

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 24-1.6 and by adding Section 24-1.8 as follows:

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits the offense of aggravated unlawful use
9 of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode, legal
13 dwelling, or fixed place of business, or on the land or in
14 the legal dwelling of another person as an invitee with
15 that person's permission, any pistol, revolver, stun gun or
16 taser or other firearm; or

17 (2) Carries or possesses on or about his or her person,
18 upon any public street, alley, or other public lands within
19 the corporate limits of a city, village or incorporated
20 town, except when an invitee thereon or therein, for the
21 purpose of the display of such weapon or the lawful
22 commerce in weapons, or except when on his or her own land
23 or in his or her own abode, legal dwelling, or fixed place

1 of business, or on the land or in the legal dwelling of
2 another person as an invitee with that person's permission,
3 any pistol, revolver, stun gun or taser or other firearm;
4 and

5 (3) One of the following factors is present:

6 (A) the firearm possessed was uncased, loaded and
7 immediately accessible at the time of the offense; or

8 (B) the firearm possessed was uncased, unloaded
9 and the ammunition for the weapon was immediately
10 accessible at the time of the offense; or

11 (C) the person possessing the firearm has not been
12 issued a currently valid Firearm Owner's
13 Identification Card; or

14 (D) the person possessing the weapon was
15 previously adjudicated a delinquent minor under the
16 Juvenile Court Act of 1987 for an act that if committed
17 by an adult would be a felony; or

18 (E) the person possessing the weapon was engaged in
19 a misdemeanor violation of the Cannabis Control Act, in
20 a misdemeanor violation of the Illinois Controlled
21 Substances Act, or in a misdemeanor violation of the
22 Methamphetamine Control and Community Protection Act;
23 or

24 (F) (blank) ~~the person possessing the weapon is a~~
25 ~~member of a street gang or is engaged in street gang~~
26 ~~related activity, as defined in Section 10 of the~~

1 ~~Illinois Streetgang Terrorism Omnibus Prevention Act;~~

2 or

3 (G) the person possessing the weapon had a order of
4 protection issued against him or her within the
5 previous 2 years; or

6 (H) the person possessing the weapon was engaged in
7 the commission or attempted commission of a
8 misdemeanor involving the use or threat of violence
9 against the person or property of another; or

10 (I) the person possessing the weapon was under 21
11 years of age and in possession of a handgun as defined
12 in Section 24-3, unless the person under 21 is engaged
13 in lawful activities under the Wildlife Code or
14 described in subsection 24-2(b)(1), (b)(3), or
15 24-2(f).

16 (b) "Stun gun or taser" as used in this Section has the
17 same definition given to it in Section 24-1 of this Code.

18 (c) This Section does not apply to or affect the
19 transportation or possession of weapons that:

20 (i) are broken down in a non-functioning state; or

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case, firearm
23 carrying box, shipping box, or other container by a
24 person who has been issued a currently valid Firearm
25 Owner's Identification Card.

26 (d) Sentence. Aggravated unlawful use of a weapon is a

1 Class 4 felony; a second or subsequent offense is a Class 2
2 felony for which the person shall be sentenced to a term of
3 imprisonment of not less than 3 years and not more than 7
4 years. Aggravated unlawful use of a weapon by a person who has
5 been previously convicted of a felony in this State or another
6 jurisdiction is a Class 2 felony for which the person shall be
7 sentenced to a term of imprisonment of not less than 3 years
8 and not more than 7 years. Aggravated unlawful use of a weapon
9 while wearing or in possession of body armor as defined in
10 Section 33F-1 by a person who has not been issued a valid
11 Firearms Owner's Identification Card in accordance with
12 Section 5 of the Firearm Owners Identification Card Act is a
13 Class X felony. The possession of each firearm in violation of
14 this Section constitutes a single and separate violation.

15 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09.)

