



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6076

Introduced 2/11/2016, by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1	from Ch. 38, par. 12-7.1
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Criminal Code of 2012. Provides that as a condition of probation or conditional discharge for hate crime, the court shall require the offender to perform public or community service of no less than 200 hours (even if that service is not established in the county where the offender was convicted of hate crime) and to enroll in an educational program discouraging hate crimes that includes racial, ethnic, and cultural sensitivity training. Amends the Unified Code of Corrections. Provides that the court shall impose consecutive sentences for hate crime. Makes conforming changes concerning hate crime sentences.

LRB099 18364 RLC 42739 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability, or
11 national origin of another individual or group of individuals,
12 regardless of the existence of any other motivating factor or
13 factors, he commits assault, battery, aggravated assault,
14 misdemeanor theft, criminal trespass to residence, misdemeanor
15 criminal damage to property, criminal trespass to vehicle,
16 criminal trespass to real property, mob action, disorderly
17 conduct, harassment by telephone, or harassment through
18 electronic communications as these crimes are defined in
19 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
20 25-1, 26-1, 26.5-2, and paragraphs (a) (2) and (a) (5) of Section
21 26.5-3 of this Code, respectively.

22 (b) Except as provided in subsection (b-5), hate crime is a
23 Class 4 felony for a first offense and a Class 2 felony for a

1 second or subsequent offense.

2 (b-5) Hate crime is a Class 3 felony for a first offense
3 and a Class 2 felony for a second or subsequent offense if
4 committed:

5 (1) in a church, synagogue, mosque, or other building,
6 structure, or place used for religious worship or other
7 religious purpose;

8 (2) in a cemetery, mortuary, or other facility used for
9 the purpose of burial or memorializing the dead;

10 (3) in a school or other educational facility,
11 including an administrative facility or public or private
12 dormitory facility of or associated with the school or
13 other educational facility;

14 (4) in a public park or an ethnic or religious
15 community center;

16 (5) on the real property comprising any location
17 specified in clauses (1) through (4) of this subsection
18 (b-5); or

19 (6) on a public way within 1,000 feet of the real
20 property comprising any location specified in clauses (1)
21 through (4) of this subsection (b-5).

22 (b-10) Upon imposition of any sentence, the trial court
23 shall also either order restitution paid to the victim or
24 impose a fine up to \$1,000. In addition, any order of probation
25 or conditional discharge entered following a conviction or an
26 adjudication of delinquency shall include a condition that the

1 offender perform public or community service of no less than
2 200 hours ~~if that service is established in the county where~~
3 ~~the offender was convicted of hate crime.~~ In addition, any
4 order of probation or conditional discharge entered following a
5 conviction or an adjudication of delinquency shall include a
6 condition that the offender enroll in an educational program
7 discouraging hate crimes that includes racial, ethnic, and
8 cultural sensitivity training ~~if the offender caused criminal~~
9 ~~damage to property consisting of religious fixtures, objects,~~
10 ~~or decorations.~~ The educational program may be administered, as
11 determined by the court, by a university, college, community
12 college, non-profit organization, or the Holocaust and
13 Genocide Commission. Nothing in this subsection (b-10)
14 prohibits courses discouraging hate crimes from being made
15 available online. The court may also impose any other condition
16 of probation or conditional discharge under this Section. If
17 the court sentences the offender to imprisonment or periodic
18 imprisonment for a violation of this Section, as a condition of
19 the offender's mandatory supervised release, the court shall
20 require that the offender perform public or community service
21 of no less than 200 hours and enroll in an educational program
22 discouraging hate crimes that includes racial, ethnic, and
23 cultural sensitivity training.

24 (c) Independent of any criminal prosecution or the result
25 thereof, any person suffering injury to his person or damage to
26 his property as a result of hate crime may bring a civil action

1 for damages, injunction or other appropriate relief. The court
2 may award actual damages, including damages for emotional
3 distress, or punitive damages. A judgment may include
4 attorney's fees and costs. The parents or legal guardians,
5 other than guardians appointed pursuant to the Juvenile Court
6 Act or the Juvenile Court Act of 1987, of an unemancipated
7 minor shall be liable for the amount of any judgment for actual
8 damages rendered against such minor under this subsection (c)
9 in any amount not exceeding the amount provided under Section 5
10 of the Parental Responsibility Law.

11 (d) "Sexual orientation" has the meaning ascribed to it in
12 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
13 Act.

14 (Source: P.A. 99-77, eff. 1-1-16.)

15 Section 10. The Unified Code of Corrections is amended by
16 changing Sections 3-3-7, 5-6-3, and 5-8-4 as follows:

17 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

18 Sec. 3-3-7. Conditions of Parole, Mandatory Supervised
19 Release, or Aftercare Release.

20 (a) The conditions of parole, aftercare release, or
21 mandatory supervised release shall be such as the Prisoner
22 Review Board deems necessary to assist the subject in leading a
23 law-abiding life. The conditions of every parole, aftercare
24 release, and mandatory supervised release are that the subject:

1 (1) not violate any criminal statute of any
2 jurisdiction during the parole, aftercare release, or
3 release term;

4 (2) refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) report to an agent of the Department of Corrections
7 or to the Department of Juvenile Justice;

8 (4) permit the agent or aftercare specialist to visit
9 him or her at his or her home, employment, or elsewhere to
10 the extent necessary for the agent or aftercare specialist
11 to discharge his or her duties;

