



Rep. Michael J. Zalewski

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LRB099 06157 RLC 33151 a

1 AMENDMENT TO HOUSE BILL 353

2 AMENDMENT NO. _____. Amend House Bill 353 by replacing
3 everything after the enacting clause with the following:

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

1 may involve contact with residents or access to the living
2 quarters or the financial, medical, or personal records of
3 residents, who has been convicted of committing or attempting
4 to commit one or more of the following offenses: those defined
5 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
6 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
7 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
8 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
9 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
10 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
12 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
13 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,
14 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of
15 Section 11-14.4, or in subsection (a) of Section 12-3 or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012; those provided in Section
18 4 of the Wrongs to Children Act; those provided in Section 53
19 of the Criminal Jurisprudence Act; those defined in Section 5,
20 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in
21 the Methamphetamine Control and Community Protection Act; or
22 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or
23 407.1 of the Illinois Controlled Substances Act, unless the
24 applicant or employee obtains a waiver pursuant to Section 40.

25 (a-1) In the discretion of the Director of Public Health,
26 as soon after January 1, 2004 or October 1, 2007, as

1 applicable, and as is reasonably practical, no health care
2 employer shall knowingly hire any individual in a position with
3 duties involving direct care for clients, patients, or
4 residents, and no long-term care facility shall knowingly hire
5 any individual in a position with duties that involve or may
6 involve contact with residents or access to the living quarters
7 or the financial, medical, or personal records of residents,
8 who has (i) been convicted of committing or attempting to
9 commit one or more of the offenses defined in Section 12-3.3,
10 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
11 17-44, 18-5, 20-1.2, 24-1.1, 24-1.1-5, 24-1.2-5, 24-1.6,
12 24-3.2, or 24-3.3, or subsection (b) of Section 17-32,
13 subsection (b) of Section 18-1, or subsection (b) of Section
14 20-1, of the Criminal Code of 1961 or the Criminal Code of
15 2012; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
16 and Debit Card Act; or Section 11-9.1A of the Criminal Code of
17 1961 or the Criminal Code of 2012 or Section 5.1 of the Wrongs
18 to Children Act; or (ii) violated Section 50-50 of the Nurse
19 Practice Act, unless the applicant or employee obtains a waiver
20 pursuant to Section 40 of this Act.

21 A health care employer is not required to retain an
22 individual in a position with duties involving direct care for
23 clients, patients, or residents, and no long-term care facility
24 is required to retain an individual in a position with duties
25 that involve or may involve contact with residents or access to
26 the living quarters or the financial, medical, or personal

1 records of residents, who has been convicted of committing or
2 attempting to commit one or more of the offenses enumerated in
3 this subsection.

4 (b) A health care employer shall not hire, employ, or
5 retain any individual in a position with duties involving
6 direct care of clients, patients, or residents, and no
7 long-term care facility shall knowingly hire, employ, or retain
8 any individual in a position with duties that involve or may
9 involve contact with residents or access to the living quarters
10 or the financial, medical, or personal records of residents, if
11 the health care employer becomes aware that the individual has
12 been convicted in another state of committing or attempting to
13 commit an offense that has the same or similar elements as an
14 offense listed in subsection (a) or (a-1), as verified by court
15 records, records from a state agency, or an FBI criminal
16 history record check, unless the applicant or employee obtains
17 a waiver pursuant to Section 40 of this Act. This shall not be
18 construed to mean that a health care employer has an obligation
19 to conduct a criminal history records check in other states in
20 which an employee has resided.

21 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
22 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
23 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
24 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
25 eff. 1-25-13.)

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

3 (625 ILCS 5/6-106.1)

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

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

1 provisions of this Section as long as the permit remains valid
2 and does not lapse. The applicant shall be required to pay all
3 related application and fingerprinting fees as established by
4 rule including, but not limited to, the amounts established by
5 the Department of State Police and the Federal Bureau of
6 Investigation to process fingerprint based criminal background
7 investigations. All fees paid for fingerprint processing
8 services under this Section shall be deposited into the State
9 Police Services Fund for the cost incurred in processing the
10 fingerprint based criminal background investigations. All
11 other fees paid under this Section shall be deposited into the
12 Road Fund for the purpose of defraying the costs of the
13 Secretary of State in administering this Section. All
14 applicants must:

- 15 1. be 21 years of age or older;
- 16 2. possess a valid and properly classified driver's
17 license issued by the Secretary of State;
- 18 3. possess a valid driver's license, which has not been
19 revoked, suspended, or canceled for 3 years immediately
20 prior to the date of application, or have not had his or
21 her commercial motor vehicle driving privileges
22 disqualified within the 3 years immediately prior to the
23 date of application;
- 24 4. successfully pass a written test, administered by
25 the Secretary of State, on school bus operation, school bus
26 safety, and special traffic laws relating to school buses

1 and submit to a review of the applicant's driving habits by
2 the Secretary of State at the time the written test is
3 given;

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

7 6. demonstrate physical fitness to operate school
8 buses by submitting the results of a medical examination,
9 including tests for drug use for each applicant not subject
10 to such testing pursuant to federal law, conducted by a
11 licensed physician, an advanced practice nurse who has a
12 written collaborative agreement with a collaborating
13 physician which authorizes him or her to perform medical
14 examinations, or a physician assistant who has been
15 delegated the performance of medical examinations by his or
16 her supervising physician within 90 days of the date of
17 application according to standards promulgated by the
18 Secretary of State;

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

22 8. have completed an initial classroom course,
23 including first aid procedures, in school bus driver safety
24 as promulgated by the Secretary of State; and after
25 satisfactory completion of said initial course an annual
26 refresher course; such courses and the agency or

1 organization conducting such courses shall be approved by
2 the Secretary of State; failure to complete the annual
3 refresher course, shall result in cancellation of the
4 permit until such course is completed;

5 9. not have been under an order of court supervision
6 for or convicted of 2 or more serious traffic offenses, as
7 defined by rule, within one year prior to the date of
8 application that may endanger the life or safety of any of
9 the driver's passengers within the duration of the permit
10 period;

11 10. not have been under an order of court supervision
12 for or convicted of reckless driving, aggravated reckless
13 driving, driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or
15 any combination thereof, or reckless homicide resulting
16 from the operation of a motor vehicle within 3 years of the
17 date of application;

18 11. not have been convicted of committing or attempting
19 to commit any one or more of the following offenses: (i)
20 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
21 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
22 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
24 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
25 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
26 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,

1 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
2 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
3 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
4 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
5 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
6 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
7 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
8 20-1.3, 20-2, 24-1, 24-1.1, 24-1.1-5, 24-1.2, 24-1.2-5,
9 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9,
10 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
11 Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1),
12 (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of Section
13 12-3.05, and in subsection (a) and subsection (b), clause
14 (1), of Section 12-4, and in subsection (A), clauses (a)
15 and (b), of Section 24-3, and those offenses contained in
16 Article 29D of the Criminal Code of 1961 or the Criminal
17 Code of 2012; (ii) those offenses defined in the Cannabis
18 Control Act except those offenses defined in subsections
19 (a) and (b) of Section 4, and subsection (a) of Section 5
20 of the Cannabis Control Act; (iii) those offenses defined
21 in the Illinois Controlled Substances Act; (iv) those
22 offenses defined in the Methamphetamine Control and
23 Community Protection Act; (v) any offense committed or
24 attempted in any other state or against the laws of the
25 United States, which if committed or attempted in this
26 State would be punishable as one or more of the foregoing

1 offenses; (vi) the offenses defined in Section 4.1 and 5.1
2 of the Wrongs to Children Act or Section 11-9.1A of the
3 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
4 those offenses defined in Section 6-16 of the Liquor
5 Control Act of 1934; and (viii) those offenses defined in
6 the Methamphetamine Precursor Control Act;

7 12. not have been repeatedly involved as a driver in
8 motor vehicle collisions or been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree which indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 13. not have, through the unlawful operation of a motor
16 vehicle, caused an accident resulting in the death of any
17 person;

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

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

25 (b) A school bus driver permit shall be valid for a period
26 specified by the Secretary of State as set forth by rule. It

1 shall be renewable upon compliance with subsection (a) of this
2 Section.

