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1 AMENDMENT TO HOUSE BILL 3650

2 AMENDMENT NO. _____. Amend House Bill 3650 on page 1, by
3 replacing line 5 with the following:

4 "changing Sections 3-6-2, 3-6-3, and 5-5-3 as follows:

5 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

6 Sec. 3-6-2. Institutions and Facility Administration.

7 (a) Each institution and facility of the Department shall
8 be administered by a chief administrative officer appointed by
9 the Director. A chief administrative officer shall be
10 responsible for all persons assigned to the institution or
11 facility. The chief administrative officer shall administer
12 the programs of the Department for the custody and treatment of
13 such persons.

14 (b) The chief administrative officer shall have such
15 assistants as the Department may assign.

16 (c) The Director or Assistant Director shall have the
17 emergency powers to temporarily transfer individuals without

1 formal procedures to any State, county, municipal or regional
2 correctional or detention institution or facility in the State,
3 subject to the acceptance of such receiving institution or
4 facility, or to designate any reasonably secure place in the
5 State as such an institution or facility and to make transfers
6 thereto. However, transfers made under emergency powers shall
7 be reviewed as soon as practicable under Article 8, and shall
8 be subject to Section 5-905 of the Juvenile Court Act of 1987.
9 This Section shall not apply to transfers to the Department of
10 Human Services which are provided for under Section 3-8-5 or
11 Section 3-10-5.

12 (d) Subject to appropriation, the ~~The~~ Department shall
13 provide educational programs for all committed persons so that
14 all persons have an opportunity to attain the achievement level
15 equivalent to the completion of an associate, baccalaureate, or
16 higher degree from a community college, college, or university
17 located in Illinois ~~the twelfth grade in the public school~~
18 ~~system in this State. Professional~~ ~~Other higher levels of~~
19 ~~attainment shall be encouraged and professional~~ instruction
20 shall be maintained wherever possible. The Department may
21 establish programs of mandatory education and may establish
22 rules and regulations for the administration of such programs.
23 Subject to appropriation, the costs of such educational
24 programs shall be paid by the Department ~~A person committed to~~
25 ~~the Department who, during the period of his or her~~
26 ~~incarceration, participates in an educational program provided~~

1 ~~by or through the Department and through that program is~~
2 ~~awarded or earns the number of hours of credit required for the~~
3 ~~award of an associate, baccalaureate, or higher degree from a~~
4 ~~community college, college, or university located in Illinois~~
5 ~~shall reimburse the State, through the Department, for the~~
6 ~~costs incurred by the State in providing that person during his~~
7 ~~or her incarceration with the education that qualifies him or~~
8 ~~her for the award of that degree. The costs for which~~
9 ~~reimbursement is required under this subsection shall be~~
10 ~~determined and computed by the Department under rules and~~
11 ~~regulations that it shall establish for that purpose. However,~~
12 ~~interest at the rate of 6% per annum shall be charged on the~~
13 ~~balance of those costs from time to time remaining unpaid, from~~
14 ~~the date of the person's parole, mandatory supervised release,~~
15 ~~or release constituting a final termination of his or her~~
16 ~~commitment to the Department until paid.~~

17 (d-5) A person committed to the Department is entitled to
18 confidential testing for infection with human immunodeficiency
19 virus (HIV) and to counseling in connection with such testing,
20 with no copay to the committed person. A person committed to
21 the Department who has tested positive for infection with HIV
22 is entitled to medical care while incarcerated, counseling, and
23 referrals to support services, in connection with that positive
24 test result. Implementation of this subsection (d-5) is subject
25 to appropriation.

26 (e) A person committed to the Department who becomes in

1 need of medical or surgical treatment but is incapable of
2 giving consent thereto shall receive such medical or surgical
3 treatment by the chief administrative officer consenting on the
4 person's behalf. Before the chief administrative officer
5 consents, he or she shall obtain the advice of one or more
6 physicians licensed to practice medicine in all its branches in
7 this State. If such physician or physicians advise:

8 (1) that immediate medical or surgical treatment is
9 required relative to a condition threatening to cause
10 death, damage or impairment to bodily functions, or
11 disfigurement; and

12 (2) that the person is not capable of giving consent to
13 such treatment; the chief administrative officer may give
14 consent for such medical or surgical treatment, and such
15 consent shall be deemed to be the consent of the person for
16 all purposes, including, but not limited to, the authority
17 of a physician to give such treatment.

