



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2947

Introduced 2/23/2011, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that the sentence of a person convicted of or placed on supervision for a sex offense committed on or after the effective date of the amendatory Act shall be an indeterminate sentence with respect to the maximum sentence imposed. Provides that not less than 30 days before the completion of the sentence imposed by the court for a person convicted of or placed on supervision for a sex offense, excluding any mandatory supervised release term, the court shall make a determination as to whether the offender poses a danger to the public. Provides that if the court determines that the offender poses a danger to the public, the court may extend the sentence of the offender for any period that the court deems appropriate. Provides that if the court had sentenced the sex offender to probation or conditional discharge or placed the sex offender on supervision and the court determines that continuing the sex offender on probation or conditional discharge or supervision would pose a danger to the public, the court may revoke the probation, conditional discharge, or supervision and resentence the sex offender to a term of imprisonment.

LRB097 07159 RLC 47261 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 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
6 5-4.5-45, 5-4.5-50, 5-4.5-55, 5-4.5-60, 5-4.5-65, and 5-4.5-70
7 and by adding Section 5-4.5-105 as follows:

8 (730 ILCS 5/5-4.5-25)

9 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
10 felony:

11 (a) TERM. Except as otherwise provided in Section 5-4.5-105
12 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
13 determinate sentence of not less than 6 years and not more than
14 30 years. The sentence of imprisonment for an extended term
15 Class X felony, as provided in Section 5-8-2 (730 ILCS
16 5/5-8-2), shall be not less than 30 years and not more than 60
17 years.

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program
21 or the county impact incarceration program is not an authorized
22 disposition.

23 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

2 (e) FINE. Fines may be imposed as provided in Section
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning no credit for time spent in home
14 detention prior to judgment.

15 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
16 ILCS 5/3-6-3) for rules and regulations for early release based
17 on good conduct.

18 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
19 5/5-8A-3) concerning eligibility for electronic home
20 detention.

21 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
22 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
23 5/5-8-1), the parole or mandatory supervised release term shall
24 be 3 years upon release from imprisonment.

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

1 (730 ILCS 5/5-4.5-30)

2 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
3 felony:

4 (a) TERM. Except as otherwise provided in Section 5-4.5-105
5 for a sex offense, the ~~The~~ sentence of imprisonment, other than
6 for second degree murder, shall be a determinate sentence of
7 not less than 4 years and not more than 15 years. The sentence
8 of imprisonment for second degree murder shall be a determinate
9 sentence of not less than 4 years and not more than 20 years.
10 The sentence of imprisonment for an extended term Class 1
11 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
12 be a term not less than 15 years and not more than 30 years.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of from 3 to 4 years,
15 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
16 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
18 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
19 the impact incarceration program or the county impact
20 incarceration program.

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 conditional discharge as set forth in Section 5-6-3 (730 ILCS
26 5/5-6-3). In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a Class 1
2 felony committed while he or she was serving a term of
3 probation or conditional discharge for a felony.

4 (e) FINE. Fines may be imposed as provided in Section
5 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

11 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
12 Act (730 ILCS 166/20) concerning eligibility for a drug court
13 program.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning credit for time spent in home
16 detention prior to judgment.

17 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
18 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
19 Allowance Act (730 ILCS 130/) for rules and regulations for
20 early release based on good conduct.

21 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
22 5/5-8A-3) concerning eligibility for electronic home
23 detention.

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
25 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
26 5/5-8-1), the parole or mandatory supervised release term shall

1 be 2 years upon release from imprisonment.

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

3 (730 ILCS 5/5-4.5-35)

4 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
5 felony:

6 (a) TERM. Except as otherwise provided in Section 5-4.5-105
7 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
8 determinate sentence of not less than 3 years and not more than
9 7 years. The sentence of imprisonment for an extended term
10 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
11 5/5-8-2), shall be a term not less than 7 years and not more
12 than 14 years.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of from 18 to 30
15 months, except as otherwise provided in Section 5-5-3 or 5-7-1
16 (730 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
18 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
19 the impact incarceration program or the county impact
20 incarceration program.