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

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

24 (e) Permits shall initially be provisional upon receiving
25 certification from the employer that all pre-employment
26 conditions have been successfully completed, and upon

1 successful completion of all training and examination
2 requirements for the classification of the vehicle to be
3 operated, the Secretary of State shall provisionally issue a
4 School Bus Driver Permit. The permit shall remain in a
5 provisional status pending the completion of the Federal Bureau
6 of Investigation's criminal background investigation based
7 upon fingerprinting specimens submitted to the Federal Bureau
8 of Investigation by the Department of State Police. The Federal
9 Bureau of Investigation shall report the findings directly to
10 the Secretary of State. The Secretary of State shall remove the
11 bus driver permit from provisional status upon the applicant's
12 successful completion of the Federal Bureau of Investigation's
13 criminal background investigation.

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

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

25 (1) The Secretary of State shall cancel a school bus
26 driver permit of an applicant whose criminal background

1 investigation discloses that he or she is not in compliance
2 with the provisions of subsection (a) of this Section.

3 (2) The Secretary of State shall cancel a school bus
4 driver permit when he or she receives notice that the
5 permit holder fails to comply with any provision of this
6 Section or any rule promulgated for the administration of
7 this Section.

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

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

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

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

1 (7) The Secretary of State shall suspend a school bus
2 driver permit for a period of 3 years upon receiving notice
3 from the employer that the holder refused to submit to an
4 alcohol or drug test as required by Section 6-106.1c or has
5 submitted to a test required by that Section which
6 disclosed an alcohol concentration of more than 0.00 or
7 disclosed a positive result on a National Institute on Drug
8 Abuse five-drug panel, utilizing federal standards set
9 forth in 49 CFR 40.87.

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

1 school board that fails to remove the offending school bus
2 driver from service is subject to the penalties defined in
3 Section 3-14.23 of the School Code. A school bus contractor who
4 violates a provision of this Section is subject to the
5 penalties defined in Section 6-106.11.

6 All valid school bus driver permits issued under this
7 Section prior to January 1, 1995, shall remain effective until
8 their expiration date unless otherwise invalidated.

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

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

25 (j) For purposes of subsections (h) and (i) of this
26 Section:

1 "Active duty" means active duty pursuant to an executive
2 order of the President of the United States, an act of the
3 Congress of the United States, or an order of the Governor.

4 "Service member" means a member of the Armed Services or
5 reserve forces of the United States or a member of the Illinois
6 National Guard.

7 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
8 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
9 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
10 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
11 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
12 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
13 eff. 1-25-13.)

14 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

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

16 Sec. 6-508. Commercial Driver's License (CDL) -
17 qualification standards.

18 (a) Testing.

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

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

6 (2) Third party testing. The Secretary of State may
7 authorize a "third party tester", pursuant to 49 C.F.R.
8 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
9 skills test or tests specified by the Federal Motor Carrier
10 Safety Administration pursuant to the Commercial Motor
11 Vehicle Safety Act of 1986 and any appropriate federal
12 rule.

13 (b) Waiver of Skills Test. The Secretary of State may waive
14 the skills test specified in this Section for a driver
15 applicant for a commercial driver license who meets the
16 requirements of 49 C.F.R. 383.77. The Secretary of State shall
17 waive the skills tests specified in this Section for a driver
18 applicant who has military commercial motor vehicle
19 experience, subject to the requirements of 49 C.F.R. 383.77.

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

- 23 (1) non-excepted interstate;
24 (2) non-excepted intrastate;
25 (3) excepted interstate; or
26 (4) excepted intrastate.

1 (b-2) (Blank).

2 (c) Limitations on issuance of a CDL. A CDL shall not be
3 issued to a person while the person is subject to a
4 disqualification from driving a commercial motor vehicle, or
5 unless otherwise permitted by this Code, while the person's
6 driver's license is suspended, revoked or cancelled in any
7 state, or any territory or province of Canada; nor may a CLP or
8 CDL be issued to a person who has a CLP or CDL issued by any
9 other state, or foreign jurisdiction, nor may a CDL be issued
10 to a person who has an Illinois CLP unless the person first
11 surrenders all of these licenses or permits. However, a person
12 may hold an Illinois CLP and an Illinois CDL providing the CLP
13 is necessary to train or practice for an endorsement or vehicle
14 classification not present on the current CDL. No CDL shall be
15 issued to or renewed for a person who does not meet the
16 requirement of 49 CFR 391.41(b) (11). The requirement may be met
17 with the aid of a hearing aid.

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

23 (1) the person has submitted his or her fingerprints to
24 the Department of State Police in the form and manner
25 prescribed by the Department of State Police. These
26 fingerprints shall be checked against the fingerprint

1 records now and hereafter filed in the Department of State
2 Police and Federal Bureau of Investigation criminal
3 history records databases;

4 (2) the person has passed a written test, administered
5 by the Secretary of State, on charter bus operation,
6 charter bus safety, and certain special traffic laws
7 relating to school buses determined by the Secretary of
8 State to be relevant to charter buses, and submitted to a
9 review of the driver applicant's driving habits by the
10 Secretary of State at the time the written test is given;

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

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

1 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
2 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
3 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
4 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
5 24-1.1-5, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1,
6 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and
7 33D-1, and in subsection (b) of Section 8-1, and in
8 subdivisions (a) (1), (a) (2), (b) (1), (e) (1), (e) (2),
9 (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and in
10 subsection (a) and subsection (b), clause (1), of Section
11 12-4, and in subsection (A), clauses (a) and (b), of
12 Section 24-3, and those offenses contained in Article 29D
13 of the Criminal Code of 1961 or the Criminal Code of 2012;
14 (ii) those offenses defined in the Cannabis Control Act
15 except those offenses defined in subsections (a) and (b) of
16 Section 4, and subsection (a) of Section 5 of the Cannabis
17 Control Act; (iii) those offenses defined in the Illinois
18 Controlled Substances Act; (iv) those offenses defined in
19 the Methamphetamine Control and Community Protection Act;
20 (v) any offense committed or attempted in any other state
21 or against the laws of the United States, which if
22 committed or attempted in this State would be punishable as
23 one or more of the foregoing offenses; (vi) the offenses
24 defined in Sections 4.1 and 5.1 of the Wrongs to Children
25 Act or Section 11-9.1A of the Criminal Code of 1961 or the
26 Criminal Code of 2012; (vii) those offenses defined in

1 Section 6-16 of the Liquor Control Act of 1934; and (viii)
2 those offenses defined in the Methamphetamine Precursor
3 Control Act.

4 The Department of State Police shall charge a fee for
5 conducting the criminal history records check, which shall be
6 deposited into the State Police Services Fund and may not
7 exceed the actual cost of the records check.

8 (c-2) The Secretary shall issue a CDL with a school bus
9 endorsement to allow a person to drive a school bus as defined
10 in this Section. The CDL shall be issued according to the
11 requirements outlined in 49 C.F.R. 383. A person may not
12 operate a school bus as defined in this Section without a
13 school bus endorsement. The Secretary of State may adopt rules
14 consistent with Federal guidelines to implement this
15 subsection (c-2).

16 (d) (Blank).

17 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
18 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
19 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of P.A. 98-722 for
20 effective date of changes made by 98-176); 98-756, eff.
21 7-16-14.)

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

24 (705 ILCS 105/27.6)

1 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
2 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
3 98-658, and 98-1013)

4 Sec. 27.6. (a) All fees, fines, costs, additional
5 penalties, bail balances assessed or forfeited, and any other
6 amount paid by a person to the circuit clerk equalling an
7 amount of \$55 or more, except the fine imposed by Section
8 5-9-1.15 of the Unified Code of Corrections, the additional fee
9 required by subsections (b) and (c), restitution under Section
10 5-5-6 of the Unified Code of Corrections, contributions to a
11 local anti-crime program ordered pursuant to Section
12 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
13 Corrections, reimbursement for the costs of an emergency
14 response as provided under Section 11-501 of the Illinois
15 Vehicle Code, any fees collected for attending a traffic safety
16 program under paragraph (c) of Supreme Court Rule 529, any fee
17 collected on behalf of a State's Attorney under Section 4-2002
18 of the Counties Code or a sheriff under Section 4-5001 of the
19 Counties Code, or any cost imposed under Section 124A-5 of the
20 Code of Criminal Procedure of 1963, for convictions, orders of
21 supervision, or any other disposition for a violation of
22 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
23 similar provision of a local ordinance, and any violation of
24 the Child Passenger Protection Act, or a similar provision of a
25 local ordinance, and except as otherwise provided in this
26 Section shall be disbursed within 60 days after receipt by the

