

1 AN ACT concerning driving privileges.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-101, 6-115, 6-201, and 6-206 as follows:

6 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

7 Sec. 6-101. Drivers must have licenses or permits.

8 (a) No person, except those expressly exempted by Section  
9 6-102, shall drive any motor vehicle upon a highway in this  
10 State unless such person has a valid license or permit, or a  
11 restricted driving permit, issued under the provisions of this  
12 Act.

13 (b) No person shall drive a motor vehicle unless he holds a  
14 valid license or permit, or a restricted driving permit issued  
15 under the provisions of Section 6-205, 6-206, or 6-113 of this  
16 Act. Any person to whom a license is issued under the  
17 provisions of this Act must surrender to the Secretary of State  
18 all valid licenses or permits. No drivers license shall be  
19 issued to any person who holds a valid Foreign State license,  
20 identification card, or permit unless such person first  
21 surrenders to the Secretary of State any such valid Foreign  
22 State license, identification card, or permit.

23 (b-5) Any person who commits a violation of subsection (a)  
24 or (b) of this Section is guilty of a Class A misdemeanor, if  
25 at the time of the violation the person's driver's license or  
26 permit was cancelled under clause (a)9 of Section 6-201 of this  
27 Code.

28 (c) Any person licensed as a driver hereunder shall not be  
29 required by any city, village, incorporated town or other  
30 municipal corporation to obtain any other license to exercise  
31 the privilege thereby granted.

32 (d) In addition to other penalties imposed under this

1 Section, any person in violation of this Section who is also in  
2 violation of Section 7-601 of this Code relating to mandatory  
3 insurance requirements shall have his or her motor vehicle  
4 immediately impounded by the arresting law enforcement  
5 officer. The motor vehicle may be released to any licensed  
6 driver upon a showing of proof of insurance for the motor  
7 vehicle that was impounded and the notarized written consent  
8 for the release by the vehicle owner.

9 (e) In addition to other penalties imposed under this  
10 Section, the vehicle of any person in violation of this Section  
11 who is also in violation of Section 7-601 of this Code relating  
12 to mandatory insurance requirements and who, in violating this  
13 Section, has caused death or personal injury to another person  
14 is subject to forfeiture under Sections 36-1 and 36-2 of the  
15 Criminal Code of 1961. For the purposes of this Section, a  
16 personal injury shall include any type A injury as indicated on  
17 the traffic accident report completed by a law enforcement  
18 officer that requires immediate professional attention in  
19 either a doctor's office or a medical facility. A type A injury  
20 shall include severely bleeding wounds, distorted extremities,  
21 and injuries that require the injured party to be carried from  
22 the scene.

23 (Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05.)

24 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

25 Sec. 6-115. Expiration of driver's license.

26 (a) Except as provided elsewhere in this Section, every  
27 driver's license issued under the provisions of this Code shall  
28 expire 4 years from the date of its issuance, or at such later  
29 date, as the Secretary of State may by proper rule and  
30 regulation designate, not to exceed 12 calendar months; in the  
31 event that an applicant for renewal of a driver's license fails  
32 to apply prior to the expiration date of the previous driver's  
33 license, the renewal driver's license shall expire 4 years from  
34 the expiration date of the previous driver's license, or at  
35 such later date as the Secretary of State may by proper rule

1 and regulation designate, not to exceed 12 calendar months.

2 The Secretary of State may, however, issue to a person not  
3 previously licensed as a driver in Illinois a driver's license  
4 which will expire not less than 4 years nor more than 5 years  
5 from date of issuance, except as provided elsewhere in this  
6 Section.

7 The Secretary of State is authorized to issue driver's  
8 licenses during the years 1984 through 1987 which shall expire  
9 not less than 3 years nor more than 5 years from the date of  
10 issuance, except as provided elsewhere in this Section, for the  
11 purpose of converting all driver's licenses issued under this  
12 Code to a 4 year expiration. Provided that all original  
13 driver's licenses, except as provided elsewhere in this  
14 Section, shall expire not less than 4 years nor more than 5  
15 years from the date of issuance.