18 (e-5) If a physician providing medical care to a committed
19 person on behalf of the Department advises the chief
20 administrative officer that the committed person's mental or
21 physical health has deteriorated as a result of the cessation
22 of ingestion of food or liquid to the point where medical or
23 surgical treatment is required to prevent death, damage, or
24 impairment to bodily functions, the chief administrative
25 officer may authorize such medical or surgical treatment.

26 (f) In the event that the person requires medical care and

1 treatment at a place other than the institution or facility,
2 the person may be removed therefrom under conditions prescribed
3 by the Department. The Department shall require the committed
4 person receiving medical or dental services on a non-emergency
5 basis to pay a \$2 co-payment to the Department for each visit
6 for medical or dental services. The amount of each co-payment
7 shall be deducted from the committed person's individual
8 account. A committed person who has a chronic illness, as
9 defined by Department rules and regulations, shall be exempt
10 from the \$2 co-payment for treatment of the chronic illness. A
11 committed person shall not be subject to a \$2 co-payment for
12 follow-up visits ordered by a physician, who is employed by, or
13 contracts with, the Department. A committed person who is
14 indigent is exempt from the \$2 co-payment and is entitled to
15 receive medical or dental services on the same basis as a
16 committed person who is financially able to afford the
17 co-payment. Notwithstanding any other provision in this
18 subsection (f) to the contrary, any person committed to any
19 facility operated by the Department of Juvenile Justice, as set
20 forth in Section 3-2.5-15 of this Code, is exempt from the
21 co-payment requirement for the duration of confinement in those
22 facilities.

23 (g) Any person having sole custody of a child at the time
24 of commitment or any woman giving birth to a child after her
25 commitment, may arrange through the Department of Children and
26 Family Services for suitable placement of the child outside of

1 the Department of Corrections. The Director of the Department
2 of Corrections may determine that there are special reasons why
3 the child should continue in the custody of the mother until
4 the child is 6 years old.

5 (h) The Department may provide Family Responsibility
6 Services which may consist of, but not be limited to the
7 following:

8 (1) family advocacy counseling;

9 (2) parent self-help group;

10 (3) parenting skills training;

11 (4) parent and child overnight program;

12 (5) parent and child reunification counseling, either
13 separately or together, preceding the inmate's release;

14 and

15 (6) a prerelease reunification staffing involving the
16 family advocate, the inmate and the child's counselor, or
17 both and the inmate.

18 (i) Prior to the release of any inmate who has a documented
19 history of intravenous drug use, and upon the receipt of that
20 inmate's written informed consent, the Department shall
21 provide for the testing of such inmate for infection with human
22 immunodeficiency virus (HIV) and any other identified
23 causative agent of acquired immunodeficiency syndrome (AIDS).
24 The testing provided under this subsection shall consist of an
25 enzyme-linked immunosorbent assay (ELISA) test or such other
26 test as may be approved by the Illinois Department of Public

1 Health. If the test result is positive, the Western Blot Assay
2 or more reliable confirmatory test shall be administered. All
3 inmates tested in accordance with the provisions of this
4 subsection shall be provided with pre-test and post-test
5 counseling. Notwithstanding any provision of this subsection
6 to the contrary, the Department shall not be required to
7 conduct the testing and counseling required by this subsection
8 unless sufficient funds to cover all costs of such testing and
9 counseling are appropriated for that purpose by the General
10 Assembly.

11 (j) Any person convicted of a sex offense as defined in the
12 Sex Offender Management Board Act shall be required to receive
13 a sex offender evaluation prior to release into the community
14 from the Department of Corrections. The sex offender evaluation
15 shall be conducted in conformance with the standards and
16 guidelines developed under the Sex Offender Management Board
17 Act and by an evaluator approved by the Board.

18 (k) Any minor committed to the Department of Juvenile
19 Justice for a sex offense as defined by the Sex Offender
20 Management Board Act shall be required to undergo sex offender
21 treatment by a treatment provider approved by the Board and
22 conducted in conformance with the Sex Offender Management Board
23 Act.

24 (l) Prior to the release of any inmate, the Department must
25 provide the inmate with the option of testing for infection
26 with human immunodeficiency virus (HIV), as well as counseling

1 in connection with such testing, with no copayment for the
2 test. At the same time, the Department shall require each such
3 inmate to sign a form stating that the inmate has been informed
4 of his or her rights with respect to the testing required to be
5 offered under this subsection (1) and providing the inmate with
6 an opportunity to indicate either that he or she wants to be
7 tested or that he or she does not want to be tested. The
8 Department, in consultation with the Department of Public
9 Health, shall prescribe the contents of the form. The testing
10 provided under this subsection (1) shall consist of an
11 enzyme-linked immunosorbent assay (ELISA) test or any other
12 test approved by the Department of Public Health. If the test
13 result is positive, the Western Blot Assay or more reliable
14 confirmatory test shall be administered.