12 (5) attend or reside in a facility established for the
13 instruction or residence of persons on parole, aftercare
14 release, or mandatory supervised release;

15 (6) secure permission before visiting or writing a
16 committed person in an Illinois Department of Corrections
17 facility;

18 (7) report all arrests to an agent of the Department of
19 Corrections or to the Department of Juvenile Justice as
20 soon as permitted by the arresting authority but in no
21 event later than 24 hours after release from custody and
22 immediately report service or notification of an order of
23 protection, a civil no contact order, or a stalking no
24 contact order to an agent of the Department of Corrections;

25 (7.5) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, the individual shall

1 undergo and successfully complete sex offender treatment
2 conducted in conformance with the standards developed by
3 the Sex Offender Management Board Act by a treatment
4 provider approved by the Board;

5 (7.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed medical
18 facility;

19 (7.7) if convicted for an offense that would qualify
20 the accused as a sexual predator under the Sex Offender
21 Registration Act on or after January 1, 2007 (the effective
22 date of Public Act 94-988), wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 for the
24 duration of the person's parole, aftercare release,
25 mandatory supervised release term, or extended mandatory
26 supervised release term and if convicted for an offense of

1 criminal sexual assault, aggravated criminal sexual
2 assault, predatory criminal sexual assault of a child,
3 criminal sexual abuse, aggravated criminal sexual abuse,
4 or ritualized abuse of a child committed on or after August
5 11, 2009 (the effective date of Public Act 96-236) when the
6 victim was under 18 years of age at the time of the
7 commission of the offense and the defendant used force or
8 the threat of force in the commission of the offense wear
9 an approved electronic monitoring device as defined in
10 Section 5-8A-2 that has Global Positioning System (GPS)
11 capability for the duration of the person's parole,
12 aftercare release, mandatory supervised release term, or
13 extended mandatory supervised release term;

14 (7.8) if convicted for an offense committed on or after
15 June 1, 2008 (the effective date of Public Act 95-464) that
16 would qualify the accused as a child sex offender as
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
18 1961 or the Criminal Code of 2012, refrain from
19 communicating with or contacting, by means of the Internet,
20 a person who is not related to the accused and whom the
21 accused reasonably believes to be under 18 years of age;
22 for purposes of this paragraph (7.8), "Internet" has the
23 meaning ascribed to it in Section 16-0.1 of the Criminal
24 Code of 2012; and a person is not related to the accused if
25 the person is not: (i) the spouse, brother, or sister of
26 the accused; (ii) a descendant of the accused; (iii) a

1 first or second cousin of the accused; or (iv) a step-child
2 or adopted child of the accused;

3 (7.9) if convicted under Section 11-6, 11-20.1,
4 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, consent to search of computers,
6 PDAs, cellular phones, and other devices under his or her
7 control that are capable of accessing the Internet or
8 storing electronic files, in order to confirm Internet
9 protocol addresses reported in accordance with the Sex
10 Offender Registration Act and compliance with conditions
11 in this Act;

12 (7.10) if convicted for an offense that would qualify
13 the accused as a sex offender or sexual predator under the
14 Sex Offender Registration Act on or after June 1, 2008 (the
15 effective date of Public Act 95-640), not possess
16 prescription drugs for erectile dysfunction;

17 (7.11) if convicted for an offense under Section 11-6,
18 11-9.1, 11-14.4 that involves soliciting for a juvenile
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
20 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or any attempt to commit any of these offenses, committed
22 on or after June 1, 2009 (the effective date of Public Act
23 95-983):

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the Department;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's supervising
4 agent, aftercare specialist, a law enforcement
5 officer, or assigned computer or information
6 technology specialist, including the retrieval and
7 copying of all data from the computer or device and any
8 internal or external peripherals and removal of such
9 information, equipment, or device to conduct a more
10 thorough inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 offender's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the Board, the Department or the offender's
19 supervising agent or aftercare specialist;

20 (7.12) if convicted of a sex offense as defined in the
21 Sex Offender Registration Act committed on or after January
22 1, 2010 (the effective date of Public Act 96-262), refrain
23 from accessing or using a social networking website as
24 defined in Section 17-0.5 of the Criminal Code of 2012;

25 (7.13) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;

5 (8) obtain permission of an agent of the Department of
6 Corrections or the Department of Juvenile Justice before
7 leaving the State of Illinois;

8 (9) obtain permission of an agent of the Department of
9 Corrections or the Department of Juvenile Justice before
10 changing his or her residence or employment;

11 (10) consent to a search of his or her person,
12 property, or residence under his or her control;

13 (11) refrain from the use or possession of narcotics or
14 other controlled substances in any form, or both, or any
15 paraphernalia related to those substances and submit to a
16 urinalysis test as instructed by a parole agent of the
17 Department of Corrections or an aftercare specialist of the
18 Department of Juvenile Justice;

19 (12) not frequent places where controlled substances
20 are illegally sold, used, distributed, or administered;

21 (13) not knowingly associate with other persons on
22 parole, aftercare release, or mandatory supervised release
23 without prior written permission of his or her parole agent
24 or aftercare specialist and not associate with persons who
25 are members of an organized gang as that term is defined in
26 the Illinois Streetgang Terrorism Omnibus Prevention Act;