16 (720 ILCS 5/24-1.8 new)

17 Sec. 24-1.8. Unlawful possession of a firearm by a street
18 gang member.

19 (a) A person commits unlawful possession of a firearm by a
20 street gang member when he or she knowingly:

21 (1) possesses, carries, or conceals on or about his or
22 her person a firearm and firearm ammunition while on any
23 street, road, alley, gangway, sidewalk, or any other lands,
24 except when inside his or her own abode or inside his or
25 her fixed place of business, and has not been issued a

1 currently valid Firearm Owner's Identification Card and is
2 a member of a street gang; or

3 (2) possesses or carries in any vehicle a firearm and
4 firearm ammunition which are both immediately accessible
5 at the time of the offense while on any street, road,
6 alley, or any other lands, except when inside his or her
7 own abode or garage, and has not been issued a currently
8 valid Firearm Owner's Identification Card and is a member
9 of a street gang.

10 (b) Unlawful possession of a firearm by a street gang
11 member is a Class 2 felony for which the person, if sentenced
12 to a term of imprisonment, shall be sentenced to no less than 3
13 years and no more than 10 years. A period of probation, a term
14 of periodic imprisonment or conditional discharge shall not be
15 imposed for the offense of unlawful possession of a firearm by
16 a street gang member when the firearm was loaded or contained
17 firearm ammunition and the court shall sentence the offender to
18 not less than the minimum term of imprisonment authorized for
19 the Class 2 felony.

20 (c) For purposes of this Section:

21 "Street gang" or "gang" has the meaning ascribed to it
22 in Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 "Street gang member" or "gang member" has the meaning
25 ascribed to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 Section 10. The Unified Code of Corrections is amended by
2 changing Section 5-5-3 as follows:

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

4 Sec. 5-5-3. Disposition.

5 (a) (Blank~~→~~).

6 (b) (Blank~~→~~).

7 ~~(10) If the defendant is convicted of arson,~~
8 ~~aggravated arson, residential arson, or place of worship~~
9 ~~arson, an order directing the offender to reimburse the~~
10 ~~local emergency response department for the costs of~~
11 ~~responding to the fire that the offender was convicted of~~
12 ~~setting in accordance with the Emergency Services Response~~
13 ~~Reimbursement for Criminal Convictions Act.~~

14 (c) (1) (Blank~~→~~).

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

22 (A) First degree murder where the death penalty is
23 not imposed.

24 (B) Attempted first degree murder.

1 (C) A Class X felony.

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

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

10 (F) A Class 2 or greater felony if the offender had
11 been convicted of a Class 2 or greater felony,
12 including any state or federal conviction for an
13 offense that contained, at the time it was committed,
14 the same elements as an offense now (the date of the
15 offense committed after the prior Class 2 or greater
16 felony) classified as a Class 2 or greater felony,
17 within 10 years of the date on which the offender
18 committed the offense for which he or she is being
19 sentenced, except as otherwise provided in Section
20 40-10 of the Alcoholism and Other Drug Abuse and
21 Dependency Act.

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

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

1 Drug Abuse and Dependency Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen.

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

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

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

16 (K) Vehicular hijacking.

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

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

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

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

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

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

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

10 (S) (Blank).

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

13 (U) A second or subsequent violation of Section
14 6-303 of the Illinois Vehicle Code committed while his
15 or her driver's license, permit, or privilege was
16 revoked because of a violation of Section 9-3 of the
17 Criminal Code of 1961, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

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

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961.

26 (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was
2 loaded or contained firearm ammunition.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8)
10 of this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court,
15 shall be imposed for a second violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6),
18 and (4.9) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community service,
20 as determined by the court, shall be imposed for a third or
21 subsequent violation of Section 6-303 of the Illinois
22 Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle
4 Code.

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

10 (4.8) A mandatory prison sentence shall be imposed for
11 a second violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (c-5)
13 of that Section. The person's driving privileges shall be
14 revoked for a period of not less than 5 years from the date
15 of his or her release from prison.

