



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3090

Introduced 2/8/2010, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
730 ILCS 5/5-5-3.2	from Ch. 38, par. 1005-5-3.2
730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
730 ILCS 5/5-8-2	from Ch. 38, par. 1005-8-2
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
730 ILCS 5/5-9-1.3	from Ch. 38, par. 1005-9-1.3

Amends the Unified Code of Corrections. Changes various headings and cross references to offenses whose Section numbers have changed. Incorporates in the Section concerning non-probationable offenses those offenses that are non-probationable not mentioned in that Section. Effective immediately.

LRB096 19623 RLC 35019 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Unified Code of Corrections is amended by
5 changing Sections 3-6-3, 5-5-3, 5-5-3.2, 5-6-4, 5-8-1, 5-8-2,
6 5-8-4, and 5-9-1.3 as follows:

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

8 Sec. 3-6-3. Rules and Regulations for Early Release.

9 (a) (1) The Department of Corrections shall prescribe
10 rules and regulations for the early release on account of
11 good conduct of persons committed to the Department which
12 shall be subject to review by the Prisoner Review Board.

13 (2) The rules and regulations on early release shall
14 provide, with respect to offenses listed in clause (i),
15 (ii), or (iii) of this paragraph (2) committed on or after
16 June 19, 1998 or with respect to the offense listed in
17 clause (iv) of this paragraph (2) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 with respect to offense listed in clause (vi) committed on
20 or after June 1, 2008 (the effective date of Public Act
21 95-625) or with respect to the offense of being an armed
22 habitual criminal committed on or after August 2, 2005 (the
23 effective date of Public Act 94-398) or with respect to the

1 offenses listed in clause (v) of this paragraph (2)
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134), the following:

4 (i) that a prisoner who is serving a term of
5 imprisonment for first degree murder or for the offense
6 of terrorism shall receive no good conduct credit and
7 shall serve the entire sentence imposed by the court;

8 (ii) that a prisoner serving a sentence for attempt
9 to commit first degree murder, solicitation of murder,
10 solicitation of murder for hire, intentional homicide
11 of an unborn child, predatory criminal sexual assault
12 of a child, aggravated criminal sexual assault,
13 criminal sexual assault, aggravated kidnapping,
14 aggravated battery with a firearm, heinous battery,
15 being an armed habitual criminal, aggravated battery
16 of a senior citizen, or aggravated battery of a child
17 shall receive no more than 4.5 days of good conduct
18 credit for each month of his or her sentence of
19 imprisonment;

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular
22 hijacking, aggravated discharge of a firearm, or armed
23 violence with a category I weapon or category II
24 weapon, when the court has made and entered a finding,
25 pursuant to subsection (c-1) of Section 5-4-1 of this
26 Code, that the conduct leading to conviction for the

1 enumerated offense resulted in great bodily harm to a
2 victim, shall receive no more than 4.5 days of good
3 conduct credit for each month of his or her sentence of
4 imprisonment;

5 (iv) that a prisoner serving a sentence for
6 aggravated discharge of a firearm, whether or not the
7 conduct leading to conviction for the offense resulted
8 in great bodily harm to the victim, shall receive no
9 more than 4.5 days of good conduct credit for each
10 month of his or her sentence of imprisonment;

11 (v) that a person serving a sentence for
12 gunrunning, narcotics racketeering, controlled
13 substance trafficking, methamphetamine trafficking,
14 drug-induced homicide, aggravated
15 methamphetamine-related child endangerment, money
16 laundering pursuant to clause (c) (4) or (5) of Section
17 29B-1 of the Criminal Code of 1961, or a Class X felony
18 conviction for delivery of a controlled substance,
19 possession of a controlled substance with intent to
20 manufacture or deliver, calculated criminal drug
21 conspiracy, criminal drug conspiracy, street gang
22 criminal drug conspiracy, participation in
23 methamphetamine manufacturing, aggravated
24 participation in methamphetamine manufacturing,
25 delivery of methamphetamine, possession with intent to
26 deliver methamphetamine, aggravated delivery of

1 methamphetamine, aggravated possession with intent to
2 deliver methamphetamine, methamphetamine conspiracy
3 when the substance containing the controlled substance
4 or methamphetamine is 100 grams or more shall receive
5 no more than 7.5 days good conduct credit for each
6 month of his or her sentence of imprisonment; and

7 (vi) that a prisoner serving a sentence for a
8 second or subsequent offense of luring a minor shall
9 receive no more than 4.5 days of good conduct credit
10 for each month of his or her sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 or subdivision (a)(2)(vi) committed on or after June 1,
18 2008 (the effective date of Public Act 95-625), and other
19 than the offense of ~~reckless homicide as defined in~~
20 ~~subsection (c) of Section 9-3 of the Criminal Code of 1961~~
21 ~~committed on or after January 1, 1999, or~~ aggravated
22 driving under the influence of alcohol, other drug or
23 drugs, or intoxicating compound or compounds, or any
24 combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, the rules and regulations shall

1 provide that a prisoner who is serving a term of
2 imprisonment shall receive one day of good conduct credit
3 for each day of his or her sentence of imprisonment or
4 recommitment under Section 3-3-9. Each day of good conduct
5 credit shall reduce by one day the prisoner's period of
6 imprisonment or recommitment under Section 3-3-9.

7 (2.2) A prisoner serving a term of natural life
8 imprisonment or a prisoner who has been sentenced to death
9 shall receive no good conduct credit.

10 (2.3) The rules and regulations on early release shall
11 provide that a prisoner who is serving a sentence for
12 ~~reckless homicide as defined in subsection (c) of Section~~
13 ~~9-3 of the Criminal Code of 1961 committed on or after~~
14 ~~January 1, 1999, or~~ aggravated driving under the influence
15 of alcohol, other drug or drugs, or intoxicating compound
16 or compounds, or any combination thereof as defined in
17 subparagraph (F) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code, shall receive
19 no more than 4.5 days of good conduct credit for each month
20 of his or her sentence of imprisonment.

21 (2.4) The rules and regulations on early release shall
22 provide with respect to the offenses of aggravated battery
23 with a machine gun or a firearm equipped with any device or
24 attachment designed or used for silencing the report of a
25 firearm or aggravated discharge of a machine gun or a
26 firearm equipped with any device or attachment designed or

1 used for silencing the report of a firearm, committed on or
2 after July 15, 1999 (the effective date of Public Act
3 91-121), that a prisoner serving a sentence for any of
4 these offenses shall receive no more than 4.5 days of good
5 conduct credit for each month of his or her sentence of
6 imprisonment.

7 (2.5) The rules and regulations on early release shall
8 provide that a prisoner who is serving a sentence for
9 aggravated arson committed on or after July 27, 2001 (the
10 effective date of Public Act 92-176) shall receive no more
11 than 4.5 days of good conduct credit for each month of his
12 or her sentence of imprisonment.

13 (3) The rules and regulations shall also provide that
14 the Director may award up to 180 days additional good
15 conduct credit for meritorious service in specific
16 instances as the Director deems proper; except that no more
17 than 90 days of good conduct credit for meritorious service
18 shall be awarded to any prisoner who is serving a sentence
19 for conviction of first degree murder, reckless homicide
20 while under the influence of alcohol or any other drug, or
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
26 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, criminal sexual assault, deviate
2 sexual assault, aggravated criminal sexual abuse,
3 aggravated indecent liberties with a child, indecent
4 liberties with a child, child pornography, heinous
5 battery, aggravated battery of a spouse, aggravated
6 battery of a spouse with a firearm, stalking, aggravated
7 stalking, aggravated battery of a child, endangering the
8 life or health of a child, or cruelty to a child.
9 Notwithstanding the foregoing, good conduct credit for
10 meritorious service shall not be awarded on a sentence of
11 imprisonment imposed for conviction of: (i) one of the
12 offenses enumerated in subdivision (a)(2)(i), (ii), or
13 (iii) when the offense is committed on or after June 19,
14 1998 or subdivision (a)(2)(iv) when the offense is
15 committed on or after June 23, 2005 (the effective date of
16 Public Act 94-71) or subdivision (a)(2)(v) when the offense
17 is committed on or after August 13, 2007 (the effective
18 date of Public Act 95-134) or subdivision (a)(2)(vi) when
19 the offense is committed on or after June 1, 2008 (the
20 effective date of Public Act 95-625), (ii) ~~reckless~~
21 ~~homicide as defined in subsection (c) of Section 9-3 of the~~
22 ~~Criminal Code of 1961 when the offense is committed on or~~
23 ~~after January 1, 1999, or~~ aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof as
26 defined in subparagraph (F) of paragraph (1) of subsection

1 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
2 one of the offenses enumerated in subdivision (a)(2.4) when
3 the offense is committed on or after July 15, 1999 (the
4 effective date of Public Act 91-121), or (iv) aggravated
5 arson when the offense is committed on or after July 27,
6 2001 (the effective date of Public Act 92-176).

7 The Director shall not award good conduct credit for
8 meritorious service under this paragraph (3) to an inmate
9 unless the inmate has served a minimum of 60 days of the
10 sentence; except nothing in this paragraph shall be
11 construed to permit the Director to extend an inmate's
12 sentence beyond that which was imposed by the court. Prior
13 to awarding credit under this paragraph (3), the Director
14 shall make a written determination that the inmate:

15 (A) is eligible for good conduct credit for
16 meritorious service;

17 (B) has served a minimum of 60 days, or as close to
18 60 days as the sentence will allow; and

19 (C) has met the eligibility criteria established
20 by rule.

