

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-6-2, 3-6-3, and 5-5-3 as follows:

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

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

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

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

17 (c) The Director or Assistant Director shall have the
18 emergency powers to temporarily transfer individuals without
19 formal procedures to any State, county, municipal or regional
20 correctional or detention institution or facility in the State,
21 subject to the acceptance of such receiving institution or
22 facility, or to designate any reasonably secure place in the
23 State as such an institution or facility and to make transfers

1 thereto. However, transfers made under emergency powers shall
2 be reviewed as soon as practicable under Article 8, and shall
3 be subject to Section 5-905 of the Juvenile Court Act of 1987.
4 This Section shall not apply to transfers to the Department of
5 Human Services which are provided for under Section 3-8-5 or
6 Section 3-10-5.

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

1 ~~costs incurred by the State in providing that person during his~~
2 ~~or her incarceration with the education that qualifies him or~~
3 ~~her for the award of that degree. The costs for which~~
4 ~~reimbursement is required under this subsection shall be~~
5 ~~determined and computed by the Department under rules and~~
6 ~~regulations that it shall establish for that purpose. However,~~
7 ~~interest at the rate of 6% per annum shall be charged on the~~
8 ~~balance of those costs from time to time remaining unpaid, from~~
9 ~~the date of the person's parole, mandatory supervised release,~~
10 ~~or release constituting a final termination of his or her~~
11 ~~commitment to the Department until paid.~~

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

21 (e) A person committed to the Department who becomes in
22 need of medical or surgical treatment but is incapable of
23 giving consent thereto shall receive such medical or surgical
24 treatment by the chief administrative officer consenting on the
25 person's behalf. Before the chief administrative officer
26 consents, he or she shall obtain the advice of one or more

1 physicians licensed to practice medicine in all its branches in
2 this State. If such physician or physicians advise:

3 (1) that immediate medical or surgical treatment is
4 required relative to a condition threatening to cause
5 death, damage or impairment to bodily functions, or
6 disfigurement; and

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

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

21 (f) In the event that the person requires medical care and
22 treatment at a place other than the institution or facility,
23 the person may be removed therefrom under conditions prescribed
24 by the Department. The Department shall require the committed
25 person receiving medical or dental services on a non-emergency
26 basis to pay a \$2 co-payment to the Department for each visit

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

18 (g) Any person having sole custody of a child at the time
19 of commitment or any woman giving birth to a child after her
20 commitment, may arrange through the Department of Children and
21 Family Services for suitable placement of the child outside of
22 the Department of Corrections. The Director of the Department
23 of Corrections may determine that there are special reasons why
24 the child should continue in the custody of the mother until
25 the child is 6 years old.

26 (h) The Department may provide Family Responsibility

1 Services which may consist of, but not be limited to the
2 following:

- 3 (1) family advocacy counseling;
- 4 (2) parent self-help group;
- 5 (3) parenting skills training;
- 6 (4) parent and child overnight program;
- 7 (5) parent and child reunification counseling, either
8 separately or together, preceding the inmate's release;
9 and
- 10 (6) a prerelease reunification staffing involving the
11 family advocate, the inmate and the child's counselor, or
12 both and the inmate.

13 (i) Prior to the release of any inmate who has a documented
14 history of intravenous drug use, and upon the receipt of that
15 inmate's written informed consent, the Department shall
16 provide for the testing of such inmate for infection with human
17 immunodeficiency virus (HIV) and any other identified
18 causative agent of acquired immunodeficiency syndrome (AIDS).
19 The testing provided under this subsection shall consist of an
20 enzyme-linked immunosorbent assay (ELISA) test or such other
21 test as may be approved by the Illinois Department of Public
22 Health. If the test result is positive, the Western Blot Assay
23 or more reliable confirmatory test shall be administered. All
24 inmates tested in accordance with the provisions of this
25 subsection shall be provided with pre-test and post-test
26 counseling. Notwithstanding any provision of this subsection

1 to the contrary, the Department shall not be required to
2 conduct the testing and counseling required by this subsection
3 unless sufficient funds to cover all costs of such testing and
4 counseling are appropriated for that purpose by the General
5 Assembly.

