



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0353

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Creates 2 separate offenses of unlawful use or possession of weapons by felons and unlawful use or possession of weapons by persons in the custody of the Department of Corrections facilities. Establishes penalties. Changes the penalties for aggravated unlawful use of a weapon. Provides that a sentence of county impact incarceration is not authorized for aggravated unlawful use of a weapon or for unlawful possession of a firearm by a street gang member. Provides that unlawful possession of a firearm by a street gang member is a Class 2 felony for which the person shall (rather than may) be sentenced to 4 (rather than 3) years and no more than 10 years. Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for certain unlawful use or possession of weapons by felons violations shall receive no more than 7.5 days of sentence credit for each month of his or her sentence of imprisonment; and that a prisoner serving a sentence for unlawful possession of a firearm by a street gang member; certain violations of unlawful use or possession of weapons by felons; or a Class 2 or greater felony for aggravated unlawful use of a weapon shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Permits the issuance of sentence credits, at the Department of Corrections discretion, for persons convicted of unlawful use or possession of weapons by felons under certain circumstances. Amends various other Acts to make conforming changes.

LRB099 06157 RLC 27269 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 Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,
11 or October 1, 2007, as applicable, and as is reasonably
12 practical, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire, employ, or
16 retain any individual in a position with duties that involve or
17 may involve contact with residents or access to the living
18 quarters or the financial, medical, or personal records of
19 residents, who has been convicted of committing or attempting
20 to commit one or more of the following offenses: those defined
21 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
22 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
23 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,

1 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
2 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
3 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
4 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
5 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
6 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,
7 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of
8 Section 11-14.4, or in subsection (a) of Section 12-3 or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012; those provided in Section
11 4 of the Wrongs to Children Act; those provided in Section 53
12 of the Criminal Jurisprudence Act; those defined in Section 5,
13 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in
14 the Methamphetamine Control and Community Protection Act; or
15 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or
16 407.1 of the Illinois Controlled Substances Act, unless the
17 applicant or employee obtains a waiver pursuant to Section 40.

18 (a-1) In the discretion of the Director of Public Health,
19 as soon after January 1, 2004 or October 1, 2007, as
20 applicable, and as is reasonably practical, no health care
21 employer shall knowingly hire any individual in a position with
22 duties involving direct care for clients, patients, or
23 residents, and no long-term care facility shall knowingly hire
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents,

1 who has (i) been convicted of committing or attempting to
2 commit one or more of the offenses defined in Section 12-3.3,
3 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
4 17-44, 18-5, 20-1.2, 24-1.1, 24-1.1-5, 24-1.2-5, 24-1.6,
5 24-3.2, or 24-3.3, or subsection (b) of Section 17-32,
6 subsection (b) of Section 18-1, or subsection (b) of Section
7 20-1, of the Criminal Code of 1961 or the Criminal Code of
8 2012; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
9 and Debit Card Act; or Section 11-9.1A of the Criminal Code of
10 1961 or the Criminal Code of 2012 or Section 5.1 of the Wrongs
11 to Children Act; or (ii) violated Section 50-50 of the Nurse
12 Practice Act, unless the applicant or employee obtains a waiver
13 pursuant to Section 40 of this Act.

14 A health care employer is not required to retain an
15 individual in a position with duties involving direct care for
16 clients, patients, or residents, and no long-term care facility
17 is required to retain an individual in a position with duties
18 that involve or may involve contact with residents or access to
19 the living quarters or the financial, medical, or personal
20 records of residents, who has been convicted of committing or
21 attempting to commit one or more of the offenses enumerated in
22 this subsection.

23 (b) A health care employer shall not hire, employ, or
24 retain any individual in a position with duties involving
25 direct care of clients, patients, or residents, and no
26 long-term care facility shall knowingly hire, employ, or retain

1 any individual in a position with duties that involve or may
2 involve contact with residents or access to the living quarters
3 or the financial, medical, or personal records of residents, if
4 the health care employer becomes aware that the individual has
5 been convicted in another state of committing or attempting to
6 commit an offense that has the same or similar elements as an
7 offense listed in subsection (a) or (a-1), as verified by court
8 records, records from a state agency, or an FBI criminal
9 history record check, unless the applicant or employee obtains
10 a waiver pursuant to Section 40 of this Act. This shall not be
11 construed to mean that a health care employer has an obligation
12 to conduct a criminal history records check in other states in
13 which an employee has resided.

14 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
15 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
16 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
17 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
18 eff. 1-25-13.)

19 Section 10. The Illinois Vehicle Code is amended by
20 changing Sections 6-106.1 and 6-508 as follows:

21 (625 ILCS 5/6-106.1)

22 Sec. 6-106.1. School bus driver permit.

23 (a) The Secretary of State shall issue a school bus driver
24 permit to those applicants who have met all the requirements of

1 the application and screening process under this Section to
2 insure the welfare and safety of children who are transported
3 on school buses throughout the State of Illinois. Applicants
4 shall obtain the proper application required by the Secretary
5 of State from their prospective or current employer and submit
6 the completed application to the prospective or current
7 employer along with the necessary fingerprint submission as
8 required by the Department of State Police to conduct
9 fingerprint based criminal background checks on current and
10 future information available in the state system and current
11 information available through the Federal Bureau of
12 Investigation's system. Applicants who have completed the
13 fingerprinting requirements shall not be subjected to the
14 fingerprinting process when applying for subsequent permits or
15 submitting proof of successful completion of the annual
16 refresher course. Individuals who on the effective date of this
17 Act possess a valid school bus driver permit that has been
18 previously issued by the appropriate Regional School
19 Superintendent are not subject to the fingerprinting
20 provisions of this Section as long as the permit remains valid
21 and does not lapse. The applicant shall be required to pay all
22 related application and fingerprinting fees as established by
23 rule including, but not limited to, the amounts established by
24 the Department of State Police and the Federal Bureau of
25 Investigation to process fingerprint based criminal background
26 investigations. All fees paid for fingerprint processing

1 services under this Section shall be deposited into the State
2 Police Services Fund for the cost incurred in processing the
3 fingerprint based criminal background investigations. All
4 other fees paid under this Section shall be deposited into the
5 Road Fund for the purpose of defraying the costs of the
6 Secretary of State in administering this Section. All
7 applicants must:

8 1. be 21 years of age or older;

9 2. possess a valid and properly classified driver's
10 license issued by the Secretary of State;

11 3. possess a valid driver's license, which has not been
12 revoked, suspended, or canceled for 3 years immediately
13 prior to the date of application, or have not had his or
14 her commercial motor vehicle driving privileges
15 disqualified within the 3 years immediately prior to the
16 date of application;

17 4. successfully pass a written test, administered by
18 the Secretary of State, on school bus operation, school bus
19 safety, and special traffic laws relating to school buses
20 and submit to a review of the applicant's driving habits by
21 the Secretary of State at the time the written test is
22 given;

23 5. demonstrate ability to exercise reasonable care in
24 the operation of school buses in accordance with rules
25 promulgated by the Secretary of State;

26 6. demonstrate physical fitness to operate school

1 buses by submitting the results of a medical examination,
2 including tests for drug use for each applicant not subject
3 to such testing pursuant to federal law, conducted by a
4 licensed physician, an advanced practice nurse who has a
5 written collaborative agreement with a collaborating
6 physician which authorizes him or her to perform medical
7 examinations, or a physician assistant who has been
8 delegated the performance of medical examinations by his or
9 her supervising physician within 90 days of the date of
10 application according to standards promulgated by the
11 Secretary of State;

12 7. affirm under penalties of perjury that he or she has
13 not made a false statement or knowingly concealed a
14 material fact in any application for permit;

15 8. have completed an initial classroom course,
16 including first aid procedures, in school bus driver safety
17 as promulgated by the Secretary of State; and after
18 satisfactory completion of said initial course an annual
19 refresher course; such courses and the agency or
20 organization conducting such courses shall be approved by
21 the Secretary of State; failure to complete the annual
22 refresher course, shall result in cancellation of the
23 permit until such course is completed;

24 9. not have been under an order of court supervision
25 for or convicted of 2 or more serious traffic offenses, as
26 defined by rule, within one year prior to the date of

1 application that may endanger the life or safety of any of
2 the driver's passengers within the duration of the permit
3 period;

4 10. not have been under an order of court supervision
5 for or convicted of reckless driving, aggravated reckless
6 driving, driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or
8 any combination thereof, or reckless homicide resulting
9 from the operation of a motor vehicle within 3 years of the
10 date of application;

11 11. not have been convicted of committing or attempting
12 to commit any one or more of the following offenses: (i)
13 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
14 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
15 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
17 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
18 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
19 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
20 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
21 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
22 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
23 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
24 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
25 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
26 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,

1 20-1.3, 20-2, 24-1, 24-1.1, 24-1.1-5, 24-1.2, 24-1.2-5,
2 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9,
3 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
4 Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1),
5 (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of Section
6 12-3.05, and in subsection (a) and subsection (b), clause
7 (1), of Section 12-4, and in subsection (A), clauses (a)
8 and (b), of Section 24-3, and those offenses contained in
9 Article 29D of the Criminal Code of 1961 or the Criminal
10 Code of 2012; (ii) those offenses defined in the Cannabis
11 Control Act except those offenses defined in subsections
12 (a) and (b) of Section 4, and subsection (a) of Section 5
13 of the Cannabis Control Act; (iii) those offenses defined
14 in the Illinois Controlled Substances Act; (iv) those
15 offenses defined in the Methamphetamine Control and
16 Community Protection Act; (v) any offense committed or
17 attempted in any other state or against the laws of the
18 United States, which if committed or attempted in this
19 State would be punishable as one or more of the foregoing
20 offenses; (vi) the offenses defined in Section 4.1 and 5.1
21 of the Wrongs to Children Act or Section 11-9.1A of the
22 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
23 those offenses defined in Section 6-16 of the Liquor
24 Control Act of 1934; and (viii) those offenses defined in
25 the Methamphetamine Precursor Control Act;

26 12. not have been repeatedly involved as a driver in

1 motor vehicle collisions or been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree which indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 13. not have, through the unlawful operation of a motor
9 vehicle, caused an accident resulting in the death of any
10 person;

11 14. not have, within the last 5 years, been adjudged to
12 be afflicted with or suffering from any mental disability
13 or disease; and

14 15. consent, in writing, to the release of results of
15 reasonable suspicion drug and alcohol testing under
16 Section 6-106.1c of this Code by the employer of the
17 applicant to the Secretary of State.