21 The Director shall determine the form and content of
22 the written determination required in this subsection.

23 (4) The rules and regulations shall also provide that
24 the good conduct credit accumulated and retained under
25 paragraph (2.1) of subsection (a) of this Section by any
26 inmate during specific periods of time in which such inmate

1 is engaged full-time in substance abuse programs,
2 correctional industry assignments, or educational programs
3 provided by the Department under this paragraph (4) and
4 satisfactorily completes the assigned program as
5 determined by the standards of the Department, shall be
6 multiplied by a factor of 1.25 for program participation
7 before August 11, 1993 and 1.50 for program participation
8 on or after that date. However, no inmate shall be eligible
9 for the additional good conduct credit under this paragraph
10 (4) or (4.1) of this subsection (a) while assigned to a
11 boot camp or electronic detention, or if convicted of an
12 offense enumerated in subdivision (a)(2)(i), (ii), or
13 (iii) of this Section that is committed on or after June
14 19, 1998 or subdivision (a)(2)(iv) of this Section that is
15 committed on or after June 23, 2005 (the effective date of
16 Public Act 94-71) or subdivision (a)(2)(v) of this Section
17 that is committed on or after August 13, 2007 (the
18 effective date of Public Act 95-134) or subdivision
19 (a)(2)(vi) when the offense is committed on or after June
20 1, 2008 (the effective date of Public Act 95-625), or if
21 convicted of ~~reckless homicide as defined in subsection (e)~~
22 ~~of Section 9-3 of the Criminal Code of 1961 if the offense~~
23 ~~is committed on or after January 1, 1999, or~~ aggravated
24 driving under the influence of alcohol, other drug or
25 drugs, or intoxicating compound or compounds, or any
26 combination thereof as defined in subparagraph (F) of

1 paragraph (1) of subsection (d) of Section 11-501 of the
2 Illinois Vehicle Code, or if convicted of an offense
3 enumerated in paragraph (a)(2.4) of this Section that is
4 committed on or after July 15, 1999 (the effective date of
5 Public Act 91-121), or first degree murder, a Class X
6 felony, criminal sexual assault, felony criminal sexual
7 abuse, aggravated criminal sexual abuse, aggravated
8 battery with a firearm, or any predecessor or successor
9 offenses with the same or substantially the same elements,
10 or any inchoate offenses relating to the foregoing
11 offenses. No inmate shall be eligible for the additional
12 good conduct credit under this paragraph (4) who (i) has
13 previously received increased good conduct credit under
14 this paragraph (4) and has subsequently been convicted of a
15 felony, or (ii) has previously served more than one prior
16 sentence of imprisonment for a felony in an adult
17 correctional facility.

18 Educational, vocational, substance abuse and
19 correctional industry programs under which good conduct
20 credit may be increased under this paragraph (4) and
21 paragraph (4.1) of this subsection (a) shall be evaluated
22 by the Department on the basis of documented standards. The
23 Department shall report the results of these evaluations to
24 the Governor and the General Assembly by September 30th of
25 each year. The reports shall include data relating to the
26 recidivism rate among program participants.

1 Availability of these programs shall be subject to the
2 limits of fiscal resources appropriated by the General
3 Assembly for these purposes. Eligible inmates who are
4 denied immediate admission shall be placed on a waiting
5 list under criteria established by the Department. The
6 inability of any inmate to become engaged in any such
7 programs by reason of insufficient program resources or for
8 any other reason established under the rules and
9 regulations of the Department shall not be deemed a cause
10 of action under which the Department or any employee or
11 agent of the Department shall be liable for damages to the
12 inmate.

13 (4.1) The rules and regulations shall also provide that
14 an additional 60 days of good conduct credit shall be
15 awarded to any prisoner who passes the high school level
16 Test of General Educational Development (GED) while the
17 prisoner is incarcerated. The good conduct credit awarded
18 under this paragraph (4.1) shall be in addition to, and
19 shall not affect, the award of good conduct under any other
20 paragraph of this Section, but shall also be pursuant to
21 the guidelines and restrictions set forth in paragraph (4)
22 of subsection (a) of this Section. The good conduct credit
23 provided for in this paragraph shall be available only to
24 those prisoners who have not previously earned a high
25 school diploma or a GED. If, after an award of the GED good
26 conduct credit has been made and the Department determines

1 that the prisoner was not eligible, then the award shall be
2 revoked.

3 (4.5) The rules and regulations on early release shall
4 also provide that when the court's sentencing order
5 recommends a prisoner for substance abuse treatment and the
6 crime was committed on or after September 1, 2003 (the
7 effective date of Public Act 93-354), the prisoner shall
8 receive no good conduct credit awarded under clause (3) of
9 this subsection (a) unless he or she participates in and
10 completes a substance abuse treatment program. The
11 Director may waive the requirement to participate in or
12 complete a substance abuse treatment program and award the
13 good conduct credit in specific instances if the prisoner
14 is not a good candidate for a substance abuse treatment
15 program for medical, programming, or operational reasons.
16 Availability of substance abuse treatment shall be subject
17 to the limits of fiscal resources appropriated by the
18 General Assembly for these purposes. If treatment is not
19 available and the requirement to participate and complete
20 the treatment has not been waived by the Director, the
21 prisoner shall be placed on a waiting list under criteria
22 established by the Department. The Director may allow a
23 prisoner placed on a waiting list to participate in and
24 complete a substance abuse education class or attend
25 substance abuse self-help meetings in lieu of a substance
26 abuse treatment program. A prisoner on a waiting list who

1 is not placed in a substance abuse program prior to release
2 may be eligible for a waiver and receive good conduct
3 credit under clause (3) of this subsection (a) at the
4 discretion of the Director.

5 (4.6) The rules and regulations on early release shall
6 also provide that a prisoner who has been convicted of a
7 sex offense as defined in Section 2 of the Sex Offender
8 Registration Act shall receive no good conduct credit
9 unless he or she either has successfully completed or is
10 participating in sex offender treatment as defined by the
11 Sex Offender Management Board. However, prisoners who are
12 waiting to receive such treatment, but who are unable to do
13 so due solely to the lack of resources on the part of the
14 Department, may, at the Director's sole discretion, be
15 awarded good conduct credit at such rate as the Director
16 shall determine.

17 (5) Whenever the Department is to release any inmate
18 earlier than it otherwise would because of a grant of good
19 conduct credit for meritorious service given at any time
20 during the term, the Department shall give reasonable
21 notice of the impending release not less than 14 days prior
22 to the date of the release to the State's Attorney of the
23 county where the prosecution of the inmate took place, and
24 if applicable, the State's Attorney of the county into
25 which the inmate will be released.

26 (b) Whenever a person is or has been committed under

1 several convictions, with separate sentences, the sentences
2 shall be construed under Section 5-8-4 in granting and
3 forfeiting of good time.

4 (c) The Department shall prescribe rules and regulations
5 for revoking good conduct credit, or suspending or reducing the
6 rate of accumulation of good conduct credit for specific rule
7 violations, during imprisonment. These rules and regulations
8 shall provide that no inmate may be penalized more than one
9 year of good conduct credit for any one infraction.

10 When the Department seeks to revoke, suspend or reduce the
11 rate of accumulation of any good conduct credits for an alleged
12 infraction of its rules, it shall bring charges therefor
13 against the prisoner sought to be so deprived of good conduct
14 credits before the Prisoner Review Board as provided in
15 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
16 amount of credit at issue exceeds 30 days or when during any 12
17 month period, the cumulative amount of credit revoked exceeds
18 30 days except where the infraction is committed or discovered
19 within 60 days of scheduled release. In those cases, the
20 Department of Corrections may revoke up to 30 days of good
21 conduct credit. The Board may subsequently approve the
22 revocation of additional good conduct credit, if the Department
23 seeks to revoke good conduct credit in excess of 30 days.
24 However, the Board shall not be empowered to review the
25 Department's decision with respect to the loss of 30 days of
26 good conduct credit within any calendar year for any prisoner

1 or to increase any penalty beyond the length requested by the
2 Department.

3 The Director of the Department of Corrections, in
4 appropriate cases, may restore up to 30 days good conduct
5 credits which have been revoked, suspended or reduced. Any
6 restoration of good conduct credits in excess of 30 days shall
7 be subject to review by the Prisoner Review Board. However, the
8 Board may not restore good conduct credit in excess of the
9 amount requested by the Director.

10 Nothing contained in this Section shall prohibit the
11 Prisoner Review Board from ordering, pursuant to Section
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
13 sentence imposed by the court that was not served due to the
14 accumulation of good conduct credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois or
16 federal court against the State, the Department of Corrections,
17 or the Prisoner Review Board, or against any of their officers
18 or employees, and the court makes a specific finding that a
19 pleading, motion, or other paper filed by the prisoner is
20 frivolous, the Department of Corrections shall conduct a
21 hearing to revoke up to 180 days of good conduct credit by
22 bringing charges against the prisoner sought to be deprived of
23 the good conduct credits before the Prisoner Review Board as
24 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
25 If the prisoner has not accumulated 180 days of good conduct
26 credit at the time of the finding, then the Prisoner Review

1 Board may revoke all good conduct credit accumulated by the
2 prisoner.

3 For purposes of this subsection (d):

4 (1) "Frivolous" means that a pleading, motion, or other
5 filing which purports to be a legal document filed by a
6 prisoner in his or her lawsuit meets any or all of the
7 following criteria:

8 (A) it lacks an arguable basis either in law or in
9 fact;

10 (B) it is being presented for any improper purpose,
11 such as to harass or to cause unnecessary delay or
12 needless increase in the cost of litigation;

13 (C) the claims, defenses, and other legal
14 contentions therein are not warranted by existing law
15 or by a nonfrivolous argument for the extension,
16 modification, or reversal of existing law or the
17 establishment of new law;

18 (D) the allegations and other factual contentions
19 do not have evidentiary support or, if specifically so
20 identified, are not likely to have evidentiary support
21 after a reasonable opportunity for further
22 investigation or discovery; or

23 (E) the denials of factual contentions are not
24 warranted on the evidence, or if specifically so
25 identified, are not reasonably based on a lack of
26 information or belief.

