

1 AN ACT concerning emergency services.

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

4 Section 1. Short title. This Act may be cited as the  
5 Emergency Services Response Reimbursement for Criminal  
6 Convictions Act.

7 Section 5. Definition. For the purposes of this Act,  
8 "emergency response" means any incident requiring a response by  
9 a police officer, an ambulance, a firefighter carried on the  
10 rolls of a regularly constituted fire department or fire  
11 protection district, a firefighter of a volunteer fire  
12 department, or a member of a recognized not-for-profit rescue  
13 or emergency medical service provider.

14 Section 10. Arson offenses; offender to reimburse local  
15 emergency response department. A person convicted of arson,  
16 aggravated arson, residential arson, or place of worship arson,  
17 in addition to any other sentence imposed, shall be ordered by  
18 the court to reimburse the local emergency response department  
19 for the costs of responding to the fire that the offender was  
20 convicted of setting.

21 Section 15. Units of government eligible for

1 reimbursement; amount of reimbursement. Each emergency  
2 response department and the Office of the State Fire Marshal  
3 responding to the fire resulting from an offense described in  
4 Section 10 shall be eligible for reimbursement. Reimbursement  
5 shall be based upon the actual cost to the department of the  
6 resources used, including but not limited to personnel and  
7 equipment, but shall be deemed to be not less than \$1,000 nor  
8 more than \$10,000 per department. When actual costs cannot be  
9 determined, the reimbursement shall be based on personnel and  
10 equipment costs as specified in Section 11f of the Fire  
11 Protection District Act.

12 Section 105. The Unified Code of Corrections is amended by  
13 changing Sections 5-5-3 and 5-9-1.12 as follows:

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

15 Sec. 5-5-3. Disposition.

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

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

23 (1) A period of probation.

24 (2) A term of periodic imprisonment.

1 (3) A term of conditional discharge.

2 (4) A term of imprisonment.

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

7 (6) A fine.

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

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

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

16 (10) If the defendant is convicted of arson, aggravated  
17 arson, residential arson, or place of worship arson, an  
18 order directing the offender to reimburse the local  
19 emergency response department for the costs of responding  
20 to the fire that the offender was convicted of setting in  
21 accordance with the Emergency Services Response  
22 Reimbursement for Criminal Convictions 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) When a defendant is found guilty of first degree

1 murder the State may either seek a sentence of imprisonment  
2 under Section 5-8-1 of this Code, or where appropriate seek  
3 a sentence of death under Section 9-1 of the Criminal Code  
4 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 within 10  
26 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except  
2 as otherwise provided in Section 40-10 of the  
3 Alcoholism and Other Drug Abuse and Dependency Act.

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

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

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

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

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

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

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the  
26 offense of hate crime when the underlying offense upon

1           which the hate crime is based is felony aggravated  
2           assault or felony mob action.

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

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

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

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

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

16          (R) A violation of Section 24-3A of the Criminal  
17          Code of 1961.

18          (S) (Blank).

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

21          (U) A second or subsequent violation of Section  
22          6-303 of the Illinois Vehicle Code committed while his  
23          or her driver's license, permit, or privilege was  
24          revoked because of a violation of Section 9-3 of the  
25          Criminal Code of 1961, relating to the offense of  
26          reckless homicide, or a similar provision of a law of

1 another state.

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

4 (W) A violation of Section 24-3.5 of the Criminal  
5 Code of 1961.

6 (3) (Blank).

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

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
13 of this subsection (c), a minimum of 100 hours of community  
14 service shall be imposed for a second violation of Section  
15 6-303 of the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300  
17 hours of community service, as determined by the court,  
18 shall be imposed for a second violation of subsection (c)  
19 of Section 6-303 of the Illinois Vehicle Code.

20 (4.4) Except as provided in paragraphs (4.5), (4.6),  
21 and (4.9) of this subsection (c), a minimum term of  
22 imprisonment of 30 days or 300 hours of community service,  
23 as determined by the court, shall be imposed for a third or  
24 subsequent violation of Section 6-303 of the Illinois  
25 Vehicle Code.

