



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6572

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Alcoholism and other Drug Abuse and Dependency Act. Provides that an addict may elect treatment under supervision of a designated program if the offense is possession of a controlled substance or possession of 500 grams or less of cannabis. Amends the Criminal Identification Act. Expands offenses subject to sealing and expungement. Amends the Criminal Code of 2012. Changes the penalties for various offenses. Amends the Cannabis Control Act. Provides that possession of 57 grams or less of cannabis is a civil violation with a \$25 fine. Provides that the manufacture, delivery, or possession with intent to deliver, or manufacture, 30 grams or less of any substance containing cannabis is a civil violation and subject to a \$25 fine. Provides that possessing, growing, producing, or processing not more than 5 cannabis sativa plants, provided that the growing is not conducted openly or publicly and is not provided for sale or consideration, shall constitute a civil violation and shall be subject to a fine of \$25. Amends the Drug Paraphernalia Control Act. Provides that if a person has possession of 57 grams or less of cannabis, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil violation punishable by a fine of \$25. Amends the Unified Code of Corrections. Eliminates minimum sentences for all classes of offenses. Amends various other Acts concerning other penalties. Provides that the amendatory Act applies to offenses committed before its effective date, and to offenses committed on or after its effective date. Provides that an offender who currently is serving sentence for a felony which is reduced to a lesser felony or to a misdemeanor by the amendatory Act may petition the court for resentencing to a lesser sentence and be given credit for time served.

LRB099 21635 RLC 48106 b

FISCAL 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 Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic
8 who is charged with or convicted of a crime or any other person
9 charged with or convicted of a misdemeanor violation of the Use
10 of Intoxicating Compounds Act and who has not been previously
11 convicted of a violation of that Act may elect treatment under
12 the supervision of a licensed program designated by the
13 Department, referred to in this Article as "designated
14 program", unless:

15 (1) the crime is a crime of violence;

16 (2) the crime is a violation of Section 401(a), 401(b),
17 401(c) where the person electing treatment has been
18 previously convicted of a non-probationable felony or the
19 violation is non-probationable, 401(d) where the violation
20 is non-probationable, 401.1, ~~402(a)~~, 405 or 407 of the
21 Illinois Controlled Substances Act, or Section 12-7.3 of
22 the Criminal Code of 2012, or Section ~~4(d)~~, 4(e), 4(f),
23 4(g), ~~5(d), 5(e)~~, 5(f), 5(g), 5.1, 7 or 9 of the Cannabis

1 Control Act or Section 15, 20, 55, 60(b)(3), 60(b)(4),
2 60(b)(5), 60(b)(6), or 65 of the Methamphetamine Control
3 and Community Protection Act or is otherwise ineligible for
4 probation under Section 70 of the Methamphetamine Control
5 and Community Protection Act;

6 (3) the person has a record of 2 or more convictions of
7 a crime of violence;

8 (4) other criminal proceedings alleging commission of
9 a felony, other than a felony directed against property,
10 are pending against the person;

11 (5) the person is on probation or parole and the
12 appropriate parole or probation authority does not consent
13 to that election;

14 (6) the person elected and was admitted to a designated
15 program on 2 prior occasions within any consecutive 2-year
16 period;

17 (7) the person has been convicted of residential
18 burglary and has a record of one or more felony
19 convictions;

20 (8) the crime is a violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance; or

23 (9) the crime is a reckless homicide or a reckless
24 homicide of an unborn child, as defined in Section 9-3 or
25 9-3.2 of the Criminal Code of 1961 or the Criminal Code of
26 2012, in which the cause of death consists of the driving

1 of a motor vehicle by a person under the influence of
2 alcohol or any other drug or drugs at the time of the
3 violation.

4 Nothing in this Section shall preclude an individual who is
5 charged with or convicted of a crime that is a violation of
6 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and
7 Community Protection Act, and who is otherwise eligible to make
8 the election provided for under this Section, from being
9 eligible to make an election for treatment as a condition of
10 probation as provided for under this Article.

11 (Source: P.A. 98-896, eff. 1-1-15; 98-1124, eff. 8-26-14;
12 99-78, eff. 7-20-15.)

13 Section 10. The Criminal Identification Act is amended by
14 changing Section 5.2 as follows:

15 (20 ILCS 2630/5.2)

16 Sec. 5.2. Expungement and sealing.

17 (a) General Provisions.

18 (1) Definitions. In this Act, words and phrases have
19 the meanings set forth in this subsection, except when a
20 particular context clearly requires a different meaning.

21 (A) The following terms shall have the meanings
22 ascribed to them in the Unified Code of Corrections,
23 730 ILCS 5/5-1-2 through 5/5-1-22:

24 (i) Business Offense (730 ILCS 5/5-1-2),

- 1 (ii) Charge (730 ILCS 5/5-1-3),
2 (iii) Court (730 ILCS 5/5-1-6),
3 (iv) Defendant (730 ILCS 5/5-1-7),
4 (v) Felony (730 ILCS 5/5-1-9),
5 (vi) Imprisonment (730 ILCS 5/5-1-10),
6 (vii) Judgment (730 ILCS 5/5-1-12),
7 (viii) Misdemeanor (730 ILCS 5/5-1-14),
8 (ix) Offense (730 ILCS 5/5-1-15),
9 (x) Parole (730 ILCS 5/5-1-16),
10 (xi) Petty Offense (730 ILCS 5/5-1-17),
11 (xii) Probation (730 ILCS 5/5-1-18),
12 (xiii) Sentence (730 ILCS 5/5-1-19),
13 (xiv) Supervision (730 ILCS 5/5-1-21), and
14 (xv) Victim (730 ILCS 5/5-1-22).

15 (B) As used in this Section, "charge not initiated
16 by arrest" means a charge (as defined by 730 ILCS
17 5/5-1-3) brought against a defendant where the
18 defendant is not arrested prior to or as a direct
19 result of the charge.

20 (C) "Conviction" means a judgment of conviction or
21 sentence entered upon a plea of guilty or upon a
22 verdict or finding of guilty of an offense, rendered by
23 a legally constituted jury or by a court of competent
24 jurisdiction authorized to try the case without a jury.
25 An order of supervision successfully completed by the
26 petitioner is not a conviction. An order of qualified

1 probation (as defined in subsection (a)(1)(J))
2 successfully completed by the petitioner is not a
3 conviction. An order of supervision or an order of
4 qualified probation that is terminated
5 unsatisfactorily is a conviction, unless the
6 unsatisfactory termination is reversed, vacated, or
7 modified and the judgment of conviction, if any, is
8 reversed or vacated.

9 (D) "Criminal offense" means a petty offense,
10 business offense, misdemeanor, felony, or municipal
11 ordinance violation (as defined in subsection
12 (a)(1)(H)). As used in this Section, a minor traffic
13 offense (as defined in subsection (a)(1)(G)) shall not
14 be considered a criminal offense.

15 (E) "Expunge" means to physically destroy the
16 records or return them to the petitioner and to
17 obliterate the petitioner's name from any official
18 index or public record, or both. Nothing in this Act
19 shall require the physical destruction of the circuit
20 court file, but such records relating to arrests or
21 charges, or both, ordered expunged shall be impounded
22 as required by subsections (d)(9)(A)(ii) and
23 (d)(9)(B)(ii).

24 (F) As used in this Section, "last sentence" means
25 the sentence, order of supervision, or order of
26 qualified probation (as defined by subsection

1 (a)(1)(J)), for a criminal offense (as defined by
2 subsection (a)(1)(D)) that terminates last in time in
3 any jurisdiction, regardless of whether the petitioner
4 has included the criminal offense for which the
5 sentence or order of supervision or qualified
6 probation was imposed in his or her petition. If
7 multiple sentences, orders of supervision, or orders
8 of qualified probation terminate on the same day and
9 are last in time, they shall be collectively considered
10 the "last sentence" regardless of whether they were
11 ordered to run concurrently.

12 (G) "Minor traffic offense" means a petty offense,
13 business offense, or Class C misdemeanor under the
14 Illinois Vehicle Code or a similar provision of a
15 municipal or local ordinance.

16 (H) "Municipal ordinance violation" means an
17 offense defined by a municipal or local ordinance that
18 is criminal in nature and with which the petitioner was
19 charged or for which the petitioner was arrested and
20 released without charging.

21 (I) "Petitioner" means an adult or a minor
22 prosecuted as an adult who has applied for relief under
23 this Section.

24 (J) "Qualified probation" means an order of
25 probation under Section 10 of the Cannabis Control Act,
26 Section 410 of the Illinois Controlled Substances Act,

1 Section 70 of the Methamphetamine Control and
2 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
3 of the Unified Code of Corrections, Section
4 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
5 those provisions existed before their deletion by
6 Public Act 89-313), Section 10-102 of the Illinois
7 Alcoholism and Other Drug Dependency Act, Section
8 40-10 of the Alcoholism and Other Drug Abuse and
9 Dependency Act, or Section 10 of the Steroid Control
10 Act. For the purpose of this Section, "successful
11 completion" of an order of qualified probation under
12 Section 10-102 of the Illinois Alcoholism and Other
13 Drug Dependency Act and Section 40-10 of the Alcoholism
14 and Other Drug Abuse and Dependency Act means that the
15 probation was terminated satisfactorily and the
16 judgment of conviction was vacated.

17 (K) "Seal" means to physically and electronically
18 maintain the records, unless the records would
19 otherwise be destroyed due to age, but to make the
20 records unavailable without a court order, subject to
21 the exceptions in Sections 12 and 13 of this Act. The
22 petitioner's name shall also be obliterated from the
23 official index required to be kept by the circuit court
24 clerk under Section 16 of the Clerks of Courts Act, but
25 any index issued by the circuit court clerk before the
26 entry of the order to seal shall not be affected.

1 (L) "Sexual offense committed against a minor"
2 includes but is not limited to the offenses of indecent
3 solicitation of a child or criminal sexual abuse when
4 the victim of such offense is under 18 years of age.

5 (M) "Terminate" as it relates to a sentence or
6 order of supervision or qualified probation includes
7 either satisfactory or unsatisfactory termination of
8 the sentence, unless otherwise specified in this
9 Section.

10 (2) Minor Traffic Offenses. Orders of supervision or
11 convictions for minor traffic offenses shall not affect a
12 petitioner's eligibility to expunge or seal records
13 pursuant to this Section.

14 (3) Exclusions. Except as otherwise provided in
15 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
16 of this Section, the court shall not order:

17 (A) the sealing or expungement of the records of
18 arrests or charges not initiated by arrest that result
19 in an order of supervision for or conviction of: (i)
20 any sexual offense committed against a minor; (ii)
21 Section 11-501 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance; or (iii)
23 Section 11-503 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance, unless the
25 arrest or charge is for a misdemeanor violation of
26 subsection (a) of Section 11-503 or a similar provision

1 of a local ordinance, that occurred prior to the
2 offender reaching the age of 25 years and the offender
3 has no other conviction for violating Section 11-501 or
4 11-503 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance.

6 (B) (blank). ~~the sealing or expungement of records~~
7 ~~of minor traffic offenses (as defined in subsection~~
8 ~~(a) (1) (G)), unless the petitioner was arrested and~~
9 ~~released without charging.~~

10 (C) the sealing of the records of arrests or
11 charges not initiated by arrest which result in an
12 order of supervision or a conviction for the following
13 offenses:

14 (i) offenses included in Article 11 of the
15 Criminal Code of 1961 or the Criminal Code of 2012
16 or a similar provision of a local ordinance, except
17 Section 11-14 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, or a similar provision of a
19 local ordinance;

20 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
21 26-5, or 48-1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, or a similar provision of a
23 local ordinance;

24 (iii) Sections 12-3.1 or 12-3.2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012,
26 or Section 125 of the Stalking No Contact Order

1 Act, or Section 219 of the Civil No Contact Order
2 Act, or a similar provision of a local ordinance;

3 (iv) offenses which are Class A misdemeanors
4 under the Humane Care for Animals Act; or

5 (v) any offense or attempted offense that
6 would subject a person to registration under the
7 Sex Offender Registration Act.

8 (D) the sealing of the records of an arrest which
9 results in the petitioner being charged with a felony
10 offense or records of a charge not initiated by arrest
11 for a felony offense unless:

12 (i) the charge is amended to a misdemeanor and
13 is otherwise eligible to be sealed pursuant to
14 subsection (c);

15 (ii) the charge is brought along with another
16 charge as a part of one case and the charge results
17 in acquittal, dismissal, or conviction when the
18 conviction was reversed or vacated, and another
19 charge brought in the same case results in a
20 disposition for a misdemeanor offense that is
21 eligible to be sealed pursuant to subsection (c) or
22 a disposition listed in paragraph (i), (iii), or
23 (iv) of this subsection;

24 (iii) the charge results in first offender
25 probation as set forth in subsection (c) (2) (E);

26 (iv) the charge is for a felony offense listed

1 in subsection (c) (2) (F) or the charge is amended to
2 a felony offense listed in subsection (c) (2) (F);

3 (v) the charge results in acquittal,
4 dismissal, or the petitioner's release without
5 conviction; or

6 (vi) the charge results in a conviction, but
7 the conviction was reversed or vacated.

8 (b) Expungement.

9 (1) A petitioner may petition the circuit court to
10 expunge the records of petitioner's ~~his or her~~ arrests, ~~and~~
11 charges not initiated by arrest, and convictions when:

12 (A) Each arrest or charge initiated by arrest
13 resulted in a conviction for misdemeanor offenses or
14 first offender probation, not otherwise excluded for
15 expungement in subsection (a) (2) ~~He or she has never~~
16 ~~been convicted of a criminal offense; and~~

17 (B) Each arrest or charge not initiated by arrest
18 sought to be expunged resulted in: (i) acquittal,
19 dismissal, or the petitioner's release without
20 charging, unless excluded by subsection (a) (3) (B);
21 (ii) a conviction which was vacated or reversed, unless
22 excluded by subsection (a) (3) (B); (iii) an order of
23 supervision and such supervision was successfully
24 completed by the petitioner, unless excluded by
25 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
26 qualified probation (as defined in subsection

1 (a) (1) (J)) and such probation was successfully
2 completed by the petitioner.

3 (2) Time frame for filing a petition to expunge.

4 (A) When the arrest or charge not initiated by
5 arrest sought to be expunged resulted in an acquittal,
6 dismissal, the petitioner's release without charging,
7 or the reversal or vacation of a conviction, there is
8 no waiting period to petition for the expungement of
9 such records.

10 (B) When the arrest or charge not initiated by
11 arrest sought to be expunged resulted in an order of
12 supervision, successfully completed by the petitioner,
13 the following time frames will apply:

14 (i) Those arrests or charges that resulted in
15 orders of supervision under Section 3-707, 3-708,
16 3-710, or 5-401.3 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance, or under
18 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, or a
20 similar provision of a local ordinance, shall not
21 be eligible for expungement until ~~5 years have~~
22 ~~passed following~~ the satisfactory termination of
23 the supervision.

24 (i-5) Those arrests or charges that resulted
25 in orders of supervision for a misdemeanor
26 violation of subsection (a) of Section 11-503 of

1 the Illinois Vehicle Code or a similar provision of
2 a local ordinance, that occurred prior to the
3 offender reaching the age of 25 years and the
4 offender has no other conviction for violating
5 Section 11-501 or 11-503 of the Illinois Vehicle
6 Code or a similar provision of a local ordinance
7 shall not be eligible for expungement until the
8 satisfactory termination of the supervision
9 ~~petitioner has reached the age of 25 years.~~

10 (ii) Those arrests or charges that resulted in
11 orders of supervision for any other offenses shall
12 not be eligible for expungement until ~~2 years have~~
13 ~~passed following~~ the satisfactory termination of
14 the supervision.

15 (C) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an order of
17 qualified probation, successfully completed by the
18 petitioner, such records shall not be eligible for
19 expungement until ~~5 years have passed following~~ the
20 satisfactory termination of the probation.

21 (3) Those records maintained by the Department for
22 persons arrested prior to their 17th birthday shall be
23 expunged as provided in Section 5-915 of the Juvenile Court
24 Act of 1987.

25 (4) Whenever a person has been arrested for or
26 convicted of any offense, in the name of a person whose

1 identity he or she has stolen or otherwise come into
2 possession of, the aggrieved person from whom the identity
3 was stolen or otherwise obtained without authorization,
4 upon learning of the person having been arrested using his
5 or her identity, may, upon verified petition to the chief
6 judge of the circuit wherein the arrest was made, have a
7 court order entered nunc pro tunc by the Chief Judge to
8 correct the arrest record, conviction record, if any, and
9 all official records of the arresting authority, the
10 Department, other criminal justice agencies, the
11 prosecutor, and the trial court concerning such arrest, if
12 any, by removing his or her name from all such records in
13 connection with the arrest and conviction, if any, and by
14 inserting in the records the name of the offender, if known
15 or ascertainable, in lieu of the aggrieved's name. The
16 records of the circuit court clerk shall be sealed until
17 further order of the court upon good cause shown and the
18 name of the aggrieved person obliterated on the official
19 index required to be kept by the circuit court clerk under
20 Section 16 of the Clerks of Courts Act, but the order shall
21 not affect any index issued by the circuit court clerk
22 before the entry of the order. Nothing in this Section
23 shall limit the Department of State Police or other
24 criminal justice agencies or prosecutors from listing
25 under an offender's name the false names he or she has
26 used.

