



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3390

Introduced 2/24/2011, by Rep. Ann Williams

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for conviction for aggravated assault if a firearm is used in the commission of the assault of a peace officer, a community policing volunteer, a private security officer, fireman, an emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, or other medical assistance or first aid personnel while such person is engaged in the execution of any of his or her official duties, or to prevent such person from performing his or her official duties, or in retaliation for the person performing his or her official duties. Effective immediately.

LRB097 10754 RLC 51158 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 Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

18 (A) First degree murder where the death penalty is
19 not imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the
23 Illinois Controlled Substances Act, or a violation of

1 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
2 of that Act which relates to more than 5 grams of a
3 substance containing heroin, cocaine, fentanyl, or an
4 analog thereof.

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

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

19 (F-5) A violation of Section 24-1, 24-1.1, or
20 24-1.6 of the Criminal Code of 1961 for which
21 imprisonment is prescribed in those Sections.

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

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen.

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

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

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

13 (K) Vehicular hijacking.

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

18 (M) A second or subsequent conviction for the
19 offense of institutional vandalism if the damage to the
20 property exceeds \$300.

21 (N) A Class 3 felony violation of paragraph (1) of
22 subsection (a) of Section 2 of the Firearm Owners
23 Identification Card Act.

24 (O) A violation of Section 12-6.1 of the Criminal
25 Code of 1961.

26 (P) A violation of paragraph (1), (2), (3), (4),

1 (5), or (7) of subsection (a) of Section 11-20.1 of the
2 Criminal Code of 1961.

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

5 (R) A violation of Section 24-3A of the Criminal
6 Code of 1961.

7 (S) (Blank).

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

10 (U) A second or subsequent violation of Section
11 6-303 of the Illinois Vehicle Code committed while his
12 or her driver's license, permit, or privilege was
13 revoked because of a violation of Section 9-3 of the
14 Criminal Code of 1961, relating to the offense of
15 reckless homicide, or a similar provision of a law of
16 another state.

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

19 (W) A violation of Section 24-3.5 of the Criminal
20 Code of 1961.

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

23 (Y) A conviction for unlawful possession of a
24 firearm by a street gang member when the firearm was
25 loaded or contained firearm ammunition.

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge
2 for a felony.

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

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

7 (CC) Knowingly selling, offering for sale, holding
8 for sale, or using 2,000 or more counterfeit items or
9 counterfeit items having a retail value in the
10 aggregate of \$500,000 or more.

11 (DD) A conviction for aggravated assault under
12 paragraph (6) or (7) of subsection (a) of Section 12-2
13 of the Criminal Code of 1961 if a firearm is used in
14 the commission of the assault.

15 (3) (Blank).

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

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraphs (4.3) and (4.8)
22 of this subsection (c), a minimum of 100 hours of community
23 service shall be imposed for a second violation of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300
26 hours of community service, as determined by the court,

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

3 (4.4) Except as provided in paragraphs (4.5), (4.6),
4 and (4.9) of this subsection (c), a minimum term of
5 imprisonment of 30 days or 300 hours of community service,
6 as determined by the court, shall be imposed for a third or
7 subsequent violation of Section 6-303 of the Illinois
8 Vehicle Code.

9 (4.5) A minimum term of imprisonment of 30 days shall
10 be imposed for a third violation of subsection (c) of
11 Section 6-303 of the Illinois Vehicle Code.

12 (4.6) Except as provided in paragraph (4.10) of this
13 subsection (c), a minimum term of imprisonment of 180 days
14 shall be imposed for a fourth or subsequent violation of
15 subsection (c) of Section 6-303 of the Illinois Vehicle
16 Code.

17 (4.7) A minimum term of imprisonment of not less than
18 30 consecutive days, or 300 hours of community service,
19 shall be imposed for a violation of subsection (a-5) of
20 Section 6-303 of the Illinois Vehicle Code, as provided in
21 subsection (b-5) of that Section.

