



Adopted in House Comm. on Oct 14, 2009

09600SB1812ham001

LRB096 04569 RLC 29914 a

1 AMENDMENT TO SENATE BILL 1812

2 AMENDMENT NO. _____. Amend Senate Bill 1812 by replacing
3 everything after the enacting clause with the following:

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

7 (720 ILCS 5/24-1.6)

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

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

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

1 taser or other firearm; or

2 (2) Carries or possesses on or about his or her person,
3 upon any public street, alley, or other public lands within
4 the corporate limits of a city, village or incorporated
5 town, except when an invitee thereon or therein, for the
6 purpose of the display of such weapon or the lawful
7 commerce in weapons, or except when on his or her own land
8 or in his or her own abode, legal dwelling, or fixed place
9 of business, or on the land or in the legal dwelling of
10 another person as an invitee with that person's permission,
11 any pistol, revolver, stun gun or taser or other firearm;
12 and

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

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

16 (B) the firearm possessed was uncased, unloaded
17 and the ammunition for the weapon was immediately
18 accessible at the time of the offense; or

19 (C) the person possessing the firearm has not been
20 issued a currently valid Firearm Owner's
21 Identification Card; or

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

26 (E) the person possessing the weapon was engaged in

1 a misdemeanor violation of the Cannabis Control Act, in
2 a misdemeanor violation of the Illinois Controlled
3 Substances Act, or in a misdemeanor violation of the
4 Methamphetamine Control and Community Protection Act;
5 or

6 (F) (blank) ~~the person possessing the weapon is a~~
7 ~~member of a street gang or is engaged in street gang~~
8 ~~related activity, as defined in Section 10 of the~~
9 ~~Illinois Streetgang Terrorism Omnibus Prevention Act;~~
10 or

11 (G) the person possessing the weapon had a order of
12 protection issued against him or her within the
13 previous 2 years; or

14 (H) the person possessing the weapon was engaged in
15 the commission or attempted commission of a
16 misdemeanor involving the use or threat of violence
17 against the person or property of another; or

18 (I) the person possessing the weapon was under 21
19 years of age and in possession of a handgun as defined
20 in Section 24-3, unless the person under 21 is engaged
21 in lawful activities under the Wildlife Code or
22 described in subsection 24-2(b)(1), (b)(3), or
23 24-2(f).

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

26 (c) This Section does not apply to or affect the

1 transportation or possession of weapons that:

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

3 (ii) are not immediately accessible; or

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

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

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

24 (720 ILCS 5/24-1.8 new)

25 Sec. 24-1.8. Unlawful possession of a firearm by a street

1 gang member.

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

4 (1) possesses, carries, or conceals on or about his or
5 her person a firearm and firearm ammunition while on any
6 street, road, alley, gangway, sidewalk, or any other lands,
7 except when inside his or her own abode or inside his or
8 her fixed place of business, and has not been issued a
9 currently valid Firearm Owner's Identification Card and is
10 a member of a street gang; or

11 (2) possesses or carries in any vehicle a firearm and
12 firearm ammunition which are both immediately accessible
13 at the time of the offense while on any street, road,
14 alley, or any other lands, except when inside his or her
15 own abode or garage, and has not been issued a currently
16 valid Firearm Owner's Identification Card and is a member
17 of a street gang.

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

1 the Class 2 felony.

2 (c) For purposes of this Section:

3 "Street gang" or "gang" means any combination,
4 confederation, alliance, network, conspiracy in law or in
5 fact, of 3 or more persons with an established hierarchy
6 that, through its membership or through the agency of any
7 member, engages in a course or pattern of criminal
8 activity.

9 "Street gang member" or "gang member" means any person
10 who actually and in fact belongs to a gang.

11 "Firearm" means any pistol, revolver, rifle, shotgun,
12 or any device by whatever name which is designed to expel a
13 projectile or projectiles by the action of an explosion,
14 expansion of gas, or escape of gas.

15 "Firearm ammunition" means any self-contained
16 cartridge or shotgun shell, by whatever name known, which
17 is designed to be used or adaptable for use in a firearm.

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

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

21 Sec. 5-5-3. Disposition.

22 (a) (Blank~~→~~).

23 (b) (Blank~~→~~).

24 ~~(10) If the defendant is convicted of arson,~~

1 ~~aggravated arson, residential arson, or place of worship~~
2 ~~arson, an order directing the offender to reimburse the~~
3 ~~local emergency response department for the costs of~~
4 ~~responding to the fire that the offender was convicted of~~
5 ~~setting in accordance with the Emergency Services Response~~
6 ~~Reimbursement for Criminal Convictions Act.~~

7 (c) (1) (Blank) ~~).~~

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

15 (A) First degree murder where the death penalty is
16 not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

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

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

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

13 (F-5) A violation of Section 24-1, 24-1.1, or
14 24-1.6 of the Criminal Code of 1961 for which
15 imprisonment is prescribed in those Sections.

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

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen.

