

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 adding Article 4.5 to Chapter V as follows:

6 (730 ILCS 5/Ch. V. Art. 4.5 heading new)

7 ARTICLE 4.5. GENERAL SENTENCING PROVISIONS

8 (730 ILCS 5/5-4.5-5 new)

9 Sec. 5-4.5-5. STANDARD SENTENCING. Except as specifically
10 provided elsewhere, this Article governs sentencing for
11 offenses.

12 (730 ILCS 5/5-4.5-10 new)

13 Sec. 5-4.5-10. OFFENSE CLASSIFICATIONS.

14 (a) FELONY CLASSIFICATIONS. Felonies are classified, for
15 the purpose of sentencing, as follows:

16 (1) First degree murder (as a separate class of
17 felony).

18 (2) Class X felonies.

19 (3) Class 1 felonies.

20 (4) Class 2 felonies.

21 (5) Class 3 felonies.

1 (6) Class 4 felonies.

2 (b) MISDEMEANOR CLASSIFICATIONS. Misdemeanors are
3 classified, for the purpose of sentencing, as follows:

4 (1) Class A misdemeanors.

5 (2) Class B misdemeanors.

6 (3) Class C misdemeanors.

7 (c) PETTY AND BUSINESS OFFENSES. Petty offenses and
8 business offenses are not classified.

9 (730 ILCS 5/5-4.5-15 new)

10 Sec. 5-4.5-15. DISPOSITIONS.

11 (a) APPROPRIATE DISPOSITIONS. The following are
12 appropriate dispositions, alone or in combination, for all
13 felonies and misdemeanors other than as provided in Section
14 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the
15 statute defining the offense or elsewhere:

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

20 (5) A fine.

21 (6) Restitution to the victim.

22 (7) Participation in an impact incarceration program.

23 (8) A term of imprisonment in combination with a term
24 of probation when the offender has been admitted into a
25 drug court program.

1 (b) FINE; RESTITUTION; NOT SOLE DISPOSITION. Neither a fine
2 nor restitution shall be the sole disposition for a felony, and
3 either or both may be imposed only in conjunction with another
4 disposition.

5 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a
6 term of natural life is imposed, every sentence includes a term
7 in addition to the term of imprisonment. For those sentenced
8 under the law in effect before February 1, 1978, that term is a
9 parole term. For those sentenced on or after February 1, 1978,
10 that term is a mandatory supervised release term.

11 (730 ILCS 5/5-4.5-20 new)

12 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
13 degree murder:

14 (a) TERM. The defendant shall be sentenced to imprisonment
15 or, if appropriate, death under Section 9-1 of the Criminal
16 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
17 determinate term of (1) not less than 20 years and not more
18 than 60 years; (2) not less than 60 years and not more than 100
19 years when an extended term is imposed under Section 5-8-2 (730
20 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
21 (730 ILCS 5/5-8-1).

22 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
23 shall not be imposed.

24 (c) IMPACT INCARCERATION. The impact incarceration program
25 or the county impact incarceration program is not an authorized

1 disposition.

2 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
3 probation or conditional discharge shall not be imposed.

4 (e) FINE. Fines may be imposed as provided in Section
5 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

11 (h) DRUG COURT. Drug court is not an authorized
12 disposition.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning no credit for time spent in home
15 detention prior to judgment.

16 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
17 ILCS 5/3-6-3) for rules and regulations for early release based
18 on good conduct.

19 (k) ELECTRONIC HOME DETENTION. Electronic home detention
20 is not an authorized disposition, except in limited
21 circumstances as provided in Section 5-8A-3 (730 ILCS
22 5/5-8A-3).

23 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
24 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
25 mandatory supervised release term shall be 3 years upon release
26 from imprisonment.

1 (730 ILCS 5/5-4.5-25 new)

2 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not less than 6 years and not more than
6 30 years. The sentence of imprisonment for an extended term
7 Class X felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be not less than 30 years and not more than 60
9 years.

10 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
11 shall not be imposed.

12 (c) IMPACT INCARCERATION. The impact incarceration program
13 or the county impact incarceration program is not an authorized
14 disposition.

15 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
16 probation or conditional discharge shall not be imposed.

17 (e) FINE. Fines may be imposed as provided in Section
18 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

19 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
20 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
22 be concurrent or consecutive as provided in Section 5-8-4 (730
23 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
25 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning no credit for time spent in home
4 detention prior to judgment.

5 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
6 ILCS 5/3-6-3) for rules and regulations for early release based
7 on good conduct.

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
13 5/5-8-1), the parole or mandatory supervised release term shall
14 be 3 years upon release from imprisonment.

15 (730 ILCS 5/5-4.5-30 new)

16 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
17 felony:

18 (a) TERM. The sentence of imprisonment, other than for
19 second degree murder, shall be a determinate sentence of not
20 less than 4 years and not more than 15 years. The sentence of
21 imprisonment for second degree murder shall be a determinate
22 sentence of not less than 4 years and not more than 20 years.
23 The sentence of imprisonment for an extended term Class 1
24 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
25 be a term not less than 15 years and not more than 30 years.

1 (b) PERIODIC IMPRISONMENT. A sentence of periodic
2 imprisonment shall be for a definite term of from 3 to 4 years,
3 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
4 ILCS 5/5-5-3 or 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
6 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
7 the impact incarceration program or the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
11 period of probation or conditional discharge shall not exceed 4
12 years. The court shall specify the conditions of probation or
13 conditional discharge as set forth in Section 5-6-3 (730 ILCS
14 5/5-6-3). In no case shall an offender be eligible for a
15 disposition of probation or conditional discharge for a Class 1
16 felony committed while he or she was serving a term of
17 probation or conditional discharge for a felony.

18 (e) FINE. Fines may be imposed as provided in Section
19 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
23 be concurrent or consecutive as provided in Section 5-8-4 (730
24 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
26 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning credit for time spent in home
4 detention prior to judgment.

5 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
6 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
7 Allowance Act (730 ILCS 130/) for rules and regulations for
8 early release based on good conduct.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
14 5/5-8-1), the parole or mandatory supervised release term shall
15 be 2 years upon release from imprisonment.

16 (730 ILCS 5/5-4.5-35 new)

17 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
18 felony:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of not less than 3 years and not more than
21 7 years. The sentence of imprisonment for an extended term
22 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
23 5/5-8-2), shall be a term not less than 7 years and not more
24 than 14 years.

25 (b) PERIODIC IMPRISONMENT. A sentence of periodic

1 imprisonment shall be for a definite term of from 18 to 30
2 months, except as otherwise provided in Section 5-5-3 or 5-7-1
3 (730 ILCS 5/5-5-3 or 5/5-7-1).

4 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
5 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
6 the impact incarceration program or the county impact
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
9 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
10 period of probation or conditional discharge shall not exceed 4
11 years. The court shall specify the conditions of probation or
12 conditional discharge as set forth in Section 5-6-3 (730 ILCS
13 5/5-6-3).

14 (e) FINE. Fines may be imposed as provided in Section
15 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
2 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
3 Allowance Act (730 ILCS 130/) for rules and regulations for
4 early release based on good conduct.

5 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
6 5/5-8A-3) concerning eligibility for electronic home
7 detention.

8 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
9 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
10 5/5-8-1), the parole or mandatory supervised release term shall
11 be 2 years upon release from imprisonment.

12 (730 ILCS 5/5-4.5-40 new)

13 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
14 felony:

15 (a) TERM. The sentence of imprisonment shall be a
16 determinate sentence of not less than 2 years and not more than
17 5 years. The sentence of imprisonment for an extended term
18 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
19 5/5-8-2), shall be a term not less than 5 years and not more
20 than 10 years.

21 (b) PERIODIC IMPRISONMENT. A sentence of periodic
22 imprisonment shall be for a definite term of up to 18 months,
23 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
24 ILCS 5/5-5-3 or 5/5-7-1).

25 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2

1 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
2 the impact incarceration program or the county impact
3 incarceration program.

4 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
5 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
6 period of probation or conditional discharge shall not exceed
7 30 months. The court shall specify the conditions of probation
8 or conditional discharge as set forth in Section 5-6-3 (730
9 ILCS 5/5-6-3).

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
24 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
25 Allowance Act (730 ILCS 130/) for rules and regulations for
26 early release based on good conduct.

1 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
2 5/5-8A-3) concerning eligibility for electronic home
3 detention.

4 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
6 5/5-8-1), the parole or mandatory supervised release term shall
7 be one year upon release from imprisonment.

8 (730 ILCS 5/5-4.5-45 new)

9 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
10 felony:

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence of not less than one year and not more
13 than 3 years. The sentence of imprisonment for an extended term
14 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
15 5/5-8-2), shall be a term not less than 3 years and not more
16 than 6 years.

17 (b) PERIODIC IMPRISONMENT. A sentence of periodic
18 imprisonment shall be for a definite term of up to 18 months,
19 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
20 ILCS 5/5-5-3 or 5/5-7-1).

21 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
22 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
23 the impact incarceration program or the county impact
24 incarceration program.

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
2 period of probation or conditional discharge shall not exceed
3 30 months. The court shall specify the conditions of probation
4 or conditional discharge as set forth in Section 5-6-3 (730
5 ILCS 5/5-6-3).

6 (e) FINE. Fines may be imposed as provided in Section
7 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

8 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
9 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
11 be concurrent or consecutive as provided in Section 5-8-4 (730
12 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

13 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
14 Act (730 ILCS 166/20) concerning eligibility for a drug court
15 program.

16 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
17 ILCS 5/5-4.5-100) concerning credit for time spent in home
18 detention prior to judgment.

19 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
20 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
21 Allowance Act (730 ILCS 130/) for rules and regulations for
22 early release based on good conduct.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as

1 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
2 5/5-8-1), the parole or mandatory supervised release term shall
3 be one year upon release from imprisonment.

4 (730 ILCS 5/5-4.5-50 new)

5 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
6 as otherwise provided, for all felonies:

7 (a) NO SUPERVISION. The court, upon a plea of guilty or a
8 stipulation by the defendant of the facts supporting the charge
9 or a finding of guilt, may not defer further proceedings and
10 the imposition of a sentence and may not enter an order for
11 supervision of the defendant.

12 (b) FELONY FINES. An offender may be sentenced to pay a
13 fine not to exceed, for each offense, \$25,000 or the amount
14 specified in the offense, whichever is greater, or if the
15 offender is a corporation, \$50,000 or the amount specified in
16 the offense, whichever is greater. A fine may be imposed in
17 addition to a sentence of conditional discharge, probation,
18 periodic imprisonment, or imprisonment. See Article 9 of
19 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
20 additional amounts and determination of amounts and payment.

21 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
22 each felony conviction shall set forth his or her reasons for
23 imposing the particular sentence entered in the case, as
24 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
25 include any mitigating or aggravating factors specified in this

1 Code, or the lack of any such factors, as well as any other
2 mitigating or aggravating factors that the judge sets forth on
3 the record that are consistent with the purposes and principles
4 of sentencing set out in this Code.

5 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
6 sentence may be made, or the court may reduce a sentence
7 without motion, within 30 days after the sentence is imposed. A
8 defendant's challenge to the correctness of a sentence or to
9 any aspect of the sentencing hearing shall be made by a written
10 motion filed with the circuit court clerk within 30 days
11 following the imposition of sentence. A motion not filed within
12 that 30-day period is not timely. The court may not increase a
13 sentence once it is imposed. A notice of motion must be filed
14 with the motion. The notice of motion shall set the motion on
15 the court's calendar on a date certain within a reasonable time
16 after the date of filing.

17 If a motion filed pursuant to this subsection is timely
18 filed, the proponent of the motion shall exercise due diligence
19 in seeking a determination on the motion and the court shall
20 thereafter decide the motion within a reasonable time.

21 If a motion filed pursuant to this subsection is timely
22 filed, then for purposes of perfecting an appeal, a final
23 judgment is not considered to have been entered until the
24 motion to reduce the sentence has been decided by order entered
25 by the trial court.

26 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR

1 OTHER-STATE SENTENCE. A defendant who has a previous and
2 unexpired sentence of imprisonment imposed by another state or
3 by any district court of the United States and who, after
4 sentence for a crime in Illinois, must return to serve the
5 unexpired prior sentence may have his or her sentence by the
6 Illinois court ordered to be concurrent with the prior
7 other-state or federal sentence. The court may order that any
8 time served on the unexpired portion of the other-state or
9 federal sentence, prior to his or her return to Illinois, shall
10 be credited on his or her Illinois sentence. The appropriate
11 official of the other state or the United States shall be
12 furnished with a copy of the order imposing sentence, which
13 shall provide that, when the offender is released from
14 other-state or federal confinement, whether by parole or by
15 termination of sentence, the offender shall be transferred by
16 the Sheriff of the committing Illinois county to the Illinois
17 Department of Corrections. The court shall cause the Department
18 of Corrections to be notified of the sentence at the time of
19 commitment and to be provided with copies of all records
20 regarding the sentence.

21 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
22 defendant who has a previous and unexpired sentence of
23 imprisonment imposed by an Illinois circuit court for a crime
24 in this State and who is subsequently sentenced to a term of
25 imprisonment by another state or by any district court of the
26 United States and who has served a term of imprisonment imposed

1 by the other state or district court of the United States, and
2 must return to serve the unexpired prior sentence imposed by
3 the Illinois circuit court, may apply to the Illinois circuit
4 court that imposed sentence to have his or her sentence
5 reduced.

6 The circuit court may order that any time served on the
7 sentence imposed by the other state or district court of the
8 United States be credited on his or her Illinois sentence. The
9 application for reduction of a sentence under this subsection
10 shall be made within 30 days after the defendant has completed
11 the sentence imposed by the other state or district court of
12 the United States.

13 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
14 sentence or disposition that requires the defendant to be
15 implanted or injected with or to use any form of birth control.

16 (730 ILCS 5/5-4.5-55 new)

17 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
18 A misdemeanor:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of less than one year.

21 (b) PERIODIC IMPRISONMENT. A sentence of periodic
22 imprisonment shall be for a definite term of less than one
23 year, except as otherwise provided in Section 5-5-3 or 5-7-1
24 (730 ILCS 5/5-5-3 or 5/5-7-1).

25 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS

1 5/5-8-1.2) concerning eligibility for the county impact
2 incarceration program.

3 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
4 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
5 period of probation or conditional discharge shall not exceed 2
6 years. The court shall specify the conditions of probation or
7 conditional discharge as set forth in Section 5-6-3 (730 ILCS
8 5/5-6-3).

9 (e) FINE. A fine not to exceed \$2,500 for each offense or
10 the amount specified in the offense, whichever is greater, may
11 be imposed. A fine may be imposed in addition to a sentence of
12 conditional discharge, probation, periodic imprisonment, or
13 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
14 Art. 9) for imposition of additional amounts and determination
15 of amounts and payment.

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
2 Behavior Allowance Act (730 ILCS 130/) for rules and
3 regulations for early release based on good conduct.

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (730 ILCS 5/5-4.5-60 new)

8 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
9 B misdemeanor:

10 (a) TERM. The sentence of imprisonment shall be a
11 determinate sentence of not more than 6 months.

12 (b) PERIODIC IMPRISONMENT. A sentence of periodic
13 imprisonment shall be for a definite term of up to 6 months or
14 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

15 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
16 5/5-8-1.2) concerning eligibility for the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
20 conditional discharge shall not exceed 2 years. The court shall
21 specify the conditions of probation or conditional discharge as
22 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

23 (e) FINE. A fine not to exceed \$1,500 for each offense or
24 the amount specified in the offense, whichever is greater, may
25 be imposed. A fine may be imposed in addition to a sentence of

1 conditional discharge, probation, periodic imprisonment, or
2 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
3 Art. 9) for imposition of additional amounts and determination
4 of amounts and payment.

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
17 Behavior Allowance Act (730 ILCS 130/) for rules and
18 regulations for early release based on good conduct.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (730 ILCS 5/5-4.5-65 new)

23 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
24 C misdemeanor:

25 (a) TERM. The sentence of imprisonment shall be a

1 determinate sentence of not more than 30 days.

2 (b) PERIODIC IMPRISONMENT. A sentence of periodic
3 imprisonment shall be for a definite term of up to 30 days or
4 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

5 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
6 5/5-8-1.2) concerning eligibility for the county impact
7 incarceration program.

8 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
9 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
10 conditional discharge shall not exceed 2 years. The court shall
11 specify the conditions of probation or conditional discharge as
12 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

13 (e) FINE. A fine not to exceed \$1,500 for each offense or
14 the amount specified in the offense, whichever is greater, may
15 be imposed. A fine may be imposed in addition to a sentence of
16 conditional discharge, probation, periodic imprisonment, or
17 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
18 Art. 9) for imposition of additional amounts and determination
19 of amounts and payment.

20 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
21 concerning restitution.

22 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
23 be concurrent or consecutive as provided in Section 5-8-4 (730
24 ILCS 5/5-8-4).

25 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
26 Act (730 ILCS 166/20) concerning eligibility for a drug court

1 program.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning credit for time spent in home
4 detention prior to judgment.

5 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
6 Behavior Allowance Act (730 ILCS 130/) for rules and
7 regulations for early release based on good conduct.

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (730 ILCS 5/5-4.5-70 new)

12 Sec. 5-4.5-70. SENTENCE PROVISIONS; ALL MISDEMEANORS.
13 Except as otherwise provided, for all misdemeanors:

14 (a) SUPERVISION; ORDER. The court, upon a plea of guilty or
15 a stipulation by the defendant of the facts supporting the
16 charge or a finding of guilt, may defer further proceedings and
17 the imposition of a sentence and may enter an order for
18 supervision of the defendant. If the defendant is not barred
19 from receiving an order for supervision under Section 5-6-1
20 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
21 for supervision after considering the circumstances of the
22 offense, and the history, character, and condition of the
23 offender, if the court is of the opinion that:

24 (1) the defendant is not likely to commit further
25 crimes;

1 (2) the defendant and the public would be best served
2 if the defendant were not to receive a criminal record; and

3 (3) in the best interests of justice, an order of
4 supervision is more appropriate than a sentence otherwise
5 permitted under this Code.