18 (b) A school bus driver permit shall be valid for a period
19 specified by the Secretary of State as set forth by rule. It
20 shall be renewable upon compliance with subsection (a) of this
21 Section.

22 (c) A school bus driver permit shall contain the holder's
23 driver's license number, legal name, residence address, zip
24 code, and date of birth, a brief description of the holder and
25 a space for signature. The Secretary of State may require a
26 suitable photograph of the holder.

1 (d) The employer shall be responsible for conducting a
2 pre-employment interview with prospective school bus driver
3 candidates, distributing school bus driver applications and
4 medical forms to be completed by the applicant, and submitting
5 the applicant's fingerprint cards to the Department of State
6 Police that are required for the criminal background
7 investigations. The employer shall certify in writing to the
8 Secretary of State that all pre-employment conditions have been
9 successfully completed including the successful completion of
10 an Illinois specific criminal background investigation through
11 the Department of State Police and the submission of necessary
12 fingerprints to the Federal Bureau of Investigation for
13 criminal history information available through the Federal
14 Bureau of Investigation system. The applicant shall present the
15 certification to the Secretary of State at the time of
16 submitting the school bus driver permit application.

17 (e) Permits shall initially be provisional upon receiving
18 certification from the employer that all pre-employment
19 conditions have been successfully completed, and upon
20 successful completion of all training and examination
21 requirements for the classification of the vehicle to be
22 operated, the Secretary of State shall provisionally issue a
23 School Bus Driver Permit. The permit shall remain in a
24 provisional status pending the completion of the Federal Bureau
25 of Investigation's criminal background investigation based
26 upon fingerprinting specimens submitted to the Federal Bureau

1 of Investigation by the Department of State Police. The Federal
2 Bureau of Investigation shall report the findings directly to
3 the Secretary of State. The Secretary of State shall remove the
4 bus driver permit from provisional status upon the applicant's
5 successful completion of the Federal Bureau of Investigation's
6 criminal background investigation.

7 (f) A school bus driver permit holder shall notify the
8 employer and the Secretary of State if he or she is issued an
9 order of court supervision for or convicted in another state of
10 an offense that would make him or her ineligible for a permit
11 under subsection (a) of this Section. The written notification
12 shall be made within 5 days of the entry of the order of court
13 supervision or conviction. Failure of the permit holder to
14 provide the notification is punishable as a petty offense for a
15 first violation and a Class B misdemeanor for a second or
16 subsequent violation.

17 (g) Cancellation; suspension; notice and procedure.

18 (1) The Secretary of State shall cancel a school bus
19 driver permit of an applicant whose criminal background
20 investigation discloses that he or she is not in compliance
21 with the provisions of subsection (a) of this Section.

22 (2) The Secretary of State shall cancel a school bus
23 driver permit when he or she receives notice that the
24 permit holder fails to comply with any provision of this
25 Section or any rule promulgated for the administration of
26 this Section.

1 (3) The Secretary of State shall cancel a school bus
2 driver permit if the permit holder's restricted commercial
3 or commercial driving privileges are withdrawn or
4 otherwise invalidated.

5 (4) The Secretary of State may not issue a school bus
6 driver permit for a period of 3 years to an applicant who
7 fails to obtain a negative result on a drug test as
8 required in item 6 of subsection (a) of this Section or
9 under federal law.

10 (5) The Secretary of State shall forthwith suspend a
11 school bus driver permit for a period of 3 years upon
12 receiving notice that the holder has failed to obtain a
13 negative result on a drug test as required in item 6 of
14 subsection (a) of this Section or under federal law.

15 (6) The Secretary of State shall suspend a school bus
16 driver permit for a period of 3 years upon receiving notice
17 from the employer that the holder failed to perform the
18 inspection procedure set forth in subsection (a) or (b) of
19 Section 12-816 of this Code.

20 (7) The Secretary of State shall suspend a school bus
21 driver permit for a period of 3 years upon receiving notice
22 from the employer that the holder refused to submit to an
23 alcohol or drug test as required by Section 6-106.1c or has
24 submitted to a test required by that Section which
25 disclosed an alcohol concentration of more than 0.00 or
26 disclosed a positive result on a National Institute on Drug

1 Abuse five-drug panel, utilizing federal standards set
2 forth in 49 CFR 40.87.

3 The Secretary of State shall notify the State
4 Superintendent of Education and the permit holder's
5 prospective or current employer that the applicant has (1) has
6 failed a criminal background investigation or (2) is no longer
7 eligible for a school bus driver permit; and of the related
8 cancellation of the applicant's provisional school bus driver
9 permit. The cancellation shall remain in effect pending the
10 outcome of a hearing pursuant to Section 2-118 of this Code.
11 The scope of the hearing shall be limited to the issuance
12 criteria contained in subsection (a) of this Section. A
13 petition requesting a hearing shall be submitted to the
14 Secretary of State and shall contain the reason the individual
15 feels he or she is entitled to a school bus driver permit. The
16 permit holder's employer shall notify in writing to the
17 Secretary of State that the employer has certified the removal
18 of the offending school bus driver from service prior to the
19 start of that school bus driver's next workshift. An employing
20 school board that fails to remove the offending school bus
21 driver from service is subject to the penalties defined in
22 Section 3-14.23 of the School Code. A school bus contractor who
23 violates a provision of this Section is subject to the
24 penalties defined in Section 6-106.11.

25 All valid school bus driver permits issued under this
26 Section prior to January 1, 1995, shall remain effective until

1 their expiration date unless otherwise invalidated.

2 (h) When a school bus driver permit holder who is a service
3 member is called to active duty, the employer of the permit
4 holder shall notify the Secretary of State, within 30 days of
5 notification from the permit holder, that the permit holder has
6 been called to active duty. Upon notification pursuant to this
7 subsection, (i) the Secretary of State shall characterize the
8 permit as inactive until a permit holder renews the permit as
9 provided in subsection (i) of this Section, and (ii) if a
10 permit holder fails to comply with the requirements of this
11 Section while called to active duty, the Secretary of State
12 shall not characterize the permit as invalid.

13 (i) A school bus driver permit holder who is a service
14 member returning from active duty must, within 90 days, renew a
15 permit characterized as inactive pursuant to subsection (h) of
16 this Section by complying with the renewal requirements of
17 subsection (b) of this Section.

18 (j) For purposes of subsections (h) and (i) of this
19 Section:

20 "Active duty" means active duty pursuant to an executive
21 order of the President of the United States, an act of the
22 Congress of the United States, or an order of the Governor.

23 "Service member" means a member of the Armed Services or
24 reserve forces of the United States or a member of the Illinois
25 National Guard.

26 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;

1 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
2 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
3 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
4 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
5 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
6 eff. 1-25-13.)

7 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

8 (Text of Section after amendment by P.A. 98-176)

9 Sec. 6-508. Commercial Driver's License (CDL) -
10 qualification standards.

11 (a) Testing.

12 (1) General. No person shall be issued an original or
13 renewal CDL unless that person is domiciled in this State
14 or is applying for a non-domiciled CDL under Sections 6-509
15 and 6-510 of this Code. The Secretary shall cause to be
16 administered such tests as the Secretary deems necessary to
17 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
18 H, and J.

19 (1.5) Effective July 1, 2014, no person shall be issued
20 an original CDL or an upgraded CDL that requires a skills
21 test unless that person has held a CLP, for a minimum of 14
22 calendar days, for the classification of vehicle and
23 endorsement, if any, for which the person is seeking a CDL.

24 (2) Third party testing. The Secretary of State may
25 authorize a "third party tester", pursuant to 49 C.F.R.

1 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
2 skills test or tests specified by the Federal Motor Carrier
3 Safety Administration pursuant to the Commercial Motor
4 Vehicle Safety Act of 1986 and any appropriate federal
5 rule.

6 (b) Waiver of Skills Test. The Secretary of State may waive
7 the skills test specified in this Section for a driver
8 applicant for a commercial driver license who meets the
9 requirements of 49 C.F.R. 383.77. The Secretary of State shall
10 waive the skills tests specified in this Section for a driver
11 applicant who has military commercial motor vehicle
12 experience, subject to the requirements of 49 C.F.R. 383.77.

13 (b-1) No person shall be issued a CDL unless the person
14 certifies to the Secretary one of the following types of
15 driving operations in which he or she will be engaged:

- 16 (1) non-excepted interstate;
17 (2) non-excepted intrastate;
18 (3) excepted interstate; or
19 (4) excepted intrastate.

20 (b-2) (Blank).

21 (c) Limitations on issuance of a CDL. A CDL shall not be
22 issued to a person while the person is subject to a
23 disqualification from driving a commercial motor vehicle, or
24 unless otherwise permitted by this Code, while the person's
25 driver's license is suspended, revoked or cancelled in any
26 state, or any territory or province of Canada; nor may a CLP or

1 CDL be issued to a person who has a CLP or CDL issued by any
2 other state, or foreign jurisdiction, nor may a CDL be issued
3 to a person who has an Illinois CLP unless the person first
4 surrenders all of these licenses or permits. However, a person
5 may hold an Illinois CLP and an Illinois CDL providing the CLP
6 is necessary to train or practice for an endorsement or vehicle
7 classification not present on the current CDL. No CDL shall be
8 issued to or renewed for a person who does not meet the
9 requirement of 49 CFR 391.41(b) (11). The requirement may be met
10 with the aid of a hearing aid.