22 (4.8) A mandatory prison sentence shall be imposed for
23 a second violation of subsection (a-5) of Section 6-303 of
24 the Illinois Vehicle Code, as provided in subsection (c-5)
25 of that Section. The person's driving privileges shall be
26 revoked for a period of not less than 5 years from the date

1 of his or her release from prison.

2 (4.9) A mandatory prison sentence of not less than 4
3 and not more than 15 years shall be imposed for a third
4 violation of subsection (a-5) of Section 6-303 of the
5 Illinois Vehicle Code, as provided in subsection (d-2.5) of
6 that Section. The person's driving privileges shall be
7 revoked for the remainder of his or her life.

8 (4.10) A mandatory prison sentence for a Class 1 felony
9 shall be imposed, and the person shall be eligible for an
10 extended term sentence, for a fourth or subsequent
11 violation of subsection (a-5) of Section 6-303 of the
12 Illinois Vehicle Code, as provided in subsection (d-3.5) of
13 that Section. The person's driving privileges shall be
14 revoked for the remainder of his or her life.

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

17 (A) a period of conditional discharge;

18 (B) a fine;

19 (C) make restitution to the victim under Section
20 5-5-6 of this Code.

21 (5.1) In addition to any other penalties imposed, and
22 except as provided in paragraph (5.2) or (5.3), a person
23 convicted of violating subsection (c) of Section 11-907 of
24 the Illinois Vehicle Code shall have his or her driver's
25 license, permit, or privileges suspended for at least 90
26 days but not more than one year, if the violation resulted

1 in damage to the property of another person.

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

9 (5.3) In addition to any other penalties imposed, a
10 person convicted of violating subsection (c) of Section
11 11-907 of the Illinois Vehicle Code shall have his or her
12 driver's license, permit, or privileges suspended for 2
13 years, if the violation resulted in the death of another
14 person.

15 (5.4) In addition to any other penalties imposed, a
16 person convicted of violating Section 3-707 of the Illinois
17 Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 3 months and until he
19 or she has paid a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a
21 person convicted of violating Section 3-707 of the Illinois
22 Vehicle Code during a period in which his or her driver's
23 license, permit, or privileges were suspended for a
24 previous violation of that Section shall have his or her
25 driver's license, permit, or privileges suspended for an
26 additional 6 months after the expiration of the original

1 3-month suspension and until he or she has paid a
2 reinstatement fee of \$100.

3 (6) (Blank).

4 (7) (Blank).

5 (8) (Blank).

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

9 (10) (Blank).

10 (11) The court shall impose a minimum fine of \$1,000
11 for a first offense and \$2,000 for a second or subsequent
12 offense upon a person convicted of or placed on supervision
13 for battery when the individual harmed was a sports
14 official or coach at any level of competition and the act
15 causing harm to the sports official or coach occurred
16 within an athletic facility or within the immediate
17 vicinity of the athletic facility at which the sports
18 official or coach was an active participant of the athletic
19 contest held at the athletic facility. For the purposes of
20 this paragraph (11), "sports official" means a person at an
21 athletic contest who enforces the rules of the contest,
22 such as an umpire or referee; "athletic facility" means an
23 indoor or outdoor playing field or recreational area where
24 sports activities are conducted; and "coach" means a person
25 recognized as a coach by the sanctioning authority that
26 conducted the sporting event.

1 (12) A person may not receive a disposition of court
2 supervision for a violation of Section 5-16 of the Boat
3 Registration and Safety Act if that person has previously
4 received a disposition of court supervision for a violation
5 of that Section.

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

16 (d) In any case in which a sentence originally imposed is
17 vacated, the case shall be remanded to the trial court. The
18 trial court shall hold a hearing under Section 5-4-1 of the
19 Unified Code of Corrections which may include evidence of the
20 defendant's life, moral character and occupation during the
21 time since the original sentence was passed. The trial court
22 shall then impose sentence upon the defendant. The trial court
23 may impose any sentence which could have been imposed at the
24 original trial subject to Section 5-5-4 of the Unified Code of
25 Corrections. If a sentence is vacated on appeal or on
26 collateral attack due to the failure of the trier of fact at

1 trial to determine beyond a reasonable doubt the existence of a
2 fact (other than a prior conviction) necessary to increase the
3 punishment for the offense beyond the statutory maximum
4 otherwise applicable, either the defendant may be re-sentenced
5 to a term within the range otherwise provided or, if the State
6 files notice of its intention to again seek the extended
7 sentence, the defendant shall be afforded a new trial.