26 (4.5) A minimum term of imprisonment of 30 days shall

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

3 (4.6) Except as provided in paragraph (4.10) of this  
4 subsection (c), a minimum term of imprisonment of 180 days  
5 shall be imposed for a fourth or subsequent violation of  
6 subsection (c) of Section 6-303 of the Illinois Vehicle  
7 Code.

8 (4.7) A minimum term of imprisonment of not less than  
9 30 consecutive days, or 300 hours of community service,  
10 shall be imposed for a violation of subsection (a-5) of  
11 Section 6-303 of the Illinois Vehicle Code, as provided in  
12 subsection (b-5) of that Section.

13 (4.8) A mandatory prison sentence shall be imposed for  
14 a second violation of subsection (a-5) of Section 6-303 of  
15 the Illinois Vehicle Code, as provided in subsection (c-5)  
16 of that Section. The person's driving privileges shall be  
17 revoked for a period of not less than 5 years from the date  
18 of his or her release from prison.

19 (4.9) A mandatory prison sentence of not less than 4  
20 and not more than 15 years shall be imposed for a third  
21 violation of subsection (a-5) of Section 6-303 of the  
22 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
23 that Section. The person's driving privileges shall be  
24 revoked for the remainder of his or her life.

25 (4.10) A mandatory prison sentence for a Class 1 felony  
26 shall be imposed, and the person shall be eligible for an



1 extended term sentence, for a fourth or subsequent  
2 violation of subsection (a-5) of Section 6-303 of the  
3 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
4 that Section. The person's driving privileges shall be  
5 revoked for the remainder of his or her life.

6 (5) The court may sentence an offender convicted of a  
7 business offense or a petty offense or a corporation or  
8 unincorporated association convicted of any offense to:

9 (A) a period of conditional discharge;

10 (B) a fine;

11 (C) make restitution to the victim under Section  
12 5-5-6 of this Code.

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

21 (5.2) In addition to any penalties imposed under  
22 paragraph (5) of this subsection (c), and except as  
23 provided in paragraph (5.3), a person convicted of  
24 violating subsection (c) of Section 11-907 of the Illinois  
25 Vehicle Code shall have his or her driver's license,  
26 permit, or privileges suspended for at least 180 days but

1 not more than 2 years, if the violation resulted in injury  
2 to another person.

3 (5.3) In addition to any penalties imposed under  
4 paragraph (5) of this subsection (c), a person convicted of  
5 violating subsection (c) of Section 11-907 of the Illinois  
6 Vehicle Code shall have his or her driver's license,  
7 permit, or privileges suspended for 2 years, if the  
8 violation resulted in the death of another person.

9 (5.4) In addition to any penalties imposed under  
10 paragraph (5) of this subsection (c), a person convicted of  
11 violating Section 3-707 of the Illinois Vehicle Code shall  
12 have his or her driver's license, permit, or privileges  
13 suspended for 3 months and until he or she has paid a  
14 reinstatement fee of \$100.

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

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

1           probation or conditional discharge for a felony.

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

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

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

25          (10) (Blank).

26          (11) The court shall impose a minimum fine of \$1,000

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

17 (12) A person may not receive a disposition of court  
18 supervision for a violation of Section 5-16 of the Boat  
19 Registration and Safety Act if that person has previously  
20 received a disposition of court supervision for a violation  
21 of that Section.

22 (13) A person convicted of or placed on court  
23 supervision for an assault or aggravated assault when the  
24 victim and the offender are family or household members as  
25 defined in Section 103 of the Illinois Domestic Violence  
26 Act of 1986 or convicted of domestic battery or aggravated

1 domestic battery may be required to attend a Partner Abuse  
2 Intervention Program under protocols set forth by the  
3 Illinois Department of Human Services under such terms and  
4 conditions imposed by the court. The costs of such classes  
5 shall be paid by the offender.