16 (4.9) A mandatory prison sentence of not less than 4
17 and not more than 15 years shall be imposed for a third
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-2.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

22 (4.10) A mandatory prison sentence for a Class 1 felony
23 shall be imposed, and the person shall be eligible for an
24 extended term sentence, for a fourth or subsequent
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (5) The court may sentence a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.2) or (5.3), a person
11 convicted of violating subsection (c) of Section 11-907 of
12 the Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 90
14 days but not more than one year, if the violation resulted
15 in damage to the property of another person.

16 (5.2) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 180
21 days but not more than 2 years, if the violation resulted
22 in injury to another person.

23 (5.3) In addition to any other penalties imposed, a
24 person convicted of violating subsection (c) of Section
25 11-907 of the Illinois Vehicle Code shall have his or her
26 driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another
2 person.

3 (5.4) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 3 months and until he
7 or she has paid a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a
9 person convicted of violating Section 3-707 of the Illinois
10 Vehicle Code during a period in which his or her driver's
11 license, permit, or privileges were suspended for a
12 previous violation of that Section shall have his or her
13 driver's license, permit, or privileges suspended for an
14 additional 6 months after the expiration of the original
15 3-month suspension and until he or she has paid a
16 reinstatement fee of \$100.

17 (6) (Blank) .

18 (7) (Blank) .

19 (8) (Blank) .

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

23 (10) (Blank) .

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

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

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

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

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

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

1 may impose a sentence of probation only where:

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

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

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

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

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

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

14 and

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

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

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

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

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

8 (f) (Blank~~→~~).

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

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

20 (g-5) When an inmate is tested for an airborne communicable
21 disease, as determined by the Illinois Department of Public
22 Health including but not limited to tuberculosis, the results
23 of the test shall be personally delivered by the warden or his
24 or her designee in a sealed envelope to the judge of the court
25 in which the inmate must appear for the judge's inspection in
26 camera if requested by the judge. Acting in accordance with the

1 best interests of those in the courtroom, the judge shall have
2 the discretion to determine what if any precautions need to be
3 taken to prevent transmission of the disease in the courtroom.

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

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

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

14 (j) In cases when prosecution for any violation of Section
15 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
18 Code of 1961, any violation of the Illinois Controlled
19 Substances Act, any violation of the Cannabis Control Act, or
20 any violation of the Methamphetamine Control and Community
21 Protection Act results in conviction, a disposition of court
22 supervision, or an order of probation granted under Section 10
23 of the Cannabis Control Act, Section 410 of the Illinois
24 Controlled Substance Act, or Section 70 of the Methamphetamine
25 Control and Community Protection Act of a defendant, the court
26 shall determine whether the defendant is employed by a facility

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

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

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

19 (k) (Blank~~ed~~).

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is an alien as defined by
22 the Immigration and Nationality Act, is convicted of any
23 felony or misdemeanor offense, the court after sentencing
24 the defendant may, upon motion of the State's Attorney,
25 hold sentence in abeyance and remand the defendant to the
26 custody of the Attorney General of the United States or his

1 or her designated agent to be deported when:

2 (1) a final order of deportation has been issued
3 against the defendant pursuant to proceedings under
4 the Immigration and Nationality Act, and

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

8 Otherwise, the defendant shall be sentenced as
9 provided in this Chapter V.

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

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

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

25 (C) This subsection (1) does not apply to offenders who
26 are subject to the provisions of paragraph (2) of

1 subsection (a) of Section 3-6-3.

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

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

18 (n) The court may sentence a person convicted of a
19 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
20 Code of 1961 (i) to an impact incarceration program if the
21 person is otherwise eligible for that program under Section
22 5-8-1.1, (ii) to community service, or (iii) if the person is
23 an addict or alcoholic, as defined in the Alcoholism and Other
24 Drug Abuse and Dependency Act, to a substance or alcohol abuse
25 program licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions of
4 license renewal established by the Secretary of State.

5 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
6 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
7 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
8 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; revised
9 9-4-09.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.