1 (5) Whenever a person has been convicted of criminal
2 sexual assault, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, criminal
4 sexual abuse, or aggravated criminal sexual abuse, the
5 victim of that offense may request that the State's
6 Attorney of the county in which the conviction occurred
7 file a verified petition with the presiding trial judge at
8 the petitioner's trial to have a court order entered to
9 seal the records of the circuit court clerk in connection
10 with the proceedings of the trial court concerning that
11 offense. However, the records of the arresting authority
12 and the Department of State Police concerning the offense
13 shall not be sealed. The court, upon good cause shown,
14 shall make the records of the circuit court clerk in
15 connection with the proceedings of the trial court
16 concerning the offense available for public inspection.

17 (6) If a conviction has been set aside on direct review
18 or on collateral attack and the court determines by clear
19 and convincing evidence that the petitioner was factually
20 innocent of the charge, the court that finds the petitioner
21 factually innocent of the charge shall enter an expungement
22 order for the conviction for which the petitioner has been
23 determined to be innocent as provided in subsection (b) of
24 Section 5-5-4 of the Unified Code of Corrections.

25 (7) Nothing in this Section shall prevent the
26 Department of State Police from maintaining all records of

1 any person who is admitted to probation upon terms and
2 conditions and who fulfills those terms and conditions
3 pursuant to Section 10 of the Cannabis Control Act, Section
4 410 of the Illinois Controlled Substances Act, Section 70
5 of the Methamphetamine Control and Community Protection
6 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
7 Corrections, Section 12-4.3 or subdivision (b)(1) of
8 Section 12-3.05 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, Section 10-102 of the Illinois
10 Alcoholism and Other Drug Dependency Act, Section 40-10 of
11 the Alcoholism and Other Drug Abuse and Dependency Act, or
12 Section 10 of the Steroid Control Act.

13 (8) If the petitioner has been granted a certificate of
14 innocence under Section 2-702 of the Code of Civil
15 Procedure, the court that grants the certificate of
16 innocence shall also enter an order expunging the
17 conviction for which the petitioner has been determined to
18 be innocent as provided in subsection (h) of Section 2-702
19 of the Code of Civil Procedure.

20 (c) Sealing.

21 (1) Applicability. Notwithstanding any other provision
22 of this Act to the contrary, and cumulative with any rights
23 to expungement of criminal records, this subsection
24 authorizes the sealing of criminal records of adults and of
25 minors prosecuted as adults.

26 (1.5) Mandatory Records. The following records must be

1 ordered sealed by the court upon completion of the legal
2 proceedings, completion of supervision, and completion of
3 any incarceration:

4 (A) All arrests resulting in release without
5 charging; and

6 (B) Arrests or charges not initiated by arrest
7 resulting in acquittal, dismissal, or conviction when
8 the conviction was reversed or vacated, except as
9 excluded by subsection (a) (3) (B);

10 (2) Eligible Records. The following records may be
11 sealed:

12 (A) (Blank); ~~All arrests resulting in release~~
13 ~~without charging;~~

14 (B) (Blank); ~~Arrests or charges not initiated by~~
15 ~~arrest resulting in acquittal, dismissal, or~~
16 ~~conviction when the conviction was reversed or~~
17 ~~vacated, except as excluded by subsection (a) (3) (B);~~

18 (C) Arrests or charges not initiated by arrest
19 resulting in orders of supervision, including orders
20 of supervision for municipal ordinance violations,
21 successfully completed by the petitioner, unless
22 excluded by subsection (a) (3);

23 (D) Arrests or charges not initiated by arrest
24 resulting in convictions, including convictions on
25 municipal ordinance violations, unless excluded by
26 subsection (a) (3);

1 (E) Arrests or charges not initiated by arrest
2 resulting in orders of first offender probation under
3 Section 10 of the Cannabis Control Act, Section 410 of
4 the Illinois Controlled Substances Act, Section 70 of
5 the Methamphetamine Control and Community Protection
6 Act, or Section 5-6-3.3 of the Unified Code of
7 Corrections; and

8 (F) Arrests or charges not initiated by arrest
9 resulting in felony convictions for the following
10 offenses:

11 (i) Class 4 felony convictions for:

12 Prostitution under Section 11-14 of the
13 Criminal Code of 1961 or the Criminal Code of
14 2012.

15 Possession of cannabis under Section 4 of
16 the Cannabis Control Act.

17 Possession of a controlled substance under
18 Section 402 of the Illinois Controlled
19 Substances Act.

20 Offenses under the Methamphetamine
21 Precursor Control Act.

22 Offenses under the Steroid Control Act.

23 Theft under Section 16-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 Retail theft under Section 16A-3 or
26 paragraph (a) of 16-25 of the Criminal Code of

1 1961 or the Criminal Code of 2012.

2 Deceptive practices under Section 17-1 of
3 the Criminal Code of 1961 or the Criminal Code
4 of 2012.

5 Forgery under Section 17-3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 Possession of burglary tools under Section
8 19-2 of the Criminal Code of 1961 or the
9 Criminal Code of 2012.

10 (ii) Class 3 felony convictions for:

11 Theft under Section 16-1 of the Criminal
12 Code of 1961 or the Criminal Code of 2012.

13 Retail theft under Section 16A-3 or
14 paragraph (a) of 16-25 of the Criminal Code of
15 1961 or the Criminal Code of 2012.

16 Deceptive practices under Section 17-1 of
17 the Criminal Code of 1961 or the Criminal Code
18 of 2012.

19 Forgery under Section 17-3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012.

21 Possession with intent to manufacture or
22 deliver a controlled substance under Section
23 401 of the Illinois Controlled Substances Act.

24 (iii) Class 4, Class 3, Class 2, and Class 1
25 felonies under Sections 5 and 8 of the Cannabis
26 Control Act, unlawful use of weapons under Section

1 24-1 of the Criminal Code of 2012, unlawful
2 possession of firearms and firearm ammunition
3 under Section 24-3 of the Criminal Code of 2012,
4 possession of drug paraphernalia under Section 3.5
5 of the Drug Paraphernalia Control Act.

6 (3) When Records Are Eligible to Be Sealed. Records
7 identified as eligible under subsection (c) (1.5) or (c) (2)
8 may be sealed as follows:

9 (A) Records identified as eligible under
10 subsection (c) (1.5) must ~~(c) (2) (A) and (c) (2) (B)~~ may
11 be sealed upon completion of the legal proceedings,
12 completion of supervision and completion of any
13 incarceration at any time.

14 (B) Except as otherwise provided in subparagraph
15 (E) of this paragraph (3), records identified as
16 eligible under subsection (c) (2) (C) may be sealed ~~2~~
17 ~~years~~ after the termination of petitioner's last
18 sentence (as defined in subsection (a) (1) (F)).

19 (C) Except as otherwise provided in subparagraph
20 (E) of this paragraph (3), records identified as
21 eligible under subsections (c) (2) (D), (c) (2) (E), and
22 (c) (2) (F) may be sealed ~~3 years~~ after the termination
23 of the petitioner's last sentence (as defined in
24 subsection (a) (1) (F)).

25 (D) Records identified in subsection
26 (a) (3) (A) (iii) may be sealed after the petitioner has

1 reached the age of 25 years or 2 years, whichever
2 duration is less.

3 (E) Records identified as eligible under
4 subsections (c) (2) (C), (c) (2) (D), (c) (2) (E), or
5 (c) (2) (F) may be sealed upon termination of the
6 petitioner's last sentence if the petitioner earned a
7 high school diploma, associate's degree, career
8 certificate, vocational technical certification, or
9 bachelor's degree, or passed the high school level Test
10 of General Educational Development, during the period
11 of his or her sentence, aftercare release, or mandatory
12 supervised release. This subparagraph shall apply only
13 to a petitioner who has not completed the same
14 educational goal prior to the period of his or her
15 sentence, aftercare release, or mandatory supervised
16 release. If a petition for sealing eligible records
17 filed under this subparagraph is denied by the court,
18 the time periods under subparagraph (B) or (C) shall
19 apply to any subsequent petition for sealing filed by
20 the petitioner.

21 (4) Subsequent felony convictions. A person may not
22 have subsequent felony conviction records sealed as
23 provided in this subsection (c) if he or she is convicted
24 of any felony offense after the date of the sealing of
25 prior felony convictions as provided in this subsection
26 (c). The court may, upon conviction for a subsequent felony

1 offense, order the unsealing of prior felony conviction
2 records previously ordered sealed by the court. Subsequent
3 felony conviction records set forth in subsection (c) shall
4 be sealed.

5 (5) Notice of eligibility for sealing. Upon entry of a
6 disposition for an eligible record under this subsection
7 (c), the petitioner shall be informed by the court of the
8 right to have the records sealed and the procedures for the
9 sealing of the records.

10 (d) Procedure. The following procedures apply to
11 expungement under subsections (b), (e), and (e-6) and sealing
12 under subsections (c) and (e-5):

13 (1) Filing the petition. Upon becoming eligible to
14 petition for the expungement or sealing of records under
15 this Section, the petitioner shall file a petition
16 requesting the expungement or sealing of records with the
17 clerk of the court where the arrests occurred or the
18 charges were brought, or both. If arrests occurred or
19 charges were brought in multiple jurisdictions, a petition
20 must be filed in each such jurisdiction. The petitioner
21 shall pay the applicable fee, if not waived.

22 (2) Contents of petition. The petition shall be
23 verified and shall contain the petitioner's name, date of
24 birth, current address and, for each arrest or charge not
25 initiated by arrest sought to be sealed or expunged, the
26 case number, the date of arrest (if any), the identity of

1 the arresting authority, and such other information as the
2 court may require. During the pendency of the proceeding,
3 the petitioner shall promptly notify the circuit court
4 clerk of any change of his or her address. If the
5 petitioner has received a certificate of eligibility for
6 sealing from the Prisoner Review Board under paragraph (10)
7 of subsection (a) of Section 3-3-2 of the Unified Code of
8 Corrections, the certificate shall be attached to the
9 petition.

10 (3) Drug test. The petitioner must attach to the
11 petition proof that the petitioner has passed a test taken
12 within 30 days before the filing of the petition showing
13 the absence within his or her body of all illegal
14 substances as defined by the Illinois Controlled
15 Substances Act, the Methamphetamine Control and Community
16 Protection Act, and the Cannabis Control Act if he or she
17 is petitioning to:

18 (A) seal felony records under clause (c) (2) (E);

19 (B) seal felony records for a violation of the
20 Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act,
22 or the Cannabis Control Act under clause (c) (2) (F);

23 (C) seal felony records under subsection (e-5); or

24 (D) expunge felony records of a qualified
25 probation under clause (b) (1) (B) (iv).

26 (4) Service of petition. The circuit court clerk shall

1 promptly serve a copy of the petition and documentation to
2 support the petition under subsection (e-5) or (e-6) on the
3 State's Attorney or prosecutor charged with the duty of
4 prosecuting the offense, the Department of State Police,
5 the arresting agency and the chief legal officer of the
6 unit of local government effecting the arrest.

7 (5) Objections.

8 (A) Any party entitled to notice of the petition
9 may file an objection to the petition. All objections
10 shall be in writing, shall be filed with the circuit
11 court clerk, and shall state with specificity the basis
12 of the objection. Whenever a person who has been
13 convicted of an offense is granted a pardon by the
14 Governor which specifically authorizes expungement, an
15 objection to the petition may not be filed.

16 (B) Objections to a petition to expunge or seal
17 must be filed within 60 days of the date of service of
18 the petition.

19 (6) Entry of order.

20 (A) The Chief Judge of the circuit wherein the
21 charge was brought, any judge of that circuit
22 designated by the Chief Judge, or in counties of less
23 than 3,000,000 inhabitants, the presiding trial judge
24 at the petitioner's trial, if any, shall rule on the
25 petition to expunge or seal as set forth in this
26 subsection (d) (6).

1 (B) Unless the State's Attorney or prosecutor, the
2 Department of State Police, the arresting agency, or
3 the chief legal officer files an objection to the
4 petition to expunge or seal within 60 days from the
5 date of service of the petition, the court shall enter
6 an order granting or denying the petition.

7 (7) Hearings. If an objection is filed, the court shall
8 set a date for a hearing and notify the petitioner and all
9 parties entitled to notice of the petition of the hearing
10 date at least 30 days prior to the hearing. Prior to the
11 hearing, the State's Attorney shall consult with the
12 Department as to the appropriateness of the relief sought
13 in the petition to expunge or seal. At the hearing, the
14 court shall hear evidence on whether the petition should or
15 should not be granted, and shall grant or deny the petition
16 to expunge or seal the records based on the evidence
17 presented at the hearing. The court may consider the
18 following:

19 (A) the strength of the evidence supporting the
20 defendant's conviction;

21 (B) the reasons for retention of the conviction
22 records by the State;

23 (C) the petitioner's age, criminal record history,
24 and employment history;

25 (D) the period of time between the petitioner's
26 arrest on the charge resulting in the conviction and

1 the filing of the petition under this Section; and

2 (E) the specific adverse consequences the
3 petitioner may be subject to if the petition is denied.

4 (8) Service of order. After entering an order to
5 expunge or seal records, the court must provide copies of
6 the order to the Department, in a form and manner
7 prescribed by the Department, to the petitioner, to the
8 State's Attorney or prosecutor charged with the duty of
9 prosecuting the offense, to the arresting agency, to the
10 chief legal officer of the unit of local government
11 effecting the arrest, and to such other criminal justice
12 agencies as may be ordered by the court.

13 (9) Implementation of order.

14 (A) Upon entry of an order to expunge records
15 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

16 (i) the records shall be expunged (as defined
17 in subsection (a) (1) (E)) by the arresting agency,
18 the Department, and any other agency as ordered by
19 the court, within 60 days of the date of service of
20 the order, unless a motion to vacate, modify, or
21 reconsider the order is filed pursuant to
22 paragraph (12) of subsection (d) of this Section;

23 (ii) the records of the circuit court clerk
24 shall be impounded until further order of the court
25 upon good cause shown and the name of the
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk
2 under Section 16 of the Clerks of Courts Act, but
3 the order shall not affect any index issued by the
4 circuit court clerk before the entry of the order;
5 and

6 (iii) in response to an inquiry for expunged
7 records, the court, the Department, or the agency
8 receiving such inquiry, shall reply as it does in
9 response to inquiries when no records ever
10 existed.

11 (B) Upon entry of an order to expunge records
12 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

13 (i) the records shall be expunged (as defined
14 in subsection (a) (1) (E)) by the arresting agency
15 and any other agency as ordered by the court,
16 within 60 days of the date of service of the order,
17 unless a motion to vacate, modify, or reconsider
18 the order is filed pursuant to paragraph (12) of
19 subsection (d) of this Section;

20 (ii) the records of the circuit court clerk
21 shall be impounded until further order of the court
22 upon good cause shown and the name of the
23 petitioner obliterated on the official index
24 required to be kept by the circuit court clerk
25 under Section 16 of the Clerks of Courts Act, but
26 the order shall not affect any index issued by the

1 circuit court clerk before the entry of the order;

2 (iii) the records shall be impounded by the
3 Department within 60 days of the date of service of
4 the order as ordered by the court, unless a motion
5 to vacate, modify, or reconsider the order is filed
6 pursuant to paragraph (12) of subsection (d) of
7 this Section;

8 (iv) records impounded by the Department may
9 be disseminated by the Department only as required
10 by law or to the arresting authority, the State's
11 Attorney, and the court upon a later arrest for the
12 same or a similar offense or for the purpose of
13 sentencing for any subsequent felony, and to the
14 Department of Corrections upon conviction for any
15 offense; and

16 (v) in response to an inquiry for such records
17 from anyone not authorized by law to access such
18 records, the court, the Department, or the agency
19 receiving such inquiry shall reply as it does in
20 response to inquiries when no records ever
21 existed.

22 (B-5) Upon entry of an order to expunge records
23 under subsection (e-6):

24 (i) the records shall be expunged (as defined
25 in subsection (a)(1)(E)) by the arresting agency
26 and any other agency as ordered by the court,

1 within 60 days of the date of service of the order,
2 unless a motion to vacate, modify, or reconsider
3 the order is filed under paragraph (12) of
4 subsection (d) of this Section;

5 (ii) the records of the circuit court clerk
6 shall be impounded until further order of the court
7 upon good cause shown and the name of the
8 petitioner obliterated on the official index
9 required to be kept by the circuit court clerk
10 under Section 16 of the Clerks of Courts Act, but
11 the order shall not affect any index issued by the
12 circuit court clerk before the entry of the order;

13 (iii) the records shall be impounded by the
14 Department within 60 days of the date of service of
15 the order as ordered by the court, unless a motion
16 to vacate, modify, or reconsider the order is filed
17 under paragraph (12) of subsection (d) of this
18 Section;

19 (iv) records impounded by the Department may
20 be disseminated by the Department only as required
21 by law or to the arresting authority, the State's
22 Attorney, and the court upon a later arrest for the
23 same or a similar offense or for the purpose of
24 sentencing for any subsequent felony, and to the
25 Department of Corrections upon conviction for any
26 offense; and

1 (v) in response to an inquiry for these records
2 from anyone not authorized by law to access the
3 records, the court, the Department, or the agency
4 receiving the inquiry shall reply as it does in
5 response to inquiries when no records ever
6 existed.