6 (b) SUPERVISION; PERIOD. When a defendant is placed on
7 supervision, the court shall enter an order for supervision
8 specifying the period of supervision, and shall defer further
9 proceedings in the case until the conclusion of the period. The
10 period of supervision shall be reasonable under all of the
11 circumstances of the case, and except as otherwise provided,
12 may not be longer than 2 years, unless the defendant has failed
13 to pay the assessment required by Section 10.3 of the Cannabis
14 Control Act (720 ILCS 550/10.3), Section 411.2 of the Illinois
15 Controlled Substances Act (720 ILCS 570/411.2), or Section 80
16 of the Methamphetamine Control and Community Protection Act
17 (720 ILCS 646/80), in which case the court may extend
18 supervision beyond 2 years. The court shall specify the
19 conditions of supervision as set forth in Section 5-6-3.1 (730
20 ILCS 5/5-6-3.1).

21 (c) NO REQUIRED BIRTH CONTROL. A court may not impose a
22 sentence or disposition that requires the defendant to be
23 implanted or injected with or to use any form of birth control.

24 (730 ILCS 5/5-4.5-75 new)

25 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as

1 otherwise provided, for a petty offense:

2 (a) FINE. A defendant may be sentenced to pay a fine not to
3 exceed \$1,000 for each offense or the amount specified in the
4 offense, whichever is less. A fine may be imposed in addition
5 to a sentence of conditional discharge or probation. See
6 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
7 imposition of additional amounts and determination of amounts
8 and payment.

9 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
11 sentenced to a period of probation or conditional discharge not
12 to exceed 6 months. The court shall specify the conditions of
13 probation or conditional discharge as set forth in Section
14 5-6-3 (730 ILCS 5/5-6-3).

15 (c) RESTITUTION. A defendant may be sentenced to make
16 restitution to the victim under Section 5-5-6 (730 ILCS
17 5/5-5-6).

18 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
19 a stipulation by the defendant of the facts supporting the
20 charge or a finding of guilt, may defer further proceedings and
21 the imposition of a sentence and may enter an order for
22 supervision of the defendant. If the defendant is not barred
23 from receiving an order for supervision under Section 5-6-1
24 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
25 for supervision after considering the circumstances of the
26 offense, and the history, character, and condition of the

1 offender, if the court is of the opinion that:

2 (1) the defendant is not likely to commit further
3 crimes;

4 (2) the defendant and the public would be best served
5 if the defendant were not to receive a criminal record; and

6 (3) in the best interests of justice, an order of
7 supervision is more appropriate than a sentence otherwise
8 permitted under this Code.

9 (e) SUPERVISION; PERIOD. When a defendant is placed on
10 supervision, the court shall enter an order for supervision
11 specifying the period of supervision, and shall defer further
12 proceedings in the case until the conclusion of the period. The
13 period of supervision shall be reasonable under all of the
14 circumstances of the case, and except as otherwise provided,
15 may not be longer than 2 years. The court shall specify the
16 conditions of supervision as set forth in Section 5-6-3.1 (730
17 ILCS 5/5-6-3.1).

18 (730 ILCS 5/5-4.5-80 new)

19 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
20 otherwise provided, for a business offense:

21 (a) FINE. A defendant may be sentenced to pay a fine not to
22 exceed for each offense the amount specified in the statute
23 defining that offense. A fine may be imposed in addition to a
24 sentence of conditional discharge. See Article 9 of Chapter V
25 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts

1 and determination of amounts and payment.

2 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
3 a period of conditional discharge. The court shall specify the
4 conditions of conditional discharge as set forth in Section
5 5-6-3 (730 ILCS 5/5-6-3).

6 (c) RESTITUTION. A defendant may be sentenced to make
7 restitution to the victim under Section 5-5-6 (730 ILCS
8 5/5-5-6).

9 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
10 a stipulation by the defendant of the facts supporting the
11 charge or a finding of guilt, may defer further proceedings and
12 the imposition of a sentence and may enter an order for
13 supervision of the defendant. If the defendant is not barred
14 from receiving an order for supervision under Section 5-6-1
15 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
16 for supervision after considering the circumstances of the
17 offense, and the history, character, and condition of the
18 offender, if the court is of the opinion that:

19 (1) the defendant is not likely to commit further
20 crimes;

21 (2) the defendant and the public would be best served
22 if the defendant were not to receive a criminal record; and

23 (3) in the best interests of justice, an order of
24 supervision is more appropriate than a sentence otherwise
25 permitted under this Code.

26 (e) SUPERVISION; PERIOD. When a defendant is placed on

1 supervision, the court shall enter an order for supervision
2 specifying the period of supervision, and shall defer further
3 proceedings in the case until the conclusion of the period. The
4 period of supervision shall be reasonable under all of the
5 circumstances of the case, and except as otherwise provided,
6 may not be longer than 2 years. The court shall specify the
7 conditions of supervision as set forth in Section 5-6-3.1 (730
8 ILCS 5/5-6-3.1).

9 (730 ILCS 5/5-4.5-85 new)

10 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

11 (a) FELONY. The particular classification of each felony is
12 specified in the law defining the felony. Any unclassified
13 offense that is declared by law to be a felony or that provides
14 a sentence to a term of imprisonment for one year or more is a
15 Class 4 felony.

16 (b) MISDEMEANOR. The particular classification of each
17 misdemeanor is specified in the law or ordinance defining the
18 misdemeanor.

19 (1) Any offense not so classified that provides a
20 sentence to a term of imprisonment of less than one year
21 but in excess of 6 months is a Class A misdemeanor.

22 (2) Any offense not so classified that provides a
23 sentence to a term of imprisonment of 6 months or less but
24 in excess of 30 days is a Class B misdemeanor.

25 (3) Any offense not so classified that provides a

1 sentence to a term of imprisonment of 30 days or less is a
2 Class C misdemeanor.

3 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
4 that does not provide for a sentence of imprisonment is a petty
5 offense or a business offense.

6 (730 ILCS 5/5-4.5-90 new)

7 Sec. 5-4.5-90. OTHER REMEDIES NOT LIMITED. This Article
8 does not deprive a court in other proceedings of the power to
9 order a forfeiture of property, to suspend or cancel a license,
10 to remove a person from office, or to impose any other civil
11 penalty.

12 (730 ILCS 5/5-4.5-95 new)

13 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

14 (a) HABITUAL CRIMINALS.

15 (1) Every person who has been twice convicted in any
16 state or federal court of an offense that contains the same
17 elements as an offense now (the date of the offense
18 committed after the 2 prior convictions) classified in
19 Illinois as a Class X felony, criminal sexual assault,
20 aggravated kidnapping, or first degree murder, and who is
21 thereafter convicted of a Class X felony, criminal sexual
22 assault, or first degree murder, committed after the 2
23 prior convictions, shall be adjudged an habitual criminal.

24 (2) The 2 prior convictions need not have been for the

1 same offense.

2 (3) Any convictions that result from or are connected
3 with the same transaction, or result from offenses
4 committed at the same time, shall be counted for the
5 purposes of this Section as one conviction.

6 (4) This Section does not apply unless each of the
7 following requirements are satisfied:

8 (A) The third offense was committed after July 3,
9 1980.

10 (B) The third offense was committed within 20 years
11 of the date that judgment was entered on the first
12 conviction; provided, however, that time spent in
13 custody shall not be counted.

14 (C) The third offense was committed after
15 conviction on the second offense.

16 (D) The second offense was committed after
17 conviction on the first offense.

18 (5) Except when the death penalty is imposed, anyone
19 adjudged an habitual criminal shall be sentenced to a term
20 of natural life imprisonment.

21 (6) A prior conviction shall not be alleged in the
22 indictment, and no evidence or other disclosure of that
23 conviction shall be presented to the court or the jury
24 during the trial of an offense set forth in this Section
25 unless otherwise permitted by the issues properly raised in
26 that trial. After a plea or verdict or finding of guilty

1 and before sentence is imposed, the prosecutor may file
2 with the court a verified written statement signed by the
3 State's Attorney concerning any former conviction of an
4 offense set forth in this Section rendered against the
5 defendant. The court shall then cause the defendant to be
6 brought before it; shall inform the defendant of the
7 allegations of the statement so filed, and of his or her
8 right to a hearing before the court on the issue of that
9 former conviction and of his or her right to counsel at
10 that hearing; and unless the defendant admits such
11 conviction, shall hear and determine the issue, and shall
12 make a written finding thereon. If a sentence has
13 previously been imposed, the court may vacate that sentence
14 and impose a new sentence in accordance with this Section.

15 (7) A duly authenticated copy of the record of any
16 alleged former conviction of an offense set forth in this
17 Section shall be prima facie evidence of that former
18 conviction; and a duly authenticated copy of the record of
19 the defendant's final release or discharge from probation
20 granted, or from sentence and parole supervision (if any)
21 imposed pursuant to that former conviction, shall be prima
22 facie evidence of that release or discharge.

23 (8) Any claim that a previous conviction offered by the
24 prosecution is not a former conviction of an offense set
25 forth in this Section because of the existence of any
26 exceptions described in this Section, is waived unless duly

1 raised at the hearing on that conviction, or unless the
2 prosecution's proof shows the existence of the exceptions
3 described in this Section.

4 (9) If the person so convicted shows to the
5 satisfaction of the court before whom that conviction was
6 had that he or she was released from imprisonment, upon
7 either of the sentences upon a pardon granted for the
8 reason that he or she was innocent, that conviction and
9 sentence shall not be considered under this Section.

10 (b) When a defendant, over the age of 21 years, is
11 convicted of a Class 1 or Class 2 felony, after having twice
12 been convicted in any state or federal court of an offense that
13 contains the same elements as an offense now (the date the
14 Class 1 or Class 2 felony was committed) classified in Illinois
15 as a Class 2 or greater Class felony and those charges are
16 separately brought and tried and arise out of different series
17 of acts, that defendant shall be sentenced as a Class X
18 offender. This subsection does not apply unless:

19 (1) the first felony was committed after February 1,
20 1978 (the effective date of Public Act 80-1099);

21 (2) the second felony was committed after conviction on
22 the first; and

23 (3) the third felony was committed after conviction on
24 the second.

25 A person sentenced as a Class X offender under this
26 subsection (b) is not eligible to apply for treatment as a

1 condition of probation as provided by Section 40-10 of the
2 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
3 301/40-10).

4 (730 ILCS 5/5-4.5-100 new)

5 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

6 (a) COMMENCEMENT. A sentence of imprisonment shall
7 commence on the date on which the offender is received by the
8 Department or the institution at which the sentence is to be
9 served.

10 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. The offender
11 shall be given credit on the determinate sentence or maximum
12 term and the minimum period of imprisonment for time spent in
13 custody as a result of the offense for which the sentence was
14 imposed, at the rate specified in Section 3-6-3 (730 ILCS
15 5/3-6-3). Except when prohibited by subsection (d), the trial
16 court may give credit to the defendant for time spent in home
17 detention, or when the defendant has been confined for
18 psychiatric or substance abuse treatment prior to judgment, if
19 the court finds that the detention or confinement was
20 custodial.

21 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
22 arrested on one charge and prosecuted on another charge for
23 conduct that occurred prior to his or her arrest shall be given
24 credit on the determinate sentence or maximum term and the
25 minimum term of imprisonment for time spent in custody under

1 the former charge not credited against another sentence.

2 (d) NO CREDIT; SOME HOME DETENTION. An offender sentenced
3 to a term of imprisonment for an offense listed in paragraph
4 (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in
5 paragraph (3) of subsection (c-1) of Section 11-501 of the
6 Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive
7 credit for time spent in home detention prior to judgment.

8 (730 ILCS 5/5-4.5-990 new)

9 Sec. 5-4.5-990. PRIOR LAW; OTHER ACTS; PRIOR SENTENCING.

10 (a) This Article 4.5 and the other provisions of this
11 amendatory Act of the 95th General Assembly consolidate and
12 unify certain criminal sentencing provisions and make
13 conforming changes in the law.

14 (b) A provision of this Article 4.5 or any other provision
15 of this amendatory Act of the 95th General Assembly that is the
16 same or substantially the same as a prior law shall be
17 construed as a continuation of the prior law and not as a new
18 or different law.

19 (c) A citation in this Code or in another Act to a
20 provision consolidated or unified in this Article 4.5 or to any
21 other provision consolidated or unified in this amendatory Act
22 of the 95th General Assembly shall be construed to be a
23 citation to that consolidated or unified provision.

24 (d) If any other Act of the General Assembly changes, adds,
25 or repeals a provision of prior law that is consolidated or

1 unified in this Article 4.5 or in any other provision of this
2 amendatory Act of the 95th General Assembly, then that change,
3 addition, or repeal shall be construed together with this
4 Article 4.5 and the other provisions of this amendatory Act of
5 the 95th General Assembly.

6 (e) Sentencing for any violation of the law occurring
7 before the effective date of this amendatory Act of the 95th
8 General Assembly is not affected or abated by this amendatory
9 Act of the 95th General Assembly.

10 Section 80. The Criminal Code of 1961 is amended by
11 changing Sections 10-5 and 33A-3 as follows:

12 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

13 Sec. 10-5. Child Abduction.

14 (a) For purposes of this Section, the following terms shall
15 have the following meanings:

16 (1) "Child" means a person under the age of 18 or a
17 severely or profoundly mentally retarded person at the time
18 the alleged violation occurred; and

19 (2) "Detains" means taking or retaining physical
20 custody of a child, whether or not the child resists or
21 objects; and

22 (3) "Lawful custodian" means a person or persons
23 granted legal custody of a child or entitled to physical
24 possession of a child pursuant to a court order. It is

1 presumed that, when the parties have never been married to
2 each other, the mother has legal custody of the child
3 unless a valid court order states otherwise. If an
4 adjudication of paternity has been completed and the father
5 has been assigned support obligations or visitation
6 rights, such a paternity order should, for the purposes of
7 this Section be considered a valid court order granting
8 custody to the mother.

9 (b) A person commits child abduction when he or she:

10 (1) Intentionally violates any terms of a valid court
11 order granting sole or joint custody, care or possession to
12 another, by concealing or detaining the child or removing
13 the child from the jurisdiction of the court; or

14 (2) Intentionally violates a court order prohibiting
15 the person from concealing or detaining the child or
16 removing the child from the jurisdiction of the court; or

17 (3) Intentionally conceals, detains or removes the
18 child without the consent of the mother or lawful custodian
19 of the child if the person is a putative father and either:

20 (A) the paternity of the child has not been legally
21 established or (B) the paternity of the child has been
22 legally established but no orders relating to custody have
23 been entered. However, notwithstanding the presumption
24 created by paragraph (3) of subsection (a), a mother
25 commits child abduction when she intentionally conceals or
26 removes a child, whom she has abandoned or relinquished

1 custody of, from an unadjudicated father who has provided
2 sole ongoing care and custody of the child in her absence;
3 or

4 (4) Intentionally conceals or removes the child from a
5 parent after filing a petition or being served with process
6 in an action affecting marriage or paternity but prior to
7 the issuance of a temporary or final order determining
8 custody; or

9 (5) At the expiration of visitation rights outside the
10 State, intentionally fails or refuses to return or impedes
11 the return of the child to the lawful custodian in
12 Illinois; or

13 (6) Being a parent of the child, and where the parents
14 of such child are or have been married and there has been
15 no court order of custody, conceals the child for 15 days,
16 and fails to make reasonable attempts within the 15 day
17 period to notify the other parent as to the specific
18 whereabouts of the child, including a means by which to
19 contact such child, or to arrange reasonable visitation or
20 contact with the child. It is not a violation of this
21 Section for a person fleeing domestic violence to take the
22 child with him or her to housing provided by a domestic
23 violence program; or

24 (7) Being a parent of the child, and where the parents
25 of the child are or have been married and there has been no
26 court order of custody, conceals, detains, or removes the

1 child with physical force or threat of physical force; or

2 (8) Conceals, detains, or removes the child for payment
3 or promise of payment at the instruction of a person who
4 has no legal right to custody; or

5 (9) Retains in this State for 30 days a child removed
6 from another state without the consent of the lawful
7 custodian or in violation of a valid court order of
8 custody; or

9 (10) Intentionally lures or attempts to lure a child
10 under the age of 16 into a motor vehicle, building,
11 housetrailer, or dwelling place without the consent of the
12 parent or lawful custodian of the child for other than a
13 lawful purpose.

14 For the purposes of this subsection (b), paragraph (10),
15 the luring or attempted luring of a child under the age of 16
16 into a motor vehicle, building, housetrailer, or dwelling place
17 without the consent of the parent or lawful custodian of the
18 child shall be prima facie evidence of other than a lawful
19 purpose.

20 (c) It shall be an affirmative defense that:

21 (1) The person had custody of the child pursuant to a
22 court order granting legal custody or visitation rights
23 which existed at the time of the alleged violation; or

24 (2) The person had physical custody of the child
25 pursuant to a court order granting legal custody or
26 visitation rights and failed to return the child as a

1 result of circumstances beyond his or her control, and the
2 person notified and disclosed to the other parent or legal
3 custodian the specific whereabouts of the child and a means
4 by which such child can be contacted or made a reasonable
5 attempt to notify the other parent or lawful custodian of
6 the child of such circumstances and make such disclosure
7 within 24 hours after the visitation period had expired and
8 returned the child as soon as possible; or

9 (3) The person was fleeing an incidence or pattern of
10 domestic violence; or

11 (4) The person lured or attempted to lure a child under
12 the age of 16 into a motor vehicle, building, housetrailer,
13 or dwelling place for a lawful purpose in prosecutions
14 under subsection (b), paragraph (10).