1 (14) provide true and accurate information, as it
2 relates to his or her adjustment in the community while on
3 parole, aftercare release, or mandatory supervised release
4 or to his or her conduct while incarcerated, in response to
5 inquiries by his or her parole agent or of the Department
6 of Corrections or by his or her aftercare specialist or of
7 the Department of Juvenile Justice;

8 (15) follow any specific instructions provided by the
9 parole agent or aftercare specialist that are consistent
10 with furthering conditions set and approved by the Prisoner
11 Review Board or by law, exclusive of placement on
12 electronic detention, to achieve the goals and objectives
13 of his or her parole, aftercare release, or mandatory
14 supervised release or to protect the public. These
15 instructions by the parole agent or aftercare specialist
16 may be modified at any time, as the agent or aftercare
17 specialist deems appropriate;

18 (16) if convicted of a sex offense as defined in
19 subsection (a-5) of Section 3-1-2 of this Code, unless the
20 offender is a parent or guardian of the person under 18
21 years of age present in the home and no non-familial minors
22 are present, not participate in a holiday event involving
23 children under 18 years of age, such as distributing candy
24 or other items to children on Halloween, wearing a Santa
25 Claus costume on or preceding Christmas, being employed as
26 a department store Santa Claus, or wearing an Easter Bunny

1 costume on or preceding Easter;

2 (17) if convicted of a violation of an order of
3 protection under Section 12-3.4 or Section 12-30 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, be
5 placed under electronic surveillance as provided in
6 Section 5-8A-7 of this Code;

7 (18) comply with the terms and conditions of an order
8 of protection issued pursuant to the Illinois Domestic
9 Violence Act of 1986; an order of protection issued by the
10 court of another state, tribe, or United States territory;
11 a no contact order issued pursuant to the Civil No Contact
12 Order Act; or a no contact order issued pursuant to the
13 Stalking No Contact Order Act; ~~and~~

14 (19) if convicted of a violation of the Methamphetamine
15 Control and Community Protection Act, the Methamphetamine
16 Precursor Control Act, or a methamphetamine related
17 offense, be:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate; and

24 (20) if convicted of hate crime under Section 12-7.1 of
25 the Criminal Code of 2012, perform public or community
26 service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes that includes
2 racial, ethnic, and cultural sensitivity training as a
3 condition of the offender's mandatory supervised release.

4 (b) The Board may in addition to other conditions require
5 that the subject:

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

10 (3) attend or reside in a facility established for the
11 instruction or residence of persons on probation or parole;

12 (4) support his or her dependents;

13 (5) (blank);

14 (6) (blank);

15 (7) (blank);

16 (7.5) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, refrain
21 from communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (7.5), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

5 (7.6) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent or aftercare specialist, a law enforcement
16 officer, or assigned computer or information
17 technology specialist, including the retrieval and
18 copying of all data from the computer or device and any
19 internal or external peripherals and removal of such
20 information, equipment, or device to conduct a more
21 thorough inspection;

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or software
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the Board, the Department or the offender's
4 supervising agent or aftercare specialist; and

5 (8) in addition, if a minor:

6 (i) reside with his or her parents or in a foster
7 home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 or

11 (iv) contribute to his or her own support at home
12 or in a foster home.

13 (b-1) In addition to the conditions set forth in
14 subsections (a) and (b), persons required to register as sex
15 offenders pursuant to the Sex Offender Registration Act, upon
16 release from the custody of the Illinois Department of
17 Corrections or Department of Juvenile Justice, may be required
18 by the Board to comply with the following specific conditions
19 of release:

20 (1) reside only at a Department approved location;

21 (2) comply with all requirements of the Sex Offender
22 Registration Act;

23 (3) notify third parties of the risks that may be
24 occasioned by his or her criminal record;

25 (4) obtain the approval of an agent of the Department
26 of Corrections or the Department of Juvenile Justice prior

1 to accepting employment or pursuing a course of study or
2 vocational training and notify the Department prior to any
3 change in employment, study, or training;

4 (5) not be employed or participate in any volunteer
5 activity that involves contact with children, except under
6 circumstances approved in advance and in writing by an
7 agent of the Department of Corrections or the Department of
8 Juvenile Justice;

9 (6) be electronically monitored for a minimum of 12
10 months from the date of release as determined by the Board;

11 (7) refrain from entering into a designated geographic
12 area except upon terms approved in advance by an agent of
13 the Department of Corrections or the Department of Juvenile
14 Justice. The terms may include consideration of the purpose
15 of the entry, the time of day, and others accompanying the
16 person;

17 (8) refrain from having any contact, including written
18 or oral communications, directly or indirectly, personally
19 or by telephone, letter, or through a third party with
20 certain specified persons including, but not limited to,
21 the victim or the victim's family without the prior written
22 approval of an agent of the Department of Corrections or
23 the Department of Juvenile Justice;

24 (9) refrain from all contact, directly or indirectly,
25 personally, by telephone, letter, or through a third party,
26 with minor children without prior identification and

1 approval of an agent of the Department of Corrections or
2 the Department of Juvenile Justice;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or any
6 pictures depicting children under 18 years of age nude or
7 any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including but not limited to visual, auditory, telephonic,
10 or electronic media, or any matter obtained through access
11 to any computer or material linked to computer access use;

12 (11) not patronize any business providing sexually
13 stimulating or sexually oriented entertainment nor utilize
14 "900" or adult telephone numbers;

15 (12) not reside near, visit, or be in or about parks,
16 schools, day care centers, swimming pools, beaches,
17 theaters, or any other places where minor children
18 congregate without advance approval of an agent of the
19 Department of Corrections or the Department of Juvenile
20 Justice and immediately report any incidental contact with
21 minor children to the Department;

22 (13) not possess or have under his or her control
23 certain specified items of contraband related to the
24 incidence of sexually offending as determined by an agent
25 of the Department of Corrections or the Department of
26 Juvenile Justice;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections or the Department of Juvenile Justice;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims;

8 (16) take an annual polygraph exam;

9 (17) maintain a log of his or her travel; or

10 (18) obtain prior approval of his or her parole officer
11 or aftercare specialist before driving alone in a motor
12 vehicle.

