



Rep. Dennis M. Reboletti

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1 AMENDMENT TO HOUSE BILL 2862

2 AMENDMENT NO. _____. Amend House Bill 2862 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 24-3.5 as follows:

6 (720 ILCS 5/24-3.5)

7 Sec. 24-3.5. Unlawful purchase of a firearm.

8 (a) For purposes of this Section, "firearms transaction
9 record form" means a form:

10 (1) executed by a transferee of a firearm stating: (i)
11 the transferee's name and address (including county or
12 similar political subdivision); (ii) whether the
13 transferee is a citizen of the United States; (iii) the
14 transferee's State of residence; and (iv) the date and
15 place of birth, height, weight, and race of the transferee;
16 and

1 (2) on which the transferee certifies that he or she is
2 not prohibited by federal law from transporting or shipping
3 a firearm in interstate or foreign commerce or receiving a
4 firearm that has been shipped or transported in interstate
5 or foreign commerce or possessing a firearm in or affecting
6 commerce.

7 (b) A person commits the offense of unlawful purchase of a
8 firearm who knowingly purchases or attempts to purchase a
9 firearm with the intent to deliver that firearm to another
10 person who is prohibited by federal or State law from
11 possessing a firearm.

12 (c) A person commits the offense of unlawful purchase of a
13 firearm when he or she, in purchasing or attempting to purchase
14 a firearm, intentionally provides false or misleading
15 information on a United States Department of the Treasury,
16 Bureau of Alcohol, Tobacco and Firearms firearms transaction
17 record form.

18 (d) Exemption. It is not a violation of subsection (b) of
19 this Section for a person to make a gift or loan of a firearm to
20 a person who is not prohibited by federal or State law from
21 possessing a firearm if the transfer of the firearm is made in
22 accordance with Section 3 of the Firearm Owners Identification
23 Card Act.

24 (e) Sentence.

25 (1) Except as otherwise provided in paragraph (1.5) of
26 this subsection (e), a ~~A~~ person who commits the offense of

1 unlawful purchase of a firearm:

2 (A) is guilty of a Class 4 felony for purchasing or
3 attempting to purchase one firearm;

4 (B) is guilty of a Class 3 felony for purchasing or
5 attempting to purchase not less than 2 firearms and not
6 more than 5 firearms at the same time or within a one
7 year period;

8 (C) is guilty of a Class 2 felony for purchasing or
9 attempting to purchase not less than 6 firearms and not
10 more than 10 firearms at the same time or within a 2
11 year period;

12 (D) is guilty of a Class 1 felony for purchasing or
13 attempting to purchase not less than 11 firearms and
14 not more than 20 firearms at the same time or within a
15 3 year period;

16 (E) is guilty of a Class X felony for which the
17 person shall be sentenced to a term of imprisonment of
18 not less than 6 years and not more than 30 years for
19 purchasing or attempting to purchase not less than 21
20 firearms and not more than 30 firearms at the same time
21 or within a 4 year period;

22 (F) is guilty of a Class X felony for which the
23 person shall be sentenced to a term of imprisonment of
24 not less than 6 years and not more than 40 years for
25 purchasing or attempting to purchase not less than 31
26 firearms and not more than 40 firearms at the same time

1 or within a 5 year period;

2 (G) is guilty of a Class X felony for which the
3 person shall be sentenced to a term of imprisonment of
4 not less than 6 years and not more than 50 years for
5 purchasing or attempting to purchase more than 40
6 firearms at the same time or within a 6 year period.

7 (1.5) A person who commits the offense of unlawful
8 purchase of a firearm is guilty of a Class 1
9 non-probationable felony if any firearm that is purchased
10 is used to commit an act of domestic violence as defined in
11 Section 112A-3 of the Code of Criminal Procedure of 1963.

12 (2) In addition to any other penalty that may be
13 imposed for a violation of this Section, the court may
14 sentence a person convicted of a violation of subsection
15 (c) of this Section to a fine not to exceed \$250,000 for
16 each violation.