1 circuit clerk as follows: 44.5% shall be disbursed to the
2 entity authorized by law to receive the fine imposed in the
3 case; 16.825% shall be disbursed to the State Treasurer; and
4 38.675% shall be disbursed to the county's general corporate
5 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
6 shall be deposited by the State Treasurer into the Violent
7 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
8 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
9 be deposited into the Drivers Education Fund, and 6.948/17
10 shall be deposited into the Trauma Center Fund. Of the 6.948/17
11 deposited into the Trauma Center Fund from the 16.825%
12 disbursed to the State Treasurer, 50% shall be disbursed to the
13 Department of Public Health and 50% shall be disbursed to the
14 Department of Healthcare and Family Services. For fiscal year
15 1993, amounts deposited into the Violent Crime Victims
16 Assistance Fund, the Traffic and Criminal Conviction Surcharge
17 Fund, or the Drivers Education Fund shall not exceed 110% of
18 the amounts deposited into those funds in fiscal year 1991. Any
19 amount that exceeds the 110% limit shall be distributed as
20 follows: 50% shall be disbursed to the county's general
21 corporate fund and 50% shall be disbursed to the entity
22 authorized by law to receive the fine imposed in the case. Not
23 later than March 1 of each year the circuit clerk shall submit
24 a report of the amount of funds remitted to the State Treasurer
25 under this Section during the preceding year based upon
26 independent verification of fines and fees. All counties shall

1 be subject to this Section, except that counties with a
2 population under 2,000,000 may, by ordinance, elect not to be
3 subject to this Section. For offenses subject to this Section,
4 judges shall impose one total sum of money payable for
5 violations. The circuit clerk may add on no additional amounts
6 except for amounts that are required by Sections 27.3a and
7 27.3c of this Act, unless those amounts are specifically waived
8 by the judge. With respect to money collected by the circuit
9 clerk as a result of forfeiture of bail, ex parte judgment or
10 guilty plea pursuant to Supreme Court Rule 529, the circuit
11 clerk shall first deduct and pay amounts required by Sections
12 27.3a and 27.3c of this Act. This Section is a denial and
13 limitation of home rule powers and functions under subsection
14 (h) of Section 6 of Article VII of the Illinois Constitution.

15 (b) In addition to any other fines and court costs assessed
16 by the courts, any person convicted or receiving an order of
17 supervision for driving under the influence of alcohol or drugs
18 shall pay an additional fee of \$100 to the clerk of the circuit
19 court. This amount, less 2 1/2% that shall be used to defray
20 administrative costs incurred by the clerk, shall be remitted
21 by the clerk to the Treasurer within 60 days after receipt for
22 deposit into the Trauma Center Fund. This additional fee of
23 \$100 shall not be considered a part of the fine for purposes of
24 any reduction in the fine for time served either before or
25 after sentencing. Not later than March 1 of each year the
26 Circuit Clerk shall submit a report of the amount of funds

1 remitted to the State Treasurer under this subsection during
2 the preceding calendar year.

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

17 (c) In addition to any other fines and court costs assessed
18 by the courts, any person convicted for a violation of Sections
19 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
20 1961 or the Criminal Code of 2012 or a person sentenced for a
21 violation of the Cannabis Control Act, the Illinois Controlled
22 Substances Act, or the Methamphetamine Control and Community
23 Protection Act shall pay an additional fee of \$100 to the clerk
24 of the circuit court. This amount, less 2 1/2% that shall be
25 used to defray administrative costs incurred by the clerk,
26 shall be remitted by the clerk to the Treasurer within 60 days

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

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

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

25 (1) 50% of the amounts collected for felony offenses
26 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,

1 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
2 Animals Act and Section 26-5 or 48-1 of the Criminal Code
3 of 1961 or the Criminal Code of 2012;

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

9 (3) 50% of the amounts collected for Class C
10 misdemeanors under Sections 4.01 and 7.1 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.

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

25 (f) This Section does not apply to the additional child
26 pornography fines assessed and collected under Section

1 5-9-1.14 of the Unified Code of Corrections.

2 (g) (Blank).

3 (h) (Blank).

4 (i) Of the amounts collected as fines under subsection (b)
5 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
6 deposited into the Illinois Military Family Relief Fund and 1%
7 shall be deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 to be used to offset the costs incurred by the Circuit Court
10 Clerk in performing the additional duties required to collect
11 and disburse funds to entities of State and local government as
12 provided by law.

13 (j) Any person convicted of, pleading guilty to, or placed
14 on supervision for a serious traffic violation, as defined in
15 Section 1-187.001 of the Illinois Vehicle Code, a violation of
16 Section 11-501 of the Illinois Vehicle Code, or a violation of
17 a similar provision of a local ordinance shall pay an
18 additional fee of \$35, to be disbursed as provided in Section
19 16-104d of that Code.

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

21 (k) For any conviction or disposition of court supervision
22 for a violation of Section 11-1429 of the Illinois Vehicle
23 Code, the circuit clerk shall distribute the fines paid by the
24 person as specified by subsection (h) of Section 11-1429 of the
25 Illinois Vehicle Code.

26 (l) Any person who receives a disposition of court

1 supervision for a violation of Section 11-501 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance shall,
3 in addition to any other fines, fees, and court costs, pay an
4 additional fee of \$50, which shall be collected by the circuit
5 clerk and then remitted to the State Treasurer for deposit into
6 the Roadside Memorial Fund, a special fund in the State
7 treasury. However, the court may waive the fee if full
8 restitution is complied with. Subject to appropriation, all
9 moneys in the Roadside Memorial Fund shall be used by the
10 Department of Transportation to pay fees imposed under
11 subsection (f) of Section 20 of the Roadside Memorial Act. The
12 fee shall be remitted by the circuit clerk within one month
13 after receipt to the State Treasurer for deposit into the
14 Roadside Memorial Fund.

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

25 (n) In addition to any other fines and court costs assessed
26 by the courts, any person who is convicted of or pleads guilty

1 to a violation of the Criminal Code of 1961 or the Criminal
2 Code of 2012, or a similar provision of a local ordinance, or
3 who is convicted of, pleads guilty to, or receives a
4 disposition of court supervision for a violation of the
5 Illinois Vehicle Code, or a similar provision of a local
6 ordinance, shall pay an additional fee of \$15 to the clerk of
7 the circuit court. This additional fee of \$15 shall not be
8 considered a part of the fine for purposes of any reduction in
9 the fine for time served either before or after sentencing.
10 This amount, less 2.5% that shall be used to defray
11 administrative costs incurred by the clerk, shall be remitted
12 by the clerk to the State Treasurer within 60 days after
13 receipt for deposit into the State Police Merit Board Public
14 Safety Fund.

15 (o) The amounts collected as fines under Sections 10-9,
16 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
17 be collected by the circuit clerk and distributed as provided
18 under Section 5-9-1.21 of the Unified Code of Corrections in
19 lieu of any disbursement under subsection (a) of this Section.

20 (Source: P.A. 97-434, eff. 1-1-12; 97-1051, eff. 1-1-13;
21 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-658, eff.
22 6-23-14; 98-1013, eff. 1-1-15; revised 10-2-14.)

23 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
24 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
25 98-658, and 98-1013)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the fine imposed by Section
5 5-9-1.15 of the Unified Code of Corrections, the additional fee
6 required by subsections (b) and (c), restitution under Section
7 5-5-6 of the Unified Code of Corrections, contributions to a
8 local anti-crime program ordered pursuant to Section
9 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
10 Corrections, reimbursement for the costs of an emergency
11 response as provided under Section 11-501 of the Illinois
12 Vehicle Code, any fees collected for attending a traffic safety
13 program under paragraph (c) of Supreme Court Rule 529, any fee
14 collected on behalf of a State's Attorney under Section 4-2002
15 of the Counties Code or a sheriff under Section 4-5001 of the
16 Counties Code, or any cost imposed under Section 124A-5 of the
17 Code of Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as otherwise provided in this
23 Section shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 44.5% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the
26 case; 16.825% shall be disbursed to the State Treasurer; and

1 38.675% shall be disbursed to the county's general corporate
2 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
3 shall be deposited by the State Treasurer into the Violent
4 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
5 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
6 be deposited into the Drivers Education Fund, and 6.948/17
7 shall be deposited into the Trauma Center Fund. Of the 6.948/17
8 deposited into the Trauma Center Fund from the 16.825%
9 disbursed to the State Treasurer, 50% shall be disbursed to the
10 Department of Public Health and 50% shall be disbursed to the
11 Department of Healthcare and Family Services. For fiscal year
12 1993, amounts deposited into the Violent Crime Victims
13 Assistance Fund, the Traffic and Criminal Conviction Surcharge
14 Fund, or the Drivers Education Fund shall not exceed 110% of
15 the amounts deposited into those funds in fiscal year 1991. Any
16 amount that exceeds the 110% limit shall be distributed as
17 follows: 50% shall be disbursed to the county's general
18 corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

