



Sen. Kwame Raoul

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1 AMENDMENT TO HOUSE BILL 3801

2 AMENDMENT NO. _____. Amend House Bill 3801 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Tobacco Accessories and Smoking Herbs
5 Control Act is amended by changing Sections 4 and 5 as follows:

6 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

7 Sec. 4. Offenses.

8 (a) Sale to minors. No person shall knowingly sell, barter,
9 exchange, deliver or give away or cause or permit or procure to
10 be sold, bartered, exchanged, delivered, or given away tobacco
11 accessories or smoking herbs to any person under 18 years of
12 age.

13 (a-5) Sale of bidi cigarettes. No person shall knowingly
14 sell, barter, exchange, deliver, or give away a bidi cigarette
15 to another person, nor shall a person cause or permit or
16 procure a bidi cigarette to be sold, bartered, exchanged,

1 delivered, or given away to another person.

2 (b) Sale of cigarette paper. No person shall knowingly
3 offer, sell, barter, exchange, deliver or give away cigarette
4 paper or cause, permit, or procure cigarette paper to be sold,
5 offered, bartered, exchanged, delivered, or given away except
6 from premises or an establishment where other tobacco products
7 are sold. For purposes of this Section, "tobacco products"
8 means cigarettes, cigars, smokeless tobacco, or tobacco in any
9 of its forms.

10 (b-5) Sale of flavored wrapping paper and wrapping leaf. A
11 person shall not knowingly sell, give away, barter, exchange,
12 or otherwise furnish to any person any wrapping paper or
13 wrapping leaf, however characterized, including, without
14 limitation, cigarette papers, blunt wraps, cigar wraps, or
15 tubes of paper or leaf, or any similar device, for the purpose
16 of making a roll of tobacco or herbs for smoking, that is or is
17 held out to be, impregnated, scented, or imbued with, or aged
18 or dipped in, a characterizing flavor including, without
19 limitation, alcoholic or liquor flavor, or both, chocolate,
20 fruit flavoring, vanilla, peanut butter, jelly, or any
21 combination of those flavors or similar child attractive scent
22 or flavor.

23 (c) Sale of cigarette paper from vending machines. No
24 person shall knowingly offer, sell, barter, exchange, deliver
25 or give away cigarette paper or cause, permit, or procure
26 cigarette paper to be sold, offered, bartered, exchanged,

1 delivered, or given away by use of a vending or coin-operated
2 machine or device. For purposes of this Section, "cigarette
3 paper" shall not include any paper that is incorporated into a
4 product to which a tax stamp must be affixed under the
5 Cigarette Tax Act or the Cigarette Use Tax Act.

6 (d) Use of identification cards. No person in the
7 furtherance or facilitation of obtaining smoking accessories
8 and smoking herbs shall display or use a false or forged
9 identification card or transfer, alter, or deface an
10 identification card.

11 (e) Warning to minors. Any person, firm, partnership,
12 company or corporation operating a place of business where
13 tobacco accessories and smoking herbs are sold or offered for
14 sale shall post in a conspicuous place upon the premises a sign
15 upon which there shall be imprinted the following statement,
16 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
17 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
18 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
19 printed on a white card in red letters at least one-half inch
20 in height.

21 (Source: P.A. 91-734, eff. 1-1-01.)

22 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

23 Sec. 5. Penalty.

24 (a) Any person who shall knowingly violate, or shall
25 knowingly cause the violation of any provision of this Act

1 other than subsection (a-5) or (b-5) of Section 4 shall be
2 guilty of a Class C misdemeanor.

3 (b) Any person who knowingly violates or knowingly causes
4 the violation of subsection (a-5) of Section 4 is guilty of a
5 petty offense for which the offender may be fined an amount as
6 follows:

7 (1) For a first offense, not less than \$100 and not
8 more than \$500.

9 (2) For a second offense within a 2-year period, not
10 less than \$250 and not more than \$500.