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 conditional discharge as set forth in Section 5-6-3 (730 ILCS

1 5/5-6-3).

2 (e) FINE. Fines may be imposed as provided in Section
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning credit for time spent in home
14 detention prior to judgment.

15 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
16 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
17 Allowance Act (730 ILCS 130/) for rules and regulations for
18 early release based on good conduct.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term shall
25 be 2 years upon release from imprisonment.

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

1 (730 ILCS 5/5-4.5-40)

2 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
3 felony:

4 (a) TERM. Except as otherwise provided in Section 5-4.5-105
5 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
6 determinate sentence of not less than 2 years and not more than
7 5 years. The sentence of imprisonment for an extended term
8 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
9 5/5-8-2), shall be a term not less than 5 years and not more
10 than 10 years.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic
12 imprisonment shall be for a definite term of up to 18 months,
13 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
14 ILCS 5/5-5-3 or 5/5-7-1).

15 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
16 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
17 the impact incarceration program or the county impact
18 incarceration program.

19 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
20 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
21 period of probation or conditional discharge shall not exceed
22 30 months. The court shall specify the conditions of probation
23 or conditional discharge as set forth in Section 5-6-3 (730
24 ILCS 5/5-6-3).

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

7 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
8 Act (730 ILCS 166/20) concerning eligibility for a drug court
9 program.

10 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
11 ILCS 5/5-4.5-100) concerning credit for time spent in home
12 detention prior to judgment.

13 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
14 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
15 Allowance Act (730 ILCS 130/) for rules and regulations for
16 early release based on good conduct.

17 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
18 5/5-8A-3) concerning eligibility for electronic home
19 detention.

20 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
21 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
22 5/5-8-1), the parole or mandatory supervised release term shall
23 be one year upon release from imprisonment.

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

25 (730 ILCS 5/5-4.5-45)

1 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
2 felony:

3 (a) TERM. Except as otherwise provided in Section 5-4.5-105
4 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
5 determinate sentence of not less than one year and not more
6 than 3 years. The sentence of imprisonment for an extended term
7 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be a term not less than 3 years and not more
9 than 6 years.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 18 months,
12 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
13 ILCS 5/5-5-3 or 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
15 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
16 the impact incarceration program or the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed
21 30 months. The court shall specify the conditions of probation
22 or conditional discharge as set forth in Section 5-6-3 (730
23 ILCS 5/5-6-3).

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

26 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)

1 concerning restitution.

2 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
3 be concurrent or consecutive as provided in Section 5-8-4 (730
4 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

5 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
6 Act (730 ILCS 166/20) concerning eligibility for a drug court
7 program.

8 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
9 ILCS 5/5-4.5-100) concerning credit for time spent in home
10 detention prior to judgment.

11 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
12 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
13 Allowance Act (730 ILCS 130/) for rules and regulations for
14 early release based on good conduct.

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
16 5/5-8A-3) concerning eligibility for electronic home
17 detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
20 5/5-8-1), the parole or mandatory supervised release term shall
21 be one year upon release from imprisonment.

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

23 (730 ILCS 5/5-4.5-50)

24 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
25 as otherwise provided, for all felonies:

1 (a) NO SUPERVISION. The court, upon a plea of guilty or a
2 stipulation by the defendant of the facts supporting the charge
3 or a finding of guilt, may not defer further proceedings and
4 the imposition of a sentence and may not enter an order for
5 supervision of the defendant.

6 (b) FELONY FINES. An offender may be sentenced to pay a
7 fine not to exceed, for each offense, \$25,000 or the amount
8 specified in the offense, whichever is greater, or if the
9 offender is a corporation, \$50,000 or the amount specified in
10 the offense, whichever is greater. A fine may be imposed in
11 addition to a sentence of conditional discharge, probation,
12 periodic imprisonment, or imprisonment. See Article 9 of
13 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
14 additional amounts and determination of amounts and payment.

