



Sen. Edward Petka

Filed: 2/27/2006

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1 AMENDMENT TO SENATE BILL 2962

2 AMENDMENT NO. _____. Amend Senate Bill 2962, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

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

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

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

24 (b-5) Any person who commits a violation of subsection (a)

1 or (b) of this Section is guilty of a Class A misdemeanor, if
2 at the time of the violation the person's driver's license or
3 permit was cancelled under clause (a)9 of Section 6-201 of this
4 Code.

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

9 (d) In addition to other penalties imposed under this
10 Section, any person in violation of this Section who is also in
11 violation of Section 7-601 of this Code relating to mandatory
12 insurance requirements shall have his or her motor vehicle
13 immediately impounded by the arresting law enforcement
14 officer. The motor vehicle may be released to any licensed
15 driver upon a showing of proof of insurance for the motor
16 vehicle that was impounded and the notarized written consent
17 for the release by the vehicle owner.

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

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

33 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

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

2 (a) Except as provided elsewhere in this Section, every
3 driver's license issued under the provisions of this Code shall
4 expire 4 years from the date of its issuance, or at such later
5 date, as the Secretary of State may by proper rule and
6 regulation designate, not to exceed 12 calendar months; in the
7 event that an applicant for renewal of a driver's license fails
8 to apply prior to the expiration date of the previous driver's
9 license, the renewal driver's license shall expire 4 years from
10 the expiration date of the previous driver's license, or at
11 such later date as the Secretary of State may by proper rule
12 and regulation designate, not to exceed 12 calendar months.

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

18 The Secretary of State is authorized to issue driver's
19 licenses during the years 1984 through 1987 which shall expire
20 not less than 3 years nor more than 5 years from the date of
21 issuance, except as provided elsewhere in this Section, for the
22 purpose of converting all driver's licenses issued under this
23 Code to a 4 year expiration. Provided that all original
24 driver's licenses, except as provided elsewhere in this
25 Section, shall expire not less than 4 years nor more than 5
26 years from the date of issuance.

27 (b) Before the expiration of a driver's license, except
28 those licenses expiring on the individual's 21st birthday, or 3
29 months after the individual's 21st birthday, the holder thereof
30 may apply for a renewal thereof, subject to all the provisions
31 of Section 6-103, and the Secretary of State may require an
32 examination of the applicant. A licensee whose driver's license
33 expires on his 21st birthday, or 3 months after his 21st
34 birthday, may not apply for a renewal of his driving privileges

1 until he reaches the age of 21.

2 (c) The Secretary of State shall, 30 days prior to the
3 expiration of a driver's license, forward to each person whose
4 license is to expire a notification of the expiration of said
5 license which may be presented at the time of renewal of said
6 license.

7 There may be included with such notification information
8 explaining the anatomical gift and Emergency Medical
9 Information Card provisions of Section 6-110. The format and
10 text of such information shall be prescribed by the Secretary.

11 There shall be included with such notification, for a
12 period of 4 years beginning January 1, 2000 information
13 regarding the Illinois Adoption Registry and Medical
14 Information Exchange established in Section 18.1 of the
15 Adoption Act.

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

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

26 (f) The Secretary shall provide that each original or
27 renewal driver's license issued to a licensee under 21 years of
28 age shall expire 3 months after the licensee's 21st birthday.
29 Persons whose current driver's licenses expire on their 21st
30 birthday on or after January 1, 1986 shall not renew their
31 driver's license before their 21st birthday, and their current
32 driver's license will be extended for an additional term of 3
33 months beyond their 21st birthday. Thereafter, the expiration
34 and term of the driver's license shall be governed by

1 subsection (a) hereof.

2 (g) The Secretary shall provide that each original or
3 renewal driver's license issued to a licensee 81 years of age
4 through age 86 shall expire 2 years from the date of issuance,
5 or at such later date as the Secretary may by rule and
6 regulation designate, not to exceed an additional 12 calendar
7 months. The Secretary shall also provide that each original or
8 renewal driver's license issued to a licensee 87 years of age
9 or older shall expire 12 months from the date of issuance, or
10 at such later date as the Secretary may by rule and regulation
11 designate, not to exceed an additional 12 calendar months.