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

13 (k) Any minor committed to the Department of Juvenile
14 Justice for a sex offense as defined by the Sex Offender
15 Management Board Act shall be required to undergo sex offender
16 treatment by a treatment provider approved by the Board and
17 conducted in conformance with the Sex Offender Management Board
18 Act.

19 (l) Prior to the release of any inmate, the Department must
20 provide the inmate with the option of testing for infection
21 with human immunodeficiency virus (HIV), as well as counseling
22 in connection with such testing, with no copayment for the
23 test. At the same time, the Department shall require each such
24 inmate to sign a form stating that the inmate has been informed
25 of his or her rights with respect to the testing required to be
26 offered under this subsection (l) and providing the inmate with

1 an opportunity to indicate either that he or she wants to be
2 tested or that he or she does not want to be tested. The
3 Department, in consultation with the Department of Public
4 Health, shall prescribe the contents of the form. The testing
5 provided under this subsection (1) shall consist of an
6 enzyme-linked immunosorbent assay (ELISA) test or any other
7 test approved by the Department of Public Health. If the test
8 result is positive, the Western Blot Assay or more reliable
9 confirmatory test shall be administered.

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

14 Implementation of this subsection (1) is subject to
15 appropriation.

16 (Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629,
17 eff. 1-1-06; 94-696, eff. 6-1-06.)

18 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

19 Sec. 3-6-3. Rules and Regulations for Early Release.

20 (a) (1) The Department of Corrections shall prescribe
21 rules and regulations for the early release on account of
22 good conduct of persons committed to the Department which
23 shall be subject to review by the Prisoner Review Board.

24 (2) The rules and regulations on early release shall
25 provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after
2 June 19, 1998 or with respect to the offense listed in
3 clause (iv) of this paragraph (2) committed on or after
4 June 23, 2005 (the effective date of Public Act 94-71) or
5 with respect to the offense of being an armed habitual
6 criminal committed on or after August 2, 2005 (the
7 effective date of Public Act 94-398), the following:

8 (i) that a prisoner who is serving a term of
9 imprisonment for first degree murder or for the offense
10 of terrorism shall receive no good conduct credit and
11 shall serve the entire sentence imposed by the court;

12 (ii) that a prisoner serving a sentence for attempt
13 to commit first degree murder, solicitation of murder,
14 solicitation of murder for hire, intentional homicide
15 of an unborn child, predatory criminal sexual assault
16 of a child, aggravated criminal sexual assault,
17 criminal sexual assault, aggravated kidnapping,
18 aggravated battery with a firearm, heinous battery,
19 being an armed habitual criminal, aggravated battery
20 of a senior citizen, or aggravated battery of a child
21 shall receive no more than 4.5 days of good conduct
22 credit for each month of his or her sentence of
23 imprisonment;

24 (iii) that a prisoner serving a sentence for home
25 invasion, armed robbery, aggravated vehicular
26 hijacking, aggravated discharge of a firearm, or armed

1 violence with a category I weapon or category II
2 weapon, when the court has made and entered a finding,
3 pursuant to subsection (c-1) of Section 5-4-1 of this
4 Code, that the conduct leading to conviction for the
5 enumerated offense resulted in great bodily harm to a
6 victim, shall receive no more than 4.5 days of good
7 conduct credit for each month of his or her sentence of
8 imprisonment; and

9 (iv) that a prisoner serving a sentence for
10 aggravated discharge of a firearm, whether or not the
11 conduct leading to conviction for the offense resulted
12 in great bodily harm to the victim, shall receive no
13 more than 4.5 days of good conduct credit for each
14 month of his or her sentence of imprisonment.

15 (2.1) For all offenses, other than those enumerated in
16 subdivision (a)(2)(i), (ii), or (iii) committed on or after
17 June 19, 1998 or subdivision (a)(2)(iv) committed on or
18 after June 23, 2005 (the effective date of Public Act
19 94-71), and other than the offense of reckless homicide as
20 defined in subsection (e) of Section 9-3 of the Criminal
21 Code of 1961 committed on or after January 1, 1999, or
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, the rules and regulations shall

1 provide that a prisoner who is serving a term of
2 imprisonment shall receive one day of good conduct credit
3 for each day of his or her sentence of imprisonment or
4 recommitment under Section 3-3-9. Each day of good conduct
5 credit shall reduce by one day the prisoner's period of
6 imprisonment or recommitment under Section 3-3-9.