11 (c-1) The Secretary may issue a CDL with a school bus
12 driver endorsement to allow a person to drive the type of bus
13 described in subsection (d-5) of Section 6-104 of this Code.
14 The CDL with a school bus driver endorsement may be issued only
15 to a person meeting the following requirements:

16 (1) the person has submitted his or her fingerprints to
17 the Department of State Police in the form and manner
18 prescribed by the Department of State Police. These
19 fingerprints shall be checked against the fingerprint
20 records now and hereafter filed in the Department of State
21 Police and Federal Bureau of Investigation criminal
22 history records databases;

23 (2) the person has passed a written test, administered
24 by the Secretary of State, on charter bus operation,
25 charter bus safety, and certain special traffic laws
26 relating to school buses determined by the Secretary of

1 State to be relevant to charter buses, and submitted to a
2 review of the driver applicant's driving habits by the
3 Secretary of State at the time the written test is given;

4 (3) the person has demonstrated physical fitness to
5 operate school buses by submitting the results of a medical
6 examination, including tests for drug use; and

7 (4) the person has not been convicted of committing or
8 attempting to commit any one or more of the following
9 offenses: (i) those offenses defined in Sections 8-1.2,
10 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
11 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
12 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
13 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
14 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
15 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
16 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
17 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
18 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
19 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
20 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
21 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
22 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
23 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
24 24-1.1-5, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1,
25 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and
26 33D-1, and in subsection (b) of Section 8-1, and in

1 subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2),
2 (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in
3 subsection (a) and subsection (b), clause (1), of Section
4 12-4, and in subsection (A), clauses (a) and (b), of
5 Section 24-3, and those offenses contained in Article 29D
6 of the Criminal Code of 1961 or the Criminal Code of 2012;
7 (ii) those offenses defined in the Cannabis Control Act
8 except those offenses defined in subsections (a) and (b) of
9 Section 4, and subsection (a) of Section 5 of the Cannabis
10 Control Act; (iii) those offenses defined in the Illinois
11 Controlled Substances Act; (iv) those offenses defined in
12 the Methamphetamine Control and Community Protection Act;
13 (v) any offense committed or attempted in any other state
14 or against the laws of the United States, which if
15 committed or attempted in this State would be punishable as
16 one or more of the foregoing offenses; (vi) the offenses
17 defined in Sections 4.1 and 5.1 of the Wrongs to Children
18 Act or Section 11-9.1A of the Criminal Code of 1961 or the
19 Criminal Code of 2012; (vii) those offenses defined in
20 Section 6-16 of the Liquor Control Act of 1934; and (viii)
21 those offenses defined in the Methamphetamine Precursor
22 Control Act.

23 The Department of State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited into the State Police Services Fund and may not
26 exceed the actual cost of the records check.

1 (c-2) The Secretary shall issue a CDL with a school bus
2 endorsement to allow a person to drive a school bus as defined
3 in this Section. The CDL shall be issued according to the
4 requirements outlined in 49 C.F.R. 383. A person may not
5 operate a school bus as defined in this Section without a
6 school bus endorsement. The Secretary of State may adopt rules
7 consistent with Federal guidelines to implement this
8 subsection (c-2).

9 (d) (Blank).

10 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
11 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
12 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of P.A. 98-722 for
13 effective date of changes made by 98-176); 98-756, eff.
14 7-16-14.)

15 Section 15. The Clerks of Courts Act is amended by changing
16 Section 27.6 as follows:

17 (705 ILCS 105/27.6)

18 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
19 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
20 98-658, and 98-1013)

21 Sec. 27.6. (a) All fees, fines, costs, additional
22 penalties, bail balances assessed or forfeited, and any other
23 amount paid by a person to the circuit clerk equalling an
24 amount of \$55 or more, except the fine imposed by Section

1 5-9-1.15 of the Unified Code of Corrections, the additional fee
2 required by subsections (b) and (c), restitution under Section
3 5-5-6 of the Unified Code of Corrections, contributions to a
4 local anti-crime program ordered pursuant to Section
5 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
6 Corrections, reimbursement for the costs of an emergency
7 response as provided under Section 11-501 of the Illinois
8 Vehicle Code, any fees collected for attending a traffic safety
9 program under paragraph (c) of Supreme Court Rule 529, any fee
10 collected on behalf of a State's Attorney under Section 4-2002
11 of the Counties Code or a sheriff under Section 4-5001 of the
12 Counties Code, or any cost imposed under Section 124A-5 of the
13 Code of Criminal Procedure of 1963, for convictions, orders of
14 supervision, or any other disposition for a violation of
15 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
16 similar provision of a local ordinance, and any violation of
17 the Child Passenger Protection Act, or a similar provision of a
18 local ordinance, and except as otherwise provided in this
19 Section shall be disbursed within 60 days after receipt by the
20 circuit clerk as follows: 44.5% shall be disbursed to the
21 entity authorized by law to receive the fine imposed in the
22 case; 16.825% shall be disbursed to the State Treasurer; and
23 38.675% shall be disbursed to the county's general corporate
24 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
25 shall be deposited by the State Treasurer into the Violent
26 Crime Victims Assistance Fund, 5.052/17 shall be deposited into

1 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
2 be deposited into the Drivers Education Fund, and 6.948/17
3 shall be deposited into the Trauma Center Fund. Of the 6.948/17
4 deposited into the Trauma Center Fund from the 16.825%
5 disbursed to the State Treasurer, 50% shall be disbursed to the
6 Department of Public Health and 50% shall be disbursed to the
7 Department of Healthcare and Family Services. For fiscal year
8 1993, amounts deposited into the Violent Crime Victims
9 Assistance Fund, the Traffic and Criminal Conviction Surcharge
10 Fund, or the Drivers Education Fund shall not exceed 110% of
11 the amounts deposited into those funds in fiscal year 1991. Any
12 amount that exceeds the 110% limit shall be distributed as
13 follows: 50% shall be disbursed to the county's general
14 corporate fund and 50% shall be disbursed to the entity
15 authorized by law to receive the fine imposed in the case. Not
16 later than March 1 of each year the circuit clerk shall submit
17 a report of the amount of funds remitted to the State Treasurer
18 under this Section during the preceding year based upon
19 independent verification of fines and fees. All counties shall
20 be subject to this Section, except that counties with a
21 population under 2,000,000 may, by ordinance, elect not to be
22 subject to this Section. For offenses subject to this Section,
23 judges shall impose one total sum of money payable for
24 violations. The circuit clerk may add on no additional amounts
25 except for amounts that are required by Sections 27.3a and
26 27.3c of this Act, unless those amounts are specifically waived

1 by the judge. With respect to money collected by the circuit
2 clerk as a result of forfeiture of bail, ex parte judgment or
3 guilty plea pursuant to Supreme Court Rule 529, the circuit
4 clerk shall first deduct and pay amounts required by Sections
5 27.3a and 27.3c of this Act. This Section is a denial and
6 limitation of home rule powers and functions under subsection
7 (h) of Section 6 of Article VII of the Illinois Constitution.

8 (b) In addition to any other fines and court costs assessed
9 by the courts, any person convicted or receiving an order of
10 supervision for driving under the influence of alcohol or drugs
11 shall pay an additional fee of \$100 to the clerk of the circuit
12 court. This amount, less 2 1/2% that shall be used to defray
13 administrative costs incurred by the clerk, shall be remitted
14 by the clerk to the Treasurer within 60 days after receipt for
15 deposit into the Trauma Center Fund. This additional fee of
16 \$100 shall not be considered a part of the fine for purposes of
17 any reduction in the fine for time served either before or
18 after sentencing. Not later than March 1 of each year the
19 Circuit Clerk shall submit a report of the amount of funds
20 remitted to the State Treasurer under this subsection during
21 the preceding calendar year.

22 (b-1) In addition to any other fines and court costs
23 assessed by the courts, any person convicted or receiving an
24 order of supervision for driving under the influence of alcohol
25 or drugs shall pay an additional fee of \$5 to the clerk of the
26 circuit court. This amount, less 2 1/2% that shall be used to

1 defray administrative costs incurred by the clerk, shall be
2 remitted by the clerk to the Treasurer within 60 days after
3 receipt for deposit into the Spinal Cord Injury Paralysis Cure
4 Research Trust Fund. This additional fee of \$5 shall not be
5 considered a part of the fine for purposes of any reduction in
6 the fine for time served either before or after sentencing. Not
7 later than March 1 of each year the Circuit Clerk shall submit
8 a report of the amount of funds remitted to the State Treasurer
9 under this subsection during the preceding calendar year.

10 (c) In addition to any other fines and court costs assessed
11 by the courts, any person convicted for a violation of Sections
12 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
13 1961 or the Criminal Code of 2012 or a person sentenced for a
14 violation of the Cannabis Control Act, the Illinois Controlled
15 Substances Act, or the Methamphetamine Control and Community
16 Protection Act shall pay an additional fee of \$100 to the clerk
17 of the circuit court. This amount, less 2 1/2% that shall be
18 used to defray administrative costs incurred by the clerk,
19 shall be remitted by the clerk to the Treasurer within 60 days
20 after receipt for deposit into the Trauma Center Fund. This
21 additional fee of \$100 shall not be considered a part of the
22 fine for purposes of any reduction in the fine for time served
23 either before or after sentencing. Not later than March 1 of
24 each year the Circuit Clerk shall submit a report of the amount
25 of funds remitted to the State Treasurer under this subsection
26 during the preceding calendar year.

1 (c-1) In addition to any other fines and court costs
2 assessed by the courts, any person sentenced for a violation of
3 the Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community Protection
5 Act shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
21 Animals Act and Section 26-5 or 48-1 of the Criminal Code
22 of 1961 or the Criminal Code of 2012;

23 (2) 20% of the amounts collected for Class A and Class
24 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
25 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
26 for Animals Act and Section 26-5 or 48-1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012; and

2 (3) 50% of the amounts collected for Class C
3 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
4 for Animals Act and Section 26-5 or 48-1 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

6 (e) Any person who receives a disposition of court
7 supervision for a violation of the Illinois Vehicle Code or a
8 similar provision of a local ordinance shall, in addition to
9 any other fines, fees, and court costs, pay an additional fee
10 of \$29, to be disbursed as provided in Section 16-104c of the
11 Illinois Vehicle Code. In addition to the fee of \$29, the
12 person shall also pay a fee of \$6, if not waived by the court.
13 If this \$6 fee is collected, \$5.50 of the fee shall be
14 deposited into the Circuit Court Clerk Operation and
15 Administrative Fund created by the Clerk of the Circuit Court
16 and 50 cents of the fee shall be deposited into the Prisoner
17 Review Board Vehicle and Equipment Fund in the State treasury.