17 (f) A prosecution for unlawful purchase of a firearm may be
18 commenced within 6 years after the commission of the offense.

19 (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)

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

22 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

23 (Text of Section after amendment by P.A. 95-579)

24 Sec. 5-5-3. Disposition.

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

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

8 (1) A period of probation.

9 (2) A term of periodic imprisonment.

10 (3) A term of conditional discharge.

11 (4) A term of imprisonment.

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

16 (6) A fine.

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

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

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

25 Neither a fine nor restitution shall be the sole
26 disposition for a felony and either or both may be imposed only

1 in conjunction with another disposition.

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

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

14 (A) First degree murder where the death penalty is
15 not imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the
19 Illinois Controlled Substances Act, or a violation of
20 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
21 of that Act which relates to more than 5 grams of a
22 substance containing heroin, cocaine, fentanyl, or an
23 analog thereof.

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

26 (F) A Class 2 or greater felony if the offender had

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

6 (F-5) A violation of Section 24-1, 24-1.1, or
7 24-1.6 of the Criminal Code of 1961 for which
8 imprisonment is prescribed in those Sections.

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

12 (H) Criminal sexual assault.

13 (I) Aggravated battery of a senior citizen.

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

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

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

26 (K) Vehicular hijacking.

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

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

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

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

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

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

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

20 (S) (Blank).

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

23 (U) A second or subsequent violation of Section
24 6-303 of the Illinois Vehicle Code committed while his
25 or her driver's license, permit, or privilege was
26 revoked because of a violation of Section 9-3 of the

1 Criminal Code of 1961, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state.

4 (V) ~~(U)~~ A violation of paragraph (4) of subsection
5 (c) of Section 11-20.3 of the Criminal Code of 1961.

6 (W) A violation of Section 24-3.5 of the Criminal
7 Code of 1961 if any firearm that is purchased is used
8 to commit an act of domestic violence as defined in
9 Section 112A-3 of the Code of Criminal Procedure of
10 1963.

11 (3) (Blank).

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

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8)
18 of this subsection (c), a minimum of 100 hours of community
19 service shall be imposed for a second violation of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300
22 hours of community service, as determined by the court,
23 shall be imposed for a second violation of subsection (c)
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6),
26 and (4.9) of this subsection (c), a minimum term of

1 imprisonment of 30 days or 300 hours of community service,
2 as determined by the court, shall be imposed for a third or
3 subsequent violation of Section 6-303 of the Illinois
4 Vehicle Code.

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

8 (4.6) Except as provided in paragraph (4.10) of this
9 subsection (c), a minimum term of imprisonment of 180 days
10 shall be imposed for a fourth or subsequent violation of
11 subsection (c) of Section 6-303 of the Illinois Vehicle
12 Code.

13 (4.7) A minimum term of imprisonment of not less than
14 30 consecutive days, or 300 hours of community service,
15 shall be imposed for a violation of subsection (a-5) of
16 Section 6-303 of the Illinois Vehicle Code, as provided in
17 subsection (b-5) of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for
19 a second violation of subsection (a-5) of Section 6-303 of
20 the Illinois Vehicle Code, as provided in subsection (c-5)
21 of that Section. The person's driving privileges shall be
22 revoked for a period of not less than 5 years from the date
23 of his or her release from prison.

24 (4.9) A mandatory prison sentence of not less than 4
25 and not more than 15 years shall be imposed for a third
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-2.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony
5 shall be imposed, and the person shall be eligible for an
6 extended term sentence, for a fourth or subsequent
7 violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (d-3.5) of
9 that Section. The person's driving privileges shall be
10 revoked for the remainder of his or her life.

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

14 (A) a period of conditional discharge;

15 (B) a fine;

16 (C) make restitution to the victim under Section
17 5-5-6 of this Code.