1 (2) "Lawsuit" means a motion pursuant to Section 116-3
2 of the Code of Criminal Procedure of 1963, a habeas corpus
3 action under Article X of the Code of Civil Procedure or
4 under federal law (28 U.S.C. 2254), a petition for claim
5 under the Court of Claims Act, an action under the federal
6 Civil Rights Act (42 U.S.C. 1983), or a second or
7 subsequent petition for post-conviction relief under
8 Article 122 of the Code of Criminal Procedure of 1963
9 whether filed with or without leave of court or a second or
10 subsequent petition for relief from judgment under Section
11 2-1401 of the Code of Civil Procedure.

12 (e) Nothing in Public Act 90-592 or 90-593 affects the
13 validity of Public Act 89-404.

14 (f) Whenever the Department is to release any inmate who
15 has been convicted of a violation of an order of protection
16 under Section 12-30 of the Criminal Code of 1961, earlier than
17 it otherwise would because of a grant of good conduct credit,
18 the Department, as a condition of such early release, shall
19 require that the person, upon release, be placed under
20 electronic surveillance as provided in Section 5-8A-7 of this
21 Code.

22 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
23 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
24 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

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,
26 including any state or federal conviction for an

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

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

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

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen.

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

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

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.

4 (K) Vehicular hijacking.

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

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

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

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

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

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

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

24 (S) (Blank).

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

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

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

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

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

14 (Y) A conviction for unlawful possession of a
15 firearm by a street gang member when the firearm was
16 loaded or contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge
19 for a felony.

20 (AA) Theft of property exceeding \$500,000 and not
21 exceeding \$1,000,000 in value.

22 (BB) Laundering of criminally derived property of
23 a value exceeding \$500,000.

24 (CC) Knowingly selling, offering for sale, holding
25 for sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the

1 aggregate of \$500,000 or more.

2 (3) (Blank).

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

7 (4.1) (Blank).

8 (4.2) Except as provided in paragraphs (4.3) and (4.8)
9 of this subsection (c), a minimum of 100 hours of community
10 service shall be imposed for a second violation of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or 300
13 hours of community service, as determined by the court,
14 shall be imposed for a second violation of subsection (c)
15 of Section 6-303 of the Illinois Vehicle Code.

16 (4.4) Except as provided in paragraphs (4.5), (4.6),
17 and (4.9) of this subsection (c), a minimum term of
18 imprisonment of 30 days or 300 hours of community service,
19 as determined by the court, shall be imposed for a third or
20 subsequent violation of Section 6-303 of the Illinois
21 Vehicle Code.

22 (4.5) A minimum term of imprisonment of 30 days shall
23 be imposed for a third violation of subsection (c) of
24 Section 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of
2 subsection (c) of Section 6-303 of the Illinois Vehicle
3 Code.

4 (4.7) A minimum term of imprisonment of not less than
5 30 consecutive days, or 300 hours of community service,
6 shall be imposed for a violation of subsection (a-5) of
7 Section 6-303 of the Illinois Vehicle Code, as provided in
8 subsection (b-5) of that Section.

9 (4.8) A mandatory prison sentence shall be imposed for
10 a second violation of subsection (a-5) of Section 6-303 of
11 the Illinois Vehicle Code, as provided in subsection (c-5)
12 of that Section. The person's driving privileges shall be
13 revoked for a period of not less than 5 years from the date
14 of his or her release from prison.

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

21 (4.10) A mandatory prison sentence for a Class 1 felony
22 shall be imposed, and the person shall be eligible for an
23 extended term sentence, for a fourth or subsequent
24 violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (d-3.5) of
26 that Section. The person's driving privileges shall be

1 revoked for the remainder of his or her life.

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

4 (A) a period of conditional discharge;

5 (B) a fine;

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

8 (5.1) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.2) or (5.3), a person
10 convicted of violating subsection (c) of Section 11-907 of
11 the Illinois Vehicle Code shall have his or her driver's
12 license, permit, or privileges suspended for at least 90
13 days but not more than one year, if the violation resulted
14 in damage to the property of another person.

15 (5.2) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.3), a person convicted
17 of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's
19 license, permit, or privileges suspended for at least 180
20 days but not more than 2 years, if the violation resulted
21 in injury to another person.

22 (5.3) In addition to any other penalties imposed, a
23 person convicted of violating subsection (c) of Section
24 11-907 of the Illinois Vehicle Code shall have his or her
25 driver's license, permit, or privileges suspended for 2
26 years, if the violation resulted in the death of another

1 person.

2 (5.4) In addition to any other penalties imposed, a
3 person convicted of violating Section 3-707 of the Illinois
4 Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for 3 months and until he
6 or she has paid a reinstatement fee of \$100.

7 (5.5) In addition to any other penalties imposed, a
8 person convicted of violating Section 3-707 of the Illinois
9 Vehicle Code during a period in which his or her driver's
10 license, permit, or privileges were suspended for a
11 previous violation of that Section shall have his or her
12 driver's license, permit, or privileges suspended for an
13 additional 6 months after the expiration of the original
14 3-month suspension and until he or she has paid a
15 reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

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

22 (10) (Blank).

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

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

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

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

1 conditions imposed by the court. The costs of such classes
2 shall be paid by the offender.

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

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

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

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

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

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

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

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

13 and

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

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

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

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

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

7 (f) (Blank).

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

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

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

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-16.2 of
2 the Criminal Code of 1961 against the defendant. The court
3 shall order that the cost of any such test shall be paid by the
4 county and may be taxed as costs against the convicted
5 defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
17 Code of 1961, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substance Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

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

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

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

18 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
5 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
6 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
7 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
8 eff. 12-3-09.)

9 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

10 (Text of Section before amendment by P.A. 96-339)

11 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
12 Sentencing.

13 (a) The following factors shall be accorded weight in favor
14 of imposing a term of imprisonment or may be considered by the
15 court as reasons to impose a more severe sentence under Section
16 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened
18 serious harm;

19 (2) the defendant received compensation for committing
20 the offense;

21 (3) the defendant has a history of prior delinquency or
22 criminal activity;

23 (4) the defendant, by the duties of his office or by
24 his position, was obliged to prevent the particular offense
25 committed or to bring the offenders committing it to

1 justice;

2 (5) the defendant held public office at the time of the
3 offense, and the offense related to the conduct of that
4 office;

5 (6) the defendant utilized his professional reputation
6 or position in the community to commit the offense, or to
7 afford him an easier means of committing it;

8 (7) the sentence is necessary to deter others from
9 committing the same crime;

10 (8) the defendant committed the offense against a
11 person 60 years of age or older or such person's property;

12 (9) the defendant committed the offense against a
13 person who is physically handicapped or such person's
14 property;

15 (10) by reason of another individual's actual or
16 perceived race, color, creed, religion, ancestry, gender,
17 sexual orientation, physical or mental disability, or
18 national origin, the defendant committed the offense
19 against (i) the person or property of that individual; (ii)
20 the person or property of a person who has an association
21 with, is married to, or has a friendship with the other
22 individual; or (iii) the person or property of a relative
23 (by blood or marriage) of a person described in clause (i)
24 or (ii). For the purposes of this Section, "sexual
25 orientation" means heterosexuality, homosexuality, or
26 bisexuality;

1 (11) the offense took place in a place of worship or on
2 the grounds of a place of worship, immediately prior to,
3 during or immediately following worship services. For
4 purposes of this subparagraph, "place of worship" shall
5 mean any church, synagogue or other building, structure or
6 place used primarily for religious worship;

7 (12) the defendant was convicted of a felony committed
8 while he was released on bail or his own recognizance
9 pending trial for a prior felony and was convicted of such
10 prior felony, or the defendant was convicted of a felony
11 committed while he was serving a period of probation,
12 conditional discharge, or mandatory supervised release
13 under subsection (d) of Section 5-8-1 for a prior felony;

14 (13) the defendant committed or attempted to commit a
15 felony while he was wearing a bulletproof vest. For the
16 purposes of this paragraph (13), a bulletproof vest is any
17 device which is designed for the purpose of protecting the
18 wearer from bullets, shot or other lethal projectiles;

19 (14) the defendant held a position of trust or
20 supervision such as, but not limited to, family member as
21 defined in Section 12-12 of the Criminal Code of 1961,
22 teacher, scout leader, baby sitter, or day care worker, in
23 relation to a victim under 18 years of age, and the
24 defendant committed an offense in violation of Section
25 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
26 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961

1 against that victim;

2 (15) the defendant committed an offense related to the
3 activities of an organized gang. For the purposes of this
4 factor, "organized gang" has the meaning ascribed to it in
5 Section 10 of the Streetgang Terrorism Omnibus Prevention
6 Act;