15 (d) A person convicted of child abduction under this
16 Section is guilty of a Class 4 felony. A person convicted of a
17 second or subsequent violation of paragraph (10) of subsection
18 (b) of this Section is guilty of a Class 3 felony. It shall be a
19 factor in aggravation for which a court may impose a more
20 severe sentence under Section 5-8-1 (730 ILCS 5/5-8-1) or
21 Article 4.5 of Chapter V of the Unified Code of Corrections, if
22 upon sentencing the court finds evidence of any of the
23 following aggravating factors:

24 (1) that the defendant abused or neglected the child
25 following the concealment, detention or removal of the
26 child; or

1 (2) that the defendant inflicted or threatened to
2 inflict physical harm on a parent or lawful custodian of
3 the child or on the child with intent to cause such parent
4 or lawful custodian to discontinue criminal prosecution of
5 the defendant under this Section; or

6 (3) that the defendant demanded payment in exchange for
7 return of the child or demanded that he or she be relieved
8 of the financial or legal obligation to support the child
9 in exchange for return of the child; or

10 (4) that the defendant has previously been convicted of
11 child abduction; or

12 (5) that the defendant committed the abduction while
13 armed with a deadly weapon or the taking of the child
14 resulted in serious bodily injury to another; or

15 (6) that the defendant committed the abduction while in
16 a school, regardless of the time of day or time of year; in
17 a playground; on any conveyance owned, leased, or
18 contracted by a school to transport students to or from
19 school or a school related activity; on the real property
20 of a school; or on a public way within 1,000 feet of the
21 real property comprising any school or playground. For
22 purposes of this paragraph (6), "playground" means a piece
23 of land owned or controlled by a unit of local government
24 that is designated by the unit of local government for use
25 solely or primarily for children's recreation; and
26 "school" means a public or private elementary or secondary

1 school, community college, college, or university.

2 (e) The court may order the child to be returned to the
3 parent or lawful custodian from whom the child was concealed,
4 detained or removed. In addition to any sentence imposed, the
5 court may assess any reasonable expense incurred in searching
6 for or returning the child against any person convicted of
7 violating this Section.

8 (f) Nothing contained in this Section shall be construed to
9 limit the court's contempt power.

10 (g) Every law enforcement officer investigating an alleged
11 incident of child abduction shall make a written police report
12 of any bona fide allegation and the disposition of such
13 investigation. Every police report completed pursuant to this
14 Section shall be compiled and recorded within the meaning of
15 Section 5.1 of "An Act in relation to criminal identification
16 and investigation", approved July 2, 1931, as now or hereafter
17 amended.

18 (h) Whenever a law enforcement officer has reasons to
19 believe a child abduction has occurred, he shall provide the
20 lawful custodian a summary of her or his rights under this Act,
21 including the procedures and relief available to her or him.

22 (i) If during the course of an investigation under this
23 Section the child is found in the physical custody of the
24 defendant or another, the law enforcement officer shall return
25 the child to the parent or lawful custodian from whom the child
26 was concealed, detained or removed, unless there is good cause

1 for the law enforcement officer or the Department of Children
2 and Family Services to retain temporary protective custody of
3 the child pursuant to the Abused and Neglected Child Reporting
4 Act, as now or hereafter amended.

5 (Source: P.A. 92-434, eff. 1-1-02.)

6 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

7 Sec. 33A-3. Sentence.

8 (a) Violation of Section 33A-2(a) with a Category I weapon
9 is a Class X felony for which the defendant shall be sentenced
10 to a minimum term of imprisonment of 15 years.

11 (a-5) Violation of Section 33A-2(a) with a Category II
12 weapon is a Class X felony for which the defendant shall be
13 sentenced to a minimum term of imprisonment of 10 years.

14 (b) Violation of Section 33A-2(a) with a Category III
15 weapon is a Class 2 felony or the felony classification
16 provided for the same act while unarmed, whichever permits the
17 greater penalty. A second or subsequent violation of Section
18 33A-2(a) with a Category III weapon is a Class 1 felony or the
19 felony classification provided for the same act while unarmed,
20 whichever permits the greater penalty.

21 (b-5) Violation of Section 33A-2(b) with a firearm that is
22 a Category I or Category II weapon is a Class X felony for
23 which the defendant shall be sentenced to a minimum term of
24 imprisonment of 20 years.

25 (b-10) Violation of Section 33A-2(c) with a firearm that is

1 a Category I or Category II weapon is a Class X felony for
2 which the defendant shall be sentenced to a term of
3 imprisonment of not less than 25 years nor more than 40 years.

4 (c) Unless sentencing under subsection (a) of Section
5 5-4.5-95 of the Unified Code of Corrections (730 ILCS
6 5/5-4.5-95) ~~Section 33B-1~~ is applicable, any person who
7 violates subsection (a) or (b) of Section 33A-2 with a firearm,
8 when that person has been convicted in any state or federal
9 court of 3 or more of the following offenses: treason, first
10 degree murder, second degree murder, predatory criminal sexual
11 assault of a child, aggravated criminal sexual assault,
12 criminal sexual assault, robbery, burglary, arson, kidnaping,
13 aggravated battery resulting in great bodily harm or permanent
14 disability or disfigurement, a violation of the
15 Methamphetamine Control and Community Protection Act, or a
16 violation of Section 401(a) of the Illinois Controlled
17 Substances Act, when the third offense was committed after
18 conviction on the second, the second offense was committed
19 after conviction on the first, and the violation of Section
20 33A-2 was committed after conviction on the third, shall be
21 sentenced to a term of imprisonment of not less than 25 years
22 nor more than 50 years.

23 (c-5) Except as otherwise provided in paragraph (b-10) or
24 (c) of this Section, a person who violates Section 33A-2(a)
25 with a firearm that is a Category I weapon or Section 33A-2(b)
26 in any school, in any conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a school
2 related activity, or on the real property comprising any school
3 or public park, and where the offense was related to the
4 activities of an organized gang, shall be sentenced to a term
5 of imprisonment of not less than the term set forth in
6 subsection (a) or (b-5) of this Section, whichever is
7 applicable, and not more than 30 years. For the purposes of
8 this subsection (c-5), "organized gang" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (d) For armed violence based upon a predicate offense
12 listed in this subsection (d) the court shall enter the
13 sentence for armed violence to run consecutively to the
14 sentence imposed for the predicate offense. The offenses
15 covered by this provision are:

- 16 (i) solicitation of murder,
17 (ii) solicitation of murder for hire,
18 (iii) heinous battery,
19 (iv) aggravated battery of a senior citizen,
20 (v) (blank),
21 (vi) a violation of subsection (g) of Section 5 of the
22 Cannabis Control Act,
23 (vii) cannabis trafficking,
24 (viii) a violation of subsection (a) of Section 401 of
25 the Illinois Controlled Substances Act,
26 (ix) controlled substance trafficking involving a

1 Class X felony amount of controlled substance under Section
2 401 of the Illinois Controlled Substances Act,
3 (x) calculated criminal drug conspiracy,
4 (xi) streetgang criminal drug conspiracy, or
5 (xii) a violation of the Methamphetamine Control and
6 Community Protection Act.

7 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07.)

8 Section 85. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 104-25 and 111-3 as follows:

10 (725 ILCS 5/104-25) (from Ch. 38, par. 104-25)

11 Sec. 104-25. Discharge hearing.

12 (a) As provided for in paragraph (a) of Section 104-23 and
13 subparagraph (1) of paragraph (b) of Section 104-23 a hearing
14 to determine the sufficiency of the evidence shall be held.
15 Such hearing shall be conducted by the court without a jury.
16 The State and the defendant may introduce evidence relevant to
17 the question of defendant's guilt of the crime charged.

18 The court may admit hearsay or affidavit evidence on
19 secondary matters such as testimony to establish the chain of
20 possession of physical evidence, laboratory reports,
21 authentication of transcripts taken by official reporters,
22 court and business records, and public documents.

23 (b) If the evidence does not prove the defendant guilty
24 beyond a reasonable doubt, the court shall enter a judgment of

1 acquittal; however nothing herein shall prevent the State from
2 requesting the court to commit the defendant to the Department
3 of Human Services under the provisions of the Mental Health and
4 Developmental Disabilities Code.

5 (c) If the defendant is found not guilty by reason of
6 insanity, the court shall enter a judgment of acquittal and the
7 proceedings after acquittal by reason of insanity under Section
8 5-2-4 of the Unified Code of Corrections shall apply.

9 (d) If the discharge hearing does not result in an
10 acquittal of the charge the defendant may be remanded for
11 further treatment and the one year time limit set forth in
12 Section 104-23 shall be extended as follows:

13 (1) If the most serious charge upon which the State
14 sustained its burden of proof was a Class 1 or Class X
15 felony, the treatment period may be extended up to a
16 maximum treatment period of 2 years; if a Class 2, 3, or 4
17 felony, the treatment period may be extended up to a
18 maximum of 15 months;

19 (2) If the State sustained its burden of proof on a
20 charge of first degree murder, the treatment period may be
21 extended up to a maximum treatment period of 5 years.

22 (e) Transcripts of testimony taken at a discharge hearing
23 may be admitted in evidence at a subsequent trial of the case,
24 subject to the rules of evidence, if the witness who gave such
25 testimony is legally unavailable at the time of the subsequent
26 trial.

1 (f) If the court fails to enter an order of acquittal the
2 defendant may appeal from such judgment in the same manner
3 provided for an appeal from a conviction in a criminal case.

4 (g) At the expiration of an extended period of treatment
5 ordered pursuant to this Section:

6 (1) Upon a finding that the defendant is fit or can be
7 rendered fit consistent with Section 104-22, the court may
8 proceed with trial.

9 (2) If the defendant continues to be unfit to stand
10 trial, the court shall determine whether he or she is
11 subject to involuntary admission under the Mental Health
12 and Developmental Disabilities Code or constitutes a
13 serious threat to the public safety. If so found, the
14 defendant shall be remanded to the Department of Human
15 Services for further treatment and shall be treated in the
16 same manner as a civilly committed patient for all
17 purposes, except that the original court having
18 jurisdiction over the defendant shall be required to
19 approve any conditional release or discharge of the
20 defendant, for the period of commitment equal to the
21 maximum sentence to which the defendant would have been
22 subject had he or she been convicted in a criminal
23 proceeding. During this period of commitment, the original
24 court having jurisdiction over the defendant shall hold
25 hearings under clause (i) of this paragraph (2). However,
26 if the defendant is remanded to the Department of Human

1 Services, the defendant shall be placed in a secure setting
2 unless the court determines that there are compelling
3 reasons why such placement is not necessary.

4 If the defendant does not have a current treatment
5 plan, then within 3 days of admission under this
6 subdivision (g) (2), a treatment plan shall be prepared for
7 each defendant and entered into his or her record. The plan
8 shall include (i) an assessment of the defendant's
9 treatment needs, (ii) a description of the services
10 recommended for treatment, (iii) the goals of each type of
11 element of service, (iv) an anticipated timetable for the
12 accomplishment of the goals, and (v) a designation of the
13 qualified professional responsible for the implementation
14 of the plan. The plan shall be reviewed and updated as the
15 clinical condition warrants, but not less than every 30
16 days.

17 Every 90 days after the initial admission under this
18 subdivision (g) (2), the facility director shall file a
19 typed treatment plan report with the original court having
20 jurisdiction over the defendant. The report shall include
21 an opinion as to whether the defendant is fit to stand
22 trial and whether the defendant is currently subject to
23 involuntary admission, in need of mental health services on
24 an inpatient basis, or in need of mental health services on
25 an outpatient basis. The report shall also summarize the
26 basis for those findings and provide a current summary of

1 the 5 items required in a treatment plan. A copy of the
2 report shall be forwarded to the clerk of the court, the
3 State's Attorney, and the defendant's attorney if the
4 defendant is represented by counsel.

5 The court on its own motion may order a hearing to
6 review the treatment plan. The defendant or the State's
7 Attorney may request a treatment plan review every 90 days
8 and the court shall review the current treatment plan to
9 determine whether the plan complies with the requirements
10 of this Section. The court may order an independent
11 examination on its own initiative and shall order such an
12 evaluation if either the recipient or the State's Attorney
13 so requests and has demonstrated to the court that the plan
14 cannot be effectively reviewed by the court without such an
15 examination. Under no circumstances shall the court be
16 required to order an independent examination pursuant to
17 this Section more than once each year. The examination
18 shall be conducted by a psychiatrist or clinical
19 psychologist as defined in Section 1-103 of the Mental
20 Health and Developmental Disabilities Code who is not in
21 the employ of the Department of Human Services.

22 If, during the period within which the defendant is
23 confined in a secure setting, the court enters an order
24 that requires the defendant to appear, the court shall
25 timely transmit a copy of the order or writ to the director
26 of the particular Department of Human Services facility

1 where the defendant resides authorizing the transportation
2 of the defendant to the court for the purpose of the
3 hearing.

4 (i) 180 days after a defendant is remanded to the
5 Department of Human Services, under paragraph (2), and
6 every 180 days thereafter for so long as the defendant
7 is confined under the order entered thereunder, the
8 court shall set a hearing and shall direct that notice
9 of the time and place of the hearing be served upon the
10 defendant, the facility director, the State's
11 Attorney, and the defendant's attorney. If requested
12 by either the State or the defense or if the court
13 determines that it is appropriate, an impartial
14 examination of the defendant by a psychiatrist or
15 clinical psychologist as defined in Section 1-103 of
16 the Mental Health and Developmental Disabilities Code
17 who is not in the employ of the Department of Human
18 Services shall be ordered, and the report considered at
19 the time of the hearing. If the defendant is not
20 currently represented by counsel the court shall
21 appoint the public defender to represent the defendant
22 at the hearing. The court shall make a finding as to
23 whether the defendant is:

24 (A) subject to involuntary admission; or

25 (B) in need of mental health services in the
26 form of inpatient care; or

1 (C) in need of mental health services but not
2 subject to involuntary admission nor inpatient
3 care.

4 The findings of the court shall be established by clear
5 and convincing evidence and the burden of proof and the
6 burden of going forward with the evidence shall rest
7 with the State's Attorney. Upon finding by the court,
8 the court shall enter its findings and an appropriate
9 order.

10 (ii) The terms "subject to involuntary admission",
11 "in need of mental health services in the form of
12 inpatient care" and "in need of mental health services
13 but not subject to involuntary admission nor inpatient
14 care" shall have the meanings ascribed to them in
15 clause (d)(3) of Section 5-2-4 of the Unified Code of
16 Corrections.

17 (3) If the defendant is not committed pursuant to this
18 Section, he or she shall be released.

19 (4) In no event may the treatment period be extended to
20 exceed the maximum sentence to which a defendant would have
21 been subject had he or she been convicted in a criminal
22 proceeding. For purposes of this Section, the maximum
23 sentence shall be determined by Section 5-8-1 (730 ILCS
24 5/5-8-1) or Article 4.5 of Chapter V of the "Unified Code
25 of Corrections", excluding any sentence of natural life.

26 (Source: P.A. 91-536, eff. 1-1-00.)

1 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

2 Sec. 111-3. Form of charge.

3 (a) A charge shall be in writing and allege the commission
4 of an offense by:

5 (1) Stating the name of the offense;

6 (2) Citing the statutory provision alleged to have been
7 violated;

8 (3) Setting forth the nature and elements of the
9 offense charged;

10 (4) Stating the date and county of the offense as
11 definitely as can be done; and

12 (5) Stating the name of the accused, if known, and if
13 not known, designate the accused by any name or description
14 by which he can be identified with reasonable certainty.

15 (b) An indictment shall be signed by the foreman of the
16 Grand Jury and an information shall be signed by the State's
17 Attorney and sworn to by him or another. A complaint shall be
18 sworn to and signed by the complainant; Provided, however, that
19 when a citation is issued on a Uniform Traffic Ticket or
20 Uniform Conservation Ticket (in a form prescribed by the
21 Conference of Chief Circuit Judges and filed with the Supreme
22 Court), the copy of such Uniform Ticket which is filed with the
23 circuit court constitutes a complaint to which the defendant
24 may plead, unless he specifically requests that a verified
25 complaint be filed.

1 (c) When the State seeks an enhanced sentence because of a
2 prior conviction, the charge shall also state the intention to
3 seek an enhanced sentence and shall state such prior conviction
4 so as to give notice to the defendant. However, the fact of
5 such prior conviction and the State's intention to seek an
6 enhanced sentence are not elements of the offense and may not
7 be disclosed to the jury during trial unless otherwise
8 permitted by issues properly raised during such trial. For the
9 purposes of this Section, "enhanced sentence" means a sentence
10 which is increased by a prior conviction from one
11 classification of offense to another higher level
12 classification of offense set forth in Section 5-4.5-10 ~~5-5-1~~
13 of the "Unified Code of Corrections (730 ILCS 5/5-4.5-10)",
14 ~~approved July 26, 1972, as amended;~~ it does not include an
15 increase in the sentence applied within the same level of
16 classification of offense.

17 (c-5) Notwithstanding any other provision of law, in all
18 cases in which the imposition of the death penalty is not a
19 possibility, if an alleged fact (other than the fact of a prior
20 conviction) is not an element of an offense but is sought to be
21 used to increase the range of penalties for the offense beyond
22 the statutory maximum that could otherwise be imposed for the
23 offense, the alleged fact must be included in the charging
24 instrument or otherwise provided to the defendant through a
25 written notification before trial, submitted to a trier of fact
26 as an aggravating factor, and proved beyond a reasonable doubt.

