



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2265

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-1.6	
720 ILCS 5/24-1.8	
720 ILCS 5/24-11 new	
730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3

Amends the Criminal Code of 2012. Enhances the penalties for certain violations of the statutes concerning unlawful use of weapons, unlawful use or possession of weapons by felons, aggravated unlawful use of a weapon, and unlawful possession of a firearm by a street gang member. Provides that each circuit court shall transmit to every local law enforcement agency located within the circuit, on a quarterly basis, the disposition of all cases involving violations of the Deadly Weapons Article of the Code within the previous quarter. Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for certain unlawful use of weapons violations, unlawful use or possession of a weapon by felons, aggravated unlawful use of a weapon, or unlawful possession of a firearm by a street gang member shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Effective immediately.

LRB098 10588 RLC 40850 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 Criminal Code of 2012 is amended by changing
5 Sections 24-1, 24-1.1, 24-1.6, and 24-1.8 and by adding Section
6 24-11 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful Use of Weapons.

9 (a) A person commits the offense of unlawful use of weapons
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or
12 carries any bludgeon, black-jack, slung-shot, sand-club,
13 sand-bag, metal knuckles or other knuckle weapon
14 regardless of its composition, throwing star, or any knife,
15 commonly referred to as a switchblade knife, which has a
16 blade that opens automatically by hand pressure applied to
17 a button, spring or other device in the handle of the
18 knife, or a ballistic knife, which is a device that propels
19 a knifelike blade as a projectile by means of a coil
20 spring, elastic material or compressed gas; or

21 (2) Carries or possesses with intent to use the same
22 unlawfully against another, a dagger, dirk, billy,
23 dangerous knife, razor, stiletto, broken bottle or other

1 piece of glass, stun gun or taser or any other dangerous or
2 deadly weapon or instrument of like character; or

3 (3) Carries on or about his person or in any vehicle, a
4 tear gas gun projector or bomb or any object containing
5 noxious liquid gas or substance, other than an object
6 containing a non-lethal noxious liquid gas or substance
7 designed solely for personal defense carried by a person 18
8 years of age or older; or

9 (4) Carries or possesses in any vehicle or concealed on
10 or about his person except when on his land or in his own
11 abode, legal dwelling, or fixed place of business, or on
12 the land or in the legal dwelling of another person as an
13 invitee with that person's permission, any pistol,
14 revolver, stun gun or taser or other firearm, except that
15 this subsection (a) (4) does not apply to or affect
16 transportation of weapons that meet one of the following
17 conditions:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who has been issued a currently valid Firearm
23 Owner's Identification Card; or

24 (5) Sets a spring gun; or

25 (6) Possesses any device or attachment of any kind
26 designed, used or intended for use in silencing the report

1 of any firearm; or

2 (7) Sells, manufactures, purchases, possesses or
3 carries:

4 (i) a machine gun, which shall be defined for the
5 purposes of this subsection as any weapon, which
6 shoots, is designed to shoot, or can be readily
7 restored to shoot, automatically more than one shot
8 without manually reloading by a single function of the
9 trigger, including the frame or receiver of any such
10 weapon, or sells, manufactures, purchases, possesses,
11 or carries any combination of parts designed or
12 intended for use in converting any weapon into a
13 machine gun, or any combination or parts from which a
14 machine gun can be assembled if such parts are in the
15 possession or under the control of a person;

16 (ii) any rifle having one or more barrels less than
17 16 inches in length or a shotgun having one or more
18 barrels less than 18 inches in length or any weapon
19 made from a rifle or shotgun, whether by alteration,
20 modification, or otherwise, if such a weapon as
21 modified has an overall length of less than 26 inches;
22 or

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

2 (8) Carries or possesses any firearm, stun gun or taser
3 or other deadly weapon in any place which is licensed to
4 sell intoxicating beverages, or at any public gathering
5 held pursuant to a license issued by any governmental body
6 or any public gathering at which an admission is charged,
7 excluding a place where a showing, demonstration or lecture
8 involving the exhibition of unloaded firearms is
9 conducted.

10 This subsection (a) (8) does not apply to any auction or
11 raffle of a firearm held pursuant to a license or permit
12 issued by a governmental body, nor does it apply to persons
13 engaged in firearm safety training courses; or

14 (9) Carries or possesses in a vehicle or on or about
15 his person any pistol, revolver, stun gun or taser or
16 firearm or ballistic knife, when he is hooded, robed or
17 masked in such manner as to conceal his identity; or

18 (10) Carries or possesses on or about his person, upon
19 any public street, alley, or other public lands within the
20 corporate limits of a city, village or incorporated town,
21 except when an invitee thereon or therein, for the purpose
22 of the display of such weapon or the lawful commerce in
23 weapons, or except when on his land or in his own abode,
24 legal dwelling, or fixed place of business, or on the land
25 or in the legal dwelling of another person as an invitee
26 with that person's permission, any pistol, revolver, stun

1 gun or taser or other firearm, except that this subsection
2 (a) (10) does not apply to or affect transportation of
3 weapons that meet one of the following conditions:

4 (i) are broken down in a non-functioning state; or

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
7 carrying box, shipping box, or other container by a
8 person who has been issued a currently valid Firearm
9 Owner's Identification Card.

10 A "stun gun or taser", as used in this paragraph (a)
11 means (i) any device which is powered by electrical
12 charging units, such as, batteries, and which fires one or
13 several barbs attached to a length of wire and which, upon
14 hitting a human, can send out a current capable of
15 disrupting the person's nervous system in such a manner as
16 to render him incapable of normal functioning or (ii) any
17 device which is powered by electrical charging units, such
18 as batteries, and which, upon contact with a human or
19 clothing worn by a human, can send out current capable of
20 disrupting the person's nervous system in such a manner as
21 to render him incapable of normal functioning; or

22 (11) Sells, manufactures or purchases any explosive
23 bullet. For purposes of this paragraph (a) "explosive
24 bullet" means the projectile portion of an ammunition
25 cartridge which contains or carries an explosive charge
26 which will explode upon contact with the flesh of a human

1 or an animal. "Cartridge" means a tubular metal case having
2 a projectile affixed at the front thereof and a cap or
3 primer at the rear end thereof, with the propellant
4 contained in such tube between the projectile and the cap;
5 or

6 (12) (Blank); or

7 (13) Carries or possesses on or about his or her person
8 while in a building occupied by a unit of government, a
9 billy club, other weapon of like character, or other
10 instrument of like character intended for use as a weapon.
11 For the purposes of this Section, "billy club" means a
12 short stick or club commonly carried by police officers
13 which is either telescopic or constructed of a solid piece
14 of wood or other man-made material.