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

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

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

18 (B) the defendant is willing to participate in a
19 court approved plan including but not limited to the
20 defendant's:

21 (i) removal from the household;

22 (ii) restricted contact with the victim;

23 (iii) continued financial support of the
24 family;

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

26 and

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

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

10 Probation may be revoked or modified pursuant to Section
11 5-6-4; except where the court determines at the hearing that
12 the defendant violated a condition of his or her probation
13 restricting contact with the victim or other family members or
14 commits another offense with the victim or other family
15 members, the court shall revoke the defendant's probation and
16 impose a term of imprisonment.

17 For the purposes of this Section, "family member" and
18 "victim" shall have the meanings ascribed to them in Section
19 12-12 of the Criminal Code of 1961.

20 (f) (Blank).

21 (g) Whenever a defendant is convicted of an offense under
22 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
23 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
24 of the Criminal Code of 1961, the defendant shall undergo
25 medical testing to determine whether the defendant has any
26 sexually transmissible disease, including a test for infection

1 with human immunodeficiency virus (HIV) or any other identified
2 causative agent of acquired immunodeficiency syndrome (AIDS).
3 Any such medical test shall be performed only by appropriately
4 licensed medical practitioners and may include an analysis of
5 any bodily fluids as well as an examination of the defendant's
6 person. Except as otherwise provided by law, the results of
7 such test shall be kept strictly confidential by all medical
8 personnel involved in the testing and must be personally
9 delivered in a sealed envelope to the judge of the court in
10 which the conviction was entered for the judge's inspection in
11 camera. Acting in accordance with the best interests of the
12 victim and the public, the judge shall have the discretion to
13 determine to whom, if anyone, the results of the testing may be
14 revealed. The court shall notify the defendant of the test
15 results. The court shall also notify the victim if requested by
16 the victim, and if the victim is under the age of 15 and if
17 requested by the victim's parents or legal guardian, the court
18 shall notify the victim's parents or legal guardian of the test
19 results. The court shall provide information on the
20 availability of HIV testing and counseling at Department of
21 Public Health facilities to all parties to whom the results of
22 the testing are revealed and shall direct the State's Attorney
23 to provide the information to the victim when possible. A
24 State's Attorney may petition the court to obtain the results
25 of any HIV test administered under this Section, and the court
26 shall grant the disclosure if the State's Attorney shows it is

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

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

16 (h) Whenever a defendant is convicted of an offense under
17 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
18 defendant shall undergo medical testing to determine whether
19 the defendant has been exposed to human immunodeficiency virus
20 (HIV) or any other identified causative agent of acquired
21 immunodeficiency syndrome (AIDS). Except as otherwise provided
22 by law, the results of such test shall be kept strictly
23 confidential by all medical personnel involved in the testing
24 and must be personally delivered in a sealed envelope to the
25 judge of the court in which the conviction was entered for the
26 judge's inspection in camera. Acting in accordance with the

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

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

26 (j) In cases when prosecution for any violation of Section

1 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
3 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
4 Code of 1961, any violation of the Illinois Controlled
5 Substances Act, any violation of the Cannabis Control Act, or
6 any violation of the Methamphetamine Control and Community
7 Protection Act results in conviction, a disposition of court
8 supervision, or an order of probation granted under Section 10
9 of the Cannabis Control Act, Section 410 of the Illinois
10 Controlled Substance Act, or Section 70 of the Methamphetamine
11 Control and Community Protection Act of a defendant, the court
12 shall determine whether the defendant is employed by a facility
13 or center as defined under the Child Care Act of 1969, a public
14 or private elementary or secondary school, or otherwise works
15 with children under 18 years of age on a daily basis. When a
16 defendant is so employed, the court shall order the Clerk of
17 the Court to send a copy of the judgment of conviction or order
18 of supervision or probation to the defendant's employer by
19 certified mail. If the employer of the defendant is a school,
20 the Clerk of the Court shall direct the mailing of a copy of
21 the judgment of conviction or order of supervision or probation
22 to the appropriate regional superintendent of schools. The
23 regional superintendent of schools shall notify the State Board
24 of Education of any notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted
26 of a felony and who has not been previously convicted of a