18 (f) This Section does not apply to the additional child
19 pornography fines assessed and collected under Section
20 5-9-1.14 of the Unified Code of Corrections.

21 (g) (Blank).

22 (h) (Blank).

23 (i) Of the amounts collected as fines under subsection (b)
24 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
25 deposited into the Illinois Military Family Relief Fund and 1%
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

6 (j) Any person convicted of, pleading guilty to, or placed
7 on supervision for a serious traffic violation, as defined in
8 Section 1-187.001 of the Illinois Vehicle Code, a violation of
9 Section 11-501 of the Illinois Vehicle Code, or a violation of
10 a similar provision of a local ordinance shall pay an
11 additional fee of \$35, to be disbursed as provided in Section
12 16-104d of that Code.

13 This subsection (j) becomes inoperative on January 1, 2020.

14 (k) For any conviction or disposition of court supervision
15 for a violation of Section 11-1429 of the Illinois Vehicle
16 Code, the circuit clerk shall distribute the fines paid by the
17 person as specified by subsection (h) of Section 11-1429 of the
18 Illinois Vehicle Code.

19 (l) Any person who receives a disposition of court
20 supervision for a violation of Section 11-501 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance shall,
22 in addition to any other fines, fees, and court costs, pay an
23 additional fee of \$50, which shall be collected by the circuit
24 clerk and then remitted to the State Treasurer for deposit into
25 the Roadside Memorial Fund, a special fund in the State
26 treasury. However, the court may waive the fee if full

1 restitution is complied with. Subject to appropriation, all
2 moneys in the Roadside Memorial Fund shall be used by the
3 Department of Transportation to pay fees imposed under
4 subsection (f) of Section 20 of the Roadside Memorial Act. The
5 fee shall be remitted by the circuit clerk within one month
6 after receipt to the State Treasurer for deposit into the
7 Roadside Memorial Fund.

8 (m) Of the amounts collected as fines under subsection (c)
9 of Section 411.4 of the Illinois Controlled Substances Act or
10 subsection (c) of Section 90 of the Methamphetamine Control and
11 Community Protection Act, 99% shall be deposited to the law
12 enforcement agency or fund specified and 1% shall be deposited
13 into the Circuit Court Clerk Operation and Administrative Fund
14 to be used to offset the costs incurred by the Circuit Court
15 Clerk in performing the additional duties required to collect
16 and disburse funds to entities of State and local government as
17 provided by law.

18 (n) In addition to any other fines and court costs assessed
19 by the courts, any person who is convicted of or pleads guilty
20 to a violation of the Criminal Code of 1961 or the Criminal
21 Code of 2012, or a similar provision of a local ordinance, or
22 who is convicted of, pleads guilty to, or receives a
23 disposition of court supervision for a violation of the
24 Illinois Vehicle Code, or a similar provision of a local
25 ordinance, shall pay an additional fee of \$15 to the clerk of
26 the circuit court. This additional fee of \$15 shall not be

1 considered a part of the fine for purposes of any reduction in
2 the fine for time served either before or after sentencing.
3 This amount, less 2.5% that shall be used to defray
4 administrative costs incurred by the clerk, shall be remitted
5 by the clerk to the State Treasurer within 60 days after
6 receipt for deposit into the State Police Merit Board Public
7 Safety Fund.

8 (o) The amounts collected as fines under Sections 10-9,
9 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
10 be collected by the circuit clerk and distributed as provided
11 under Section 5-9-1.21 of the Unified Code of Corrections in
12 lieu of any disbursement under subsection (a) of this Section.

13 (Source: P.A. 97-434, eff. 1-1-12; 97-1051, eff. 1-1-13;
14 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-658, eff.
15 6-23-14; 98-1013, eff. 1-1-15; revised 10-2-14.)

16 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
17 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
18 98-658, and 98-1013)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, bail balances assessed or forfeited, and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the fine imposed by Section
23 5-9-1.15 of the Unified Code of Corrections, the additional fee
24 required by subsections (b) and (c), restitution under Section
25 5-5-6 of the Unified Code of Corrections, contributions to a

1 local anti-crime program ordered pursuant to Section
2 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
3 Corrections, reimbursement for the costs of an emergency
4 response as provided under Section 11-501 of the Illinois
5 Vehicle Code, any fees collected for attending a traffic safety
6 program under paragraph (c) of Supreme Court Rule 529, any fee
7 collected on behalf of a State's Attorney under Section 4-2002
8 of the Counties Code or a sheriff under Section 4-5001 of the
9 Counties Code, or any cost imposed under Section 124A-5 of the
10 Code of Criminal Procedure of 1963, for convictions, orders of
11 supervision, or any other disposition for a violation of
12 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
13 similar provision of a local ordinance, and any violation of
14 the Child Passenger Protection Act, or a similar provision of a
15 local ordinance, and except as otherwise provided in this
16 Section shall be disbursed within 60 days after receipt by the
17 circuit clerk as follows: 44.5% shall be disbursed to the
18 entity authorized by law to receive the fine imposed in the
19 case; 16.825% shall be disbursed to the State Treasurer; and
20 38.675% shall be disbursed to the county's general corporate
21 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
22 shall be deposited by the State Treasurer into the Violent
23 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
24 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
25 be deposited into the Drivers Education Fund, and 6.948/17
26 shall be deposited into the Trauma Center Fund. Of the 6.948/17

1 deposited into the Trauma Center Fund from the 16.825%
2 disbursed to the State Treasurer, 50% shall be disbursed to the
3 Department of Public Health and 50% shall be disbursed to the
4 Department of Healthcare and Family Services. For fiscal year
5 1993, amounts deposited into the Violent Crime Victims
6 Assistance Fund, the Traffic and Criminal Conviction Surcharge
7 Fund, or the Drivers Education Fund shall not exceed 110% of
8 the amounts deposited into those funds in fiscal year 1991. Any
9 amount that exceeds the 110% limit shall be distributed as
10 follows: 50% shall be disbursed to the county's general
11 corporate fund and 50% shall be disbursed to the entity
12 authorized by law to receive the fine imposed in the case. Not
13 later than March 1 of each year the circuit clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this Section during the preceding year based upon
16 independent verification of fines and fees. All counties shall
17 be subject to this Section, except that counties with a
18 population under 2,000,000 may, by ordinance, elect not to be
19 subject to this Section. For offenses subject to this Section,
20 judges shall impose one total sum of money payable for
21 violations. The circuit clerk may add on no additional amounts
22 except for amounts that are required by Sections 27.3a and
23 27.3c of this Act, Section 16-104c of the Illinois Vehicle
24 Code, and subsection (a) of Section 5-1101 of the Counties
25 Code, unless those amounts are specifically waived by the
26 judge. With respect to money collected by the circuit clerk as

1 a result of forfeiture of bail, ex parte judgment or guilty
2 plea pursuant to Supreme Court Rule 529, the circuit clerk
3 shall first deduct and pay amounts required by Sections 27.3a
4 and 27.3c of this Act. Unless a court ordered payment schedule
5 is implemented or fee requirements are waived pursuant to court
6 order, the clerk of the court may add to any unpaid fees and
7 costs a delinquency amount equal to 5% of the unpaid fees that
8 remain unpaid after 30 days, 10% of the unpaid fees that remain
9 unpaid after 60 days, and 15% of the unpaid fees that remain
10 unpaid after 90 days. Notice to those parties may be made by
11 signage posting or publication. The additional delinquency
12 amounts collected under this Section shall be deposited in the
13 Circuit Court Clerk Operation and Administrative Fund to be
14 used to defray administrative costs incurred by the circuit
15 clerk in performing the duties required to collect and disburse
16 funds. This Section is a denial and limitation of home rule
17 powers and functions under subsection (h) of Section 6 of
18 Article VII of the Illinois Constitution.

19 (b) In addition to any other fines and court costs assessed
20 by the courts, any person convicted or receiving an order of
21 supervision for driving under the influence of alcohol or drugs
22 shall pay an additional fee of \$100 to the clerk of the circuit
23 court. This amount, less 2 1/2% that shall be used to defray
24 administrative costs incurred by the clerk, shall be remitted
25 by the clerk to the Treasurer within 60 days after receipt for
26 deposit into the Trauma Center Fund. This additional fee of

1 \$100 shall not be considered a part of the fine for purposes of
2 any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection during
6 the preceding calendar year.

7 (b-1) In addition to any other fines and court costs
8 assessed by the courts, any person convicted or receiving an
9 order of supervision for driving under the influence of alcohol
10 or drugs shall pay an additional fee of \$5 to the clerk of the
11 circuit court. This amount, less 2 1/2% that shall be used to
12 defray administrative costs incurred by the clerk, shall be
13 remitted by the clerk to the Treasurer within 60 days after
14 receipt for deposit into the Spinal Cord Injury Paralysis Cure
15 Research Trust Fund. This additional fee of \$5 shall not be
16 considered a part of the fine for purposes of any reduction in
17 the fine for time served either before or after sentencing. Not
18 later than March 1 of each year the Circuit Clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this subsection during the preceding calendar year.

21 (c) In addition to any other fines and court costs assessed
22 by the courts, any person convicted for a violation of Sections
23 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 or a person sentenced for a
25 violation of the Cannabis Control Act, the Illinois Controlled
26 Substances Act, or the Methamphetamine Control and Community

1 Protection Act shall pay an additional fee of \$100 to the clerk
2 of the circuit court. This amount, less 2 1/2% that shall be
3 used to defray administrative costs incurred by the clerk,
4 shall be remitted by the clerk to the Treasurer within 60 days
5 after receipt for deposit into the Trauma Center Fund. This
6 additional fee of \$100 shall not be considered a part of the
7 fine for purposes of any reduction in the fine for time served
8 either before or after sentencing. Not later than March 1 of
9 each year the Circuit Clerk shall submit a report of the amount
10 of funds remitted to the State Treasurer under this subsection
11 during the preceding calendar year.