13 (c) The conditions under which the parole, aftercare
14 release, or mandatory supervised release is to be served shall
15 be communicated to the person in writing prior to his or her
16 release, and he or she shall sign the same before release. A
17 signed copy of these conditions, including a copy of an order
18 of protection where one had been issued by the criminal court,
19 shall be retained by the person and another copy forwarded to
20 the officer or aftercare specialist in charge of his or her
21 supervision.

22 (d) After a hearing under Section 3-3-9, the Prisoner
23 Review Board may modify or enlarge the conditions of parole,
24 aftercare release, or mandatory supervised release.

25 (e) The Department shall inform all offenders committed to
26 the Department of the optional services available to them upon

1 release and shall assist inmates in availing themselves of such
2 optional services upon their release on a voluntary basis.

3 (f) (Blank).

4 (Source: P.A. 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560,
5 eff. 1-1-12; 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13;
6 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 Sec. 5-6-3. Conditions of Probation and of Conditional
9 Discharge.

10 (a) The conditions of probation and of conditional
11 discharge shall be that the person:

12 (1) not violate any criminal statute of any
13 jurisdiction;

14 (2) report to or appear in person before such person or
15 agency as directed by the court;

16 (3) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a felony or, if a
18 misdemeanor, the offense involved the intentional or
19 knowing infliction of bodily harm or threat of bodily harm;

20 (4) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature that prior consent
23 by the court is not possible, without the prior
24 notification and approval of the person's probation
25 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to
2 acceptance by the other state pursuant to the Interstate
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his
5 home or elsewhere to the extent necessary to discharge his
6 duties;

7 (6) perform no less than 30 hours of community service
8 and not more than 120 hours of community service, if
9 community service is available in the jurisdiction and is
10 funded and approved by the county board where the offense
11 was committed, where the offense was related to or in
12 furtherance of the criminal activities of an organized gang
13 and was motivated by the offender's membership in or
14 allegiance to an organized gang. The community service
15 shall include, but not be limited to, the cleanup and
16 repair of any damage caused by a violation of Section
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012 and similar damage to property located within the
19 municipality or county in which the violation occurred.
20 When possible and reasonable, the community service should
21 be performed in the offender's neighborhood. For purposes
22 of this Section, "organized gang" has the meaning ascribed
23 to it in Section 10 of the Illinois Streetgang Terrorism
24 Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

1 misdemeanor or felony in a county of 3,000,000 or more
2 inhabitants and has not been previously convicted of a
3 misdemeanor or felony, may be required by the sentencing
4 court to attend educational courses designed to prepare the
5 defendant for a high school diploma and to work toward a
6 high school diploma or to work toward passing high school
7 equivalency testing or to work toward completing a
8 vocational training program approved by the court. The
9 person on probation or conditional discharge must attend a
10 public institution of education to obtain the educational
11 or vocational training required by this clause (7). The
12 court shall revoke the probation or conditional discharge
13 of a person who wilfully fails to comply with this clause
14 (7). The person on probation or conditional discharge shall
15 be required to pay for the cost of the educational courses
16 or high school equivalency testing if a fee is charged for
17 those courses or testing. The court shall resentence the
18 offender whose probation or conditional discharge has been
19 revoked as provided in Section 5-6-4. This clause (7) does
20 not apply to a person who has a high school diploma or has
21 successfully passed high school equivalency testing. This
22 clause (7) does not apply to a person who is determined by
23 the court to be a person with a developmental disability or
24 otherwise mentally incapable of completing the educational
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction or
4 disposition of supervision for possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act or after a sentence of probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 and upon a finding by the court that the person is
11 addicted, undergo treatment at a substance abuse program
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and conducted
17 in conformance with the standards developed under the Sex
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders;

4 (8.7) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is not related to the accused and whom the
11 accused reasonably believes to be under 18 years of age;
12 for purposes of this paragraph (8.7), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal
14 Code of 2012; and a person is not related to the accused if
15 the person is not: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a
17 first or second cousin of the accused; or (iv) a step-child
18 or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,
20 11-9.1, 11-14.4 that involves soliciting for a juvenile
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 or any attempt to commit any of these offenses, committed
24 on or after June 1, 2009 (the effective date of Public Act
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the offender's probation officer,
3 except in connection with the offender's employment or
4 search for employment with the prior approval of the
5 offender's probation officer;

6 (ii) submit to periodic unannounced examinations
7 of the offender's computer or any other device with
8 Internet capability by the offender's probation
9 officer, a law enforcement officer, or assigned
10 computer or information technology specialist,
11 including the retrieval and copying of all data from
12 the computer or device and any internal or external
13 peripherals and removal of such information,
14 equipment, or device to conduct a more thorough
15 inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the
25 Sex Offender Registration Act committed on or after January
26 1, 2010 (the effective date of Public Act 96-262), refrain