1 misdemeanor or felony and who is sentenced to a term of
2 imprisonment in the Illinois Department of Corrections shall as
3 a condition of his or her sentence be required by the court to
4 attend educational courses designed to prepare the defendant
5 for a high school diploma and to work toward a high school
6 diploma or to work toward passing the high school level Test of
7 General Educational Development (GED) or to work toward
8 completing a vocational training program offered by the
9 Department of Corrections. If a defendant fails to complete the
10 educational training required by his or her sentence during the
11 term of incarceration, the Prisoner Review Board shall, as a
12 condition of mandatory supervised release, require the
13 defendant, at his or her own expense, to pursue a course of
14 study toward a high school diploma or passage of the GED test.
15 The Prisoner Review Board shall revoke the mandatory supervised
16 release of a defendant who wilfully fails to comply with this
17 subsection (j-5) upon his or her release from confinement in a
18 penal institution while serving a mandatory supervised release
19 term; however, the inability of the defendant after making a
20 good faith effort to obtain financial aid or pay for the
21 educational training shall not be deemed a wilful failure to
22 comply. The Prisoner Review Board shall recommit the defendant
23 whose mandatory supervised release term has been revoked under
24 this subsection (j-5) as provided in Section 3-3-9. This
25 subsection (j-5) does not apply to a defendant who has a high
26 school diploma or has successfully passed the GED test. This

1 subsection (j-5) does not apply to a defendant who is
2 determined by the court to be developmentally disabled or
3 otherwise mentally incapable of completing the educational or
4 vocational program.

5 (k) (Blank).

6 (l) (A) Except as provided in paragraph (C) of subsection
7 (l), whenever a defendant, who is an alien as defined by
8 the Immigration and Nationality Act, is convicted of any
9 felony or misdemeanor offense, the court after sentencing
10 the defendant may, upon motion of the State's Attorney,
11 hold sentence in abeyance and remand the defendant to the
12 custody of the Attorney General of the United States or his
13 or her designated agent to be deported when:

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

17 (2) the deportation of the defendant would not
18 deprecate the seriousness of the defendant's conduct
19 and would not be inconsistent with the ends of justice.

20 Otherwise, the defendant shall be sentenced as
21 provided in this Chapter V.

22 (B) If the defendant has already been sentenced for a
23 felony or misdemeanor offense, or has been placed on
24 probation under Section 10 of the Cannabis Control Act,
25 Section 410 of the Illinois Controlled Substances Act, or
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act, the court may, upon motion of the State's
2 Attorney to suspend the sentence imposed, commit the
3 defendant to the custody of the Attorney General of the
4 United States or his or her designated agent when:

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

8 (2) the deportation of the defendant would not
9 deprecate the seriousness of the defendant's conduct
10 and would not be inconsistent with the ends of justice.

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

14 (D) Upon motion of the State's Attorney, if a defendant
15 sentenced under this Section returns to the jurisdiction of
16 the United States, the defendant shall be recommitted to
17 the custody of the county from which he or she was
18 sentenced. Thereafter, the defendant shall be brought
19 before the sentencing court, which may impose any sentence
20 that was available under Section 5-5-3 at the time of
21 initial sentencing. In addition, the defendant shall not be
22 eligible for additional good conduct credit for
23 meritorious service as provided under Section 3-6-6.

24 (m) A person convicted of criminal defacement of property
25 under Section 21-1.3 of the Criminal Code of 1961, in which the
26 property damage exceeds \$300 and the property damaged is a

1 school building, shall be ordered to perform community service
2 that may include cleanup, removal, or painting over the
3 defacement.

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

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

17 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
18 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
19 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
20 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
21 eff. 12-3-09; 96-1200, eff. 7-22-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.