12 (c-1) In addition to any other fines and court costs
13 assessed by the courts, any person sentenced for a violation of
14 the Cannabis Control Act, the Illinois Controlled Substances
15 Act, or the Methamphetamine Control and Community Protection
16 Act shall pay an additional fee of \$5 to the clerk of the
17 circuit court. This amount, less 2 1/2% that shall be used to
18 defray administrative costs incurred by the clerk, shall be
19 remitted by the clerk to the Treasurer within 60 days after
20 receipt for deposit into the Spinal Cord Injury Paralysis Cure
21 Research Trust Fund. This additional fee of \$5 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

1 (d) The following amounts must be remitted to the State
2 Treasurer for deposit into the Illinois Animal Abuse Fund:

3 (1) 50% of the amounts collected for felony offenses
4 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
5 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
6 Animals Act and Section 26-5 or 48-1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012;

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 or 48-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 or 48-1 of the Criminal
16 Code of 1961 or the Criminal Code of 2012.

17 (e) Any person who receives a disposition of court
18 supervision for a violation of the Illinois Vehicle Code or a
19 similar provision of a local ordinance shall, in addition to
20 any other fines, fees, and court costs, pay an additional fee
21 of \$29, to be disbursed as provided in Section 16-104c of the
22 Illinois Vehicle Code. In addition to the fee of \$29, the
23 person shall also pay a fee of \$6, if not waived by the court.
24 If this \$6 fee is collected, \$5.50 of the fee shall be
25 deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 and 50 cents of the fee shall be deposited into the Prisoner
2 Review Board Vehicle and Equipment Fund in the State treasury.

3 (f) This Section does not apply to the additional child
4 pornography fines assessed and collected under Section
5 5-9-1.14 of the Unified Code of Corrections.

6 (g) Any person convicted of or pleading guilty to a serious
7 traffic violation, as defined in Section 1-187.001 of the
8 Illinois Vehicle Code, shall pay an additional fee of \$35, to
9 be disbursed as provided in Section 16-104d of that Code. This
10 subsection (g) becomes inoperative on January 1, 2020.

11 (h) In all counties having a population of 3,000,000 or
12 more inhabitants,

13 (1) A person who is found guilty of or pleads guilty to
14 violating subsection (a) of Section 11-501 of the Illinois
15 Vehicle Code, including any person placed on court
16 supervision for violating subsection (a), shall be fined
17 \$750 as provided for by subsection (f) of Section 11-501.01
18 of the Illinois Vehicle Code, payable to the circuit clerk,
19 who shall distribute the money pursuant to subsection (f)
20 of Section 11-501.01 of the Illinois Vehicle Code.

21 (2) When a crime laboratory DUI analysis fee of \$150,
22 provided for by Section 5-9-1.9 of the Unified Code of
23 Corrections is assessed, it shall be disbursed by the
24 circuit clerk as provided by subsection (f) of Section
25 5-9-1.9 of the Unified Code of Corrections.

26 (3) When a fine for a violation of Section 11-605.1 of

1 the Illinois Vehicle Code is \$250 or greater, the person
2 who violated that Section shall be charged an additional
3 \$125 as provided for by subsection (e) of Section 11-605.1
4 of the Illinois Vehicle Code, which shall be disbursed by
5 the circuit clerk to a State or county Transportation
6 Safety Highway Hire-back Fund as provided by subsection (e)
7 of Section 11-605.1 of the Illinois Vehicle Code.

8 (4) When a fine for a violation of subsection (a) of
9 Section 11-605 of the Illinois Vehicle Code is \$150 or
10 greater, the additional \$50 which is charged as provided
11 for by subsection (f) of Section 11-605 of the Illinois
12 Vehicle Code shall be disbursed by the circuit clerk to a
13 school district or districts for school safety purposes as
14 provided by subsection (f) of Section 11-605.

15 (5) When a fine for a violation of subsection (a) of
16 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
17 greater, the additional \$50 which is charged as provided
18 for by subsection (c) of Section 11-1002.5 of the Illinois
19 Vehicle Code shall be disbursed by the circuit clerk to a
20 school district or districts for school safety purposes as
21 provided by subsection (c) of Section 11-1002.5 of the
22 Illinois Vehicle Code.

23 (6) When a mandatory drug court fee of up to \$5 is
24 assessed as provided in subsection (f) of Section 5-1101 of
25 the Counties Code, it shall be disbursed by the circuit
26 clerk as provided in subsection (f) of Section 5-1101 of

1 the Counties Code.

2 (7) When a mandatory teen court, peer jury, youth
3 court, or other youth diversion program fee is assessed as
4 provided in subsection (e) of Section 5-1101 of the
5 Counties Code, it shall be disbursed by the circuit clerk
6 as provided in subsection (e) of Section 5-1101 of the
7 Counties Code.

8 (8) When a Children's Advocacy Center fee is assessed
9 pursuant to subsection (f-5) of Section 5-1101 of the
10 Counties Code, it shall be disbursed by the circuit clerk
11 as provided in subsection (f-5) of Section 5-1101 of the
12 Counties Code.

13 (9) When a victim impact panel fee is assessed pursuant
14 to subsection (b) of Section 11-501.01 of the Vehicle Code,
15 it shall be disbursed by the circuit clerk to the victim
16 impact panel to be attended by the defendant.

17 (10) When a new fee collected in traffic cases is
18 enacted after the effective date of this subsection (h), it
19 shall be excluded from the percentage disbursement
20 provisions of this Section unless otherwise indicated by
21 law.

22 (i) Of the amounts collected as fines under subsection (b)
23 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
24 deposited into the Illinois Military Family Relief Fund and 1%
25 shall be deposited into the Circuit Court Clerk Operation and
26 Administrative Fund created by the Clerk of the Circuit Court

1 to be used to offset the costs incurred by the Circuit Court
2 Clerk in performing the additional duties required to collect
3 and disburse funds to entities of State and local government as
4 provided by law.

5 (j) (Blank).

6 (k) For any conviction or disposition of court supervision
7 for a violation of Section 11-1429 of the Illinois Vehicle
8 Code, the circuit clerk shall distribute the fines paid by the
9 person as specified by subsection (h) of Section 11-1429 of the
10 Illinois Vehicle Code.

11 (l) Any person who receives a disposition of court
12 supervision for a violation of Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance shall,
14 in addition to any other fines, fees, and court costs, pay an
15 additional fee of \$50, which shall be collected by the circuit
16 clerk and then remitted to the State Treasurer for deposit into
17 the Roadside Memorial Fund, a special fund in the State
18 treasury. However, the court may waive the fee if full
19 restitution is complied with. Subject to appropriation, all
20 moneys in the Roadside Memorial Fund shall be used by the
21 Department of Transportation to pay fees imposed under
22 subsection (f) of Section 20 of the Roadside Memorial Act. The
23 fee shall be remitted by the circuit clerk within one month
24 after receipt to the State Treasurer for deposit into the
25 Roadside Memorial Fund.

26 (m) Of the amounts collected as fines under subsection (c)

1 of Section 411.4 of the Illinois Controlled Substances Act or
2 subsection (c) of Section 90 of the Methamphetamine Control and
3 Community Protection Act, 99% shall be deposited to the law
4 enforcement agency or fund specified and 1% shall be deposited
5 into the Circuit Court Clerk Operation and Administrative Fund
6 to be used to offset the costs incurred by the Circuit Court
7 Clerk in performing the additional duties required to collect
8 and disburse funds to entities of State and local government as
9 provided by law.

10 (n) In addition to any other fines and court costs assessed
11 by the courts, any person who is convicted of or pleads guilty
12 to a violation of the Criminal Code of 1961 or the Criminal
13 Code of 2012, or a similar provision of a local ordinance, or
14 who is convicted of, pleads guilty to, or receives a
15 disposition of court supervision for a violation of the
16 Illinois Vehicle Code, or a similar provision of a local
17 ordinance, shall pay an additional fee of \$15 to the clerk of
18 the circuit court. This additional fee of \$15 shall not be
19 considered a part of the fine for purposes of any reduction in
20 the fine for time served either before or after sentencing.
21 This amount, less 2.5% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the State Treasurer within 60 days after
24 receipt for deposit into the State Police Merit Board Public
25 Safety Fund.

26 (o) The amounts collected as fines under Sections 10-9,

1 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
2 be collected by the circuit clerk and distributed as provided
3 under Section 5-9-1.21 of the Unified Code of Corrections in
4 lieu of any disbursement under subsection (a) of this Section.

5 (Source: P.A. 97-434, eff. 1-1-12; 97-1051, eff. 1-1-13;
6 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-658, eff.
7 6-23-14; 98-1013, eff. 1-1-15; revised 10-2-14.)

8 Section 20. The Criminal Code of 2012 is amended by
9 changing Sections 24-1.1, 24-1.6, and 24-1.8 and by adding
10 Section 24-1.1-5 as follows:

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

12 Sec. 24-1.1. Unlawful use or possession of weapons by
13 felons ~~Use or Possession of Weapons by Felons or Persons in the~~
14 ~~Custody of the Department of Corrections Facilities.~~

15 (a) It is unlawful for a person to knowingly possess on or
16 about his person or on his land or in his own abode or fixed
17 place of business any weapon prohibited under Section 24-1 of
18 this Act or any firearm or any firearm ammunition if the person
19 has been convicted of a felony under the laws of this State or
20 any other jurisdiction. This Section shall not apply if the
21 person has been granted relief by the Director of the
22 Department of State Police under Section 10 of the Firearm
23 Owners Identification Card Act.

24 (b) (Blank). ~~It is unlawful for any person confined in a~~

1 ~~penal institution, which is a facility of the Illinois~~
2 ~~Department of Corrections, to possess any weapon prohibited~~
3 ~~under Section 24-1 of this Code or any firearm or firearm~~
4 ~~ammunition, regardless of the intent with which he possesses~~
5 ~~it.~~

6 (c) (Blank). ~~It shall be an affirmative defense to a~~
7 ~~violation of subsection (b), that such possession was~~
8 ~~specifically authorized by rule, regulation, or directive of~~
9 ~~the Illinois Department of Corrections or order issued pursuant~~
10 ~~thereto.~~

11 (d) (Blank). ~~The defense of necessity is not available to a~~
12 ~~person who is charged with a violation of subsection (b) of~~
13 ~~this Section.~~

14 (e) Sentence.