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

23 Before July 1, 1994, for the purposes of this
24 paragraph, "organized gang" means an association of 5
25 or more persons, with an established hierarchy, that
26 encourages members of the association to perpetrate

1 crimes or provides support to the members of the
2 association who do commit crimes.

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

7 (K) Vehicular hijacking.

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

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

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

18 (O) A violation of Section 12-6.1 of the Criminal
19 Code of 1961.

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

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

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

1 (S) (Blank).

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

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

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

13 (W) A violation of Section 24-3.5 of the Criminal
14 Code of 1961.

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

17 (Y) A conviction for unlawful possession of a
18 firearm by a street gang member when the firearm was
19 loaded or contained firearm ammunition.

20 (3) (Blank).

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

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8)

1 of this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court,
6 shall be imposed for a second violation of subsection (c)
7 of Section 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6),
9 and (4.9) of this subsection (c), a minimum term of
10 imprisonment of 30 days or 300 hours of community service,
11 as determined by the court, shall be imposed for a third or
12 subsequent violation of Section 6-303 of the Illinois
13 Vehicle Code.

14 (4.5) A minimum term of imprisonment of 30 days shall
15 be imposed for a third violation of subsection (c) of
16 Section 6-303 of the Illinois Vehicle Code.

17 (4.6) Except as provided in paragraph (4.10) of this
18 subsection (c), a minimum term of imprisonment of 180 days
19 shall be imposed for a fourth or subsequent violation of
20 subsection (c) of Section 6-303 of the Illinois Vehicle
21 Code.

22 (4.7) A minimum term of imprisonment of not less than
23 30 consecutive days, or 300 hours of community service,
24 shall be imposed for a violation of subsection (a-5) of
25 Section 6-303 of the Illinois Vehicle Code, as provided in
26 subsection (b-5) of that Section.

1 (4.8) A mandatory prison sentence shall be imposed for
2 a second violation of subsection (a-5) of Section 6-303 of
3 the Illinois Vehicle Code, as provided in subsection (c-5)
4 of that Section. The person's driving privileges shall be
5 revoked for a period of not less than 5 years from the date
6 of his or her release from prison.

7 (4.9) A mandatory prison sentence of not less than 4
8 and not more than 15 years shall be imposed for a third
9 violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (d-2.5) of
11 that Section. The person's driving privileges shall be
12 revoked for the remainder of his or her life.

13 (4.10) A mandatory prison sentence for a Class 1 felony
14 shall be imposed, and the person shall be eligible for an
15 extended term sentence, for a fourth or subsequent
16 violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (d-3.5) of
18 that Section. The person's driving privileges shall be
19 revoked for the remainder of his or her life.

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

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

26 (5.1) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.2) or (5.3), a person
2 convicted of violating subsection (c) of Section 11-907 of
3 the Illinois Vehicle Code shall have his or her driver's
4 license, permit, or privileges suspended for at least 90
5 days but not more than one year, if the violation resulted
6 in damage to the property of another person.

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

14 (5.3) In addition to any other penalties imposed, a
15 person convicted of violating subsection (c) of Section
16 11-907 of the Illinois Vehicle Code shall have his or her
17 driver's license, permit, or privileges suspended for 2
18 years, if the violation resulted in the death of another
19 person.

20 (5.4) In addition to any other penalties imposed, a
21 person convicted of violating Section 3-707 of the Illinois
22 Vehicle Code shall have his or her driver's license,
23 permit, or privileges suspended for 3 months and until he
24 or she has paid a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a
26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code during a period in which his or her driver's
2 license, permit, or privileges were suspended for a
3 previous violation of that Section shall have his or her
4 driver's license, permit, or privileges suspended for an
5 additional 6 months after the expiration of the original
6 3-month suspension and until he or she has paid a
7 reinstatement fee of \$100.

8 (6) (Blank~~ed~~).

9 (7) (Blank~~ed~~).

10 (8) (Blank~~ed~~).

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

14 (10) (Blank).

15 (11) The court shall impose a minimum fine of \$1,000
16 for a first offense and \$2,000 for a second or subsequent
17 offense upon a person convicted of or placed on supervision
18 for battery when the individual harmed was a sports
19 official or coach at any level of competition and the act
20 causing harm to the sports official or coach occurred
21 within an athletic facility or within the immediate
22 vicinity of the athletic facility at which the sports
23 official or coach was an active participant of the athletic
24 contest held at the athletic facility. For the purposes of
25 this paragraph (11), "sports official" means a person at an
26 athletic contest who enforces the rules of the contest,

1 such as an umpire or referee; "athletic facility" means an
2 indoor or outdoor playing field or recreational area where
3 sports activities are conducted; and "coach" means a person
4 recognized as a coach by the sanctioning authority that
5 conducted the sporting event.

6 (12) A person may not receive a disposition of court
7 supervision for a violation of Section 5-16 of the Boat
8 Registration and Safety Act if that person has previously
9 received a disposition of court supervision for a violation
10 of that Section.