15 (b) Sentence. A person convicted of a violation of
16 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
17 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
18 Class A misdemeanor. A person convicted of a violation of
19 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
20 person convicted of a violation of subsection 24-1(a)(6) or
21 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
22 convicted of a violation of subsection 24-1(a)(7)(i) commits a
23 Class 2 felony and shall be sentenced to a term of imprisonment
24 of not less than 3 years and not more than 7 years, unless the
25 weapon is possessed in the passenger compartment of a motor
26 vehicle as defined in Section 1-146 of the Illinois Vehicle

1 Code, or on the person, while the weapon is loaded, in which
2 case it shall be a Class X felony. A person convicted of a
3 second or subsequent violation of subsection ~~24-1(a)(4),~~
4 24-1(a)(8) or, 24-1(a)(9), ~~or 24-1(a)(10)~~ commits a Class 3
5 felony. A person convicted of a second or subsequent violation
6 of subsection 24-1(a)(4) or 24-1(a)(10) commits a Class 3
7 felony and shall be sentenced to a term of imprisonment of not
8 less than 3 years and not more than 10 years. The possession of
9 each weapon in violation of this Section constitutes a single
10 and separate violation.

11 (c) Violations in specific places.

12 (1) A person who violates subsection 24-1(a)(6) or
13 24-1(a)(7) in any school, regardless of the time of day or
14 the time of year, in residential property owned, operated
15 or managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on the real
18 property comprising any school, regardless of the time of
19 day or the time of year, on residential property owned,
20 operated or managed by a public housing agency or leased by
21 a public housing agency as part of a scattered site or
22 mixed-income development, on the real property comprising
23 any public park, on the real property comprising any
24 courthouse, in any conveyance owned, leased or contracted
25 by a school to transport students to or from school or a
26 school related activity, in any conveyance owned, leased,

1 or contracted by a public transportation agency, or on any
2 public way within 1,000 feet of the real property
3 comprising any school, public park, courthouse, public
4 transportation facility, or residential property owned,
5 operated, or managed by a public housing agency or leased
6 by a public housing agency as part of a scattered site or
7 mixed-income development commits a Class 2 felony and shall
8 be sentenced to a term of imprisonment of not less than 3
9 years and not more than 7 years.

10 (1.5) A person who violates subsection 24-1(a)(4),
11 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
12 time of day or the time of year, in residential property
13 owned, operated, or managed by a public housing agency or
14 leased by a public housing agency as part of a scattered
15 site or mixed-income development, in a public park, in a
16 courthouse, on the real property comprising any school,
17 regardless of the time of day or the time of year, on
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development, on
21 the real property comprising any public park, on the real
22 property comprising any courthouse, in any conveyance
23 owned, leased, or contracted by a school to transport
24 students to or from school or a school related activity, in
25 any conveyance owned, leased, or contracted by a public
26 transportation agency, or on any public way within 1,000

1 feet of the real property comprising any school, public
2 park, courthouse, public transportation facility, or
3 residential property owned, operated, or managed by a
4 public housing agency or leased by a public housing agency
5 as part of a scattered site or mixed-income development
6 commits a Class 3 felony.

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
9 time of day or the time of year, in residential property
10 owned, operated or managed by a public housing agency or
11 leased by a public housing agency as part of a scattered
12 site or mixed-income development, in a public park, in a
13 courthouse, on the real property comprising any school,
14 regardless of the time of day or the time of year, on
15 residential property owned, operated or managed by a public
16 housing agency or leased by a public housing agency as part
17 of a scattered site or mixed-income development, on the
18 real property comprising any public park, on the real
19 property comprising any courthouse, in any conveyance
20 owned, leased or contracted by a school to transport
21 students to or from school or a school related activity, in
22 any conveyance owned, leased, or contracted by a public
23 transportation agency, or on any public way within 1,000
24 feet of the real property comprising any school, public
25 park, courthouse, public transportation facility, or
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development
3 commits a Class 4 felony. "Courthouse" means any building
4 that is used by the Circuit, Appellate, or Supreme Court of
5 this State for the conduct of official business.

6 (3) Paragraphs (1), (1.5), and (2) of this subsection
7 (c) shall not apply to law enforcement officers or security
8 officers of such school, college, or university or to
9 students carrying or possessing firearms for use in
10 training courses, parades, hunting, target shooting on
11 school ranges, or otherwise with the consent of school
12 authorities and which firearms are transported unloaded
13 enclosed in a suitable case, box, or transportation
14 package.

15 (4) For the purposes of this subsection (c), "school"
16 means any public or private elementary or secondary school,
17 community college, college, or university.

18 (5) For the purposes of this subsection (c), "public
19 transportation agency" means a public or private agency
20 that provides for the transportation or conveyance of
21 persons by means available to the general public, except
22 for transportation by automobiles not used for conveyance
23 of the general public as passengers; and "public
24 transportation facility" means a terminal or other place
25 where one may obtain public transportation.

26 (d) The presence in an automobile other than a public

1 omnibus of any weapon, instrument or substance referred to in
2 subsection (a) (7) is prima facie evidence that it is in the
3 possession of, and is being carried by, all persons occupying
4 such automobile at the time such weapon, instrument or
5 substance is found, except under the following circumstances:

6 (i) if such weapon, instrument or instrumentality is found upon
7 the person of one of the occupants therein; or (ii) if such
8 weapon, instrument or substance is found in an automobile
9 operated for hire by a duly licensed driver in the due, lawful
10 and proper pursuit of his trade, then such presumption shall
11 not apply to the driver.

12 (e) Exemptions. Crossbows, Common or Compound bows and
13 Underwater Spearguns are exempted from the definition of
14 ballistic knife as defined in paragraph (1) of subsection (a)
15 of this Section.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
17 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
18 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

19 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

20 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
21 Felons or Persons in the Custody of the Department of
22 Corrections Facilities.

23 (a) It is unlawful for a person to knowingly possess on or
24 about his person or on his land or in his own abode or fixed
25 place of business any weapon prohibited under Section 24-1 of

1 this Act or any firearm or any firearm ammunition if the person
2 has been convicted of a felony under the laws of this State or
3 any other jurisdiction. This Section shall not apply if the
4 person has been granted relief by the Director of the
5 Department of State Police under Section 10 of the Firearm
6 Owners Identification Card Act.

7 (b) It is unlawful for any person confined in a penal
8 institution, which is a facility of the Illinois Department of
9 Corrections, to possess any weapon prohibited under Section
10 24-1 of this Code or any firearm or firearm ammunition,
11 regardless of the intent with which he possesses it.

12 (c) It shall be an affirmative defense to a violation of
13 subsection (b), that such possession was specifically
14 authorized by rule, regulation, or directive of the Illinois
15 Department of Corrections or order issued pursuant thereto.

16 (d) The defense of necessity is not available to a person
17 who is charged with a violation of subsection (b) of this
18 Section.