7 (2.2) A prisoner serving a term of natural life
8 imprisonment or a prisoner who has been sentenced to death
9 shall receive no good conduct credit.

10 (2.3) The rules and regulations on early release shall
11 provide that a prisoner who is serving a sentence for
12 reckless homicide as defined in subsection (e) of Section
13 9-3 of the Criminal Code of 1961 committed on or after
14 January 1, 1999, or aggravated driving under the influence
15 of alcohol, other drug or drugs, or intoxicating compound
16 or compounds, or any combination thereof as defined in
17 subparagraph (F) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code, shall receive
19 no more than 4.5 days of good conduct credit for each month
20 of his or her sentence of imprisonment.

21 (2.4) The rules and regulations on early release shall
22 provide with respect to the offenses of aggravated battery
23 with a machine gun or a firearm equipped with any device or
24 attachment designed or used for silencing the report of a
25 firearm or aggravated discharge of a machine gun or a
26 firearm equipped with any device or attachment designed or

1 used for silencing the report of a firearm, committed on or
2 after July 15, 1999 (the effective date of Public Act
3 91-121), that a prisoner serving a sentence for any of
4 these offenses shall receive no more than 4.5 days of good
5 conduct credit for each month of his or her sentence of
6 imprisonment.

7 (2.5) The rules and regulations on early release shall
8 provide that a prisoner who is serving a sentence for
9 aggravated arson committed on or after July 27, 2001 (the
10 effective date of Public Act 92-176) shall receive no more
11 than 4.5 days of good conduct credit for each month of his
12 or her sentence of imprisonment.

13 (3) The rules and regulations shall also provide that
14 the Director may award up to 180 days additional good
15 conduct credit for meritorious service in specific
16 instances as the Director deems proper; except that no more
17 than 90 days of good conduct credit for meritorious service
18 shall be awarded to any prisoner who is serving a sentence
19 for conviction of first degree murder, reckless homicide
20 while under the influence of alcohol or any other drug, or
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
26 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, criminal sexual assault, deviate
2 sexual assault, aggravated criminal sexual abuse,
3 aggravated indecent liberties with a child, indecent
4 liberties with a child, child pornography, heinous
5 battery, aggravated battery of a spouse, aggravated
6 battery of a spouse with a firearm, stalking, aggravated
7 stalking, aggravated battery of a child, endangering the
8 life or health of a child, cruelty to a child, or narcotic
9 racketeering. Notwithstanding the foregoing, good conduct
10 credit for meritorious service shall not be awarded on a
11 sentence of imprisonment imposed for conviction of: (i) one
12 of the offenses enumerated in subdivision (a)(2)(i), (ii),
13 or (iii) when the offense is committed on or after June 19,
14 1998 or subdivision (a)(2)(iv) when the offense is
15 committed on or after June 23, 2005 (the effective date of
16 Public Act 94-71), (ii) reckless homicide as defined in
17 subsection (e) of Section 9-3 of the Criminal Code of 1961
18 when the offense is committed on or after January 1, 1999,
19 or aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, (iii) one of the offenses enumerated
24 in subdivision (a)(2.4) when the offense is committed on or
25 after July 15, 1999 (the effective date of Public Act
26 91-121), or (iv) aggravated arson when the offense is

1 committed on or after July 27, 2001 (the effective date of
2 Public Act 92-176).

3 (4) The rules and regulations shall also provide that
4 the good conduct credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any
6 inmate during specific periods of time in which such inmate
7 is engaged full-time in substance abuse programs,
8 correctional industry assignments, or educational programs
9 provided by the Department under this paragraph (4) and
10 satisfactorily completes the assigned program as
11 determined by the standards of the Department, shall be
12 multiplied by a factor of 1.25 for program participation
13 before August 11, 1993 and 1.50 for program participation
14 on or after that date. However, no inmate shall be eligible
15 for the additional good conduct credit under this paragraph
16 (4) or (4.1) of this subsection (a) while assigned to a
17 boot camp or electronic detention, or if convicted of an
18 offense enumerated in subdivision (a)(2)(i), (ii), or
19 (iii) of this Section that is committed on or after June
20 19, 1998 or subdivision (a)(2)(iv) of this Section that is
21 committed on or after June 23, 2005 (the effective date of
22 Public Act 94-71), or if convicted of reckless homicide as
23 defined in subsection (e) of Section 9-3 of the Criminal
24 Code of 1961 if the offense is committed on or after
25 January 1, 1999, or aggravated driving under the influence
26 of alcohol, other drug or drugs, or intoxicating compound