15 Prior to the release of an inmate who the Department knows
16 has tested positive for infection with HIV, the Department in a
17 timely manner shall offer the inmate transitional case
18 management, including referrals to other support services.

19 Implementation of this subsection (1) is subject to
20 appropriation.

21 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,
22 eff. 1-1-06; 94-696, eff. 6-1-06.)"; and

23 on page 14, by inserting immediately below line 16 the
24 following:

1 "(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

2 Sec. 5-5-3. Disposition.

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

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

10 (1) A period of probation.

11 (2) A term of periodic imprisonment.

12 (3) A term of conditional discharge.

13 (4) A term of imprisonment.

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

18 (6) A fine.

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

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

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

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

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

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

16 (A) First degree murder where the death penalty is
17 not imposed.

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

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

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

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

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

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen.

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

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

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

1 (K) Vehicular hijacking.

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

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

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

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

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

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

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

21 (S) (Blank).

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

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303
2 of the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraph (4.3) of this
5 subsection (c), a minimum of 100 hours of community service
6 shall be imposed for a second violation of Section 6-303 of
7 the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court,
10 shall be imposed for a second violation of subsection (c)
11 of Section 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraph (4.5) and
13 paragraph (4.6) of this subsection (c), a minimum term of
14 imprisonment of 30 days or 300 hours of community service,
15 as determined by the court, shall be imposed for a third or
16 subsequent violation of Section 6-303 of the Illinois
17 Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall
19 be imposed for a third violation of subsection (c) of
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.6) A minimum term of imprisonment of 180 days shall
22 be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (5) The court may sentence an offender convicted of a
26 business offense or a petty offense or a corporation or

1 unincorporated association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

6 (5.1) In addition to any penalties imposed under
7 paragraph (5) of this subsection (c), and except as
8 provided in paragraph (5.2) or (5.3), a person convicted of
9 violating subsection (c) of Section 11-907 of the Illinois
10 Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for at least 90 days but
12 not more than one year, if the violation resulted in damage
13 to the property of another person.

14 (5.2) In addition to any penalties imposed under
15 paragraph (5) of this subsection (c), and except as
16 provided in paragraph (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for at least 180 days but
20 not more than 2 years, if the violation resulted in injury
21 to another person.

22 (5.3) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), a person convicted of
24 violating subsection (c) of Section 11-907 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 2 years, if the

1 violation resulted in the death of another person.

2 (5.4) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), a person convicted of
4 violating Section 3-707 of the Illinois Vehicle Code shall
5 have his or her driver's license, permit, or privileges
6 suspended for 3 months and until he or she has paid a
7 reinstatement fee of \$100.

8 (5.5) In addition to any penalties imposed under
9 paragraph (5) of this subsection (c), a person convicted of
10 violating Section 3-707 of the Illinois Vehicle Code during
11 a period in which his or her driver's license, permit, or
12 privileges were suspended for a previous violation of that
13 Section shall have his or her driver's license, permit, or
14 privileges suspended for an additional 6 months after the
15 expiration of the original 3-month suspension and until he
16 or she has paid a reinstatement fee of \$100.

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

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

25 (8) When a defendant, over the age of 21 years, is
26 convicted of a Class 1 or Class 2 felony, after having

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

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

18 (10) (Blank).

19 (11) The court shall impose a minimum fine of \$1,000
20 for a first offense and \$2,000 for a second or subsequent
21 offense upon a person convicted of or placed on supervision
22 for battery when the individual harmed was a sports
23 official or coach at any level of competition and the act
24 causing harm to the sports official or coach occurred
25 within an athletic facility or within the immediate
26 vicinity of the athletic facility at which the sports

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

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

15 (d) In any case in which a sentence originally imposed is
16 vacated, the case shall be remanded to the trial court. The
17 trial court shall hold a hearing under Section 5-4-1 of the
18 Unified Code of Corrections which may include evidence of the
19 defendant's life, moral character and occupation during the
20 time since the original sentence was passed. The trial court
21 shall then impose sentence upon the defendant. The trial court
22 may impose any sentence which could have been imposed at the
23 original trial subject to Section 5-5-4 of the Unified Code of
24 Corrections. If a sentence is vacated on appeal or on
25 collateral attack due to the failure of the trier of fact at
26 trial to determine beyond a reasonable doubt the existence of a

1 fact (other than a prior conviction) necessary to increase the
2 punishment for the offense beyond the statutory maximum
3 otherwise applicable, either the defendant may be re-sentenced
4 to a term within the range otherwise provided or, if the State
5 files notice of its intention to again seek the extended
6 sentence, the defendant shall be afforded a new trial.