19 (e) Sentence. Violation of this Section by a person not
20 confined in a penal institution shall be a Class 3 felony for
21 which the person shall be sentenced to no less than 4 ~~2~~ years
22 and no more than 10 years and any second or subsequent
23 violation shall be a Class 2 felony for which the person shall
24 be sentenced to a term of imprisonment of not less than 5 ~~3~~
25 years and not more than 14 years. Violation of this Section by
26 a person not confined in a penal institution who has been

1 convicted of a forcible felony, a felony violation of Article
2 24 of this Code or of the Firearm Owners Identification Card
3 Act, stalking or aggravated stalking, or a Class 2 or greater
4 felony under the Illinois Controlled Substances Act, the
5 Cannabis Control Act, or the Methamphetamine Control and
6 Community Protection Act is a Class 2 felony for which the
7 person shall be sentenced to not less than 3 years and not more
8 than 14 years. Violation of this Section by a person who is on
9 parole or mandatory supervised release is a Class 2 felony for
10 which the person shall be sentenced to not less than 5 ~~3~~ years
11 and not more than 14 years. Violation of this Section by a
12 person not confined in a penal institution is a Class X felony
13 when the firearm possessed is a machine gun. Any person who
14 violates this Section while confined in a penal institution,
15 which is a facility of the Illinois Department of Corrections,
16 is guilty of a Class 1 felony, if he possesses any weapon
17 prohibited under Section 24-1 of this Code regardless of the
18 intent with which he possesses it, a Class X felony if he
19 possesses any firearm, firearm ammunition or explosive, and a
20 Class X felony for which the offender shall be sentenced to not
21 less than 12 years and not more than 50 years when the firearm
22 possessed is a machine gun. A violation of this Section while
23 wearing or in possession of body armor as defined in Section
24 33F-1 is a Class X felony punishable by a term of imprisonment
25 of not less than 10 years and not more than 40 years. The
26 possession of each firearm or firearm ammunition in violation

1 of this Section constitutes a single and separate violation.

2 (Source: P.A. 97-237, eff. 1-1-12.)

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful use
6 of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any
8 vehicle or concealed on or about his or her person except
9 when on his or her land or in his or her abode, legal
10 dwelling, or fixed place of business, or on the land or in
11 the legal dwelling of another person as an invitee with
12 that person's permission, any pistol, revolver, stun gun or
13 taser or other firearm; or

14 (2) Carries or possesses on or about his or her person,
15 upon any public street, alley, or other public lands within
16 the corporate limits of a city, village or incorporated
17 town, except when an invitee thereon or therein, for the
18 purpose of the display of such weapon or the lawful
19 commerce in weapons, or except when on his or her own land
20 or in his or her own abode, legal dwelling, or fixed place
21 of business, or on the land or in the legal dwelling of
22 another person as an invitee with that person's permission,
23 any pistol, revolver, stun gun or taser or other firearm;
24 and

25 (3) One of the following factors is present:

1 (A) the firearm possessed was uncased, loaded and
2 immediately accessible at the time of the offense; or

3 (B) the firearm possessed was uncased, unloaded
4 and the ammunition for the weapon was immediately
5 accessible at the time of the offense; or

6 (C) the person possessing the firearm has not been
7 issued a currently valid Firearm Owner's
8 Identification Card; or

9 (D) the person possessing the weapon was
10 previously adjudicated a delinquent minor under the
11 Juvenile Court Act of 1987 for an act that if committed
12 by an adult would be a felony; or

13 (E) the person possessing the weapon was engaged in
14 a misdemeanor violation of the Cannabis Control Act, in
15 a misdemeanor violation of the Illinois Controlled
16 Substances Act, or in a misdemeanor violation of the
17 Methamphetamine Control and Community Protection Act;
18 or

19 (F) (blank); or

20 (G) the person possessing the weapon had a order of
21 protection issued against him or her within the
22 previous 2 years; or

23 (H) the person possessing the weapon was engaged in
24 the commission or attempted commission of a
25 misdemeanor involving the use or threat of violence
26 against the person or property of another; or

1 (I) the person possessing the weapon was under 21
2 years of age and in possession of a handgun as defined
3 in Section 24-3, unless the person under 21 is engaged
4 in lawful activities under the Wildlife Code or
5 described in subsection 24-2(b)(1), (b)(3), or
6 24-2(f).

7 (b) "Stun gun or taser" as used in this Section has the
8 same definition given to it in Section 24-1 of this Code.

9 (c) This Section does not apply to or affect the
10 transportation or possession of weapons that:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container by a
15 person who has been issued a currently valid Firearm
16 Owner's Identification Card.

17 (d) Sentence.

18 (1) Aggravated unlawful use of a weapon is a Class 3 ~~4~~
19 felony for which the person shall be sentenced to a term of
20 imprisonment of not less 3 and not more than 7 years; a
21 second or subsequent offense is a Class 2 felony for which
22 the person shall be sentenced to a term of imprisonment of
23 not less than 5 ~~3~~ years and not more than 10 ~~7~~ years.

24 (2) Except as otherwise provided in paragraphs (3) and
25 (4) of this subsection (d), a first offense of aggravated
26 unlawful use of a weapon committed with a firearm by a

1 person 18 years of age or older where the factors listed in
2 both items (A) and (C) of paragraph (3) of subsection (a)
3 are present is a Class 3 ~~4~~ felony, for which the person
4 shall be sentenced to a term of imprisonment of not less
5 than ~~one year and not more than 3 years~~ and not more than 7
6 years.

7 (3) Aggravated unlawful use of a weapon by a person who
8 has been previously convicted of a felony in this State or
9 another jurisdiction is a Class 2 felony for which the
10 person shall be sentenced to a term of imprisonment of not
11 less than 3 years and not more than 7 years.

12 (4) Aggravated unlawful use of a weapon while wearing
13 or in possession of body armor as defined in Section 33F-1
14 by a person who has not been issued a valid Firearms
15 Owner's Identification Card in accordance with Section 5 of
16 the Firearm Owners Identification Card Act is a Class X
17 felony.

18 (e) The possession of each firearm in violation of this
19 Section constitutes a single and separate violation.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
21 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

22 (720 ILCS 5/24-1.8)

23 Sec. 24-1.8. Unlawful possession of a firearm by a street
24 gang member.

25 (a) A person commits unlawful possession of a firearm by a

1 street gang member when he or she knowingly:

2 (1) possesses, carries, or conceals on or about his or
3 her person a firearm and firearm ammunition while on any
4 street, road, alley, gangway, sidewalk, or any other lands,
5 except when inside his or her own abode or inside his or
6 her fixed place of business, and has not been issued a
7 currently valid Firearm Owner's Identification Card and is
8 a member of a street gang; or

9 (2) possesses or carries in any vehicle a firearm and
10 firearm ammunition which are both immediately accessible
11 at the time of the offense while on any street, road,
12 alley, or any other lands, except when inside his or her
13 own abode or garage, and has not been issued a currently
14 valid Firearm Owner's Identification Card and is a member
15 of a street gang.