1 or compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code, or if
4 convicted of an offense enumerated in paragraph (a)(2.4) of
5 this Section that is committed on or after July 15, 1999
6 (the effective date of Public Act 91-121), or first degree
7 murder, a Class X felony, criminal sexual assault, felony
8 criminal sexual abuse, aggravated criminal sexual abuse,
9 aggravated battery with a firearm, or any predecessor or
10 successor offenses with the same or substantially the same
11 elements, or any inchoate offenses relating to the
12 foregoing offenses. No inmate shall be eligible for the
13 additional good conduct credit under this paragraph (4) who
14 (i) has previously received increased good conduct credit
15 under this paragraph (4) and has subsequently been
16 convicted of a felony, or (ii) has previously served more
17 than one prior sentence of imprisonment for a felony in an
18 adult correctional facility.

19 Educational, vocational, substance abuse and
20 correctional industry programs under which good conduct
21 credit may be increased under this paragraph (4) and
22 paragraph (4.1) of this subsection (a) shall be evaluated
23 by the Department on the basis of documented standards. The
24 Department shall report the results of these evaluations to
25 the Governor and the General Assembly by September 30th of
26 each year. The reports shall include data relating to the

1 recidivism rate among program participants.

2 Availability of these programs shall be subject to the
3 limits of fiscal resources appropriated by the General
4 Assembly for these purposes. Eligible inmates who are
5 denied immediate admission shall be placed on a waiting
6 list under criteria established by the Department. The
7 inability of any inmate to become engaged in any such
8 programs by reason of insufficient program resources or for
9 any other reason established under the rules and
10 regulations of the Department shall not be deemed a cause
11 of action under which the Department or any employee or
12 agent of the Department shall be liable for damages to the
13 inmate.

14 (4.1) The rules and regulations shall also provide that
15 an additional 180 ~~60~~ days of good conduct credit shall be
16 awarded to any prisoner who passes the high school level
17 Test of General Educational Development (GED) while the
18 prisoner is incarcerated. The good conduct credit awarded
19 under this paragraph (4.1) shall be in addition to, and
20 shall not affect, the award of good conduct under any other
21 paragraph of this Section, but shall also be pursuant to
22 the guidelines and restrictions set forth in paragraph (4)
23 of subsection (a) of this Section. The good conduct credit
24 provided for in this paragraph shall be available only to
25 those prisoners who have not previously earned a high
26 school diploma or a GED. If, after an award of the GED good

1 conduct credit has been made and the Department determines
2 that the prisoner was not eligible, then the award shall be
3 revoked.

4 (4.5) The rules and regulations on early release shall
5 also provide that when the court's sentencing order
6 recommends a prisoner for substance abuse treatment and the
7 crime was committed on or after September 1, 2003 (the
8 effective date of Public Act 93-354), the prisoner shall
9 receive no good conduct credit awarded under clause (3) of
10 this subsection (a) unless he or she participates in and
11 completes a substance abuse treatment program. The
12 Director may waive the requirement to participate in or
13 complete a substance abuse treatment program and award the
14 good conduct credit in specific instances if the prisoner
15 is not a good candidate for a substance abuse treatment
16 program for medical, programming, or operational reasons.
17 Availability of substance abuse treatment shall be subject
18 to the limits of fiscal resources appropriated by the
19 General Assembly for these purposes. If treatment is not
20 available and the requirement to participate and complete
21 the treatment has not been waived by the Director, the
22 prisoner shall be placed on a waiting list under criteria
23 established by the Department. The Director may allow a
24 prisoner placed on a waiting list to participate in and
25 complete a substance abuse education class or attend
26 substance abuse self-help meetings in lieu of a substance

1 abuse treatment program. A prisoner on a waiting list who
2 is not placed in a substance abuse program prior to release
3 may be eligible for a waiver and receive good conduct
4 credit under clause (3) of this subsection (a) at the
5 discretion of the Director.