15 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
16 each felony conviction shall set forth his or her reasons for
17 imposing the particular sentence entered in the case, as
18 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
19 include any mitigating or aggravating factors specified in this
20 Code, or the lack of any such factors, as well as any other
21 mitigating or aggravating factors that the judge sets forth on
22 the record that are consistent with the purposes and principles
23 of sentencing set out in this Code.

24 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
25 sentence may be made, or the court may reduce a sentence
26 without motion, within 30 days after the sentence is imposed. A

1 defendant's challenge to the correctness of a sentence or to
2 any aspect of the sentencing hearing shall be made by a written
3 motion filed with the circuit court clerk within 30 days
4 following the imposition of sentence. A motion not filed within
5 that 30-day period is not timely. The court may not increase a
6 sentence once it is imposed. A notice of motion must be filed
7 with the motion. The notice of motion shall set the motion on
8 the court's calendar on a date certain within a reasonable time
9 after the date of filing.

10 If a motion filed pursuant to this subsection is timely
11 filed, the proponent of the motion shall exercise due diligence
12 in seeking a determination on the motion and the court shall
13 thereafter decide the motion within a reasonable time.

14 If a motion filed pursuant to this subsection is timely
15 filed, then for purposes of perfecting an appeal, a final
16 judgment is not considered to have been entered until the
17 motion to reduce the sentence has been decided by order entered
18 by the trial court.

19 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
20 OTHER-STATE SENTENCE. A defendant who has a previous and
21 unexpired sentence of imprisonment imposed by another state or
22 by any district court of the United States and who, after
23 sentence for a crime in Illinois, must return to serve the
24 unexpired prior sentence may have his or her sentence by the
25 Illinois court ordered to be concurrent with the prior
26 other-state or federal sentence. The court may order that any

1 time served on the unexpired portion of the other-state or
2 federal sentence, prior to his or her return to Illinois, shall
3 be credited on his or her Illinois sentence. The appropriate
4 official of the other state or the United States shall be
5 furnished with a copy of the order imposing sentence, which
6 shall provide that, when the offender is released from
7 other-state or federal confinement, whether by parole or by
8 termination of sentence, the offender shall be transferred by
9 the Sheriff of the committing Illinois county to the Illinois
10 Department of Corrections. The court shall cause the Department
11 of Corrections to be notified of the sentence at the time of
12 commitment and to be provided with copies of all records
13 regarding the sentence.

14 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
15 defendant who has a previous and unexpired sentence of
16 imprisonment imposed by an Illinois circuit court for a crime
17 in this State and who is subsequently sentenced to a term of
18 imprisonment by another state or by any district court of the
19 United States and who has served a term of imprisonment imposed
20 by the other state or district court of the United States, and
21 must return to serve the unexpired prior sentence imposed by
22 the Illinois circuit court, may apply to the Illinois circuit
23 court that imposed sentence to have his or her sentence
24 reduced.

25 The circuit court may order that any time served on the
26 sentence imposed by the other state or district court of the

1 United States be credited on his or her Illinois sentence. The
2 application for reduction of a sentence under this subsection
3 shall be made within 30 days after the defendant has completed
4 the sentence imposed by the other state or district court of
5 the United States.

6 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
7 sentence or disposition that requires the defendant to be
8 implanted or injected with or to use any form of birth control.

9 (h) SEX OFFENDERS. Sex offenders shall be subject to the
10 provisions of Section 5-4.5-105 of this Code.

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

12 (730 ILCS 5/5-4.5-55)

13 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
14 A misdemeanor:

15 (a) TERM. Except as otherwise provided in Section 5-4.5-105
16 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
17 determinate sentence of less than one year.