15 (1) ~~Violation of this Section is by a person not~~
16 ~~confined in a penal institution shall be a Class 3 felony~~
17 ~~for which the person shall be sentenced to no less than 3 2~~
18 ~~years and no more than 10 years and any second or~~
19 ~~subsequent violation shall be a Class 2 felony for which~~
20 ~~the person shall be sentenced to a term of imprisonment of~~
21 ~~not less than 3 years and not more than 14 years.~~

22 (2) ~~Violation of this Section is a Class 2 felony for~~
23 ~~which the person shall be sentenced to not less than 3~~
24 ~~years and not more than 14 years if the conviction was~~
25 ~~entered less than 10 years prior to the commission of the~~
26 ~~instant offense, excluding any time the defendant was in~~

1 custody, on probation, conditional discharge, or mandatory
2 supervised release.

3 (3) Violation of this Section by a person ~~not confined~~
4 ~~in a penal institution~~ who has been convicted of a second
5 or subsequent offense under this Section, a forcible
6 felony, a felony violation of Article 24 of this Code or of
7 the Firearm Owners Identification Card Act, stalking or
8 aggravated stalking, or a Class 2 or greater felony under
9 the Illinois Controlled Substances Act, the Cannabis
10 Control Act, or the Methamphetamine Control and Community
11 Protection Act is a Class 2 felony for which the person
12 shall be sentenced to not less than 4 ~~3~~ years and not more
13 than 14 years.

14 (4) Violation of this Section by a person who is on
15 parole or mandatory supervised release is a Class 2 felony
16 for which the person shall be sentenced to not less than 4
17 ~~3~~ years and not more than 14 years.

18 (5) Violation of this Section ~~by a person not confined~~
19 ~~in a penal institution~~ is a Class X felony when the firearm
20 possessed is a machine gun. ~~Any person who violates this~~
21 ~~Section while confined in a penal institution, which is a~~
22 ~~facility of the Illinois Department of Corrections, is~~
23 ~~guilty of a Class 1 felony, if he possesses any weapon~~
24 ~~prohibited under Section 24-1 of this Code regardless of~~
25 ~~the intent with which he possesses it, a Class X felony if~~
26 ~~he possesses any firearm, firearm ammunition or explosive,~~

1 ~~and a Class X felony for which the offender shall be~~
2 ~~sentenced to not less than 12 years and not more than 50~~
3 ~~years when the firearm possessed is a machine gun.~~

4 (6) A violation of this Section while wearing or in
5 possession of body armor as defined in Section 33F-1 is a
6 Class X felony punishable by a term of imprisonment of not
7 less than 10 years and not more than 40 years.

8 (7) A sentence of county impact incarceration under
9 Section 5-8-1.2 of the Unified Code of Corrections is not
10 authorized for a violation of this Section.

11 (8) The possession of each firearm or firearm
12 ammunition in violation of this Section constitutes a
13 single and separate violation.

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

15 (720 ILCS 5/24-1.1-5 new)

16 Sec. 24-1.1-5. Unlawful use or possession of weapons by
17 persons in the custody of the Department of Corrections
18 facilities.

19 (a) It is unlawful for any person confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections, to possess any weapon prohibited under Section
22 24-1 of this Code or any firearm or firearm ammunition,
23 regardless of the intent with which he or she possesses it.

24 (b) It is an affirmative defense to a violation of this
25 Section that the possession was specifically authorized by

1 rule, regulation, or directive of the Illinois Department of
2 Corrections or order issued under that rule, regulation, or
3 directive.

4 (c) The defense of necessity is not available to a person
5 who is charged with a violation of this Section.

6 (d) Sentence.

7 (1) Any person who violates this Section is guilty of a
8 Class 1 felony, if he or she possesses any weapon prohibited
9 under Section 24-1 of this Code, a Class X felony if he or she
10 possesses any firearm, firearm ammunition, or explosive, and a
11 Class X felony for which the offender shall be sentenced to not
12 less than 12 years and not more than 50 years when the firearm
13 possessed is a machine gun.

14 (2) A violation of this Section while wearing or in
15 possession of body armor as defined in Section 33F-1 is a Class
16 X felony punishable by a term of imprisonment of not less than
17 10 years and not more than 40 years.

18 (3) The possession of each firearm or firearm ammunition in
19 violation of this Section constitutes a single and separate
20 violation.

21 (4) A sentence of county impact incarceration under Section
22 5-8-1.2 of the Unified Code of Corrections is not authorized
23 for a violation of this Section.

24 (720 ILCS 5/24-1.6)

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

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

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

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

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

22 (A) the firearm, other than a pistol, revolver, or
23 handgun, possessed was uncased, loaded, and
24 immediately accessible at the time of the offense; or

25 (A-5) the pistol, revolver, or handgun possessed
26 was uncased, loaded, and immediately accessible at the

1 time of the offense and the person possessing the
2 pistol, revolver, or handgun has not been issued a
3 currently valid license under the Firearm Concealed
4 Carry Act; or

5 (B) the firearm, other than a pistol, revolver, or
6 handgun, possessed was uncased, unloaded, and the
7 ammunition for the weapon was immediately accessible
8 at the time of the offense; or

9 (B-5) the pistol, revolver, or handgun possessed
10 was uncased, unloaded, and the ammunition for the
11 weapon was immediately accessible at the time of the
12 offense and the person possessing the pistol,
13 revolver, or handgun has not been issued a currently
14 valid license under the Firearm Concealed Carry Act; or

15 (C) the person possessing the firearm has not been
16 issued a currently valid Firearm Owner's
17 Identification Card; or

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

22 (E) the person possessing the weapon was engaged in
23 a misdemeanor violation of the Cannabis Control Act, in
24 a misdemeanor violation of the Illinois Controlled
25 Substances Act, or in a misdemeanor violation of the
26 Methamphetamine Control and Community Protection Act;

1 or

2 (F) (blank); or

3 (G) the person possessing the weapon had a order of
4 protection issued against him or her within the
5 previous 2 years; or

6 (H) the person possessing the weapon was engaged in
7 the commission or attempted commission of a
8 misdemeanor involving the use or threat of violence
9 against the person or property of another; or

10 (I) the person possessing the weapon was under 21
11 years of age and in possession of a handgun, unless the
12 person under 21 is engaged in lawful activities under
13 the Wildlife Code or described in subsection
14 24-2 (b) (1), (b) (3), or 24-2 (f).

15 (a-5) "Handgun" as used in this Section has the meaning
16 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

22 (ii) are not immediately accessible; or

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

1 (d) Sentence.

2 (1) Aggravated unlawful use of a weapon is a Class 4
3 felony; a second or subsequent offense is a Class 2 felony
4 for which the person shall be sentenced to a term of
5 imprisonment of not less than 4 ~~3~~ years and not more than
6 10 ~~7~~ years.

7 (2) Except as otherwise provided in paragraphs (3) and
8 (4) of this subsection (d), a first offense of aggravated
9 unlawful use of a weapon committed with a firearm by a
10 person 18 years of age or older where the factors listed in
11 both items (A) and (C) or both items (A-5) and (C) of
12 paragraph (3) of subsection (a) are present is a Class 4
13 felony, for which the person shall be sentenced to a term
14 of imprisonment of not less than one year and not more than
15 3 years.

16 (3) Aggravated unlawful use of a weapon by a person who
17 has been previously convicted of a felony offense is a
18 Class 3 felony for which the person shall be sentenced to a
19 term of not less than 3 years and not more than 10 years,
20 unless the conviction was entered less than 10 years prior
21 to the commission of the instant offense, excluding any
22 time the defendant was in custody, on probation,
23 conditional discharge, or supervised release, in which
24 case it is a Class 2 felony for which the person shall be
25 sentenced to a term of not less than 4 years and not more
26 than 10 years. ~~in this State or another jurisdiction is a~~

~~Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years.~~

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

(5) A sentence of county impact incarceration under Section 5-8-1.2 of the Unified Code of Corrections is not authorized for a violation of this Section.

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

(Source: P.A. 98-63, eff. 7-9-13.)

(720 ILCS 5/24-1.8)

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

(a) A person commits unlawful possession of a firearm by a street gang member when he or she knowingly:

(1) possesses, carries, or conceals on or about his or her person a firearm and firearm ammunition while on any street, road, alley, gangway, sidewalk, or any other lands, except when inside his or her own abode or inside his or her fixed place of business, and has not been issued a

1 currently valid Firearm Owner's Identification Card and is
2 a member of a street gang; or

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

10 (b) Unlawful possession of a firearm by a street gang
11 member is a Class 2 felony for which the person, ~~if sentenced~~
12 ~~to a term of imprisonment,~~ shall be sentenced to no less than 4
13 3 years and no more than 10 years. A period of probation, a
14 term of periodic imprisonment or conditional discharge shall
15 not be imposed for the offense of unlawful possession of a
16 firearm by a street gang member when the firearm was loaded or
17 contained firearm ammunition and the court shall sentence the
18 offender to not less than the minimum term of imprisonment
19 authorized for the Class 2 felony. A sentence of county impact
20 incarceration under Section 5-8-1.2 of the Unified Code of
21 Corrections is not authorized for a violation of this Section.

22 (c) For purposes of this Section:

23 "Street gang" or "gang" has the meaning ascribed to it
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 "Street gang member" or "gang member" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

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

4 Section 25. The Unified Code of Corrections is amended by
5 changing Sections 3-6-3, 5-5-3, and 5-9-1.10 as follows:

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

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

8 (a) (1) The Department of Corrections shall prescribe
9 rules and regulations for awarding and revoking sentence
10 credit for persons committed to the Department which shall
11 be subject to review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may
13 be awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

17 (B) compliance with the rules and regulations of
18 the Department; or

19 (C) service to the institution, service to a
20 community, or service to the State.