7 (16) the defendant committed an offense in violation of
8 one of the following Sections while in a school, regardless
9 of the time of day or time of year; on any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related activity; on
12 the real property of a school; or on a public way within
13 1,000 feet of the real property comprising any school:
14 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
17 33A-2 of the Criminal Code of 1961;

18 (16.5) the defendant committed an offense in violation
19 of one of the following Sections while in a day care
20 center, regardless of the time of day or time of year; on
21 the real property of a day care center, regardless of the
22 time of day or time of year; or on a public way within
23 1,000 feet of the real property comprising any day care
24 center, regardless of the time of day or time of year:
25 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
26 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,

1 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
2 33A-2 of the Criminal Code of 1961;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 1961;

10 (18) the defendant committed the offense in a nursing
11 home or on the real property comprising a nursing home. For
12 the purposes of this paragraph (18), "nursing home" means a
13 skilled nursing or intermediate long term care facility
14 that is subject to license by the Illinois Department of
15 Public Health under the Nursing Home Care Act;

16 (19) the defendant was a federally licensed firearm
17 dealer and was previously convicted of a violation of
18 subsection (a) of Section 3 of the Firearm Owners
19 Identification Card Act and has now committed either a
20 felony violation of the Firearm Owners Identification Card
21 Act or an act of armed violence while armed with a firearm;

22 (20) the defendant (i) committed the offense of
23 reckless homicide under Section 9-3 of the Criminal Code of
24 1961 or the offense of driving under the influence of
25 alcohol, other drug or drugs, intoxicating compound or
26 compounds or any combination thereof under Section 11-501

1 of the Illinois Vehicle Code or a similar provision of a
2 local ordinance and (ii) was operating a motor vehicle in
3 excess of 20 miles per hour over the posted speed limit as
4 provided in Article VI of Chapter 11 of the Illinois
5 Vehicle Code;

6 (21) the defendant (i) committed the offense of
7 reckless driving or aggravated reckless driving under
8 Section 11-503 of the Illinois Vehicle Code and (ii) was
9 operating a motor vehicle in excess of 20 miles per hour
10 over the posted speed limit as provided in Article VI of
11 Chapter 11 of the Illinois Vehicle Code;

12 (22) the defendant committed the offense against a
13 person that the defendant knew, or reasonably should have
14 known, was a member of the Armed Forces of the United
15 States serving on active duty. For purposes of this clause
16 (22), the term "Armed Forces" means any of the Armed Forces
17 of the United States, including a member of any reserve
18 component thereof or National Guard unit called to active
19 duty;

20 (23) the defendant committed the offense against a
21 person who was elderly, disabled, or infirm by taking
22 advantage of a family or fiduciary relationship with the
23 elderly, disabled, or infirm person; ~~or~~

24 (24) the defendant committed any offense under Section
25 11-20.1 of the Criminal Code of 1961 and possessed 100 or
26 more images; ~~or~~

1 (25) the defendant committed the offense while the
2 defendant or the victim was in a train, bus, or other
3 vehicle used for public transportation; or -

4 (26) ~~(25)~~ the defendant committed the offense of child
5 pornography or aggravated child pornography, specifically
6 including paragraph (1), (2), (3), (4), (5), or (7) of
7 subsection (a) of Section 11-20.1 of the Criminal Code of
8 1961 where a child engaged in, solicited for, depicted in,
9 or posed in any act of sexual penetration or bound,
10 fettered, or subject to sadistic, masochistic, or
11 sadomasochistic abuse in a sexual context and specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.3 of the Criminal Code of
14 1961 where a child engaged in, solicited for, depicted in,
15 or posed in any act of sexual penetration or bound,
16 fettered, or subject to sadistic, masochistic, or
17 sadomasochistic abuse in a sexual context.

18 For the purposes of this Section:

19 "School" is defined as a public or private elementary or
20 secondary school, community college, college, or university.

21 "Day care center" means a public or private State certified
22 and licensed day care center as defined in Section 2.09 of the
23 Child Care Act of 1969 that displays a sign in plain view
24 stating that the property is a day care center.

25 "Public transportation" means the transportation or
26 conveyance of persons by means available to the general public,

1 and includes paratransit services.

2 (b) The following factors, related to all felonies, may be
3 considered by the court as reasons to impose an extended term
4 sentence under Section 5-8-2 upon any offender:

5 (1) When a defendant is convicted of any felony, after
6 having been previously convicted in Illinois or any other
7 jurisdiction of the same or similar class felony or greater
8 class felony, when such conviction has occurred within 10
9 years after the previous conviction, excluding time spent
10 in custody, and such charges are separately brought and
11 tried and arise out of different series of acts; or

12 (2) When a defendant is convicted of any felony and the
13 court finds that the offense was accompanied by
14 exceptionally brutal or heinous behavior indicative of
15 wanton cruelty; or

16 (3) When a defendant is convicted of any felony
17 committed against:

18 (i) a person under 12 years of age at the time of
19 the offense or such person's property;

20 (ii) a person 60 years of age or older at the time
21 of the offense or such person's property; or

22 (iii) a person physically handicapped at the time
23 of the offense or such person's property; or

24 (4) When a defendant is convicted of any felony and the
25 offense involved any of the following types of specific
26 misconduct committed as part of a ceremony, rite,

1 initiation, observance, performance, practice or activity
2 of any actual or ostensible religious, fraternal, or social
3 group:

4 (i) the brutalizing or torturing of humans or
5 animals;

6 (ii) the theft of human corpses;

7 (iii) the kidnapping of humans;

8 (iv) the desecration of any cemetery, religious,
9 fraternal, business, governmental, educational, or
10 other building or property; or

11 (v) ritualized abuse of a child; or

12 (5) When a defendant is convicted of a felony other
13 than conspiracy and the court finds that the felony was
14 committed under an agreement with 2 or more other persons
15 to commit that offense and the defendant, with respect to
16 the other individuals, occupied a position of organizer,
17 supervisor, financier, or any other position of management
18 or leadership, and the court further finds that the felony
19 committed was related to or in furtherance of the criminal
20 activities of an organized gang or was motivated by the
21 defendant's leadership in an organized gang; or

22 (6) When a defendant is convicted of an offense
23 committed while using a firearm with a laser sight attached
24 to it. For purposes of this paragraph, "laser sight" has
25 the meaning ascribed to it in Section 24.6-5 of the
26 Criminal Code of 1961; or

1 (7) When a defendant who was at least 17 years of age
2 at the time of the commission of the offense is convicted
3 of a felony and has been previously adjudicated a
4 delinquent minor under the Juvenile Court Act of 1987 for
5 an act that if committed by an adult would be a Class X or
6 Class 1 felony when the conviction has occurred within 10
7 years after the previous adjudication, excluding time
8 spent in custody; or

9 (8) When a defendant commits any felony and the
10 defendant used, possessed, exercised control over, or
11 otherwise directed an animal to assault a law enforcement
12 officer engaged in the execution of his or her official
13 duties or in furtherance of the criminal activities of an
14 organized gang in which the defendant is engaged.

15 (c) The following factors may be considered by the court as
16 reasons to impose an extended term sentence under Section 5-8-2
17 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

18 (1) When a defendant is convicted of first degree
19 murder, after having been previously convicted in Illinois
20 of any offense listed under paragraph (c)(2) of Section
21 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
22 within 10 years after the previous conviction, excluding
23 time spent in custody, and the charges are separately
24 brought and tried and arise out of different series of
25 acts.

26 (1.5) When a defendant is convicted of first degree

1 murder, after having been previously convicted of domestic
2 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
3 (720 ILCS 5/12-3.3) committed on the same victim or after
4 having been previously convicted of violation of an order
5 of protection (720 ILCS 5/12-30) in which the same victim
6 was the protected person.

7 (2) When a defendant is convicted of voluntary
8 manslaughter, second degree murder, involuntary
9 manslaughter, or reckless homicide in which the defendant
10 has been convicted of causing the death of more than one
11 individual.

12 (3) When a defendant is convicted of aggravated
13 criminal sexual assault or criminal sexual assault, when
14 there is a finding that aggravated criminal sexual assault
15 or criminal sexual assault was also committed on the same
16 victim by one or more other individuals, and the defendant
17 voluntarily participated in the crime with the knowledge of
18 the participation of the others in the crime, and the
19 commission of the crime was part of a single course of
20 conduct during which there was no substantial change in the
21 nature of the criminal objective.

22 (4) If the victim was under 18 years of age at the time
23 of the commission of the offense, when a defendant is
24 convicted of aggravated criminal sexual assault or
25 predatory criminal sexual assault of a child under
26 subsection (a)(1) of Section 12-14.1 of the Criminal Code

1 of 1961 (720 ILCS 5/12-14.1).

2 (5) When a defendant is convicted of a felony violation
3 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
4 5/24-1) and there is a finding that the defendant is a
5 member of an organized gang.

6 (6) When a defendant was convicted of unlawful use of
7 weapons under Section 24-1 of the Criminal Code of 1961
8 (720 ILCS 5/24-1) for possessing a weapon that is not
9 readily distinguishable as one of the weapons enumerated in
10 Section 24-1 of the Criminal Code of 1961 (720 ILCS
11 5/24-1).