11 (3) For a third or subsequent offense within a 2-year
12 period, not less than \$500 and not more than \$1,000.

13 (c) Any person who knowingly violates or knowingly causes
14 the violation of subsection (b-5) of Section 4 is guilty of a
15 petty offense for which the offender shall be fined an amount
16 of not less than \$100 and not more than \$1,000.

17 (Source: P.A. 91-734, eff. 1-1-01.)

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

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

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

1 (2) A period of probation, a term of periodic
2 imprisonment or conditional discharge shall not be imposed
3 for the following offenses. The court shall sentence the
4 offender to not less than the minimum term of imprisonment
5 set forth in this Code for the following offenses, and may
6 order a fine or restitution or both in conjunction with
7 such term of imprisonment:

8 (A) First degree murder where the death penalty is
9 not imposed.

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

12 (D) A violation of Section 401.1 or 407 of the
13 Illinois Controlled Substances Act, or a violation of
14 subdivision ~~(c)(1)~~, (c)(1.5), or (c)(2) of Section 401
15 of that Act which relates to more than 5 grams of a
16 substance containing ~~heroin~~, cocaine, fentanyl, or an
17 analog thereof.

18 (D-5) A violation of subdivision (c)(1) of Section
19 401 of the Illinois Controlled Substances Act which
20 relates to 3 or more grams of a substance containing
21 heroin or an 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 as
18 described in Section 12-4.6 or subdivision (a)(4) of
19 Section 12-3.05.

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

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

1 association who do commit crimes.

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

6 (K) Vehicular hijacking.

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

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

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

17 (O) A violation of Section 12-6.1 or 12-6.5 of the
18 Criminal Code of 1961.

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

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

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

26 (S) (Blank).

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

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

10 (V) A violation of paragraph (4) of subsection (c)
11 of Section 11-20.1B or paragraph (4) of subsection (c)
12 of Section 11-20.3 of the Criminal Code of 1961.

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

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

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

20 (Z) A Class 1 felony committed while he or she was
21 serving a term of probation or conditional discharge
22 for a felony.

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

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

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

5 (DD) A conviction for aggravated assault under
6 paragraph (6) of subsection (c) of Section 12-2 of the
7 Criminal Code of 1961 if the firearm is aimed toward
8 the person against whom the firearm is being used.

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8)
16 of this subsection (c), a minimum of 100 hours of community
17 service shall be imposed for a second violation of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300
20 hours of community service, as determined by the court,
21 shall be imposed for a second violation of subsection (c)
22 of Section 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6),
24 and (4.9) of this subsection (c), a minimum term of
25 imprisonment of 30 days or 300 hours of community service,
26 as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois
2 Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall
4 be imposed for a third violation of subsection (c) of
5 Section 6-303 of the Illinois Vehicle Code.

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

11 (4.7) A minimum term of imprisonment of not less than
12 30 consecutive days, or 300 hours of community service,
13 shall be imposed for a violation of subsection (a-5) of
14 Section 6-303 of the Illinois Vehicle Code, as provided in
15 subsection (b-5) of that Section.

16 (4.8) A mandatory prison sentence shall be imposed for
17 a second violation of subsection (a-5) of Section 6-303 of
18 the Illinois Vehicle Code, as provided in subsection (c-5)
19 of that Section. The person's driving privileges shall be
20 revoked for a period of not less than 5 years from the date
21 of his or her release from prison.

22 (4.9) A mandatory prison sentence of not less than 4
23 and not more than 15 years shall be imposed for a third
24 violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (d-2.5) of
26 that Section. The person's driving privileges shall be

1 revoked for the remainder of his or her life.

2 (4.10) A mandatory prison sentence for a Class 1 felony
3 shall be imposed, and the person shall be eligible for an
4 extended term sentence, for a fourth or subsequent
5 violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (d-3.5) of
7 that Section. The person's driving privileges shall be
8 revoked for the remainder of his or her life.

