

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, and 6-201 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 Section 10. The Unified Code of Corrections is amended by
29 changing Section 5-5-3 as follows:

30 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

31 Sec. 5-5-3. Disposition.

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

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

5 (1) A period of probation.

6 (2) A term of periodic imprisonment.

7 (3) A term of conditional discharge.

8 (4) A term of imprisonment.

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12 (now repealed).

13 (6) A fine.

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

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

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

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

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

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

1 (A) First degree murder where the death penalty is
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

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

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

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

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

24 (H) Criminal sexual assault.

25 (I) Aggravated battery of a senior citizen.

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

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

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

1 Terrorism Omnibus Prevention Act.

2 (K) Vehicular hijacking.

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

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

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

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

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

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

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

22 (S) (Blank).

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

25 (3) (Blank).

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

30 (4.1) (Blank).

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

35 (4.3) A minimum term of imprisonment of 30 days or 300
36 hours of community service, as determined by the court,

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

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

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

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

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

19 (A) a period of conditional discharge;

20 (B) a fine;

21 (C) make restitution to the victim under Section
22 5-5-6 of this Code.

23 (5.1) In addition to any penalties imposed under
24 paragraph (5) of this subsection (c), and except as
25 provided in paragraph (5.2) or (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois
27 Vehicle Code shall have his or her driver's license,
28 permit, or privileges suspended for at least 90 days but
29 not more than one year, if the violation resulted in damage
30 to the property of another person.

31 (5.2) In addition to any penalties imposed under
32 paragraph (5) of this subsection (c), and except as
33 provided in paragraph (5.3), a person convicted of
34 violating subsection (c) of Section 11-907 of the Illinois
35 Vehicle Code shall have his or her driver's license,
36 permit, or privileges suspended for at least 180 days but

1 not more than 2 years, if the violation resulted in injury
2 to another person.

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

9 (6) In no case shall an offender be eligible for a
10 disposition of probation or conditional discharge for a
11 Class 1 felony committed while he was serving a term of
12 probation or conditional discharge for a felony.

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

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

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

36 (10) (Blank).

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

18 (12) A person may not receive a disposition of court
19 supervision for a violation of Section 5-16 of the Boat
20 Registration and Safety Act if that person has previously
21 received a disposition of court supervision for a violation
22 of that Section.

23 (d) In any case in which a sentence originally imposed is
24 vacated, the case shall be remanded to the trial court. The
25 trial court shall hold a hearing under Section 5-4-1 of the
26 Unified Code of Corrections which may include evidence of the
27 defendant's life, moral character and occupation during the
28 time since the original sentence was passed. The trial court
29 shall then impose sentence upon the defendant. The trial court
30 may impose any sentence which could have been imposed at the
31 original trial subject to Section 5-5-4 of the Unified Code of
32 Corrections. If a sentence is vacated on appeal or on
33 collateral attack due to the failure of the trier of fact at
34 trial to determine beyond a reasonable doubt the existence of a
35 fact (other than a prior conviction) necessary to increase the
36 punishment for the offense beyond the statutory maximum

1 otherwise applicable, either the defendant may be re-sentenced
2 to a term within the range otherwise provided or, if the State
3 files notice of its intention to again seek the extended
4 sentence, the defendant shall be afforded a new trial.

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

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

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

15 (B) the defendant is willing to participate in a
16 court approved plan including but not limited to the
17 defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

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

23 and

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

26 (2) the court orders the defendant to pay for the
27 victim's counseling services, to the extent that the court
28 finds, after considering the defendant's income and
29 assets, that the defendant is financially capable of paying
30 for such services, if the victim was under 18 years of age
31 at the time the offense was committed and requires
32 counseling as a result of the offense.

33 Probation may be revoked or modified pursuant to Section
34 5-6-4; except where the court determines at the hearing that
35 the defendant violated a condition of his or her probation
36 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family
2 members, the court shall revoke the defendant's probation and
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 12-12 of the Criminal Code of 1961.

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

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

1 Public Health facilities to all parties to whom the results of
2 the testing are revealed and shall direct the State's Attorney
3 to provide the information to the victim when possible. A
4 State's Attorney may petition the court to obtain the results
5 of any HIV test administered under this Section, and the court
6 shall grant the disclosure if the State's Attorney shows it is
7 relevant in order to prosecute a charge of criminal
8 transmission of HIV under Section 12-16.2 of the Criminal Code
9 of 1961 against the defendant. The court shall order that the
10 cost of any such test shall be paid by the county and may be
11 taxed as costs against the convicted defendant.