12 (7) When a defendant is convicted of an offense
13 involving the illegal manufacture of a controlled
14 substance under Section 401 of the Illinois Controlled
15 Substances Act (720 ILCS 570/401), the illegal manufacture
16 of methamphetamine under Section 25 of the Methamphetamine
17 Control and Community Protection Act (720 ILCS 646/25), or
18 the illegal possession of explosives and an emergency
19 response officer in the performance of his or her duties is
20 killed or injured at the scene of the offense while
21 responding to the emergency caused by the commission of the
22 offense. In this paragraph, "emergency" means a situation
23 in which a person's life, health, or safety is in jeopardy;
24 and "emergency response officer" means a peace officer,
25 community policing volunteer, fireman, emergency medical
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical
2 technician-paramedic, ambulance driver, other medical
3 assistance or first aid personnel, or hospital emergency
4 room personnel.

5 (d) For the purposes of this Section, "organized gang" has
6 the meaning ascribed to it in Section 10 of the Illinois
7 Streetgang Terrorism Omnibus Prevention Act.

8 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
9 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
10 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
11 96-328, eff. 8-11-09; revised 9-25-09.)

12 (Text of Section after amendment by P.A. 96-339)

13 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
14 Sentencing.

15 (a) The following factors shall be accorded weight in favor
16 of imposing a term of imprisonment or may be considered by the
17 court as reasons to impose a more severe sentence under Section
18 5-8-1 or Article 4.5 of Chapter V:

19 (1) the defendant's conduct caused or threatened
20 serious harm;

21 (2) the defendant received compensation for committing
22 the offense;

23 (3) the defendant has a history of prior delinquency or
24 criminal activity;

25 (4) the defendant, by the duties of his office or by

1 his position, was obliged to prevent the particular offense
2 committed or to bring the offenders committing it to
3 justice;

4 (5) the defendant held public office at the time of the
5 offense, and the offense related to the conduct of that
6 office;

7 (6) the defendant utilized his professional reputation
8 or position in the community to commit the offense, or to
9 afford him an easier means of committing it;

10 (7) the sentence is necessary to deter others from
11 committing the same crime;

12 (8) the defendant committed the offense against a
13 person 60 years of age or older or such person's property;

14 (9) the defendant committed the offense against a
15 person who is physically handicapped or such person's
16 property;

17 (10) by reason of another individual's actual or
18 perceived race, color, creed, religion, ancestry, gender,
19 sexual orientation, physical or mental disability, or
20 national origin, the defendant committed the offense
21 against (i) the person or property of that individual; (ii)
22 the person or property of a person who has an association
23 with, is married to, or has a friendship with the other
24 individual; or (iii) the person or property of a relative
25 (by blood or marriage) of a person described in clause (i)
26 or (ii). For the purposes of this Section, "sexual

1 orientation" means heterosexuality, homosexuality, or
2 bisexuality;

3 (11) the offense took place in a place of worship or on
4 the grounds of a place of worship, immediately prior to,
5 during or immediately following worship services. For
6 purposes of this subparagraph, "place of worship" shall
7 mean any church, synagogue or other building, structure or
8 place used primarily for religious worship;

9 (12) the defendant was convicted of a felony committed
10 while he was released on bail or his own recognizance
11 pending trial for a prior felony and was convicted of such
12 prior felony, or the defendant was convicted of a felony
13 committed while he was serving a period of probation,
14 conditional discharge, or mandatory supervised release
15 under subsection (d) of Section 5-8-1 for a prior felony;

16 (13) the defendant committed or attempted to commit a
17 felony while he was wearing a bulletproof vest. For the
18 purposes of this paragraph (13), a bulletproof vest is any
19 device which is designed for the purpose of protecting the
20 wearer from bullets, shot or other lethal projectiles;

21 (14) the defendant held a position of trust or
22 supervision such as, but not limited to, family member as
23 defined in Section 12-12 of the Criminal Code of 1961,
24 teacher, scout leader, baby sitter, or day care worker, in
25 relation to a victim under 18 years of age, and the
26 defendant committed an offense in violation of Section

1 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
2 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
3 against that victim;

4 (15) the defendant committed an offense related to the
5 activities of an organized gang. For the purposes of this
6 factor, "organized gang" has the meaning ascribed to it in
7 Section 10 of the Streetgang Terrorism Omnibus Prevention
8 Act;

9 (16) the defendant committed an offense in violation of
10 one of the following Sections while in a school, regardless
11 of the time of day or time of year; on any conveyance
12 owned, leased, or contracted by a school to transport
13 students to or from school or a school related activity; on
14 the real property of a school; or on a public way within
15 1,000 feet of the real property comprising any school:
16 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
19 33A-2 of the Criminal Code of 1961;

20 (16.5) the defendant committed an offense in violation
21 of one of the following Sections while in a day care
22 center, regardless of the time of day or time of year; on
23 the real property of a day care center, regardless of the
24 time of day or time of year; or on a public way within
25 1,000 feet of the real property comprising any day care
26 center, regardless of the time of day or time of year:

1 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
4 33A-2 of the Criminal Code of 1961;

5 (17) the defendant committed the offense by reason of
6 any person's activity as a community policing volunteer or
7 to prevent any person from engaging in activity as a
8 community policing volunteer. For the purpose of this
9 Section, "community policing volunteer" has the meaning
10 ascribed to it in Section 2-3.5 of the Criminal Code of
11 1961;

12 (18) the defendant committed the offense in a nursing
13 home or on the real property comprising a nursing home. For
14 the purposes of this paragraph (18), "nursing home" means a
15 skilled nursing or intermediate long term care facility
16 that is subject to license by the Illinois Department of
17 Public Health under the Nursing Home Care Act or the MR/DD
18 Community Care Act;

19 (19) the defendant was a federally licensed firearm
20 dealer and was previously convicted of a violation of
21 subsection (a) of Section 3 of the Firearm Owners
22 Identification Card Act and has now committed either a
23 felony violation of the Firearm Owners Identification Card
24 Act or an act of armed violence while armed with a firearm;

25 (20) the defendant (i) committed the offense of
26 reckless homicide under Section 9-3 of the Criminal Code of

1 1961 or the offense of driving under the influence of
2 alcohol, other drug or drugs, intoxicating compound or
3 compounds or any combination thereof under Section 11-501
4 of the Illinois Vehicle Code or a similar provision of a
5 local ordinance and (ii) was operating a motor vehicle in
6 excess of 20 miles per hour over the posted speed limit as
7 provided in Article VI of Chapter 11 of the Illinois
8 Vehicle Code;

9 (21) the defendant (i) committed the offense of
10 reckless driving or aggravated reckless driving under
11 Section 11-503 of the Illinois Vehicle Code and (ii) was
12 operating a motor vehicle in excess of 20 miles per hour
13 over the posted speed limit as provided in Article VI of
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a
16 person that the defendant knew, or reasonably should have
17 known, was a member of the Armed Forces of the United
18 States serving on active duty. For purposes of this clause
19 (22), the term "Armed Forces" means any of the Armed Forces
20 of the United States, including a member of any reserve
21 component thereof or National Guard unit called to active
22 duty;

23 (23) the defendant committed the offense against a
24 person who was elderly, disabled, or infirm by taking
25 advantage of a family or fiduciary relationship with the
26 elderly, disabled, or infirm person; ~~or~~

1 (24) the defendant committed any offense under Section
2 11-20.1 of the Criminal Code of 1961 and possessed 100 or
3 more images; ~~or~~

4 (25) the defendant committed the offense while the
5 defendant or the victim was in a train, bus, or other
6 vehicle used for public transportation; or

7 (26) ~~(25)~~ the defendant committed the offense of child
8 pornography or aggravated child pornography, specifically
9 including paragraph (1), (2), (3), (4), (5), or (7) of
10 subsection (a) of Section 11-20.1 of the Criminal Code of
11 1961 where a child engaged in, solicited for, depicted in,
12 or posed in any act of sexual penetration or bound,
13 fettered, or subject to sadistic, masochistic, or
14 sodomasochistic abuse in a sexual context and specifically
15 including paragraph (1), (2), (3), (4), (5), or (7) of
16 subsection (a) of Section 11-20.3 of the Criminal Code of
17 1961 where a child engaged in, solicited for, depicted in,
18 or posed in any act of sexual penetration or bound,
19 fettered, or subject to sadistic, masochistic, or
20 sodomasochistic abuse in a sexual context.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or
23 secondary school, community college, college, or university.

24 "Day care center" means a public or private State certified
25 and licensed day care center as defined in Section 2.09 of the
26 Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 "Public transportation" means the transportation or
3 conveyance of persons by means available to the general public,
4 and includes paratransit services.

5 (b) The following factors, related to all felonies, may be
6 considered by the court as reasons to impose an extended term
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or greater
11 class felony, when such conviction has occurred within 10
12 years after the previous conviction, excluding time spent
13 in custody, and such charges are separately brought and
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the
16 court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

21 (i) a person under 12 years of age at the time of
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time
24 of the offense or such person's property; or

25 (iii) a person physically handicapped at the time
26 of the offense or such person's property; or

1 (4) When a defendant is convicted of any felony and the
2 offense involved any of the following types of specific
3 misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or social
6 group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

15 (5) When a defendant is convicted of a felony other
16 than conspiracy and the court finds that the felony was
17 committed under an agreement with 2 or more other persons
18 to commit that offense and the defendant, with respect to
19 the other individuals, occupied a position of organizer,
20 supervisor, financier, or any other position of management
21 or leadership, and the court further finds that the felony
22 committed was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's leadership in an organized gang; or

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight attached

1 to it. For purposes of this paragraph, "laser sight" has
2 the meaning ascribed to it in Section 24.6-5 of the
3 Criminal Code of 1961; or

4 (7) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (8) When a defendant commits any felony and the
13 defendant used, possessed, exercised control over, or
14 otherwise directed an animal to assault a law enforcement
15 officer engaged in the execution of his or her official
16 duties or in furtherance of the criminal activities of an
17 organized gang in which the defendant is engaged.