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

17 (i) The Secretary of State shall provide that each driver's
18 license issued to a person convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act shall
20 expire 12 months form the date of issuance or at such date as
21 the Secretary may by rule designate, not to exceed an
22 additional 12 calendar months. The Secretary may adopt rules
23 defining renewal requirements.

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

25 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

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

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

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

30 or

31 2. failed to give the required or correct information
32 in his application; or

33 3. failed to pay any fees, civil penalties owed to the

1 Illinois Commerce Commission, or taxes due under this Act
2 and upon reasonable notice and demand; or

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

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

7 6. has refused or neglected to submit an alcohol, drug,
8 and intoxicating compound evaluation or to submit to
9 examination or re-examination as required under this Act;
10 or

11 7. has been convicted of violating the Cannabis Control
12 Act, the Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act, or
14 the Use of Intoxicating Compounds Act while that individual
15 was in actual physical control of a motor vehicle. For
16 purposes of this Section, any person placed on probation
17 under Section 10 of the Cannabis Control Act, Section 410
18 of the Illinois Controlled Substances Act, or Section 70 of
19 the Methamphetamine Control and Community Protection Act
20 shall not be considered convicted. Any person found guilty
21 of this offense, while in actual physical control of a
22 motor vehicle, shall have an entry made in the court record
23 by the judge that this offense did occur while the person
24 was in actual physical control of a motor vehicle and order
25 the clerk of the court to report the violation to the
26 Secretary of State as such. After the cancellation, the
27 Secretary of State shall not issue a new license or permit
28 for a period of one year after the date of cancellation.
29 However, upon application, the Secretary of State may, if
30 satisfied that the person applying will not endanger the
31 public safety, or welfare, issue a restricted driving
32 permit granting the privilege of driving a motor vehicle
33 between the person's residence and person's place of
34 employment or within the scope of the person's employment

1 related duties, or to allow transportation for the person
2 or a household member of the person's family for the
3 receipt of necessary medical care or, if the professional
4 evaluation indicates, provide transportation for the
5 petitioner for alcohol remedial or rehabilitative
6 activity, or for the person to attend classes, as a
7 student, in an accredited educational institution; if the
8 person is able to demonstrate that no alternative means of
9 transportation is reasonably available; provided that the
10 Secretary's discretion shall be limited to cases where
11 undue hardship would result from a failure to issue such
12 restricted driving permit. In each case the Secretary of
13 State may issue such restricted driving permit for such
14 period as he deems appropriate, except that such permit
15 shall expire within one year from the date of issuance. A
16 restricted driving permit issued hereunder shall be
17 subject to cancellation, revocation and suspension by the
18 Secretary of State in like manner and for like cause as a
19 driver's license issued hereunder may be cancelled,
20 revoked or suspended; except that a conviction upon one or
21 more offenses against laws or ordinances regulating the
22 movement of traffic shall be deemed sufficient cause for
23 the revocation, suspension or cancellation of a restricted
24 driving permit. The Secretary of State may, as a condition
25 to the issuance of a restricted driving permit, require the
26 applicant to participate in a driver remedial or
27 rehabilitative program; ~~or~~

28 8. failed to submit a report as required by Section
29 6-116.5 of this Code; or ~~-~~

30 9. has been convicted of a sex offense as defined in
31 the Sex Offender Registration Act. The driver's license
32 shall remain cancelled until the driver registers as a sex
33 offender as required by the Sex Offender Registration Act,
34 proof of the registration is furnished to the Secretary of

1 State and the sex offender provides proof of current
2 address to the Secretary.

3 (b) Upon such cancellation the licensee or permittee must
4 surrender the license or permit so cancelled to the Secretary
5 of State.

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

10 (d) The Secretary of State may adopt rules to implement
11 this Section.