6 (4.6) Due to the importance of education on recidivism,
7 the rules and regulations shall also provide that 90 days
8 of early release from parole shall be awarded to any
9 parolee who passes the high school level Test of General
10 Educational Development (GED) while the parolee is on
11 parole. The early release from parole awarded under this
12 paragraph (4.6) shall be in addition to, and shall not be
13 affected by, the award of good conduct under any other
14 paragraph of this Section, but shall not be pursuant to the
15 guidelines and restrictions set forth in paragraph (4) of
16 this subsection (a). The early release from parole provided
17 for in this paragraph shall be available only to parolees
18 who have not yet previously earned a high school diploma or
19 a GED.

20 (5) Whenever the Department is to release any inmate
21 earlier than it otherwise would because of a grant of good
22 conduct credit for meritorious service given at any time
23 during the term, the Department shall give reasonable
24 advance notice of the impending release to the State's
25 Attorney of the county where the prosecution of the inmate
26 took place.

1 (b) Whenever a person is or has been committed under
2 several convictions, with separate sentences, the sentences
3 shall be construed under Section 5-8-4 in granting and
4 forfeiting of good time.

5 (c) The Department shall prescribe rules and regulations
6 for revoking good conduct credit, or suspending or reducing the
7 rate of accumulation of good conduct credit for specific rule
8 violations, during imprisonment. These rules and regulations
9 shall provide that no inmate may be penalized more than one
10 year of good conduct credit for any one infraction.

11 When the Department seeks to revoke, suspend or reduce the
12 rate of accumulation of any good conduct credits for an alleged
13 infraction of its rules, it shall bring charges therefor
14 against the prisoner sought to be so deprived of good conduct
15 credits before the Prisoner Review Board as provided in
16 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
17 amount of credit at issue exceeds 30 days or when during any 12
18 month period, the cumulative amount of credit revoked exceeds
19 30 days except where the infraction is committed or discovered
20 within 60 days of scheduled release. In those cases, the
21 Department of Corrections may revoke up to 30 days of good
22 conduct credit. The Board may subsequently approve the
23 revocation of additional good conduct credit, if the Department
24 seeks to revoke good conduct credit in excess of 30 days.
25 However, the Board shall not be empowered to review the
26 Department's decision with respect to the loss of 30 days of

1 good conduct credit within any calendar year for any prisoner
2 or to increase any penalty beyond the length requested by the
3 Department.

4 The Director of the Department of Corrections, in
5 appropriate cases, may restore up to 30 days good conduct
6 credits which have been revoked, suspended or reduced. Any
7 restoration of good conduct credits in excess of 30 days shall
8 be subject to review by the Prisoner Review Board. However, the
9 Board may not restore good conduct credit in excess of the
10 amount requested by the Director.

11 Nothing contained in this Section shall prohibit the
12 Prisoner Review Board from ordering, pursuant to Section
13 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
14 sentence imposed by the court that was not served due to the
15 accumulation of good conduct credit.

16 (d) If a lawsuit is filed by a prisoner in an Illinois or
17 federal court against the State, the Department of Corrections,
18 or the Prisoner Review Board, or against any of their officers
19 or employees, and the court makes a specific finding that a
20 pleading, motion, or other paper filed by the prisoner is
21 frivolous, the Department of Corrections shall conduct a
22 hearing to revoke up to 180 days of good conduct credit by
23 bringing charges against the prisoner sought to be deprived of
24 the good conduct credits before the Prisoner Review Board as
25 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
26 If the prisoner has not accumulated 180 days of good conduct

1 credit at the time of the finding, then the Prisoner Review
2 Board may revoke all good conduct credit accumulated by the
3 prisoner.