1 judges shall impose one total sum of money payable for
2 violations. The circuit clerk may add on no additional amounts
3 except for amounts that are required by Sections 27.3a and
4 27.3c of this Act, Section 16-104c of the Illinois Vehicle
5 Code, and subsection (a) of Section 5-1101 of the Counties
6 Code, unless those amounts are specifically waived by the
7 judge. With respect to money collected by the circuit clerk as
8 a result of forfeiture of bail, ex parte judgment or guilty
9 plea pursuant to Supreme Court Rule 529, the circuit clerk
10 shall first deduct and pay amounts required by Sections 27.3a
11 and 27.3c of this Act. Unless a court ordered payment schedule
12 is implemented or fee requirements are waived pursuant to court
13 order, the clerk of the court may add to any unpaid fees and
14 costs a delinquency amount equal to 5% of the unpaid fees that
15 remain unpaid after 30 days, 10% of the unpaid fees that remain
16 unpaid after 60 days, and 15% of the unpaid fees that remain
17 unpaid after 90 days. Notice to those parties may be made by
18 signage posting or publication. The additional delinquency
19 amounts collected under this Section shall be deposited in the
20 Circuit Court Clerk Operation and Administrative Fund to be
21 used to defray administrative costs incurred by the circuit
22 clerk in performing the duties required to collect and disburse
23 funds. This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

26 (b) In addition to any other fines and court costs assessed

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

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

1 under this subsection during the preceding calendar year.

2 (c) In addition to any other fines and court costs assessed
3 by the courts, any person convicted for a violation of Sections
4 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
5 1961 or the Criminal Code of 2012 or a person sentenced for a
6 violation of the Cannabis Control Act, the Illinois Controlled
7 Substances Act, or the Methamphetamine Control and Community
8 Protection Act shall pay an additional fee of \$100 to the clerk
9 of the circuit court. This amount, less 2 1/2% that shall be
10 used to defray administrative costs incurred by the clerk,
11 shall be remitted by the clerk to the Treasurer within 60 days
12 after receipt for deposit into the Trauma Center Fund. This
13 additional fee of \$100 shall not be considered a part of the
14 fine for purposes of any reduction in the fine for time served
15 either before or after sentencing. Not later than March 1 of
16 each year the Circuit Clerk shall submit a report of the amount
17 of funds remitted to the State Treasurer under this subsection
18 during the preceding calendar year.

19 (c-1) In addition to any other fines and court costs
20 assessed by the courts, any person sentenced for a violation of
21 the Cannabis Control Act, the Illinois Controlled Substances
22 Act, or the Methamphetamine Control and Community Protection
23 Act shall pay an additional fee of \$5 to the clerk of the
24 circuit court. This amount, less 2 1/2% that shall be used to
25 defray administrative costs incurred by the clerk, shall be
26 remitted by the clerk to the Treasurer within 60 days after

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

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

10 (1) 50% of the amounts collected for felony offenses
11 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
12 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
13 Animals Act and Section 26-5 or 48-1 of the Criminal Code
14 of 1961 or the Criminal Code of 2012;

15 (2) 20% of the amounts collected for Class A and Class
16 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
17 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
18 for Animals Act and Section 26-5 or 48-1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012; and

20 (3) 50% of the amounts collected for Class C
21 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
22 for Animals Act and Section 26-5 or 48-1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (e) Any person who receives a disposition of court
25 supervision for a violation of the Illinois Vehicle Code or a
26 similar provision of a local ordinance shall, in addition to

1 any other fines, fees, and court costs, pay an additional fee
2 of \$29, to be disbursed as provided in Section 16-104c of the
3 Illinois Vehicle Code. In addition to the fee of \$29, the
4 person shall also pay a fee of \$6, if not waived by the court.
5 If this \$6 fee is collected, \$5.50 of the fee shall be
6 deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 and 50 cents of the fee shall be deposited into the Prisoner
9 Review Board Vehicle and Equipment Fund in the State treasury.

10 (f) This Section does not apply to the additional child
11 pornography fines assessed and collected under Section
12 5-9-1.14 of the Unified Code of Corrections.

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

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

20 (1) A person who is found guilty of or pleads guilty to
21 violating subsection (a) of Section 11-501 of the Illinois
22 Vehicle Code, including any person placed on court
23 supervision for violating subsection (a), shall be fined
24 \$750 as provided for by subsection (f) of Section 11-501.01
25 of the Illinois Vehicle Code, payable to the circuit clerk,
26 who shall distribute the money pursuant to subsection (f)

1 of Section 11-501.01 of the Illinois Vehicle Code.

2 (2) When a crime laboratory DUI analysis fee of \$150,
3 provided for by Section 5-9-1.9 of the Unified Code of
4 Corrections is assessed, it shall be disbursed by the
5 circuit clerk as provided by subsection (f) of Section
6 5-9-1.9 of the Unified Code of Corrections.

7 (3) When a fine for a violation of Section 11-605.1 of
8 the Illinois Vehicle Code is \$250 or greater, the person
9 who violated that Section shall be charged an additional
10 \$125 as provided for by subsection (e) of Section 11-605.1
11 of the Illinois Vehicle Code, which shall be disbursed by
12 the circuit clerk to a State or county Transportation
13 Safety Highway Hire-back Fund as provided by subsection (e)
14 of Section 11-605.1 of the Illinois Vehicle Code.

15 (4) When a fine for a violation of subsection (a) of
16 Section 11-605 of the Illinois Vehicle Code is \$150 or
17 greater, the additional \$50 which is charged as provided
18 for by subsection (f) of Section 11-605 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 (f) of Section 11-605.

22 (5) When a fine for a violation of subsection (a) of
23 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
24 greater, the additional \$50 which is charged as provided
25 for by subsection (c) of Section 11-1002.5 of the Illinois
26 Vehicle Code shall be disbursed by the circuit clerk to a

1 school district or districts for school safety purposes as
2 provided by subsection (c) of Section 11-1002.5 of the
3 Illinois Vehicle Code.

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

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

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

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

24 (10) When a new fee collected in traffic cases is
25 enacted after the effective date of this subsection (h), it
26 shall be excluded from the percentage disbursement

1 provisions of this Section unless otherwise indicated by
2 law.

3 (i) Of the amounts collected as fines under subsection (b)
4 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
5 deposited into the Illinois Military Family Relief Fund and 1%
6 shall be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 to be used to offset the costs incurred by the Circuit Court
9 Clerk in performing the additional duties required to collect
10 and disburse funds to entities of State and local government as
11 provided by law.

12 (j) (Blank).

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

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

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

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

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

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

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

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

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

18 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

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

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

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

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

21 (e) Sentence.

22 (1) ~~Violation of this Section is by a person not~~
23 ~~confined in a penal institution shall be a Class 3 felony~~
24 ~~for which the person shall be sentenced to no less than 3 2~~
25 ~~years and no more than 10 years and any second or~~
26 ~~subsequent violation shall be a Class 2 felony for which~~

1 ~~the person shall be sentenced to a term of imprisonment of~~
2 ~~not less than 3 years and not more than 14 years.~~

3 (2) Violation of this Section is a Class 2 felony for
4 which the person shall be sentenced to not less than 3
5 years and not more than 14 years if the conviction was
6 entered less than 10 years prior to the commission of the
7 instant offense, excluding any time the defendant was in
8 custody, on probation, conditional discharge, or mandatory
9 supervised release.

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

21 (4) Violation of this Section by a person who is on
22 parole or mandatory supervised release is a Class 2 felony
23 for which the person shall be sentenced to not less than 4
24 ~~3~~ years and not more than 14 years.

25 (5) Violation of this Section ~~by a person not confined~~
26 ~~in a penal institution~~ is a Class X felony when the firearm

1 possessed is a machine gun. ~~Any person who violates this~~
2 ~~Section while confined in a penal institution, which is a~~
3 ~~facility of the Illinois Department of Corrections, is~~
4 ~~guilty of a Class 1 felony, if he possesses any weapon~~
5 ~~prohibited under Section 24-1 of this Code regardless of~~
6 ~~the intent with which he possesses it, a Class X felony if~~
7 ~~he possesses any firearm, firearm ammunition or explosive,~~
8 ~~and a Class X felony for which the offender shall be~~
9 ~~sentenced to not less than 12 years and not more than 50~~
10 ~~years when the firearm possessed is a machine gun.~~

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

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

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

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

22 (720 ILCS 5/24-1.1-5 new)

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

1 (a) It is unlawful for any person confined in a penal
2 institution, which is a facility of the Illinois Department of
3 Corrections, to possess any weapon prohibited under Section
4 24-1 of this Code or any firearm or firearm ammunition,
5 regardless of the intent with which he or she possesses it.