16 (b) Before the expiration of a driver's license, except  
17 those licenses expiring on the individual's 21st birthday, or 3  
18 months after the individual's 21st birthday, the holder thereof  
19 may apply for a renewal thereof, subject to all the provisions  
20 of Section 6-103, and the Secretary of State may require an  
21 examination of the applicant. A licensee whose driver's license  
22 expires on his 21st birthday, or 3 months after his 21st  
23 birthday, may not apply for a renewal of his driving privileges  
24 until he reaches the age of 21.

25 (c) The Secretary of State shall, 30 days prior to the  
26 expiration of a driver's license, forward to each person whose  
27 license is to expire a notification of the expiration of said  
28 license which may be presented at the time of renewal of said  
29 license.

30 There may be included with such notification information  
31 explaining the anatomical gift and Emergency Medical  
32 Information Card provisions of Section 6-110. The format and  
33 text of such information shall be prescribed by the Secretary.

34 There shall be included with such notification, for a  
35 period of 4 years beginning January 1, 2000 information  
36 regarding the Illinois Adoption Registry and Medical

1 Information Exchange established in Section 18.1 of the  
2 Adoption Act.

3 (d) The Secretary may defer the expiration of the driver's  
4 license of a licensee, spouse, and dependent children who are  
5 living with such licensee while on active duty, serving in the  
6 Armed Forces of the United States outside of the State of  
7 Illinois, and 45 days thereafter, upon such terms and  
8 conditions as the Secretary may prescribe.

9 (e) The Secretary of State may decline to process a renewal  
10 of a driver's license of any person who has not paid any fee or  
11 tax due under this Code and is not paid upon reasonable notice  
12 and demand.

13 (f) The Secretary shall provide that each original or  
14 renewal driver's license issued to a licensee under 21 years of  
15 age shall expire 3 months after the licensee's 21st birthday.  
16 Persons whose current driver's licenses expire on their 21st  
17 birthday on or after January 1, 1986 shall not renew their  
18 driver's license before their 21st birthday, and their current  
19 driver's license will be extended for an additional term of 3  
20 months beyond their 21st birthday. Thereafter, the expiration  
21 and term of the driver's license shall be governed by  
22 subsection (a) hereof.

23 (g) The Secretary shall provide that each original or  
24 renewal driver's license issued to a licensee 81 years of age  
25 through age 86 shall expire 2 years from the date of issuance,  
26 or at such later date as the Secretary may by rule and  
27 regulation designate, not to exceed an additional 12 calendar  
28 months. The Secretary shall also provide that each original or  
29 renewal driver's license issued to a licensee 87 years of age  
30 or older shall expire 12 months from the date of issuance, or  
31 at such later date as the Secretary may by rule and regulation  
32 designate, not to exceed an additional 12 calendar months.

33 (h) The Secretary of State shall provide that each special  
34 restricted driver's license issued under subsection (g) of  
35 Section 6-113 of this Code shall expire 12 months from the date  
36 of issuance. The Secretary shall adopt rules defining renewal

1 requirements.

2 (i) The Secretary of State shall provide that each driver's  
3 license issued to a person convicted of a sex offense as  
4 defined in Section 2 of the Sex Offender Registration Act shall  
5 expire 12 months from the date of issuance or at such date as  
6 the Secretary may by rule designate, not to exceed an  
7 additional 12 calendar months. The Secretary may adopt rules  
8 defining renewal requirements.

9 (Source: P.A. 91-417, eff. 1-1-00; 92-274, eff. 1-1-02.)