7 (C) Upon entry of an order to seal records under
8 subsection (c), the arresting agency, any other agency
9 as ordered by the court, the Department, and the court
10 shall seal the records (as defined in subsection
11 (a) (1) (K)). In response to an inquiry for such records,
12 from anyone not authorized by law to access such
13 records, the court, the Department, or the agency
14 receiving such inquiry shall reply as it does in
15 response to inquiries when no records ever existed.

16 (D) The Department shall send written notice to the
17 petitioner of its compliance with each order to expunge
18 or seal records within 60 days of the date of service
19 of that order or, if a motion to vacate, modify, or
20 reconsider is filed, within 60 days of service of the
21 order resolving the motion, if that order requires the
22 Department to expunge or seal records. In the event of
23 an appeal from the circuit court order, the Department
24 shall send written notice to the petitioner of its
25 compliance with an Appellate Court or Supreme Court
26 judgment to expunge or seal records within 60 days of

1 the issuance of the court's mandate. The notice is not
2 required while any motion to vacate, modify, or
3 reconsider, or any appeal or petition for
4 discretionary appellate review, is pending.

5 (10) Fees. The Department may charge the petitioner a
6 fee equivalent to the cost of processing any order to
7 expunge or seal records. Notwithstanding any provision of
8 the Clerks of Courts Act to the contrary, the circuit court
9 clerk may charge a fee equivalent to the cost associated
10 with the sealing or expungement of records by the circuit
11 court clerk. From the total filing fee collected for the
12 petition to seal or expunge, the circuit court clerk shall
13 deposit \$10 into the Circuit Court Clerk Operation and
14 Administrative Fund, to be used to offset the costs
15 incurred by the circuit court clerk in performing the
16 additional duties required to serve the petition to seal or
17 expunge on all parties. The circuit court clerk shall
18 collect and forward the Department of State Police portion
19 of the fee to the Department and it shall be deposited in
20 the State Police Services Fund.

21 (11) Final Order. No court order issued under the
22 expungement or sealing provisions of this Section shall
23 become final for purposes of appeal until 30 days after
24 service of the order on the petitioner and all parties
25 entitled to notice of the petition.

26 (12) Motion to Vacate, Modify, or Reconsider. Under

1 Section 2-1203 of the Code of Civil Procedure, the
2 petitioner or any party entitled to notice may file a
3 motion to vacate, modify, or reconsider the order granting
4 or denying the petition to expunge or seal within 60 days
5 of service of the order. If filed more than 60 days after
6 service of the order, a petition to vacate, modify, or
7 reconsider shall comply with subsection (c) of Section
8 2-1401 of the Code of Civil Procedure. Upon filing of a
9 motion to vacate, modify, or reconsider, notice of the
10 motion shall be served upon the petitioner and all parties
11 entitled to notice of the petition.

12 (13) Effect of Order. An order granting a petition
13 under the expungement or sealing provisions of this Section
14 shall not be considered void because it fails to comply
15 with the provisions of this Section or because of any error
16 asserted in a motion to vacate, modify, or reconsider. The
17 circuit court retains jurisdiction to determine whether
18 the order is voidable and to vacate, modify, or reconsider
19 its terms based on a motion filed under paragraph (12) of
20 this subsection (d).

21 (14) Compliance with Order Granting Petition to Seal
22 Records. Unless a court has entered a stay of an order
23 granting a petition to seal, all parties entitled to notice
24 of the petition must fully comply with the terms of the
25 order within 60 days of service of the order even if a
26 party is seeking relief from the order through a motion

1 filed under paragraph (12) of this subsection (d) or is
2 appealing the order.

3 (15) Compliance with Order Granting Petition to
4 Expunge Records. While a party is seeking relief from the
5 order granting the petition to expunge through a motion
6 filed under paragraph (12) of this subsection (d) or is
7 appealing the order, and unless a court has entered a stay
8 of that order, the parties entitled to notice of the
9 petition must seal, but need not expunge, the records until
10 there is a final order on the motion for relief or, in the
11 case of an appeal, the issuance of that court's mandate.

12 (16) The changes to this subsection (d) made by Public
13 Act 98-163 apply to all petitions pending on August 5, 2013
14 (the effective date of Public Act 98-163) and to all orders
15 ruling on a petition to expunge or seal on or after August
16 5, 2013 (the effective date of Public Act 98-163).

17 (e) Whenever a person who has been convicted of an offense
18 is granted a pardon by the Governor which specifically
19 authorizes expungement, he or she may, upon verified petition
20 to the Chief Judge of the circuit where the person had been
21 convicted, any judge of the circuit designated by the Chief
22 Judge, or in counties of less than 3,000,000 inhabitants, the
23 presiding trial judge at the defendant's trial, have a court
24 order entered expunging the record of arrest from the official
25 records of the arresting authority and order that the records
26 of the circuit court clerk and the Department be sealed until

1 further order of the court upon good cause shown or as
2 otherwise provided herein, and the name of the defendant
3 obliterated from the official index requested to be kept by the
4 circuit court clerk under Section 16 of the Clerks of Courts
5 Act in connection with the arrest and conviction for the
6 offense for which he or she had been pardoned but the order
7 shall not affect any index issued by the circuit court clerk
8 before the entry of the order. All records sealed by the
9 Department may be disseminated by the Department only to the
10 arresting authority, the State's Attorney, and the court upon a
11 later arrest for the same or similar offense or for the purpose
12 of sentencing for any subsequent felony. Upon conviction for
13 any subsequent offense, the Department of Corrections shall
14 have access to all sealed records of the Department pertaining
15 to that individual. Upon entry of the order of expungement, the
16 circuit court clerk shall promptly mail a copy of the order to
17 the person who was pardoned.

18 (e-5) Whenever a person who has been convicted of an
19 offense is granted a certificate of eligibility for sealing by
20 the Prisoner Review Board which specifically authorizes
21 sealing, he or she may, upon verified petition to the Chief
22 Judge of the circuit where the person had been convicted, any
23 judge of the circuit designated by the Chief Judge, or in
24 counties of less than 3,000,000 inhabitants, the presiding
25 trial judge at the petitioner's trial, have a court order
26 entered sealing the record of arrest from the official records

1 of the arresting authority and order that the records of the
2 circuit court clerk and the Department be sealed until further
3 order of the court upon good cause shown or as otherwise
4 provided herein, and the name of the petitioner obliterated
5 from the official index requested to be kept by the circuit
6 court clerk under Section 16 of the Clerks of Courts Act in
7 connection with the arrest and conviction for the offense for
8 which he or she had been granted the certificate but the order
9 shall not affect any index issued by the circuit court clerk
10 before the entry of the order. All records sealed by the
11 Department may be disseminated by the Department only as
12 required by this Act or to the arresting authority, a law
13 enforcement agency, the State's Attorney, and the court upon a
14 later arrest for the same or similar offense or for the purpose
15 of sentencing for any subsequent felony. Upon conviction for
16 any subsequent offense, the Department of Corrections shall
17 have access to all sealed records of the Department pertaining
18 to that individual. Upon entry of the order of sealing, the
19 circuit court clerk shall promptly mail a copy of the order to
20 the person who was granted the certificate of eligibility for
21 sealing.

22 (e-6) Whenever a person who has been convicted of an
23 offense is granted a certificate of eligibility for expungement
24 by the Prisoner Review Board which specifically authorizes
25 expungement, he or she may, upon verified petition to the Chief
26 Judge of the circuit where the person had been convicted, any

1 judge of the circuit designated by the Chief Judge, or in
2 counties of less than 3,000,000 inhabitants, the presiding
3 trial judge at the petitioner's trial, have a court order
4 entered expunging the record of arrest from the official
5 records of the arresting authority and order that the records
6 of the circuit court clerk and the Department be sealed until
7 further order of the court upon good cause shown or as
8 otherwise provided herein, and the name of the petitioner
9 obliterated from the official index requested to be kept by the
10 circuit court clerk under Section 16 of the Clerks of Courts
11 Act in connection with the arrest and conviction for the
12 offense for which he or she had been granted the certificate
13 but the order shall not affect any index issued by the circuit
14 court clerk before the entry of the order. All records sealed
15 by the Department may be disseminated by the Department only as
16 required by this Act or to the arresting authority, a law
17 enforcement agency, the State's Attorney, and the court upon a
18 later arrest for the same or similar offense or for the purpose
19 of sentencing for any subsequent felony. Upon conviction for
20 any subsequent offense, the Department of Corrections shall
21 have access to all expunged records of the Department
22 pertaining to that individual. Upon entry of the order of
23 expungement, the circuit court clerk shall promptly mail a copy
24 of the order to the person who was granted the certificate of
25 eligibility for expungement.

26 (f) Subject to available funding, the Illinois Department

1 of Corrections shall conduct a study of the impact of sealing,
2 especially on employment and recidivism rates, utilizing a
3 random sample of those who apply for the sealing of their
4 criminal records under Public Act 93-211. At the request of the
5 Illinois Department of Corrections, records of the Illinois
6 Department of Employment Security shall be utilized as
7 appropriate to assist in the study. The study shall not
8 disclose any data in a manner that would allow the
9 identification of any particular individual or employing unit.
10 The study shall be made available to the General Assembly no
11 later than September 1, 2010.

12 (Source: P.A. 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
13 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
14 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
15 98-1009, eff. 1-1-15; 99-78, eff. 7-20-15; 99-378, eff. 1-1-16;
16 99-385, eff. 1-1-16; revised 10-15-15.)

17 Section 15. The Metropolitan Transit Authority Act is
18 amended by changing Section 28b as follows:

19 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

20 Sec. 28b. Any person applying for a position as a driver of
21 a vehicle owned by a private carrier company which provides
22 public transportation pursuant to an agreement with the
23 Authority shall be required to authorize an investigation by
24 the private carrier company to determine if the applicant has

1 been convicted of any of the following offenses: (i) those
2 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
3 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
4 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
5 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
6 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
7 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
8 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
9 and 33A-2, in subsection (a) and subsection (b), clause (1), of
10 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
11 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
12 the Criminal Code of 1961 or the Criminal Code of 2012; (ii)
13 those offenses defined in the Cannabis Control Act except those
14 offenses defined in subsection ~~subsections~~ (a) ~~and (b)~~ of
15 Section 4, and subsection (a) of Section 5 of the Cannabis
16 Control Act (iii) those offenses defined in the Illinois
17 Controlled Substances Act; (iv) those offenses defined in the
18 Methamphetamine Control and Community Protection Act; and (v)
19 any offense committed or attempted in any other state or
20 against the laws of the United States, which if committed or
21 attempted in this State would be punishable as one or more of
22 the foregoing offenses. Upon receipt of this authorization, the
23 private carrier company shall submit the applicant's name, sex,
24 race, date of birth, fingerprints and social security number to
25 the Department of State Police on forms prescribed by the
26 Department. The Department of State Police shall conduct an

1 investigation to ascertain if the applicant has been convicted
2 of any of the above enumerated offenses. The Department shall
3 charge the private carrier company a fee for conducting the
4 investigation, which fee shall be deposited in the State Police
5 Services Fund and shall not exceed the cost of the inquiry; and
6 the applicant shall not be charged a fee for such investigation
7 by the private carrier company. The Department of State Police
8 shall furnish, pursuant to positive identification, records of
9 convictions, until expunged, to the private carrier company
10 which requested the investigation. A copy of the record of
11 convictions obtained from the Department shall be provided to
12 the applicant. Any record of conviction received by the private
13 carrier company shall be confidential. Any person who releases
14 any confidential information concerning any criminal
15 convictions of an applicant shall be guilty of a Class A
16 misdemeanor, unless authorized by this Section.

17 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
18 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
19 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 20. The School Code is amended by changing Section
21 21B-80 as follows:

22 (105 ILCS 5/21B-80)

23 Sec. 21B-80. Conviction of certain offenses as grounds for
24 revocation of license.

1 (a) As used in this Section:

2 "Narcotics offense" means any one or more of the following
3 offenses:

4 (1) Any offense defined in the Cannabis Control Act,
5 except those defined in subsection subdivisions (a) ~~and (b)~~
6 of Section 4 and subsection subdivision (a) of Section 5 of
7 the Cannabis Control Act and any offense for which the
8 holder of a license is placed on probation under the
9 provisions of Section 10 of the Cannabis Control Act,
10 provided that if the terms and conditions of probation
11 required by the court are not fulfilled, the offense is not
12 eligible for this exception.

13 (2) Any offense defined in the Illinois Controlled
14 Substances Act, except any offense for which the holder of
15 a license is placed on probation under the provisions of
16 Section 410 of the Illinois Controlled Substances Act,
17 provided that if the terms and conditions of probation
18 required by the court are not fulfilled, the offense is not
19 eligible for this exception.

20 (3) Any offense defined in the Methamphetamine Control
21 and Community Protection Act, except any offense for which
22 the holder of a license is placed on probation under the
23 provision of Section 70 of that Act, provided that if the
24 terms and conditions of probation required by the court are
25 not fulfilled, the offense is not eligible for this
26 exception.

1 (4) Any attempt to commit any of the offenses listed in
2 items (1) through (3) of this definition.

3 (5) Any offense committed or attempted in any other
4 state or against the laws of the United States that, if
5 committed or attempted in this State, would have been
6 punishable as one or more of the offenses listed in items
7 (1) through (4) of this definition.

8 The changes made by Public Act 96-431 to the definition of
9 "narcotics offense" are declaratory of existing law.

10 "Sex offense" means any one or more of the following
11 offenses:

12 (A) Any offense defined in Sections 11-6, 11-9 through
13 11-9.5, inclusive, and 11-30, of the Criminal Code of 1961
14 or the Criminal Code of 2012; Sections 11-14 through 11-21,
15 inclusive, of the Criminal Code of 1961 or the Criminal
16 Code of 2012; Sections 11-23 (if punished as a Class 3
17 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
18 1961 or the Criminal Code of 2012; and Sections 11-1.20,
19 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
20 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
21 punished pursuant to subdivision (4) or (5) of subsection
22 (d) of Section 26-4) of the Criminal Code of 1961 or the
23 Criminal Code of 2012.

24 (B) Any attempt to commit any of the offenses listed in
25 item (A) of this definition.

26 (C) Any offense committed or attempted in any other

1 state that, if committed or attempted in this State, would
2 have been punishable as one or more of the offenses listed
3 in items (A) and (B) of this definition.

4 (b) Whenever the holder of any license issued pursuant to
5 this Article has been convicted of any sex offense or narcotics
6 offense, the State Superintendent of Education shall forthwith
7 suspend the license. If the conviction is reversed and the
8 holder is acquitted of the offense in a new trial or the
9 charges against him or her are dismissed, the State
10 Superintendent of Education shall forthwith terminate the
11 suspension of the license. When the conviction becomes final,
12 the State Superintendent of Education shall forthwith revoke
13 the license.

14 (c) Whenever the holder of a license issued pursuant to
15 this Article has been convicted of attempting to commit,
16 conspiring to commit, soliciting, or committing first degree
17 murder or a Class X felony or any offense committed or
18 attempted in any other state or against the laws of the United
19 States that, if committed or attempted in this State, would
20 have been punishable as one or more of the foregoing offenses,
21 the State Superintendent of Education shall forthwith suspend
22 the license. If the conviction is reversed and the holder is
23 acquitted of that offense in a new trial or the charges that he
24 or she committed that offense are dismissed, the State
25 Superintendent of Education shall forthwith terminate the
26 suspension of the license. When the conviction becomes final,

1 the State Superintendent of Education shall forthwith revoke
2 the license.

3 (Source: P.A. 99-58, eff. 7-16-15.)