18 (c) The following factors may be considered by the court as
19 reasons to impose an extended term sentence under Section 5-8-2
20 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21 (1) When a defendant is convicted of first degree
22 murder, after having been previously convicted in Illinois
23 of any offense listed under paragraph (c)(2) of Section
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of
2 acts.

3 (1.5) When a defendant is convicted of first degree
4 murder, after having been previously convicted of domestic
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
6 (720 ILCS 5/12-3.3) committed on the same victim or after
7 having been previously convicted of violation of an order
8 of protection (720 ILCS 5/12-30) in which the same victim
9 was the protected person.

10 (2) When a defendant is convicted of voluntary
11 manslaughter, second degree murder, involuntary
12 manslaughter, or reckless homicide in which the defendant
13 has been convicted of causing the death of more than one
14 individual.

15 (3) When a defendant is convicted of aggravated
16 criminal sexual assault or criminal sexual assault, when
17 there is a finding that aggravated criminal sexual assault
18 or criminal sexual assault was also committed on the same
19 victim by one or more other individuals, and the defendant
20 voluntarily participated in the crime with the knowledge of
21 the participation of the others in the crime, and the
22 commission of the crime was part of a single course of
23 conduct during which there was no substantial change in the
24 nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or
2 predatory criminal sexual assault of a child under
3 subsection (a)(1) of Section 12-14.1 of the Criminal Code
4 of 1961 (720 ILCS 5/12-14.1).

5 (5) When a defendant is convicted of a felony violation
6 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
7 5/24-1) and there is a finding that the defendant is a
8 member of an organized gang.

9 (6) When a defendant was convicted of unlawful use of
10 weapons under Section 24-1 of the Criminal Code of 1961
11 (720 ILCS 5/24-1) for possessing a weapon that is not
12 readily distinguishable as one of the weapons enumerated in
13 Section 24-1 of the Criminal Code of 1961 (720 ILCS
14 5/24-1).

15 (7) When a defendant is convicted of an offense
16 involving the illegal manufacture of a controlled
17 substance under Section 401 of the Illinois Controlled
18 Substances Act (720 ILCS 570/401), the illegal manufacture
19 of methamphetamine under Section 25 of the Methamphetamine
20 Control and Community Protection Act (720 ILCS 646/25), or
21 the illegal possession of explosives and an emergency
22 response officer in the performance of his or her duties is
23 killed or injured at the scene of the offense while
24 responding to the emergency caused by the commission of the
25 offense. In this paragraph, "emergency" means a situation
26 in which a person's life, health, or safety is in jeopardy;

1 and "emergency response officer" means a peace officer,
2 community policing volunteer, fireman, emergency medical
3 technician-ambulance, emergency medical
4 technician-intermediate, emergency medical
5 technician-paramedic, ambulance driver, other medical
6 assistance or first aid personnel, or hospital emergency
7 room personnel.

8 (d) For the purposes of this Section, "organized gang" has
9 the meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
12 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
13 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
14 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

15 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

16 Sec. 5-6-4. Violation, Modification or Revocation of
17 Probation, of Conditional Discharge or Supervision or of a
18 sentence of county impact incarceration - Hearing.

19 (a) Except in cases where conditional discharge or
20 supervision was imposed for a petty offense as defined in
21 Section 5-1-17, when a petition is filed charging a violation
22 of a condition, the court may:

23 (1) in the case of probation violations, order the
24 issuance of a notice to the offender to be present by the
25 County Probation Department or such other agency

1 designated by the court to handle probation matters; and in
2 the case of conditional discharge or supervision
3 violations, such notice to the offender shall be issued by
4 the Circuit Court Clerk; and in the case of a violation of
5 a sentence of county impact incarceration, such notice
6 shall be issued by the Sheriff;

7 (2) order a summons to the offender to be present for
8 hearing; or

9 (3) order a warrant for the offender's arrest where
10 there is danger of his fleeing the jurisdiction or causing
11 serious harm to others or when the offender fails to answer
12 a summons or notice from the clerk of the court or Sheriff.

13 Personal service of the petition for violation of probation
14 or the issuance of such warrant, summons or notice shall toll
15 the period of probation, conditional discharge, supervision,
16 or sentence of county impact incarceration until the final
17 determination of the charge, and the term of probation,
18 conditional discharge, supervision, or sentence of county
19 impact incarceration shall not run until the hearing and
20 disposition of the petition for violation.

21 (b) The court shall conduct a hearing of the alleged
22 violation. The court shall admit the offender to bail pending
23 the hearing unless the alleged violation is itself a criminal
24 offense in which case the offender shall be admitted to bail on
25 such terms as are provided in the Code of Criminal Procedure of
26 1963, as amended. In any case where an offender remains

1 incarcerated only as a result of his alleged violation of the
2 court's earlier order of probation, supervision, conditional
3 discharge, or county impact incarceration such hearing shall be
4 held within 14 days of the onset of said incarceration, unless
5 the alleged violation is the commission of another offense by
6 the offender during the period of probation, supervision or
7 conditional discharge in which case such hearing shall be held
8 within the time limits described in Section 103-5 of the Code
9 of Criminal Procedure of 1963, as amended.

10 (c) The State has the burden of going forward with the
11 evidence and proving the violation by the preponderance of the
12 evidence. The evidence shall be presented in open court with
13 the right of confrontation, cross-examination, and
14 representation by counsel.

15 (d) Probation, conditional discharge, periodic
16 imprisonment and supervision shall not be revoked for failure
17 to comply with conditions of a sentence or supervision, which
18 imposes financial obligations upon the offender unless such
19 failure is due to his willful refusal to pay.

20 (e) If the court finds that the offender has violated a
21 condition at any time prior to the expiration or termination of
22 the period, it may continue him on the existing sentence, with
23 or without modifying or enlarging the conditions, or may impose
24 any other sentence that was available under Article 4.5 of
25 Chapter V of this Code or Section 11-501 of the Illinois
26 Vehicle Code at the time of initial sentencing. If the court

1 finds that the person has failed to successfully complete his
2 or her sentence to a county impact incarceration program, the
3 court may impose any other sentence that was available under
4 Article 4.5 of Chapter V of this Code or Section 11-501 of the
5 Illinois Vehicle Code at the time of initial sentencing, except
6 for a sentence of probation or conditional discharge. If the
7 court finds that the offender has violated paragraph (8.6) of
8 subsection (a) of Section 5-6-3, the court shall revoke the
9 probation of the offender. If the court finds that the offender
10 has violated subsection (o) of Section 5-6-3.1, the court shall
11 revoke the supervision of the offender.

12 (f) The conditions of probation, of conditional discharge,
13 of supervision, or of a sentence of county impact incarceration
14 may be modified by the court on motion of the supervising
15 agency or on its own motion or at the request of the offender
16 after notice and a hearing.

17 (g) A judgment revoking supervision, probation,
18 conditional discharge, or a sentence of county impact
19 incarceration is a final appealable order.

20 (h) Resentencing after revocation of probation,
21 conditional discharge, supervision, or a sentence of county
22 impact incarceration shall be under Article 4. The term on
23 probation, conditional discharge or supervision shall not be
24 credited by the court against a sentence of imprisonment or
25 periodic imprisonment unless the court orders otherwise. The
26 amount of credit to be applied against a sentence of

1 imprisonment or periodic imprisonment when the defendant
2 served a term or partial term of periodic imprisonment shall be
3 calculated upon the basis of the actual days spent in
4 confinement rather than the duration of the term.

5 (i) Instead of filing a violation of probation, conditional
6 discharge, supervision, or a sentence of county impact
7 incarceration, an agent or employee of the supervising agency
8 with the concurrence of his or her supervisor may serve on the
9 defendant a Notice of Intermediate Sanctions. The Notice shall
10 contain the technical violation or violations involved, the
11 date or dates of the violation or violations, and the
12 intermediate sanctions to be imposed. Upon receipt of the
13 Notice, the defendant shall immediately accept or reject the
14 intermediate sanctions. If the sanctions are accepted, they
15 shall be imposed immediately. If the intermediate sanctions are
16 rejected or the defendant does not respond to the Notice, a
17 violation of probation, conditional discharge, supervision, or
18 a sentence of county impact incarceration shall be immediately
19 filed with the court. The State's Attorney and the sentencing
20 court shall be notified of the Notice of Sanctions. Upon
21 successful completion of the intermediate sanctions, a court
22 may not revoke probation, conditional discharge, supervision,
23 or a sentence of county impact incarceration or impose
24 additional sanctions for the same violation. A notice of
25 intermediate sanctions may not be issued for any violation of
26 probation, conditional discharge, supervision, or a sentence

1 of county impact incarceration which could warrant an
2 additional, separate felony charge. The intermediate sanctions
3 shall include a term of home detention as provided in Article
4 8A of Chapter V of this Code for multiple or repeat violations
5 of the terms and conditions of a sentence of probation,
6 conditional discharge, or supervision.

7 (j) When an offender is re-sentenced after revocation of
8 probation that was imposed in combination with a sentence of
9 imprisonment for the same offense, the aggregate of the
10 sentences may not exceed the maximum term authorized under
11 Article 4.5 of Chapter V ~~Article 8 of this Chapter~~.

