



Sen. Richard J. Winkel Jr.

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1 AMENDMENT TO SENATE BILL 624

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 624 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 3-707 and 6-118 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the  
9 motor vehicle is covered by a liability insurance policy in  
10 accordance with Section 7-601 of this Code.

11 (b) Any person who fails to comply with a request by a law  
12 enforcement officer for display of evidence of insurance, as  
13 required under Section 7-602 of this Code, shall be deemed to  
14 be operating an uninsured motor vehicle.

15 (c) Any operator of a motor vehicle subject to registration  
16 under this Code who is convicted of violating this Section is  
17 guilty of a business offense and shall be required to pay a  
18 fine in excess of \$500, but not more than \$1,000. However, no  
19 person charged with violating this Section shall be convicted  
20 if such person produces in court satisfactory evidence that at  
21 the time of the arrest the motor vehicle was covered by a  
22 liability insurance policy in accordance with Section 7-601 of  
23 this Code. The chief judge of each circuit may designate an  
24 officer of the court to review the documentation demonstrating

1 that at the time of arrest the motor vehicle was covered by a  
2 liability insurance policy in accordance with Section 7-601 of  
3 this Code.

4 (c-1) A person convicted of violating this Section shall  
5 also have his or her driver's license, permit, or privileges  
6 suspended for 3 months. After the expiration of the 3 months,  
7 the person's driver's license, permit, or privileges shall not  
8 be reinstated until he or she has paid a reinstatement fee of  
9 \$100. If a person violates this Section while his or her  
10 driver's license, permit, or privileges are suspended under  
11 this subsection (c-1), his or her driver's license, permit, or  
12 privileges shall be suspended for an additional 6 months and  
13 until he or she pays the reinstatement fee.

14 (d) A person convicted a third or subsequent time of  
15 violating this Section or a similar provision of a local  
16 ordinance must give proof to the Secretary of State of the  
17 person's financial responsibility as defined in Section 7-315.  
18 The person must maintain the proof in a manner satisfactory to  
19 the Secretary for a minimum period of one year after the date  
20 the proof is first filed. The Secretary must suspend the  
21 driver's license of any person determined by the Secretary not  
22 to have provided adequate proof of financial responsibility as  
23 required by this subsection.

24 (Source: P.A. 92-775, eff. 7-1-03.)

25 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)  
26 Sec. 6-118. Fees.

27 (a) The fee for licenses and permits under this Article is  
28 as follows:

29	Original driver's license .....	\$10
30	Original or renewal driver's license	
31	issued to 18, 19 and 20 year olds .....	5
32	All driver's licenses for persons	
33	age 69 through age 80 .....	5

1 All driver's licenses for persons  
2 age 81 through age 86 ..... 2  
3 All driver's licenses for persons  
4 age 87 or older ..... 0  
5 Renewal driver's license (except for  
6 applicants ages 18, 19 and 20 or  
7 age 69 and older) ..... 10  
8 Original instruction permit issued to  
9 persons (except those age 69 and older)  
10 who do not hold or have not previously  
11 held an Illinois instruction permit or  
12 driver's license ..... 20  
13 Instruction permit issued to any person  
14 holding an Illinois driver's license  
15 who wishes a change in classifications,  
16 other than at the time of renewal ..... 5  
17 Any instruction permit issued to a person  
18 age 69 and older ..... 5  
19 Instruction permit issued to any person,  
20 under age 69, not currently holding a  
21 valid Illinois driver's license or  
22 instruction permit but who has  
23 previously been issued either document  
24 in Illinois ..... 10  
25 Restricted driving permit ..... 8  
26 Duplicate or corrected driver's license  
27 or permit ..... 5  
28 Duplicate or corrected restricted  
29 driving permit ..... 5  
30 Original or renewal M or L endorsement ..... 5

31 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

32 The fees for commercial driver licenses and permits  
33 under Article V shall be as follows:

34 Commercial driver's license:

1           \$6 for the CDLIS/AAMVAnet Fund  
2           (Commercial Driver's License Information  
3           System/American Association of Motor Vehicle  
4           Administrators network Trust Fund);  
5           \$20 for the Motor Carrier Safety Inspection Fund;  
6           \$10 for the driver's license;  
7           and \$24 for the CDL: ..... \$60

8           Renewal commercial driver's license:  
9           \$6 for the CDLIS/AAMVAnet Trust Fund;  
10           \$20 for the Motor Carrier Safety Inspection Fund;  
11           \$10 for the driver's license; and  
12           \$24 for the CDL: ..... \$60

13           Commercial driver instruction permit  
14           issued to any person holding a valid  
15           Illinois driver's license for the  
16           purpose of changing to a  
17           CDL classification: \$6 for the  
18           CDLIS/AAMVAnet Trust Fund;  
19           \$20 for the Motor Carrier  
20           Safety Inspection Fund; and  
21           \$24 for the CDL classification ..... \$50

22           Commercial driver instruction permit  
23           issued to any person holding a valid  
24           Illinois CDL for the purpose of  
25           making a change in a classification,  
26           endorsement or restriction ..... \$5

27           CDL duplicate or corrected license ..... \$5

28           In order to ensure the proper implementation of the Uniform  
29           Commercial Driver License Act, Article V of this Chapter, the  
30           Secretary of State is empowered to pro-rate the \$24 fee for the  
31           commercial driver's license proportionate to the expiration  
32           date of the applicant's Illinois driver's license.