10 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

11 Sec. 6-201. Authority to cancel licenses and permits.

12 (a) The Secretary of State is authorized to cancel any  
13 license or permit upon determining that the holder thereof:

14 1. was not entitled to the issuance thereof hereunder;

15 or

16 2. failed to give the required or correct information  
17 in his application; or

18 3. failed to pay any fees, civil penalties owed to the  
19 Illinois Commerce Commission, or taxes due under this Act  
20 and upon reasonable notice and demand; or

21 4. committed any fraud in the making of such  
22 application; or

23 5. is ineligible therefor under the provisions of  
24 Section 6-103 of this Act, as amended; or

25 6. has refused or neglected to submit an alcohol, drug,  
26 and intoxicating compound evaluation or to submit to  
27 examination or re-examination as required under this Act;  
28 or

29 7. has been convicted of violating the Cannabis Control  
30 Act, the Illinois Controlled Substances Act, the  
31 Methamphetamine Control and Community Protection Act, or  
32 the Use of Intoxicating Compounds Act while that individual  
33 was in actual physical control of a motor vehicle. For  
34 purposes of this Section, any person placed on probation  
35 under Section 10 of the Cannabis Control Act, Section 410

1 of the Illinois Controlled Substances Act, or Section 70 of  
2 the Methamphetamine Control and Community Protection Act  
3 shall not be considered convicted. Any person found guilty  
4 of this offense, while in actual physical control of a  
5 motor vehicle, shall have an entry made in the court record  
6 by the judge that this offense did occur while the person  
7 was in actual physical control of a motor vehicle and order  
8 the clerk of the court to report the violation to the  
9 Secretary of State as such. After the cancellation, the  
10 Secretary of State shall not issue a new license or permit  
11 for a period of one year after the date of cancellation.  
12 However, upon application, the Secretary of State may, if  
13 satisfied that the person applying will not endanger the  
14 public safety, or welfare, issue a restricted driving  
15 permit granting the privilege of driving a motor vehicle  
16 between the person's residence and person's place of  
17 employment or within the scope of the person's employment  
18 related duties, or to allow transportation for the person  
19 or a household member of the person's family for the  
20 receipt of necessary medical care or, if the professional  
21 evaluation indicates, provide transportation for the  
22 petitioner for alcohol remedial or rehabilitative  
23 activity, or for the person to attend classes, as a  
24 student, in an accredited educational institution; if the  
25 person is able to demonstrate that no alternative means of  
26 transportation is reasonably available; provided that the  
27 Secretary's discretion shall be limited to cases where  
28 undue hardship would result from a failure to issue such  
29 restricted driving permit. In each case the Secretary of  
30 State may issue such restricted driving permit for such  
31 period as he deems appropriate, except that such permit  
32 shall expire within one year from the date of issuance. A  
33 restricted driving permit issued hereunder shall be  
34 subject to cancellation, revocation and suspension by the  
35 Secretary of State in like manner and for like cause as a  
36 driver's license issued hereunder may be cancelled,

1           revoked or suspended; except that a conviction upon one or  
2           more offenses against laws or ordinances regulating the  
3           movement of traffic shall be deemed sufficient cause for  
4           the revocation, suspension or cancellation of a restricted  
5           driving permit. The Secretary of State may, as a condition  
6           to the issuance of a restricted driving permit, require the  
7           applicant to participate in a driver remedial or  
8           rehabilitative program; ~~or~~

9           8. failed to submit a report as required by Section  
10          6-116.5 of this Code; or ~~-~~

11          9. has been convicted of a sex offense as defined in  
12          the Sex Offender Registration Act. The driver's license  
13          shall remain cancelled until the driver registers as a sex  
14          offender as required by the Sex Offender Registration Act,  
15          proof of the registration is furnished to the Secretary of  
16          State and the sex offender provides proof of current  
17          address to the Secretary.

18          (b) Upon such cancellation the licensee or permittee must  
19          surrender the license or permit so cancelled to the Secretary  
20          of State.

21          (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
22          Secretary of State shall have exclusive authority to grant,  
23          issue, deny, cancel, suspend and revoke driving privileges,  
24          drivers' licenses and restricted driving permits.

25          (d) The Secretary of State may adopt rules to implement  
26          this Section.

27          (Source: P.A. 94-556, eff. 9-11-05.)

