



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5841

Introduced 10/04/06, by Rep. Ed Sullivan, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

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

Amends the Unified Code of Corrections. Provides that a person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery shall be required to attend anger management classes under such terms and conditions imposed by the court. Provides that the costs of such classes shall be paid by the offender. Effective immediately.

LRB094 21606 RLC 59986 b

1 AN ACT concerning criminal law.

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

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

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

7 (Text of Section before amendment by P.A. 94-1035)

8 Sec. 5-5-3. Disposition.

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

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

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

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23 (now repealed).

24 (6) A fine.

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

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

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

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

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

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

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

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

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

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

33 (F-5) A violation of Section 24-1, 24-1.1, or
34 24-1.6 of the Criminal Code of 1961 for which
35 imprisonment is prescribed in those Sections.

36 (G) Residential burglary, except as otherwise

1 provided in Section 40-10 of the Alcoholism and Other
2 Drug Abuse and Dependency Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen.

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

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

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

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the
19 offense of hate crime when the underlying offense upon
20 which the hate crime is based is felony aggravated
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the
23 offense of institutional vandalism if the damage to the
24 property exceeds \$300.

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

28 (O) A violation of Section 12-6.1 of the Criminal
29 Code of 1961.

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

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

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

1 (S) (Blank).

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

4 (3) (Blank).

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

9 (4.1) (Blank).

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

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

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

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

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

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

34 (A) a period of conditional discharge;

35 (B) a fine;

36 (C) make restitution to the victim under Section

1 5-5-6 of this Code.

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

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

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

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

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

32 (8) When a defendant, over the age of 21 years, is
33 convicted of a Class 1 or Class 2 felony, after having
34 twice been convicted in any state or federal court of an
35 offense that contains the same elements as an offense now
36 classified in Illinois as a Class 2 or greater Class felony

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

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

15 (10) (Blank).

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

33 (12) A person may not receive a disposition of court
34 supervision for a violation of Section 5-16 of the Boat
35 Registration and Safety Act if that person has previously
36 received a disposition of court supervision for a violation

1 of that Section.

2 (13) A person convicted of or placed on court
3 supervision for an assault or aggravated assault when the
4 victim and the offender are family or household members as
5 defined in Section 103 of the Illinois Domestic Violence
6 Act of 1986 or convicted of domestic battery or aggravated
7 domestic battery shall be required to attend anger
8 management classes under such terms and conditions imposed
9 by the court. The costs of such classes shall be paid by
10 the offender.

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

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

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

36 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2
2 years; or

3 (B) the defendant is willing to participate in a
4 court approved plan including but not limited to the
5 defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 members, the court shall revoke the defendant's probation and
27 impose a term of imprisonment.

28 For the purposes of this Section, "family member" and
29 "victim" shall have the meanings ascribed to them in Section
30 12-12 of the Criminal Code of 1961.

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

35 (g) Whenever a defendant is convicted of an offense under
36 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,

1 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
2 of the Criminal Code of 1961, the defendant shall undergo
3 medical testing to determine whether the defendant has any
4 sexually transmissible disease, including a test for infection
5 with human immunodeficiency virus (HIV) or any other identified
6 causative agent of acquired immunodeficiency syndrome (AIDS).
7 Any such medical test shall be performed only by appropriately
8 licensed medical practitioners and may include an analysis of
9 any bodily fluids as well as an examination of the defendant's
10 person. Except as otherwise provided by law, the results of
11 such test shall be kept strictly confidential by all medical
12 personnel involved in the testing and must be personally
13 delivered in a sealed envelope to the judge of the court in
14 which the conviction was entered for the judge's inspection in
15 camera. Acting in accordance with the best interests of the
16 victim and the public, the judge shall have the discretion to
17 determine to whom, if anyone, the results of the testing may be
18 revealed. The court shall notify the defendant of the test
19 results. The court shall also notify the victim if requested by
20 the victim, and if the victim is under the age of 15 and if
21 requested by the victim's parents or legal guardian, the court
22 shall notify the victim's parents or legal guardian of the test
23 results. The court shall provide information on the
24 availability of HIV testing and counseling at Department of
25 Public Health facilities to all parties to whom the results of
26 the testing are revealed and shall direct the State's Attorney
27 to provide the information to the victim when possible. A
28 State's Attorney may petition the court to obtain the results
29 of any HIV test administered under this Section, and the court
30 shall grant the disclosure if the State's Attorney shows it is
31 relevant in order to prosecute a charge of criminal
32 transmission of HIV under Section 12-16.2 of the Criminal Code
33 of 1961 against the defendant. The court shall order that the
34 cost of any such test shall be paid by the county and may be
35 taxed as costs against the convicted defendant.