1 Failure to prove the fact beyond a reasonable doubt is not a
2 bar to a conviction for commission of the offense, but is a bar
3 to increasing, based on that fact, the range of penalties for
4 the offense beyond the statutory maximum that could otherwise
5 be imposed for that offense. Nothing in this subsection (c-5)
6 requires the imposition of a sentence that increases the range
7 of penalties for the offense beyond the statutory maximum that
8 could otherwise be imposed for the offense if the imposition of
9 that sentence is not required by law.

10 (d) At any time prior to trial, the State on motion shall
11 be permitted to amend the charge, whether brought by
12 indictment, information or complaint, to make the charge comply
13 with subsection (c) or (c-5) of this Section. Nothing in
14 Section 103-5 of this Code precludes such an amendment or a
15 written notification made in accordance with subsection (c-5)
16 of this Section.

17 (e) The provisions of subsection (a) of Section 5-4.5-95 of
18 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) Article
19 33B of the Criminal Code of 1961, as amended, shall not be
20 affected by this Section.

21 (Source: P.A. 91-953, eff. 2-23-01.)

22 Section 90. The Unified Code of Corrections is amended by
23 changing Sections 3-3-2.1, 5-1-17, 5-2-6, 5-5-3, 5-5-3.2,
24 5-5-4.3, 5-6-2, 5-6-4, 5-6-4.1, 5-7-8, 5-8-1, 5-8-2, 5-8-4, and
25 5-9-1 as follows:

1 (730 ILCS 5/3-3-2.1) (from Ch. 38, par. 1003-3-2.1)

2 Sec. 3-3-2.1. Prisoner Review Board - Release Date. (a)
3 Except as provided in subsection (b), the Prisoner Review Board
4 shall, no later than 7 days following a prisoner's next parole
5 hearing after the effective date of this Amendatory Act of
6 1977, provide each prisoner sentenced under the law in effect
7 prior to the effective date of this amendatory Act of 1977,
8 with a fixed release date.

9 (b) No release date under this Section shall be set for any
10 person sentenced to an indeterminate sentence under the law in
11 effect prior to the effective date of this amendatory Act of
12 1977 in which the minimum term of such sentence is 20 years or
13 more.

14 (c) The Prisoner Review Board shall notify each eligible
15 offender of his or her release date in a form substantially as
16 follows:

17 Date of Notice

18 "To (Name of offender):

19 Under a recent change in the law you are provided with this
20 choice:

21 (1) You may remain under your present indeterminate
22 sentence and continue to be eligible for parole; or (2) you may
23 waive your right to parole and accept the release date which
24 has been set for you. From this release date will be deducted
25 any good conduct credit you may earn.

1 If you accept the release date established by the Board,
2 you will no longer be eligible for parole.

3 Your release date from prison has been set for: (release
4 date) , subject to a term of mandatory supervised release as
5 provided by law.

6 If you accumulate the maximum amount of good conduct credit
7 as allowed by law recently enacted, you can be released on: ,
8 subject to a term of mandatory supervised release as provided
9 by law.

10 Should you choose not to accept the release date, your next
11 parole hearing will be: .

12 The Board has based its determination of your release date
13 on the following:

14 (1) The material that normally would be examined in
15 connection with your parole hearing, as set forth in paragraph
16 (d) of Section 3-3-4 of the Unified Code of Corrections:

17 (2) the intent of the court in imposing sentence on you;

18 (3) the present schedule of sentences for similar offenses
19 provided by Articles 4.5 and 5 of Chapter V ~~Sections 5-8-1 and~~
20 ~~5-8-2~~ of the Unified Code of Corrections, as amended;

21 (4) the factors in mitigation and aggravation provided by
22 Sections 5-5-3.1 and 5-5-3.2 of the Unified Code of
23 Corrections, as amended;

24 (5) The rate of accumulating good conduct credits provided
25 by Section 3-6-3 of the Unified Code of Corrections, as
26 amended;

1 (6) your behavior since commitment.

2 You now have 60 days in which to decide whether to remain
3 under your indeterminate sentence and continue to be eligible
4 for parole or waive your right to parole and accept the release
5 date established for you by the Board. If you do nothing within
6 60 days, you will remain under the parole system.

7 If you accept the release date, you may accumulate good
8 conduct credit at the maximum rate provided under the law
9 recently enacted.

10 If you feel that the release date set for you is unfair or
11 is not based on complete information required to be considered
12 by the Board, you may request that the Board reconsider the
13 date. In your request you must set forth specific reasons why
14 you feel the Board's release date is unfair and you may submit
15 relevant material in support of your request.

16 The Department of Corrections is obligated to assist you in
17 that effort, if you ask it to do so.

18 The Board will notify you within 60 days whether or not it
19 will reconsider its decision. The Board's decision with respect
20 to reconsidering your release date is final and cannot be
21 appealed to any court.

22 If the Board decides not to reconsider your case you will
23 have 60 days in which to decide whether to accept the release
24 date and waive your right to parole or to continue under the
25 parole system. If you do nothing within 60 days after you
26 receive notification of the Board's decision you will remain

1 under the parole system.

2 If the Board decides to reconsider its decision with
3 respect to your release date, the Board will schedule a date
4 for reconsideration as soon as practicable, but no later than
5 60 days from the date it receives your request, and give you at
6 least 30 days notice. You may submit material to the Board
7 which you believe will be helpful in deciding a proper date for
8 your release. The Department of Corrections is obligated to
9 assist you in that effort, if you ask it to do so.

10 Neither you nor your lawyer has the right to be present on
11 the date of reconsideration, nor the right to call witnesses.
12 However, the Board may ask you or your lawyer to appear or may
13 ask to hear witnesses. The Board will base its determination on
14 the same data on which it made its earlier determination, plus
15 any new information which may be available to it.

16 When the Board has made its decision you will be informed
17 of the release date. In no event will it be longer than the
18 release date originally determined. From this date you may
19 continue to accumulate good conduct credits at the maximum
20 rate. You will not be able to appeal the Board's decision to a
21 court.

22 Following the Board's reconsideration and upon being
23 notified of your release date you will have 60 days in which to
24 decide whether to accept the release date and waive your right
25 to parole or to continue under the parole system. If you do
26 nothing within 60 days after notification of the Board's

1 decision you will remain under the parole system."

2 (d) The Board shall provide each eligible offender with a
3 form substantially as follows:

4 "I (name of offender) am fully aware of my right to choose
5 between parole eligibility and a fixed release date. I know
6 that if I accept the release date established, I will give up
7 my right to seek parole. I have read and understood the
8 Prisoner Review Board's letter, and I know how and under what
9 circumstances the Board has set my release date. I know that I
10 will be released on that date and will be released earlier if I
11 accumulate good conduct credit. I know that the date set by the
12 Board is final, and can't be appealed to a court.

13 Fully aware of all the implications, I expressly and
14 knowingly waive my right to seek parole and accept the release
15 date as established by the Prisoner Review Board."

16 (e) The Board shall use the following information and
17 standards in establishing a release date for each eligible
18 offender who requests that a date be set:

19 (1) Such information as would be considered in a parole
20 hearing under Section 3-3-4 of this Code;

21 (2) The intent of the court in imposing the offender's
22 sentence;

23 (3) The present schedule for similar offenses provided by
24 Articles 4.5 and 5 of Chapter V ~~Sections 5-8-1 and 5-8-2~~ of
25 this Code;

26 (4) Factors in aggravation and mitigation of sentence as

1 provided in Sections 5-5-3.1 and 5-5-3.2 of this Code;

2 (5) The rate of accumulating good conduct credits provided
3 by Section 3-6-3 of this Code;

4 (6) The offender's behavior since commitment to the
5 Department.

6 (f) After the release date is set by the Board, the
7 offender can accumulate good conduct credits in accordance with
8 Section 3-6-3 of this Code.

9 (g) The release date established by the Board shall not be
10 sooner than the earliest date that the offender would have been
11 eligible for release under the sentence imposed on him by the
12 court, less time credit previously earned for good behavior,
13 nor shall it be later than the latest date at which the
14 offender would have been eligible for release under such
15 sentence, less time credit previously earned for good behavior.

16 (h) (1) Except as provided in subsection (b), each prisoner
17 appearing at his next parole hearing subsequent to the
18 effective date of the amendatory Act of 1977, shall be notified
19 within 7 days of the hearing that he will either be released on
20 parole or that a release date has been set by the Board. The
21 notice and waiver form provided for in subsections (c) and (d)
22 shall be presented to eligible prisoners no later than 7 days
23 following their parole hearing. A written statement of the
24 basis for the decision with regard to the release date set
25 shall be given to such prisoners no later than 14 days
26 following the parole hearing.

1 (2) Each prisoner upon notification of his release date
2 shall have 60 days to choose whether to remain under the parole
3 system or to accept the release date established by the Board.
4 No release date shall be effective unless the prisoner waives
5 his right to parole in writing. If no choice is made by such
6 prisoner within 60 days from the date of his notification of a
7 release date, such prisoner shall remain under the parole
8 system.

9 (3) Within the 60 day period as provided in paragraph (2)
10 of this subsection, a prisoner may request that the Board
11 reconsider its decision with regard to such prisoner's release
12 date. No later than 60 days following receipt of such request
13 for reconsideration, the Board shall notify the prisoner as to
14 whether or not it will reconsider such prisoner's release date.
15 No court shall have jurisdiction to review the Board's
16 decision. No prisoner shall be entitled to more than one
17 request for reconsideration of his release date.

18 (A) If the Board decides not to reconsider the release
19 date, the prisoner shall have 60 days to choose whether to
20 remain under the parole system or to accept the release date
21 established by the Board. No release date shall be effective
22 unless the prisoner waives his right to parole in writing. If
23 no choice is made by such prisoner within 60 days from the date
24 of the notification by the Board refusing to reconsider his
25 release date, such prisoner shall remain under the parole
26 system.

1 (B) If the Board decides to reconsider its decision with
2 respect to such release date, the Board shall schedule a date
3 for reconsideration as soon as practicable, but no later than
4 60 days from the date of the prisoner's request, and give such
5 prisoner at least 30 days notice. Such prisoner may submit any
6 relevant material to the Board which would aid in ascertaining
7 a proper release date. The Department of Corrections shall
8 assist any such prisoner if asked to do so.

9 Neither the prisoner nor his lawyer has the right to be
10 present on the date of reconsideration, nor the right to call
11 witnesses. However, the Board may ask such prisoner or his or
12 her lawyer to appear or may ask to hear witnesses. The Board
13 shall base its determination on the factors specified in
14 subsection (e), plus any new information which may be available
15 to it.

16 (C) When the Board has made its decision, the prisoner
17 shall be informed of the release date as provided for in
18 subsection (c) no later than 7 days following the
19 reconsideration. In no event shall such release date be longer
20 than the release date originally determined. The decision of
21 the Board is final. No court shall have jurisdiction to review
22 the Board's decision.

23 Following the Board's reconsideration and its notification
24 to the prisoner of his or her release date, such prisoner shall
25 have 60 days from the date of such notice in which to decide
26 whether to accept the release date and waive his or her right

1 to parole or to continue under the parole system. If such
2 prisoner does nothing within 60 days after notification of the
3 Board's decision, he or she shall remain under the parole
4 system.

5 (Source: P.A. 80-1387.)

6 (730 ILCS 5/5-1-17) (from Ch. 38, par. 1005-1-17)

7 Sec. 5-1-17. Petty Offense.

8 "Petty offense" means any offense for which a sentence of
9 imprisonment is not an authorized disposition ~~to a fine only is~~
10 ~~provided.~~

11 (Source: P.A. 77-2097.)

12 (730 ILCS 5/5-2-6) (from Ch. 38, par. 1005-2-6)

13 Sec. 5-2-6. Sentencing and Treatment of Defendant Found
14 Guilty but Mentally Ill.

15 (a) After a plea or verdict of guilty but mentally ill
16 under Sections 115-2, 115-3 or 115-4 of the Code of Criminal
17 Procedure of 1963, the court shall order a presentence
18 investigation and report pursuant to Sections 5-3-1 and 5-3-2
19 of this Act, and shall set a date for a sentencing hearing. The
20 court may impose any sentence upon the defendant which could be
21 imposed pursuant to law upon a defendant who had been convicted
22 of the same offense without a finding of mental illness.

23 (b) If the court imposes a sentence of imprisonment upon a
24 defendant who has been found guilty but mentally ill, the

1 defendant shall be committed to the Department of Corrections,
2 which shall cause periodic inquiry and examination to be made
3 concerning the nature, extent, continuance, and treatment of
4 the defendant's mental illness. The Department of Corrections
5 shall provide such psychiatric, psychological, or other
6 counseling and treatment for the defendant as it determines
7 necessary.

8 (c) The Department of Corrections may transfer the
9 defendant's custody to the Department of Human Services in
10 accordance with the provisions of Section 3-8-5 of this Act.

11 (d) (1) The Department of Human Services shall return to
12 the Department of Corrections any person committed to it
13 pursuant to this Section whose sentence has not expired and
14 whom the Department of Human Services deems no longer requires
15 hospitalization for mental treatment, mental retardation, or
16 addiction.

17 (2) The Department of Corrections shall notify the
18 Secretary of Human Services of the expiration of the sentence
19 of any person transferred to the Department of Human Services
20 under this Section. If the Department of Human Services
21 determines that any such person requires further
22 hospitalization, it shall file an appropriate petition for
23 involuntary commitment pursuant to the Mental Health and
24 Developmental Disabilities Code.

25 (e) (1) All persons found guilty but mentally ill, whether
26 by plea or by verdict, who are placed on probation or sentenced

1 to a term of periodic imprisonment or a period of conditional
2 discharge shall be required to submit to a course of mental
3 treatment prescribed by the sentencing court.

4 (2) The course of treatment prescribed by the court shall
5 reasonably assure the defendant's satisfactory progress in
6 treatment or habilitation and for the safety of the defendant
7 and others. The court shall consider terms, conditions and
8 supervision which may include, but need not be limited to,
9 notification and discharge of the person to the custody of his
10 family, community adjustment programs, periodic checks with
11 legal authorities and outpatient care and utilization of local
12 mental health or developmental disabilities facilities.

13 (3) Failure to continue treatment, except by agreement with
14 the treating person or agency and the court, shall be a basis
15 for the institution of probation revocation proceedings.

16 (4) The period of probation shall be in accordance with
17 Article 4.5 of Chapter V of this Code ~~Section 5-6-2 of this Act~~
18 and shall not be shortened without receipt and consideration of
19 such psychiatric or psychological report or reports as the
20 court may require.

21 (Source: P.A. 89-507, eff. 7-1-97.)

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

23 Sec. 5-5-3. Disposition.

24 (a) (Blank.) ~~Except as provided in Section 11-501 of the~~
25 ~~Illinois Vehicle Code, every person convicted of an offense~~

1 ~~shall be sentenced as provided in this Section.~~

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

6 ~~(1) A period of probation.~~

7 ~~(2) A term of periodic imprisonment.~~

8 ~~(3) A term of conditional discharge.~~

9 ~~(4) A term of imprisonment.~~

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

14 ~~(6) A fine.~~

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

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

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

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

26 (c) (1) (Blank.) ~~When a defendant is found guilty of first~~

1 ~~degree murder the State may either seek a sentence of~~
2 ~~imprisonment under Section 5-8-1 of this Code, or where~~
3 ~~appropriate seek a sentence of death under Section 9-1 of~~
4 ~~the Criminal Code of 1961.~~

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

12 (A) First degree murder where the death penalty is
13 not imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

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

24 (F) A Class 2 or greater felony if the offender had
25 been convicted of a Class 2 or greater felony,
26 including any state or federal conviction for an

1 offense that contained, at the time it was committed,
2 the same elements as an offense now (the date of the
3 offense committed after the prior Class 2 or greater
4 felony) classified as a Class 2 or greater felony,
5 within 10 years of the date on which the offender
6 committed the offense for which he or she is being
7 sentenced, except as otherwise provided in Section
8 40-10 of the Alcoholism and Other Drug Abuse and
9 Dependency Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or
11 24-1.6 of the Criminal Code of 1961 for which
12 imprisonment is prescribed in those Sections.

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

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen.

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

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

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 (K) Vehicular hijacking.

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

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

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

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

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

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

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

24 (S) (Blank).

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

1 (U) A second or subsequent violation of Section
2 6-303 of the Illinois Vehicle Code committed while his
3 or her driver's license, permit, or privilege was
4 revoked because of a violation of Section 9-3 of the
5 Criminal Code of 1961, relating to the offense of
6 reckless homicide, or a similar provision of a law of
7 another state.

8 (V) A violation of paragraph (4) of subsection (c)
9 of Section 11-20.3 of the Criminal Code of 1961.

10 (W) A violation of Section 24-3.5 of the Criminal
11 Code of 1961.

12 (3) (Blank).

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

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8)
19 of this subsection (c), a minimum of 100 hours of community
20 service shall be imposed for a second violation of Section
21 6-303 of the Illinois Vehicle Code.

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

26 (4.4) Except as provided in paragraphs (4.5), (4.6),

1 and (4.9) of this subsection (c), a minimum term of
2 imprisonment of 30 days or 300 hours of community service,
3 as determined by the court, shall be imposed for a third or
4 subsequent violation of Section 6-303 of the Illinois
5 Vehicle Code.

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

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

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

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

25 (4.9) A mandatory prison sentence of not less than 4
26 and not more than 15 years shall be imposed for a third

1 violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (d-2.5) of
3 that Section. The person's driving privileges shall be
4 revoked for the remainder of his or her life.

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

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

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section
18 5-5-6 of this Code.

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

1 (5.2) In addition to any other penalties imposed ~~under~~
2 ~~paragraph (5) of this subsection (c)~~, and except as
3 provided in paragraph (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 180 days but
7 not more than 2 years, if the violation resulted in injury
8 to another person.