1 from accessing or using a social networking website as
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (9) if convicted of a felony or of any misdemeanor
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
6 2012 that was determined, pursuant to Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, to trigger the
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
9 at a time and place designated by the court, his or her
10 Firearm Owner's Identification Card and any and all
11 firearms in his or her possession. The Court shall return
12 to the Department of State Police Firearm Owner's
13 Identification Card Office the person's Firearm Owner's
14 Identification Card;

15 (10) if convicted of a sex offense as defined in
16 subsection (a-5) of Section 3-1-2 of this Code, unless the
17 offender is a parent or guardian of the person under 18
18 years of age present in the home and no non-familial minors
19 are present, not participate in a holiday event involving
20 children under 18 years of age, such as distributing candy
21 or other items to children on Halloween, wearing a Santa
22 Claus costume on or preceding Christmas, being employed as
23 a department store Santa Claus, or wearing an Easter Bunny
24 costume on or preceding Easter;

25 (11) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;
5 ~~and~~

6 (12) if convicted of a violation of the Methamphetamine
7 Control and Community Protection Act, the Methamphetamine
8 Precursor Control Act, or a methamphetamine related
9 offense:

10 (A) prohibited from purchasing, possessing, or
11 having under his or her control any product containing
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 ammonium nitrate; and

16 (13) if convicted of hate crime under Section 12-7.1 of
17 the Criminal Code of 2012, perform public or community
18 service of no less than 200 hours and enroll in an
19 educational program discouraging hate crimes that includes
20 racial, ethnic, and cultural sensitivity training.

21 (b) The Court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the Court require that
25 the person:

26 (1) serve a term of periodic imprisonment under Article

1 7 for a period not to exceed that specified in paragraph
2 (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his dependents;

11 (7) and in addition, if a minor:

12 (i) reside with his parents or in a foster home;

13 (ii) attend school;

14 (iii) attend a non-residential program for youth;

15 (iv) contribute to his own support at home or in a
16 foster home;

17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is convicted of a crime of
21 violence as defined in Section 2 of the Crime Victims
22 Compensation Act committed in a school, on the real
23 property comprising a school, or within 1,000 feet of
24 the real property comprising a school;

25 (8) make restitution as provided in Section 5-5-6 of
26 this Code;

1 (9) perform some reasonable public or community
2 service;

3 (10) serve a term of home confinement. In addition to
4 any other applicable condition of probation or conditional
5 discharge, the conditions of home confinement shall be that
6 the offender:

7 (i) remain within the interior premises of the
8 place designated for his confinement during the hours
9 designated by the court;

10 (ii) admit any person or agent designated by the
11 court into the offender's place of confinement at any
12 time for purposes of verifying the offender's
13 compliance with the conditions of his confinement; and

14 (iii) if further deemed necessary by the court or
15 the Probation or Court Services Department, be placed
16 on an approved electronic monitoring device, subject
17 to Article 8A of Chapter V;

18 (iv) for persons convicted of any alcohol,
19 cannabis or controlled substance violation who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the offender to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court. The clerk of the circuit court shall pay
5 all monies collected from this fee to the county
6 treasurer for deposit in the substance abuse services
7 fund under Section 5-1086.1 of the Counties Code; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court. The clerk of the circuit court shall pay
21 all monies collected from this fee to the county
22 treasurer who shall use the monies collected to defray
23 the costs of corrections. The county treasurer shall
24 deposit the fee collected in the probation and court
25 services fund.

26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois
2 Domestic Violence Act of 1986, as now or hereafter amended,
3 or an order of protection issued by the court of another
4 state, tribe, or United States territory. A copy of the
5 order of protection shall be transmitted to the probation
6 officer or agency having responsibility for the case;

7 (12) reimburse any "local anti-crime program" as
8 defined in Section 7 of the Anti-Crime Advisory Council Act
9 for any reasonable expenses incurred by the program on the
10 offender's case, not to exceed the maximum amount of the
11 fine authorized for the offense for which the defendant was
12 sentenced;

13 (13) contribute a reasonable sum of money, not to
14 exceed the maximum amount of the fine authorized for the
15 offense for which the defendant was sentenced, (i) to a
16 "local anti-crime program", as defined in Section 7 of the
17 Anti-Crime Advisory Council Act, or (ii) for offenses under
18 the jurisdiction of the Department of Natural Resources, to
19 the fund established by the Department of Natural Resources
20 for the purchase of evidence for investigation purposes and
21 to conduct investigations as outlined in Section 805-105 of
22 the Department of Natural Resources (Conservation) Law;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer, if the defendant has been placed on
3 probation or advance approval by the court, if the
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or
6 indirectly, with certain specified persons or particular
7 types of persons, including but not limited to members of
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of his
14 or her blood or urine or both for tests to determine the
15 presence of any illicit drug;

16 (17) if convicted for an offense committed on or after
17 June 1, 2008 (the effective date of Public Act 95-464) that
18 would qualify the accused as a child sex offender as
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
20 1961 or the Criminal Code of 2012, refrain from
21 communicating with or contacting, by means of the Internet,
22 a person who is related to the accused and whom the accused
23 reasonably believes to be under 18 years of age; for
24 purposes of this paragraph (17), "Internet" has the meaning
25 ascribed to it in Section 16-0.1 of the Criminal Code of
26 2012; and a person is related to the accused if the person

1 is: (i) the spouse, brother, or sister of the accused; (ii)
2 a descendant of the accused; (iii) a first or second cousin
3 of the accused; or (iv) a step-child or adopted child of
4 the accused;

5 (18) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer; and

7 (19) refrain from possessing a firearm or other
8 dangerous weapon where the offense is a misdemeanor that
9 did not involve the intentional or knowing infliction of
10 bodily harm or threat of bodily harm.