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

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

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

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

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

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

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

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

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

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 12-12 of the Criminal Code of 1961.

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

23 (g) Whenever a defendant is convicted of an offense under
24 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
25 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
26 of the Criminal Code of 1961, the defendant shall undergo

1 medical testing to determine whether the defendant has any
2 sexually transmissible disease, including a test for infection
3 with human immunodeficiency virus (HIV) or any other identified
4 causative agent of acquired immunodeficiency syndrome (AIDS).
5 Any such medical test shall be performed only by appropriately
6 licensed medical practitioners and may include an analysis of
7 any bodily fluids as well as an examination of the defendant's
8 person. Except as otherwise provided by law, the results of
9 such test shall be kept strictly confidential by all medical
10 personnel involved in the testing and must be personally
11 delivered in a sealed envelope to the judge of the court in
12 which the conviction was entered for the judge's inspection in
13 camera. Acting in accordance with the best interests of the
14 victim and the public, the judge shall have the discretion to
15 determine to whom, if anyone, the results of the testing may be
16 revealed. The court shall notify the defendant of the test
17 results. The court shall also notify the victim if requested by
18 the victim, and if the victim is under the age of 15 and if
19 requested by the victim's parents or legal guardian, the court
20 shall notify the victim's parents or legal guardian of the test
21 results. The court shall provide information on the
22 availability of HIV testing and counseling at Department of
23 Public Health facilities to all parties to whom the results of
24 the testing are revealed and shall direct the State's Attorney
25 to provide the information to the victim when possible. A
26 State's Attorney may petition the court to obtain the results

1 of any HIV test administered under this Section, and the court
2 shall grant the disclosure if the State's Attorney shows it is
3 relevant in order to prosecute a charge of criminal
4 transmission of HIV under Section 12-16.2 of the Criminal Code
5 of 1961 against the defendant. The court shall order that the
6 cost of any such test shall be paid by the county and may be
7 taxed as costs against the convicted defendant.

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

18 (h) Whenever a defendant is convicted of an offense under
19 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
20 defendant shall undergo medical testing to determine whether
21 the defendant has been exposed to human immunodeficiency virus
22 (HIV) or any other identified causative agent of acquired
23 immunodeficiency syndrome (AIDS). Except as otherwise provided
24 by law, the results of such test shall be kept strictly
25 confidential by all medical personnel involved in the testing
26 and must be personally delivered in a sealed envelope to the

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

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

1 of the Clerks of Courts Act.

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

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

1 release term has been revoked under this subsection (j-5) as
2 provided in Section 3-3-9. This subsection (j-5) does not apply
3 to a defendant who has a high school diploma or has
4 successfully passed the GED test. This subsection (j-5) does
5 not apply to a defendant who is determined by the court to be
6 developmentally disabled or otherwise mentally incapable of
7 completing the educational or vocational program.

8 (j-6) Subject to appropriation, a defendant at least 17
9 years of age who has a high school diploma or who has passed
10 the high school level Test of General Educational Development
11 (GED) and who is convicted of a felony and who is sentenced to
12 a term of imprisonment in the Illinois Department of
13 Corrections shall be provided with an educational program that
14 leads to the completion of an associate, baccalaureate, or
15 higher degree as provided in subsection (d) of Section 3-6-2.

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

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (1), whenever a defendant, who is an alien as defined by
21 the Immigration and Nationality Act, is convicted of any
22 felony or misdemeanor offense, the court after sentencing
23 the defendant may, upon motion of the State's Attorney,
24 hold sentence in abeyance and remand the defendant to the
25 custody of the Attorney General of the United States or his
26 or her designated agent to be deported when:

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

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

7 Otherwise, the defendant shall be sentenced as
8 provided in this Chapter V.

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

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

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

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

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

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
5 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
6 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
7 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
8 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;
9 revised 8-28-06.)".