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

24 (e) In cases where prosecution for aggravated criminal  
25 sexual abuse under Section 12-16 of the Criminal Code of 1961  
26 results in conviction of a defendant who was a family member of

1 the victim at the time of the commission of the offense, the  
2 court shall consider the safety and welfare of the victim and  
3 may impose a sentence of probation only where:

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

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

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

11 (i) removal from the household;

12 (ii) restricted contact with the victim;

13 (iii) continued financial support of the  
14 family;

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

16 and

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

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

26 Probation may be revoked or modified pursuant to Section

1 5-6-4; except where the court determines at the hearing that  
2 the defendant violated a condition of his or her probation  
3 restricting contact with the victim or other family members or  
4 commits another offense with the victim or other family  
5 members, the court shall revoke the defendant's probation and  
6 impose a term of imprisonment.

7 For the purposes of this Section, "family member" and  
8 "victim" shall have the meanings ascribed to them in Section  
9 12-12 of the Criminal Code of 1961.

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

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

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

25 (g-5) When an inmate is tested for an airborne communicable  
26 disease, as determined by the Illinois Department of Public



1 Health including but not limited to tuberculosis, the results  
2 of the test shall be personally delivered by the warden or his  
3 or her designee in a sealed envelope to the judge of the court  
4 in which the inmate must appear for the judge's inspection in  
5 camera if requested by the judge. Acting in accordance with the  
6 best interests of those in the courtroom, the judge shall have  
7 the discretion to determine what if any precautions need to be  
8 taken to prevent transmission of the disease in the courtroom.

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

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

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

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

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

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

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

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

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

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

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

15 Otherwise, the defendant shall be sentenced as  
16 provided in this Chapter V.

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

26 (1) a final order of deportation has been issued

1           against the defendant pursuant to proceedings under  
2           the Immigration and Nationality Act, and

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

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

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

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

25          (n) The court may sentence a person convicted of a  
26          violation of Section 12-19, 12-21, or 16-1.3 of the Criminal

1 Code of 1961 (i) to an impact incarceration program if the  
2 person is otherwise eligible for that program under Section  
3 5-8-1.1, (ii) to community service, or (iii) if the person is  
4 an addict or alcoholic, as defined in the Alcoholism and Other  
5 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
6 program licensed under that Act.

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

12 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,  
13 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;  
14 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.  
15 1-1-08; 95-579, eff. 6-1-08; 95-876, eff. 8-21-08; 95-882, eff.  
16 1-1-09.)

17 (730 ILCS 5/5-9-1.12)

18 Sec. 5-9-1.12. Arson fines.

19 (a) In addition to any other penalty imposed, a fine of  
20 \$500 shall be imposed upon a person convicted of the offense of  
21 arson, residential arson, or aggravated arson.

22 (b) The additional fine shall be assessed by the court  
23 imposing sentence and shall be collected by the Circuit Clerk  
24 in addition to the fine, if any, and costs in the case. Each  
25 such additional fine shall be remitted by the Circuit Clerk

1 within one month after receipt to the State Treasurer for  
2 deposit into the Fire Service and Small Equipment ~~Fire~~  
3 ~~Prevention~~ Fund. The Circuit Clerk shall retain 10% of such  
4 fine to cover the costs incurred in administering and enforcing  
5 this Section. The additional fine may not be considered a part  
6 of the fine for purposes of any reduction in the fine for time  
7 served either before or after sentencing.

8 (c) The moneys in the Fire Service and Small Equipment ~~Fire~~  
9 ~~Prevention~~ Fund collected as additional fines under this  
10 Section shall be distributed by the Office of the State Fire  
11 Marshal as appropriated and according to the rules set forth  
12 and adopted under the Emergency Services Response  
13 Reimbursement for Criminal Convictions Act ~~to the fire~~  
14 ~~department or fire protection district that suppressed or~~  
15 ~~investigated the fire that was set by the defendant and for~~  
16 ~~which the defendant was convicted of arson, residential arson,~~  
17 ~~or aggravated arson. If more than one fire department or fire~~  
18 ~~protection district suppressed or investigated the fire, the~~  
19 ~~additional fine shall be distributed equally among those~~  
20 ~~departments or districts.~~

21 (d) (Blank). ~~The moneys distributed to the fire departments~~  
22 ~~or fire protection districts under this Section may only be~~  
23 ~~used to purchase fire suppression or fire investigation~~  
24 ~~equipment.~~

25 (Source: P.A. 95-331, eff. 8-21-07.)

26 Section 999. Effective date. This Act takes effect upon



1 becoming law.