16 (b) Unlawful possession of a firearm by a street gang
17 member is a Class 2 felony for which the person, if sentenced
18 to a term of imprisonment, shall be sentenced to no less than 4
19 ~~3~~ years and no more than 10 years. A period of probation, a
20 term of periodic imprisonment or conditional discharge shall
21 not be imposed for the offense of unlawful possession of a
22 firearm by a street gang member when the firearm was loaded or
23 contained firearm ammunition and the court shall sentence the
24 offender to not less than the minimum term of imprisonment
25 authorized for the Class 2 felony.

26 (c) For purposes of this Section:

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

4 "Street gang member" or "gang member" has the meaning
5 ascribed to it in Section 10 of the Illinois Streetgang
6 Terrorism Omnibus Prevention Act.

7 (Source: P.A. 96-829, eff. 12-3-09.)

8 (720 ILCS 5/24-11 new)

9 Sec. 24-11. Deadly weapons dispositions; report. Each
10 circuit court shall transmit to every local law enforcement
11 agency located within the circuit, on a quarterly basis, the
12 disposition of all cases involving violations of this Article
13 24 within the previous quarter.

14 Section 10. The Unified Code of Corrections is amended by
15 changing Sections 3-6-3 and 5-5-3 as follows:

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

17 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

18 (a) (1) The Department of Corrections shall prescribe
19 rules and regulations for awarding and revoking sentence
20 credit for persons committed to the Department which shall
21 be subject to review by the Prisoner Review Board.

22 (1.5) As otherwise provided by law, sentence credit may
23 be awarded for the following:

1 (A) successful completion of programming while in
2 custody of the Department or while in custody prior to
3 sentencing;

4 (B) compliance with the rules and regulations of
5 the Department; or

6 (C) service to the institution, service to a
7 community, or service to the State.

8 (2) The rules and regulations on sentence credit shall
9 provide, with respect to offenses listed in clause (i),
10 (ii), or (iii) of this paragraph (2) committed on or after
11 June 19, 1998 or with respect to the offense listed in
12 clause (iv) of this paragraph (2) committed on or after
13 June 23, 2005 (the effective date of Public Act 94-71) or
14 with respect to offense listed in clause (vi) committed on
15 or after June 1, 2008 (the effective date of Public Act
16 95-625) or with respect to the offense of being an armed
17 habitual criminal committed on or after August 2, 2005 (the
18 effective date of Public Act 94-398) or with respect to the
19 offenses listed in clause (v) of this paragraph (2)
20 committed on or after August 13, 2007 (the effective date
21 of Public Act 95-134) or with respect to the offense of
22 aggravated domestic battery committed on or after July 23,
23 2010 (the effective date of Public Act 96-1224) or with
24 respect to the offense of attempt to commit terrorism
25 committed on or after January 1, 2013 (the effective date
26 of Public Act 97-990) or with respect to offenses listed in

1 clause (viii) committed on or after the effective date of
2 this amendatory Act of the 98th General Assembly, the
3 following:

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

8 (ii) that a prisoner serving a sentence for attempt
9 to commit terrorism, attempt to commit first degree
10 murder, solicitation of murder, solicitation of murder
11 for hire, intentional homicide of an unborn child,
12 predatory criminal sexual assault of a child,
13 aggravated criminal sexual assault, criminal sexual
14 assault, aggravated kidnapping, aggravated battery
15 with a firearm as described in Section 12-4.2 or
16 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
17 Section 12-3.05, heinous battery as described in
18 Section 12-4.1 or subdivision (a)(2) of Section
19 12-3.05, being an armed habitual criminal, aggravated
20 battery of a senior citizen as described in Section
21 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
22 aggravated battery of a child as described in Section
23 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
24 receive no more than 4.5 days of sentence credit for
25 each month of his or her sentence of imprisonment;

26 (iii) that a prisoner serving a sentence for home

1 invasion, armed robbery, aggravated vehicular
2 hijacking, aggravated discharge of a firearm, or armed
3 violence with a category I weapon or category II
4 weapon, when the court has made and entered a finding,
5 pursuant to subsection (c-1) of Section 5-4-1 of this
6 Code, that the conduct leading to conviction for the
7 enumerated offense resulted in great bodily harm to a
8 victim, shall receive no more than 4.5 days of sentence
9 credit for each month of his or her sentence of
10 imprisonment;

11 (iv) that a prisoner serving a sentence for
12 aggravated discharge of a firearm, whether or not the
13 conduct leading to conviction for the offense resulted
14 in great bodily harm to the victim, shall receive no
15 more than 4.5 days of sentence credit for each month of
16 his or her sentence of imprisonment;

17 (v) that a person serving a sentence for
18 gunrunning, narcotics racketeering, controlled
19 substance trafficking, methamphetamine trafficking,
20 drug-induced homicide, aggravated
21 methamphetamine-related child endangerment, money
22 laundering pursuant to clause (c) (4) or (5) of Section
23 29B-1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, or a Class X felony conviction for delivery of
25 a controlled substance, possession of a controlled
26 substance with intent to manufacture or deliver,

1 calculated criminal drug conspiracy, criminal drug
2 conspiracy, street gang criminal drug conspiracy,
3 participation in methamphetamine manufacturing,
4 aggravated participation in methamphetamine
5 manufacturing, delivery of methamphetamine, possession
6 with intent to deliver methamphetamine, aggravated
7 delivery of methamphetamine, aggravated possession
8 with intent to deliver methamphetamine,
9 methamphetamine conspiracy when the substance
10 containing the controlled substance or methamphetamine
11 is 100 grams or more shall receive no more than 7.5
12 days sentence credit for each month of his or her
13 sentence of imprisonment;

14 (vi) that a prisoner serving a sentence for a
15 second or subsequent offense of luring a minor shall
16 receive no more than 4.5 days of sentence credit for
17 each month of his or her sentence of imprisonment; ~~and~~

18 (vii) that a prisoner serving a sentence for
19 aggravated domestic battery shall receive no more than
20 4.5 days of sentence credit for each month of his or
21 her sentence of imprisonment; and

22 (viii) that a prisoner serving a sentence for a
23 violation of Section 24-1.1, 24-1.6, or 24-1.8 or
24 subsection 24-1(a)(4) or 24-1(a)(10) of the Criminal
25 Code of 2012 shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence

1 of imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or
5 after June 23, 2005 (the effective date of Public Act
6 94-71) or subdivision (a)(2)(v) committed on or after
7 August 13, 2007 (the effective date of Public Act 95-134)
8 or subdivision (a)(2)(vi) committed on or after June 1,
9 2008 (the effective date of Public Act 95-625) or
10 subdivision (a)(2)(vii) committed on or after July 23, 2010
11 (the effective date of Public Act 96-1224), and other than
12 the offense of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code, and other than
17 the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (C) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code committed on or
22 after January 1, 2011 (the effective date of Public Act
23 96-1230), the rules and regulations shall provide that a
24 prisoner who is serving a term of imprisonment shall
25 receive one day of sentence credit for each day of his or
26 her sentence of imprisonment or recommitment under Section

1 3-3-9. Each day of sentence credit shall reduce by one day
2 the prisoner's period of imprisonment or recommitment
3 under Section 3-3-9.