4 Section 25. The Illinois Vehicle Code is amended by
5 changing Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

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

1 refresher course. Individuals who on July 1, 1995 (the
2 effective date of Public Act 88-612) ~~this Act~~ possess a valid
3 school bus driver permit that has been previously issued by the
4 appropriate Regional School Superintendent are not subject to
5 the fingerprinting provisions of this Section as long as the
6 permit remains valid and does not lapse. The applicant shall be
7 required to pay all related application and fingerprinting fees
8 as established by rule including, but not limited to, the
9 amounts established by the Department of State Police and the
10 Federal Bureau of Investigation to process fingerprint based
11 criminal background investigations. All fees paid for
12 fingerprint processing services under this Section shall be
13 deposited into the State Police Services Fund for the cost
14 incurred in processing the fingerprint based criminal
15 background investigations. All other fees paid under this
16 Section shall be deposited into the Road Fund for the purpose
17 of defraying the costs of the Secretary of State in
18 administering this Section. All applicants must:

- 19 1. be 21 years of age or older;
- 20 2. possess a valid and properly classified driver's
21 license issued by the Secretary of State;
- 22 3. possess a valid driver's license, which has not been
23 revoked, suspended, or canceled for 3 years immediately
24 prior to the date of application, or have not had his or
25 her commercial motor vehicle driving privileges
26 disqualified within the 3 years immediately prior to the

1 date of application;

2 4. successfully pass a written test, administered by
3 the Secretary of State, on school bus operation, school bus
4 safety, and special traffic laws relating to school buses
5 and submit to a review of the applicant's driving habits by
6 the Secretary of State at the time the written test is
7 given;

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

11 6. demonstrate physical fitness to operate school
12 buses by submitting the results of a medical examination,
13 including tests for drug use for each applicant not subject
14 to such testing pursuant to federal law, conducted by a
15 licensed physician, a licensed advanced practice nurse, or
16 a licensed physician assistant within 90 days of the date
17 of 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, 24-1.2, 24-1.2-5, 24-1.6,
9 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,
10 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
11 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
12 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
13 in subsection (a) and subsection (b), clause (1), of
14 Section 12-4, and in subsection (A), clauses (a) and (b),
15 of Section 24-3, and those offenses contained in Article
16 29D of the Criminal Code of 1961 or the Criminal Code of
17 2012; (ii) those offenses defined in the Cannabis Control
18 Act except those offenses defined in subsection
19 ~~subsections (a) and (b)~~ of Section 4, and subsection (a) of
20 Section 5 of the Cannabis Control Act; (iii) those offenses
21 defined in the Illinois Controlled Substances Act; (iv)
22 those 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 (k) A private carrier employer of a school bus driver
8 permit holder, having satisfied the employer requirements of
9 this Section, shall be held to a standard of ordinary care for
10 intentional acts committed in the course of employment by the
11 bus driver permit holder. This subsection (k) shall in no way
12 limit the liability of the private carrier employer for
13 violation of any provision of this Section or for the negligent
14 hiring or retention of a school bus driver permit holder.

15 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
16 revised 11-2-15.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

18 Sec. 6-508. Commercial Driver's License (CDL) -
19 qualification standards.

20 (a) Testing.

21 (1) General. No person shall be issued an original or
22 renewal CDL unless that person is domiciled in this State
23 or is applying for a non-domiciled CDL under Sections 6-509
24 and 6-510 of this Code. The Secretary shall cause to be
25 administered such tests as the Secretary deems necessary to

1 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
2 H, and J.

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

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

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

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

25 (1) non-excepted interstate;

26 (2) non-excepted intrastate;

1 (3) excepted interstate; or

2 (4) excepted intrastate.

3 (b-2) (Blank).

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

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

25 (1) the person has submitted his or her fingerprints to
26 the Department of State Police in the form and manner

1 prescribed by the Department of State Police. These
2 fingerprints shall be checked against the fingerprint
3 records now and hereafter filed in the Department of State
4 Police and Federal Bureau of Investigation criminal
5 history records databases;

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

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

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

1 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
2 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
3 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
4 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
5 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
6 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
7 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,
8 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
9 (b) of Section 8-1, and in subdivisions (a) (1), (a) (2),
10 (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of
11 Section 12-3.05, and in subsection (a) and subsection (b),
12 clause (1), of Section 12-4, and in subsection (A), clauses
13 (a) and (b), of Section 24-3, and those offenses contained
14 in Article 29D of the Criminal Code of 1961 or the Criminal
15 Code of 2012; (ii) those offenses defined in the Cannabis
16 Control Act except those offenses defined in subsection
17 ~~subsections~~ (a) ~~and (b)~~ of Section 4, and subsection (a) of
18 Section 5 of the Cannabis Control Act; (iii) those offenses
19 defined in the Illinois Controlled Substances Act; (iv)
20 those offenses defined in the Methamphetamine Control and
21 Community Protection Act; (v) any offense committed or
22 attempted in any other state or against the laws of the
23 United States, which if committed or attempted in this
24 State would be punishable as one or more of the foregoing
25 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
26 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
2 those offenses defined in Section 6-16 of the Liquor
3 Control Act of 1934; and (viii) those offenses defined in
4 the Methamphetamine Precursor Control Act.

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

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

17 (d) (Blank).

18 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
19 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
20 1-1-14; 98-176 (see Section 10 of P.A. 98-722 and Section 10 of
21 P.A. 99-414 for effective date of changes made by 98-176);
22 98-756, eff. 7-16-14.)

23 Section 30. The Criminal Code of 2012 is amended by
24 changing Sections 12-5.3, 16-1, 16-3, 16-25, 17-1, 17-3,
25 21-1.3, 21-3, 21.1-2, 21.1-3, 24-1, 24-1.1, and 24-3.1 as

1 follows:

2 (720 ILCS 5/12-5.3) (was 720 ILCS 5/12-2.6)

3 Sec. 12-5.3. Use of a dangerous place for the commission of
4 a controlled substance or cannabis offense.

5 (a) A person commits use of a dangerous place for the
6 commission of a controlled substance or cannabis offense when
7 that person knowingly exercises control over any place with the
8 intent to use that place to manufacture, produce, deliver, or
9 possess with intent to deliver a controlled or counterfeit
10 substance or controlled substance analog in violation of
11 Section 401 of the Illinois Controlled Substances Act or to
12 manufacture, produce, deliver, or possess with intent to
13 deliver cannabis in violation of subsection (d), (e), (f), or
14 (g) of Section 5, Section 5.1, 5.2, or 7, or subsection (b),
15 (c), (d), or (e) of Section 8 of the Cannabis Control Act and:

16 (1) the place, by virtue of the presence of the
17 substance or substances used or intended to be used to
18 manufacture a controlled or counterfeit substance,
19 controlled substance analog, or cannabis, presents a
20 substantial risk of injury to any person from fire,
21 explosion, or exposure to toxic or noxious chemicals or
22 gas; or

23 (2) the place used or intended to be used to
24 manufacture, produce, deliver, or possess with intent to
25 deliver a controlled or counterfeit substance, controlled

1 substance analog, or cannabis has located within it or
2 surrounding it devices, weapons, chemicals, or explosives
3 designed, hidden, or arranged in a manner that would cause
4 a person to be exposed to a substantial risk of great
5 bodily harm.

6 (b) It may be inferred that a place was intended to be used
7 to manufacture a controlled or counterfeit substance or
8 controlled substance analog if a substance containing a
9 controlled or counterfeit substance or controlled substance
10 analog or a substance containing a chemical important to the
11 manufacture of a controlled or counterfeit substance or
12 controlled substance analog is found at the place of the
13 alleged illegal controlled substance manufacturing in close
14 proximity to equipment or a chemical used for facilitating the
15 manufacture of the controlled or counterfeit substance or
16 controlled substance analog that is alleged to have been
17 intended to be manufactured.

18 (c) As used in this Section, "place" means a premises,
19 conveyance, or location that offers seclusion, shelter, means,
20 or facilitation for manufacturing, producing, possessing, or
21 possessing with intent to deliver a controlled or counterfeit
22 substance, controlled substance analog, or cannabis.

23 (d) Use of a dangerous place for the commission of a
24 controlled substance or cannabis offense is a Class 1 felony.

25 (Source: P.A. 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

2 Sec. 16-1. Theft.

3 (a) A person commits theft when he or she knowingly:

4 (1) Obtains or exerts unauthorized control over
5 property of the owner; or

6 (2) Obtains by deception control over property of the
7 owner; or

8 (3) Obtains by threat control over property of the
9 owner; or

10 (4) Obtains control over stolen property knowing the
11 property to have been stolen or under such circumstances as
12 would reasonably induce him or her to believe that the
13 property was stolen; or

14 (5) Obtains or exerts control over property in the
15 custody of any law enforcement agency which any law
16 enforcement officer or any individual acting in behalf of a
17 law enforcement agency explicitly represents to the person
18 as being stolen or represents to the person such
19 circumstances as would reasonably induce the person to
20 believe that the property was stolen, and

21 (A) Intends to deprive the owner permanently of the
22 use or benefit of the property; or

23 (B) Knowingly uses, conceals or abandons the
24 property in such manner as to deprive the owner
25 permanently of such use or benefit; or

26 (C) Uses, conceals, or abandons the property

1 knowing such use, concealment or abandonment probably
2 will deprive the owner permanently of such use or
3 benefit.

4 (b) Sentence.

5 (1) Theft of property not from the person and not
6 exceeding \$1,500 ~~\$500~~ in value is a Class B ~~A~~ misdemeanor.

7 (1.1) Theft of property not from the person and not
8 exceeding \$1,500 ~~\$500~~ in value is a Class A misdemeanor ~~4~~
9 ~~felony~~ if the theft was committed in a school or place of
10 worship or if the theft was of governmental property.

11 (2) A person who has been convicted of theft of
12 property not from the person and not exceeding \$1,500 ~~\$500~~
13 in value who has been previously convicted of any type of
14 theft, robbery, armed robbery, burglary, residential
15 burglary, possession of burglary tools, home invasion,
16 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
17 4-103.3 of the Illinois Vehicle Code relating to the
18 possession of a stolen or converted motor vehicle, or a
19 violation of Section 17-36 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, or Section 8 of the Illinois
21 Credit Card and Debit Card Act is guilty of a Class 4
22 felony.

23 (2.5) Theft of property from the person not exceeding
24 \$1,500 in value, or theft of property exceeding \$1,500 in
25 value, and not exceeding \$5,000 in value is a Class A
26 misdemeanor.

1 (3) (Blank).

2 (4) Theft of property from the person exceeding \$1,500
3 in value but not exceeding \$3,000 ~~\$500~~ in value, or theft
4 of property exceeding \$5,000 ~~\$500~~ and not exceeding \$10,000
5 in value, is a Class 4 ~~3~~ felony.

6 (4.1) Theft of property from the person exceeding
7 \$3,000 in value but not exceeding \$10,000 ~~\$500~~ in value, or
8 theft of property exceeding \$5,000 ~~\$500~~ and not exceeding
9 \$10,000 in value, is a Class 3 ~~2~~ felony if the theft was
10 committed in a school or place of worship or if the theft
11 was of governmental property.

12 (5) Theft of property exceeding \$10,000 and not
13 exceeding \$100,000 in value is a Class 3 ~~2~~ felony.

14 (5.1) Theft of property exceeding \$10,000 ~~and not~~
15 ~~exceeding \$100,000~~ in value is a Class 2 ~~1~~ felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

18 (6) Theft of property exceeding \$100,000 and not
19 exceeding \$1,000,000 ~~\$500,000~~ in value is a Class 2 ~~1~~
20 felony.

21 (6.1) (Blank). ~~Theft of property exceeding \$100,000 in~~
22 ~~value is a Class X felony if the theft was committed in a~~
23 ~~school or place of worship or if the theft was of~~
24 ~~governmental property.~~

25 (6.2) (Blank). ~~Theft of property exceeding \$500,000~~
26 ~~and not exceeding \$1,000,000 in value is a Class 1~~

1 ~~non-probationable felony.~~

2 (6.3) Theft of property exceeding \$1,000,000 in value
3 is a Class X felony.

4 (7) Theft by deception, as described by paragraph (2)
5 of subsection (a) of this Section, in which the offender
6 obtained money or property valued at \$5,000 or more from a
7 victim 60 years of age or older is a Class 2 felony.

8 (8) Theft by deception, as described by paragraph (2)
9 of subsection (a) of this Section, in which the offender
10 falsely poses as a landlord or agent or employee of the
11 landlord and obtains a rent payment or a security deposit
12 from a tenant is a Class B misdemeanor ~~3 felony~~ if the rent
13 payment or security deposit obtained does not exceed \$500;
14 a Class A misdemeanor if the rent payment or security
15 deposit obtained exceeds \$500 and does not exceed \$3,000;
16 and a Class 4 felony if the rent payment or security
17 deposit obtained exceeds \$3,000 and does not exceed \$5,000.

18 (9) Theft by deception, as described by paragraph (2)
19 of subsection (a) of this Section, in which the offender
20 falsely poses as a landlord or agent or employee of the
21 landlord and obtains a rent payment or a security deposit
22 from a tenant is a Class 3 ~~2~~ felony if the rent payment or
23 security deposit obtained exceeds \$5,000 ~~\$500~~ and does not
24 exceed \$10,000.

25 (10) Theft by deception, as described by paragraph (2)
26 of subsection (a) of this Section, in which the offender

1 falsely poses as a landlord or agent or employee of the
2 landlord and obtains a rent payment or a security deposit
3 from a tenant is a Class 2 ~~±~~ felony if the rent payment or
4 security deposit obtained exceeds \$10,000 and does not
5 exceed \$100,000.

6 (11) Theft by deception, as described by paragraph (2)
7 of subsection (a) of this Section, in which the offender
8 falsely poses as a landlord or agent or employee of the
9 landlord and obtains a rent payment or a security deposit
10 from a tenant is a Class 1 ~~*~~ felony if the rent payment or
11 security deposit obtained exceeds \$100,000.

12 (c) When a charge of theft of property exceeding a
13 specified value is brought, the value of the property involved
14 is an element of the offense to be resolved by the trier of
15 fact as either exceeding or not exceeding the specified value.

16 (d) Theft by lessee; permissive inference. The trier of
17 fact may infer evidence that a person intends to deprive the
18 owner permanently of the use or benefit of the property (1) if
19 a lessee of the personal property of another fails to return it
20 to the owner within 10 days after written demand from the owner
21 for its return or (2) if a lessee of the personal property of
22 another fails to return it to the owner within 24 hours after
23 written demand from the owner for its return and the lessee had
24 presented identification to the owner that contained a
25 materially fictitious name, address, or telephone number. A
26 notice in writing, given after the expiration of the leasing

1 agreement, addressed and mailed, by registered mail, to the
2 lessee at the address given by him and shown on the leasing
3 agreement shall constitute proper demand.

4 (e) Permissive inference; evidence of intent that a person
5 obtains by deception control over property. The trier of fact
6 may infer that a person "knowingly obtains by deception control
7 over property of the owner" when he or she fails to return,
8 within 45 days after written demand from the owner, the
9 downpayment and any additional payments accepted under a
10 promise, oral or in writing, to perform services for the owner
11 for consideration of \$3,000 or more, and the promisor knowingly
12 without good cause failed to substantially perform pursuant to
13 the agreement after taking a down payment of 10% or more of the
14 agreed upon consideration. This provision shall not apply where
15 the owner initiated the suspension of performance under the
16 agreement, or where the promisor responds to the notice within
17 the 45-day notice period. A notice in writing, addressed and
18 mailed, by registered mail, to the promisor at the last known
19 address of the promisor, shall constitute proper demand.

20 (f) Offender's interest in the property.

21 (1) It is no defense to a charge of theft of property
22 that the offender has an interest therein, when the owner
23 also has an interest to which the offender is not entitled.

24 (2) Where the property involved is that of the
25 offender's spouse, no prosecution for theft may be
26 maintained unless the parties were not living together as

1 man and wife and were living in separate abodes at the time
2 of the alleged theft.

3 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
4 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
5 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
6 eff. 1-25-13.)

7 (720 ILCS 5/16-3) (from Ch. 38, par. 16-3)

8 Sec. 16-3. Theft of labor or services or use of property.

9 (a) A person commits theft when he or she knowingly obtains
10 the temporary use of property, labor or services of another
11 which are available only for hire, by means of threat or
12 deception or knowing that such use is without the consent of
13 the person providing the property, labor or services. For the
14 purposes of this subsection, library material is available for
15 hire.

16 (b) A person commits theft when after renting or leasing a
17 motor vehicle, obtaining a motor vehicle through a "driveaway"
18 service mode of transportation or renting or leasing any other
19 type of personal property exceeding \$500 in value, under an
20 agreement in writing which provides for the return of the
21 vehicle or other personal property to a particular place at a
22 particular time, he or she without good cause knowingly fails
23 to return the vehicle or other personal property to that place
24 within the time specified, and is thereafter served or sent a
25 written demand mailed to the last known address, made by

1 certified mail return receipt requested, to return such vehicle
2 or other personal property within 3 days from the mailing of
3 the written demand, and who without good cause knowingly fails
4 to return the vehicle or any other personal property to any
5 place of business of the lessor within such period.

6 (c) A person commits theft when he or she borrows from a
7 library facility library material which has an aggregate value
8 of \$50 or more pursuant to an agreement with or procedure
9 established by the library facility for the return of such
10 library material, and knowingly ~~without good cause~~ fails to
11 return the library material so borrowed in accordance with such
12 agreement or procedure, and further knowingly without good
13 cause fails to return such library material within 30 days
14 after receiving written notice by certified mail from the
15 library facility demanding the return of such library material.

16 (d) Sentence.

17 A person convicted of theft under subsection (a) is guilty
18 of a Class A misdemeanor, ~~except that the theft of library~~
19 ~~material where the aggregate value exceeds \$300 is a Class 3~~
20 ~~felony~~. A person convicted of theft under subsection (b) of
21 this Section is guilty of a Class 4 felony. A person convicted
22 of theft under subsection (c) is guilty of a petty offense for
23 which the offender may be fined an amount not to exceed \$150
24 ~~\$500~~ and shall be ordered to reimburse the library for postage
25 costs, attorney's fees, and actual replacement costs of the
26 materials not returned, ~~except that theft under subsection (c)~~

1 ~~where the aggregate value exceeds \$300 is a Class 3 felony.~~

2 For the purpose of sentencing on theft of library material,
3 separate transactions totalling more than \$300 within a 90-day
4 period shall constitute a single offense.

5 (Source: P.A. 97-597, eff. 1-1-12.)

