



Sen. David S. Luechtefeld

**Filed: 5/25/2012**

09700HB3801sam004

LRB097 21732 JWD 70192 a

1 AMENDMENT TO HOUSE BILL 3801

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3801, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

8 Sec. 4. Offenses.

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

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

1 procure a bidi cigarette to be sold, bartered, exchanged,  
2 delivered, or given away to another person.

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

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

24 (b-10) Sale of flavored cigars. A person shall not  
25 knowingly sell, give away, barter, exchange, or otherwise  
26 furnish to any person any cigar that is, or is held out to be,

1 impregnated, scented, or imbibed with, or aged or dipped in, a  
2 characterizing flavor, other than tobacco, including, without  
3 limitation, alcoholic or liquor flavor, or both, chocolate,  
4 fruit flavoring, vanilla, peanut butter, jelly, or any  
5 combination of those flavors or similar child attractive scent  
6 or flavor.

7 (c) Sale of cigarette paper from vending machines. No  
8 person shall knowingly offer, sell, barter, exchange, deliver  
9 or give away cigarette paper or cause, permit, or procure  
10 cigarette paper to be sold, offered, bartered, exchanged,  
11 delivered, or given away by use of a vending or coin-operated  
12 machine or device. For purposes of this Section, "cigarette  
13 paper" shall not include any paper that is incorporated into a  
14 product to which a tax stamp must be affixed under the  
15 Cigarette Tax Act or the Cigarette Use Tax Act.

16 (d) Use of identification cards. No person in the  
17 furtherance or facilitation of obtaining smoking accessories  
18 and smoking herbs shall display or use a false or forged  
19 identification card or transfer, alter, or deface an  
20 identification card.

21 (e) Warning to minors. Any person, firm, partnership,  
22 company or corporation operating a place of business where  
23 tobacco accessories and smoking herbs are sold or offered for  
24 sale shall post in a conspicuous place upon the premises a sign  
25 upon which there shall be imprinted the following statement,  
26 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER

1 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO  
2 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be  
3 printed on a white card in red letters at least one-half inch  
4 in height.

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

6 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

7 Sec. 5. Penalty.

8 (a) Any person who shall knowingly violate, or shall  
9 knowingly cause the violation of any provision of this Act  
10 other than subsection (a-5), (b-5) or (b-10) of Section 4 shall  
11 be guilty of a Class C misdemeanor.

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

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

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

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

22 (c) Any person who knowingly violates or knowingly causes  
23 the violation of subsection (b-5) or (b-10) of Section 4 is  
24 guilty of a petty offense for which the offender shall be fined  
25 an amount of not less than \$100 and not more than \$1,000.

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

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

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

5 Sec. 5-5-3. Disposition.

6 (a) (Blank).

7 (b) (Blank).

8 (c) (1) (Blank).

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

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

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

1 analog thereof.

2 (D-5) A violation of subdivision (c) (1) of Section  
3 401 of the Illinois Controlled Substances Act which  
4 relates to 3 or more grams of a substance containing  
5 heroin or an analog thereof.

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

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

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

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

26 (H) Criminal sexual assault.

1 (I) Aggravated battery of a senior citizen as  
2 described in Section 12-4.6 or subdivision (a)(4) of  
3 Section 12-3.05.

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

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

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

16 (K) Vehicular hijacking.

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

21 (M) A second or subsequent conviction for the  
22 offense of institutional vandalism if the damage to the  
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of  
25 subsection (a) of Section 2 of the Firearm Owners  
26 Identification Card Act.

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

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

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

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

10          (S) (Blank).

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

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

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

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

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



1           (Y) A conviction for unlawful possession of a  
2           firearm by a street gang member when the firearm was  
3           loaded or contained firearm ammunition.

4           (Z) A Class 1 felony committed while he or she was  
5           serving a term of probation or conditional discharge  
6           for a felony.

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

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

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

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

19          (3) (Blank).

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

24          (4.1) (Blank).