4 (2.2) A prisoner serving a term of natural life
5 imprisonment or a prisoner who has been sentenced to death
6 shall receive no sentence credit.

7 (2.3) The rules and regulations on sentence credit
8 shall provide that a prisoner who is serving a sentence for
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof as defined in subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of the
13 Illinois Vehicle Code, shall receive no more than 4.5 days
14 of sentence credit for each month of his or her sentence of
15 imprisonment.

16 (2.4) The rules and regulations on sentence credit
17 shall provide with respect to the offenses of aggravated
18 battery with a machine gun or a firearm equipped with any
19 device or attachment designed or used for silencing the
20 report of a firearm or aggravated discharge of a machine
21 gun or a firearm equipped with any device or attachment
22 designed or used for silencing the report of a firearm,
23 committed on or after July 15, 1999 (the effective date of
24 Public Act 91-121), that a prisoner serving a sentence for
25 any of these offenses shall receive no more than 4.5 days
26 of sentence credit for each month of his or her sentence of

1 imprisonment.

2 (2.5) The rules and regulations on sentence credit
3 shall provide that a prisoner who is serving a sentence for
4 aggravated arson committed on or after July 27, 2001 (the
5 effective date of Public Act 92-176) shall receive no more
6 than 4.5 days of sentence credit for each month of his or
7 her sentence of imprisonment.

8 (2.6) The rules and regulations on sentence credit
9 shall provide that a prisoner who is serving a sentence for
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds or any
12 combination thereof as defined in subparagraph (C) of
13 paragraph (1) of subsection (d) of Section 11-501 of the
14 Illinois Vehicle Code committed on or after January 1, 2011
15 (the effective date of Public Act 96-1230) shall receive no
16 more than 4.5 days of sentence credit for each month of his
17 or her sentence of imprisonment.

18 (3) The rules and regulations shall also provide that
19 the Director may award up to 180 days additional sentence
20 credit for good conduct in specific instances as the
21 Director deems proper. The good conduct may include, but is
22 not limited to, compliance with the rules and regulations
23 of the Department, service to the Department, service to a
24 community, or service to the State. However, the Director
25 shall not award more than 90 days of sentence credit for
26 good conduct to any prisoner who is serving a sentence for

1 conviction of first degree murder, reckless homicide while
2 under the influence of alcohol or any other drug, or
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof as defined in subparagraph (F) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
8 predatory criminal sexual assault of a child, aggravated
9 criminal sexual assault, criminal sexual assault, deviate
10 sexual assault, aggravated criminal sexual abuse,
11 aggravated indecent liberties with a child, indecent
12 liberties with a child, child pornography, heinous battery
13 as described in Section 12-4.1 or subdivision (a)(2) of
14 Section 12-3.05, aggravated battery of a spouse,
15 aggravated battery of a spouse with a firearm, stalking,
16 aggravated stalking, aggravated battery of a child as
17 described in Section 12-4.3 or subdivision (b)(1) of
18 Section 12-3.05, endangering the life or health of a child,
19 or cruelty to a child. Notwithstanding the foregoing,
20 sentence credit for good conduct shall not be awarded on a
21 sentence of imprisonment imposed for conviction of: (i) one
22 of the offenses enumerated in subdivision (a)(2)(i), (ii),
23 or (iii) when the offense is committed on or after June 19,
24 1998 or subdivision (a)(2)(iv) when the offense is
25 committed on or after June 23, 2005 (the effective date of
26 Public Act 94-71) or subdivision (a)(2)(v) when the offense

1 is committed on or after August 13, 2007 (the effective
2 date of Public Act 95-134) or subdivision (a)(2)(vi) when
3 the offense is committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) or subdivision
5 (a)(2)(vii) when the offense is committed on or after July
6 23, 2010 (the effective date of Public Act 96-1224), (ii)
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, (iii) one of the offenses enumerated
12 in subdivision (a)(2.4) when the offense is committed on or
13 after July 15, 1999 (the effective date of Public Act
14 91-121), (iv) aggravated arson when the offense is
15 committed on or after July 27, 2001 (the effective date of
16 Public Act 92-176), (v) offenses that may subject the
17 offender to commitment under the Sexually Violent Persons
18 Commitment Act, or (vi) aggravated driving under the
19 influence of alcohol, other drug or drugs, or intoxicating
20 compound or compounds or any combination thereof as defined
21 in subparagraph (C) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code committed on or
23 after January 1, 2011 (the effective date of Public Act
24 96-1230).

25 Eligible inmates for an award of sentence credit under this
26 paragraph (3) may be selected to receive the credit at the

1 Director's or his or her designee's sole discretion.
2 Consideration may be based on, but not limited to, any
3 available risk assessment analysis on the inmate, any history
4 of conviction for violent crimes as defined by the Rights of
5 Crime Victims and Witnesses Act, facts and circumstances of the
6 inmate's holding offense or offenses, and the potential for
7 rehabilitation.

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

- 15 (A) is eligible for the sentence credit;
- 16 (B) has served a minimum of 60 days, or as close to
17 60 days as the sentence will allow; and
- 18 (C) has met the eligibility criteria established
19 by rule.

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

22 (3.5) The Department shall provide annual written
23 reports to the Governor and the General Assembly on the
24 award of sentence credit for good conduct, with the first
25 report due January 1, 2014. The Department must publish
26 both reports on its website within 48 hours of transmitting

1 the reports to the Governor and the General Assembly. The
2 reports must include:

3 (A) the number of inmates awarded sentence credit
4 for good conduct;

5 (B) the average amount of sentence credit for good
6 conduct awarded;

7 (C) the holding offenses of inmates awarded
8 sentence credit for good conduct; and

9 (D) the number of sentence credit for good conduct
10 revocations.