6 (b) It is an affirmative defense to a violation of this
7 Section that the possession was specifically authorized by
8 rule, regulation, or directive of the Illinois Department of
9 Corrections or order issued under that rule, regulation, or
10 directive.

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

13 (d) Sentence.

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

21 (2) A violation of this Section while wearing or in
22 possession of body armor as defined in Section 33F-1 is a Class
23 X felony punishable by a term of imprisonment of not less than
24 10 years and not more than 40 years.

25 (3) The possession of each firearm or firearm ammunition in
26 violation of this Section constitutes a single and separate

1 violation.

2 (4) A sentence of county impact incarceration under Section
3 5-8-1.2 of the Unified Code of Corrections is not authorized
4 for a violation of this Section.

5 (720 ILCS 5/24-1.6)

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

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

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

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

1 and

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

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

6 (A-5) the pistol, revolver, or handgun possessed
7 was uncased, loaded, and immediately accessible at the
8 time of the offense and the person possessing the
9 pistol, revolver, or handgun has not been issued a
10 currently valid license under the Firearm Concealed
11 Carry Act; or

12 (B) the firearm, other than a pistol, revolver, or
13 handgun, possessed was uncased, unloaded, and the
14 ammunition for the weapon was immediately accessible
15 at the time of the offense; or

16 (B-5) the pistol, revolver, or handgun possessed
17 was uncased, unloaded, and the ammunition for the
18 weapon was immediately accessible at the time of the
19 offense and the person possessing the pistol,
20 revolver, or handgun has not been issued a currently
21 valid license under the Firearm Concealed Carry Act; or

22 (C) the person possessing the firearm has not been
23 issued a currently valid Firearm Owner's
24 Identification Card; or

25 (D) the person possessing the weapon was
26 previously adjudicated a delinquent minor under the

1 Juvenile Court Act of 1987 for an act that if committed
2 by an adult would be a felony; or

3 (E) the person possessing the weapon was engaged in
4 a misdemeanor violation of the Cannabis Control Act, in
5 a misdemeanor violation of the Illinois Controlled
6 Substances Act, or in a misdemeanor violation of the
7 Methamphetamine Control and Community Protection Act;
8 or

9 (F) (blank); or

10 (G) the person possessing the weapon had a order of
11 protection issued against him or her within the
12 previous 2 years; or

13 (H) the person possessing the weapon was engaged in
14 the commission or attempted commission of a
15 misdemeanor involving the use or threat of violence
16 against the person or property of another; or

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

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

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

26 (c) This Section does not apply to or affect the

1 transportation or possession of weapons that:

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

3 (ii) are not immediately accessible; or

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

8 (d) Sentence.

9 (1) Aggravated unlawful use of a weapon is a Class 4
10 felony; a second or subsequent offense is a Class 2 felony
11 for which the person shall be sentenced to a term of
12 imprisonment of not less than 4 3 years and not more than
13 10 7 years.

14 (2) Except as otherwise provided in paragraphs (3) and
15 (4) of this subsection (d), a first offense of aggravated
16 unlawful use of a weapon committed with a firearm by a
17 person 18 years of age or older where the factors listed in
18 both items (A) and (C) or both items (A-5) and (C) of
19 paragraph (3) of subsection (a) are present is a Class 4
20 felony, for which the person shall be sentenced to a term
21 of imprisonment of not less than one year and not more than
22 3 years.

23 (3) Aggravated unlawful use of a weapon by a person who
24 has been previously convicted of a felony offense is a
25 Class 3 felony for which the person shall be sentenced to a
26 term of not less than 3 years and not more than 10 years,

1 unless the conviction was entered less than 10 years prior
2 to the commission of the instant offense, excluding any
3 time the defendant was in custody, on probation,
4 conditional discharge, or supervised release, in which
5 case it is a Class 2 felony for which the person shall be
6 sentenced to a term of not less than 4 years and not more
7 than 10 years. in this State or another jurisdiction is a
8 Class 2 felony for which the person shall be sentenced to a
9 term of imprisonment of not less than 3 years and not more
10 than 7 years.

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

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

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

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

23 (720 ILCS 5/24-1.8)

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

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

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

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

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

~~1 court shall sentence the offender to not less than the minimum
2 term of imprisonment authorized for the Class 2 felony.~~

3 (c) For purposes of this Section:

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

7 "Street gang member" or "gang member" has the meaning
8 ascribed to it in Section 10 of the Illinois Streetgang
9 Terrorism Omnibus Prevention Act.

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

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

13 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

19 (1.5) As otherwise provided by law, sentence credit may
20 be awarded for the following:

21 (A) successful completion of programming while in
22 custody of the Department or while in custody prior to
23 sentencing;

24 (B) compliance with the rules and regulations of

1 the Department; or

2 (C) service to the institution, service to a
3 community, or service to the State.

4 (2) The rules and regulations on sentence credit shall
5 provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after
7 June 19, 1998 or with respect to the offense listed in
8 clause (iv) of this paragraph (2) committed on or after
9 June 23, 2005 (the effective date of Public Act 94-71) or
10 with respect to offense listed in clause (vi) committed on
11 or after June 1, 2008 (the effective date of Public Act
12 95-625) or with respect to the offense of being an armed
13 habitual criminal committed on or after August 2, 2005 (the
14 effective date of Public Act 94-398) or with respect to the
15 offenses listed in clause (v) of this paragraph (2)
16 committed on or after August 13, 2007 (the effective date
17 of Public Act 95-134) or with respect to the offense of
18 aggravated domestic battery committed on or after July 23,
19 2010 (the effective date of Public Act 96-1224) or with
20 respect to the offense of attempt to commit terrorism
21 committed on or after January 1, 2013 (the effective date
22 of Public Act 97-990), or with respect to the offenses
23 listed in clause (viii) of this paragraph (2) committed on
24 or after the effective date of this amendatory Act of the
25 99th General Assembly, the following:

26 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense
2 of terrorism shall receive no sentence credit and shall
3 serve the entire sentence imposed by the court;

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

22 (iii) that a prisoner serving a sentence for home
23 invasion, armed robbery, aggravated vehicular
24 hijacking, aggravated discharge of a firearm, or armed
25 violence with a category I weapon or category II
26 weapon, when the court has made and entered a finding,

1 pursuant to subsection (c-1) of Section 5-4-1 of this
2 Code, that the conduct leading to conviction for the
3 enumerated offense resulted in great bodily harm to a
4 victim, shall receive no more than 4.5 days of sentence
5 credit for each month of his or her sentence of
6 imprisonment;

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

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

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

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

14 (vii) that a prisoner serving a sentence for
15 aggravated domestic battery shall receive no more than
16 4.5 days of sentence credit for each month of his or
17 her sentence of imprisonment; and

18 (viii) that a prisoner serving a sentence for a
19 violation under Section 24-1.8; paragraphs (2), (3),
20 (4), (5) or (6) of subsection (e) under Section 24-1.1;
21 or, a Class 2 or greater felony under Section 24-1.6 of
22 the Criminal Code of 2012 shall receive no more than
23 4.5 days of sentence credit for each month of his or
24 her sentence of imprisonment, unless the prisoner
25 receives a court order under paragraph (2.05) of this
26 subsection (a) authorizing the Department to issue up

1 to a maximum of 180 days of additional sentence credit
2 towards the prisoner's sentence.

3 (2.05) Notwithstanding clause (viii) of paragraph (2)
4 of this subsection (a), if a person is convicted for a
5 violation under Section 24-1.8, paragraphs (2), (3), (4),
6 (5) or (6) of subsection (e) of Section 24-1.1, or a Class
7 2 or greater felony under Section 24-1.6 of the Criminal
8 Code of 2012, at the person's sentencing hearing, after
9 considering all of the evidence in aggravation and
10 mitigation, the court may enter an order for judicially
11 authorized sentence credit to the Department permitting
12 the issuance of sentence credit for each day that the
13 person is actually personally engaged full-time and is
14 attending one of the substance abuse programs, vocational
15 programs, correctional industry assignments, educational
16 programs, high school equivalency test programs, behavior
17 modification programs, life skills courses, or other
18 re-entry planning provided by the Department. The
19 Department may issue sentence credit up to a maximum of 180
20 days under the order, and this sentence credit is
21 contingent upon the person's successful completion of the
22 program under the standards provided by the Department. The
23 court may enter the order if the person establishes by a
24 preponderance of the evidence that the interest of justice
25 is served by permitting the person enrollment in
26 correctional programming. In making its determination the

1 court shall consider the following factors:

2 (A) the person was not the leader, manager, or
3 supervisor of others in the criminal conduct for which
4 the person was convicted;

5 (B) permitting sentence credit would serve the
6 goals of the person's rehabilitation and reentry into
7 society; and

8 (C) permitting sentence credit is in the interests
9 of public safety.