18 (b) PERIODIC IMPRISONMENT. A sentence of periodic
19 imprisonment shall be for a definite term of less than one
20 year, except as otherwise provided in Section 5-5-3 or 5-7-1
21 (730 ILCS 5/5-5-3 or 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
23 5/5-8-1.2) concerning eligibility for the county impact
24 incarceration program.

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
2 period of probation or conditional discharge shall not exceed 2
3 years. The court shall specify the conditions of probation or
4 conditional discharge as set forth in Section 5-6-3 (730 ILCS
5 5/5-6-3).

6 (e) FINE. A fine not to exceed \$2,500 for each offense or
7 the amount specified in the offense, whichever is greater, may
8 be imposed. A fine may be imposed in addition to a sentence of
9 conditional discharge, probation, periodic imprisonment, or
10 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
11 Art. 9) for imposition of additional amounts and determination
12 of amounts and payment.

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
16 be concurrent or consecutive as provided in Section 5-8-4 (730
17 ILCS 5/5-8-4).

18 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
19 Act (730 ILCS 166/20) concerning eligibility for a drug court
20 program.

21 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
22 ILCS 5/5-4.5-100) concerning credit for time spent in home
23 detention prior to judgment.

24 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
25 Behavior Allowance Act (730 ILCS 130/) for rules and
26 regulations for early release based on good conduct.

1 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
2 5/5-8A-3) concerning eligibility for electronic home
3 detention.

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

5 (730 ILCS 5/5-4.5-60)

6 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
7 B misdemeanor:

8 (a) TERM. Except as otherwise provided in Section 5-4.5-105
9 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
10 determinate sentence of not more than 6 months.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic
12 imprisonment shall be for a definite term of up to 6 months or
13 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
15 5/5-8-1.2) concerning eligibility for the county impact
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
18 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
19 conditional discharge shall not exceed 2 years. The court shall
20 specify the conditions of probation or conditional discharge as
21 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

22 (e) FINE. A fine not to exceed \$1,500 for each offense or
23 the amount specified in the offense, whichever is greater, may
24 be imposed. A fine may be imposed in addition to a sentence of
25 conditional discharge, probation, periodic imprisonment, or

1 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
2 Art. 9) for imposition of additional amounts and determination
3 of amounts and payment.

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning credit for time spent in home
14 detention prior to judgment.

15 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
16 Behavior Allowance Act (730 ILCS 130/) for rules and
17 regulations for early release based on good conduct.

18 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
19 5/5-8A-3) concerning eligibility for electronic home
20 detention.

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

22 (730 ILCS 5/5-4.5-65)

23 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
24 C misdemeanor:

25 (a) TERM. Except as otherwise provided in Section 5-4.5-105

1 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
2 determinate sentence of not more than 30 days.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic
4 imprisonment shall be for a definite term of up to 30 days or
5 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

6 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
7 5/5-8-1.2) concerning eligibility for the county impact
8 incarceration program.

9 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
10 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
11 conditional discharge shall not exceed 2 years. The court shall
12 specify the conditions of probation or conditional discharge as
13 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

14 (e) FINE. A fine not to exceed \$1,500 for each offense or
15 the amount specified in the offense, whichever is greater, may
16 be imposed. A fine may be imposed in addition to a sentence of
17 conditional discharge, probation, periodic imprisonment, or
18 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
19 Art. 9) for imposition of additional amounts and determination
20 of amounts and payment.

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4).

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
4 ILCS 5/5-4.5-100) concerning credit for time spent in home
5 detention prior to judgment.

6 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
7 Behavior Allowance Act (730 ILCS 130/) for rules and
8 regulations for early release based on good conduct.

9 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
10 5/5-8A-3) concerning eligibility for electronic home
11 detention.