12 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08;
13 95-1052, eff. 7-1-09.)

14 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

15 Sec. 5-8-1. Natural life imprisonment; enhancements for
16 use of a firearm; mandatory supervised release terms.

17 (a) Except as otherwise provided in the statute defining
18 the offense or in Article 4.5 of Chapter V, a sentence of
19 imprisonment for a felony shall be a determinate sentence set
20 by the court under this Section, according to the following
21 limitations:

22 (1) for first degree murder,

23 (a) (blank),

24 (b) if a trier of fact finds beyond a reasonable
25 doubt that the murder was accompanied by exceptionally

1 brutal or heinous behavior indicative of wanton
2 cruelty or, except as set forth in subsection (a)(1)(c)
3 of this Section, that any of the aggravating factors
4 listed in subsection (b) of Section 9-1 of the Criminal
5 Code of 1961 are present, the court may sentence the
6 defendant to a term of natural life imprisonment, or

7 (c) the court shall sentence the defendant to a
8 term of natural life imprisonment when the death
9 penalty is not imposed if the defendant,

10 (i) has previously been convicted of first
11 degree murder under any state or federal law, or

12 (ii) is a person who, at the time of the
13 commission of the murder, had attained the age of
14 17 or more and is found guilty of murdering an
15 individual under 12 years of age; or, irrespective
16 of the defendant's age at the time of the
17 commission of the offense, is found guilty of
18 murdering more than one victim, or

19 (iii) is found guilty of murdering a peace
20 officer, fireman, or emergency management worker
21 when the peace officer, fireman, or emergency
22 management worker was killed in the course of
23 performing his official duties, or to prevent the
24 peace officer or fireman from performing his
25 official duties, or in retaliation for the peace
26 officer, fireman, or emergency management worker

1 from performing his official duties, and the
2 defendant knew or should have known that the
3 murdered individual was a peace officer, fireman,
4 or emergency management worker, or

5 (iv) is found guilty of murdering an employee
6 of an institution or facility of the Department of
7 Corrections, or any similar local correctional
8 agency, when the employee was killed in the course
9 of performing his official duties, or to prevent
10 the employee from performing his official duties,
11 or in retaliation for the employee performing his
12 official duties, or

13 (v) is found guilty of murdering an emergency
14 medical technician - ambulance, emergency medical
15 technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver or other
17 medical assistance or first aid person while
18 employed by a municipality or other governmental
19 unit when the person was killed in the course of
20 performing official duties or to prevent the
21 person from performing official duties or in
22 retaliation for performing official duties and the
23 defendant knew or should have known that the
24 murdered individual was an emergency medical
25 technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other
2 medical assistant or first aid personnel, or

3 (vi) is a person who, at the time of the
4 commission of the murder, had not attained the age
5 of 17, and is found guilty of murdering a person
6 under 12 years of age and the murder is committed
7 during the course of aggravated criminal sexual
8 assault, criminal sexual assault, or aggravated
9 kidnaping, or

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging in
14 activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 1961.

18 For purposes of clause (v), "emergency medical
19 technician - ambulance", "emergency medical technician
20 - intermediate", "emergency medical technician -
21 paramedic", have the meanings ascribed to them in the
22 Emergency Medical Services (EMS) Systems Act.

23 (d) (i) if the person committed the offense while
24 armed with a firearm, 15 years shall be added to
25 the term of imprisonment imposed by the court;

26 (ii) if, during the commission of the offense,

1 the person personally discharged a firearm, 20
2 years shall be added to the term of imprisonment
3 imposed by the court;

4 (iii) if, during the commission of the
5 offense, the person personally discharged a
6 firearm that proximately caused great bodily harm,
7 permanent disability, permanent disfigurement, or
8 death to another person, 25 years or up to a term
9 of natural life shall be added to the term of
10 imprisonment imposed by the court.

11 (2) (blank);

12 (2.5) for a person convicted under the circumstances
13 described in paragraph (3) of subsection (b) of Section
14 12-13, paragraph (2) of subsection (d) of Section 12-14,
15 paragraph (1.2) of subsection (b) of Section 12-14.1, or
16 paragraph (2) of subsection (b) of Section 12-14.1 of the
17 Criminal Code of 1961, the sentence shall be a term of
18 natural life imprisonment.

19 (b) (Blank~~-~~).

20 (c) (Blank~~-~~).

21 (d) Subject to earlier termination under Section 3-3-8, the
22 parole or mandatory supervised release term shall be as
23 follows:

24 (1) for first degree murder or a Class X felony except
25 for the offenses of predatory criminal sexual assault of a
26 child, aggravated criminal sexual assault, and criminal

1 sexual assault if committed on or after the effective date
2 of this amendatory Act of the 94th General Assembly and
3 except for the offense of aggravated child pornography
4 under Section 11-20.3 of the Criminal Code of 1961, if
5 committed on or after January 1, 2009, 3 years;

6 (2) for a Class 1 felony or a Class 2 felony except for
7 the offense of criminal sexual assault if committed on or
8 after the effective date of this amendatory Act of the 94th
9 General Assembly and except for the offenses of manufacture
10 and dissemination of child pornography under clauses
11 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
12 of 1961, if committed on or after January 1, 2009, 2 years;

13 (3) for a Class 3 felony or a Class 4 felony, 1 year;

14 (4) for defendants who commit the offense of predatory
15 criminal sexual assault of a child, aggravated criminal
16 sexual assault, or criminal sexual assault, on or after the
17 effective date of this amendatory Act of the 94th General
18 Assembly, or who commit the offense of aggravated child
19 pornography, manufacture of child pornography, or
20 dissemination of child pornography after January 1, 2009,
21 the term of mandatory supervised release shall range from a
22 minimum of 3 years to a maximum of the natural life of the
23 defendant;

24 (5) if the victim is under 18 years of age, for a
25 second or subsequent offense of aggravated criminal sexual
26 abuse or felony criminal sexual abuse, 4 years, at least

1 the first 2 years of which the defendant shall serve in an
2 electronic home detention program under Article 8A of
3 Chapter V of this Code;

4 (6) for a felony domestic battery, aggravated domestic
5 battery, stalking, aggravated stalking, and a felony
6 violation of an order of protection, 4 years.

7 (e) (Blank-)..

8 (f) (Blank-)..

9 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
10 96-282, eff. 1-1-10; revised 9-4-09.)

11 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

12 Sec. 5-8-2. Extended Term.

13 (a) A judge shall not sentence an offender to a term of
14 imprisonment in excess of the maximum sentence authorized by
15 ~~Section 5-8-1 (730 ILCS 5/5-8-1)~~ or Article 4.5 of Chapter V
16 for an offense or offenses within the class of the most serious
17 offense of which the offender was convicted unless the factors
18 in aggravation set forth in Section 5-5-3.2 or clause (a) (1) (b)
19 of Section 5-8-1 were found to be present. If the pre-trial and
20 trial proceedings were conducted in compliance with subsection
21 (c-5) of Section 111-3 of the Code of Criminal Procedure of
22 1963, the judge may sentence an offender to an extended term as
23 provided in Article 4.5 of Chapter V (730 ILCS 5/Ch. V, Art.
24 4.5).

25 (b) If the conviction was by plea, it shall appear on the

1 record that the plea was entered with the defendant's knowledge
2 that a sentence under this Section was a possibility. If it
3 does not so appear on the record, the defendant shall not be
4 subject to such a sentence unless he is first given an
5 opportunity to withdraw his plea without prejudice.

6 (Source: P.A. 95-1052, eff. 7-1-09.)

7 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

8 Sec. 5-8-4. Concurrent and consecutive terms of
9 imprisonment.

10 (a) Concurrent terms; multiple or additional sentences.
11 When an Illinois court (i) imposes multiple sentences of
12 imprisonment on a defendant at the same time or (ii) imposes a
13 sentence of imprisonment on a defendant who is already subject
14 to a sentence of imprisonment imposed by an Illinois court, a
15 court of another state, or a federal court, then the sentences
16 shall run concurrently unless otherwise determined by the
17 Illinois court under this Section.

18 (b) Concurrent terms; misdemeanor and felony. A defendant
19 serving a sentence for a misdemeanor who is convicted of a
20 felony and sentenced to imprisonment shall be transferred to
21 the Department of Corrections, and the misdemeanor sentence
22 shall be merged in and run concurrently with the felony
23 sentence.

24 (c) Consecutive terms; permissive. The court may impose
25 consecutive sentences in any of the following circumstances:

1 (1) If, having regard to the nature and circumstances
2 of the offense and the history and character of the
3 defendant, it is the opinion of the court that consecutive
4 sentences are required to protect the public from further
5 criminal conduct by the defendant, the basis for which the
6 court shall set forth in the record.

7 (2) If one of the offenses for which a defendant was
8 convicted was a violation of Section 32-5.2 (aggravated
9 false personation of a peace officer) of the Criminal Code
10 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
11 in attempting or committing a forcible felony.

12 (d) Consecutive terms; mandatory. The court shall impose
13 consecutive sentences in each of the following circumstances:

14 (1) One of the offenses for which the defendant was
15 convicted was first degree murder or a Class X or Class 1
16 felony and the defendant inflicted severe bodily injury.