33           The fee for any duplicate license or permit shall be waived  
34           for any person age 60 or older who presents the Secretary of

1 State's office with a police report showing that his license or  
2 permit was stolen.

3 No additional fee shall be charged for a driver's license,  
4 or for a commercial driver's license, when issued to the holder  
5 of an instruction permit for the same classification or type of  
6 license who becomes eligible for such license.

7 (b) Any person whose license or privilege to operate a  
8 motor vehicle in this State has been suspended or revoked under  
9 Section 3-707, any provision of Chapter 6, Chapter 11, or  
10 Section 7-205, 7-303, or 7-702 of the Family Financial  
11 Responsibility Law of this Code, shall in addition to any other  
12 fees required by this Code, pay a reinstatement fee as follows:

13	<u>Suspension under Section 3-707</u> .....	<u>\$100</u>
14	Summary suspension under Section 11-501.1 .....	\$250
15	Other suspension .....	\$70
16	Revocation .....	\$500

17 However, any person whose license or privilege to operate a  
18 motor vehicle in this State has been suspended or revoked for a  
19 second or subsequent time for a violation of Section 11-501 or  
20 11-501.1 of this Code or a similar provision of a local  
21 ordinance or a similar out-of-state offense or Section 9-3 of  
22 the Criminal Code of 1961 and each suspension or revocation was  
23 for a violation of Section 11-501 or 11-501.1 of this Code or a  
24 similar provision of a local ordinance or a similar  
25 out-of-state offense or Section 9-3 of the Criminal Code of  
26 1961 shall pay, in addition to any other fees required by this  
27 Code, a reinstatement fee as follows:

28	Summary suspension under Section 11-501.1 .....	\$500
29	Revocation .....	\$500

30 (c) All fees collected under the provisions of this Chapter  
31 6 shall be paid into the Road Fund in the State Treasury except  
32 as follows:

- 33 1. The following amounts shall be paid into the Driver  
34 Education Fund:

1 (A) \$16 of the \$20 fee for an original driver's  
2 instruction permit;

3 (B) \$5 of the \$10 fee for an original driver's  
4 license;

5 (C) \$5 of the \$10 fee for a 4 year renewal driver's  
6 license; and

7 (D) \$4 of the \$8 fee for a restricted driving  
8 permit.

9 2. \$30 of the \$250 fee for reinstatement of a license  
10 summarily suspended under Section 11-501.1 shall be  
11 deposited into the Drunk and Drugged Driving Prevention  
12 Fund. However, for a person whose license or privilege to  
13 operate a motor vehicle in this State has been suspended or  
14 revoked for a second or subsequent time for a violation of  
15 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
16 the Criminal Code of 1961, \$190 of the \$500 fee for  
17 reinstatement of a license summarily suspended under  
18 Section 11-501.1, and \$190 of the \$500 fee for  
19 reinstatement of a revoked license shall be deposited into  
20 the Drunk and Drugged Driving Prevention Fund.

21 3. \$6 of such original or renewal fee for a commercial  
22 driver's license and \$6 of the commercial driver  
23 instruction permit fee when such permit is issued to any  
24 person holding a valid Illinois driver's license, shall be  
25 paid into the CDLIS/AAMVAnet Trust Fund.

26 4. \$30 of the \$70 fee for reinstatement of a license  
27 suspended under the Family Financial Responsibility Law  
28 shall be paid into the Family Responsibility Fund.

29 5. The \$5 fee for each original or renewal M or L  
30 endorsement shall be deposited into the Cycle Rider Safety  
31 Training Fund.

32 6. \$20 of any original or renewal fee for a commercial  
33 driver's license or commercial driver instruction permit  
34 shall be paid into the Motor Carrier Safety Inspection

1 Fund.

2 7. The following amounts shall be paid into the General  
3 Revenue Fund:

4 (A) \$190 of the \$250 reinstatement fee for a  
5 summary suspension under Section 11-501.1;

6 (B) \$40 of the \$70 reinstatement fee for any other  
7 suspension provided in subsection (b) of this Section;  
8 and

9 (C) \$440 of the \$500 reinstatement fee for a first  
10 offense revocation and \$310 of the \$500 reinstatement  
11 fee for a second or subsequent revocation.