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

11 (A) a period of conditional discharge;

12 (B) a fine;

13 (C) make restitution to the victim under Section
14 5-5-6 of this Code.

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

22 (5.2) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.3), a person convicted
24 of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's
26 license, permit, or privileges suspended for at least 180

1 days but not more than 2 years, if the violation resulted
2 in injury to another person.

3 (5.3) In addition to any other penalties imposed, a
4 person convicted of violating subsection (c) of Section
5 11-907 of the Illinois Vehicle Code shall have his or her
6 driver's license, permit, or privileges suspended for 2
7 years, if the violation resulted in the death of another
8 person.

9 (5.4) In addition to any other penalties imposed, a
10 person convicted of violating Section 3-707 of the Illinois
11 Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for 3 months and until he
13 or she has paid a reinstatement fee of \$100.

14 (5.5) In addition to any other penalties imposed, a
15 person convicted of violating Section 3-707 of the Illinois
16 Vehicle Code during a period in which his or her driver's
17 license, permit, or privileges were suspended for a
18 previous violation of that Section shall have his or her
19 driver's license, permit, or privileges suspended for an
20 additional 6 months after the expiration of the original
21 3-month suspension and until he or she has paid a
22 reinstatement fee of \$100.

23 (6) (Blank).

24 (7) (Blank).

25 (8) (Blank).

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to
2 a term of natural life imprisonment.

3 (10) (Blank).

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

21 (12) A person may not receive a disposition of court
22 supervision for a violation of Section 5-16 of the Boat
23 Registration and Safety Act if that person has previously
24 received a disposition of court supervision for a violation
25 of that Section.

26 (13) A person convicted of or placed on court

1 supervision for an assault or aggravated assault when the
2 victim and the offender are family or household members as
3 defined in Section 103 of the Illinois Domestic Violence
4 Act of 1986 or convicted of domestic battery or aggravated
5 domestic battery may be required to attend a Partner Abuse
6 Intervention Program under protocols set forth by the
7 Illinois Department of Human Services under such terms and
8 conditions imposed by the court. The costs of such classes
9 shall be paid by the offender.

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

1 sentence, the defendant shall be afforded a new trial.

2 (e) In cases where prosecution for aggravated criminal
3 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
4 Code of 1961 results in conviction of a defendant who was a
5 family member of the victim at the time of the commission of
6 the offense, the court shall consider the safety and welfare of
7 the victim and may impose a sentence of probation only where:

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

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

12 (B) the defendant is willing to participate in a
13 court approved plan including but not limited to the
14 defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the
18 family;

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

20 and

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

23 (2) the court orders the defendant to pay for the
24 victim's counseling services, to the extent that the court
25 finds, after considering the defendant's income and
26 assets, that the defendant is financially capable of paying

1 for such services, if the victim was under 18 years of age
2 at the time the offense was committed and requires
3 counseling as a result of the offense.

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

11 For the purposes of this Section, "family member" and
12 "victim" shall have the meanings ascribed to them in Section
13 11-0.1 of the Criminal Code of 1961.

14 (f) (Blank).

15 (g) Whenever a defendant is convicted of an offense under
16 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
17 11-14.3, 11-14.4 except for an offense that involves keeping a
18 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
19 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
20 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
21 defendant shall undergo medical testing to determine whether
22 the defendant has any sexually transmissible disease,
23 including a test for infection with human immunodeficiency
24 virus (HIV) or any other identified causative agent of acquired
25 immunodeficiency syndrome (AIDS). Any such medical test shall
26 be performed only by appropriately licensed medical