28          (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

29          Sec. 6-206. Discretionary authority to suspend or revoke  
30          license or permit; Right to a hearing.

31          (a) The Secretary of State is authorized to suspend or  
32          revoke the driving privileges of any person without preliminary  
33          hearing upon a showing of the person's records or other  
34          sufficient evidence that the person:

35                 1. Has committed an offense for which mandatory

1 revocation of a driver's license or permit is required upon  
2 conviction;

3 2. Has been convicted of not less than 3 offenses  
4 against traffic regulations governing the movement of  
5 vehicles committed within any 12 month period. No  
6 revocation or suspension shall be entered more than 6  
7 months after the date of last conviction;

8 3. Has been repeatedly involved as a driver in motor  
9 vehicle collisions or has been repeatedly convicted of  
10 offenses against laws and ordinances regulating the  
11 movement of traffic, to a degree that indicates lack of  
12 ability to exercise ordinary and reasonable care in the  
13 safe operation of a motor vehicle or disrespect for the  
14 traffic laws and the safety of other persons upon the  
15 highway;

16 4. Has by the unlawful operation of a motor vehicle  
17 caused or contributed to an accident resulting in death or  
18 injury requiring immediate professional treatment in a  
19 medical facility or doctor's office to any person, except  
20 that any suspension or revocation imposed by the Secretary  
21 of State under the provisions of this subsection shall  
22 start no later than 6 months after being convicted of  
23 violating a law or ordinance regulating the movement of  
24 traffic, which violation is related to the accident, or  
25 shall start not more than one year after the date of the  
26 accident, whichever date occurs later;

27 5. Has permitted an unlawful or fraudulent use of a  
28 driver's license, identification card, or permit;

29 6. Has been lawfully convicted of an offense or  
30 offenses in another state, including the authorization  
31 contained in Section 6-203.1, which if committed within  
32 this State would be grounds for suspension or revocation;

33 7. Has refused or failed to submit to an examination  
34 provided for by Section 6-207 or has failed to pass the  
35 examination;

36 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a  
3 material fact or has used false information or  
4 identification in any application for a license,  
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to  
7 fraudulently use any license, identification card, or  
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this  
10 State when the person's driving privilege or privilege to  
11 obtain a driver's license or permit was revoked or  
12 suspended unless the operation was authorized by a judicial  
13 driving permit, probationary license to drive, or a  
14 restricted driving permit issued under this Code;

15 12. Has submitted to any portion of the application  
16 process for another person or has obtained the services of  
17 another person to submit to any portion of the application  
18 process for the purpose of obtaining a license,  
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this  
21 State when the person's driver's license or permit was  
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,  
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the  
27 Criminal Code of 1961 relating to criminal trespass to  
28 vehicles in which case, the suspension shall be for one  
29 year;

30 16. Has been convicted of violating Section 11-204 of  
31 this Code relating to fleeing from a peace officer;

32 17. Has refused to submit to a test, or tests, as  
33 required under Section 11-501.1 of this Code and the person  
34 has not sought a hearing as provided for in Section  
35 11-501.1;

36 18. Has, since issuance of a driver's license or

1 permit, been adjudged to be afflicted with or suffering  
2 from any mental disability or disease;

3 19. Has committed a violation of paragraph (a) or (b)  
4 of Section 6-101 relating to driving without a driver's  
5 license;

6 20. Has been convicted of violating Section 6-104  
7 relating to classification of driver's license;

8 21. Has been convicted of violating Section 11-402 of  
9 this Code relating to leaving the scene of an accident  
10 resulting in damage to a vehicle in excess of \$1,000, in  
11 which case the suspension shall be for one year;

12 22. Has used a motor vehicle in violating paragraph  
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
14 the Criminal Code of 1961 relating to unlawful use of  
15 weapons, in which case the suspension shall be for one  
16 year;

17 23. Has, as a driver, been convicted of committing a  
18 violation of paragraph (a) of Section 11-502 of this Code  
19 for a second or subsequent time within one year of a  
20 similar violation;