4 For purposes of this subsection (d):

5 (1) "Frivolous" means that a pleading, motion, or other
6 filing which purports to be a legal document filed by a
7 prisoner in his or her lawsuit meets any or all of the
8 following criteria:

9 (A) it lacks an arguable basis either in law or in
10 fact;

11 (B) it is being presented for any improper purpose,
12 such as to harass or to cause unnecessary delay or
13 needless increase in the cost of litigation;

14 (C) the claims, defenses, and other legal
15 contentions therein are not warranted by existing law
16 or by a nonfrivolous argument for the extension,
17 modification, or reversal of existing law or the
18 establishment of new law;

19 (D) the allegations and other factual contentions
20 do not have evidentiary support or, if specifically so
21 identified, are not likely to have evidentiary support
22 after a reasonable opportunity for further
23 investigation or discovery; or

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

2 (2) "Lawsuit" means a petition for post-conviction
3 relief under Article 122 of the Code of Criminal Procedure
4 of 1963, a motion pursuant to Section 116-3 of the Code of
5 Criminal Procedure of 1963, a habeas corpus action under
6 Article X of the Code of Civil Procedure or under federal
7 law (28 U.S.C. 2254), a petition for claim under the Court
8 of Claims Act or an action under the federal Civil Rights
9 Act (42 U.S.C. 1983).

10 (e) Nothing in Public Act 90-592 or 90-593 affects the
11 validity of Public Act 89-404.

12 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
13 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
14 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

15 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

16 Sec. 5-5-3. Disposition.

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

20 (b) The following options shall be appropriate
21 dispositions, alone or in combination, for all felonies and
22 misdemeanors other than those identified in subsection (c) of
23 this Section:

24 (1) A period of probation.

25 (2) A term of periodic imprisonment.

1 (3) A term of conditional discharge.

2 (4) A term of imprisonment.

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

7 (6) A fine.

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

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

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

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

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

24 (2) A period of probation, a term of periodic
25 imprisonment or conditional discharge shall not be imposed
26 for the following offenses. The court shall sentence the

1 offender to not less than the minimum term of imprisonment
2 set forth in this Code for the following offenses, and may
3 order a fine or restitution or both in conjunction with
4 such term of imprisonment:

5 (A) First degree murder where the death penalty is
6 not imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

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

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

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

22 (F-5) A violation of Section 24-1, 24-1.1, or
23 24-1.6 of the Criminal Code of 1961 for which
24 imprisonment is prescribed in those Sections.

25 (G) Residential burglary, except as otherwise
26 provided in Section 40-10 of the Alcoholism and Other

1 Drug Abuse and Dependency Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen.

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

6 Before July 1, 1994, for the purposes of this
7 paragraph, "organized gang" means an association of 5
8 or more persons, with an established hierarchy, that
9 encourages members of the association to perpetrate
10 crimes or provides support to the members of the
11 association who do commit crimes.

12 Beginning July 1, 1994, for the purposes of this
13 paragraph, "organized gang" has the meaning ascribed
14 to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense upon
19 which the hate crime is based is felony aggravated
20 assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to the
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

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

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

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

8 (R) A violation of Section 24-3A of the Criminal
9 Code of 1961.

10 (S) (Blank).

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

13 (3) (Blank).

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

18 (4.1) (Blank).

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

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

1 (4.4) Except as provided in paragraph (4.5) and
2 paragraph (4.6) of this subsection (c), a minimum term of
3 imprisonment of 30 days or 300 hours of community service,
4 as determined by the court, shall be imposed for a third or
5 subsequent violation of Section 6-303 of the Illinois
6 Vehicle Code.

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

10 (4.6) A minimum term of imprisonment of 180 days shall
11 be imposed for a fourth or subsequent violation of
12 subsection (c) of Section 6-303 of the Illinois Vehicle
13 Code.

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

17 (A) a period of conditional discharge;

18 (B) a fine;

19 (C) make restitution to the victim under Section
20 5-5-6 of this Code.

21 (5.1) In addition to any penalties imposed under
22 paragraph (5) of this subsection (c), and except as
23 provided in paragraph (5.2) or (5.3), a person convicted of
24 violating subsection (c) of Section 11-907 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but

1 not more than one year, if the violation resulted in damage
2 to the property of another person.

3 (5.2) In addition to any penalties imposed under
4 paragraph (5) of this subsection (c), and except as
5 provided in paragraph (5.3), a person convicted of
6 violating subsection (c) of Section 11-907 of the Illinois
7 Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for at least 180 days but
9 not more than 2 years, if the violation resulted in injury
10 to another person.