17 (2) The defendant was convicted of a violation of
18 Section 12-13 (criminal sexual assault), 12-14 (aggravated
19 criminal sexual assault), or 12-14.1 (predatory criminal
20 sexual assault of a child) of the Criminal Code of 1961
21 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

22 (3) The defendant was convicted of armed violence based
23 upon the predicate offense of any of the following:
24 solicitation of murder, solicitation of murder for hire,
25 heinous battery, aggravated battery of a senior citizen,
26 criminal sexual assault, a violation of subsection (g) of

1 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
2 cannabis trafficking, a violation of subsection (a) of
3 Section 401 of the Illinois Controlled Substances Act (720
4 ILCS 570/401), controlled substance trafficking involving
5 a Class X felony amount of controlled substance under
6 Section 401 of the Illinois Controlled Substances Act (720
7 ILCS 570/401), a violation of the Methamphetamine Control
8 and Community Protection Act (720 ILCS 646/), calculated
9 criminal drug conspiracy, or streetgang criminal drug
10 conspiracy.

11 (4) The defendant was convicted of the offense of
12 leaving the scene of a motor vehicle accident involving
13 death or personal injuries under Section 11-401 of the
14 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof under Section 11-501 of the
18 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
19 homicide under Section 9-3 of the Criminal Code of 1961
20 (720 ILCS 5/9-3), or (C) both an offense described in item
21 (A) and an offense described in item (B).

22 (5) The defendant was convicted of a violation of
23 Section 9-3.1 (concealment of homicidal death) or Section
24 12-20.5 (dismembering a human body) of the Criminal Code of
25 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

26 (5.5) The ~~(vi)~~ the defendant was convicted of a

1 violation of Section 24-3.7 (use of a stolen firearm in the
2 commission of an offense) of the Criminal Code of 1961.7

3 (6) If the defendant was in the custody of the
4 Department of Corrections at the time of the commission of
5 the offense, the sentence shall be served consecutive to
6 the sentence under which the defendant is held by the
7 Department of Corrections. If, however, the defendant is
8 sentenced to punishment by death, the sentence shall be
9 executed at such time as the court may fix without regard
10 to the sentence under which the defendant may be held by
11 the Department.

12 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
13 for escape or attempted escape shall be served consecutive
14 to the terms under which the offender is held by the
15 Department of Corrections.

16 (8) If a person charged with a felony commits a
17 separate felony while on pretrial release or in pretrial
18 detention in a county jail facility or county detention
19 facility, then the sentences imposed upon conviction of
20 these felonies shall be served consecutively regardless of
21 the order in which the judgments of conviction are entered.

22 (8.5) If a person commits a battery against a county
23 correctional officer or sheriff's employee while serving a
24 sentence or in pretrial detention in a county jail
25 facility, then the sentence imposed upon conviction of the
26 battery shall be served consecutively with the sentence

1 imposed upon conviction of the earlier misdemeanor or
2 felony, regardless of the order in which the judgments of
3 conviction are entered.

4 (9) If a person admitted to bail following conviction
5 of a felony commits a separate felony while free on bond or
6 if a person detained in a county jail facility or county
7 detention facility following conviction of a felony
8 commits a separate felony while in detention, then any
9 sentence following conviction of the separate felony shall
10 be consecutive to that of the original sentence for which
11 the defendant was on bond or detained.

12 (10) If a person is found to be in possession of an
13 item of contraband, as defined in clause (c) (2) of Section
14 31A-1.1 of the Criminal Code of 1961, while serving a
15 sentence in a county jail or while in pre-trial detention
16 in a county jail, the sentence imposed upon conviction for
17 the offense of possessing contraband in a penal institution
18 shall be served consecutively to the sentence imposed for
19 the offense in which the person is serving sentence in the
20 county jail or serving pretrial detention, regardless of
21 the order in which the judgments of conviction are entered.

22 (11) If a person is sentenced for a violation of bail
23 bond under Section 32-10 of the Criminal Code of 1961, any
24 sentence imposed for that violation shall be served
25 consecutive to the sentence imposed for the charge for
26 which bail had been granted and with respect to which the

1 defendant has been convicted.

2 (e) Consecutive terms; subsequent non-Illinois term. If an
3 Illinois court has imposed a sentence of imprisonment on a
4 defendant and the defendant is subsequently sentenced to a term
5 of imprisonment by a court of another state or a federal court,
6 then the Illinois sentence shall run consecutively to the
7 sentence imposed by the court of the other state or the federal
8 court. That same Illinois court, however, may order that the
9 Illinois sentence run concurrently with the sentence imposed by
10 the court of the other state or the federal court, but only if
11 the defendant applies to that same Illinois court within 30
12 days after the sentence imposed by the court of the other state
13 or the federal court is finalized.

14 (f) Consecutive terms; aggregate maximums and minimums.
15 The aggregate maximum and aggregate minimum of consecutive
16 sentences shall be determined as follows:

17 (1) For sentences imposed under law in effect prior to
18 February 1, 1978, the aggregate maximum of consecutive
19 sentences shall not exceed the maximum term authorized
20 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
21 Chapter V for the 2 most serious felonies involved. The
22 aggregate minimum period of consecutive sentences shall
23 not exceed the highest minimum term authorized under
24 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
25 V for the 2 most serious felonies involved. When sentenced
26 only for misdemeanors, a defendant shall not be

1 consecutively sentenced to more than the maximum for one
2 Class A misdemeanor.

3 (2) For sentences imposed under the law in effect on or
4 after February 1, 1978, the aggregate of consecutive
5 sentences for offenses that were committed as part of a
6 single course of conduct during which there was no
7 substantial change in the nature of the criminal objective
8 shall not exceed the sum of the maximum terms authorized
9 under Article 4.5 of Chapter V ~~Section 5-8-2 (730 ILCS~~
10 ~~5/5-8-2)~~ for the 2 most serious felonies involved, but no
11 such limitation shall apply for offenses that were not
12 committed as part of a single course of conduct during
13 which there was no substantial change in the nature of the
14 criminal objective. When sentenced only for misdemeanors,
15 a defendant shall not be consecutively sentenced to more
16 than the maximum for one Class A misdemeanor.

17 (g) Consecutive terms; manner served. In determining the
18 manner in which consecutive sentences of imprisonment, one or
19 more of which is for a felony, will be served, the Department
20 of Corrections shall treat the defendant as though he or she
21 had been committed for a single term subject to each of the
22 following:

23 (1) The maximum period of a term of imprisonment shall
24 consist of the aggregate of the maximums of the imposed
25 indeterminate terms, if any, plus the aggregate of the
26 imposed determinate sentences for felonies, plus the

1 aggregate of the imposed determinate sentences for
2 misdemeanors, subject to subsection (f) of this Section.

3 (2) The parole or mandatory supervised release term
4 shall be as provided in paragraph (e) of Section 5-4.5-50
5 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
6 involved.

7 (3) The minimum period of imprisonment shall be the
8 aggregate of the minimum and determinate periods of
9 imprisonment imposed by the court, subject to subsection
10 (f) of this Section.

11 (4) The defendant shall be awarded credit against the
12 aggregate maximum term and the aggregate minimum term of
13 imprisonment for all time served in an institution since
14 the commission of the offense or offenses and as a
15 consequence thereof at the rate specified in Section 3-6-3
16 (730 ILCS 5/3-6-3).

17 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
18 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

19 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

20 Sec. 5-9-1.3. Fines for offenses involving theft,
21 deceptive practices, and offenses against units of local
22 government or school districts.

23 (a) When a person has been adjudged guilty of a felony
24 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, 16-9 or 17-1
25 of the Criminal Code of 1961, a fine may be levied by the court

1 in an amount which is the greater of \$25,000 or twice the value
2 of the property which is the subject of the offense.

3 (b) When a person has been convicted of a felony under
4 Section 16-1 of the Criminal Code of 1961 and the theft was
5 committed upon any unit of local government or school district,
6 or the person has been convicted of any violation of Sections
7 33C-1 through 33C-4 or Sections 33E-3 through 33E-18 of the
8 Criminal Code of 1961, a fine may be levied by the court in an
9 amount that is the greater of \$25,000 or treble the value of
10 the property which is the subject of the offense or loss to the
11 unit of local government or school district.

12 (c) All fines imposed under subsection (b) of this Section
13 shall be distributed as follows:

14 (1) An amount equal to 30% shall be distributed to the
15 unit of local government or school district that was the
16 victim of the offense;

17 (2) An amount equal to 30% shall be distributed to the
18 unit of local government whose officers or employees
19 conducted the investigation into the crimes against the
20 unit of local government or school district. Amounts
21 distributed to units of local government shall be used
22 solely for the enforcement of criminal laws protecting
23 units of local government or school districts;

24 (3) An amount equal to 30% shall be distributed to the
25 State's Attorney of the county in which the prosecution
26 resulting in the conviction was instituted. The funds shall

1 be used solely for the enforcement of criminal laws
2 protecting units of local government or school districts;
3 and

4 (4) An amount equal to 10% shall be distributed to the
5 circuit court clerk of the county where the prosecution
6 resulting in the conviction was instituted.

7 (d) A fine order under subsection (b) of this Section is a
8 judgment lien in favor of the victim unit of local government
9 or school district, the State's Attorney of the county where
10 the violation occurred, the law enforcement agency that
11 investigated the violation, and the circuit court clerk.

12 (Source: P.A. 90-800, eff. 1-1-99.)

13 Section 90. Applicability. This amendatory Act of the 96th
14 General Assembly shall not be construed to invalidate any
15 sentence imposed before the effective date of this amendatory
16 Act of the 96th General Assembly because of the amendatory
17 changes made by this amendatory Act of the 96th General
18 Assembly and this amendatory Act shall be applied
19 prospectively.

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.