6 (720 ILCS 5/16-25)

7 Sec. 16-25. Retail theft.

8 (a) A person commits retail theft when he or she knowingly:

9 (1) Takes possession of, carries away, transfers or
10 causes to be carried away or transferred any merchandise
11 displayed, held, stored or offered for sale in a retail
12 mercantile establishment with the intention of retaining
13 such merchandise or with the intention of depriving the
14 merchant permanently of the possession, use or benefit of
15 such merchandise without paying the full retail value of
16 such merchandise; or

17 (2) Alters, transfers, or removes any label, price tag,
18 marking, indicia of value or any other markings which aid
19 in determining value affixed to any merchandise displayed,
20 held, stored or offered for sale in a retail mercantile
21 establishment and attempts to purchase such merchandise at
22 less than the full retail value with the intention of
23 depriving the merchant of the full retail value of such
24 merchandise; or

25 (3) Transfers any merchandise displayed, held, stored

1 or offered for sale in a retail mercantile establishment
2 from the container in or on which such merchandise is
3 displayed to any other container with the intention of
4 depriving the merchant of the full retail value of such
5 merchandise; or

6 (4) Under-rings with the intention of depriving the
7 merchant of the full retail value of the merchandise; or

8 (5) Removes a shopping cart from the premises of a
9 retail mercantile establishment without the consent of the
10 merchant given at the time of such removal with the
11 intention of depriving the merchant permanently of the
12 possession, use or benefit of such cart; or

13 (6) Represents to a merchant that he, she, or another
14 is the lawful owner of property, knowing that such
15 representation is false, and conveys or attempts to convey
16 that property to a merchant who is the owner of the
17 property in exchange for money, merchandise credit or other
18 property of the merchant; or

19 (7) Uses or possesses any theft detection shielding
20 device or theft detection device remover with the intention
21 of using such device to deprive the merchant permanently of
22 the possession, use or benefit of any merchandise
23 displayed, held, stored or offered for sale in a retail
24 mercantile establishment without paying the full retail
25 value of such merchandise; or

26 (8) Obtains or exerts unauthorized control over

1 property of the owner and thereby intends to deprive the
2 owner permanently of the use or benefit of the property
3 when a lessee of the personal property of another fails to
4 return it to the owner, or if the lessee fails to pay the
5 full retail value of such property to the lessor in
6 satisfaction of any contractual provision requiring such,
7 within 10 days after written demand from the owner for its
8 return. A notice in writing, given after the expiration of
9 the leasing agreement, by registered mail, to the lessee at
10 the address given by the lessee and shown on the leasing
11 agreement shall constitute proper demand.

12 (b) Theft by emergency exit. A person commits theft by
13 emergency exit when he or she commits a retail theft as defined
14 in subdivisions (a) (1) through (a) (8) of this Section and to
15 facilitate the theft he or she leaves the retail mercantile
16 establishment by use of a designated emergency exit.

17 (c) Permissive inference. If any person:

18 (1) conceals upon his or her person or among his or her
19 belongings unpurchased merchandise displayed, held, stored
20 or offered for sale in a retail mercantile establishment;
21 and

22 (2) removes that merchandise beyond the last known
23 station for receiving payments for that merchandise in that
24 retail mercantile establishment,
25 then the trier of fact may infer that the person possessed,
26 carried away or transferred such merchandise with the intention

1 of retaining it or with the intention of depriving the merchant
2 permanently of the possession, use or benefit of such
3 merchandise without paying the full retail value of such
4 merchandise.

5 To "conceal" merchandise means that, although there may be
6 some notice of its presence, that merchandise is not visible
7 through ordinary observation.

8 (d) Venue. Multiple thefts committed by the same person as
9 part of a continuing course of conduct in different
10 jurisdictions that have been aggregated in one jurisdiction may
11 be prosecuted in any jurisdiction in which one or more of the
12 thefts occurred.

13 (e) For the purposes of this Section, "theft detection
14 shielding device" means any laminated or coated bag or device
15 designed and intended to shield merchandise from detection by
16 an electronic or magnetic theft alarm sensor.

17 (f) Sentence.

18 (1) A violation of any of subdivisions (a)(1) through
19 (a)(6) and (a)(8) of this Section, the full retail value of
20 which does not exceed \$1,500 ~~\$300~~ for property other than
21 motor fuel or \$1,000 ~~\$150~~ for motor fuel, is a Class B ~~A~~
22 misdemeanor. A violation of subdivision (a)(7) of this
23 Section is a Class B ~~A~~ misdemeanor for a first offense and
24 a Class A misdemeanor ~~4-felony~~ for a second or subsequent
25 offense. Theft by emergency exit of property, the full
26 retail value of which does not exceed \$1,000 ~~\$300~~, is a

1 Class A misdemeanor ~~4 felony~~.

2 (2) A person who has been convicted of retail theft of
3 property under any of subdivisions (a)(1) through (a)(6)
4 and (a)(8) of this Section, the full retail value of which
5 does not exceed \$1,500 ~~\$300~~ for property other than motor
6 fuel or \$1,000 ~~\$150~~ for motor fuel, and who has been
7 previously convicted of any type of theft, robbery, armed
8 robbery, burglary, residential burglary, possession of
9 burglary tools, home invasion, unlawful use of a credit
10 card, or forgery is guilty of a Class A misdemeanor ~~4~~
11 ~~felony~~. A person who has been convicted of theft by
12 emergency exit of property, the full retail value of which
13 does not exceed \$1,000 ~~\$300~~, and who has been previously
14 convicted of any type of theft, robbery, armed robbery,
15 burglary, residential burglary, possession of burglary
16 tools, home invasion, unlawful use of a credit card, or
17 forgery is guilty of a Class A misdemeanor ~~3 felony~~.

18 (3) Any retail theft of property under any of
19 subdivisions (a)(1) through (a)(6) and (a)(8) of this
20 Section, the full retail value of which exceeds \$1,500 ~~\$300~~
21 for property other than motor fuel or \$1,000 ~~\$150~~ for motor
22 fuel in a single transaction, or in separate transactions
23 committed by the same person as part of a continuing course
24 of conduct from one or more mercantile establishments over
25 a period of one year, is a Class 4 ~~3~~ felony. Theft by
26 emergency exit of property, the full retail value of which

1 exceeds \$1,500 ~~\$300~~ in a single transaction, or in separate
2 transactions committed by the same person as part of a
3 continuing course of conduct from one or more mercantile
4 establishments over a period of one year, is a Class 4 ~~2~~
5 felony. When a charge of retail theft of property or theft
6 by emergency exit of property, the full value of which
7 exceeds \$1,500 ~~\$300~~, is brought, the value of the property
8 involved is an element of the offense to be resolved by the
9 trier of fact as either exceeding or not exceeding \$1,500
10 ~~\$300~~.

11 (4) Any act of retail theft as defined in subdivisions
12 (a) through (e) of this Section shall be sentenced as
13 retail theft. No person who is charged with retail theft
14 may also be charged with burglary or theft of the same
15 property.

16 (Source: P.A. 97-597, eff. 1-1-12.)

17 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

18 Sec. 17-1. Deceptive practices.

19 (A) General deception.

20 A person commits a deceptive practice when, with intent to
21 defraud, the person does any of the following:

22 (1) He or she knowingly causes another, by deception or
23 threat, to execute a document disposing of property or a
24 document by which a pecuniary obligation is incurred.

1 (2) Being an officer, manager or other person
2 participating in the direction of a financial institution,
3 he or she knowingly receives or permits the receipt of a
4 deposit or other investment, knowing that the institution
5 is insolvent.

6 (3) He or she knowingly makes a false or deceptive
7 statement addressed to the public for the purpose of
8 promoting the sale of property or services.

9 (B) Bad checks.

10 A person commits a deceptive practice when:

11 (1) With intent to obtain control over property or to
12 pay for property, labor or services of another, or in
13 satisfaction of an obligation for payment of tax under the
14 Retailers' Occupation Tax Act or any other tax due to the
15 State of Illinois, he or she issues or delivers a check or
16 other order upon a real or fictitious depository for the
17 payment of money, knowing that it will not be paid by the
18 depository. The trier of fact may infer that the defendant
19 knows that the check or other order will not be paid by the
20 depository and that the defendant has acted with intent to
21 defraud when the defendant fails to have sufficient funds
22 or credit with the depository when the check or other order
23 is issued or delivered, or when such check or other order
24 is presented for payment and dishonored on each of 2
25 occasions at least 7 days apart. In this paragraph (B) (1),

1 "property" includes rental property (real or personal).

2 (2) He or she issues or delivers a check or other order
3 upon a real or fictitious depository in an amount exceeding
4 \$1,500 ~~\$150~~ in payment of an amount owed on any credit
5 transaction for property, labor or services, or in payment
6 of the entire amount owed on any credit transaction for
7 property, labor or services, knowing that it will not be
8 paid by the depository, and thereafter fails to provide
9 funds or credit with the depository in the face amount of
10 the check or order within 7 days of receiving actual notice
11 from the depository or payee of the dishonor of the check
12 or order.

13 (C) Bank-related fraud.

14 (1) False statement.

15 A person commits false statement bank fraud if he or she,
16 with intent to defraud, makes or causes to be made any false
17 statement in writing in order to obtain an account with a bank
18 or other financial institution, or to obtain credit from a bank
19 or other financial institution, or to obtain services from a
20 currency exchange, knowing such writing to be false, and with
21 the intent that it be relied upon.

22 For purposes of this subsection (C), a false statement
23 means any false statement representing identity, address, or
24 employment, or the identity, address, or employment of any
25 person, firm, or corporation.

1 (2) Possession of stolen or fraudulently obtained checks.

2 A person commits possession of stolen or fraudulently
3 obtained checks when he or she possesses, with the intent to
4 obtain access to funds of another person held in a real or
5 fictitious deposit account at a financial institution, makes a
6 false statement or a misrepresentation to the financial
7 institution, or possesses, transfers, negotiates, or presents
8 for payment a check, draft, or other item purported to direct
9 the financial institution to withdraw or pay funds out of the
10 account holder's deposit account with knowledge that such
11 possession, transfer, negotiation, or presentment is not
12 authorized by the account holder or the issuing financial
13 institution. A person shall be deemed to have been authorized
14 to possess, transfer, negotiate, or present for payment such
15 item if the person was otherwise entitled by law to withdraw or
16 recover funds from the account in question and followed the
17 requisite procedures under the law. If the account holder, upon
18 discovery of the withdrawal or payment, claims that the
19 withdrawal or payment was not authorized, the financial
20 institution may require the account holder to submit an
21 affidavit to that effect on a form satisfactory to the
22 financial institution before the financial institution may be
23 required to credit the account in an amount equal to the amount
24 or amounts that were withdrawn or paid without authorization.

25 (3) Possession of implements of check fraud.

26 A person commits possession of implements of check fraud

1 when he or she possesses, with the intent to defraud and
2 without the authority of the account holder or financial
3 institution, any check imprinter, signature imprinter, or
4 "certified" stamp.

5 (D) Sentence.

6 (1) The commission of a deceptive practice in violation
7 of this Section, except as otherwise provided by this
8 subsection (D), is a Class A misdemeanor.

9 (2) For purposes of paragraphs (A) (1) and (B) (1):

10 (a) The commission of a deceptive practice in
11 violation of paragraph (A) (1) or (B) (1), when the value
12 of the property so obtained, in a single transaction or
13 in separate transactions within a 90-day period,
14 exceeds \$1,500 ~~\$150~~, is a Class A misdemeanor ~~4 felony~~.
15 In the case of a prosecution for separate transactions
16 totaling more than \$1,500 ~~\$150~~ within a 90-day period,
17 those separate transactions shall be alleged in a
18 single charge and prosecuted in a single prosecution.

19 (b) The commission of a deceptive practice in
20 violation of paragraph (B) (1) a second or subsequent
21 time is a Class 4 felony.

22 (3) For purposes of paragraph (C) (2), a person who,
23 within any 12-month period, violates paragraph (C) (2) with
24 respect to 3 or more checks or orders for the payment of
25 money at the same time or consecutively, each the property

1 of a different account holder or financial institution, is
2 guilty of a Class 4 felony.

3 (4) For purposes of paragraph (C)(3), a person who
4 within any 12-month period violates paragraph (C)(3) as to
5 possession of 3 or more such devices at the same time or
6 consecutively is guilty of a Class 4 felony.

7 (E) Civil liability. A person who issues a check or order
8 to a payee in violation of paragraph (B)(1) and who fails to
9 pay the amount of the check or order to the payee within 30
10 days following either delivery and acceptance by the addressee
11 of a written demand both by certified mail and by first class
12 mail to the person's last known address or attempted delivery
13 of a written demand sent both by certified mail and by first
14 class mail to the person's last known address and the demand by
15 certified mail is returned to the sender with a notation that
16 delivery was refused or unclaimed shall be liable to the payee
17 or a person subrogated to the rights of the payee for, in
18 addition to the amount owing upon such check or order, damages
19 of treble the amount so owing, but in no case less than \$100
20 nor more than \$1,500, plus attorney's fees and court costs. An
21 action under this subsection (E) may be brought in small claims
22 court or in any other appropriate court. As part of the written
23 demand required by this subsection (E), the plaintiff shall
24 provide written notice to the defendant of the fact that prior
25 to the hearing of any action under this subsection (E), the

1 defendant may tender to the plaintiff and the plaintiff shall
2 accept, as satisfaction of the claim, an amount of money equal
3 to the sum of the amount of the check and the incurred court
4 costs, including the cost of service of process, and attorney's
5 fees.

6 (Source: P.A. 96-1432, eff. 1-1-11; 96-1551, eff. 7-1-11.)

7 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

8 Sec. 17-3. Forgery.

9 (a) A person commits forgery when, with intent to defraud,
10 he or she knowingly:

11 (1) makes a false document or alters any document to
12 make it false and that document is apparently capable of
13 defrauding another; or

14 (2) issues or delivers such document knowing it to have
15 been thus made or altered; or

16 (3) possesses, with intent to issue or deliver, any
17 such document knowing it to have been thus made or altered;
18 or

19 (4) unlawfully uses the digital signature, as defined
20 in the Financial Institutions Electronic Documents and
21 Digital Signature Act, of another; or

22 (5) unlawfully uses the signature device of another to
23 create an electronic signature of that other person, as
24 those terms are defined in the Electronic Commerce Security
25 Act.

1 (b) (Blank).

2 (c) A document apparently capable of defrauding another
3 includes, but is not limited to, one by which any right,
4 obligation or power with reference to any person or property
5 may be created, transferred, altered or terminated. A document
6 includes any record or electronic record as those terms are
7 defined in the Electronic Commerce Security Act. For purposes
8 of this Section, a document also includes a Universal Price
9 Code Label or coin.

10 (c-5) For purposes of this Section, "false document" or
11 "document that is false" includes, but is not limited to, a
12 document whose contents are false in some material way, or that
13 purports to have been made by another or at another time, or
14 with different provisions, or by authority of one who did not
15 give such authority.

16 (d) Sentence.

17 (1) Except as provided in paragraphs (2) and (3),
18 forgery in an amount not exceeding \$1,500 is a Class A
19 misdemeanor and in an amount exceeding \$1,500 is a Class 4
20 3 felony.

21 (2) Forgery is a Class 4 felony when only one Universal
22 Price Code Label is forged.

23 (3) Forgery is a Class A misdemeanor when an academic
24 degree or coin is forged.

25 (e) It is not a violation of this Section if a false
26 academic degree explicitly states "for novelty purposes only".

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-231, eff. 1-1-12;
2 97-1109, eff. 1-1-13.)

3 (720 ILCS 5/21-1.3)

4 Sec. 21-1.3. Criminal defacement of property.

5 (a) A person commits criminal defacement of property when
6 the person knowingly damages the property of another by
7 defacing, deforming, or otherwise damaging the property by the
8 use of paint or any other similar substance, or by the use of a
9 writing instrument, etching tool, or any other similar device.
10 It is an affirmative defense to a violation of this Section
11 that the owner of the property damaged consented to such
12 damage.

13 (b) Sentence.

14 (1) Criminal defacement of property is a petty offense
15 ~~Class A misdemeanor~~ for a first offense and a Class C
16 misdemeanor for a second or subsequent offense when the
17 aggregate value of the damage to the property does not
18 exceed \$300. Criminal defacement of property is a Class C
19 misdemeanor for a first offense and a Class A misdemeanor
20 for a second or subsequent offense ~~4 felony~~ when the
21 aggregate value of the damage to property does not exceed
22 \$300 and the property damaged is a school building or place
23 of worship or property which memorializes or honors an
24 individual or group of police officers, fire fighters,
25 members of the United States Armed Forces or National

1 Guard, or veterans. Criminal defacement of property is a
2 Class C misdemeanor for a first conviction and a Class A
3 misdemeanor ~~4 felony~~ for a second or subsequent conviction
4 or when the aggregate value of the damage to the property
5 exceeds \$300. Criminal defacement of property is a Class B
6 misdemeanor for a first offense and a Class A misdemeanor
7 for a second offense ~~3 felony~~ when the aggregate value of
8 the damage to property exceeds \$300 and the property
9 damaged is a school building or place of worship or
10 property which memorializes or honors an individual or
11 group of police officers, fire fighters, members of the
12 United States Armed Forces or National Guard, or veterans.