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

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

23 (5.5) In addition to any penalties imposed under
24 paragraph (5) of this subsection (c), a person convicted of
25 violating Section 3-707 of the Illinois Vehicle Code during
26 a period in which his or her driver's license, permit, or

1 privileges were suspended for a previous violation of that
2 Section shall have his or her driver's license, permit, or
3 privileges suspended for an additional 6 months after the
4 expiration of the original 3-month suspension and until he
5 or she has paid a reinstatement fee of \$100.

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

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

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

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation
3 of that Section.

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

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 12-16 of the Criminal Code of 1961
24 results in conviction of a defendant who was a family member of
25 the victim at the time of the commission of the offense, the
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

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

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

14 and

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

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

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

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

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

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

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

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

23 (g-5) When an inmate is tested for an airborne communicable
24 disease, as determined by the Illinois Department of Public
25 Health including but not limited to tuberculosis, the results
26 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court
2 in which the inmate must appear for the judge's inspection in
3 camera if requested by the judge. Acting in accordance with the
4 best interests of those in the courtroom, the judge shall have
5 the discretion to determine what if any precautions need to be
6 taken to prevent transmission of the disease in the courtroom.

7 (h) Whenever a defendant is convicted of an offense under
8 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
9 defendant shall undergo medical testing to determine whether
10 the defendant has been exposed to human immunodeficiency virus
11 (HIV) or any other identified causative agent of acquired
12 immunodeficiency syndrome (AIDS). Except as otherwise provided
13 by law, the results of such test shall be kept strictly
14 confidential by all medical personnel involved in the testing
15 and must be personally delivered in a sealed envelope to the
16 judge of the court in which the conviction was entered for the
17 judge's inspection in camera. Acting in accordance with the
18 best interests of the public, the judge shall have the
19 discretion to determine to whom, if anyone, the results of the
20 testing may be revealed. The court shall notify the defendant
21 of a positive test showing an infection with the human
22 immunodeficiency virus (HIV). The court shall provide
23 information on the availability of HIV testing and counseling
24 at Department of Public Health facilities to all parties to
25 whom the results of the testing are revealed and shall direct
26 the State's Attorney to provide the information to the victim

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

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

17 (j) In cases when prosecution for any violation of Section
18 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
20 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
21 Code of 1961, any violation of the Illinois Controlled
22 Substances Act, any violation of the Cannabis Control Act, or
23 any violation of the Methamphetamine Control and Community
24 Protection Act results in conviction, a disposition of court
25 supervision, or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

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

16 (j-5) A defendant at least 17 years of age who is convicted
17 of a felony ~~and who has not been previously convicted of a~~
18 ~~misdemeanor or felony~~ and who is sentenced to a term of
19 imprisonment in the Illinois Department of Corrections shall as
20 a condition of his or her sentence be required by the court to
21 attend educational courses designed to prepare the defendant
22 for a high school diploma and to work toward a high school
23 diploma or to work toward passing the high school level Test of
24 General Educational Development (GED) or to work toward
25 completing a vocational training program offered by the
26 Department of Corrections. If a defendant fails to complete the

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

23 (j-6) Subject to appropriation, a defendant at least 17
24 years of age who has a high school diploma or who has passed
25 the high school level Test of General Educational Development
26 (GED) and who is convicted of a felony and who is sentenced to

1 a term of imprisonment in the Illinois Department of
2 Corrections shall be provided with an educational program that
3 leads to the completion of an associate, baccalaureate, or
4 higher degree as provided in subsection (d) of Section 3-6-2.

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

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

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

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

22 Otherwise, the defendant shall be sentenced as
23 provided in this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on
26 probation under Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act, or
2 Section 70 of the Methamphetamine Control and Community
3 Protection Act, the court may, upon motion of the State's
4 Attorney to suspend the sentence imposed, commit the
5 defendant to the custody of the Attorney General of the
6 United States or his or her designated agent when:

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

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

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

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

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961, in which the
2 property damage exceeds \$300 and the property damaged is a
3 school building, shall be ordered to perform community service
4 that may include cleanup, removal, or painting over the
5 defacement.

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

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

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