11 (4) The rules and regulations shall also provide that
12 the sentence credit accumulated and retained under
13 paragraph (2.1) of subsection (a) of this Section by any
14 inmate during specific periods of time in which such inmate
15 is engaged full-time in substance abuse programs,
16 correctional industry assignments, educational programs,
17 behavior modification programs, life skills courses, or
18 re-entry planning provided by the Department under this
19 paragraph (4) and satisfactorily completes the assigned
20 program as determined by the standards of the Department,
21 shall be multiplied by a factor of 1.25 for program
22 participation before August 11, 1993 and 1.50 for program
23 participation on or after that date. The rules and
24 regulations shall also provide that sentence credit,
25 subject to the same offense limits and multiplier provided
26 in this paragraph, may be provided to an inmate who was

1 held in pre-trial detention prior to his or her current
2 commitment to the Department of Corrections and
3 successfully completed a full-time, 60-day or longer
4 substance abuse program, educational program, behavior
5 modification program, life skills course, or re-entry
6 planning provided by the county department of corrections
7 or county jail. Calculation of this county program credit
8 shall be done at sentencing as provided in Section
9 5-4.5-100 of this Code and shall be included in the
10 sentencing order. However, no inmate shall be eligible for
11 the additional sentence credit under this paragraph (4) or
12 (4.1) of this subsection (a) while assigned to a boot camp
13 or electronic detention, or if convicted of an offense
14 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
15 Section that is committed on or after June 19, 1998 or
16 subdivision (a)(2)(iv) of this Section that is committed on
17 or after June 23, 2005 (the effective date of Public Act
18 94-71) or subdivision (a)(2)(v) of this Section that is
19 committed on or after August 13, 2007 (the effective date
20 of Public Act 95-134) or subdivision (a)(2)(vi) when the
21 offense is committed on or after June 1, 2008 (the
22 effective date of Public Act 95-625) or subdivision
23 (a)(2)(vii) when the offense is committed on or after July
24 23, 2010 (the effective date of Public Act 96-1224), or if
25 convicted of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code, or if
4 convicted of aggravated driving under the influence of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds or any combination thereof as defined in
7 subparagraph (C) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code committed on or
9 after January 1, 2011 (the effective date of Public Act
10 96-1230), or if convicted of an offense enumerated in
11 paragraph (a) (2.4) of this Section that is committed on or
12 after July 15, 1999 (the effective date of Public Act
13 91-121), or first degree murder, a Class X felony, criminal
14 sexual assault, felony criminal sexual abuse, aggravated
15 criminal sexual abuse, aggravated battery with a firearm as
16 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
17 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
18 successor offenses with the same or substantially the same
19 elements, or any inchoate offenses relating to the
20 foregoing offenses. No inmate shall be eligible for the
21 additional good conduct credit under this paragraph (4) who
22 (i) has previously received increased good conduct credit
23 under this paragraph (4) and has subsequently been
24 convicted of a felony, or (ii) has previously served more
25 than one prior sentence of imprisonment for a felony in an
26 adult correctional facility.

1 Educational, vocational, substance abuse, behavior
2 modification programs, life skills courses, re-entry
3 planning, and correctional industry programs under which
4 sentence credit may be increased under this paragraph (4)
5 and paragraph (4.1) of this subsection (a) shall be
6 evaluated by the Department on the basis of documented
7 standards. The Department shall report the results of these
8 evaluations to the Governor and the General Assembly by
9 September 30th of each year. The reports shall include data
10 relating to the recidivism rate among program
11 participants.

12 Availability of these programs shall be subject to the
13 limits of fiscal resources appropriated by the General
14 Assembly for these purposes. Eligible inmates who are
15 denied immediate admission shall be placed on a waiting
16 list under criteria established by the Department. The
17 inability of any inmate to become engaged in any such
18 programs by reason of insufficient program resources or for
19 any other reason established under the rules and
20 regulations of the Department shall not be deemed a cause
21 of action under which the Department or any employee or
22 agent of the Department shall be liable for damages to the
23 inmate.

24 (4.1) The rules and regulations shall also provide that
25 an additional 60 days of sentence credit shall be awarded
26 to any prisoner who passes the high school level Test of

1 General Educational Development (GED) while the prisoner
2 is committed to the Department of Corrections. The sentence
3 credit awarded under this paragraph (4.1) shall be in
4 addition to, and shall not affect, the award of sentence
5 credit under any other paragraph of this Section, but shall
6 also be pursuant to the guidelines and restrictions set
7 forth in paragraph (4) of subsection (a) of this Section.
8 The sentence credit provided for in this paragraph shall be
9 available only to those prisoners who have not previously
10 earned a high school diploma or a GED. If, after an award
11 of the GED sentence credit has been made and the Department
12 determines that the prisoner was not eligible, then the
13 award shall be revoked. The Department may also award 60
14 days of sentence credit to any committed person who passed
15 the high school level Test of General Educational
16 Development (GED) while he or she was held in pre-trial
17 detention prior to the current commitment to the Department
18 of Corrections.

19 (4.5) The rules and regulations on sentence credit
20 shall also provide that when the court's sentencing order
21 recommends a prisoner for substance abuse treatment and the
22 crime was committed on or after September 1, 2003 (the
23 effective date of Public Act 93-354), the prisoner shall
24 receive no sentence credit awarded under clause (3) of this
25 subsection (a) unless he or she participates in and
26 completes a substance abuse treatment program. The

1 Director may waive the requirement to participate in or
2 complete a substance abuse treatment program and award the
3 sentence credit in specific instances if the prisoner is
4 not a good candidate for a substance abuse treatment
5 program for medical, programming, or operational reasons.
6 Availability of substance abuse treatment shall be subject
7 to the limits of fiscal resources appropriated by the
8 General Assembly for these purposes. If treatment is not
9 available and the requirement to participate and complete
10 the treatment has not been waived by the Director, the
11 prisoner shall be placed on a waiting list under criteria
12 established by the Department. The Director may allow a
13 prisoner placed on a waiting list to participate in and
14 complete a substance abuse education class or attend
15 substance abuse self-help meetings in lieu of a substance
16 abuse treatment program. A prisoner on a waiting list who
17 is not placed in a substance abuse program prior to release
18 may be eligible for a waiver and receive sentence credit
19 under clause (3) of this subsection (a) at the discretion
20 of the Director.

21 (4.6) The rules and regulations on sentence credit
22 shall also provide that a prisoner who has been convicted
23 of a sex offense as defined in Section 2 of the Sex
24 Offender Registration Act shall receive no sentence credit
25 unless he or she either has successfully completed or is
26 participating in sex offender treatment as defined by the

1 Sex Offender Management Board. However, prisoners who are
2 waiting to receive treatment, but who are unable to do so
3 due solely to the lack of resources on the part of the
4 Department, may, at the Director's sole discretion, be
5 awarded sentence credit at a rate as the Director shall
6 determine.