13 (2) In addition to any other sentence that may be
14 imposed for a violation of this Section, a person convicted
15 of criminal defacement of property shall:

16 (A) pay the actual costs incurred by the property
17 owner or the unit of government to abate, remediate,
18 repair, or remove the effect of the damage to the
19 property. To the extent permitted by law,
20 reimbursement for the costs of abatement, remediation,
21 repair, or removal shall be payable to the person who
22 incurred the costs; and

23 (B) (blank). ~~if convicted of criminal defacement~~
24 ~~of property that is chargeable as a Class 3 or Class 4~~
25 ~~felony, pay a mandatory minimum fine of \$500.~~

26 (3) In addition to any other sentence that may be

1 imposed, a court shall order any person convicted of
2 criminal defacement of property to perform community
3 service for not less than 30 and not more than 120 hours,
4 if community service is available in the jurisdiction. The
5 community service shall include, but need not be limited
6 to, the cleanup and repair of the damage to property that
7 was caused by the offense, or similar damage to property
8 located in the municipality or county in which the offense
9 occurred. When the property damaged is a school building,
10 the community service may include cleanup, removal, or
11 painting over the defacement. In addition, whenever any
12 person is placed on supervision for an alleged offense
13 under this Section, the supervision shall be conditioned
14 upon the performance of the community service.

15 (4) For the purposes of this subsection (b), aggregate
16 value shall be determined by adding the value of the damage
17 to one or more properties if the offenses were committed as
18 part of a single course of conduct.

19 (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14;
20 98-466, eff. 8-16-13; 98-756, eff. 7-16-14.)

21 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

22 Sec. 21-3. Criminal trespass to real property.

23 (a) A person commits criminal trespass to real property
24 when he or she:

25 (1) knowingly and without lawful authority enters or

1 remains within or on a building;

2 (2) enters upon the land of another, after receiving,
3 prior to the entry, notice from the owner or occupant that
4 the entry is forbidden;

5 (3) remains upon the land of another, after receiving
6 notice from the owner or occupant to depart;

7 (3.5) presents false documents or falsely represents
8 his or her identity orally to the owner or occupant of a
9 building or land in order to obtain permission from the
10 owner or occupant to enter or remain in the building or on
11 the land;

12 (3.7) intentionally removes a notice posted on
13 residential real estate as required by subsection (1) of
14 Section 15-1505.8 of Article XV of the Code of Civil
15 Procedure before the date and time set forth in the notice;
16 or

17 (4) enters a field used or capable of being used for
18 growing crops, an enclosed area containing livestock, an
19 agricultural building containing livestock, or an orchard
20 in or on a motor vehicle (including an off-road vehicle,
21 motorcycle, moped, or any other powered two-wheel vehicle)
22 after receiving, prior to the entry, notice from the owner
23 or occupant that the entry is forbidden or remains upon or
24 in the area after receiving notice from the owner or
25 occupant to depart.

26 For purposes of item (1) of this subsection, this Section

1 shall not apply to being in a building which is open to the
2 public while the building is open to the public during its
3 normal hours of operation; nor shall this Section apply to a
4 person who enters a public building under the reasonable belief
5 that the building is still open to the public.

6 (b) A person has received notice from the owner or occupant
7 within the meaning of Subsection (a) if he or she has been
8 notified personally, either orally or in writing including a
9 valid court order as defined by subsection (7) of Section
10 112A-3 of the Code of Criminal Procedure of 1963 granting
11 remedy (2) of subsection (b) of Section 112A-14 of that Code,
12 or if a printed or written notice forbidding such entry has
13 been conspicuously posted or exhibited at the main entrance to
14 the land or the forbidden part thereof.

15 (b-5) Subject to the provisions of subsection (b-10), as an
16 alternative to the posting of real property as set forth in
17 subsection (b), the owner or lessee of any real property may
18 post the property by placing identifying purple marks on trees
19 or posts around the area to be posted. Each purple mark shall
20 be:

21 (1) A vertical line of at least 8 inches in length and
22 the bottom of the mark shall be no less than 3 feet nor
23 more than 5 feet high. Such marks shall be placed no more
24 than 100 feet apart and shall be readily visible to any
25 person approaching the property; or

26 (2) A post capped or otherwise marked on at least its

1 top 2 inches. The bottom of the cap or mark shall be not
2 less than 3 feet but not more than 5 feet 6 inches high.
3 Posts so marked shall be placed not more than 36 feet apart
4 and shall be readily visible to any person approaching the
5 property. Prior to applying a cap or mark which is visible
6 from both sides of a fence shared by different property
7 owners or lessees, all such owners or lessees shall concur
8 in the decision to post their own property.

9 Nothing in this subsection (b-5) shall be construed to
10 authorize the owner or lessee of any real property to place any
11 purple marks on any tree or post or to install any post or
12 fence if doing so would violate any applicable law, rule,
13 ordinance, order, covenant, bylaw, declaration, regulation,
14 restriction, contract, or instrument.

15 (b-10) Any owner or lessee who marks his or her real
16 property using the method described in subsection (b-5) must
17 also provide notice as described in subsection (b) of this
18 Section. The public of this State shall be informed of the
19 provisions of subsection (b-5) of this Section by the Illinois
20 Department of Agriculture and the Illinois Department of
21 Natural Resources. These Departments shall conduct an
22 information campaign for the general public concerning the
23 interpretation and implementation of subsection (b-5). The
24 information shall inform the public about the marking
25 requirements and the applicability of subsection (b-5)
26 including information regarding the size requirements of the

1 markings as well as the manner in which the markings shall be
2 displayed. The Departments shall also include information
3 regarding the requirement that, until the date this subsection
4 becomes inoperative, any owner or lessee who chooses to mark
5 his or her property using paint, must also comply with one of
6 the notice requirements listed in subsection (b). The
7 Departments may prepare a brochure or may disseminate the
8 information through agency websites. Non-governmental
9 organizations including, but not limited to, the Illinois
10 Forestry Association, Illinois Tree Farm and the Walnut Council
11 may help to disseminate the information regarding the
12 requirements and applicability of subsection (b-5) based on
13 materials provided by the Departments. This subsection (b-10)
14 is inoperative on and after January 1, 2013.

15 (b-15) Subsections (b-5) and (b-10) do not apply to real
16 property located in a municipality of over 2,000,000
17 inhabitants.

18 (c) This Section does not apply to any person, whether a
19 migrant worker or otherwise, living on the land with permission
20 of the owner or of his or her agent having apparent authority
21 to hire workers on this land and assign them living quarters or
22 a place of accommodations for living thereon, nor to anyone
23 living on the land at the request of, or by occupancy, leasing
24 or other agreement or arrangement with the owner or his or her
25 agent, nor to anyone invited by the migrant worker or other
26 person so living on the land to visit him or her at the place he

1 is so living upon the land.

2 (d) A person shall be exempt from prosecution under this
3 Section if he or she beautifies unoccupied and abandoned
4 residential and industrial properties located within any
5 municipality. For the purpose of this subsection, "unoccupied
6 and abandoned residential and industrial property" means any
7 real estate (1) in which the taxes have not been paid for a
8 period of at least 2 years; and (2) which has been left
9 unoccupied and abandoned for a period of at least one year; and
10 "beautifies" means to landscape, clean up litter, or to repair
11 dilapidated conditions on or to board up windows and doors.

12 (e) No person shall be liable in any civil action for money
13 damages to the owner of unoccupied and abandoned residential
14 and industrial property which that person beautifies pursuant
15 to subsection (d) of this Section.

16 (e-5) Mortgagee or agent of the mortgagee exceptions.

17 (1) A mortgagee or agent of the mortgagee shall be
18 exempt from prosecution for criminal trespass for
19 entering, securing, or maintaining an abandoned
20 residential property.

21 (2) No mortgagee or agent of the mortgagee shall be
22 liable to the mortgagor or other owner of an abandoned
23 residential property in any civil action for negligence or
24 civil trespass in connection with entering, securing, or
25 maintaining the abandoned residential property.

26 (3) For the purpose of this subsection (e-5) only,

1 "abandoned residential property" means mortgaged real
2 estate that the mortgagee or agent of the mortgagee
3 determines in good faith meets the definition of abandoned
4 residential property set forth in Section 15-1200.5 of
5 Article XV of the Code of Civil Procedure.

6 (f) This Section does not prohibit a person from entering a
7 building or upon the land of another for emergency purposes.
8 For purposes of this subsection (f), "emergency" means a
9 condition or circumstance in which an individual is or is
10 reasonably believed by the person to be in imminent danger of
11 serious bodily harm or in which property is or is reasonably
12 believed to be in imminent danger of damage or destruction.

13 (g) Paragraph (3.5) of subsection (a) does not apply to a
14 peace officer or other official of a unit of government who
15 enters a building or land in the performance of his or her
16 official duties.

17 (h) Sentence. A violation of subdivision (a) (1), (a) (2),
18 (a) (3), or (a) (3.5) is a Class B misdemeanor, unless the person
19 violating subdivision (a) (1), (a) (2), (a) (3), or (a) (3.5) is
20 homeless, and then the violation is a petty offense. A
21 violation of subdivision (a) (4) is a Class A misdemeanor.

22 (i) Civil liability. A person may be liable in any civil
23 action for money damages to the owner of the land he or she
24 entered upon with a motor vehicle as prohibited under paragraph
25 (4) of subsection (a) of this Section. A person may also be
26 liable to the owner for court costs and reasonable attorney's

1 fees. The measure of damages shall be: (i) the actual damages,
2 but not less than \$250, if the vehicle is operated in a nature
3 preserve or registered area as defined in Sections 3.11 and
4 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice
5 the actual damages if the owner has previously notified the
6 person to cease trespassing; or (iii) in any other case, the
7 actual damages, but not less than \$50. If the person operating
8 the vehicle is under the age of 16, the owner of the vehicle
9 and the parent or legal guardian of the minor are jointly and
10 severally liable. For the purposes of this subsection (i):

11 "Land" includes, but is not limited to, land used for
12 crop land, fallow land, orchard, pasture, feed lot, timber
13 land, prairie land, mine spoil nature preserves and
14 registered areas. "Land" does not include driveways or
15 private roadways upon which the owner allows the public to
16 drive.

17 "Owner" means the person who has the right to
18 possession of the land, including the owner, operator or
19 tenant.

20 "Vehicle" has the same meaning as provided under
21 Section 1-217 of the Illinois Vehicle Code.

22 (j) This Section does not apply to the following persons
23 while serving process:

24 (1) a person authorized to serve process under Section
25 2-202 of the Code of Civil Procedure; or

26 (2) a special process server appointed by the circuit

1 court.

2 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;
3 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; 97-1164, eff.
4 6-1-13.)

5 (720 ILCS 5/21.1-2) (from Ch. 38, par. 21.1-2)

6 Sec. 21.1-2. Residential picketing. A person commits
7 residential picketing when he or she pickets before or about
8 the residence or dwelling of any person, except when the
9 residence or dwelling is used as a place of business or is the
10 residence of an elected official. This Article does not apply
11 to a person peacefully picketing his own residence or dwelling
12 and does not prohibit the peaceful picketing of the place of
13 holding a meeting or assembly on premises commonly used to
14 discuss subjects of general public interest.

15 (Source: P.A. 97-1108, eff. 1-1-13.)

16 (720 ILCS 5/21.1-3) (from Ch. 38, par. 21.1-3)

17 Sec. 21.1-3. Sentence. Violation of Section 21.1-2 is a
18 petty offense ~~Class B misdemeanor~~.

19 (Source: P.A. 77-2638.)

20 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

21 Sec. 24-1. Unlawful use of weapons.

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

1 (1) Sells, manufactures, purchases, possesses or
2 carries any bludgeon, black-jack, slung-shot, sand-club,
3 sand-bag, metal knuckles or other knuckle weapon
4 regardless of its composition, throwing star, or any knife,
5 commonly referred to as a switchblade knife, which has a
6 blade that opens automatically by hand pressure applied to
7 a button, spring or other device in the handle of the
8 knife, or a ballistic knife, which is a device that propels
9 a knifelike blade as a projectile by means of a coil
10 spring, elastic material or compressed gas; or

11 (2) Carries or possesses with intent to use the same
12 unlawfully against another, a dagger, dirk, billy,
13 dangerous knife, razor, stiletto, broken bottle or other
14 piece of glass, stun gun or taser or any other dangerous or
15 deadly weapon or instrument of like character; or

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

22 (4) Carries or possesses in any vehicle or concealed on
23 or about his person except when on his land or in his own
24 abode, legal dwelling, or fixed place of business, or on
25 the land or in the legal dwelling of another person as an
26 invitee with that person's permission, any pistol,

1 revolver, stun gun or taser or other firearm, except that
2 this subsection (a) (4) does not apply to or affect
3 transportation of weapons that meet one of the following
4 conditions:

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

6 (ii) are not immediately accessible; or

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

11 (iv) are carried or possessed in accordance with
12 the Firearm Concealed Carry Act by a person who has
13 been issued a currently valid license under the Firearm
14 Concealed Carry Act; or

15 (5) Sets a spring gun; or

16 (6) Possesses any device or attachment of any kind
17 designed, used or intended for use in silencing the report
18 of any firearm; or

19 (7) Sells, manufactures, purchases, possesses or
20 carries:

21 (i) a machine gun, which shall be defined for the
22 purposes of this subsection as any weapon, which
23 shoots, is designed to shoot, or can be readily
24 restored to shoot, automatically more than one shot
25 without manually reloading by a single function of the
26 trigger, including the frame or receiver of any such

1 weapon, or sells, manufactures, purchases, possesses,
2 or carries any combination of parts designed or
3 intended for use in converting any weapon into a
4 machine gun, or any combination or parts from which a
5 machine gun can be assembled if such parts are in the
6 possession or under the control of a person;

7 (ii) any rifle having one or more barrels less than
8 16 inches in length or a shotgun having one or more
9 barrels less than 18 inches in length or any weapon
10 made from a rifle or shotgun, whether by alteration,
11 modification, or otherwise, if such a weapon as
12 modified has an overall length of less than 26 inches;
13 or

14 (iii) any bomb, bomb-shell, grenade, bottle or
15 other container containing an explosive substance of
16 over one-quarter ounce for like purposes, such as, but
17 not limited to, black powder bombs and Molotov
18 cocktails or artillery projectiles; or

19 (8) Carries or possesses any firearm, stun gun or taser
20 or other deadly weapon in any place which is licensed to
21 sell intoxicating beverages, or at any public gathering
22 held pursuant to a license issued by any governmental body
23 or any public gathering at which an admission is charged,
24 excluding a place where a showing, demonstration or lecture
25 involving the exhibition of unloaded firearms is
26 conducted.

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

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

9 (10) Carries or possesses on or about his person, upon
10 any public street, alley, or other public lands within the
11 corporate limits of a city, village or incorporated town,
12 except when an invitee thereon or therein, for the purpose
13 of the display of such weapon or the lawful commerce in
14 weapons, or except when on his land or in his own abode,
15 legal dwelling, or fixed place of business, or on the land
16 or in the legal dwelling of another person as an invitee
17 with that person's permission, any pistol, revolver, stun
18 gun or taser or other firearm, except that this subsection
19 (a) (10) does not apply to or affect transportation of
20 weapons that meet one of the following conditions:

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

22 (ii) are not immediately accessible; or

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

1 (iv) are carried or possessed in accordance with
2 the Firearm Concealed Carry Act by a person who has
3 been issued a currently valid license under the Firearm
4 Concealed Carry Act.

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

17 (11) Sells, manufactures or purchases any explosive
18 bullet. For purposes of this paragraph (a) "explosive
19 bullet" means the projectile portion of an ammunition
20 cartridge which contains or carries an explosive charge
21 which will explode upon contact with the flesh of a human
22 or an animal. "Cartridge" means a tubular metal case having
23 a projectile affixed at the front thereof and a cap or
24 primer at the rear end thereof, with the propellant
25 contained in such tube between the projectile and the cap;
26 or

1 (12) (Blank); or

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

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

1 case it shall be a Class X felony. A person convicted of a
2 second or subsequent violation of subsection 24-1(a)(4),
3 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
4 felony. The possession of each weapon in violation of this
5 Section constitutes a single and separate violation.

6 (c) Violations in specific places.

7 (1) A person who violates subsection 24-1(a)(6) or
8 24-1(a)(7) in any school, regardless of the time of day or
9 the time of year, in residential property owned, operated
10 or managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or mixed-income
12 development, in a public park, in a courthouse, on the real
13 property comprising any school, regardless of the time of
14 day or the time of year, on residential property owned,
15 operated or managed by a public housing agency or leased by
16 a public housing agency as part of a scattered site or
17 mixed-income development, on the real property comprising
18 any public park, on the real property comprising any
19 courthouse, in any conveyance owned, leased or contracted
20 by a school to transport students to or from school or a
21 school related activity, in any conveyance owned, leased,
22 or contracted by a public transportation agency, or on any
23 public way within 1,000 feet of the real property
24 comprising any school, public park, courthouse, public
25 transportation facility, or residential property owned,
26 operated, or managed by a public housing agency or leased

1 by a public housing agency as part of a scattered site or
2 mixed-income development commits a Class 2 felony ~~and shall~~
3 ~~be sentenced to a term of imprisonment of not less than 3~~
4 ~~years and not more than 7 years.~~

5 (1.5) A person who violates subsection 24-1(a)(4),
6 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
7 time of day or the time of year, in residential property
8 owned, operated, or managed by a public housing agency or
9 leased by a public housing agency as part of a scattered
10 site or mixed-income development, in a public park, in a
11 courthouse, on the real property comprising any school,
12 regardless of the time of day or the time of year, on
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development, on
16 the real property comprising any public park, on the real
17 property comprising any courthouse, in any conveyance
18 owned, leased, or contracted by a school to transport
19 students to or from school or a school related activity, in
20 any conveyance owned, leased, or contracted by a public
21 transportation agency, or on any public way within 1,000
22 feet of the real property comprising any school, public
23 park, courthouse, public transportation facility, or
24 residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development

1 commits a Class 3 felony.