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

13 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

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

28 3. Has been repeatedly involved as a driver in motor
29 vehicle collisions or has been repeatedly convicted of
30 offenses against laws and ordinances regulating the
31 movement of traffic, to a degree that indicates lack of
32 ability to exercise ordinary and reasonable care in the
33 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the
2 highway;

3 4. Has by the unlawful operation of a motor vehicle
4 caused or contributed to an accident resulting in death or
5 injury requiring immediate professional treatment in a
6 medical facility or doctor's office to any person, except
7 that any suspension or revocation imposed by the Secretary
8 of State under the provisions of this subsection shall
9 start no later than 6 months after being convicted of
10 violating a law or ordinance regulating the movement of
11 traffic, which violation is related to the accident, or
12 shall start not more than one year after the date of the
13 accident, whichever date occurs later;

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

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

20 7. Has refused or failed to submit to an examination
21 provided for by Section 6-207 or has failed to pass the
22 examination;

23 8. Is ineligible for a driver's license or permit under
24 the provisions of Section 6-103;

25 9. Has made a false statement or knowingly concealed a
26 material fact or has used false information or
27 identification in any application for a license,
28 identification card, or permit;

29 10. Has possessed, displayed, or attempted to
30 fraudulently use any license, identification card, or
31 permit not issued to the person;

32 11. Has operated a motor vehicle upon a highway of this
33 State when the person's driving privilege or privilege to
34 obtain a driver's license or permit was revoked or

1 suspended unless the operation was authorized by a judicial
2 driving permit, probationary license to drive, or a
3 restricted driving permit issued under this Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

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

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

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

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

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering
27 from any mental disability or disease;

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

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

33 21. Has been convicted of violating Section 11-402 of
34 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

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

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

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois of or
15 for a traffic related offense that is the same as or
16 similar to an offense specified under Section 6-205 or
17 6-206 of this Code;

18 25. Has permitted any form of identification to be used
19 by another in the application process in order to obtain or
20 attempt to obtain a license, identification card, or
21 permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. Has violated Section 6-16 of the Liquor Control Act
26 of 1934;

27 28. Has been convicted of the illegal possession, while
28 operating or in actual physical control, as a driver, of a
29 motor vehicle, of any controlled substance prohibited
30 under the Illinois Controlled Substances Act, any cannabis
31 prohibited under the Cannabis Control Act, or any
32 methamphetamine prohibited under the Methamphetamine
33 Control and Community Protection Act, in which case the
34 person's driving privileges shall be suspended for one

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

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

27 30. Has been convicted a second or subsequent time for
28 any combination of the offenses named in paragraph 29 of
29 this subsection, in which case the person's driving
30 privileges shall be suspended for 5 years;

31 31. Has refused to submit to a test as required by
32 Section 11-501.6 or has submitted to a test resulting in an
33 alcohol concentration of 0.08 or more or any amount of a
34 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, or an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, in which case the penalty shall be as prescribed in
6 Section 6-208.1;

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

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

16 34. Has committed a violation of Section 11-1301.5 of
17 this Code;

18 35. Has committed a violation of Section 11-1301.6 of
19 this Code;

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

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

28 38. Has been convicted of a violation of Section 6-20
29 of the Liquor Control Act of 1934 or a similar provision of
30 a local ordinance;

31 39. Has committed a second or subsequent violation of
32 Section 11-1201 of this Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

24 If a person's license or permit has been revoked or
25 suspended 2 or more times within a 10 year period due to a
26 single conviction of violating Section 11-501 of this Code
27 or a similar provision of a local ordinance or a similar
28 out-of-state offense, and a statutory summary suspension
29 under Section 11-501.1, or 2 or more statutory summary
30 suspensions, or combination of 2 offenses, or of an offense
31 and a statutory summary suspension, arising out of separate
32 occurrences, that person, if issued a restricted driving
33 permit, may not operate a vehicle unless it has been
34 equipped with an ignition interlock device as defined in