21 (2) The rules and regulations on sentence credit shall
22 provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after
24 June 19, 1998 or with respect to the offense listed in

1 clause (iv) of this paragraph (2) committed on or after
2 June 23, 2005 (the effective date of Public Act 94-71) or
3 with respect to offense listed in clause (vi) committed on
4 or after June 1, 2008 (the effective date of Public Act
5 95-625) or with respect to the offense of being an armed
6 habitual criminal committed on or after August 2, 2005 (the
7 effective date of Public Act 94-398) or with respect to the
8 offenses listed in clause (v) of this paragraph (2)
9 committed on or after August 13, 2007 (the effective date
10 of Public Act 95-134) or with respect to the offense of
11 aggravated domestic battery committed on or after July 23,
12 2010 (the effective date of Public Act 96-1224) or with
13 respect to the offense of attempt to commit terrorism
14 committed on or after January 1, 2013 (the effective date
15 of Public Act 97-990), or with respect to the offenses
16 listed in clauses (viii) or (ix) of this paragraph (2)
17 committed on or after the effective date of this amendatory
18 Act of the 99th General Assembly, the following:

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

23 (ii) that a prisoner serving a sentence for attempt
24 to commit terrorism, attempt to commit first degree
25 murder, solicitation of murder, solicitation of murder
26 for hire, intentional homicide of an unborn child,

1 predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, criminal sexual
3 assault, aggravated kidnapping, aggravated battery
4 with a firearm as described in Section 12-4.2 or
5 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
6 Section 12-3.05, heinous battery as described in
7 Section 12-4.1 or subdivision (a)(2) of Section
8 12-3.05, being an armed habitual criminal, aggravated
9 battery of a senior citizen as described in Section
10 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
11 aggravated battery of a child as described in Section
12 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
13 receive no more than 4.5 days of sentence credit for
14 each month of his or her sentence of imprisonment;

15 (iii) that a prisoner serving a sentence for home
16 invasion, armed robbery, aggravated vehicular
17 hijacking, aggravated discharge of a firearm, or armed
18 violence with a category I weapon or category II
19 weapon, when the court has made and entered a finding,
20 pursuant to subsection (c-1) of Section 5-4-1 of this
21 Code, that the conduct leading to conviction for the
22 enumerated offense resulted in great bodily harm to a
23 victim, shall receive no more than 4.5 days of sentence
24 credit for each month of his or her sentence of
25 imprisonment;

26 (iv) that a prisoner serving a sentence for

1 aggravated discharge of a firearm, whether or not the
2 conduct leading to conviction for the offense resulted
3 in great bodily harm to the victim, shall receive no
4 more than 4.5 days of sentence credit for each month of
5 his or her sentence of imprisonment;

6 (v) that a person serving a sentence for
7 gunrunning, narcotics racketeering, controlled
8 substance trafficking, methamphetamine trafficking,
9 drug-induced homicide, aggravated
10 methamphetamine-related child endangerment, money
11 laundering pursuant to clause (c) (4) or (5) of Section
12 29B-1 of the Criminal Code of 1961 or the Criminal Code
13 of 2012, or a Class X felony conviction for delivery of
14 a controlled substance, possession of a controlled
15 substance with intent to manufacture or deliver,
16 calculated criminal drug conspiracy, criminal drug
17 conspiracy, street gang criminal drug conspiracy,
18 participation in methamphetamine manufacturing,
19 aggravated participation in methamphetamine
20 manufacturing, delivery of methamphetamine, possession
21 with intent to deliver methamphetamine, aggravated
22 delivery of methamphetamine, aggravated possession
23 with intent to deliver methamphetamine,
24 methamphetamine conspiracy when the substance
25 containing the controlled substance or methamphetamine
26 is 100 grams or more shall receive no more than 7.5

1 days sentence credit for each month of his or her
2 sentence of imprisonment;

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

7 (vii) that a prisoner serving a sentence for
8 aggravated domestic battery shall receive no more than
9 4.5 days of sentence credit for each month of his or
10 her sentence of imprisonment;

11 (viii) that a prisoner serving a sentence for a
12 violation under paragraph (1) or (2) of subsection (e)
13 of Section 24-1.1 of the Criminal Code of 2012 shall
14 receive no more than 7.5 days of sentence credit for
15 each month of his or her sentence of imprisonment; and

16 (ix) that a prisoner serving a sentence for a
17 violation under Section 24-1.8; paragraph (3), (4),
18 (5), or (6) of subsection (e) of Section 24-1.1; or a
19 Class 2 or greater felony under Section 24-1.6 of the
20 Criminal Code of 2012 shall receive no more than 4.5
21 days of sentence credit for each month of his or her
22 sentence of imprisonment.

23 (2.05) Notwithstanding clause (viii) of paragraph (2)
24 of this subsection (a), if a person is convicted of a
25 violation of paragraph (1) of subsection (e) of Section
26 24-1.1 of the Criminal Code of 2012, at the person's

1 sentencing hearing, after considering all of the evidence
2 in aggravation and mitigation, the court may enter an order
3 to the Department permitting the issuance of sentence
4 credits at the Department's discretion under this
5 paragraph (2.05) if the person proves each of the following
6 by a preponderance of the evidence:

7 (A) more than 10 years have elapsed since the later
8 of the completion of sentence for the prior felony,
9 discharge from incarceration for the prior felony,
10 discharge from mandatory supervised release for the
11 prior felony, or discharge from parole for the prior
12 felony;

13 (B) the person does not have a prior felony
14 conviction which qualifies as a forcible felony as
15 defined in Section 2-8 of the Criminal Code of 2012, a
16 felony violation of Article 24 of the Criminal Code of
17 1961 or the Criminal Code of 2012 or the Firearm Owners
18 Identification Card Act, stalking or aggravated
19 stalking, or a Class 2 or greater felony under the
20 Illinois Controlled Substances Act, the Cannabis
21 Control Act, or the Methamphetamine Control and
22 Community Protection Act;

23 (C) permitting sentence credits would serve the
24 goals of the individual's rehabilitation and reentry
25 into society; and

26 (D) permitting sentence credits is in the

1 interests of the protection of the public.

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 high school equivalency testing

1 while the prisoner is committed to the Department of
2 Corrections. The sentence credit awarded under this
3 paragraph (4.1) shall be in addition to, and shall not
4 affect, the award of sentence credit under any other
5 paragraph of this Section, but shall also be pursuant to
6 the guidelines and restrictions set forth in paragraph (4)
7 of subsection (a) of this Section. The sentence credit
8 provided for in this paragraph shall be available only to
9 those prisoners who have not previously earned a high
10 school diploma or a high school equivalency certificate.
11 If, after an award of the high school equivalency testing
12 sentence credit has been made, the Department determines
13 that the prisoner was not eligible, then the award shall be
14 revoked. The Department may also award 60 days of sentence
15 credit to any committed person who passed high school
16 equivalency testing 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. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;
2 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
3 1-1-15.)

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

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

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

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

24 (D-5) A violation of subdivision (c) (1) of Section 401
25 of the Illinois Controlled Substances Act which relates to

1 3 or more grams of a substance containing heroin or an
2 analog thereof.

3 (E) A violation of Section 5.1 or 9 of the Cannabis
4 Control Act.

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

16 (F-5) A violation of Section 24-1, 24-1.1, 24-1.1-5, or
17 24-1.6 of the Criminal Code of 1961 or the Criminal Code of
18 2012 for which imprisonment is prescribed in those
19 Sections.

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

23 (H) Criminal sexual assault.

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

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

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

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

13 (K) Vehicular hijacking.

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

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

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

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

26 (P) A violation of paragraph (1), (2), (3), (4), (5),

1 or (7) of subsection (a) of Section 11-20.1 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

3 (Q) A violation of subsection (b) or (b-5) of Section
4 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

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

8 (S) (Blank).

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

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

18 (V) A violation of paragraph (4) of subsection (c) of
19 Section 11-20.1B or paragraph (4) of subsection (c) of
20 Section 11-20.3 of the Criminal Code of 1961, or paragraph
21 (6) of subsection (a) of Section 11-20.1 of the Criminal
22 Code of 2012 when the victim is under 13 years of age and
23 the defendant has previously been convicted under the laws
24 of this State or any other state of the offense of child
25 pornography, aggravated child pornography, aggravated
26 criminal sexual abuse, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, or any of the
2 offenses formerly known as rape, deviate sexual assault,
3 indecent liberties with a child, or aggravated indecent
4 liberties with a child where the victim was under the age
5 of 18 years or an offense that is substantially equivalent
6 to those offenses.

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

9 (X) A violation of subsection (a) of Section 31-1a of
10 the Criminal Code of 1961 or the Criminal Code of 2012.

11 (Y) A conviction for unlawful possession of a firearm
12 by a street gang member when the firearm was loaded or
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was
15 serving a term of probation or conditional discharge for a
16 felony.

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

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

21 (CC) Knowingly selling, offering for sale, holding for
22 sale, or using 2,000 or more counterfeit items or
23 counterfeit items having a retail value in the aggregate of
24 \$500,000 or more.

25 (DD) A conviction for aggravated assault under
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 firearm is aimed toward the person against whom the firearm
3 is being used.

4 (3) (Blank).

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

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
11 this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court, shall
16 be imposed for a second violation of subsection (c) of Section
17 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6), and
19 (4.9) of this subsection (c), a minimum term of imprisonment of
20 30 days or 300 hours of community service, as determined by the
21 court, shall be imposed for a third or subsequent violation of
22 Section 6-303 of the Illinois Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall be
24 imposed for a third violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

4 (4.7) A minimum term of imprisonment of not less than 30
5 consecutive days, or 300 hours of community service, shall be
6 imposed for a violation of subsection (a-5) of Section 6-303 of
7 the Illinois Vehicle Code, as provided in subsection (b-5) of
8 that Section.

9 (4.8) A mandatory prison sentence shall be imposed for a
10 second violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (c-5) of that
12 Section. The person's driving privileges shall be revoked for a
13 period of not less than 5 years from the date of his or her
14 release from prison.

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

21 (4.10) A mandatory prison sentence for a Class 1 felony
22 shall be imposed, and the person shall be eligible for an
23 extended term sentence, for a fourth or subsequent violation of
24 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
25 as provided in subsection (d-3.5) of that Section. The person's
26 driving privileges shall be revoked for the remainder of his or

1 her life.