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

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of the
24 Unified Code of Corrections which may include evidence of the
25 defendant's life, moral character and occupation during the
26 time since the original sentence was passed. The trial court

1 shall then impose sentence upon the defendant. The trial court
2 may impose any sentence which could have been imposed at the
3 original trial subject to Section 5-5-4 of the Unified Code of
4 Corrections. If a sentence is vacated on appeal or on
5 collateral attack due to the failure of the trier of fact at
6 trial to determine beyond a reasonable doubt the existence of a
7 fact (other than a prior conviction) necessary to increase the
8 punishment for the offense beyond the statutory maximum
9 otherwise applicable, either the defendant may be re-sentenced
10 to a term within the range otherwise provided or, if the State
11 files notice of its intention to again seek the extended
12 sentence, the defendant shall be afforded a new trial.

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

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

20 (A) the defendant is willing to undergo a court
21 approved counseling program for a minimum duration of 2
22 years; or

23 (B) the defendant is willing to participate in a
24 court approved plan including but not limited to the
25 defendant's:

26 (i) removal from the household;

1 (ii) restricted contact with the victim;

2 (iii) continued financial support of the
3 family;

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

5 and

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

8 (2) the court orders the defendant to pay for the
9 victim's counseling services, to the extent that the court
10 finds, after considering the defendant's income and
11 assets, that the defendant is financially capable of paying
12 for such services, if the victim was under 18 years of age
13 at the time the offense was committed and requires
14 counseling as a result of the offense.

15 Probation may be revoked or modified pursuant to Section
16 5-6-4; except where the court determines at the hearing that
17 the defendant violated a condition of his or her probation
18 restricting contact with the victim or other family members or
19 commits another offense with the victim or other family
20 members, the court shall revoke the defendant's probation and
21 impose a term of imprisonment.

22 For the purposes of this Section, "family member" and
23 "victim" shall have the meanings ascribed to them in Section
24 12-12 of the Criminal Code of 1961.

25 (f) (Blank-)..

26 (g) Whenever a defendant is convicted of an offense under

1 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
2 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
3 of the Criminal Code of 1961, the defendant shall undergo
4 medical testing to determine whether the defendant has any
5 sexually transmissible disease, including a test for infection
6 with human immunodeficiency virus (HIV) or any other identified
7 causative agent of acquired immunodeficiency syndrome (AIDS).
8 Any such medical test shall be performed only by appropriately
9 licensed medical practitioners and may include an analysis of
10 any bodily fluids as well as an examination of the defendant's
11 person. Except as otherwise provided by law, the results of
12 such test shall be kept strictly confidential by all medical
13 personnel involved in the testing and must be personally
14 delivered in a sealed envelope to the judge of the court in
15 which the conviction was entered for the judge's inspection in
16 camera. Acting in accordance with the best interests of the
17 victim and the public, the judge shall have the discretion to
18 determine to whom, if anyone, the results of the testing may be
19 revealed. The court shall notify the defendant of the test
20 results. The court shall also notify the victim if requested by
21 the victim, and if the victim is under the age of 15 and if
22 requested by the victim's parents or legal guardian, the court
23 shall notify the victim's parents or legal guardian of the test
24 results. The court shall provide information on the
25 availability of HIV testing and counseling at Department of
26 Public Health facilities to all parties to whom the results of

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

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

21 (h) Whenever a defendant is convicted of an offense under
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
23 defendant shall undergo medical testing to determine whether
24 the defendant has been exposed to human immunodeficiency virus
25 (HIV) or any other identified causative agent of acquired
26 immunodeficiency syndrome (AIDS). Except as otherwise provided

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

24 (i) All fines and penalties imposed under this Section for
25 any violation of Chapters 3, 4, 6, and 11 of the Illinois
26 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

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

1 to the appropriate regional superintendent of schools. The
2 regional superintendent of schools shall notify the State Board
3 of Education of any notification under this subsection.

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

1 comply. The Prisoner Review Board shall recommit the defendant
2 whose mandatory supervised release term has been revoked under
3 this subsection (j-5) as provided in Section 3-3-9. This
4 subsection (j-5) does not apply to a defendant who has a high
5 school diploma or has successfully passed the GED test. This
6 subsection (j-5) does not apply to a defendant who is
7 determined by the court to be developmentally disabled or
8 otherwise mentally incapable of completing the educational or
9 vocational program.

10 (k) (Blank~~→~~).

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

1 (B) If the defendant has already been sentenced for a
2 felony or misdemeanor offense, or has been placed on
3 probation under Section 10 of the Cannabis Control Act,
4 Section 410 of the Illinois Controlled Substances Act, or
5 Section 70 of the Methamphetamine Control and Community
6 Protection Act, the court may, upon motion of the State's
7 Attorney to suspend the sentence imposed, commit the
8 defendant to the custody of the Attorney General of the
9 United States or his or her designated agent when:

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

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

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

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

1 eligible for additional good conduct credit for
2 meritorious service as provided under Section 3-6-6.

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

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

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

22 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
23 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
24 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
25 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; revised
26 9-4-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".