11 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's license
15 during the period of probation or conditional discharge. If
16 such person is in possession of a permit or license, the court
17 may require that the minor refrain from driving or operating
18 any motor vehicle during the period of probation or conditional
19 discharge, except as may be necessary in the course of the
20 minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of the
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional discharge
2 that the offender be committed to a period of imprisonment in
3 excess of 6 months. This 6 month limit shall not include
4 periods of confinement given pursuant to a sentence of county
5 impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes mandatory
15 drug or alcohol testing, or both, or is assigned to be placed
16 on an approved electronic monitoring device, shall be ordered
17 to pay all costs incidental to such mandatory drug or alcohol
18 testing, or both, and all costs incidental to such approved
19 electronic monitoring in accordance with the defendant's
20 ability to pay those costs. The county board with the
21 concurrence of the Chief Judge of the judicial circuit in which
22 the county is located shall establish reasonable fees for the
23 cost of maintenance, testing, and incidental expenses related
24 to the mandatory drug or alcohol testing, or both, and all
25 costs incidental to approved electronic monitoring, involved
26 in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an
2 administrative order. The fees shall be collected by the clerk
3 of the circuit court. The clerk of the circuit court shall pay
4 all moneys collected from these fees to the county treasurer
5 who shall use the moneys collected to defray the costs of drug
6 testing, alcohol testing, and electronic monitoring. The
7 county treasurer shall deposit the fees collected in the county
8 working cash fund under Section 6-27001 or Section 6-29002 of
9 the Counties Code, as the case may be.

10 (h) Jurisdiction over an offender may be transferred from
11 the sentencing court to the court of another circuit with the
12 concurrence of both courts. Further transfers or retransfers of
13 jurisdiction are also authorized in the same manner. The court
14 to which jurisdiction has been transferred shall have the same
15 powers as the sentencing court. The probation department within
16 the circuit to which jurisdiction has been transferred, or
17 which has agreed to provide supervision, may impose probation
18 fees upon receiving the transferred offender, as provided in
19 subsection (i). For all transfer cases, as defined in Section
20 9b of the Probation and Probation Officers Act, the probation
21 department from the original sentencing court shall retain all
22 probation fees collected prior to the transfer. After the
23 transfer all probation fees shall be paid to the probation
24 department within the circuit to which jurisdiction has been
25 transferred.

26 (i) The court shall impose upon an offender sentenced to

1 probation after January 1, 1989 or to conditional discharge
2 after January 1, 1992 or to community service under the
3 supervision of a probation or court services department after
4 January 1, 2004, as a condition of such probation or
5 conditional discharge or supervised community service, a fee of
6 \$50 for each month of probation or conditional discharge
7 supervision or supervised community service ordered by the
8 court, unless after determining the inability of the person
9 sentenced to probation or conditional discharge or supervised
10 community service to pay the fee, the court assesses a lesser
11 fee. The court may not impose the fee on a minor who is made a
12 ward of the State under the Juvenile Court Act of 1987 while
13 the minor is in placement. The fee shall be imposed only upon
14 an offender who is actively supervised by the probation and
15 court services department. The fee shall be collected by the
16 clerk of the circuit court. The clerk of the circuit court
17 shall pay all monies collected from this fee to the county
18 treasurer for deposit in the probation and court services fund
19 under Section 15.1 of the Probation and Probation Officers Act.

20 A circuit court may not impose a probation fee under this
21 subsection (i) in excess of \$25 per month unless the circuit
22 court has adopted, by administrative order issued by the chief
23 judge, a standard probation fee guide determining an offender's
24 ability to pay Of the amount collected as a probation fee, up
25 to \$5 of that fee collected per month may be used to provide
26 services to crime victims and their families.

1 The Court may only waive probation fees based on an
2 offender's ability to pay. The probation department may
3 re-evaluate an offender's ability to pay every 6 months, and,
4 with the approval of the Director of Court Services or the
5 Chief Probation Officer, adjust the monthly fee amount. An
6 offender may elect to pay probation fees due in a lump sum. Any
7 offender that has been assigned to the supervision of a
8 probation department, or has been transferred either under
9 subsection (h) of this Section or under any interstate compact,
10 shall be required to pay probation fees to the department
11 supervising the offender, based on the offender's ability to
12 pay.

13 This amendatory Act of the 93rd General Assembly deletes
14 the \$10 increase in the fee under this subsection that was
15 imposed by Public Act 93-616. This deletion is intended to
16 control over any other Act of the 93rd General Assembly that
17 retains or incorporates that fee increase.

