



Rep. Donald L. Moffitt

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1 AMENDMENT TO HOUSE BILL 2669

2 AMENDMENT NO. _____. Amend House Bill 2669 by replacing
3 everything after the enacting clause with the following:

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,

1 aggravated arson, residential arson, or place of worship arson,
2 in addition to any other sentence imposed, shall be ordered by
3 the court to reimburse the local emergency response department
4 for the costs of responding to the fire that the offender was
5 convicted of setting.

6 Section 15. Units of government eligible for
7 reimbursement; amount of reimbursement. Each emergency
8 response department and the Office of the State Fire Marshal
9 responding to the fire resulting from an offense described in
10 Section 10 shall be eligible for reimbursement. Reimbursement
11 shall be based upon the actual cost to the department of the
12 resources used, including but not limited to personnel and
13 equipment, but shall be deemed to be not less than \$1,000 nor
14 more than \$10,000 per department. When actual costs cannot be
15 determined, the reimbursement shall be based on personnel and
16 equipment costs as specified in Section 11f of the Fire
17 Protection District Act.

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

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) Except as provided in Section 11-501 of the Illinois
23 Vehicle Code, every person convicted of an offense shall be

1 sentenced as provided in this Section.

2 (b) 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 (10) If the defendant is convicted of arson, aggravated
24 arson, residential arson, or place of worship arson, an
25 order directing the offender to reimburse the local
26 emergency response department for the costs of responding

1 to the fire that the offender was convicted of setting in
2 accordance with the Emergency Services Response
3 Reimbursement for Criminal Convictions Act.

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

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

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

19 (A) First degree murder where the death penalty is
20 not imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the
24 Illinois Controlled Substances Act, or a violation of
25 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
26 of that Act which relates to more than 5 grams of a

1 substance containing heroin, cocaine, fentanyl, or an
2 analog thereof.

3 (E) A violation of Section 5.1 or 9 of the Cannabis
4 Control Act.

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

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

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

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen.

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

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

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

5 (K) Vehicular hijacking.

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

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

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

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

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

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

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

25 (S) (Blank).

26 (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

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

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

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

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8)
20 of this subsection (c), a minimum of 100 hours of community
21 service shall be imposed for a second violation of Section
22 6-303 of the Illinois Vehicle Code.

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

1 (4.4) Except as provided in paragraphs (4.5), (4.6),
2 and (4.9) of this subsection (c), a minimum term of
3 imprisonment of 30 days or 300 hours of community service,
4 as determined by the court, shall be imposed for a third or
5 subsequent violation of Section 6-303 of the Illinois
6 Vehicle Code.

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

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

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

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

26 (4.9) A mandatory prison sentence of not less than 4

1 and not more than 15 years shall be imposed for a third
2 violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (d-2.5) of
4 that Section. The person's driving privileges shall be
5 revoked for the remainder of his or her life.

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

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

16 (A) a period of conditional discharge;

17 (B) a fine;

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

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

1 to the property of another person.

2 (5.2) In addition to any penalties imposed under
3 paragraph (5) of this subsection (c), and except as
4 provided in paragraph (5.3), 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 at least 180 days but
8 not more than 2 years, if the violation resulted in injury
9 to another person.

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

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

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

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

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

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

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

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) This Article shall not deprive a court in other
18 proceedings to order a forfeiture of property, to suspend or
19 cancel a license, to remove a person from office, or to impose
20 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) A court may not impose a sentence or disposition for a
6 felony or misdemeanor that requires the defendant to be
7 implanted or injected with or to use any form of birth control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (730 ILCS 5/5-9-1.12)

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

1 (a) In addition to any other penalty imposed, a fine of
2 \$500 shall be imposed upon a person convicted of the offense of
3 arson, residential arson, or aggravated arson.

4 (b) The additional fine shall be assessed by the court
5 imposing sentence and shall be collected by the Circuit Clerk
6 in addition to the fine, if any, and costs in the case. Each
7 such additional fine shall be remitted by the Circuit Clerk
8 within one month after receipt to the State Treasurer for
9 deposit into the Fire Service and Small Equipment ~~Fire~~
10 ~~Prevention~~ Fund. The Circuit Clerk shall retain 10% of such
11 fine to cover the costs incurred in administering and enforcing
12 this Section. The additional fine may not be considered a part
13 of the fine for purposes of any reduction in the fine for time
14 served either before or after sentencing.

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

1 ~~departments or districts.~~

2 (d) (Blank). ~~The moneys distributed to the fire departments~~
3 ~~or fire protection districts under this Section may only be~~
4 ~~used to purchase fire suppression or fire investigation~~
5 ~~equipment.~~

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

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.".