21 24. Has been convicted by a court-martial or punished  
22 by non-judicial punishment by military authorities of the  
23 United States at a military installation in Illinois of or  
24 for a traffic related offense that is the same as or  
25 similar to an offense specified under Section 6-205 or  
26 6-206 of this Code;

27 25. Has permitted any form of identification to be used  
28 by another in the application process in order to obtain or  
29 attempt to obtain a license, identification card, or  
30 permit;

31 26. Has altered or attempted to alter a license or has  
32 possessed an altered license, identification card, or  
33 permit;

34 27. Has violated Section 6-16 of the Liquor Control Act  
35 of 1934;

36 28. Has been convicted of the illegal possession, while

1 operating or in actual physical control, as a driver, of a  
2 motor vehicle, of any controlled substance prohibited  
3 under the Illinois Controlled Substances Act, any cannabis  
4 prohibited under the Cannabis Control Act, or any  
5 methamphetamine prohibited under the Methamphetamine  
6 Control and Community Protection Act, in which case the  
7 person's driving privileges shall be suspended for one  
8 year, and any driver who is convicted of a second or  
9 subsequent offense, within 5 years of a previous  
10 conviction, for the illegal possession, while operating or  
11 in actual physical control, as a driver, of a motor  
12 vehicle, of any controlled substance prohibited under the  
13 Illinois Controlled Substances Act, any cannabis  
14 prohibited under the Cannabis Control Act, or any  
15 methamphetamine prohibited under the Methamphetamine  
16 Control and Community Protection Act shall be suspended for  
17 5 years. Any defendant found guilty of this offense while  
18 operating a motor vehicle, shall have an entry made in the  
19 court record by the presiding judge that this offense did  
20 occur while the defendant was operating a motor vehicle and  
21 order the clerk of the court to report the violation to the  
22 Secretary of State;

23 29. Has been convicted of the following offenses that  
24 were committed while the person was operating or in actual  
25 physical control, as a driver, of a motor vehicle: criminal  
26 sexual assault, predatory criminal sexual assault of a  
27 child, aggravated criminal sexual assault, criminal sexual  
28 abuse, aggravated criminal sexual abuse, juvenile pimping,  
29 soliciting for a juvenile prostitute and the manufacture,  
30 sale or delivery of controlled substances or instruments  
31 used for illegal drug use or abuse in which case the  
32 driver's driving privileges shall be suspended for one  
33 year;

34 30. Has been convicted a second or subsequent time for  
35 any combination of the offenses named in paragraph 29 of  
36 this subsection, in which case the person's driving

1           privileges shall be suspended for 5 years;

2           31. Has refused to submit to a test as required by  
3           Section 11-501.6 or has submitted to a test resulting in an  
4           alcohol concentration of 0.08 or more or any amount of a  
5           drug, substance, or compound resulting from the unlawful  
6           use or consumption of cannabis as listed in the Cannabis  
7           Control Act, a controlled substance as listed in the  
8           Illinois Controlled Substances Act, or an intoxicating  
9           compound as listed in the Use of Intoxicating Compounds  
10          Act, in which case the penalty shall be as prescribed in  
11          Section 6-208.1;

12          32. Has been convicted of Section 24-1.2 of the  
13          Criminal Code of 1961 relating to the aggravated discharge  
14          of a firearm if the offender was located in a motor vehicle  
15          at the time the firearm was discharged, in which case the  
16          suspension shall be for 3 years;

17          33. Has as a driver, who was less than 21 years of age  
18          on the date of the offense, been convicted a first time of  
19          a violation of paragraph (a) of Section 11-502 of this Code  
20          or a similar provision of a local ordinance;

21          34. Has committed a violation of Section 11-1301.5 of  
22          this Code;

23          35. Has committed a violation of Section 11-1301.6 of  
24          this Code;

25          36. Is under the age of 21 years at the time of arrest  
26          and has been convicted of not less than 2 offenses against  
27          traffic regulations governing the movement of vehicles  
28          committed within any 24 month period. No revocation or  
29          suspension shall be entered more than 6 months after the  
30          date of last conviction;