1 practitioners and may include an analysis of any bodily fluids
2 as well as an examination of the defendant's person. Except as
3 otherwise provided by law, the results of such test shall be
4 kept strictly confidential by all medical personnel involved in
5 the testing and must be personally delivered in a sealed
6 envelope to the judge of the court in which the conviction was
7 entered for the judge's inspection in camera. Acting in
8 accordance with the best interests of the victim and the
9 public, the judge shall have the discretion to determine to
10 whom, if anyone, the results of the testing may be revealed.
11 The court shall notify the defendant of the test results. The
12 court shall also notify the victim if requested by the victim,
13 and if the victim is under the age of 15 and if requested by the
14 victim's parents or legal guardian, the court shall notify the
15 victim's parents or legal guardian of the test results. The
16 court shall provide information on the availability of HIV
17 testing and counseling at Department of Public Health
18 facilities to all parties to whom the results of the testing
19 are revealed and shall direct the State's Attorney to provide
20 the information to the victim when possible. A State's Attorney
21 may petition the court to obtain the results of any HIV test
22 administered under this Section, and the court shall grant the
23 disclosure if the State's Attorney shows it is relevant in
24 order to prosecute a charge of criminal transmission of HIV
25 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
26 against the defendant. The court shall order that the cost of

1 any such test shall be paid by the county and may be taxed as
2 costs against the convicted defendant.

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

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

1 of a positive test showing an infection with the human
2 immunodeficiency virus (HIV). The court shall provide
3 information on the availability of HIV testing and counseling
4 at Department of Public Health facilities to all parties to
5 whom the results of the testing are revealed and shall direct
6 the State's Attorney to provide the information to the victim
7 when possible. A State's Attorney may petition the court to
8 obtain the results of any HIV test administered under this
9 Section, and the court shall grant the disclosure if the
10 State's Attorney shows it is relevant in order to prosecute a
11 charge of criminal transmission of HIV under Section 12-5.01 or
12 12-16.2 of the Criminal Code of 1961 against the defendant. The
13 court shall order that the cost of any such test shall be paid
14 by the county and may be taxed as costs against the convicted
15 defendant.

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

23 (j) In cases when prosecution for any violation of Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
25 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
2 12-15, or 12-16 of the Criminal Code of 1961, any violation of
3 the Illinois Controlled Substances Act, any violation of the
4 Cannabis Control Act, or any violation of the Methamphetamine
5 Control and Community Protection Act results in conviction, a
6 disposition of court supervision, or an order of probation
7 granted under Section 10 of the Cannabis Control Act, Section
8 410 of the Illinois Controlled Substance Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act of a
10 defendant, the court shall determine whether the defendant is
11 employed by a facility or center as defined under the Child
12 Care Act of 1969, a public or private elementary or secondary
13 school, or otherwise works with children under 18 years of age
14 on a daily basis. When a defendant is so employed, the court
15 shall order the Clerk of the Court to send a copy of the
16 judgment of conviction or order of supervision or probation to
17 the defendant's employer by certified mail. If the employer of
18 the defendant is a school, the Clerk of the Court shall direct
19 the mailing of a copy of the judgment of conviction or order of
20 supervision or probation to the appropriate regional
21 superintendent of schools. The regional superintendent of
22 schools shall notify the State Board of Education of any
23 notification under this subsection.

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

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

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational or
3 vocational program.

4 (k) (Blank).

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

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

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

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

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

1 Attorney to suspend the sentence imposed, commit the
2 defendant to the custody of the Attorney General of the
3 United States or his or her designated agent when:

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

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

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

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

23 (m) A person convicted of criminal defacement of property
24 under Section 21-1.3 of the Criminal Code of 1961, in which the
25 property damage exceeds \$300 and the property damaged is a
26 school building, shall be ordered to perform community service

1 that may include cleanup, removal, or painting over the
2 defacement.

3 (n) The court may sentence a person convicted of a
4 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
5 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
6 of 1961 (i) to an impact incarceration program if the person is
7 otherwise eligible for that program under Section 5-8-1.1, (ii)
8 to community service, or (iii) if the person is an addict or
9 alcoholic, as defined in the Alcoholism and Other Drug Abuse
10 and Dependency Act, to a substance or alcohol abuse program
11 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. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
18 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
19 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
20 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
21 97-159, eff. 7-21-11; revised 9-14-11.)

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