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

26 (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 (5.4) In addition to any penalties imposed under
15 paragraph (5) of this subsection (c), a person convicted of
16 violating Section 3-707 of the Illinois Vehicle Code shall
17 have his or her driver's license, permit, or privileges
18 suspended for 3 months and until he or she has paid a
19 reinstatement fee of \$100.

20 (5.5) In addition to any penalties imposed under
21 paragraph (5) of this subsection (c), a person convicted of
22 violating Section 3-707 of the Illinois Vehicle Code during
23 a period in which his or her driver's license, permit, or
24 privileges were suspended for a previous violation of that
25 Section shall have his or her driver's license, permit, or
26 privileges suspended for an additional 6 months after the

1 expiration of the original 3-month suspension and until he
2 or she has paid a reinstatement fee of \$100.

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

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

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

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

4 (10) (Blank).

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

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

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

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

1 files notice of its intention to again seek the extended
2 sentence, the defendant shall be afforded a new trial.

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

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

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

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the
25 victim's counseling services, to the extent that the court
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying
2 for such services, if the victim was under 18 years of age
3 at the time the offense was committed and requires
4 counseling as a result of the offense.

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

12 For the purposes of this Section, "family member" and
13 "victim" shall have the meanings ascribed to them in Section
14 12-12 of the Criminal Code of 1961.

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

19 (g) Whenever a defendant is convicted of an offense under
20 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
21 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
22 of the Criminal Code of 1961, the defendant shall undergo
23 medical testing to determine whether the defendant has any
24 sexually transmissible disease, including a test for infection
25 with human immunodeficiency virus (HIV) or any other identified
26 causative agent of acquired immunodeficiency syndrome (AIDS).

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

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

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

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

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

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

24 (j) In cases when prosecution for any violation of Section
25 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
2 Code of 1961, any violation of the Illinois Controlled
3 Substances Act, any violation of the Cannabis Control Act, or
4 any violation of the Methamphetamine Control and Community
5 Protection Act results in conviction, a disposition of court
6 supervision, or an order of probation granted under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substance Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act of a defendant, the court
10 shall determine whether the defendant is employed by a facility
11 or center as defined under the Child Care Act of 1969, a public
12 or private elementary or secondary school, or otherwise works
13 with children under 18 years of age on a daily basis. When a
14 defendant is so employed, the court shall order the Clerk of
15 the Court to send a copy of the judgment of conviction or order
16 of supervision or probation to the defendant's employer by
17 certified mail. If the employer of the defendant is a school,
18 the Clerk of the Court shall direct the mailing of a copy of
19 the judgment of conviction or order of supervision or probation
20 to the appropriate regional superintendent of schools. The
21 regional superintendent of schools shall notify the State Board
22 of Education of any notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall as

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

1 otherwise mentally incapable of completing the educational or
2 vocational program.

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

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

14 (1) a final order of deportation has been issued
15 against the defendant pursuant to proceedings under
16 the Immigration and Nationality Act, and

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

20 Otherwise, the defendant shall be sentenced as
21 provided in this Chapter V.

22 (B) If the defendant has already been sentenced for a
23 felony or misdemeanor offense, or has been placed on
24 probation under Section 10 of the Cannabis Control Act,
25 Section 410 of the Illinois Controlled Substances Act, or
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act, the court may, upon motion of the State's
2 Attorney to suspend the sentence imposed, commit the
3 defendant to the custody of the Attorney General of the
4 United States or his or her designated agent when:

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

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

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

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

24 (m) A person convicted of criminal defacement of property
25 under Section 21-1.3 of the Criminal Code of 1961, in which the
26 property damage exceeds \$300 and the property damaged is a

1 school building, shall be ordered to perform community service
2 that may include cleanup, removal, or painting over the
3 defacement.

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

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

17 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
18 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
19 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
20 1-1-08; 95-579, eff. 6-1-08; revised 11-19-07.)".