1 Section 1-129.1. The person must pay to the Secretary of
2 State DUI Administration Fund an amount not to exceed \$20
3 per month. The Secretary shall establish by rule the amount
4 and the procedures, terms, and conditions relating to these
5 fees. If the restricted driving permit was issued for
6 employment purposes, then this provision does not apply to
7 the operation of an occupational vehicle owned or leased by
8 that person's employer. In each case the Secretary may
9 issue a restricted driving permit for a period deemed
10 appropriate, except that all permits shall expire within
11 one year from the date of issuance. The Secretary may not,
12 however, issue a restricted driving permit to any person
13 whose current revocation is the result of a second or
14 subsequent conviction for a violation of Section 11-501 of
15 this Code or a similar provision of a local ordinance
16 relating to the offense of operating or being in physical
17 control of a motor vehicle while under the influence of
18 alcohol, other drug or drugs, intoxicating compound or
19 compounds, or any similar out-of-state offense, or any
20 combination of those offenses, until the expiration of at
21 least one year from the date of the revocation. A
22 restricted driving permit issued under this Section shall
23 be subject to cancellation, revocation, and suspension by
24 the Secretary of State in like manner and for like cause as
25 a driver's license issued under this Code may be cancelled,
26 revoked, or suspended; except that a conviction upon one or
27 more offenses against laws or ordinances regulating the
28 movement of traffic shall be deemed sufficient cause for
29 the revocation, suspension, or cancellation of a
30 restricted driving permit. The Secretary of State may, as a
31 condition to the issuance of a restricted driving permit,
32 require the applicant to participate in a designated driver
33 remedial or rehabilitative program. The Secretary of State
34 is authorized to cancel a restricted driving permit if the

1 permit holder does not successfully complete the program.

2 (c-5) The Secretary of State may, as a condition of the
3 reissuance of a driver's license or permit to an applicant
4 whose driver's license or permit has been suspended before he
5 or she reached the age of 18 years pursuant to any of the
6 provisions of this Section, require the applicant to
7 participate in a driver remedial education course and be
8 retested under Section 6-109 of this Code.

9 (d) This Section is subject to the provisions of the
10 Drivers License Compact.

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

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

20 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
21 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
22 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

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

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

26 Sec. 5-5-3. Disposition.

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

30 (b) The following options shall be appropriate
31 dispositions, alone or in combination, for all felonies and
32 misdemeanors other than those identified in subsection (c) of

1 this Section:

2 (1) A period of probation.

3 (2) A term of periodic imprisonment.

4 (3) A term of conditional discharge.

5 (4) A term of imprisonment.

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

10 (6) A fine.

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

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

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

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

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

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

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

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

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

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

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

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

23 (H) Criminal sexual assault.

24 (I) Aggravated battery of a senior citizen.

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

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

33 Beginning July 1, 1994, for the purposes of this
34 paragraph, "organized gang" has the meaning ascribed

1 to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (K) Vehicular hijacking.

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

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

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

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

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

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

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

23 (S) (Blank).

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

26 (3) (Blank).

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

31 (4.1) (Blank).

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

1 the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court,
4 shall be imposed for a second violation of subsection (c)
5 of Section 6-303 of the Illinois Vehicle Code.

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

12 (4.5) A minimum term of imprisonment of 30 days shall
13 be imposed for a third violation of subsection (c) of
14 Section 6-303 of the Illinois Vehicle Code.

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

19 (5) The court may sentence an offender convicted of a
20 business offense or a petty offense or a corporation or
21 unincorporated association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

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

34 (5.2) In addition to any penalties imposed under

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

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

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

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

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

1 this paragraph is not eligible to apply for treatment as a
2 condition of probation as provided by Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

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

7 (10) (Blank).