25          (4.2) Except as provided in paragraphs (4.3) and (4.8)  
26          of this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court,  
5 shall be imposed for a second violation of subsection (c)  
6 of Section 6-303 of the Illinois Vehicle Code.

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

13 (4.5) A minimum term of imprisonment of 30 days shall  
14 be imposed for a third violation of subsection (c) of  
15 Section 6-303 of the Illinois Vehicle Code.

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

21 (4.7) A minimum term of imprisonment of not less than  
22 30 consecutive days, or 300 hours of community service,  
23 shall be imposed for a violation of subsection (a-5) of  
24 Section 6-303 of the Illinois Vehicle Code, as provided in  
25 subsection (b-5) of that Section.

26 (4.8) A mandatory prison sentence shall be imposed for

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

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

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

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

21 (A) a period of conditional discharge;

22 (B) a fine;

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

25 (5.1) In addition to any other penalties imposed, and  
26 except as provided in paragraph (5.2) or (5.3), a person

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

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

13 (5.3) In addition to any other penalties imposed, a  
14 person convicted of violating subsection (c) of Section  
15 11-907 of the Illinois Vehicle Code shall have his or her  
16 driver's license, permit, or privileges suspended for 2  
17 years, if the violation resulted in the death of another  
18 person.

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

24 (5.5) In addition to any other penalties imposed, a  
25 person convicted of violating Section 3-707 of the Illinois  
26 Vehicle Code during a period in which his or her driver's

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

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

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

13 (10) (Blank).

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

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

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

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

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

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

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

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

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

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

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

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

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

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

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

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

21 For the purposes of this Section, "family member" and  
22 "victim" shall have the meanings ascribed to them in Section  
23 11-0.1 of the Criminal Code of 1961.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under  
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,



1 11-14.3, 11-14.4 except for an offense that involves keeping a  
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
5 defendant shall undergo medical testing to determine whether  
6 the defendant has any sexually transmissible disease,  
7 including a test for infection with human immunodeficiency  
8 virus (HIV) or any other identified causative agent of acquired  
9 immunodeficiency syndrome (AIDS). Any such medical test shall  
10 be performed only by appropriately licensed medical  
11 practitioners and may include an analysis of any bodily fluids  
12 as well as an examination of the defendant's person. Except as  
13 otherwise provided by law, the results of such test shall be  
14 kept strictly confidential by all medical personnel involved in  
15 the testing and must be personally delivered in a sealed  
16 envelope to the judge of the court in which the conviction was  
17 entered for the judge's inspection in camera. Acting in  
18 accordance with the best interests of the victim and the  
19 public, the judge shall have the discretion to determine to  
20 whom, if anyone, the results of the testing may be revealed.  
21 The court shall notify the defendant of the test results. The  
22 court shall also notify the victim if requested by the victim,  
23 and if the victim is under the age of 15 and if requested by the  
24 victim's parents or legal guardian, the court shall notify the  
25 victim's parents or legal guardian of the test results. The  
26 court shall provide information on the availability of HIV

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

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

23 (h) Whenever a defendant is convicted of an offense under  
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
25 defendant shall undergo medical testing to determine whether  
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired  
2 immunodeficiency syndrome (AIDS). Except as otherwise provided  
3 by law, the results of such test shall be kept strictly  
4 confidential by all medical personnel involved in the testing  
5 and must be personally delivered in a sealed envelope to the  
6 judge of the court in which the conviction was entered for the  
7 judge's inspection in camera. Acting in accordance with the  
8 best interests of the public, the judge shall have the  
9 discretion to determine to whom, if anyone, the results of the  
10 testing may be revealed. The court shall notify the defendant  
11 of a positive test showing an infection with the human  
12 immunodeficiency virus (HIV). The court shall provide  
13 information on the availability of HIV testing and counseling  
14 at Department of Public Health facilities to all parties to  
15 whom the results of the testing are revealed and shall direct  
16 the State's Attorney to provide the information to the victim  
17 when possible. A State's Attorney may petition the court to  
18 obtain the results of any HIV test administered under this  
19 Section, and the court shall grant the disclosure if the  
20 State's Attorney shows it is relevant in order to prosecute a  
21 charge of criminal transmission of HIV under Section 12-5.01 or  
22 12-16.2 of the Criminal Code of 1961 against the defendant. The  
23 court shall order that the cost of any such test shall be paid  
24 by the county and may be taxed as costs against the convicted  
25 defendant.