10 The sentencing judge shall specify on the record the
11 particular information, factors in aggravation or
12 mitigation, or other reasons that led to his or her
13 determination under this paragraph (2.05).

14 (2.1) For all offenses, other than those enumerated in
15 subdivision (a) (2) (i), (ii), or (iii) committed on or after
16 June 19, 1998 or subdivision (a) (2) (iv) committed on or
17 after June 23, 2005 (the effective date of Public Act
18 94-71) or subdivision (a) (2) (v) committed on or after
19 August 13, 2007 (the effective date of Public Act 95-134)
20 or subdivision (a) (2) (vi) committed on or after June 1,
21 2008 (the effective date of Public Act 95-625) or
22 subdivision (a) (2) (vii) committed on or after July 23, 2010
23 (the effective date of Public Act 96-1224), and other than
24 the offense of aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code, and other than
3 the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (C) of paragraph (1) of subsection (d) of
7 Section 11-501 of the Illinois Vehicle Code committed on or
8 after January 1, 2011 (the effective date of Public Act
9 96-1230), the rules and regulations shall provide that a
10 prisoner who is serving a term of imprisonment shall
11 receive one day of sentence credit for each day of his or
12 her sentence of imprisonment or recommitment under Section
13 3-3-9. Each day of sentence credit shall reduce by one day
14 the prisoner's period of imprisonment or recommitment
15 under Section 3-3-9.

16 (2.2) A prisoner serving a term of natural life
17 imprisonment or a prisoner who has been sentenced to death
18 shall receive no sentence credit.

19 (2.3) The rules and regulations on sentence credit
20 shall provide that a prisoner who is serving a sentence for
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (F) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code, shall receive no more than 4.5 days
26 of sentence credit for each month of his or her sentence of

1 imprisonment.

2 (2.4) The rules and regulations on sentence credit
3 shall provide with respect to the offenses of aggravated
4 battery with a machine gun or a firearm equipped with any
5 device or attachment designed or used for silencing the
6 report of a firearm or aggravated discharge of a machine
7 gun or a firearm equipped with any device or attachment
8 designed or used for silencing the report of a firearm,
9 committed on or after July 15, 1999 (the effective date of
10 Public Act 91-121), that a prisoner serving a sentence for
11 any of these offenses shall receive no more than 4.5 days
12 of sentence credit for each month of his or her sentence of
13 imprisonment.

14 (2.5) The rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
16 aggravated arson committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176) shall receive no more
18 than 4.5 days of sentence credit for each month of his or
19 her sentence of imprisonment.

20 (2.6) The rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds or any
24 combination thereof as defined in subparagraph (C) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230) shall receive no
2 more than 4.5 days of sentence credit for each month of his
3 or her sentence of imprisonment.

4 (3) The rules and regulations shall also provide that
5 the Director may award up to 180 days additional sentence
6 credit for good conduct in specific instances as the
7 Director deems proper. The good conduct may include, but is
8 not limited to, compliance with the rules and regulations
9 of the Department, service to the Department, service to a
10 community, or service to the State. However, the Director
11 shall not award more than 90 days of sentence credit for
12 good conduct to any prisoner who is serving a sentence for
13 conviction of first degree murder, reckless homicide while
14 under the influence of alcohol or any other drug, or
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof as defined in subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, criminal sexual assault, deviate
22 sexual assault, aggravated criminal sexual abuse,
23 aggravated indecent liberties with a child, indecent
24 liberties with a child, child pornography, heinous battery
25 as described in Section 12-4.1 or subdivision (a)(2) of
26 Section 12-3.05, aggravated battery of a spouse,

1 aggravated battery of a spouse with a firearm, stalking,
2 aggravated stalking, aggravated battery of a child as
3 described in Section 12-4.3 or subdivision (b)(1) of
4 Section 12-3.05, endangering the life or health of a child,
5 or cruelty to a child. Notwithstanding the foregoing,
6 sentence credit for good conduct shall not be awarded on a
7 sentence of imprisonment imposed for conviction of: (i) one
8 of the offenses enumerated in subdivision (a)(2)(i), (ii),
9 or (iii) when the offense is committed on or after June 19,
10 1998 or subdivision (a)(2)(iv) when the offense is
11 committed on or after June 23, 2005 (the effective date of
12 Public Act 94-71) or subdivision (a)(2)(v) when the offense
13 is committed on or after August 13, 2007 (the effective
14 date of Public Act 95-134) or subdivision (a)(2)(vi) when
15 the offense is committed on or after June 1, 2008 (the
16 effective date of Public Act 95-625) or subdivision
17 (a)(2)(vii) when the offense is committed on or after July
18 23, 2010 (the effective date of Public Act 96-1224), (ii)
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, (iii) one of the offenses enumerated
24 in subdivision (a)(2.4) when the offense is committed on or
25 after July 15, 1999 (the effective date of Public Act
26 91-121), (iv) aggravated arson when the offense is

1 committed on or after July 27, 2001 (the effective date of
2 Public Act 92-176), (v) offenses that may subject the
3 offender to commitment under the Sexually Violent Persons
4 Commitment Act, or (vi) aggravated driving under the
5 influence of alcohol, other drug or drugs, or intoxicating
6 compound or compounds or any combination thereof as defined
7 in 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).

11 Eligible inmates for an award of sentence credit under this
12 paragraph (3) may be selected to receive the credit at the
13 Director's or his or her designee's sole discretion.
14 Consideration may be based on, but not limited to, any
15 available risk assessment analysis on the inmate, any history
16 of conviction for violent crimes as defined by the Rights of
17 Crime Victims and Witnesses Act, facts and circumstances of the
18 inmate's holding offense or offenses, and the potential for
19 rehabilitation.

20 The Director shall not award sentence credit under this
21 paragraph (3) to an inmate unless the inmate has served a
22 minimum of 60 days of the sentence; except nothing in this
23 paragraph shall be construed to permit the Director to extend
24 an inmate's sentence beyond that which was imposed by the
25 court. Prior to awarding credit under this paragraph (3), the
26 Director shall make a written determination that the inmate:

1 (A) is eligible for the sentence credit;

2 (B) has served a minimum of 60 days, or as close to
3 60 days as the sentence will allow; and

4 (C) has met the eligibility criteria established
5 by rule.

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

8 (3.5) The Department shall provide annual written
9 reports to the Governor and the General Assembly on the
10 award of sentence credit for good conduct, with the first
11 report due January 1, 2014. The Department must publish
12 both reports on its website within 48 hours of transmitting
13 the reports to the Governor and the General Assembly. The
14 reports must include:

15 (A) the number of inmates awarded sentence credit
16 for good conduct;

17 (B) the average amount of sentence credit for good
18 conduct awarded;

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

21 (D) the number of sentence credit for good conduct
22 revocations.

23 (4) The rules and regulations shall also provide that
24 the sentence credit accumulated and retained under
25 paragraph (2.1) of subsection (a) of this Section by any
26 inmate during specific periods of time in which such inmate

1 is engaged full-time in substance abuse programs,
2 correctional industry assignments, educational programs,
3 behavior modification programs, life skills courses, or
4 re-entry planning provided by the Department under this
5 paragraph (4) and satisfactorily completes the assigned
6 program as determined by the standards of the Department,
7 shall be multiplied by a factor of 1.25 for program
8 participation before August 11, 1993 and 1.50 for program
9 participation on or after that date. The rules and
10 regulations shall also provide that sentence credit,
11 subject to the same offense limits and multiplier provided
12 in this paragraph, may be provided to an inmate who was
13 held in pre-trial detention prior to his or her current
14 commitment to the Department of Corrections and
15 successfully completed a full-time, 60-day or longer
16 substance abuse program, educational program, behavior
17 modification program, life skills course, or re-entry
18 planning provided by the county department of corrections
19 or county jail. Calculation of this county program credit
20 shall be done at sentencing as provided in Section
21 5-4.5-100 of this Code and shall be included in the
22 sentencing order. However, no inmate shall be eligible for
23 the additional sentence credit under this paragraph (4) or
24 (4.1) of this subsection (a) while assigned to a boot camp
25 or electronic detention, or if convicted of an offense
26 enumerated in subdivision (a) (2) (i), (ii), or (iii) of this

