

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.