2 (2) A person who violates subsection 24-1(a)(1),
3 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
4 time of day or the time of year, in residential property
5 owned, operated or managed by a public housing agency or
6 leased by a public housing agency as part of a scattered
7 site or mixed-income development, in a public park, in a
8 courthouse, on the real property comprising any school,
9 regardless of the time of day or the time of year, on
10 residential property owned, operated or managed by a public
11 housing agency or leased by a public housing agency as part
12 of a scattered site or mixed-income development, on the
13 real property comprising any public park, on the real
14 property comprising any courthouse, in any conveyance
15 owned, leased or contracted by a school to transport
16 students to or from school or a school related activity, in
17 any conveyance owned, leased, or contracted by a public
18 transportation agency, or on any public way within 1,000
19 feet of the real property comprising any school, public
20 park, courthouse, public transportation facility, or
21 residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development
24 commits a Class 4 felony. "Courthouse" means any building
25 that is used by the Circuit, Appellate, or Supreme Court of
26 this State for the conduct of official business.

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

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

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

21 (d) The presence in an automobile other than a public
22 omnibus of any weapon, instrument or substance referred to in
23 subsection (a)(7) is prima facie evidence that it is in the
24 possession of, and is being carried by, all persons occupying
25 such automobile at the time such weapon, instrument or
26 substance is found, except under the following circumstances:

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

7 (e) Exemptions. Crossbows, Common or Compound bows and
8 Underwater Spearguns are exempted from the definition of
9 ballistic knife as defined in paragraph (1) of subsection (a)
10 of this Section.

11 (Source: P.A. 99-29, eff. 7-10-15.)

12 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

13 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
14 Felons or Persons in the Custody of the Department of
15 Corrections Facilities.

16 (a) It is unlawful for a person to knowingly possess on or
17 about his person or on his land or in his own abode or fixed
18 place of business any weapon prohibited under Section 24-1 of
19 this Act or any firearm or any firearm ammunition if the person
20 has been convicted of a felony involving an offense directed
21 against the person, a forcible felony, stalking, domestic
22 violence, an offense involving a weapon, or other offense in
23 which the sentencing order prohibited the person from
24 possessing a firearm or firearm ammunition, under the laws of
25 this State or any other jurisdiction. This Section shall not

1 apply if the person has been granted relief by the Director of
2 the Department of State Police under Section 10 of the Firearm
3 Owners Identification Card Act.

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

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

13 (d) The defense of necessity is not available to a person
14 who is charged with a violation of subsection (b) of this
15 Section.

16 (e) Sentence. Violation of this Section by a person not
17 confined in a penal institution shall be a Class 3 felony ~~for~~
18 ~~which the person shall be sentenced to no less than 2 years and~~
19 ~~no more than 10 years~~ and any second or subsequent violation
20 shall be a Class 2 felony ~~for which the person shall be~~
21 ~~sentenced to a term of imprisonment of not less than 3 years~~
22 ~~and not more than 14 years~~. Violation of this Section by a
23 person not confined in a penal institution who has been
24 convicted of a forcible felony, a felony violation of Article
25 24 of this Code or of the Firearm Owners Identification Card
26 Act, stalking or aggravated stalking, or a Class 2 or greater

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

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

1 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

2 Sec. 24-3.1. Unlawful possession of firearms and firearm
3 ammunition.

4 (a) A person commits the offense of unlawful possession of
5 firearms or firearm ammunition when:

6 (1) He is under 18 years of age and has in his
7 possession any firearm of a size which may be concealed
8 upon the person; or

9 (2) He is under 21 years of age, has been convicted of
10 a misdemeanor involving an offense directed against the
11 person, stalking, domestic violence, an offense involving
12 a weapon, or other offense in which the sentencing order
13 prohibited the person from possessing a firearm or firearm
14 ammunition, other than a traffic offense, or adjudged
15 delinquent and has any firearms or firearm ammunition in
16 his possession; or

17 (3) He is a narcotic addict and has any firearms or
18 firearm ammunition in his possession; or

19 (4) He has been a patient in a mental institution
20 within the past 5 years and has any firearms or firearm
21 ammunition in his possession. For purposes of this
22 paragraph (4):

23 "Mental institution" means any hospital,
24 institution, clinic, evaluation facility, mental
25 health center, or part thereof, which is used primarily
26 for the care or treatment of persons with mental

1 illness.

2 "Patient in a mental institution" means the person
3 was admitted, either voluntarily or involuntarily, to
4 a mental institution for mental health treatment,
5 unless the treatment was voluntary and solely for an
6 alcohol abuse disorder and no other secondary
7 substance abuse disorder or mental illness; or

8 (5) He is a person with an intellectual disability and
9 has any firearms or firearm ammunition in his possession;
10 or

11 (6) He has in his possession any explosive bullet.

12 For purposes of this paragraph "explosive bullet" means the
13 projectile portion of an ammunition cartridge which contains or
14 carries an explosive charge which will explode upon contact
15 with the flesh of a human or an animal. "Cartridge" means a
16 tubular metal case having a projectile affixed at the front
17 thereof and a cap or primer at the rear end thereof, with the
18 propellant contained in such tube between the projectile and
19 the cap.

20 (b) Sentence.

21 Unlawful possession of firearms, ~~other than handguns,~~ and
22 firearm ammunition, other than paragraph (6) of subsection (a)
23 of this Section, is a Class A misdemeanor. Unlawful possession
24 of firearm ammunition under paragraph (6) of subsection (a) of
25 this Section ~~handguns~~ is a Class 4 felony. The possession of
26 each firearm or firearm ammunition in violation of this Section

1 constitutes a single and separate violation.

2 (c) Nothing in paragraph (1) of subsection (a) of this
3 Section prohibits a person under 18 years of age from
4 participating in any lawful recreational activity with a
5 firearm such as, but not limited to, practice shooting at
6 targets upon established public or private target ranges or
7 hunting, trapping, or fishing in accordance with the Wildlife
8 Code or the Fish and Aquatic Life Code.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 Section 35. The Cannabis Control Act is amended by changing
11 Sections 1, 4, 5, 5.2, 8, 9, 10, 16.1, and 16.2 and by adding
12 Section 10.4 as follows:

13 (720 ILCS 550/1) (from Ch. 56 1/2, par. 701)

14 Sec. 1.

15 The General Assembly recognizes that (1) ~~the current state~~
16 ~~of scientific and medical knowledge concerning the effects of~~
17 ~~cannabis makes it necessary to acknowledge the physical,~~
18 ~~psychological and sociological damage which is incumbent upon~~
19 ~~its use; and (2)~~ the use of cannabis occupies the unusual
20 position of being widely used and pervasive among the citizens
21 of Illinois despite its harmful effects; and (2) ~~(3)~~ previous
22 legislation enacted to control or forbid the use of cannabis
23 has often unnecessarily and unrealistically drawn a large
24 segment of our population within the criminal justice system

1 without succeeding in deterring the expansion of cannabis use.
2 It is, therefore, the intent of the General Assembly, in the
3 interest of the health and welfare of the citizens of Illinois,
4 to establish a reasonable penalty system which is responsive to
5 the current state of knowledge concerning cannabis, which
6 enhances revenue for public purposes and reduces arrest costs
7 and which directs the greatest efforts of law enforcement
8 agencies toward the commercial traffickers and large-scale
9 purveyors of cannabis. To this end, this Act ~~provides wide~~
10 ~~latitude in the sentencing discretion of the courts and~~
11 establishes penalties in a sharply rising progression based on
12 the amount of cannabis and substances containing cannabis
13 involved in each case.

14 (Source: P.A. 77-758.)

15 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

16 Sec. 4. Cannabis possession. It is unlawful for any person
17 knowingly to possess the amount of cannabis listed in this
18 Section. Any person who violates this section with respect to:

19 (a) not more than 57 ~~2.5~~ grams of any substance
20 containing cannabis commits a civil violation and shall be
21 fined \$25 ~~is guilty of a Class C misdemeanor;~~

22 (b) (blank); ~~more than 2.5 grams but not more than 10~~
23 ~~grams of any substance containing cannabis is guilty of a~~
24 ~~Class B misdemeanor;~~

25 (c) (blank); ~~more than 10 grams but not more than 30~~

1 ~~grams of any substance containing cannabis is guilty of a~~
2 ~~Class A misdemeanor; provided, that if any offense under~~
3 ~~this subsection (c) is a subsequent offense, the offender~~
4 ~~shall be guilty of a Class 4 felony;~~

5 (d) more than 57 ~~30~~ grams but not more than 500 grams
6 of any substance containing cannabis is guilty of a Class A
7 misdemeanor ~~4 felony~~; provided that if any offense under
8 this subsection (d) is a subsequent offense, the offender
9 shall be guilty of a Class 4 ~~3~~ felony;

10 (e) more than 500 grams but not more than 2,000 grams
11 of any substance containing cannabis is guilty of a Class 4
12 ~~3~~ felony;

13 (f) more than 2,000 grams but not more than 5,000 grams
14 of any substance containing cannabis is guilty of a Class 3
15 ~~2~~ felony;

16 (g) more than 5,000 grams of any substance containing
17 cannabis is guilty of a Class 2 ~~1~~ felony.

18 If a person 18 years of age or under commits a violation of
19 Section 4(a), he or she shall be subject to a civil fine of \$25
20 and the local authorities having jurisdiction shall mail a copy
21 of the notice of violation to the parent or guardian of the
22 person to whom the notice of violation is issued at the address
23 provided by the person at the time the citation is issued under
24 Section 10.4.

25 A violation of Section 4(a) shall not constitute a criminal
26 offense, drug offense, or a finding of guilt of a criminal or

1 drug offense or be considered a conviction of this Section or
2 Act or a lesser included crime of a criminal offense and shall
3 not subject a person to any other form of criminal or civil
4 punishment or denial of any rights or privileges under State
5 law.

6 (Source: P.A. 90-397, eff. 8-15-97.)

7 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

8 Sec. 5. Cannabis manufacture, delivery, or possession with
9 intent to deliver, or manufacture. It is unlawful for any
10 person knowingly to manufacture, deliver, or possess with
11 intent to deliver, or manufacture, the amounts of cannabis
12 listed in this Section. Any person who violates this section
13 with respect to:

14 (a) not more than 57 ~~2.5~~ grams of any substance
15 containing cannabis commits a civil violation and shall be
16 fined \$25 ~~is guilty of a Class B misdemeanor;~~

17 (b) (blank); ~~more than 2.5 grams but not more than 10~~
18 ~~grams of any substance containing cannabis is guilty of a~~
19 ~~Class A misdemeanor;~~

20 (c) (blank); ~~more than 10 grams but not more than 30~~
21 ~~grams of any substance containing cannabis is guilty of a~~
22 ~~Class 4 felony;~~

23 (d) more than 57 ~~30~~ grams but not more than 500 grams
24 of any substance containing cannabis is guilty of a Class A
25 misdemeanor ~~3 felony~~ for which a fine not to exceed \$25,000

1 ~~\$50,000~~ may be imposed;

2 (e) more than 500 grams but not more than 2,000 grams
3 of any substance containing cannabis is guilty of a Class 3
4 ~~2~~ felony for which a fine not to exceed \$100,000 may be
5 imposed;

6 (f) more than 2,000 grams but not more than 5,000 grams
7 of any substance containing cannabis is guilty of a Class 2
8 ~~1~~ felony for which a fine not to exceed \$150,000 may be
9 imposed;

10 (g) more than 5,000 grams of any substance containing
11 cannabis is guilty of a Class 1 ~~*~~ felony for which a fine
12 not to exceed \$200,000 may be imposed.

13 A violation of Section 5(a) shall not constitute a criminal
14 offense, drug offense, or a finding of guilt of a criminal or
15 drug offense or be considered a conviction of this Section or
16 Act or a lesser included crime of a criminal offense and shall
17 not subject a person to any other form of criminal or civil
18 punishment or denial of any rights or privileges under State
19 law.

20 (Source: P.A. 90-397, eff. 8-15-97.)

21 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

22 Sec. 5.2. Delivery of cannabis on school grounds.

23 (a) Any person who violates subsection (g) ~~(e)~~ of Section 5
24 in any school, on the real property comprising any school, or
25 any conveyance owned, leased or contracted by a school to

1 transport students to or from school or a school related
2 activity, or on any public way within 1,000 feet of the real
3 property comprising any school, or any conveyance owned, leased
4 or contracted by a school to transport students to or from
5 school or a school related activity, during the school year and
6 during school hours, is guilty of a Class 1 felony, the fine
7 for which shall not exceed \$200,000;

8 (b) Any person who violates subsection (f) ~~(d)~~ of Section 5
9 in any school, on the real property comprising any school, or
10 any conveyance owned, leased or contracted by a school to
11 transport students to or from school or a school related
12 activity, or on any public way within 1,000 feet of the real
13 property comprising any school, or any conveyance owned, leased
14 or contracted by a school to transport students to or from
15 school or a school related activity, during the school year and
16 during school hours, is guilty of a Class 2 felony, the fine
17 for which shall not exceed \$100,000;

18 (c) Any person who violates subsection (e) ~~(e)~~ of Section 5
19 in any school, on the real property comprising any school, or
20 any conveyance owned, leased or contracted by a school to
21 transport students to or from school or a school related
22 activity, or on any public way within 1,000 feet of the real
23 property comprising any school, or any conveyance owned, leased
24 or contracted by a school to transport students to or from
25 school or a school related activity, during the school year and
26 during school hours, is guilty of a Class 3 felony, the fine

1 for which shall not exceed \$50,000;

2 (d) Any person who violates subsection (d) ~~(b)~~ of Section 5
3 in any school, on the real property comprising any school, or
4 any conveyance owned, leased or contracted by a school to
5 transport students to or from school or a school related
6 activity, or on any public way within 1,000 feet of the real
7 property comprising any school, or any conveyance owned, leased
8 or contracted by a school to transport students to or from
9 school or a school related activity, during the school year and
10 during school hours, is guilty of a Class 4 felony, the fine
11 for which shall not exceed \$25,000;

12 (e) Any person who violates subsection (a) of Section 5 in
13 any school, on the real property comprising any school, or any
14 conveyance owned, leased or contracted by a school to transport
15 students to or from school or a school related activity, on any
16 public way within 1,000 feet of the real property comprising
17 any school, or any conveyance owned, leased or contracted by a
18 school to transport students to or from school or a school
19 related activity, during the school year and during school
20 hours, is guilty of a Class A misdemeanor.

21 (Source: P.A. 87-544.)

22 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

23 Sec. 8. It is unlawful for any person knowingly to produce
24 the cannabis sativa plant or to possess the amount of such
25 plants listed in this Section unless production, processing,

1 growing, or possession has been authorized under ~~pursuant to~~
2 the provisions of Section 11 or 15.2 of this ~~the~~ Act. Any
3 person who violates this Section with respect to production,
4 processing, growing, or possession of:

5 (a) Not more than 5 plants, provided the violation is
6 not conducted openly or publicly and not for sale or
7 consideration, commits a civil violation and shall be fined
8 \$25 ~~is guilty of a Class A misdemeanor.~~

9 (a-5) Not more than 5 plants, provided the violation is
10 conducted openly or publicly or for sale or consideration,
11 commits a Class A misdemeanor.

12 (b) More than 5, but not more than 20 plants, is guilty
13 of a Class A misdemeanor ~~4 felony.~~

14 (c) More than 20, but not more than 50 plants, is
15 guilty of a Class 3 felony.

16 (d) More than 50, but not more than 200 plants, is
17 guilty of a Class 2 felony for which a fine not to exceed
18 \$100,000 may be imposed and for which liability for the
19 cost of conducting the investigation and eradicating such
20 plants may be assessed. Compensation for expenses incurred
21 in the enforcement of this provision shall be transmitted
22 to and deposited in the treasurer's office at the level of
23 government represented by the Illinois law enforcement
24 agency whose officers or employees conducted the
25 investigation or caused the arrest or arrests leading to
26 the prosecution, to be subsequently made available to that

1 law enforcement agency as expendable receipts for use in
2 the enforcement of laws regulating controlled substances
3 and cannabis. If such seizure was made by a combination of
4 law enforcement personnel representing different levels of
5 government, the court levying the assessment shall
6 determine the allocation of such assessment. The proceeds
7 of assessment awarded to the State treasury shall be
8 deposited in a special fund known as the Drug Traffic
9 Prevention Fund.