18 (i-5) In addition to the fees imposed under subsection (i)
19 of this Section, in the case of an offender convicted of a
20 felony sex offense (as defined in the Sex Offender Management
21 Board Act) or an offense that the court or probation department
22 has determined to be sexually motivated (as defined in the Sex
23 Offender Management Board Act), the court or the probation
24 department shall assess additional fees to pay for all costs of
25 treatment, assessment, evaluation for risk and treatment, and
26 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

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

9 (k) Any offender who is sentenced to probation or
10 conditional discharge for a felony sex offense as defined in
11 the Sex Offender Management Board Act or any offense that the
12 court or probation department has determined to be sexually
13 motivated as defined in the Sex Offender Management Board Act
14 shall be required to refrain from any contact, directly or
15 indirectly, with any persons specified by the court and shall
16 be available for all evaluations and treatment programs
17 required by the court or the probation department.

18 (l) The court may order an offender who is sentenced to
19 probation or conditional discharge for a violation of an order
20 of protection be placed under electronic surveillance as
21 provided in Section 5-8A-7 of this Code.

22 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
23 eff. 7-27-15.)

24 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

25 Sec. 5-8-4. Concurrent and consecutive terms of

1 imprisonment.

2 (a) Concurrent terms; multiple or additional sentences.
3 When an Illinois court (i) imposes multiple sentences of
4 imprisonment on a defendant at the same time or (ii) imposes a
5 sentence of imprisonment on a defendant who is already subject
6 to a sentence of imprisonment imposed by an Illinois court, a
7 court of another state, or a federal court, then the sentences
8 shall run concurrently unless otherwise determined by the
9 Illinois court under this Section.

10 (b) Concurrent terms; misdemeanor and felony. A defendant
11 serving a sentence for a misdemeanor who is convicted of a
12 felony and sentenced to imprisonment shall be transferred to
13 the Department of Corrections, and the misdemeanor sentence
14 shall be merged in and run concurrently with the felony
15 sentence.

16 (c) Consecutive terms; permissive. The court may impose
17 consecutive sentences in any of the following circumstances:

18 (1) If, having regard to the nature and circumstances
19 of the offense and the history and character of the
20 defendant, it is the opinion of the court that consecutive
21 sentences are required to protect the public from further
22 criminal conduct by the defendant, the basis for which the
23 court shall set forth in the record.

24 (2) If one of the offenses for which a defendant was
25 convicted was a violation of Section 32-5.2 (aggravated
26 false personation of a peace officer) of the Criminal Code

1 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
2 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
3 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
4 offense was committed in attempting or committing a
5 forcible felony.

6 (d) Consecutive terms; mandatory. The court shall impose
7 consecutive sentences in each of the following circumstances:

8 (1) One of the offenses for which the defendant was
9 convicted was first degree murder or a Class X or Class 1
10 felony and the defendant inflicted severe bodily injury.

11 (2) The defendant was convicted of a violation of
12 Section 11-1.20 or 12-13 (criminal sexual assault),
13 11-1.30 or 12-14 (aggravated criminal sexual assault), or
14 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
15 child) of the Criminal Code of 1961 or the Criminal Code of
16 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
17 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
18 5/12-14.1).

19 (2.5) The defendant was convicted of a violation of
20 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)
21 of Section 11-20.1 (child pornography) or of paragraph (1),
22 (2), (3), (4), (5), or (7) of subsection (a) of Section
23 11-20.1B or 11-20.3 (aggravated child pornography) of the
24 Criminal Code of 1961 or the Criminal Code of 2012; or the
25 defendant was convicted of a violation of paragraph (6) of
26 subsection (a) of Section 11-20.1 (child pornography) or of

1 paragraph (6) of subsection (a) of Section 11-20.1B or
2 11-20.3 (aggravated child pornography) of the Criminal
3 Code of 1961 or the Criminal Code of 2012, when the child
4 depicted is under the age of 13.

5 (3) The defendant was convicted of armed violence based
6 upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery as described in Section 12-4.1 or
9 subdivision (a)(2) of Section 12-3.05, aggravated battery
10 of a senior citizen as described in Section 12-4.6 or
11 subdivision (a)(4) of Section 12-3.05, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of the
13 Cannabis Control Act (720 ILCS 550/5), cannabis
14 trafficking, a violation of subsection (a) of Section 401
15 of the Illinois Controlled Substances Act (720 ILCS
16 570/401), controlled substance trafficking involving a
17 Class X felony amount of controlled substance under Section
18 401 of the Illinois Controlled Substances Act (720 ILCS
19 570/401), a violation of the Methamphetamine Control and
20 Community Protection Act (720 ILCS 646/), calculated
21 criminal drug conspiracy, or streetgang criminal drug
22 conspiracy.

23 (4) The defendant was convicted of the offense of
24 leaving the scene of a motor vehicle accident involving
25 death or personal injuries under Section 11-401 of the
26 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof under Section 11-501 of the
4 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
5 homicide under Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
7 offense described in item (A) and an offense described in
8 item (B).

9 (5) The defendant was convicted of a violation of
10 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
11 death) or Section 12-20.5 (dismembering a human body) of
12 the Criminal Code of 1961 or the Criminal Code of 2012 (720
13 ILCS 5/9-3.1 or 5/12-20.5).

14 (5.5) The defendant was convicted of a violation of
15 Section 24-3.7 (use of a stolen firearm in the commission
16 of an offense) of the Criminal Code of 1961 or the Criminal
17 Code of 2012.

18 (5.6) The defendant was convicted of a violation of
19 Section 12-7.1 (hate crime) of the Criminal Code of 2012.