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

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

30 (d) In any case in which a sentence originally imposed is
31 vacated, the case shall be remanded to the trial court. The
32 trial court shall hold a hearing under Section 5-4-1 of the
33 Unified Code of Corrections which may include evidence of the
34 defendant's life, moral character and occupation during the

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

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

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

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

24 (B) the defendant is willing to participate in a
25 court approved plan including but not limited to the
26 defendant's:

27 (i) removal from the household;

28 (ii) restricted contact with the victim;

29 (iii) continued financial support of the
30 family;

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

32 and

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

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

8 Probation may be revoked or modified pursuant to Section
9 5-6-4; except where the court determines at the hearing that
10 the defendant violated a condition of his or her probation
11 restricting contact with the victim or other family members or
12 commits another offense with the victim or other family
13 members, the court shall revoke the defendant's probation and
14 impose a term of imprisonment.

15 For the purposes of this Section, "family member" and
16 "victim" shall have the meanings ascribed to them in Section
17 12-12 of the Criminal Code of 1961.

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

22 (g) Whenever a defendant is convicted of an offense under
23 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
24 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
25 of the Criminal Code of 1961, the defendant shall undergo
26 medical testing to determine whether the defendant has any
27 sexually transmissible disease, including a test for infection
28 with human immunodeficiency virus (HIV) or any other identified
29 causative agent of acquired immunodeficiency syndrome (AIDS).
30 Any such medical test shall be performed only by appropriately
31 licensed medical practitioners and may include an analysis of
32 any bodily fluids as well as an examination of the defendant's
33 person. Except as otherwise provided by law, the results of
34 such test shall be kept strictly confidential by all medical

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

25 (g-5) When an inmate is tested for an airborne communicable
26 disease, as determined by the Illinois Department of Public
27 Health including but not limited to tuberculosis, the results
28 of the test shall be personally delivered by the warden or his
29 or her designee in a sealed envelope to the judge of the court
30 in which the inmate must appear for the judge's inspection in
31 camera if requested by the judge. Acting in accordance with the
32 best interests of those in the courtroom, the judge shall have
33 the discretion to determine what if any precautions need to be
34 taken to prevent transmission of the disease in the courtroom.

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

30 (i) All fines and penalties imposed under this Section for
31 any violation of Chapters 3, 4, 6, and 11 of the Illinois
32 Vehicle Code, or a similar provision of a local ordinance, and
33 any violation of the Child Passenger Protection Act, or a
34 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (j) In cases when prosecution for any violation of Section
4 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
7 Code of 1961, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substance Act, or Section 70 of the Methamphetamine
14 Control and Community Protection Act of a defendant, the court
15 shall determine whether the defendant is employed by a facility
16 or center as defined under the Child Care Act of 1969, a public
17 or private elementary or secondary school, or otherwise works
18 with children under 18 years of age on a daily basis. When a
19 defendant is so employed, the court shall order the Clerk of
20 the Court to send a copy of the judgment of conviction or order
21 of supervision or probation to the defendant's employer by
22 certified mail. If the employer of the defendant is a school,
23 the Clerk of the Court shall direct the mailing of a copy of
24 the judgment of conviction or order of supervision or probation
25 to the appropriate regional superintendent of schools. The
26 regional superintendent of schools shall notify the State Board
27 of Education of any notification under this subsection.

28 (j-5) A defendant at least 17 years of age who is convicted
29 of a felony and who has not been previously convicted of a
30 misdemeanor or felony and who is sentenced to a term of
31 imprisonment in the Illinois Department of Corrections shall as
32 a condition of his or her sentence be required by the court to
33 attend educational courses designed to prepare the defendant
34 for a high school diploma and to work toward a high school

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

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

29 (l) (A) Except as provided in paragraph (C) of subsection
30 (l), whenever a defendant, who is an alien as defined by
31 the Immigration and Nationality Act, is convicted of any
32 felony or misdemeanor offense, the court after sentencing
33 the defendant may, upon motion of the State's Attorney,
34 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

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

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

9 Otherwise, the defendant shall be sentenced as
10 provided in this Chapter V.

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

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

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

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

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

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

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

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

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

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

29 Section 99. Effective date. This Act takes effect on
30 January 1, 2007."