12 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,  
13 eff. 1-1-05.)

14 Section 10. The Unified Code of Corrections is amended by  
15 changing Section 5-5-3 as follows:

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
17 Sec. 5-5-3. Disposition.

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

21 (b) The following options shall be appropriate  
22 dispositions, alone or in combination, for all felonies and  
23 misdemeanors other than those identified in subsection (c) of  
24 this Section:

25 (1) A period of probation.

26 (2) A term of periodic imprisonment.

27 (3) A term of conditional discharge.

28 (4) A term of imprisonment.

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

1 (6) A fine.

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

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

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

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

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

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

25 (A) First degree murder where the death penalty is  
26 not imposed.

27 (B) Attempted first degree murder.

28 (C) A Class X felony.

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

34 (E) A violation of Section 5.1 or 9 of the Cannabis



1 Control Act.

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

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

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

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen.

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

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

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

28 (K) Vehicular hijacking.

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

33 (M) A second or subsequent conviction for the  
34 offense of institutional vandalism if the damage to the

1 property exceeds \$300.

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

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

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

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

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

14 (S) (Blank).

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

17 (3) (Blank).

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

22 (4.1) (Blank).

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

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

31 (4.4) Except as provided in paragraph (4.5) and  
32 paragraph (4.6) of this subsection (c), a minimum term of  
33 imprisonment of 30 days or 300 hours of community service,  
34 as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois  
2 Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall  
4 be imposed for a third violation of subsection (c) of  
5 Section 6-303 of the Illinois Vehicle Code.

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

10 (5) The court may sentence an offender convicted of a  
11 business offense or a petty offense or a corporation or  
12 unincorporated association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section  
16 5-5-6 of this Code.

17 (5.1) In addition to any penalties imposed under  
18 paragraph (5) of this subsection (c), and except as  
19 provided in paragraph (5.2) or (5.3), 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 at least 90 days but  
23 not more than one year, if the violation resulted in damage  
24 to the property of another person.

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

33 (5.3) In addition to any penalties imposed under  
34 paragraph (5) of this subsection (c), a person convicted of

1 violating subsection (c) of Section 11-907 of the Illinois  
2 Vehicle Code shall have his or her driver's license,  
3 permit, or privileges suspended for 2 years, if the  
4 violation resulted in the death of another person.

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

11 (5.5) In addition to any penalties imposed under  
12 paragraph (5) of this subsection (c), a person convicted of  
13 violating Section 3-707 of the Illinois Vehicle Code during  
14 a period in which his or her driver's license, permit, or  
15 privileges were suspended for a previous violation of that  
16 Section shall have his driver's license, permit, or  
17 privileges suspended for an additional 6 months after the  
18 expiration of the original 3-month suspension and until he  
19 or she has paid a reinstatement fee of \$100.

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

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

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

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

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

13 (10) (Blank).

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

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

1 of that Section.

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

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

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

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

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

33 (i) removal from the household;

34 (ii) restricted contact with the victim;

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

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

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

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

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

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

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

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

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

31 (g-5) When an inmate is tested for an airborne communicable  
32 disease, as determined by the Illinois Department of Public  
33 Health including but not limited to tuberculosis, the results  
34 of the test shall be personally delivered by the warden or his



1 or her designee in a sealed envelope to the judge of the court  
2 in which the inmate must appear for the judge's inspection in  
3 camera if requested by the judge. Acting in accordance with the  
4 best interests of those in the courtroom, the judge shall have  
5 the discretion to determine what if any precautions need to be  
6 taken to prevent transmission of the disease in the courtroom.

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

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

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

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

9 (1) a final order of deportation has been issued  
10 against the defendant pursuant to proceedings under  
11 the Immigration and Nationality Act, and

12 (2) the deportation of the defendant would not  
13 deprecate the seriousness of the defendant's conduct  
14 and would not be inconsistent with the ends of justice.

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

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

26 (1) a final order of deportation has been issued  
27 against the defendant pursuant to proceedings under  
28 the Immigration and Nationality Act, and

29 (2) the deportation of the defendant would not  
30 deprecate the seriousness of the defendant's conduct  
31 and would not be inconsistent with the ends of justice.

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

1 (D) Upon motion of the State's Attorney, if a defendant  
2 sentenced under this Section returns to the jurisdiction of  
3 the United States, the defendant shall be recommitted to  
4 the custody of the county from which he or she was  
5 sentenced. Thereafter, the defendant shall be brought  
6 before the sentencing court, which may impose any sentence  
7 that was available under Section 5-5-3 at the time of  
8 initial sentencing. In addition, the defendant shall not be  
9 eligible for additional good conduct credit for  
10 meritorious service as provided under Section 3-6-6.

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

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

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; revised 8-19-05.)

30 Section 99. Effective date. This Act takes effect July 1,  
31 2007."