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

4 (A) a period of conditional discharge;

5 (B) a fine;

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

8 (5.1) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.2) or (5.3), a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for at least 90 days but not
13 more than one year, if the violation resulted in damage to the
14 property of another person.

15 (5.2) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license, permit, or
19 privileges suspended for at least 180 days but not more than 2
20 years, if the violation resulted in injury to another person.

21 (5.3) In addition to any other penalties imposed, a person
22 convicted of violating subsection (c) of Section 11-907 of the
23 Illinois Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 2 years, if the violation
25 resulted in the death of another person.

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code during a period in which his or her driver's license,
8 permit, or privileges were suspended for a previous violation
9 of that Section shall have his or her driver's license, permit,
10 or privileges suspended for an additional 6 months after the
11 expiration of the original 3-month suspension and until he or
12 she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a
21 first offense and \$2,000 for a second or subsequent offense
22 upon a person convicted of or placed on supervision for battery
23 when the individual harmed was a sports official or coach at
24 any level of competition and the act causing harm to the sports
25 official or coach occurred within an athletic facility or
26 within the immediate vicinity of the athletic facility at which

1 the sports official or coach was an active participant of the
2 athletic contest held at the athletic facility. For the
3 purposes of this paragraph (11), "sports official" means a
4 person at an athletic contest who enforces the rules of the
5 contest, such as an umpire or referee; "athletic facility"
6 means an indoor or outdoor playing field or recreational area
7 where sports activities are conducted; and "coach" means a
8 person recognized as a coach by the sanctioning authority that
9 conducted the sporting event.

10 (12) A person may not receive a disposition of court
11 supervision for a violation of Section 5-16 of the Boat
12 Registration and Safety Act if that person has previously
13 received a disposition of court supervision for a violation of
14 that Section.

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

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

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

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

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

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of 2
26 years; or

1 (B) the defendant is willing to participate in a
2 court approved plan including but not limited to the
3 defendant's:

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

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

9 and

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

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

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

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

4 (g) Whenever a defendant is convicted of an offense under
5 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
6 11-14.3, 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
8 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
9 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the defendant shall undergo medical
11 testing to determine whether the defendant has any sexually
12 transmissible disease, including a test for infection with
13 human immunodeficiency virus (HIV) or any other identified
14 causative agent of acquired immunodeficiency syndrome (AIDS).
15 Any such medical test shall be performed only by appropriately
16 licensed medical practitioners and may include an analysis of
17 any bodily fluids as well as an examination of the defendant's
18 person. Except as otherwise provided by law, the results of
19 such test shall be kept strictly confidential by all medical
20 personnel involved in the testing and must be personally
21 delivered in a sealed envelope to the judge of the court in
22 which the conviction was entered for the judge's inspection in
23 camera. Acting in accordance with the best interests of the
24 victim and the public, the judge shall have the discretion to
25 determine to whom, if anyone, the results of the testing may be
26 revealed. The court shall notify the defendant of the test

1 results. The court shall also notify the victim if requested by
2 the victim, and if the victim is under the age of 15 and if
3 requested by the victim's parents or legal guardian, the court
4 shall notify the victim's parents or legal guardian of the test
5 results. The court shall provide information on the
6 availability of HIV testing and counseling at Department of
7 Public Health facilities to all parties to whom the results of
8 the testing are revealed and shall direct the State's Attorney
9 to provide the information to the victim when possible. A
10 State's Attorney may petition the court to obtain the results
11 of any HIV test administered under this Section, and the court
12 shall grant the disclosure if the State's Attorney shows it is
13 relevant in order to prosecute a charge of criminal
14 transmission of HIV under Section 12-5.01 or 12-16.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 against the
16 defendant. The court shall order that the cost of any such test
17 shall be paid by the county and may be taxed as costs against
18 the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-5.01 or
2 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
3 2012 against the defendant. The court shall order that the cost
4 of any such test shall be paid by the county and may be taxed as
5 costs against the convicted defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substances Act, or Section 70 of the Methamphetamine
26 Control and Community Protection Act of a defendant, the court

1 shall determine whether the defendant is employed by a facility
2 or center as defined under the Child Care Act of 1969, a public
3 or private elementary or secondary school, or otherwise works
4 with children under 18 years of age on a daily basis. When a
5 defendant is so employed, the court shall order the Clerk of
6 the Court to send a copy of the judgment of conviction or order
7 of supervision or probation to the defendant's employer by
8 certified mail. If the employer of the defendant is a school,
9 the Clerk of the Court shall direct the mailing of a copy of
10 the judgment of conviction or order of supervision or probation
11 to the appropriate regional superintendent of schools. The
12 regional superintendent of schools shall notify the State Board
13 of Education of any notification under this subsection.

14 (j-5) A defendant at least 17 years of age who is convicted
15 of a felony and who has not been previously convicted of a
16 misdemeanor or felony and who is sentenced to a term of
17 imprisonment in the Illinois Department of Corrections shall as
18 a condition of his or her sentence be required by the court to
19 attend educational courses designed to prepare the defendant
20 for a high school diploma and to work toward a high school
21 diploma or to work toward passing high school equivalency
22 testing or to work toward completing a vocational training
23 program offered by the Department of Corrections. If a
24 defendant fails to complete the educational training required
25 by his or her sentence during the term of incarceration, the
26 Prisoner Review Board shall, as a condition of mandatory

1 supervised release, require the defendant, at his or her own
2 expense, to pursue a course of study toward a high school
3 diploma or passage of high school equivalency testing. The
4 Prisoner Review Board shall revoke the mandatory supervised
5 release of a defendant who wilfully fails to comply with this
6 subsection (j-5) upon his or her release from confinement in a
7 penal institution while serving a mandatory supervised release
8 term; however, the inability of the defendant after making a
9 good faith effort to obtain financial aid or pay for the
10 educational training shall not be deemed a wilful failure to
11 comply. The Prisoner Review Board shall recommit the defendant
12 whose mandatory supervised release term has been revoked under
13 this subsection (j-5) as provided in Section 3-3-9. This
14 subsection (j-5) does not apply to a defendant who has a high
15 school diploma or has successfully passed high school
16 equivalency testing. This subsection (j-5) does not apply to a
17 defendant who is determined by the court to be developmentally
18 disabled or otherwise mentally incapable of completing the
19 educational or vocational program.

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by the
23 Immigration and Nationality Act, is convicted of any felony or
24 misdemeanor offense, the court after sentencing the defendant
25 may, upon motion of the State's Attorney, hold sentence in
26 abeyance and remand the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent to be deported when:

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

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

9 Otherwise, the defendant shall be sentenced as provided in
10 this Chapter V.

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on probation
13 under Section 10 of the Cannabis Control Act, Section 410 of
14 the Illinois Controlled Substances Act, or Section 70 of the
15 Methamphetamine Control and Community Protection Act, the
16 court may, upon motion of the State's Attorney to suspend the
17 sentence imposed, commit the defendant to the custody of the
18 Attorney General of the United States or his or her designated
19 agent when:

20 (1) a final order of deportation has been issued
21 against the defendant pursuant to proceedings under the
22 Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not
24 deprecate the seriousness of the defendant's conduct and
25 would not be inconsistent with the ends of justice.

26 (C) This subsection (1) does not apply to offenders who are

1 subject to the provisions of paragraph (2) of subsection (a) of
2 Section 3-6-3.

3 (D) Upon motion of the State's Attorney, if a defendant
4 sentenced under this Section returns to the jurisdiction of the
5 United States, the defendant shall be recommitted to the
6 custody of the county from which he or she was sentenced.
7 Thereafter, the defendant shall be brought before the
8 sentencing court, which may impose any sentence that was
9 available under Section 5-5-3 at the time of initial
10 sentencing. In addition, the defendant shall not be eligible
11 for additional sentence credit for good conduct as provided
12 under Section 3-6-3.

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, in which the property damage exceeds
16 \$300 and the property damaged is a school building, shall be
17 ordered to perform community service that may include cleanup,
18 removal, or painting over the defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
21 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
22 of 1961 or the Criminal Code of 2012 (i) to an impact
23 incarceration program if the person is otherwise eligible for
24 that program under Section 5-8-1.1, (ii) to community service,
25 or (iii) if the person is an addict or alcoholic, as defined in
26 the Alcoholism and Other Drug Abuse and Dependency Act, to a

1 substance or alcohol abuse program licensed under that Act.

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

7 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;
8 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.
9 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,
10 eff. 7-16-14.)

11 (730 ILCS 5/5-9-1.10)

12 Sec. 5-9-1.10. Additional fines. There shall be added to
13 every penalty imposed in sentencing for a violation of Sections
14 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
15 1961 or the Criminal Code of 2012 an additional fine of \$100
16 payable to the clerk, which shall be imposed upon the entry of
17 a judgment of conviction. This additional fee, less 2 1/2% that
18 shall be used to defray administrative costs incurred by the
19 clerk, shall be remitted by the clerk to the Treasurer within
20 60 days after receipt for deposit into the Trauma Center Fund.
21 This additional fee of \$100 shall not be considered a part of
22 the fine for purposes of any reduction in the fine for time
23 served either before or after sentencing. Not later than March
24 1 of each year the circuit clerk shall submit a report of the
25 amount of funds remitted to the State Treasurer under this

1 Section during the preceding calendar year. All moneys
2 collected by the circuit clerk and remitted to the State
3 Treasurer under Section 27.6 of the Clerks of Courts Act shall
4 be deposited into the Trauma Center Fund for distribution as
5 provided under Section 3.225 of the Emergency Medical Services
6 (EMS) Systems Act.

7 (Source: P.A. 97-1150, eff. 1-25-13.)

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 46/25

4 625 ILCS 5/6-106.1

5 625 ILCS 5/6-508 from Ch. 95 1/2, par. 6-508

6 705 ILCS 105/27.6

7 720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1

8 720 ILCS 5/24-1.1-5 new

9 720 ILCS 5/24-1.6

10 720 ILCS 5/24-1.8

11 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

12 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3

13 730 ILCS 5/5-9-1.10