36 (g-5) When an inmate is tested for an airborne communicable

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

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

1 county and may be taxed as costs against the convicted
2 defendant.

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

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

35 (j-5) A defendant at least 17 years of age who is convicted
36 of a felony and who has not been previously convicted of a

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

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

34 (l) (A) Except as provided in paragraph (C) of subsection
35 (l), whenever a defendant, who is an alien as defined by
36 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
35 the custody of the county from which he or she was
36 sentenced. Thereafter, the defendant shall be brought

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

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

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

20 (o) Whenever a person is convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act, the
22 defendant's driver's license or permit shall be subject to
23 renewal on an annual basis in accordance with the provisions of
24 license renewal established by the Secretary of State.

25 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
26 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
27 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
28 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
29 eff. 9-11-05; 94-993, eff. 1-1-07.)

30 (Text of Section after amendment by P.A. 94-1035)
31 Sec. 5-5-3. Disposition.

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

35 (b) The following options shall be appropriate

1 dispositions, alone or in combination, for all felonies and
2 misdemeanors other than those identified in subsection (c) of
3 this Section:

4 (1) A period of probation.

5 (2) A term of periodic imprisonment.

6 (3) A term of conditional discharge.

7 (4) A term of imprisonment.

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

12 (6) A fine.

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

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

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

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

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

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

36 (A) First degree murder where the death penalty is

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

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

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

17 (F-5) A violation of Section 24-1, 24-1.1, or
18 24-1.6 of the Criminal Code of 1961 for which
19 imprisonment is prescribed in those Sections.

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

23 (H) Criminal sexual assault.

24 (I) Aggravated battery of a senior citizen.

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

27 Before July 1, 1994, for the purposes of this
28 paragraph, "organized gang" means an association of 5
29 or more persons, with an established hierarchy, that
30 encourages members of the association to perpetrate
31 crimes or provides support to the members of the
32 association who do commit crimes.

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

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the
3 offense of hate crime when the underlying offense upon
4 which the hate crime is based is felony aggravated
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the
7 offense of institutional vandalism if the damage to the
8 property exceeds \$300.

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

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

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

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

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

21 (S) (Blank).

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

24 (3) (Blank).

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

29 (4.1) (Blank).

30 (4.2) Except as provided in paragraph (4.3) of this
31 subsection (c), a minimum of 100 hours of community service
32 shall be imposed for a second violation of Section 6-303 of
33 the Illinois Vehicle Code.

34 (4.3) A minimum term of imprisonment of 30 days or 300
35 hours of community service, as determined by the court,
36 shall be imposed for a second violation of subsection (c)

1 of Section 6-303 of the Illinois Vehicle Code.

2 (4.4) Except as provided in paragraph (4.5) and
3 paragraph (4.6) of this subsection (c), a minimum term of
4 imprisonment of 30 days or 300 hours of community service,
5 as determined by the court, shall be imposed for a third or
6 subsequent violation of Section 6-303 of the Illinois
7 Vehicle Code.

8 (4.5) A minimum term of imprisonment of 30 days shall
9 be imposed for a third violation of subsection (c) of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.6) A minimum term of imprisonment of 180 days shall
12 be imposed for a fourth or subsequent violation of
13 subsection (c) of Section 6-303 of the Illinois Vehicle
14 Code.

15 (5) The court may sentence an offender convicted of a
16 business offense or a petty offense or a corporation or
17 unincorporated association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section
21 5-5-6 of this Code.

22 (5.1) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), and except as
24 provided in paragraph (5.2) or (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 90 days but
28 not more than one year, if the violation resulted in damage
29 to the property of another person.

30 (5.2) In addition to any penalties imposed under
31 paragraph (5) of this subsection (c), and except as
32 provided in paragraph (5.3), a person convicted of
33 violating subsection (c) of Section 11-907 of the Illinois
34 Vehicle Code shall have his or her driver's license,
35 permit, or privileges suspended for at least 180 days but
36 not more than 2 years, if the violation resulted in injury

1 to another person.