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

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

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

1 privileges suspended for an additional 6 months after the
2 expiration of the original 3-month suspension and until he
3 or she has paid a reinstatement fee of \$100.

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

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

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

1 ~~Section 40-10 of the Alcoholism and Other Drug Abuse and~~
2 ~~Dependency Act.~~

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

6 (10) (Blank).

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

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

1 received a disposition of court supervision for a violation
2 of that Section.

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

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

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

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

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

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

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

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

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

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

23 and

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

26 (2) the court orders the defendant to pay for the

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

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

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

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

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

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

1 relevant in order to prosecute a charge of criminal
2 transmission of HIV under Section 12-16.2 of the Criminal Code
3 of 1961 against the defendant. The court shall order that the
4 cost of any such test shall be paid by the county and may be
5 taxed as costs against the convicted defendant.

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

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

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

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

26 (j) In cases when prosecution for any violation of Section

1 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
3 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
4 Code of 1961, any violation of the Illinois Controlled
5 Substances Act, any violation of the Cannabis Control Act, or
6 any violation of the Methamphetamine Control and Community
7 Protection Act results in conviction, a disposition of court
8 supervision, or an order of probation granted under Section 10
9 of the Cannabis Control Act, Section 410 of the Illinois
10 Controlled Substance Act, or Section 70 of the Methamphetamine
11 Control and Community Protection Act of a defendant, the court
12 shall determine whether the defendant is employed by a facility
13 or center as defined under the Child Care Act of 1969, a public
14 or private elementary or secondary school, or otherwise works
15 with children under 18 years of age on a daily basis. When a
16 defendant is so employed, the court shall order the Clerk of
17 the Court to send a copy of the judgment of conviction or order
18 of supervision or probation to the defendant's employer by
19 certified mail. If the employer of the defendant is a school,
20 the Clerk of the Court shall direct the mailing of a copy of
21 the judgment of conviction or order of supervision or probation
22 to the appropriate regional superintendent of schools. The
23 regional superintendent of schools shall notify the State Board
24 of Education of any notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted
26 of a felony and who has not been previously convicted of a

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

1 subsection (j-5) does not apply to a defendant who is
2 determined by the court to be developmentally disabled or
3 otherwise mentally incapable of completing the educational or
4 vocational program.

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

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

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

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

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

25 (B) If the defendant has already been sentenced for a
26 felony or misdemeanor offense, or has been placed on

1 probation under Section 10 of the Cannabis Control Act,
2 Section 410 of the Illinois Controlled Substances Act, or
3 Section 70 of the Methamphetamine Control and Community
4 Protection Act, the court may, upon motion of the State's
5 Attorney to suspend the sentence imposed, commit the
6 defendant to the custody of the Attorney General of the
7 United States or his or her designated agent when:

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

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

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

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

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

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

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

20 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
21 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
22 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
23 1-1-08; 95-579, eff. 6-1-08; 95-876, eff. 8-21-08; 95-882, eff.
24 1-1-09.)

25 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

1 Sec. 5-5-3.2. Factors in Aggravation.

2 (a) The following factors shall be accorded weight in favor
3 of imposing a term of imprisonment or may be considered by the
4 court as reasons to impose a more severe sentence under Section
5 5-8-1 or Article 4.5 of Chapter V:

6 (1) the defendant's conduct caused or threatened
7 serious harm;

8 (2) the defendant received compensation for committing
9 the offense;

10 (3) the defendant has a history of prior delinquency or
11 criminal activity;

12 (4) the defendant, by the duties of his office or by
13 his position, was obliged to prevent the particular offense
14 committed or to bring the offenders committing it to
15 justice;

16 (5) the defendant held public office at the time of the
17 offense, and the offense related to the conduct of that
18 office;

19 (6) the defendant utilized his professional reputation
20 or position in the community to commit the offense, or to
21 afford him an easier means of committing it;

22 (7) the sentence is necessary to deter others from
23 committing the same crime;

24 (8) the defendant committed the offense against a
25 person 60 years of age or older or such person's property;

26 (9) the defendant committed the offense against a

1 person who is physically handicapped or such person's
2 property;

3 (10) by reason of another individual's actual or
4 perceived race, color, creed, religion, ancestry, gender,
5 sexual orientation, physical or mental disability, or
6 national origin, the defendant committed the offense
7 against (i) the person or property of that individual; (ii)
8 the person or property of a person who has an association
9 with, is married to, or has a friendship with the other
10 individual; or (iii) the person or property of a relative
11 (by blood or marriage) of a person described in clause (i)
12 or (ii). For the purposes of this Section, "sexual
13 orientation" means heterosexuality, homosexuality, or
14 bisexuality;

15 (11) the offense took place in a place of worship or on
16 the grounds of a place of worship, immediately prior to,
17 during or immediately following worship services. For
18 purposes of this subparagraph, "place of worship" shall
19 mean any church, synagogue or other building, structure or
20 place used primarily for religious worship;

21 (12) the defendant was convicted of a felony committed
22 while he was released on bail or his own recognizance
23 pending trial for a prior felony and was convicted of such
24 prior felony, or the defendant was convicted of a felony
25 committed while he was serving a period of probation,
26 conditional discharge, or mandatory supervised release

1 under subsection (d) of Section 5-8-1 for a prior felony;

2 (13) the defendant committed or attempted to commit a
3 felony while he was wearing a bulletproof vest. For the
4 purposes of this paragraph (13), a bulletproof vest is any
5 device which is designed for the purpose of protecting the
6 wearer from bullets, shot or other lethal projectiles;

7 (14) the defendant held a position of trust or
8 supervision such as, but not limited to, family member as
9 defined in Section 12-12 of the Criminal Code of 1961,
10 teacher, scout leader, baby sitter, or day care worker, in
11 relation to a victim under 18 years of age, and the
12 defendant committed an offense in violation of Section
13 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
14 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
15 against that victim;

16 (15) the defendant committed an offense related to the
17 activities of an organized gang. For the purposes of this
18 factor, "organized gang" has the meaning ascribed to it in
19 Section 10 of the Streetgang Terrorism Omnibus Prevention
20 Act;

21 (16) the defendant committed an offense in violation of
22 one of the following Sections while in a school, regardless
23 of the time of day or time of year; on any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity; on
26 the real property of a school; or on a public way within

1 1,000 feet of the real property comprising any school:
2 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
5 33A-2 of the Criminal Code of 1961;

6 (16.5) the defendant committed an offense in violation
7 of one of the following Sections while in a day care
8 center, regardless of the time of day or time of year; on
9 the real property of a day care center, regardless of the
10 time of day or time of year; or on a public way within
11 1,000 feet of the real property comprising any day care
12 center, regardless of the time of day or time of year:
13 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
16 33A-2 of the Criminal Code of 1961;

17 (17) the defendant committed the offense by reason of
18 any person's activity as a community policing volunteer or
19 to prevent any person from engaging in activity as a
20 community policing volunteer. For the purpose of this
21 Section, "community policing volunteer" has the meaning
22 ascribed to it in Section 2-3.5 of the Criminal Code of
23 1961;

24 (18) the defendant committed the offense in a nursing
25 home or on the real property comprising a nursing home. For
26 the purposes of this paragraph (18), "nursing home" means a

1 skilled nursing or intermediate long term care facility
2 that is subject to license by the Illinois Department of
3 Public Health under the Nursing Home Care Act;

4 (19) the defendant was a federally licensed firearm
5 dealer and was previously convicted of a violation of
6 subsection (a) of Section 3 of the Firearm Owners
7 Identification Card Act and has now committed either a
8 felony violation of the Firearm Owners Identification Card
9 Act or an act of armed violence while armed with a firearm;

10 (20) the defendant (i) committed the offense of
11 reckless homicide under Section 9-3 of the Criminal Code of
12 1961 or the offense of driving under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds or any combination thereof under Section 11-501
15 of the Illinois Vehicle Code or a similar provision of a
16 local ordinance and (ii) was operating a motor vehicle in
17 excess of 20 miles per hour over the posted speed limit as
18 provided in Article VI of Chapter 11 of the Illinois
19 Vehicle Code;

20 (21) the defendant (i) committed the offense of
21 reckless driving or aggravated reckless driving under
22 Section 11-503 of the Illinois Vehicle Code and (ii) was
23 operating a motor vehicle in excess of 20 miles per hour
24 over the posted speed limit as provided in Article VI of
25 Chapter 11 of the Illinois Vehicle Code;

26 (22) the defendant committed the offense against a

1 person that the defendant knew, or reasonably should have
2 known, was a member of the Armed Forces of the United
3 States serving on active duty. For purposes of this clause
4 (22), the term "Armed Forces" means any of the Armed Forces
5 of the United States, including a member of any reserve
6 component thereof or National Guard unit called to active
7 duty; ~~or~~

8 (23) the defendant committed the offense against a
9 person who was elderly, disabled, or infirm by taking
10 advantage of a family or fiduciary relationship with the
11 elderly, disabled, or infirm person; or.

12 (24) ~~(22)~~ the defendant committed any offense under
13 Section 11-20.1 of the Criminal Code of 1961 and possessed
14 100 or more images.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified
19 and licensed day care center as defined in Section 2.09 of the
20 Child Care Act of 1969 that displays a sign in plain view
21 stating that the property is a day care center.

22 (b) The following factors, related to all felonies, may be
23 considered by the court as reasons to impose an extended term
24 sentence under Section 5-8-2 upon any offender:

25 (1) When a defendant is convicted of any felony, after
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or greater
2 class felony, when such conviction has occurred within 10
3 years after the previous conviction, excluding time spent
4 in custody, and such charges are separately brought and
5 tried and arise out of different series of acts; or

6 (2) When a defendant is convicted of any felony and the
7 court finds that the offense was accompanied by
8 exceptionally brutal or heinous behavior indicative of
9 wanton cruelty; or

10 ~~(3) When a defendant is convicted of voluntary~~
11 ~~manslaughter, second degree murder, involuntary~~
12 ~~manslaughter or reckless homicide in which the defendant~~
13 ~~has been convicted of causing the death of more than one~~
14 ~~individual; or~~

15 (3) ~~(4)~~ When a defendant is convicted of any felony
16 committed against:

17 (i) a person under 12 years of age at the time of
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time
20 of the offense or such person's property; or

21 (iii) a person physically handicapped at the time
22 of the offense or such person's property; or

23 ~~(5) In the case of a defendant convicted of aggravated~~
24 ~~criminal sexual assault or criminal sexual assault, when~~
25 ~~the court finds that aggravated criminal sexual assault or~~
26 ~~criminal sexual assault was also committed on the same~~

1 ~~victim by one or more other individuals, and the defendant~~
2 ~~voluntarily participated in the crime with the knowledge of~~
3 ~~the participation of the others in the crime, and the~~
4 ~~commission of the crime was part of a single course of~~
5 ~~conduct during which there was no substantial change in the~~
6 ~~nature of the criminal objective; or~~

7 (4) ~~(6)~~ When a defendant is convicted of any felony and
8 the offense involved any of the following types of specific
9 misconduct committed as part of a ceremony, rite,
10 initiation, observance, performance, practice or activity
11 of any actual or ostensible religious, fraternal, or social
12 group:

13 (i) the brutalizing or torturing of humans or
14 animals;

15 (ii) the theft of human corpses;

16 (iii) the kidnapping of humans;

17 (iv) the desecration of any cemetery, religious,
18 fraternal, business, governmental, educational, or
19 other building or property; or

20 (v) ritualized abuse of a child; or

21 ~~(7) When a defendant is convicted of first degree~~
22 ~~murder, after having been previously convicted in Illinois~~
23 ~~of any offense listed under paragraph (c) (2) of Section~~
24 ~~5-5-3, when such conviction has occurred within 10 years~~
25 ~~after the previous conviction, excluding time spent in~~
26 ~~custody, and such charges are separately brought and tried~~

1 ~~and arise out of different series of acts; or~~

2 (5) ~~(8)~~ When a defendant is convicted of a felony other
3 than conspiracy and the court finds that the felony was
4 committed under an agreement with 2 or more other persons
5 to commit that offense and the defendant, with respect to
6 the other individuals, occupied a position of organizer,
7 supervisor, financier, or any other position of management
8 or leadership, and the court further finds that the felony
9 committed was related to or in furtherance of the criminal
10 activities of an organized gang or was motivated by the
11 defendant's leadership in an organized gang; or

12 ~~(9) When a defendant is convicted of a felony violation~~
13 ~~of Section 24-1 of the Criminal Code of 1961 and the court~~
14 ~~finds that the defendant is a member of an organized gang;~~
15 ~~or~~

16 (6) ~~(10)~~ When a defendant is convicted of an ~~committed~~
17 ~~the~~ offense committed while using a firearm with a laser
18 sight attached to it. For purposes of this paragraph ~~(10)~~,
19 "laser sight" has the meaning ascribed to it in Section
20 24.6-5 of the Criminal Code of 1961; or

21 (7) ~~(11)~~ When a defendant who was at least 17 years of
22 age at the time of the commission of the offense is
23 convicted of a felony and has been previously adjudicated a
24 delinquent minor under the Juvenile Court Act of 1987 for
25 an act that if committed by an adult would be a Class X or
26 Class 1 felony when the conviction has occurred within 10

1 years after the previous adjudication, excluding time
2 spent in custody; or

3 ~~(12) When a defendant commits an offense involving the~~
4 ~~illegal manufacture of a controlled substance under~~
5 ~~Section 401 of the Illinois Controlled Substances Act, the~~
6 ~~illegal manufacture of methamphetamine under Section 25 of~~
7 ~~the Methamphetamine Control and Community Protection Act,~~
8 ~~or the illegal possession of explosives and an emergency~~
9 ~~response officer in the performance of his or her duties is~~
10 ~~killed or injured at the scene of the offense while~~
11 ~~responding to the emergency caused by the commission of the~~
12 ~~offense. In this paragraph (12), "emergency" means a~~
13 ~~situation in which a person's life, health, or safety is in~~
14 ~~jeopardy; and "emergency response officer" means a peace~~
15 ~~officer, community policing volunteer, fireman, emergency~~
16 ~~medical technician ambulance, emergency medical~~
17 ~~technician intermediate, emergency medical~~
18 ~~technician paramedic, ambulance driver, other medical~~
19 ~~assistance or first aid personnel, or hospital emergency~~
20 ~~room personnel; or~~

21 (8) ~~(13)~~ When a defendant commits any felony and the
22 defendant used, possessed, exercised control over, or
23 otherwise directed an animal to assault a law enforcement
24 officer engaged in the execution of his or her official
25 duties or in furtherance of the criminal activities of an
26 organized gang in which the defendant is engaged.

1 (c) The following factors may be considered by the court as
2 reasons to impose an extended term sentence under Section 5-8-2
3 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

4 (1) When a defendant is convicted of first degree
5 murder, after having been previously convicted in Illinois
6 of any offense listed under paragraph (c)(2) of Section
7 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
8 within 10 years after the previous conviction, excluding
9 time spent in custody, and the charges are separately
10 brought and tried and arise out of different series of
11 acts.

12 (1.5) When a defendant is convicted of first degree
13 murder, after having been previously convicted of domestic
14 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
15 (720 ILCS 5/12-3.3) committed on the same victim or after
16 having been previously convicted of violation of an order
17 of protection (720 ILCS 5/12-30) in which the same victim
18 was the protected person.

19 (2) When a defendant is convicted of voluntary
20 manslaughter, second degree murder, involuntary
21 manslaughter, or reckless homicide in which the defendant
22 has been convicted of causing the death of more than one
23 individual.

24 (3) When a defendant is convicted of aggravated
25 criminal sexual assault or criminal sexual assault, when
26 there is a finding that aggravated criminal sexual assault

1 or criminal sexual assault was also committed on the same
2 victim by one or more other individuals, and the defendant
3 voluntarily participated in the crime with the knowledge of
4 the participation of the others in the crime, and the
5 commission of the crime was part of a single course of
6 conduct during which there was no substantial change in the
7 nature of the criminal objective.

8 (4) If the victim was under 18 years of age at the time
9 of the commission of the offense, when a defendant is
10 convicted of aggravated criminal sexual assault or
11 predatory criminal sexual assault of a child under
12 subsection (a)(1) of Section 12-14.1 of the Criminal Code
13 of 1961 (720 ILCS 5/12-14.1).

14 (5) When a defendant is convicted of a felony violation
15 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
16 5/24-1) and there is a finding that the defendant is a
17 member of an organized gang.

18 (6) When a defendant was convicted of unlawful use of
19 weapons under Section 24-1 of the Criminal Code of 1961
20 (720 ILCS 5/24-1) for possessing a weapon that is not
21 readily distinguishable as one of the weapons enumerated in
22 Section 24-1 of the Criminal Code of 1961 (720 ILCS
23 5/24-1).

24 (7) When a defendant is convicted of an offense
25 involving the illegal manufacture of a controlled
26 substance under Section 401 of the Illinois Controlled

1 Substances Act (720 ILCS 570/401), the illegal manufacture
2 of methamphetamine under Section 25 of the Methamphetamine
3 Control and Community Protection Act (720 ILCS 646/25), or
4 the illegal possession of explosives and an emergency
5 response officer in the performance of his or her duties is
6 killed or injured at the scene of the offense while
7 responding to the emergency caused by the commission of the
8 offense. In this paragraph, "emergency" means a situation
9 in which a person's life, health, or safety is in jeopardy;
10 and "emergency response officer" means a peace officer,
11 community policing volunteer, fireman, emergency medical
12 technician-ambulance, emergency medical
13 technician-intermediate, emergency medical
14 technician-paramedic, ambulance driver, other medical
15 assistance or first aid personnel, or hospital emergency
16 room personnel.

17 (d) ~~(b-1)~~ For the purposes of this Section, "organized
18 gang" has the meaning ascribed to it in Section 10 of the
19 Illinois Streetgang Terrorism Omnibus Prevention Act.