31          37. Has committed a violation of subsection (c) of  
32          Section 11-907 of this Code;

33          38. Has been convicted of a violation of Section 6-20  
34          of the Liquor Control Act of 1934 or a similar provision of  
35          a local ordinance;

36          39. Has committed a second or subsequent violation of

1 Section 11-1201 of this Code;

2 40. Has committed a violation of subsection (a-1) of  
3 Section 11-908 of this Code; ~~or~~

4 41. Has committed a second or subsequent violation of  
5 Section 11-605.1 of this Code within 2 years of the date of  
6 the previous violation, in which case the suspension shall  
7 be for 90 days; or -

8 42. Has failed to comply with the annual renewal  
9 provisions for driver's licenses issued to sex offenders.

10 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
11 and 27 of this subsection, license means any driver's license,  
12 any traffic ticket issued when the person's driver's license is  
13 deposited in lieu of bail, a suspension notice issued by the  
14 Secretary of State, a duplicate or corrected driver's license,  
15 a probationary driver's license or a temporary driver's  
16 license.

17 (b) If any conviction forming the basis of a suspension or  
18 revocation authorized under this Section is appealed, the  
19 Secretary of State may rescind or withhold the entry of the  
20 order of suspension or revocation, as the case may be, provided  
21 that a certified copy of a stay order of a court is filed with  
22 the Secretary of State. If the conviction is affirmed on  
23 appeal, the date of the conviction shall relate back to the  
24 time the original judgment of conviction was entered and the 6  
25 month limitation prescribed shall not apply.

26 (c) 1. Upon suspending or revoking the driver's license or  
27 permit of any person as authorized in this Section, the  
28 Secretary of State shall immediately notify the person in  
29 writing of the revocation or suspension. The notice to be  
30 deposited in the United States mail, postage prepaid, to  
31 the last known address of the person.

32 2. If the Secretary of State suspends the driver's  
33 license of a person under subsection 2 of paragraph (a) of  
34 this Section, a person's privilege to operate a vehicle as  
35 an occupation shall not be suspended, provided an affidavit  
36 is properly completed, the appropriate fee received, and a

1 permit issued prior to the effective date of the  
2 suspension, unless 5 offenses were committed, at least 2 of  
3 which occurred while operating a commercial vehicle in  
4 connection with the driver's regular occupation. All other  
5 driving privileges shall be suspended by the Secretary of  
6 State. Any driver prior to operating a vehicle for  
7 occupational purposes only must submit the affidavit on  
8 forms to be provided by the Secretary of State setting  
9 forth the facts of the person's occupation. The affidavit  
10 shall also state the number of offenses committed while  
11 operating a vehicle in connection with the driver's regular  
12 occupation. The affidavit shall be accompanied by the  
13 driver's license. Upon receipt of a properly completed  
14 affidavit, the Secretary of State shall issue the driver a  
15 permit to operate a vehicle in connection with the driver's  
16 regular occupation only. Unless the permit is issued by the  
17 Secretary of State prior to the date of suspension, the  
18 privilege to drive any motor vehicle shall be suspended as  
19 set forth in the notice that was mailed under this Section.  
20 If an affidavit is received subsequent to the effective  
21 date of this suspension, a permit may be issued for the  
22 remainder of the suspension period.

23 The provisions of this subparagraph shall not apply to  
24 any driver required to possess a CDL for the purpose of  
25 operating a commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit  
27 required herein shall be guilty of perjury under Section  
28 6-302 and upon conviction thereof shall have all driving  
29 privileges revoked without further rights.