7 (5) Whenever the Department is to release any inmate
8 earlier than it otherwise would because of a grant of
9 sentence credit for good conduct under paragraph (3) of
10 subsection (a) of this Section given at any time during the
11 term, the Department shall give reasonable notice of the
12 impending release not less than 14 days prior to the date
13 of the release to the State's Attorney of the county where
14 the prosecution of the inmate took place, and if
15 applicable, the State's Attorney of the county into which
16 the inmate will be released. The Department must also make
17 identification information and a recent photo of the inmate
18 being released accessible on the Internet by means of a
19 hyperlink labeled "Community Notification of Inmate Early
20 Release" on the Department's World Wide Web homepage. The
21 identification information shall include the inmate's:
22 name, any known alias, date of birth, physical
23 characteristics, residence address, commitment offense and
24 county where conviction was imposed. The identification
25 information shall be placed on the website within 3 days of
26 the inmate's release and the information may not be removed

1 until either: completion of the first year of mandatory
2 supervised release or return of the inmate to custody of
3 the Department.

4 (b) Whenever a person is or has been committed under
5 several convictions, with separate sentences, the sentences
6 shall be construed under Section 5-8-4 in granting and
7 forfeiting of sentence credit.

8 (c) The Department shall prescribe rules and regulations
9 for revoking sentence credit, including revoking sentence
10 credit awarded for good conduct under paragraph (3) of
11 subsection (a) of this Section. The Department shall prescribe
12 rules and regulations for suspending or reducing the rate of
13 accumulation of sentence credit for specific rule violations,
14 during imprisonment. These rules and regulations shall provide
15 that no inmate may be penalized more than one year of sentence
16 credit for any one infraction.

17 When the Department seeks to revoke, suspend or reduce the
18 rate of accumulation of any sentence credits for an alleged
19 infraction of its rules, it shall bring charges therefor
20 against the prisoner sought to be so deprived of sentence
21 credits before the Prisoner Review Board as provided in
22 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
23 amount of credit at issue exceeds 30 days or when during any 12
24 month period, the cumulative amount of credit revoked exceeds
25 30 days except where the infraction is committed or discovered
26 within 60 days of scheduled release. In those cases, the

1 Department of Corrections may revoke up to 30 days of sentence
2 credit. The Board may subsequently approve the revocation of
3 additional sentence credit, if the Department seeks to revoke
4 sentence credit in excess of 30 days. However, the Board shall
5 not be empowered to review the Department's decision with
6 respect to the loss of 30 days of sentence credit within any
7 calendar year for any prisoner or to increase any penalty
8 beyond the length requested by the Department.

9 The Director of the Department of Corrections, in
10 appropriate cases, may restore up to 30 days of sentence
11 credits which have been revoked, suspended or reduced. Any
12 restoration of sentence credits in excess of 30 days shall be
13 subject to review by the Prisoner Review Board. However, the
14 Board may not restore sentence credit in excess of the amount
15 requested by the Director.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of sentence credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of sentence credit by bringing
2 charges against the prisoner sought to be deprived of the
3 sentence credits before the Prisoner Review Board as provided
4 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
5 prisoner has not accumulated 180 days of sentence credit at the
6 time of the finding, then the Prisoner Review Board may revoke
7 all sentence credit accumulated by the prisoner.

8 For purposes of this subsection (d):

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

13 (A) it lacks an arguable basis either in law or in
14 fact;

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

18 (C) the claims, defenses, and other legal
19 contentions therein are not warranted by existing law
20 or by a nonfrivolous argument for the extension,
21 modification, or reversal of existing law or the
22 establishment of new law;

23 (D) the allegations and other factual contentions
24 do not have evidentiary support or, if specifically so
25 identified, are not likely to have evidentiary support
26 after a reasonable opportunity for further

1 investigation or discovery; or

2 (E) the denials of factual contentions are not
3 warranted on the evidence, or if specifically so
4 identified, are not reasonably based on a lack of
5 information or belief.

6 (2) "Lawsuit" means a motion pursuant to Section 116-3
7 of the Code of Criminal Procedure of 1963, a habeas corpus
8 action under Article X of the Code of Civil Procedure or
9 under federal law (28 U.S.C. 2254), a petition for claim
10 under the Court of Claims Act, an action under the federal
11 Civil Rights Act (42 U.S.C. 1983), or a second or
12 subsequent petition for post-conviction relief under
13 Article 122 of the Code of Criminal Procedure of 1963
14 whether filed with or without leave of court or a second or
15 subsequent petition for relief from judgment under Section
16 2-1401 of the Code of Civil Procedure.

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

19 (f) Whenever the Department is to release any inmate who
20 has been convicted of a violation of an order of protection
21 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, earlier than it otherwise would
23 because of a grant of sentence credit, the Department, as a
24 condition of release, shall require that the person, upon
25 release, be placed under electronic surveillance as provided in
26 Section 5-8A-7 of this Code.

1 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
2 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
3 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
4 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
5 97-1150, eff. 1-25-13.)

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
24 subdivision (c)(1.5) or (c)(2) of Section 401 of that
25 Act which relates to more than 5 grams of a substance

1 containing cocaine, fentanyl, or an 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, or 24-1.8 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 for which imprisonment is
23 prescribed in those Sections.

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

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as
3 described in Section 12-4.6 or subdivision (a)(4) of
4 Section 12-3.05 of the Criminal Code of 1961 or the
5 Criminal Code of 2012.

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

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

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

18 (K) Vehicular hijacking.

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

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

26 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners
2 Identification Card Act.

3 (O) A violation of Section 12-6.1 or 12-6.5 of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (P) A violation of paragraph (1), (2), (3), (4),
6 (5), or (7) of subsection (a) of Section 11-20.1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 (Q) A violation of subsection (b) or (b-5) of
9 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012.

11 (R) A violation of Section 24-3A of the Criminal
12 Code of 1961 or the Criminal Code of 2012.

13 (S) (Blank).

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

16 (U) A second or subsequent violation of Section
17 6-303 of the Illinois Vehicle Code committed while his
18 or her driver's license, permit, or privilege was
19 revoked because of a violation of Section 9-3 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 relating to the offense of reckless homicide, or a
22 similar provision of a law of another state.

23 (V) A violation of paragraph (4) of subsection (c)
24 of Section 11-20.1B or paragraph (4) of subsection (c)
25 of Section 11-20.3 of the Criminal Code of 1961, or
26 paragraph (6) of subsection (a) of Section 11-20.1 of

1 the Criminal Code of 2012 when the victim is under 13
2 years of age and the defendant has previously been
3 convicted under the laws of this State or any other
4 state of the offense of child pornography, aggravated
5 child pornography, aggravated criminal sexual abuse,
6 aggravated criminal sexual assault, predatory criminal
7 sexual assault of a child, or any of the offenses
8 formerly known as rape, deviate sexual assault,
9 indecent liberties with a child, or aggravated
10 indecent liberties with a child where the victim was
11 under the age of 18 years or an offense that is
12 substantially equivalent to those offenses.