20 ~~(e) The court may impose an extended term sentence under~~
21 ~~Section 5-8-2 upon any offender who was convicted of aggravated~~
22 ~~criminal sexual assault or predatory criminal sexual assault of~~
23 ~~a child under subsection (a)(1) of Section 12-14.1 of the~~
24 ~~Criminal Code of 1961 where the victim was under 18 years of~~
25 ~~age at the time of the commission of the offense.~~

26 ~~(d) The court may impose an extended term sentence under~~

1 ~~Section 5-8-2 upon any offender who was convicted of unlawful~~
2 ~~use of weapons under Section 24-1 of the Criminal Code of 1961~~
3 ~~for possessing a weapon that is not readily distinguishable as~~
4 ~~one of the weapons enumerated in Section 24-1 of the Criminal~~
5 ~~Code of 1961.~~

6 ~~(c) The court may impose an extended term sentence under~~
7 ~~Section 5-8-2 upon an offender who has been convicted of first~~
8 ~~degree murder when the offender has previously been convicted~~
9 ~~of domestic battery or aggravated domestic battery committed~~
10 ~~against the murdered individual or has previously been~~
11 ~~convicted of violation of an order of protection in which the~~
12 ~~murdered individual was the protected person.~~

13 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
14 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
15 eff. 1-1-08; 95-569, eff. 6-1-08; 95-876, eff. 8-21-08; 95-942,
16 eff. 1-1-09; revised 9-23-08.)

17 (730 ILCS 5/5-5-4.3) (from Ch. 38, par. 1005-5-4.3)

18 Sec. 5-5-4.3. Duties of Department of Corrections.) (a) The
19 Department of Corrections shall publish an annual report
20 beginning not less than 18 months after the effective date of
21 this amendatory Act of 1977 and not later than April 30 of each
22 year which shall be made available to trial and appellate court
23 judges for their use in imposing or reviewing sentences under
24 this Code and to other interested parties upon a showing of
25 need. That report shall set forth the following data:

1 (1) The range, frequency, distribution and average of terms
2 of imprisonment imposed on offenders committed to the
3 Department of Corrections, by offense:

4 (2) The range, frequency, distribution and average of terms
5 actually served in prison by offenders committed to the
6 Department of Corrections, by offense:

7 (3) The number of instances in which an offender was
8 committed to the Department of Corrections pursuant to Sections
9 5-8-1, 5-8-2 and 5-8-4 and Article 4.5 of Chapter V of this
10 Code, by offense, and the range, frequency, distribution and
11 average of sentences imposed pursuant to those provisions, by
12 offense; and

13 (4) Such other information which the Department can provide
14 which might be requested by the court to assist it in imposing
15 sentences.

16 (b) All data required to be disseminated by this Section
17 shall be set forth for a period of not less than the preceding
18 5 years, insofar as possible.

19 (c) All data required to be disseminated by this Section
20 shall conform fully to all state and federal laws and
21 resolutions concerning the security, privacy and
22 confidentiality of such materials.

23 (Source: P.A. 84-240.)

24 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

25 Sec. 5-6-2. Incidents of Probation and of Conditional

1 Discharge.

2 (a) When an offender is sentenced to probation or
3 conditional discharge, the court shall impose a period as
4 provided in Article 4.5 of Chapter V ~~under paragraph (b) of~~
5 ~~this Section~~, and shall specify the conditions under Section
6 5-6-3.

7 ~~(b) Unless terminated sooner as provided in paragraph (c)~~
8 ~~of this Section or extended pursuant to paragraph (c) of this~~
9 ~~Section, the period of probation or conditional discharge shall~~
10 ~~be as follows:~~

11 ~~(1) for a Class 1 or Class 2 felony, not to exceed 4~~
12 ~~years;~~

13 ~~(2) for a Class 3 or Class 4 felony, not to exceed 30~~
14 ~~months;~~

15 ~~(3) for a misdemeanor, not to exceed 2 years;~~

16 ~~(4) for a petty offense, not to exceed 6 months.~~

17 Multiple terms of probation imposed at the same time shall
18 run concurrently.

19 (c) The court may at any time terminate probation or
20 conditional discharge if warranted by the conduct of the
21 offender and the ends of justice, as provided in Section 5-6-4.

22 (d) Upon the expiration or termination of the period of
23 probation or of conditional discharge, the court shall enter an
24 order discharging the offender.

25 (e) The court may extend any period of probation or
26 conditional discharge beyond the limits set forth in Article

1 ~~4.5 of Chapter V paragraph (b) of this Section~~ upon a violation
2 of a condition of the probation or conditional discharge, for
3 the payment of an assessment required by Section 10.3 of the
4 Cannabis Control Act, Section 411.2 of the Illinois Controlled
5 Substances Act, or Section 80 of the Methamphetamine Control
6 and Community Protection Act, or for the payment of restitution
7 as provided by an order of restitution under Section 5-5-6 of
8 this Code.

9 (f) The court may impose a term of probation that is
10 concurrent or consecutive to a term of imprisonment so long as
11 the maximum term imposed does not exceed the maximum term
12 provided under Article 4.5 of Chapter V or Article 8 of this
13 Chapter. The court may provide that probation may commence
14 while an offender is on mandatory supervised release,
15 participating in a day release program, or being monitored by
16 an electronic monitoring device.

17 (Source: P.A. 93-1014, eff. 1-1-05; 94-556, eff. 9-11-05.)

18 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

19 Sec. 5-6-4. Violation, Modification or Revocation of
20 Probation, of Conditional Discharge or Supervision or of a
21 sentence of county impact incarceration - Hearing.

22 (a) Except in cases where conditional discharge or
23 supervision was imposed for a petty offense as defined in
24 Section 5-1-17, when a petition is filed charging a violation
25 of a condition, the court may:

1 (1) in the case of probation violations, order the
2 issuance of a notice to the offender to be present by the
3 County Probation Department or such other agency
4 designated by the court to handle probation matters; and in
5 the case of conditional discharge or supervision
6 violations, such notice to the offender shall be issued by
7 the Circuit Court Clerk; and in the case of a violation of
8 a sentence of county impact incarceration, such notice
9 shall be issued by the Sheriff;

10 (2) order a summons to the offender to be present for
11 hearing; or

12 (3) order a warrant for the offender's arrest where
13 there is danger of his fleeing the jurisdiction or causing
14 serious harm to others or when the offender fails to answer
15 a summons or notice from the clerk of the court or Sheriff.

16 Personal service of the petition for violation of probation
17 or the issuance of such warrant, summons or notice shall toll
18 the period of probation, conditional discharge, supervision,
19 or sentence of county impact incarceration until the final
20 determination of the charge, and the term of probation,
21 conditional discharge, supervision, or sentence of county
22 impact incarceration shall not run until the hearing and
23 disposition of the petition for violation.

24 (b) The court shall conduct a hearing of the alleged
25 violation. The court shall admit the offender to bail pending
26 the hearing unless the alleged violation is itself a criminal

1 offense in which case the offender shall be admitted to bail on
2 such terms as are provided in the Code of Criminal Procedure of
3 1963, as amended. In any case where an offender remains
4 incarcerated only as a result of his alleged violation of the
5 court's earlier order of probation, supervision, conditional
6 discharge, or county impact incarceration such hearing shall be
7 held within 14 days of the onset of said incarceration, unless
8 the alleged violation is the commission of another offense by
9 the offender during the period of probation, supervision or
10 conditional discharge in which case such hearing shall be held
11 within the time limits described in Section 103-5 of the Code
12 of Criminal Procedure of 1963, as amended.

13 (c) The State has the burden of going forward with the
14 evidence and proving the violation by the preponderance of the
15 evidence. The evidence shall be presented in open court with
16 the right of confrontation, cross-examination, and
17 representation by counsel.

18 (d) Probation, conditional discharge, periodic
19 imprisonment and supervision shall not be revoked for failure
20 to comply with conditions of a sentence or supervision, which
21 imposes financial obligations upon the offender unless such
22 failure is due to his willful refusal to pay.

23 (e) If the court finds that the offender has violated a
24 condition at any time prior to the expiration or termination of
25 the period, it may continue him on the existing sentence, with
26 or without modifying or enlarging the conditions, or may impose

1 any other sentence that was available under Article 4.5 of
2 Chapter V ~~Section 5-5-3~~ of this Code or Section 11-501 of the
3 Illinois Vehicle Code at the time of initial sentencing. If the
4 court finds that the person has failed to successfully complete
5 his or her sentence to a county impact incarceration program,
6 the court may impose any other sentence that was available
7 under Article 4.5 of Chapter V ~~Section 5-5-3~~ of this Code or
8 Section 11-501 of the Illinois Vehicle Code at the time of
9 initial sentencing, except for a sentence of probation or
10 conditional discharge. If the court finds that the offender has
11 violated paragraph (8.6) of subsection (a) of Section 5-6-3,
12 the court shall revoke the probation of the offender. If the
13 court finds that the offender has violated subsection (o) of
14 Section 5-6-3.1, the court shall revoke the supervision of the
15 offender.

16 (f) The conditions of probation, of conditional discharge,
17 of supervision, or of a sentence of county impact incarceration
18 may be modified by the court on motion of the supervising
19 agency or on its own motion or at the request of the offender
20 after notice and a hearing.

21 (g) A judgment revoking supervision, probation,
22 conditional discharge, or a sentence of county impact
23 incarceration is a final appealable order.

24 (h) Resentencing after revocation of probation,
25 conditional discharge, supervision, or a sentence of county
26 impact incarceration shall be under Article 4. The term on

1 probation, conditional discharge or supervision shall not be
2 credited by the court against a sentence of imprisonment or
3 periodic imprisonment unless the court orders otherwise. The
4 amount of credit to be applied against a sentence of
5 imprisonment or periodic imprisonment when the defendant
6 served a term or partial term of periodic imprisonment shall be
7 calculated upon the basis of the actual days spent in
8 confinement rather than the duration of the term.

9 (i) Instead of filing a violation of probation, conditional
10 discharge, supervision, or a sentence of county impact
11 incarceration, an agent or employee of the supervising agency
12 with the concurrence of his or her supervisor may serve on the
13 defendant a Notice of Intermediate Sanctions. The Notice shall
14 contain the technical violation or violations involved, the
15 date or dates of the violation or violations, and the
16 intermediate sanctions to be imposed. Upon receipt of the
17 Notice, the defendant shall immediately accept or reject the
18 intermediate sanctions. If the sanctions are accepted, they
19 shall be imposed immediately. If the intermediate sanctions are
20 rejected or the defendant does not respond to the Notice, a
21 violation of probation, conditional discharge, supervision, or
22 a sentence of county impact incarceration shall be immediately
23 filed with the court. The State's Attorney and the sentencing
24 court shall be notified of the Notice of Sanctions. Upon
25 successful completion of the intermediate sanctions, a court
26 may not revoke probation, conditional discharge, supervision,

1 or a sentence of county impact incarceration or impose
2 additional sanctions for the same violation. A notice of
3 intermediate sanctions may not be issued for any violation of
4 probation, conditional discharge, supervision, or a sentence
5 of county impact incarceration which could warrant an
6 additional, separate felony charge. The intermediate sanctions
7 shall include a term of home detention as provided in Article
8 8A of Chapter V of this Code for multiple or repeat violations
9 of the terms and conditions of a sentence of probation,
10 conditional discharge, or supervision.

11 (j) When an offender is re-sentenced after revocation of
12 probation that was imposed in combination with a sentence of
13 imprisonment for the same offense, the aggregate of the
14 sentences may not exceed the maximum term authorized under
15 Article 8 of this Chapter.

16 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08.)

17 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

18 Sec. 5-6-4.1. Violation, Modification or Revocation of
19 Conditional Discharge or Supervision - Hearing.)

20 (a) In cases where a defendant was placed upon supervision
21 or conditional discharge for the commission of a petty offense,
22 upon the oral or written motion of the State, or on the court's
23 own motion, which charges that a violation of a condition of
24 that conditional discharge or supervision has occurred, the
25 court may:

1 (1) Conduct a hearing instanter if the offender is
2 present in court;

3 (2) Order the issuance by the court clerk of a notice
4 to the offender to be present for a hearing for violation;

5 (3) Order summons to the offender to be present; or

6 (4) Order a warrant for the offender's arrest.

7 The oral motion, if the defendant is present, or the
8 issuance of such warrant, summons or notice shall toll the
9 period of conditional discharge or supervision until the final
10 determination of the charge, and the term of conditional
11 discharge or supervision shall not run until the hearing and
12 disposition of the petition for violation.

13 (b) The Court shall admit the offender to bail pending the
14 hearing.

15 (c) The State has the burden of going forward with the
16 evidence and proving the violation by the preponderance of the
17 evidence. The evidence shall be presented in open court with
18 the right of confrontation, cross-examination, and
19 representation by counsel.

20 (d) Conditional discharge or supervision shall not be
21 revoked for failure to comply with the conditions of the
22 discharge or supervision which imposed financial obligations
23 upon the offender unless such failure is due to his wilful
24 refusal to pay.

25 (e) If the court finds that the offender has violated a
26 condition at any time prior to the expiration or termination of

1 the period, it may continue him on the existing sentence or
2 supervision with or without modifying or enlarging the
3 conditions, or may impose any other sentence that was available
4 under Article 4.5 of Chapter V ~~Section 5-5-3~~ of this Code or
5 Section 11-501 of the Illinois Vehicle Code at the time of
6 initial sentencing.

7 (f) The conditions of conditional discharge and of
8 supervision may be modified by the court on motion of the
9 probation officer or on its own motion or at the request of the
10 offender after notice to the defendant and a hearing.

11 (g) A judgment revoking supervision is a final appealable
12 order.

13 (h) Resentencing after revocation of conditional discharge
14 or of supervision shall be under Article 4. Time served on
15 conditional discharge or supervision shall be credited by the
16 court against a sentence of imprisonment or periodic
17 imprisonment unless the court orders otherwise.

18 (Source: P.A. 93-800, eff. 1-1-05.)

19 (730 ILCS 5/5-7-8) (from Ch. 38, par. 1005-7-8)

20 Sec. 5-7-8. Subsequent Sentences. (a) The service of a
21 sentence of imprisonment shall satisfy any sentence of periodic
22 imprisonment which was imposed on an offender for an offense
23 committed prior to the imposition of the sentence. An offender
24 who is serving a sentence of periodic imprisonment at the time
25 a sentence of imprisonment is imposed shall be delivered to the

1 custody of the Department of Corrections to commence service of
2 the sentence immediately.

3 (b) If a sentence of imprisonment under Section 5-4.5-55,
4 5-4.5-60, or 5-4.5-65 (730 ILCS 5/5-4.5-55, 5/5-4.5-60, or
5 5/5-4.5-65) ~~5-8-3~~ is imposed on an offender who is under a
6 previously imposed sentence of periodic imprisonment, such
7 person shall commence service of the sentence immediately.
8 Where such sentence is for a term in excess of 90 days, the
9 service of such sentence shall satisfy the sentence of periodic
10 imprisonment.

11 (Source: P.A. 82-717.)

12 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

13 Sec. 5-8-1. Natural life imprisonment; mandatory
14 supervised release ~~Sentence of Imprisonment for Felony.~~

15 (a) Except as otherwise provided in the statute defining
16 the offense or in Article 4.5 of Chapter V, a sentence of
17 imprisonment for a felony shall be a determinate sentence set
18 by the court under this Section, according to the following
19 limitations:

20 (1) for first degree murder,

21 (a) (blank), ~~a term shall be not less than 20 years~~
22 ~~and not more than 60 years, or~~

23 (b) if a trier of fact finds beyond a reasonable
24 doubt that the murder was accompanied by exceptionally
25 brutal or heinous behavior indicative of wanton

1 cruelty or, except as set forth in subsection (a)(1)(c)
2 of this Section, that any of the aggravating factors
3 listed in subsection (b) of Section 9-1 of the Criminal
4 Code of 1961 are present, the court may sentence the
5 defendant to a term of natural life imprisonment, or

6 (c) the court shall sentence the defendant to a
7 term of natural life imprisonment when the death
8 penalty is not imposed if the defendant,

9 (i) has previously been convicted of first
10 degree murder under any state or federal law, or

11 (ii) is a person who, at the time of the
12 commission of the murder, had attained the age of
13 17 or more and is found guilty of murdering an
14 individual under 12 years of age; or, irrespective
15 of the defendant's age at the time of the
16 commission of the offense, is found guilty of
17 murdering more than one victim, or

18 (iii) is found guilty of murdering a peace
19 officer, fireman, or emergency management worker
20 when the peace officer, fireman, or emergency
21 management worker was killed in the course of
22 performing his official duties, or to prevent the
23 peace officer or fireman from performing his
24 official duties, or in retaliation for the peace
25 officer, fireman, or emergency management worker
26 from performing his official duties, and the

1 defendant knew or should have known that the
2 murdered individual was a peace officer, fireman,
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee
5 of an institution or facility of the Department of
6 Corrections, or any similar local correctional
7 agency, when the employee was killed in the course
8 of performing his official duties, or to prevent
9 the employee from performing his official duties,
10 or in retaliation for the employee performing his
11 official duties, or

12 (v) is found guilty of murdering an emergency
13 medical technician - ambulance, emergency medical
14 technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver or other
16 medical assistance or first aid person while
17 employed by a municipality or other governmental
18 unit when the person was killed in the course of
19 performing official duties or to prevent the
20 person from performing official duties or in
21 retaliation for performing official duties and the
22 defendant knew or should have known that the
23 murdered individual was an emergency medical
24 technician - ambulance, emergency medical
25 technician - intermediate, emergency medical
26 technician - paramedic, ambulance driver, or other

1 medical assistant or first aid personnel, or

2 (vi) is a person who, at the time of the
3 commission of the murder, had not attained the age
4 of 17, and is found guilty of murdering a person
5 under 12 years of age and the murder is committed
6 during the course of aggravated criminal sexual
7 assault, criminal sexual assault, or aggravated
8 kidnaping, or

9 (vii) is found guilty of first degree murder
10 and the murder was committed by reason of any
11 person's activity as a community policing
12 volunteer or to prevent any person from engaging in
13 activity as a community policing volunteer. For
14 the purpose of this Section, "community policing
15 volunteer" has the meaning ascribed to it in
16 Section 2-3.5 of the Criminal Code of 1961.