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

13 (730 ILCS 5/5-4.5-70)

14 Sec. 5-4.5-70. SENTENCE PROVISIONS; ALL MISDEMEANORS.

15 Except as otherwise provided, for all misdemeanors:

16 (a) SUPERVISION; ORDER. The court, upon a plea of guilty or
17 a stipulation by the defendant of the facts supporting the
18 charge or a finding of guilt, may defer further proceedings and
19 the imposition of a sentence and may enter an order for
20 supervision of the defendant. If the defendant is not barred
21 from receiving an order for supervision under Section 5-6-1
22 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
23 for supervision after considering the circumstances of the
24 offense, and the history, character, and condition of the
25 offender, if the court is of the opinion that:

1 (1) the defendant is not likely to commit further
2 crimes;

3 (2) the defendant and the public would be best served
4 if the defendant were not to receive a criminal record; and

5 (3) in the best interests of justice, an order of
6 supervision is more appropriate than a sentence otherwise
7 permitted under this Code.

8 (b) SUPERVISION; PERIOD. When a defendant is placed on
9 supervision, the court shall enter an order for supervision
10 specifying the period of supervision, and shall defer further
11 proceedings in the case until the conclusion of the period. The
12 period of supervision shall be reasonable under all of the
13 circumstances of the case, and except as otherwise provided,
14 may not be longer than 2 years, unless the defendant has failed
15 to pay the assessment required by Section 10.3 of the Cannabis
16 Control Act (720 ILCS 550/10.3), Section 411.2 of the Illinois
17 Controlled Substances Act (720 ILCS 570/411.2), or Section 80
18 of the Methamphetamine Control and Community Protection Act
19 (720 ILCS 646/80), in which case the court may extend
20 supervision beyond 2 years. The court shall specify the
21 conditions of supervision as set forth in Section 5-6-3.1 (730
22 ILCS 5/5-6-3.1).

23 (c) NO REQUIRED BIRTH CONTROL. A court may not impose a
24 sentence or disposition that requires the defendant to be
25 implanted or injected with or to use any form of birth control.

26 (d) SEX OFFENDERS. Sex offenders shall be subject to the

1 provisions of Section 5-4.5-105 of this Code.

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

3 (730 ILCS 5/5-4.5-105 new)

4 Sec. 5-4.5-105. Sex offenses; indeterminate sentence;
5 court.

6 (a) For the purposes of this Section, "sex offense" means
7 an offense listed in Section 2 of the Sex Offender Registration
8 Act.

9 (b) The sentence of a person convicted of or placed on
10 supervision for a sex offense committed on or after the
11 effective date of this amendatory Act of the 97th General
12 Assembly shall be an indeterminate sentence with respect to the
13 maximum sentence imposed. Not less than 30 days before the
14 completion of the sentence imposed by the court for a person
15 convicted of or placed on supervision for a sex offense,
16 excluding any mandatory supervised release term, the court
17 shall make a determination as to whether the offender poses a
18 danger to the public. If the court determines that the offender
19 poses a danger to the public, the court may extend the sentence
20 of the offender for any period that the court deems
21 appropriate.

22 (c) If the court had sentenced the sex offender to
23 probation or conditional discharge or placed the sex offender
24 on supervision and the court determines that continuing the sex
25 offender on probation or conditional discharge or supervision

1 would pose a danger to the public, the court may revoke the
2 probation, conditional discharge, or supervision and
3 resentence the sex offender to a term of imprisonment.

1 INDEX

2 Statutes amended in order of appearance

3 730 ILCS 5/5-4.5-25

4 730 ILCS 5/5-4.5-30

5 730 ILCS 5/5-4.5-35

6 730 ILCS 5/5-4.5-40

7 730 ILCS 5/5-4.5-45

8 730 ILCS 5/5-4.5-50

9 730 ILCS 5/5-4.5-55

10 730 ILCS 5/5-4.5-60

11 730 ILCS 5/5-4.5-65

12 730 ILCS 5/5-4.5-70

13 730 ILCS 5/5-4.5-105 new