20 (6) If the defendant was in the custody of the
21 Department of Corrections at the time of the commission of
22 the offense, the sentence shall be served consecutive to
23 the sentence under which the defendant is held by the
24 Department of Corrections. If, however, the defendant is
25 sentenced to punishment by death, the sentence shall be
26 executed at such time as the court may fix without regard

1 to the sentence under which the defendant may be held by
2 the Department.

3 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
4 for escape or attempted escape shall be served consecutive
5 to the terms under which the offender is held by the
6 Department of Corrections.

7 (8) If a person charged with a felony commits a
8 separate felony while on pretrial release or in pretrial
9 detention in a county jail facility or county detention
10 facility, then the sentences imposed upon conviction of
11 these felonies shall be served consecutively regardless of
12 the order in which the judgments of conviction are entered.

13 (8.5) If a person commits a battery against a county
14 correctional officer or sheriff's employee while serving a
15 sentence or in pretrial detention in a county jail
16 facility, then the sentence imposed upon conviction of the
17 battery shall be served consecutively with the sentence
18 imposed upon conviction of the earlier misdemeanor or
19 felony, regardless of the order in which the judgments of
20 conviction are entered.

21 (9) If a person admitted to bail following conviction
22 of a felony commits a separate felony while free on bond or
23 if a person detained in a county jail facility or county
24 detention facility following conviction of a felony
25 commits a separate felony while in detention, then any
26 sentence following conviction of the separate felony shall

1 be consecutive to that of the original sentence for which
2 the defendant was on bond or detained.

3 (10) If a person is found to be in possession of an
4 item of contraband, as defined in Section 31A-0.1 of the
5 Criminal Code of 2012, while serving a sentence in a county
6 jail or while in pre-trial detention in a county jail, the
7 sentence imposed upon conviction for the offense of
8 possessing contraband in a penal institution shall be
9 served consecutively to the sentence imposed for the
10 offense in which the person is serving sentence in the
11 county jail or serving pretrial detention, regardless of
12 the order in which the judgments of conviction are entered.

13 (11) If a person is sentenced for a violation of bail
14 bond under Section 32-10 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, any sentence imposed for that
16 violation shall be served consecutive to the sentence
17 imposed for the charge for which bail had been granted and
18 with respect to which the defendant has been convicted.

19 (e) Consecutive terms; subsequent non-Illinois term. If an
20 Illinois court has imposed a sentence of imprisonment on a
21 defendant and the defendant is subsequently sentenced to a term
22 of imprisonment by a court of another state or a federal court,
23 then the Illinois sentence shall run consecutively to the
24 sentence imposed by the court of the other state or the federal
25 court. That same Illinois court, however, may order that the
26 Illinois sentence run concurrently with the sentence imposed by

1 the court of the other state or the federal court, but only if
2 the defendant applies to that same Illinois court within 30
3 days after the sentence imposed by the court of the other state
4 or the federal court is finalized.

5 (f) Consecutive terms; aggregate maximums and minimums.
6 The aggregate maximum and aggregate minimum of consecutive
7 sentences shall be determined as follows:

8 (1) For sentences imposed under law in effect prior to
9 February 1, 1978, the aggregate maximum of consecutive
10 sentences shall not exceed the maximum term authorized
11 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
12 Chapter V for the 2 most serious felonies involved. The
13 aggregate minimum period of consecutive sentences shall
14 not exceed the highest minimum term authorized under
15 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
16 V for the 2 most serious felonies involved. When sentenced
17 only for misdemeanors, a defendant shall not be
18 consecutively sentenced to more than the maximum for one
19 Class A misdemeanor.

20 (2) For sentences imposed under the law in effect on or
21 after February 1, 1978, the aggregate of consecutive
22 sentences for offenses that were committed as part of a
23 single course of conduct during which there was no
24 substantial change in the nature of the criminal objective
25 shall not exceed the sum of the maximum terms authorized
26 under Article 4.5 of Chapter V for the 2 most serious

1 felonies involved, but no such limitation shall apply for
2 offenses that were not committed as part of a single course
3 of conduct during which there was no substantial change in
4 the nature of the criminal objective. When sentenced only
5 for misdemeanors, a defendant shall not be consecutively
6 sentenced to more than the maximum for one Class A
7 misdemeanor.

8 (g) Consecutive terms; manner served. In determining the
9 manner in which consecutive sentences of imprisonment, one or
10 more of which is for a felony, will be served, the Department
11 of Corrections shall treat the defendant as though he or she
12 had been committed for a single term subject to each of the
13 following:

14 (1) The maximum period of a term of imprisonment shall
15 consist of the aggregate of the maximums of the imposed
16 indeterminate terms, if any, plus the aggregate of the
17 imposed determinate sentences for felonies, plus the
18 aggregate of the imposed determinate sentences for
19 misdemeanors, subject to subsection (f) of this Section.

20 (2) The parole or mandatory supervised release term
21 shall be as provided in paragraph (e) of Section 5-4.5-50
22 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
23 involved.

24 (3) The minimum period of imprisonment shall be the
25 aggregate of the minimum and determinate periods of
26 imprisonment imposed by the court, subject to subsection

1 (f) of this Section.

2 (4) The defendant shall be awarded credit against the
3 aggregate maximum term and the aggregate minimum term of
4 imprisonment for all time served in an institution since
5 the commission of the offense or offenses and as a
6 consequence thereof at the rate specified in Section 3-6-3
7 (730 ILCS 5/3-6-3).

8 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;
9 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.
10 1-1-14.)