17 For purposes of clause (v), "emergency medical
18 technician - ambulance", "emergency medical technician
19 - intermediate", "emergency medical technician -
20 paramedic", have the meanings ascribed to them in the
21 Emergency Medical Services (EMS) Systems Act.

22 (d) (i) if the person committed the offense while
23 armed with a firearm, 15 years shall be added to
24 the term of imprisonment imposed by the court;

25 (ii) if, during the commission of the offense,
26 the person personally discharged a firearm, 20

1 years shall be added to the term of imprisonment
2 imposed by the court;

3 (iii) if, during the commission of the
4 offense, the person personally discharged a
5 firearm that proximately caused great bodily harm,
6 permanent disability, permanent disfigurement, or
7 death to another person, 25 years or up to a term
8 of natural life shall be added to the term of
9 imprisonment imposed by the court.

10 ~~(1.5) for second degree murder, a term shall be not~~
11 ~~less than 4 years and not more than 20 years;~~

12 (2) (blank) ~~for a person adjudged a habitual criminal~~
13 ~~under Article 33B of the Criminal Code of 1961, as amended,~~
14 ~~the sentence shall be a term of natural life imprisonment;~~

15 (2.5) for a person convicted under the circumstances
16 described in paragraph (3) of subsection (b) of Section
17 12-13, paragraph (2) of subsection (d) of Section 12-14,
18 paragraph (1.2) of subsection (b) of Section 12-14.1, or
19 paragraph (2) of subsection (b) of Section 12-14.1 of the
20 Criminal Code of 1961, the sentence shall be a term of
21 natural life imprisonment. †

22 ~~(3) except as otherwise provided in the statute~~
23 ~~defining the offense, for a Class X felony, the sentence~~
24 ~~shall be not less than 6 years and not more than 30 years;~~

25 ~~(4) for a Class 1 felony, other than second degree~~
26 ~~murder, the sentence shall be not less than 4 years and not~~

1 ~~more than 15 years;~~

2 ~~(5) for a Class 2 felony, the sentence shall be not~~
3 ~~less than 3 years and not more than 7 years;~~

4 ~~(6) for a Class 3 felony, the sentence shall be not~~
5 ~~less than 2 years and not more than 5 years;~~

6 ~~(7) for a Class 4 felony, the sentence shall be not~~
7 ~~less than 1 year and not more than 3 years.~~

8 (b) (Blank.) ~~The sentencing judge in each felony conviction~~
9 ~~shall set forth his reasons for imposing the particular~~
10 ~~sentence he enters in the case, as provided in Section 5-4-1 of~~
11 ~~this Code. Those reasons may include any mitigating or~~
12 ~~aggravating factors specified in this Code, or the lack of any~~
13 ~~such circumstances, as well as any other such factors as the~~
14 ~~judge shall set forth on the record that are consistent with~~
15 ~~the purposes and principles of sentencing set out in this Code.~~

16 (c) (Blank.) ~~A motion to reduce a sentence may be made, or~~
17 ~~the court may reduce a sentence without motion, within 30 days~~
18 ~~after the sentence is imposed. A defendant's challenge to the~~
19 ~~correctness of a sentence or to any aspect of the sentencing~~
20 ~~hearing shall be made by a written motion filed within 30 days~~
21 ~~following the imposition of sentence. However, the court may~~
22 ~~not increase a sentence once it is imposed.~~

23 ~~If a motion filed pursuant to this subsection is timely~~
24 ~~filed within 30 days after the sentence is imposed, the~~
25 ~~proponent of the motion shall exercise due diligence in seeking~~
26 ~~a determination on the motion and the court shall thereafter~~

1 ~~decide such motion within a reasonable time.~~

2 ~~If a motion filed pursuant to this subsection is timely~~
3 ~~filed within 30 days after the sentence is imposed, then for~~
4 ~~purposes of perfecting an appeal, a final judgment shall not be~~
5 ~~considered to have been entered until the motion to reduce a~~
6 ~~sentence has been decided by order entered by the trial court.~~

7 ~~A motion filed pursuant to this subsection shall not be~~
8 ~~considered to have been timely filed unless it is filed with~~
9 ~~the circuit court clerk within 30 days after the sentence is~~
10 ~~imposed together with a notice of motion, which notice of~~
11 ~~motion shall set the motion on the court's calendar on a date~~
12 ~~certain within a reasonable time after the date of filing.~~

13 (d) ~~Except where a term of natural life is imposed, every~~
14 ~~sentence shall include as though written therein a term in~~
15 ~~addition to the term of imprisonment. For those sentenced under~~
16 ~~the law in effect prior to February 1, 1978, such term shall be~~
17 ~~identified as a parole term. For those sentenced on or after~~
18 ~~February 1, 1978, such term shall be identified as a mandatory~~
19 ~~supervised release term. Subject to earlier termination under~~
20 ~~Section 3-3-8, the parole or mandatory supervised release term~~
21 ~~shall be as follows:~~

22 (1) for first degree murder or a Class X felony except
23 for the offenses of predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, and criminal
25 sexual assault if committed on or after the effective date
26 of this amendatory Act of the 94th General Assembly and

1 except for the offense of aggravated child pornography
2 under Section 11-20.3 of the Criminal Code of 1961, if
3 committed on or after January 1, 2009, 3 years;

4 (2) for a Class 1 felony or a Class 2 felony except for
5 the offense of criminal sexual assault if committed on or
6 after the effective date of this amendatory Act of the 94th
7 General Assembly and except for the offenses of manufacture
8 and dissemination of child pornography under clauses
9 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
10 of 1961, if committed on or after January 1, 2009, 2 years;

11 (3) for a Class 3 felony or a Class 4 felony, 1 year;

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after the
15 effective date of this amendatory Act of the 94th General
16 Assembly, or who commit the offense of aggravated child
17 pornography, manufacture of child pornography, or
18 dissemination of child pornography after January 1, 2009,
19 the term of mandatory supervised release shall range from a
20 minimum of 3 years to a maximum of the natural life of the
21 defendant;

22 (5) if the victim is under 18 years of age, for a
23 second or subsequent offense of aggravated criminal sexual
24 abuse or felony criminal sexual abuse, 4 years, at least
25 the first 2 years of which the defendant shall serve in an
26 electronic home detention program under Article 8A of

1 Chapter V of this Code.

2 (e) (Blank.) ~~A defendant who has a previous and unexpired~~
3 ~~sentence of imprisonment imposed by another state or by any~~
4 ~~district court of the United States and who, after sentence for~~
5 ~~a crime in Illinois, must return to serve the unexpired prior~~
6 ~~sentence may have his sentence by the Illinois court ordered to~~
7 ~~be concurrent with the prior sentence in the other state. The~~
8 ~~court may order that any time served on the unexpired portion~~
9 ~~of the sentence in the other state, prior to his return to~~
10 ~~Illinois, shall be credited on his Illinois sentence. The other~~
11 ~~state shall be furnished with a copy of the order imposing~~
12 ~~sentence which shall provide that, when the offender is~~
13 ~~released from confinement of the other state, whether by parole~~
14 ~~or by termination of sentence, the offender shall be~~
15 ~~transferred by the Sheriff of the committing county to the~~
16 ~~Illinois Department of Corrections. The court shall cause the~~
17 ~~Department of Corrections to be notified of such sentence at~~
18 ~~the time of commitment and to be provided with copies of all~~
19 ~~records regarding the sentence.~~

20 (f) (Blank.) ~~A defendant who has a previous and unexpired~~
21 ~~sentence of imprisonment imposed by an Illinois circuit court~~
22 ~~for a crime in this State and who is subsequently sentenced to~~
23 ~~a term of imprisonment by another state or by any district~~
24 ~~court of the United States and who has served a term of~~
25 ~~imprisonment imposed by the other state or district court of~~
26 ~~the United States, and must return to serve the unexpired prior~~

1 ~~sentence imposed by the Illinois Circuit Court may apply to the~~
2 ~~court which imposed sentence to have his sentence reduced.~~

3 ~~The circuit court may order that any time served on the~~
4 ~~sentence imposed by the other state or district court of the~~
5 ~~United States be credited on his Illinois sentence. Such~~
6 ~~application for reduction of a sentence under this subsection~~
7 ~~(f) shall be made within 30 days after the defendant has~~
8 ~~completed the sentence imposed by the other state or district~~
9 ~~court of the United States.~~

10 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
11 94-715, eff. 12-13-05; 95-983, eff. 6-1-09.)

12 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

13 Sec. 5-8-2. Extended Term.

14 (a) A judge shall not sentence an offender to a term of
15 imprisonment in excess of the maximum sentence authorized by
16 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V
17 for an offense or offenses within the class of the most serious
18 offense of which the offender was convicted unless the factors
19 in aggravation set forth in ~~paragraph (b) of~~ Section 5-5-3.2 or
20 clause (a)(1)(b) of Section 5-8-1 were found to be present. If
21 the pre-trial and trial proceedings were conducted in
22 compliance with subsection (c-5) of Section 111-3 of the Code
23 of Criminal Procedure of 1963, the judge may sentence an
24 offender to an extended term as provided in Article 4.5 of
25 Chapter V (730 ILCS 5/Ch. V, Art. 4.5). ~~to the following:~~

1 ~~(1) for first degree murder, a term shall be not less~~
2 ~~than 60 years and not more than 100 years;~~

3 ~~(2) for a Class X felony, a term shall be not less than~~
4 ~~30 years and not more than 60 years;~~

5 ~~(3) for a Class 1 felony, a term shall be not less than~~
6 ~~15 years and not more than 30 years;~~

7 ~~(4) for a Class 2 felony, a term shall be not less than~~
8 ~~7 years and not more than 14 years;~~

9 ~~(5) for a Class 3 felony, a term shall not be less than~~
10 ~~5 years and not more than 10 years;~~

11 ~~(6) for a Class 4 felony, a term shall be not less than~~
12 ~~3 years and not more than 6 years.~~

13 (b) If the conviction was by plea, it shall appear on the
14 record that the plea was entered with the defendant's knowledge
15 that a sentence under this Section was a possibility. If it
16 does not so appear on the record, the defendant shall not be
17 subject to such a sentence unless he is first given an
18 opportunity to withdraw his plea without prejudice.

19 (Source: P.A. 92-591, eff. 6-27-02; 93-900, eff. 1-1-05.)

20 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

21 Sec. 5-8-4. CONCURRENT AND CONSECUTIVE TERMS OF
22 IMPRISONMENT ~~Concurrent and Consecutive Terms of Imprisonment.~~

23 (a) CONCURRENT TERMS; MULTIPLE OR ADDITIONAL SENTENCES.
24 When an Illinois court (i) imposes multiple sentences of
25 imprisonment on a defendant at the same time or (ii) imposes a

1 sentence of imprisonment on a defendant who is already subject
2 to a sentence of imprisonment imposed by an Illinois court, a
3 court of another state, or a federal court, then the sentences
4 shall run concurrently unless otherwise determined by the
5 Illinois court under this Section.

6 (b) CONCURRENT TERMS; MISDEMEANOR AND FELONY. A defendant
7 -serving a sentence for a misdemeanor who is convicted of a
8 felony and sentenced to imprisonment shall be transferred to
9 the Department of Corrections, and the misdemeanor sentence
10 shall be merged in and run concurrently with the felony
11 sentence.

12 (c) CONSECUTIVE TERMS; PERMISSIVE. The court may impose
13 consecutive sentences in any of the following circumstances:

14 (1) If, having regard to the nature and circumstances
15 of the offense and the history and character of the
16 defendant, it is the opinion of the court that consecutive
17 sentences are required to protect the public from further
18 criminal conduct by the defendant, the basis for which the
19 court shall set forth in the record.

20 (2) If one of the offenses for which a defendant was
21 convicted was a violation of Section 32-5.2 (aggravated
22 false personation of a peace officer) of the Criminal Code
23 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
24 in attempting or committing a forcible felony.

25 (d) CONSECUTIVE TERMS; MANDATORY. The court shall impose
26 consecutive sentences in each of the following circumstances:

1 (1) One of the offenses for which the defendant was
2 convicted was first degree murder or a Class X or Class 1
3 felony and the defendant inflicted severe bodily injury.

4 (2) The defendant was convicted of a violation of
5 Section 12-13 (criminal sexual assault), 12-14 (aggravated
6 criminal sexual assault), or 12-14.1 (predatory criminal
7 sexual assault of a child) of the Criminal Code of 1961
8 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

9 (3) The defendant was convicted of armed violence based
10 upon the predicate offense of any of the following:
11 solicitation of murder, solicitation of murder for hire,
12 heinous battery, aggravated battery of a senior citizen,
13 criminal sexual assault, a violation of subsection (g) of
14 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
15 cannabis trafficking, a violation of subsection (a) of
16 Section 401 of the Illinois Controlled Substances Act (720
17 ILCS 570/401), controlled substance trafficking involving
18 a Class X felony amount of controlled substance under
19 Section 401 of the Illinois Controlled Substances Act (720
20 ILCS 570/401), a violation of the Methamphetamine Control
21 and Community Protection Act (720 ILCS 646/), calculated
22 criminal drug conspiracy, or streetgang criminal drug
23 conspiracy.

24 (4) The defendant was convicted of the offense of
25 leaving the scene of a motor vehicle accident involving
26 death or personal injuries under Section 11-401 of the

1 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
2 aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, or
4 any combination thereof under Section 11-501 of the
5 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
6 homicide under Section 9-3 of the Criminal Code of 1961
7 (720 ILCS 5/9-3), or (C) both an offense described in item
8 (A) and an offense described in item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 (concealment of homicidal death) or Section
11 12-20.5 (dismembering a human body) of the Criminal Code of
12 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

13 (6) If the defendant was in the custody of the
14 Department of Corrections at the time of the commission of
15 the offense, the sentence shall be served consecutive to
16 the sentence under which the defendant is held by the
17 Department of Corrections. If, however, the defendant is
18 sentenced to punishment by death, the sentence shall be
19 executed at such time as the court may fix without regard
20 to the sentence under which the defendant may be held by
21 the Department.

22 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
23 for escape or attempted escape shall be served consecutive
24 to the terms under which the offender is held by the
25 Department of Corrections.

26 (8) If a person charged with a felony commits a

1 separate felony while on pretrial release or in pretrial
2 detention in a county jail facility or county detention
3 facility, then the sentences imposed upon conviction of
4 these felonies shall be served consecutively regardless of
5 the order in which the judgments of conviction are entered.

6 (8.5) If a person commits a battery against a county
7 correctional officer or sheriff's employee while serving a
8 sentence or in pretrial detention in a county jail
9 facility, then the sentence imposed upon conviction of the
10 battery shall be served consecutively with the sentence
11 imposed upon conviction of the earlier misdemeanor or
12 felony, regardless of the order in which the judgments of
13 conviction are entered.

14 (9) If a person admitted to bail following conviction
15 of a felony commits a separate felony while free on bond or
16 if a person detained in a county jail facility or county
17 detention facility following conviction of a felony
18 commits a separate felony while in detention, then any
19 sentence following conviction of the separate felony shall
20 be consecutive to that of the original sentence for which
21 the defendant was on bond or detained.

22 (10) If a person is found to be in possession of an
23 item of contraband, as defined in clause (c) (2) of Section
24 31A-1.1 of the Criminal Code of 1961, while serving a
25 sentence in a county jail or while in pre-trial detention
26 in a county jail, the sentence imposed upon conviction for

1 the offense of possessing contraband in a penal institution
2 shall be served consecutively to the sentence imposed for
3 the offense in which the person is serving sentence in the
4 county jail or serving pretrial detention, regardless of
5 the order in which the judgments of conviction are entered.

6 (e) CONSECUTIVE TERMS; SUBSEQUENT NON-ILLINOIS TERM. If an
7 Illinois court has imposed a sentence of imprisonment on a
8 defendant and the defendant is subsequently sentenced to a term
9 of imprisonment by a court of another state or a federal court,
10 then the Illinois sentence shall run consecutively to the
11 sentence imposed by the court of the other state or the federal
12 court. That same Illinois court, however, may order that the
13 Illinois sentence run concurrently with the sentence imposed by
14 the court of the other state or the federal court, but only if
15 the defendant applies to that same Illinois court within 30
16 days after the sentence imposed by the court of the other state
17 or the federal court is finalized.

18 (f) CONSECUTIVE TERMS; AGGREGATE MAXIMUMS AND MINIMUMS.
19 The aggregate maximum and aggregate minimum of consecutive
20 sentences shall be determined as follows:

21 (1) For sentences imposed under law in effect prior to
22 February 1, 1978, the aggregate maximum of consecutive
23 sentences shall not exceed the maximum term authorized
24 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
25 Chapter V for the 2 most serious felonies involved. The
26 aggregate minimum period of consecutive sentences shall

1 not exceed the highest minimum term authorized under
2 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
3 V for the 2 most serious felonies involved. When sentenced
4 only for misdemeanors, a defendant shall not be
5 consecutively sentenced to more than the maximum for one
6 Class A misdemeanor.