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
2 Vehicle Code, or a similar provision of a local ordinance, and  
3 any violation of the Child Passenger Protection Act, or a  
4 similar provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under Section 27.5  
6 of the Clerks of Courts Act.

7 (j) In cases when prosecution for any violation of Section  
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
11 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
12 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
13 the Illinois Controlled Substances Act, any violation of the  
14 Cannabis Control Act, or any violation of the Methamphetamine  
15 Control and Community Protection Act results in conviction, a  
16 disposition of court supervision, or an order of probation  
17 granted under Section 10 of the Cannabis Control Act, Section  
18 410 of the Illinois Controlled Substance Act, or Section 70 of  
19 the Methamphetamine Control and Community Protection Act of a  
20 defendant, the court shall determine whether the defendant is  
21 employed by a facility or center as defined under the Child  
22 Care Act of 1969, a public or private elementary or secondary  
23 school, or otherwise works with children under 18 years of age  
24 on a daily basis. When a defendant is so employed, the court  
25 shall order the Clerk of the Court to send a copy of the  
26 judgment of conviction or order of supervision or probation to

1 the defendant's employer by certified mail. If the employer of  
2 the defendant is a school, the Clerk of the Court shall direct  
3 the mailing of a copy of the judgment of conviction or order of  
4 supervision or probation to the appropriate regional  
5 superintendent of schools. The regional superintendent of  
6 schools shall notify the State Board of Education of any  
7 notification under this subsection.

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

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

14 (k) (Blank).

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

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

26 (2) the deportation of the defendant would not

1           deprecate the seriousness of the defendant's conduct  
2           and would not be inconsistent with the ends of justice.  
3           Otherwise, the defendant shall be sentenced as  
4           provided in this Chapter V.

5           (B) If the defendant has already been sentenced for a  
6           felony or misdemeanor offense, or has been placed on  
7           probation under Section 10 of the Cannabis Control Act,  
8           Section 410 of the Illinois Controlled Substances Act, or  
9           Section 70 of the Methamphetamine Control and Community  
10          Protection Act, the court may, upon motion of the State's  
11          Attorney to suspend the sentence imposed, commit the  
12          defendant to the custody of the Attorney General of the  
13          United States or his or her designated agent 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           (C) This subsection (1) does not apply to offenders who  
21           are subject to the provisions of paragraph (2) of  
22           subsection (a) of Section 3-6-3.

23           (D) Upon motion of the State's Attorney, if a defendant  
24           sentenced under this Section returns to the jurisdiction of  
25           the United States, the defendant shall be recommitted to  
26           the custody of the county from which he or she was

1 sentenced. Thereafter, the defendant shall be brought  
2 before the sentencing court, which may impose any sentence  
3 that was available under Section 5-5-3 at the time of  
4 initial sentencing. In addition, the defendant shall not be  
5 eligible for additional good conduct credit for  
6 meritorious service as provided under Section 3-6-6.

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

13 (n) The court may sentence a person convicted of a  
14 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
15 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
16 of 1961 (i) to an impact incarceration program if the person is  
17 otherwise eligible for that program under Section 5-8-1.1, (ii)  
18 to community service, or (iii) if the person is an addict or  
19 alcoholic, as defined in the Alcoholism and Other Drug Abuse  
20 and Dependency Act, to a substance or alcohol abuse program  
21 licensed under that Act.

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



1 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
2 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
3 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
4 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
5 97-159, eff. 7-21-11; revised 9-14-11.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".