30 3. At the conclusion of a hearing under Section 2-118  
31 of this Code, the Secretary of State shall either rescind  
32 or continue an order of revocation or shall substitute an  
33 order of suspension; or, good cause appearing therefor,  
34 rescind, continue, change, or extend the order of  
35 suspension. If the Secretary of State does not rescind the  
36 order, the Secretary may upon application, to relieve undue

1 hardship, issue a restricted driving permit granting the  
2 privilege of driving a motor vehicle between the  
3 petitioner's residence and petitioner's place of  
4 employment or within the scope of his employment related  
5 duties, or to allow transportation for the petitioner, or a  
6 household member of the petitioner's family, to receive  
7 necessary medical care and if the professional evaluation  
8 indicates, provide transportation for alcohol remedial or  
9 rehabilitative activity, or for the petitioner to attend  
10 classes, as a student, in an accredited educational  
11 institution; if the petitioner is able to demonstrate that  
12 no alternative means of transportation is reasonably  
13 available and the petitioner will not endanger the public  
14 safety or welfare.

15 If a person's license or permit has been revoked or  
16 suspended due to 2 or more convictions of violating Section  
17 11-501 of this Code or a similar provision of a local  
18 ordinance or a similar out-of-state offense, arising out of  
19 separate occurrences, that person, if issued a restricted  
20 driving permit, may not operate a vehicle unless it has  
21 been equipped with an ignition interlock device as defined  
22 in Section 1-129.1.

23 If a person's license or permit has been revoked or  
24 suspended 2 or more times within a 10 year period due to a  
25 single conviction of violating Section 11-501 of this Code  
26 or a similar provision of a local ordinance or a similar  
27 out-of-state offense, and a statutory summary suspension  
28 under Section 11-501.1, or 2 or more statutory summary  
29 suspensions, or combination of 2 offenses, or of an offense  
30 and a statutory summary suspension, arising out of separate  
31 occurrences, that person, if issued a restricted driving  
32 permit, may not operate a vehicle unless it has been  
33 equipped with an ignition interlock device as defined in  
34 Section 1-129.1. The person must pay to the Secretary of  
35 State DUI Administration Fund an amount not to exceed \$20  
36 per month. The Secretary shall establish by rule the amount

1 and the procedures, terms, and conditions relating to these  
2 fees. If the restricted driving permit was issued for  
3 employment purposes, then this provision does not apply to  
4 the operation of an occupational vehicle owned or leased by  
5 that person's employer. In each case the Secretary may  
6 issue a restricted driving permit for a period deemed  
7 appropriate, except that all permits shall expire within  
8 one year from the date of issuance. The Secretary may not,  
9 however, issue a restricted driving permit to any person  
10 whose current revocation is the result of a second or  
11 subsequent conviction for a violation of Section 11-501 of  
12 this Code or a similar provision of a local ordinance  
13 relating to the offense of operating or being in physical  
14 control of a motor vehicle while under the influence of  
15 alcohol, other drug or drugs, intoxicating compound or  
16 compounds, or any similar out-of-state offense, or any  
17 combination of those offenses, until the expiration of at  
18 least one year from the date of the revocation. A  
19 restricted driving permit issued under this Section shall  
20 be subject to cancellation, revocation, and suspension by  
21 the Secretary of State in like manner and for like cause as  
22 a driver's license issued under this Code may be cancelled,  
23 revoked, or suspended; except that a conviction upon one or  
24 more offenses against laws or ordinances regulating the  
25 movement of traffic shall be deemed sufficient cause for  
26 the revocation, suspension, or cancellation of a  
27 restricted driving permit. The Secretary of State may, as a  
28 condition to the issuance of a restricted driving permit,  
29 require the applicant to participate in a designated driver  
30 remedial or rehabilitative program. The Secretary of State  
31 is authorized to cancel a restricted driving permit if the  
32 permit holder does not successfully complete the program.

33 (c-5) The Secretary of State may, as a condition of the  
34 reissuance of a driver's license or permit to an applicant  
35 whose driver's license or permit has been suspended before he  
36 or she reached the age of 18 years pursuant to any of the

1 provisions of this Section, require the applicant to  
2 participate in a driver remedial education course and be  
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the  
5 Drivers License Compact.