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

8 (5.4) In addition to any penalties imposed under
9 paragraph (5) of this subsection (c), a person convicted of
10 violating Section 3-707 of the Illinois Vehicle Code shall
11 have his or her driver's license, permit, or privileges
12 suspended for 3 months and until he or she has paid a
13 reinstatement fee of \$100.

14 (5.5) In addition to any penalties imposed under
15 paragraph (5) of this subsection (c), a person convicted of
16 violating Section 3-707 of the Illinois Vehicle Code during
17 a period in which his or her driver's license, permit, or
18 privileges were suspended for a previous violation of that
19 Section shall have his or her driver's license, permit, or
20 privileges suspended for an additional 6 months after the
21 expiration of the original 3-month suspension and until he
22 or she has paid a reinstatement fee of \$100.

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

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

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

1 out of different series of acts, such defendant shall be
2 sentenced as a Class X offender. This paragraph shall not
3 apply unless (1) the first felony was committed after the
4 effective date of this amendatory Act of 1977; and (2) the
5 second felony was committed after conviction on the first;
6 and (3) the third felony was committed after conviction on
7 the second. A person sentenced as a Class X offender under
8 this paragraph is not eligible to apply for treatment as a
9 condition of probation as provided by Section 40-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act.

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

14 (10) (Blank).

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

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

1 (13) A person convicted of or placed on court
2 supervision for an assault or aggravated assault when the
3 victim and the offender are family or household members as
4 defined in Section 103 of the Illinois Domestic Violence
5 Act of 1986 or convicted of domestic battery or aggravated
6 domestic battery shall be required to attend anger
7 management classes under such terms and conditions imposed
8 by the court. The costs of such classes shall be paid by
9 the offender.

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

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

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

35 (A) the defendant is willing to undergo a court
36 approved counseling program for a minimum duration of 2

1 years; or

2 (B) the defendant is willing to participate in a
3 court approved plan including but not limited to the
4 defendant's:

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

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

10 and

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

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

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

27 For the purposes of this Section, "family member" and
28 "victim" shall have the meanings ascribed to them in Section
29 12-12 of the Criminal Code of 1961.

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

34 (g) Whenever a defendant is convicted of an offense under
35 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
36 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16

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

35 (g-5) When an inmate is tested for an airborne communicable
36 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results
2 of the test shall be personally delivered by the warden or his
3 or her designee in a sealed envelope to the judge of the court
4 in which the inmate must appear for the judge's inspection in
5 camera if requested by the judge. Acting in accordance with the
6 best interests of those in the courtroom, the judge shall have
7 the discretion to determine what if any precautions need to be
8 taken to prevent transmission of the disease in the courtroom.

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

1 defendant.

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

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

34 (j-5) A defendant at least 17 years of age who is convicted
35 of a felony and who has not been previously convicted of a
36 misdemeanor or felony and who is sentenced to a term of

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

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

33 (l) (A) Except as provided in paragraph (C) of subsection
34 (l), whenever a defendant, who is an alien as defined by
35 the Immigration and Nationality Act, is convicted of any
36 felony or misdemeanor offense, the court after sentencing

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

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

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

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

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

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

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

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

31 (D) Upon motion of the State's Attorney, if a defendant
32 sentenced under this Section returns to the jurisdiction of
33 the United States, the defendant shall be recommitted to
34 the custody of the county from which he or she was
35 sentenced. Thereafter, the defendant shall be brought
36 before the sentencing court, which may impose any sentence

1 that was available under Section 5-5-3 at the time of
2 initial sentencing. In addition, the defendant shall not be
3 eligible for additional good conduct credit for
4 meritorious service as provided under Section 3-6-6.

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

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

19 (o) Whenever a person is convicted of a sex offense as
20 defined in Section 2 of the Sex Offender Registration Act, the
21 defendant's driver's license or permit shall be subject to
22 renewal on an annual basis in accordance with the provisions of
23 license renewal established by the Secretary of State.

24 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
25 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
26 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
27 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
28 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;
29 revised 8-28-06.)

30 Section 95. No acceleration or delay. Where this Act makes
31 changes in a statute that is represented in this Act by text
32 that is not yet or no longer in effect (for example, a Section
33 represented by multiple versions), the use of that text does
34 not accelerate or delay the taking effect of (i) the changes
35 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.