1 Section that is committed on or after June 19, 1998 or
2 subdivision (a)(2)(iv) of this Section that is committed on
3 or after June 23, 2005 (the effective date of Public Act
4 94-71) or subdivision (a)(2)(v) of this Section that is
5 committed on or after August 13, 2007 (the effective date
6 of Public Act 95-134) or subdivision (a)(2)(vi) when the
7 offense is committed on or after June 1, 2008 (the
8 effective date of Public Act 95-625) or subdivision
9 (a)(2)(vii) when the offense is committed on or after July
10 23, 2010 (the effective date of Public Act 96-1224), or if
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code, or if
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds or any combination thereof as defined in
19 subparagraph (C) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code committed on or
21 after January 1, 2011 (the effective date of Public Act
22 96-1230), or if convicted of an offense enumerated in
23 paragraph (a)(2.4) of this Section that is committed on or
24 after July 15, 1999 (the effective date of Public Act
25 91-121), or first degree murder, a Class X felony, criminal
26 sexual assault, felony criminal sexual abuse, aggravated

1 criminal sexual abuse, aggravated battery with a firearm as
2 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
3 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
4 successor offenses with the same or substantially the same
5 elements, or any inchoate offenses relating to the
6 foregoing offenses. No inmate shall be eligible for the
7 additional good conduct credit under this paragraph (4) who
8 (i) has previously received increased good conduct credit
9 under this paragraph (4) and has subsequently been
10 convicted of a felony, or (ii) has previously served more
11 than one prior sentence of imprisonment for a felony in an
12 adult correctional facility.

13 Educational, vocational, substance abuse, behavior
14 modification programs, life skills courses, re-entry
15 planning, and correctional industry programs under which
16 sentence credit may be increased under this paragraph (4)
17 and paragraph (4.1) of this subsection (a) shall be
18 evaluated by the Department on the basis of documented
19 standards. The Department shall report the results of these
20 evaluations to the Governor and the General Assembly by
21 September 30th of each year. The reports shall include data
22 relating to the recidivism rate among program
23 participants.

24 Availability of these programs shall be subject to the
25 limits of fiscal resources appropriated by the General
26 Assembly for these purposes. Eligible inmates who are

1 denied immediate admission shall be placed on a waiting
2 list under criteria established by the Department. The
3 inability of any inmate to become engaged in any such
4 programs by reason of insufficient program resources or for
5 any other reason established under the rules and
6 regulations of the Department shall not be deemed a cause
7 of action under which the Department or any employee or
8 agent of the Department shall be liable for damages to the
9 inmate.

10 (4.1) The rules and regulations shall also provide that
11 an additional 60 days of sentence credit shall be awarded
12 to any prisoner who passes high school equivalency testing
13 while the prisoner is committed to the Department of
14 Corrections. The sentence credit awarded under this
15 paragraph (4.1) shall be in addition to, and shall not
16 affect, the award of sentence credit under any other
17 paragraph of this Section, but shall also be pursuant to
18 the guidelines and restrictions set forth in paragraph (4)
19 of subsection (a) of this Section. The sentence credit
20 provided for in this paragraph shall be available only to
21 those prisoners who have not previously earned a high
22 school diploma or a high school equivalency certificate.
23 If, after an award of the high school equivalency testing
24 sentence credit has been made, the Department determines
25 that the prisoner was not eligible, then the award shall be
26 revoked. The Department may also award 60 days of sentence

1 credit to any committed person who passed high school
2 equivalency testing while he or she was held in pre-trial
3 detention prior to the current commitment to the Department
4 of Corrections.

5 (4.5) The rules and regulations on sentence credit
6 shall also provide that when the court's sentencing order
7 recommends a prisoner for substance abuse treatment and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the prisoner shall
10 receive no sentence credit awarded under clause (3) of this
11 subsection (a) unless he or she participates in and
12 completes a substance abuse treatment program. The
13 Director may waive the requirement to participate in or
14 complete a substance abuse treatment program and award the
15 sentence credit in specific instances if the prisoner is
16 not a good candidate for a substance abuse treatment
17 program for medical, programming, or operational reasons.
18 Availability of substance abuse treatment shall be subject
19 to the limits of fiscal resources appropriated by the
20 General Assembly for these purposes. If treatment is not
21 available and the requirement to participate and complete
22 the treatment has not been waived by the Director, the
23 prisoner shall be placed on a waiting list under criteria
24 established by the Department. The Director may allow a
25 prisoner placed on a waiting list to participate in and
26 complete a substance abuse education class or attend

1 substance abuse self-help meetings in lieu of a substance
2 abuse treatment program. A prisoner on a waiting list who
3 is not placed in a substance abuse program prior to release
4 may be eligible for a waiver and receive sentence credit
5 under clause (3) of this subsection (a) at the discretion
6 of the Director.

7 (4.6) The rules and regulations on sentence credit
8 shall also provide that a prisoner who has been convicted
9 of a sex offense as defined in Section 2 of the Sex
10 Offender Registration Act shall receive no sentence credit
11 unless he or she either has successfully completed or is
12 participating in sex offender treatment as defined by the
13 Sex Offender Management Board. However, prisoners who are
14 waiting to receive treatment, but who are unable to do so
15 due solely to the lack of resources on the part of the
16 Department, may, at the Director's sole discretion, be
17 awarded sentence credit at a rate as the Director shall
18 determine.

19 (5) Whenever the Department is to release any inmate
20 earlier than it otherwise would because of a grant of
21 sentence credit for good conduct under paragraph (3) of
22 subsection (a) of this Section given at any time during the
23 term, the Department shall give reasonable notice of the
24 impending release not less than 14 days prior to the date
25 of the release to the State's Attorney of the county where
26 the prosecution of the inmate took place, and if

1 applicable, the State's Attorney of the county into which
2 the inmate will be released. The Department must also make
3 identification information and a recent photo of the inmate
4 being released accessible on the Internet by means of a
5 hyperlink labeled "Community Notification of Inmate Early
6 Release" on the Department's World Wide Web homepage. The
7 identification information shall include the inmate's:
8 name, any known alias, date of birth, physical
9 characteristics, residence address, commitment offense and
10 county where conviction was imposed. The identification
11 information shall be placed on the website within 3 days of
12 the inmate's release and the information may not be removed
13 until either: completion of the first year of mandatory
14 supervised release or return of the inmate to custody of
15 the Department.

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

20 (c) The Department shall prescribe rules and regulations
21 for revoking sentence credit, including revoking sentence
22 credit awarded for good conduct under paragraph (3) of
23 subsection (a) of this Section. The Department shall prescribe
24 rules and regulations for suspending or reducing the rate of
25 accumulation of sentence credit for specific rule violations,
26 during imprisonment. These rules and regulations shall provide

1 that no inmate may be penalized more than one year of sentence
2 credit for any one infraction.

3 When the Department seeks to revoke, suspend or reduce the
4 rate of accumulation of any sentence credits for an alleged
5 infraction of its rules, it shall bring charges therefor
6 against the prisoner sought to be so deprived of sentence
7 credits before the Prisoner Review Board as provided in
8 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
9 amount of credit at issue exceeds 30 days or when during any 12
10 month period, the cumulative amount of credit revoked exceeds
11 30 days except where the infraction is committed or discovered
12 within 60 days of scheduled release. In those cases, the
13 Department of Corrections may revoke up to 30 days of sentence
14 credit. The Board may subsequently approve the revocation of
15 additional sentence credit, if the Department seeks to revoke
16 sentence credit in excess of 30 days. However, the Board shall
17 not be empowered to review the Department's decision with
18 respect to the loss of 30 days of sentence credit within any
19 calendar year for any prisoner or to increase any penalty
20 beyond the length requested by the Department.

21 The Director of the Department of Corrections, in
22 appropriate cases, may restore up to 30 days of sentence
23 credits which have been revoked, suspended or reduced. Any
24 restoration of sentence credits in excess of 30 days shall be
25 subject to review by the Prisoner Review Board. However, the
26 Board may not restore sentence credit in excess of the amount

1 requested by the Director.

2 Nothing contained in this Section shall prohibit the
3 Prisoner Review Board from ordering, pursuant to Section
4 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
5 sentence imposed by the court that was not served due to the
6 accumulation of sentence credit.