7 (2) For sentences imposed under the law in effect on or
8 after February 1, 1978, the aggregate of consecutive
9 sentences for offenses that were committed as part of a
10 single course of conduct during which there was no
11 substantial change in the nature of the criminal objective
12 shall not exceed the sum of the maximum terms authorized
13 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
14 serious felonies involved, but no such limitation shall
15 apply for offenses that were not committed as part of a
16 single course of conduct during which there was no
17 substantial change in the nature of the criminal objective.
18 When sentenced only for misdemeanors, a defendant shall not
19 be consecutively sentenced to more than the maximum for one
20 Class A misdemeanor.

21 (g) CONSECUTIVE TERMS; MANNER SERVED. In determining the
22 manner in which consecutive sentences of imprisonment, one or
23 more of which is for a felony, will be served, the Department
24 of Corrections shall treat the defendant as though he or she
25 had been committed for a single term subject to each of the
26 following:

1 (1) The maximum period of a term of imprisonment shall
2 consist of the aggregate of the maximums of the imposed
3 indeterminate terms, if any, plus the aggregate of the
4 imposed determinate sentences for felonies, plus the
5 aggregate of the imposed determinate sentences for
6 misdemeanors, subject to subsection (f) of this Section.

7 (2) The parole or mandatory supervised release term
8 shall be as provided in paragraph (e) of Section 5-4.5-50
9 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
10 involved.

11 (3) The minimum period of imprisonment shall be the
12 aggregate of the minimum and determinate periods of
13 imprisonment imposed by the court, subject to subsection
14 (f) of this Section.

15 (4) The defendant shall be awarded credit against the
16 aggregate maximum term and the aggregate minimum term of
17 imprisonment for all time served in an institution since
18 the commission of the offense or offenses and as a
19 consequence thereof at the rate specified in Section 3-6-3
20 (730 ILCS 5/3-6-3).

21 ~~(a) When multiple sentences of imprisonment are imposed on~~
22 ~~a defendant at the same time, or when a term of imprisonment is~~
23 ~~imposed on a defendant who is already subject to sentence in~~
24 ~~this State or in another state, or for a sentence imposed by~~
25 ~~any district court of the United States, the sentences shall~~
26 ~~run concurrently or consecutively as determined by the court.~~

1 ~~When one of the offenses for which a defendant was convicted~~
2 ~~was a violation of Section 32-5.2 of the Criminal Code of 1961~~
3 ~~and the offense was committed in attempting or committing a~~
4 ~~forcible felony, the court may impose consecutive sentences.~~
5 ~~When a term of imprisonment is imposed on a defendant by an~~
6 ~~Illinois circuit court and the defendant is subsequently~~
7 ~~sentenced to a term of imprisonment by another state or by a~~
8 ~~district court of the United States, the Illinois circuit court~~
9 ~~which imposed the sentence may order that the Illinois sentence~~
10 ~~be made concurrent with the sentence imposed by the other state~~
11 ~~or district court of the United States. The defendant must~~
12 ~~apply to the circuit court within 30 days after the defendant's~~
13 ~~sentence imposed by the other state or district of the United~~
14 ~~States is finalized. The court shall impose consecutive~~
15 ~~sentences if:~~

16 ~~(i) one of the offenses for which defendant was~~
17 ~~convicted was first degree murder or a Class X or Class 1~~
18 ~~felony and the defendant inflicted severe bodily injury, or~~

19 ~~(ii) the defendant was convicted of a violation of~~
20 ~~Section 12-13, 12-14, or 12-14.1 of the Criminal Code of~~
21 ~~1961, or~~

22 ~~(iii) the defendant was convicted of armed violence~~
23 ~~based upon the predicate offense of solicitation of murder,~~
24 ~~solicitation of murder for hire, heinous battery,~~
25 ~~aggravated battery of a senior citizen, criminal sexual~~
26 ~~assault, a violation of subsection (g) of Section 5 of the~~

~~Cannabis Control Act, cannabis trafficking, a violation of subsection (a) of Section 401 of the Illinois Controlled Substances Act, controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act, a violation of the Methamphetamine Control and Community Protection Act, calculated criminal drug conspiracy, or streetgang criminal drug conspiracy, or~~

~~(iv) the defendant was convicted of the offense of leaving the scene of a motor vehicle accident involving death or personal injuries under Section 11-401 and either: (A) aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof under Section 11-501 of the Illinois Vehicle Code, or (B) reckless homicide under Section 9-3 of the Criminal Code of 1961, or both an offense described in subdivision (A) and an offense described in subdivision (B), or~~

~~(v) the defendant was convicted of a violation of Section 9-3.1 (concealment of homicidal death) or Section 12-20.5 (dismembering a human body) of the Criminal Code of 1961,~~

~~in which event the court shall enter sentences to run consecutively. Sentences shall run concurrently unless otherwise specified by the court.~~

~~(b) Except in cases where consecutive sentences are~~

1 ~~mandated, the court shall impose concurrent sentences unless,~~
2 ~~having regard to the nature and circumstances of the offense~~
3 ~~and the history and character of the defendant, it is of the~~
4 ~~opinion that consecutive sentences are required to protect the~~
5 ~~public from further criminal conduct by the defendant, the~~
6 ~~basis for which the court shall set forth in the record.~~

7 ~~(c) (1) For sentences imposed under law in effect prior to~~
8 ~~February 1, 1978 the aggregate maximum of consecutive~~
9 ~~sentences shall not exceed the maximum term authorized~~
10 ~~under Section 5-8-1 for the 2 most serious felonies~~
11 ~~involved. The aggregate minimum period of consecutive~~
12 ~~sentences shall not exceed the highest minimum term~~
13 ~~authorized under Section 5-8-1 for the 2 most serious~~
14 ~~felonies involved. When sentenced only for misdemeanors, a~~
15 ~~defendant shall not be consecutively sentenced to more than~~
16 ~~the maximum for one Class A misdemeanor.~~

17 ~~(2) For sentences imposed under the law in effect on or~~
18 ~~after February 1, 1978, the aggregate of consecutive~~
19 ~~sentences for offenses that were committed as part of a~~
20 ~~single course of conduct during which there was no~~
21 ~~substantial change in the nature of the criminal objective~~
22 ~~shall not exceed the sum of the maximum terms authorized~~
23 ~~under Section 5-8-2 for the 2 most serious felonies~~
24 ~~involved, but no such limitation shall apply for offenses~~
25 ~~that were not committed as part of a single course of~~
26 ~~conduct during which there was no substantial change in the~~

1 ~~nature of the criminal objective. When sentenced only for~~
2 ~~misdemeanors, a defendant shall not be consecutively~~
3 ~~sentenced to more than the maximum for one Class A~~
4 ~~misdemeanor.~~

5 ~~(d) An offender serving a sentence for a misdemeanor who is~~
6 ~~convicted of a felony and sentenced to imprisonment shall be~~
7 ~~transferred to the Department of Corrections, and the~~
8 ~~misdemeanor sentence shall be merged in and run concurrently~~
9 ~~with the felony sentence.~~

10 ~~(e) In determining the manner in which consecutive~~
11 ~~sentences of imprisonment, one or more of which is for a~~
12 ~~felony, will be served, the Department of Corrections shall~~
13 ~~treat the offender as though he had been committed for a single~~
14 ~~term with the following incidents:~~

15 ~~(1) the maximum period of a term of imprisonment shall~~
16 ~~consist of the aggregate of the maximums of the imposed~~
17 ~~indeterminate terms, if any, plus the aggregate of the~~
18 ~~imposed determinate sentences for felonies plus the~~
19 ~~aggregate of the imposed determinate sentences for~~
20 ~~misdemeanors subject to paragraph (c) of this Section;~~

21 ~~(2) the parole or mandatory supervised release term~~
22 ~~shall be as provided in paragraph (c) of Section 5-8-1 of~~
23 ~~this Code for the most serious of the offenses involved;~~

24 ~~(3) the minimum period of imprisonment shall be the~~
25 ~~aggregate of the minimum and determinate periods of~~
26 ~~imprisonment imposed by the court, subject to paragraph (c)~~

1 ~~of this Section; and~~

2 ~~(4) the offender shall be awarded credit against the~~
3 ~~aggregate maximum term and the aggregate minimum term of~~
4 ~~imprisonment for all time served in an institution since~~
5 ~~the commission of the offense or offenses and as a~~
6 ~~consequence thereof at the rate specified in Section 3-6-3~~
7 ~~of this Code.~~

8 ~~(f) A sentence of an offender committed to the Department~~
9 ~~of Corrections at the time of the commission of the offense~~
10 ~~shall be served consecutive to the sentence under which he is~~
11 ~~held by the Department of Corrections. However, in case such~~
12 ~~offender shall be sentenced to punishment by death, the~~
13 ~~sentence shall be executed at such time as the court may fix~~
14 ~~without regard to the sentence under which such offender may be~~
15 ~~held by the Department.~~

16 ~~(g) A sentence under Section 3-6-4 for escape or attempted~~
17 ~~escape shall be served consecutive to the terms under which the~~
18 ~~offender is held by the Department of Corrections.~~

19 ~~(h) If a person charged with a felony commits a separate~~
20 ~~felony while on pre-trial release or in pretrial detention in a~~
21 ~~county jail facility or county detention facility, the~~
22 ~~sentences imposed upon conviction of these felonies shall be~~
23 ~~served consecutively regardless of the order in which the~~
24 ~~judgments of conviction are entered.~~

25 ~~(h-1) If a person commits a battery against a county~~
26 ~~correctional officer or sheriff's employee while serving a~~

1 ~~sentence or in pretrial detention in a county jail facility,~~
2 ~~then the sentence imposed upon conviction of the battery shall~~
3 ~~be served consecutively with the sentence imposed upon~~
4 ~~conviction of the earlier misdemeanor or felony, regardless of~~
5 ~~the order in which the judgments of conviction are entered.~~

6 ~~(i) If a person admitted to bail following conviction of a~~
7 ~~felony commits a separate felony while free on bond or if a~~
8 ~~person detained in a county jail facility or county detention~~
9 ~~facility following conviction of a felony commits a separate~~
10 ~~felony while in detention, any sentence following conviction of~~
11 ~~the separate felony shall be consecutive to that of the~~
12 ~~original sentence for which the defendant was on bond or~~
13 ~~detained.~~

14 ~~(j) If a person is found to be in possession of an item of~~
15 ~~contraband, as defined in clause (c) (2) of Section 31A-1.1 of~~
16 ~~the Criminal Code of 1961, while serving a sentence in a penal~~
17 ~~institution or while in pre trial detention in a county jail,~~
18 ~~the sentence imposed upon conviction for the offense of~~
19 ~~possessing contraband in a penal institution shall be served~~
20 ~~consecutively to the sentence imposed for the offense in which~~
21 ~~the person is serving sentence in the county jail or serving~~
22 ~~pretrial detention, regardless of the order in which the~~
23 ~~judgments of conviction are entered.~~

24 (Source: P.A. 94-556, eff. 9-11-05; 94-985, eff. 1-1-07;
25 95-379, eff. 8-23-07; 95-766, eff. 1-1-09.)

1 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

2 Sec. 5-9-1. Authorized fines.

3 (a) An offender may be sentenced to pay a fine as provided
4 in Article 4.5 of Chapter V. ~~which shall not exceed for each~~
5 ~~offense:~~

6 ~~(1) for a felony, \$25,000 or the amount specified in~~
7 ~~the offense, whichever is greater, or where the offender is~~
8 ~~a corporation, \$50,000 or the amount specified in the~~
9 ~~offense, whichever is greater;~~

10 ~~(2) for a Class A misdemeanor, \$2,500 or the amount~~
11 ~~specified in the offense, whichever is greater;~~

12 ~~(3) for a Class B or Class C misdemeanor, \$1,500;~~

13 ~~(4) for a petty offense, \$1,000 or the amount specified~~
14 ~~in the offense, whichever is less;~~

15 ~~(5) for a business offense, the amount specified in the~~
16 ~~statute defining that offense.~~

17 (b) (Blank.) ~~A fine may be imposed in addition to a~~
18 ~~sentence of conditional discharge, probation, periodic~~
19 ~~imprisonment, or imprisonment.~~

20 (c) There shall be added to every fine imposed in
21 sentencing for a criminal or traffic offense, except an offense
22 relating to parking or registration, or offense by a
23 pedestrian, an additional penalty of \$10 for each \$40, or
24 fraction thereof, of fine imposed. The additional penalty of
25 \$10 for each \$40, or fraction thereof, of fine imposed, if not
26 otherwise assessed, shall also be added to every fine imposed

1 upon a plea of guilty, stipulation of facts or findings of
2 guilty, resulting in a judgment of conviction, or order of
3 supervision in criminal, traffic, local ordinance, county
4 ordinance, and conservation cases (except parking,
5 registration, or pedestrian violations), or upon a sentence of
6 probation without entry of judgment under Section 10 of the
7 Cannabis Control Act, Section 410 of the Illinois Controlled
8 Substances Act, or Section 70 of the Methamphetamine Control
9 and Community Protection Act.

10 Such additional amounts shall be assessed by the court
11 imposing the fine and shall be collected by the Circuit Clerk
12 in addition to the fine and costs in the case. Each such
13 additional penalty shall be remitted by the Circuit Clerk
14 within one month after receipt to the State Treasurer. The
15 State Treasurer shall deposit \$1 for each \$40, or fraction
16 thereof, of fine imposed into the LEADS Maintenance Fund. The
17 State Treasurer shall deposit \$1 for each \$40, or fraction
18 thereof, of fine imposed into the Law Enforcement Camera Grant
19 Fund. The remaining surcharge amount shall be deposited into
20 the Traffic and Criminal Conviction Surcharge Fund, unless the
21 fine, costs or additional amounts are subject to disbursement
22 by the circuit clerk under Section 27.5 of the Clerks of Courts
23 Act. Such additional penalty shall not be considered a part of
24 the fine for purposes of any reduction in the fine for time
25 served either before or after sentencing. Not later than March
26 1 of each year the Circuit Clerk shall submit a report of the

1 amount of funds remitted to the State Treasurer under this
2 subsection (c) during the preceding calendar year. Except as
3 otherwise provided by Supreme Court Rules, if a court in
4 imposing a fine against an offender levies a gross amount for
5 fine, costs, fees and penalties, the amount of the additional
6 penalty provided for herein shall be computed on the amount
7 remaining after deducting from the gross amount levied all fees
8 of the Circuit Clerk, the State's Attorney and the Sheriff.
9 After deducting from the gross amount levied the fees and
10 additional penalty provided for herein, less any other
11 additional penalties provided by law, the clerk shall remit the
12 net balance remaining to the entity authorized by law to
13 receive the fine imposed in the case. For purposes of this
14 Section "fees of the Circuit Clerk" shall include, if
15 applicable, the fee provided for under Section 27.3a of the
16 Clerks of Courts Act and the fee, if applicable, payable to the
17 county in which the violation occurred pursuant to Section
18 5-1101 of the Counties Code.

19 (c-5) In addition to the fines imposed by subsection (c),
20 any person convicted or receiving an order of supervision for
21 driving under the influence of alcohol or drugs shall pay an
22 additional \$100 fee to the clerk. This additional fee, less 2
23 1/2% that shall be used to defray administrative costs incurred
24 by the clerk, shall be remitted by the clerk to the Treasurer
25 within 60 days after receipt for deposit into the Trauma Center
26 Fund. This additional fee of \$100 shall not be considered a

1 part of the fine for purposes of any reduction in the fine for
2 time served either before or after sentencing. Not later than
3 March 1 of each year the Circuit Clerk shall submit a report of
4 the amount of funds remitted to the State Treasurer under this
5 subsection (c-5) during the preceding calendar year.

6 The Circuit Clerk may accept payment of fines and costs by
7 credit card from an offender who has been convicted of a
8 traffic offense, petty offense or misdemeanor and may charge
9 the service fee permitted where fines and costs are paid by
10 credit card provided for in Section 27.3b of the Clerks of
11 Courts Act.

12 (c-7) In addition to the fines imposed by subsection (c),
13 any person convicted or receiving an order of supervision for
14 driving under the influence of alcohol or drugs shall pay an
15 additional \$5 fee to the clerk. This additional fee, less 2
16 1/2% that shall be used to defray administrative costs incurred
17 by the clerk, shall be remitted by the clerk to the Treasurer
18 within 60 days after receipt for deposit into the Spinal Cord
19 Injury Paralysis Cure Research Trust Fund. This additional fee
20 of \$5 shall not be considered a part of the fine for purposes
21 of any reduction in the fine for time served either before or
22 after sentencing. Not later than March 1 of each year the
23 Circuit Clerk shall submit a report of the amount of funds
24 remitted to the State Treasurer under this subsection (c-7)
25 during the preceding calendar year.

26 (c-9) (Blank).

1 (d) In determining the amount and method of payment of a
2 fine, except for those fines established for violations of
3 Chapter 15 of the Illinois Vehicle Code, the court shall
4 consider:

5 (1) the financial resources and future ability of the
6 offender to pay the fine; and

7 (2) whether the fine will prevent the offender from
8 making court ordered restitution or reparation to the
9 victim of the offense; and

10 (3) in a case where the accused is a dissolved
11 corporation and the court has appointed counsel to
12 represent the corporation, the costs incurred either by the
13 county or the State for such representation.

14 (e) The court may order the fine to be paid forthwith or
15 within a specified period of time or in installments.

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

23 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
24 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)

25 (720 ILCS 5/Art. 33B rep.)

1 Section 93. The Criminal Code of 1961 is amended by
2 repealing all of Article 33B.

3 (730 ILCS 5/5-5-1 rep.)

4 (730 ILCS 5/5-5-2 rep.)

5 (730 ILCS 5/5-8-3 rep.)

6 (730 ILCS 5/5-8-7 rep.)

7 Section 95. The Unified Code of Corrections is amended by
8 repealing Sections 5-5-1, 5-5-2, 5-8-3, and 5-8-7.

9 Section 99. Effective date. This Act takes effect July 1,
10 2009.