 of the  
6 Alcoholism and Other Drug Abuse and Dependency Act.

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

10 (10) (Blank).

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

28 (12) A person may not receive a disposition of court  
29 supervision for a violation of Section 5-16 of the Boat  
30 Registration and Safety Act if that person has previously  
31 received a disposition of court supervision for a violation  
32 of that Section.

33 (d) In any case in which a sentence originally imposed is  
34 vacated, the case shall be remanded to the trial court. The

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

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

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

24 (A) the defendant is willing to undergo a court  
25 approved counseling program for a minimum duration of 2  
26 years; or

27 (B) the defendant is willing to participate in a  
28 court approved plan including but not limited to the  
29 defendant's:

30 (i) removal from the household;

31 (ii) restricted contact with the victim;

32 (iii) continued financial support of the  
33 family;

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

1 and

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

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

11 Probation may be revoked or modified pursuant to Section  
12 5-6-4; except where the court determines at the hearing that  
13 the defendant violated a condition of his or her probation  
14 restricting contact with the victim or other family members or  
15 commits another offense with the victim or other family  
16 members, the court shall revoke the defendant's probation and  
17 impose a term of imprisonment.

18 For the purposes of this Section, "family member" and  
19 "victim" shall have the meanings ascribed to them in Section  
20 12-12 of the Criminal Code of 1961.

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

25 (g) Whenever a defendant is convicted of an offense under  
26 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
27 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
28 of the Criminal Code of 1961, the defendant shall undergo  
29 medical testing to determine whether the defendant has any  
30 sexually transmissible disease, including a test for infection  
31 with human immunodeficiency virus (HIV) or any other identified  
32 causative agent of acquired immunodeficiency syndrome (AIDS).  
33 Any such medical test shall be performed only by appropriately  
34 licensed medical practitioners and may include an analysis of

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

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

1 best interests of those in the courtroom, the judge shall have  
2 the discretion to determine what if any precautions need to be  
3 taken to prevent transmission of the disease in the courtroom.

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

33 (i) All fines and penalties imposed under this Section for  
34 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (j) In cases when prosecution for any violation of Section  
7 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
8 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
9 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
10 Code of 1961, any violation of the Illinois Controlled  
11 Substances Act, any violation of the Cannabis Control Act, or  
12 any violation of the Methamphetamine Control and Community  
13 Protection Act results in conviction, a disposition of court  
14 supervision, or an order of probation granted under Section 10  
15 of the Cannabis Control Act, Section 410 of the Illinois  
16 Controlled Substance Act, or Section 70 of the Methamphetamine  
17 Control and Community Protection Act of a defendant, the court  
18 shall determine whether the defendant is employed by a facility  
19 or center as defined under the Child Care Act of 1969, a public  
20 or private elementary or secondary school, or otherwise works  
21 with children under 18 years of age on a daily basis. When a  
22 defendant is so employed, the court shall order the Clerk of  
23 the Court to send a copy of the judgment of conviction or order  
24 of supervision or probation to the defendant's employer by  
25 certified mail. If the employer of the defendant is a school,  
26 the Clerk of the Court shall direct the mailing of a copy of  
27 the judgment of conviction or order of supervision or probation  
28 to the appropriate regional superintendent of schools. The  
29 regional superintendent of schools shall notify the State Board  
30 of Education of any notification under this subsection.

31 (j-5) A defendant at least 17 years of age who is convicted  
32 of a felony and who has not been previously convicted of a  
33 misdemeanor or felony and who is sentenced to a term of  
34 imprisonment in the Illinois Department of Corrections shall as

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

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

32 (l) (A) Except as provided in paragraph (C) of subsection  
33 (l), whenever a defendant, who is an alien as defined by  
34 the Immigration and Nationality Act, is convicted of any

1 felony or misdemeanor offense, the court after sentencing  
2 the defendant may, upon motion of the State's Attorney,  
3 hold sentence in abeyance and remand the defendant to the  
4 custody of the Attorney General of the United States or his  
5 or her designated agent to be deported when:

6 (1) a final order of deportation has been issued  
7 against the defendant pursuant to proceedings under  
8 the Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not  
10 deprecate the seriousness of the defendant's conduct  
11 and would not be inconsistent with the ends of justice.

12 Otherwise, the defendant shall be sentenced as  
13 provided in this Chapter V.

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

23 (1) a final order of deportation has been issued  
24 against the defendant pursuant to proceedings under  
25 the Immigration and Nationality Act, and

26 (2) the deportation of the defendant would not  
27 deprecate the seriousness of the defendant's conduct  
28 and would not be inconsistent with the ends of justice.

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

32 (D) Upon motion of the State's Attorney, if a defendant  
33 sentenced under this Section returns to the jurisdiction of  
34 the United States, the defendant shall be recommitted to



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

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

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

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

1 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
2 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
3 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
4 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
5 eff. 9-11-05; revised 8-19-05.)

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

8 (730 ILCS 150/7) (from Ch. 38, par. 227)

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

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

27 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;  
28 94-168, eff. 1-1-06; revised 8-19-05.)

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

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law."