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

22 (h) Whenever a defendant is convicted of an offense under
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
24 defendant shall undergo medical testing to determine whether
25 the defendant has been exposed to human immunodeficiency virus
26 (HIV) or any other identified causative agent of acquired
27 immunodeficiency syndrome (AIDS). Except as otherwise provided
28 by law, the results of such test shall be kept strictly
29 confidential by all medical personnel involved in the testing
30 and must be personally delivered in a sealed envelope to the
31 judge of the court in which the conviction was entered for the
32 judge's inspection in camera. Acting in accordance with the
33 best interests of the public, the judge shall have the
34 discretion to determine to whom, if anyone, the results of the
35 testing may be revealed. The court shall notify the defendant
36 of a positive test showing an infection with the human

1 immunodeficiency virus (HIV). The court shall provide
2 information on the availability of HIV testing and counseling
3 at Department of Public Health facilities to all parties to
4 whom the results of the testing are revealed and shall direct
5 the State's Attorney to provide the information to the victim
6 when possible. A State's Attorney may petition the court to
7 obtain the results of any HIV test administered under this
8 Section, and the court shall grant the disclosure if the
9 State's Attorney shows it is relevant in order to prosecute a
10 charge of criminal transmission of HIV under Section 12-16.2 of
11 the Criminal Code of 1961 against the defendant. The court
12 shall order that the cost of any such test shall be paid by the
13 county and may be taxed as costs against the convicted
14 defendant.

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

22 (j) In cases when prosecution for any violation of Section
23 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
25 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
26 Code of 1961, any violation of the Illinois Controlled
27 Substances Act, any violation of the Cannabis Control Act, or
28 any violation of the Methamphetamine Control and Community
29 Protection Act results in conviction, a disposition of court
30 supervision, or an order of probation granted under Section 10
31 of the Cannabis Control Act, Section 410 of the Illinois
32 Controlled Substance Act, or Section 70 of the Methamphetamine
33 Control and Community Protection Act of a defendant, the court
34 shall determine whether the defendant is employed by a facility
35 or center as defined under the Child Care Act of 1969, a public
36 or private elementary or secondary school, or otherwise works

1 with children under 18 years of age on a daily basis. When a
2 defendant is so employed, the court shall order the Clerk of
3 the Court to send a copy of the judgment of conviction or order
4 of supervision or probation to the defendant's employer by
5 certified mail. If the employer of the defendant is a school,
6 the Clerk of the Court shall direct the mailing of a copy of
7 the judgment of conviction or order of supervision or probation
8 to the appropriate regional superintendent of schools. The
9 regional superintendent of schools shall notify the State Board
10 of Education of any notification under this subsection.

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

1 subsection (j-5) does not apply to a defendant who has a high
2 school diploma or has successfully passed the GED test. This
3 subsection (j-5) does not apply to a defendant who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational or
6 vocational program.

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

10 (l) (A) Except as provided in paragraph (C) of subsection
11 (l), whenever a defendant, who is an alien as defined by
12 the Immigration and Nationality Act, is convicted of any
13 felony or misdemeanor offense, the court after sentencing
14 the defendant may, upon motion of the State's Attorney,
15 hold sentence in abeyance and remand the defendant to the
16 custody of the Attorney General of the United States or his
17 or her designated agent to be deported when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under
20 the Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct
23 and would not be inconsistent with the ends of justice.

24 Otherwise, the defendant shall be sentenced as
25 provided in this Chapter V.

26 (B) If the defendant has already been sentenced for a
27 felony or misdemeanor offense, or has been placed on
28 probation under Section 10 of the Cannabis Control Act,
29 Section 410 of the Illinois Controlled Substances Act, or
30 Section 70 of the Methamphetamine Control and Community
31 Protection Act, the court may, upon motion of the State's
32 Attorney to suspend the sentence imposed, commit the
33 defendant to the custody of the Attorney General of the
34 United States or his or her designated agent when:

35 (1) a final order of deportation has been issued
36 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

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

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

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

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

24 (n) The court may sentence a person convicted of a
25 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
26 Code of 1961 (i) to an impact incarceration program if the
27 person is otherwise eligible for that program under Section
28 5-8-1.1, (ii) to community service, or (iii) if the person is
29 an addict or alcoholic, as defined in the Alcoholism and Other
30 Drug Abuse and Dependency Act, to a substance or alcohol abuse
31 program licensed under that Act.

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

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

6 Section 99. Effective date. This Act takes effect on
7 January 1, 2007.