6 (e) The Secretary of State shall not issue a restricted  
7 driving permit to a person under the age of 16 years whose  
8 driving privileges have been suspended or revoked under any  
9 provisions of this Code.

10 (f) In accordance with 49 C.F.R. 384, the Secretary of  
11 State may not issue a restricted driving permit for the  
12 operation of a commercial motor vehicle to a person holding a  
13 CDL whose driving privileges have been revoked under any  
14 provisions of this Code.

15 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
16 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
17 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

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

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

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

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

29 (1) A period of probation.

30 (2) A term of periodic imprisonment.

31 (3) A term of conditional discharge.

32 (4) A term of imprisonment.

33 (5) An order directing the offender to clean up and  
34 repair the damage, if the offender was convicted under

1 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
2 (now repealed).

3 (6) A fine.

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

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

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

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

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

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

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

29 (B) Attempted first degree murder.

30 (C) A Class X felony.

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

36 (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  
35 property exceeds \$300.

36 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners  
2 Identification Card Act.

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

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

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

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

12 (S) (Blank).

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

15 (3) (Blank).

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

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraph (4.3) of this  
22 subsection (c), a minimum of 100 hours of community service  
23 shall be imposed for a second violation of Section 6-303 of  
24 the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300  
26 hours of community service, as determined by the court,  
27 shall be imposed for a second violation of subsection (c)  
28 of Section 6-303 of the Illinois Vehicle Code.

29 (4.4) Except as provided in paragraph (4.5) and  
30 paragraph (4.6) of this subsection (c), a minimum term of  
31 imprisonment of 30 days or 300 hours of community service,  
32 as determined by the court, shall be imposed for a third or  
33 subsequent violation of Section 6-303 of the Illinois  
34 Vehicle Code.

35 (4.5) A minimum term of imprisonment of 30 days shall  
36 be imposed for a third violation of subsection (c) of

1 Section 6-303 of the Illinois Vehicle Code.

2 (4.6) A minimum term of imprisonment of 180 days shall  
3 be imposed for a fourth or subsequent violation of  
4 subsection (c) of Section 6-303 of the Illinois Vehicle  
5 Code.

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

9 (A) a period of conditional discharge;

10 (B) a fine;

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

13 (5.1) In addition to any penalties imposed under  
14 paragraph (5) of this subsection (c), and except as  
15 provided in paragraph (5.2) or (5.3), a person convicted of  
16 violating subsection (c) of Section 11-907 of the Illinois  
17 Vehicle Code shall have his or her driver's license,  
18 permit, or privileges suspended for at least 90 days but  
19 not more than one year, if the violation resulted in damage  
20 to the property of another person.

21 (5.2) In addition to any penalties imposed under  
22 paragraph (5) of this subsection (c), and except as  
23 provided in paragraph (5.3), a person convicted of  
24 violating subsection (c) of Section 11-907 of the Illinois  
25 Vehicle Code shall have his or her driver's license,  
26 permit, or privileges suspended for at least 180 days but  
27 not more than 2 years, if the violation resulted in injury  
28 to another person.

29 (5.3) In addition to any penalties imposed under  
30 paragraph (5) of this subsection (c), a person convicted of  
31 violating subsection (c) of Section 11-907 of the Illinois  
32 Vehicle Code shall have his or her driver's license,  
33 permit, or privileges suspended for 2 years, if the  
34 violation resulted in the death of another person.

35 (6) In no case shall an offender be eligible for a  
36 disposition of probation or conditional discharge for a

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

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

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

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

26 (10) (Blank).

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

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

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

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

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

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

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

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

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

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

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

13 and

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

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

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

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

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

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

1 taxed as costs against the convicted defendant.

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

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

1 the Criminal Code of 1961 against the defendant. The court  
2 shall order that the cost of any such test shall be paid by the  
3 county and may be taxed as costs against the convicted  
4 defendant.

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

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

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

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

36 (l) (A) Except as provided in paragraph (C) of subsection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 Section 99. Effective date. This Act takes effect on  
33 January 1, 2007.