13 (W) A violation of Section 24-3.5 of the Criminal
14 Code of 1961 or the Criminal Code of 2012.

15 (X) A violation of subsection (a) of Section 31-1a
16 of the Criminal Code of 1961 or the Criminal Code of
17 2012.

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

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

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

26 (BB) Laundering of criminally derived property of

1 a value exceeding \$500,000.

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

6 (DD) A conviction for aggravated assault under
7 paragraph (6) of subsection (c) of Section 12-2 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 if
9 the firearm is aimed toward the person against whom the
10 firearm is being used.

11 (3) (Blank).

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

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8)
18 of this subsection (c), a minimum of 100 hours of community
19 service shall be imposed for a second violation of Section
20 6-303 of the Illinois Vehicle Code.

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

25 (4.4) Except as provided in paragraphs (4.5), (4.6),
26 and (4.9) of this subsection (c), a minimum term of

1 imprisonment of 30 days or 300 hours of community service,
2 as determined by the court, shall be imposed for a third or
3 subsequent violation of Section 6-303 of the Illinois
4 Vehicle Code.

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

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

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

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

24 (4.9) A mandatory prison sentence of not less than 4
25 and not more than 15 years shall be imposed for a third
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-2.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section
16 5-5-6 of this Code.

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

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted
26 of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's
2 license, permit, or privileges suspended for at least 180
3 days but not more than 2 years, if the violation resulted
4 in injury to another person.

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

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

16 (5.5) In addition to any other penalties imposed, a
17 person convicted of violating Section 3-707 of the Illinois
18 Vehicle Code during a period in which his or her driver's
19 license, permit, or privileges were suspended for a
20 previous violation of that Section shall have his or her
21 driver's license, permit, or privileges suspended for an
22 additional 6 months after the expiration of the original
23 3-month suspension and until he or she has paid a
24 reinstatement fee of \$100.

25 (6) (Blank).

26 (7) (Blank).

1 (8) (Blank).

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

5 (10) (Blank).

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

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

1 of that Section.

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

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

1 to a term within the range otherwise provided or, if the State
2 files notice of its intention to again seek the extended
3 sentence, the defendant shall be afforded a new trial.

4 (e) In cases where prosecution for aggravated criminal
5 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 results in conviction
7 of a defendant who was a family member of the victim at the
8 time of the commission of the offense, the court shall consider
9 the safety and welfare of the victim and may impose a sentence
10 of probation only where:

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

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

15 (B) the defendant is willing to participate in a
16 court approved plan including but not limited to the
17 defendant's:

18 (i) removal from the household;

19 (ii) restricted contact with the victim;

20 (iii) continued financial support of the
21 family;

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

23 and

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

26 (2) the court orders the defendant to pay for the

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

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

14 For the purposes of this Section, "family member" and
15 "victim" shall have the meanings ascribed to them in Section
16 11-0.1 of the Criminal Code of 2012.

17 (f) (Blank).

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
20 11-14.3, 11-14.4 except for an offense that involves keeping a
21 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
22 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
23 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, the defendant shall undergo medical
25 testing to determine whether the defendant has any sexually
26 transmissible disease, including a test for infection with

1 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 12-5.01 or 12-16.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 against the
4 defendant. The court shall order that the cost of any such test
5 shall be paid by the county and may be taxed as costs against
6 the convicted defendant.

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

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

1 judge's inspection in camera. Acting in accordance with the
2 best interests of the public, the judge shall have the
3 discretion to determine to whom, if anyone, the results of the
4 testing may be revealed. The court shall notify the defendant
5 of a positive test showing an infection with the human
6 immunodeficiency virus (HIV). The court shall provide
7 information on the availability of HIV testing and counseling
8 at Department of Public Health facilities to all parties to
9 whom the results of the testing are revealed and shall direct
10 the State's Attorney to provide the information to the victim
11 when possible. A State's Attorney may petition the court to
12 obtain the results of any HIV test administered under this
13 Section, and the court shall grant the disclosure if the
14 State's Attorney shows it is relevant in order to prosecute a
15 charge of criminal transmission of HIV under Section 12-5.01 or
16 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
17 2012 against the defendant. The court shall order that the cost
18 of any such test shall be paid by the county and may be taxed as
19 costs against the convicted defendant.

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

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substance Act, or Section 70 of the Methamphetamine
14 Control and Community Protection Act of a defendant, the court
15 shall determine whether the defendant is employed by a facility
16 or center as defined under the Child Care Act of 1969, a public
17 or private elementary or secondary school, or otherwise works
18 with children under 18 years of age on a daily basis. When a
19 defendant is so employed, the court shall order the Clerk of
20 the Court to send a copy of the judgment of conviction or order
21 of supervision or probation to the defendant's employer by
22 certified mail. If the employer of the defendant is a school,
23 the Clerk of the Court shall direct the mailing of a copy of
24 the judgment of conviction or order of supervision or probation
25 to the appropriate regional superintendent of schools. The
26 regional superintendent of schools shall notify the State Board

1 of Education of any notification under this subsection.

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

1 this subsection (j-5) as provided in Section 3-3-9. This
2 subsection (j-5) does not apply to a defendant who has a high
3 school diploma or has successfully passed the GED test. This
4 subsection (j-5) does not apply to a defendant who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational or
7 vocational program.

8 (k) (Blank).

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

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

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

23 Otherwise, the defendant shall be sentenced as
24 provided in this Chapter V.

25 (B) If the defendant has already been sentenced for a
26 felony or misdemeanor offense, or has been placed on

1 probation under Section 10 of the Cannabis Control Act,
2 Section 410 of the Illinois Controlled Substances Act, or
3 Section 70 of the Methamphetamine Control and Community
4 Protection Act, the court may, upon motion of the State's
5 Attorney to suspend the sentence imposed, commit the
6 defendant to the custody of the Attorney General of the
7 United States or his or her designated agent when:

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

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct
13 and would not be inconsistent with the ends of justice.

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

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

1 (m) A person convicted of criminal defacement of property
2 under Section 21-1.3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, in which the property damage exceeds
4 \$300 and the property damaged is a school building, shall be
5 ordered to perform community service that may include cleanup,
6 removal, or painting over the defacement.

7 (n) The court may sentence a person convicted of a
8 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012 (i) to an impact
11 incarceration program if the person is otherwise eligible for
12 that program under Section 5-8-1.1, (ii) to community service,
13 or (iii) if the person is an addict or alcoholic, as defined in
14 the Alcoholism and Other Drug Abuse and Dependency Act, to a
15 substance or alcohol abuse program licensed under that Act.

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

21 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
22 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
23 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
24 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
25 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
26 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,

1 eff. 1-25-13.)

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