7 (d) If a lawsuit is filed by a prisoner in an Illinois or
8 federal court against the State, the Department of Corrections,
9 or the Prisoner Review Board, or against any of their officers
10 or employees, and the court makes a specific finding that a
11 pleading, motion, or other paper filed by the prisoner is
12 frivolous, the Department of Corrections shall conduct a
13 hearing to revoke up to 180 days of sentence credit by bringing
14 charges against the prisoner sought to be deprived of the
15 sentence credits before the Prisoner Review Board as provided
16 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
17 prisoner has not accumulated 180 days of sentence credit at the
18 time of the finding, then the Prisoner Review Board may revoke
19 all sentence credit accumulated by the prisoner.

20 For purposes of this subsection (d):

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

25 (A) it lacks an arguable basis either in law or in
26 fact;

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

4 (C) the claims, defenses, and other legal
5 contentions therein are not warranted by existing law
6 or by a nonfrivolous argument for the extension,
7 modification, or reversal of existing law or the
8 establishment of new law;

9 (D) the allegations and other factual contentions
10 do not have evidentiary support or, if specifically so
11 identified, are not likely to have evidentiary support
12 after a reasonable opportunity for further
13 investigation or discovery; or

14 (E) the denials of factual contentions are not
15 warranted on the evidence, or if specifically so
16 identified, are not reasonably based on a lack of
17 information or belief.

18 (2) "Lawsuit" means a motion pursuant to Section 116-3
19 of the Code of Criminal Procedure of 1963, a habeas corpus
20 action under Article X of the Code of Civil Procedure or
21 under federal law (28 U.S.C. 2254), a petition for claim
22 under the Court of Claims Act, an action under the federal
23 Civil Rights Act (42 U.S.C. 1983), or a second or
24 subsequent petition for post-conviction relief under
25 Article 122 of the Code of Criminal Procedure of 1963
26 whether filed with or without leave of court or a second or

1 subsequent petition for relief from judgment under Section
2 2-1401 of the Code of Civil Procedure.

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

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

13 (Source: P.A. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;
14 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
15 1-1-15.)

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (1) (Blank).

21 (2) A period of probation, a term of periodic imprisonment
22 or conditional discharge shall not be imposed for the following
23 offenses. The court shall sentence the offender to not less
24 than the minimum term of imprisonment set forth in this Code
25 for the following offenses, and may order a fine or restitution

1 or both in conjunction with such term of imprisonment:

2 (A) First degree murder where the death penalty is not
3 imposed.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

6 (D) A violation of Section 401.1 or 407 of the Illinois
7 Controlled Substances Act, or a violation of subdivision
8 (c) (1.5) or (c) (2) of Section 401 of that Act which relates
9 to more than 5 grams of a substance containing cocaine,
10 fentanyl, or an analog thereof.

11 (D-5) A violation of subdivision (c) (1) of Section 401
12 of the Illinois Controlled Substances Act which relates to
13 3 or more grams of a substance containing heroin or an
14 analog thereof.

15 (E) A violation of Section 5.1 or 9 of the Cannabis
16 Control Act.

17 (F) A Class 2 or greater felony if the offender had
18 been convicted of a Class 2 or greater felony, including
19 any state or federal conviction for an offense that
20 contained, at the time it was committed, the same elements
21 as an offense now (the date of the offense committed after
22 the prior Class 2 or greater felony) classified as a Class
23 2 or greater felony, within 10 years of the date on which
24 the offender committed the offense for which he or she is
25 being sentenced, except as otherwise provided in Section
26 40-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act.

2 (F-5) A violation of Section 24-1, 24-1.1, 24-1.1-5, ~~or~~
3 24-1.6, or 24-1.8 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 for which imprisonment is prescribed
5 in those Sections.

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

9 (H) Criminal sexual assault.

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

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

15 Before July 1, 1994, for the purposes of this
16 paragraph, "organized gang" means an association of 5 or
17 more persons, with an established hierarchy, that
18 encourages members of the association to perpetrate crimes
19 or provides support to the members of the association who
20 do commit crimes.

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

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the offense

1 of hate crime when the underlying offense upon which the
2 hate crime is based is felony aggravated assault or felony
3 mob action.

4 (M) A second or subsequent conviction for the offense
5 of institutional vandalism if the damage to the property
6 exceeds \$300.

7 (N) A Class 3 felony violation of paragraph (1) of
8 subsection (a) of Section 2 of the Firearm Owners
9 Identification Card Act.

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

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

15 (Q) A violation of subsection (b) or (b-5) of Section
16 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

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

20 (S) (Blank).

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

23 (U) A second or subsequent violation of Section 6-303
24 of the Illinois Vehicle Code committed while his or her
25 driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state.

4 (V) A violation of paragraph (4) of subsection (c) of
5 Section 11-20.1B or paragraph (4) of subsection (c) of
6 Section 11-20.3 of the Criminal Code of 1961, or paragraph
7 (6) of subsection (a) of Section 11-20.1 of the Criminal
8 Code of 2012 when the victim is under 13 years of age and
9 the defendant has previously been convicted under the laws
10 of this State or any other state of the offense of child
11 pornography, aggravated child pornography, aggravated
12 criminal sexual abuse, aggravated criminal sexual assault,
13 predatory criminal sexual assault of a child, or any of the
14 offenses formerly known as rape, deviate sexual assault,
15 indecent liberties with a child, or aggravated indecent
16 liberties with a child where the victim was under the age
17 of 18 years or an offense that is substantially equivalent
18 to those offenses.

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

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

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

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

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

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

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

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

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

16 (3) (Blank).

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

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
23 this subsection (c), a minimum of 100 hours of community
24 service shall be imposed for a second violation of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300

1 hours of community service, as determined by the court, shall
2 be imposed for a second violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

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

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

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

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

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

1 (4.9) A mandatory prison sentence of not less than 4 and
2 not more than 15 years shall be imposed for a third violation
3 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
4 Code, as provided in subsection (d-2.5) of that Section. The
5 person's driving privileges shall be revoked for the remainder
6 of his or her life.

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

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

16 (A) a period of conditional discharge;

17 (B) a fine;

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

20 (5.1) In addition to any other penalties imposed, and
21 except as provided in paragraph (5.2) or (5.3), 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 at least 90 days but not
25 more than one year, if the violation resulted in damage to the
26 property of another person.

1 (5.2) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.3), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license, permit, or
5 privileges suspended for at least 180 days but not more than 2
6 years, if the violation resulted in injury to another person.

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

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

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

25 (6) (Blank).

26 (7) (Blank).

1 (8) (Blank).

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

5 (10) (Blank).

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

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

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

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

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

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

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

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

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

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

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

21 and

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

24 (2) the court orders the defendant to pay for the
25 victim's counseling services, to the extent that the court
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying
2 for such services, if the victim was under 18 years of age
3 at the time the offense was committed and requires
4 counseling as a result of the offense.

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

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

15 (f) (Blank).

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

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

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

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

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

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

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

25 (j) In cases when prosecution for any violation of Section
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,

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

26 (j-5) A defendant at least 17 years of age who is convicted

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

1 school diploma or has successfully passed high school
2 equivalency testing. This subsection (j-5) does not apply to a
3 defendant who is determined by the court to be developmentally
4 disabled or otherwise mentally incapable of completing the
5 educational or vocational program.

6 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

25 (m) A person convicted of criminal defacement of property
26 under Section 21-1.3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, in which the property damage exceeds
2 \$300 and the property damaged is a school building, shall be
3 ordered to perform community service that may include cleanup,
4 removal, or painting over the defacement.

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

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

19 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;
20 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.
21 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,
22 eff. 7-16-14.)

23 (730 ILCS 5/5-9-1.10)

24 Sec. 5-9-1.10. Additional fines. There shall be added to
25 every penalty imposed in sentencing for a violation of Sections

1 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
2 1961 or the Criminal Code of 2012 an additional fine of \$100
3 payable to the clerk, which shall be imposed upon the entry of
4 a judgment of conviction. This additional fee, less 2 1/2% that
5 shall be used to defray administrative costs incurred by the
6 clerk, shall be remitted by the clerk to the Treasurer within
7 60 days after receipt for deposit into the Trauma Center Fund.
8 This additional fee of \$100 shall not be considered a part of
9 the fine for purposes of any reduction in the fine for time
10 served either before or after sentencing. Not later than March
11 1 of each year the circuit clerk shall submit a report of the
12 amount of funds remitted to the State Treasurer under this
13 Section during the preceding calendar year. All moneys
14 collected by the circuit clerk and remitted to the State
15 Treasurer under Section 27.6 of the Clerks of Courts Act shall
16 be deposited into the Trauma Center Fund for distribution as
17 provided under Section 3.225 of the Emergency Medical Services
18 (EMS) Systems Act.
19 (Source: P.A. 97-1150, eff. 1-25-13.)".