10 (e) More than 200 plants is guilty of a Class 1 felony
11 for which a fine not to exceed \$100,000 may be imposed and
12 for which liability for the cost of conducting the
13 investigation and eradicating such plants may be assessed.
14 Compensation for expenses incurred in the enforcement of
15 this provision shall be transmitted to and deposited in the
16 treasurer's office at the level of government represented
17 by the Illinois law enforcement agency whose officers or
18 employees conducted the investigation or caused the arrest
19 or arrests leading to the prosecution, to be subsequently
20 made available to that law enforcement agency as expendable
21 receipts for use in the enforcement of laws regulating
22 controlled substances and cannabis. If such seizure was
23 made by a combination of law enforcement personnel
24 representing different levels of government, the court
25 levying the assessment shall determine the allocation of
26 such assessment. The proceeds of assessment awarded to the

1 State treasury shall be deposited in a special fund known
2 as the Drug Traffic Prevention Fund.

3 A violation of subsection (a) of this Section shall not
4 constitute a criminal offense, drug offense, or a finding of
5 guilt of a criminal or drug offense or be considered a
6 conviction of this Section or Act or a lesser included crime of
7 a criminal offense and shall not subject a person to any other
8 form of criminal or civil punishment or denial of any rights or
9 privileges under State law.

10 (Source: P.A. 98-1072, eff. 1-1-15.)

11 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

12 Sec. 9. (a) Any person who engages in a calculated criminal
13 cannabis conspiracy, as defined in subsection (b), is guilty of
14 a Class 3 felony, and fined not more than \$200,000 and shall be
15 subject to the forfeitures prescribed in subsection (c); except
16 that, if any person engages in such offense after one or more
17 prior convictions under this Section, Section 4 (d), Section 5
18 (d), Section 8 (d) or any law of the United States or of any
19 State relating to cannabis, or controlled substances as defined
20 in the Illinois Controlled Substances Act, in addition to the
21 fine and forfeiture authorized above, he shall be guilty of a
22 Class 1 felony for which an offender may not be sentenced to
23 death.

24 (b) For purposes of this section, a person engages in a
25 calculated criminal cannabis conspiracy when:

1 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8
2 (c) or 8 (d) of this Act; and

3 (2) such violation is a part of a conspiracy undertaken
4 or carried on with 2 or more other persons; and

5 (3) he obtains anything of value greater than \$500
6 from, or organizes, directs or finances such violation or
7 conspiracy.

8 (c) Any person who is convicted under this Section of
9 engaging in a calculated criminal cannabis conspiracy shall
10 forfeit to the State of Illinois:

11 (1) the receipts obtained by him in such conspiracy;
12 and

13 (2) any of his interests in, claims against, receipts
14 from, or property or rights of any kind affording a source
15 of influence over, such conspiracy.

16 (d) The circuit court may enter such injunctions,
17 restraining orders, directions, or prohibitions, or take such
18 other actions, including the acceptance of satisfactory
19 performance bonds, in connection with any property, claim,
20 receipt, right or other interest subject to forfeiture under
21 this Section, as it deems proper.

22 (Source: P.A. 84-1233.)

23 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

24 Sec. 10. (a) Whenever any person who has not previously
25 been convicted of, or placed on probation or court supervision

1 for, any offense under this Act or any law of the United States
2 or of any State relating to cannabis, or controlled substances
3 as defined in the Illinois Controlled Substances Act, pleads
4 guilty to or is found guilty of violating Sections 4(a), ~~4(b),~~
5 ~~4(c),~~ 5(a), ~~5(b), 5(c)~~ or 8 of this Act, the court may, without
6 entering a judgment and with the consent of such person,
7 sentence him to probation.

8 (b) When a person is placed on probation, the court shall
9 enter an order specifying a period of probation of 24 months,
10 and shall defer further proceedings in the case until the
11 conclusion of the period or until the filing of a petition
12 alleging violation of a term or condition of probation.

13 (c) The conditions of probation shall be that the person:
14 (1) not violate any criminal statute of any jurisdiction; (2)
15 refrain from possession of a firearm or other dangerous weapon;
16 (3) submit to periodic drug testing at a time and in a manner
17 as ordered by the court, but no less than 3 times during the
18 period of the probation, with the cost of the testing to be
19 paid by the probationer; and (4) perform no less than 30 hours
20 of community service, provided community service is available
21 in the jurisdiction and is funded and approved by the county
22 board.

23 (d) The court may, in addition to other conditions, require
24 that the person:

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of probation;

3 (2) pay a fine and costs;

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

6 (4) undergo medical or psychiatric treatment; or
7 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) refrain from possessing a firearm or other
12 dangerous weapon;

13 (7-5) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of his
18 or her blood or urine or both for tests to determine the
19 presence of any illicit drug;

20 (8) and in addition, if a minor:

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

22 (ii) attend school;

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

24 (iv) contribute to his own support at home or in a
25 foster home.

26 (e) Upon violation of a term or condition of probation, the

1 court may enter a judgment on its original finding of guilt and
2 proceed as otherwise provided.

3 (f) Upon fulfillment of the terms and conditions of
4 probation, the court shall discharge such person and dismiss
5 the proceedings against him.

6 (g) A disposition of probation is considered to be a
7 conviction for the purposes of imposing the conditions of
8 probation and for appeal, however, discharge and dismissal
9 under this Section is not a conviction for purposes of
10 disqualification or disabilities imposed by law upon
11 conviction of a crime (including the additional penalty imposed
12 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
13 of this Act).

14 (h) Discharge and dismissal under this Section, Section 410
15 of the Illinois Controlled Substances Act, Section 70 of the
16 Methamphetamine Control and Community Protection Act, Section
17 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
18 subsection (c) of Section 11-14 of the Criminal Code of 1961 or
19 the Criminal Code of 2012 may occur only once with respect to
20 any person.

21 (i) If a person is convicted of an offense under this Act,
22 the Illinois Controlled Substances Act, or the Methamphetamine
23 Control and Community Protection Act within 5 years subsequent
24 to a discharge and dismissal under this Section, the discharge
25 and dismissal under this Section shall be admissible in the
26 sentencing proceeding for that conviction as a factor in

1 aggravation.

2 (j) Notwithstanding subsection (a), before a person is
3 sentenced to probation under this Section, the court may refer
4 the person to the drug court established in that judicial
5 circuit pursuant to Section 15 of the Drug Court Treatment Act.
6 The drug court team shall evaluate the person's likelihood of
7 successfully completing a sentence of probation under this
8 Section and shall report the results of its evaluation to the
9 court. If the drug court team finds that the person suffers
10 from a substance abuse problem that makes him or her
11 substantially unlikely to successfully complete a sentence of
12 probation under this Section, then the drug court shall set
13 forth its findings in the form of a written order, and the
14 person shall not be sentenced to probation under this Section,
15 but may be considered for the drug court program.

16 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

17 (720 ILCS 550/10.4 new)

18 Sec. 10.4. Civil violations.

19 (a) For violations of Section 4 (a), Section 5 (a) and
20 Section 8 (a), the local authorities having jurisdiction shall
21 issue a notice of violation, which shall be uniform throughout
22 the State. The notice of violation shall include:

23 (1) the name and address of the person subject to the
24 notice of violation;

25 (2) the date and time the violation occurred;

1 (3) the municipality or county where the violation
2 occurred;

3 (4) the statutory fine for the violation;

4 (5) the date by which the fine must be paid or an
5 answer must be entered;

6 (6) a warning that failure to pay the fine or answer
7 may result in a penalty fine; and

8 (7) a notice that the person may admit the violation
9 and pay the fine, admit the violation and request a hearing
10 or deny the violation and request a hearing.

11 (b) A person who has violated Section 4(a), Section 5(a) or
12 Section 8(a) of this Act, upon request, shall inform the local
13 authorities of his or her name and address for the purpose of
14 including that information on a notice of violation; provided,
15 that no person shall be required to possess or display any
16 documentary proof of his or her name or address. A person who
17 refuses to provide his or her name and address or who knowingly
18 provides an incorrect name or address to local authorities in
19 violation of this subsection (b) shall be fined an additional
20 \$100.

21 (c) Local authorities shall not issue a notice of violation
22 to persons possessing a registry identification card as defined
23 in the Compassionate Use of Medical Cannabis Pilot Program Act.

24 (d) A person shall answer a notice of violation within 14
25 calendar days of the date the notice of violation was issued in
26 person or by mail as follows:

1 (1) admit the violation;

2 (2) admit the violation, but with an explanation; or

3 (3) deny the violation.

4 (e) For the purposes of answering a notice of violation, a
5 person who:

6 (1) admits the violation shall, at the time of
7 submitting his or her answer, pay the fine as set forth in
8 Section 4(a), Section 5(a), or Section 8(a) of this Act in
9 person or by mail and, if applicable, the fine in
10 subsection (b) of this Section;

11 (2) denies the violation shall receive notice of an
12 administrative hearing within 14 days of receipt of her or
13 his answer a notice with information about a hearing date;

14 (3) admits the violation with an explanation shall
15 receive notice of an administrative hearing within 14 days
16 of receipt of her or his answer a notice with information
17 about a hearing date.

18 (f) A person who fails to respond to the notice of
19 violation within 14 calendar days of the date of issuance shall
20 be found liable for a civil violation and in default and shall
21 be assessed both the fine as set forth in Section 4(a), Section
22 5(a), or Section 8(a) of this Act and an additional penalty
23 equal to the amount of the fine.

24 (g) Upon consideration of the evidence at the hearing, the
25 adjudicator shall make one of the following determinations:

26 (1) dismiss the violation, if the adjudicator finds

1 that a violation was not established;

2 (2) dismiss the violation, if another law in this State
3 provides immunity to the establishment of a notice of
4 violation under this Act, such as a registry
5 indemnification card issued under the Compassionate Use of
6 Medical Cannabis Pilot Program Act; or

7 (3) require the payment of the civil fine set forth in
8 Section 4(a), Section 5(a), or Section 8(a) of this Act if
9 a determination is made that the violation has been
10 established.

11 (h) A person who has answered a notice of violation, but
12 fails, without good cause, to appear at the scheduled hearing
13 shall be found liable for a violation of Section 4(a), Section
14 5(a), or Section 8(a) of this Act and in default and shall be
15 assessed both the fine a set forth in the applicable Section
16 and an additional penalty equal to the amount of the fine.

17 (i) Civil violations of Section 4(a), Section 5(a), and
18 Section 8(a) of this Act shall be adjudicated through
19 administrative hearing in any municipality or county in
20 accordance with this Section. The adjudicator shall determine
21 whether a civil violation has been established by a
22 preponderance of the evidence. Any ordinance establishing a
23 system of administrative adjudication under this Section shall
24 provide for an administrator authorized to adopt, distribute,
25 and process the notice of violation and other notices required
26 by this Section, collect money paid as fines and operate an

1 administrative adjudication system.

2 (j) Nothing contained in this Section shall prohibit a
3 local government from enacting an ordinance regulating or
4 prohibiting the consumption of cannabis in public provided that
5 the penalties are not greater than those for the public
6 consumption of alcohol.

7 (k) The issuance of a notice of violation or a
8 determination that the violation has been established shall not
9 be considered a criminal offense or a drug offense or a finding
10 of guilt of a criminal or drug offense, a criminal conviction
11 or a violation of parole, mandatory supervised release,
12 probation, conditional discharge, or supervision.

13 (l) The receipt of a notice of violation or a hearing for a
14 violation of Section 4(a), Section 5(a), or Section 8(a) of
15 this Act shall not create a criminal history record of any kind
16 and no information about the violation shall be maintained in
17 any criminal or public record or database and shall not be
18 subject to public inspection.

19 (m) No other fines, fees, penalties, or costs shall be
20 assessed on a finding of liability for a violation of Section
21 4(a), Section 5(a), or Section 8(a) of this Act except as set
22 forth in subsections (b) and (h) of this Section.

23 (n) The provisions of this Section shall be applicable and
24 uniform throughout this State and in all political subdivisions
25 in this State, and no local authority shall enact or enforce
26 any ordinance, rule, or regulation in conflict with this Act,

1 unless expressly authorized by this Act. Local authorities may,
2 however, adopt additional regulations which are not in conflict
3 with the provisions of this Act.

4 (720 ILCS 550/16.1) (from Ch. 56 1/2, par. 716.1)

5 Sec. 16.1. In any prosecution for any violation of this
6 Act, except for violations of Sections 4(a), 5(a), and 8(a) of
7 this Act, it shall be an affirmative defense that the substance
8 possessed by the defendant was regulated as a controlled
9 substance under the Illinois Controlled Substances Act. In
10 order to raise this affirmative defense, the defendant shall
11 give notice thereof to the State not less than 7 days prior to
12 trial.

13 (Source: P.A. 84-1313; 84-1362.)

14 (720 ILCS 550/16.2)

15 Sec. 16.2. Preservation of cannabis or cannabis sativa
16 plants for laboratory testing.

17 (a) Before or after the trial in a prosecution for a
18 violation of subsection (d), (e), (f), or (g) of Section 4,
19 subsection (d), (e), (f), or (g) of Section 5, subsection (b),
20 (c), (d), or (e) of Section 8, or Section 5.1, 5.2, or 9 of this
21 Act ~~Section 4, 5, 5.1, 5.2, 8, or 9 of this Act,~~ a law
22 enforcement agency or an agent acting on behalf of the law
23 enforcement agency must preserve, subject to a continuous chain
24 of custody, not less than 6,001 grams of any substance

1 containing cannabis and not less than 51 cannabis sativa plants
2 with respect to the offenses enumerated in this subsection (a)
3 and must maintain sufficient documentation to locate that
4 evidence. Excess quantities with respect to the offenses
5 enumerated in this subsection (a) cannot practicably be
6 retained by a law enforcement agency because of its size, bulk,
7 and physical character.

8 (b) The court may before trial transfer excess quantities
9 of any substance containing cannabis or cannabis sativa plants
10 with respect to a prosecution for any offense enumerated in
11 subsection (a) to the sheriff of the county, or may in its
12 discretion transfer such evidence to the Department of State
13 Police, for destruction after notice is given to the
14 defendant's attorney of record or to the defendant if the
15 defendant is proceeding pro se.

16 (c) After a judgment of conviction is entered and the
17 charged quantity is no longer needed for evidentiary purposes
18 with respect to a prosecution for any offense enumerated in
19 subsection (a), the court may transfer any substance containing
20 cannabis or cannabis sativa plants to the sheriff of the
21 county, or may in its discretion transfer such evidence to the
22 Department of State Police, for destruction after notice is
23 given to the defendant's attorney of record or to the defendant
24 if the defendant is proceeding pro se. No evidence shall be
25 disposed of until 30 days after the judgment is entered, and if
26 a notice of appeal is filed, no evidence shall be disposed of

1 until the mandate has been received by the circuit court from
2 the Appellate Court.

3 (Source: P.A. 94-180, eff. 7-12-05.)

4 Section 40. The Illinois Controlled Substances Act is
5 amended by changing Sections 401 and 402 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

7 Sec. 401. Except as authorized by this Act, it is unlawful
8 for any person knowingly to manufacture or deliver, or possess
9 with intent to manufacture or deliver, a controlled substance
10 other than methamphetamine, a counterfeit substance, or a
11 controlled substance analog. A violation of this Act with
12 respect to each of the controlled substances listed herein
13 constitutes a single and separate violation of this Act. For
14 purposes of this Section, "controlled substance analog" or
15 "analog" means a substance, other than a controlled substance,
16 that has a chemical structure substantially similar to that of
17 a controlled substance in Schedule I or II, or that was
18 specifically designed to produce an effect substantially
19 similar to that of a controlled substance in Schedule I or II.
20 Examples of chemical classes in which controlled substance
21 analogs are found include, but are not limited to, the
22 following: phenethylamines, N-substituted piperidines,
23 morphinans, ecgonines, quinazolinones, substituted indoles,
24 and arylcycloalkylamines. For purposes of this Act, a

1 controlled substance analog shall be treated in the same manner
2 as the controlled substance to which it is substantially
3 similar.

4 (a) Any person who knowingly manufactures or possesses with
5 intent to manufacture ~~violates this Section with respect to~~ the
6 following amounts of controlled or counterfeit substances or
7 controlled substance analogs, notwithstanding any of the
8 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
9 contrary, is guilty of the specific felony offenses set forth
10 in this Section ~~a Class X felony~~ and shall be sentenced to a
11 term of imprisonment as provided in this subsection (a) and
12 fined as provided in subsection (b):

13 (1) (A) a Class 2 felony ~~not less than 6 years and not~~
14 ~~more than 30 years~~ with respect to 15 grams or more but
15 less than 100 grams of a substance containing heroin,
16 or an analog thereof;

17 (B) a Class 1 felony and sentenced to ~~not less than~~
18 ~~9 years and~~ not more than 15 ~~40~~ years with respect to
19 100 grams or more but less than 400 grams of a
20 substance containing heroin, or an analog thereof;

21 (C) a Class X felony and sentenced to ~~not less than~~
22 ~~12 years and~~ not more than 25 ~~50~~ years with respect to
23 400 grams or more but less than 900 grams of a
24 substance containing heroin, or an analog thereof;

25 (D) a Class X felony and sentenced to ~~not less than~~
26 ~~15 years and~~ not more than 30 ~~60~~ years with respect to

1 900 grams or more of any substance containing heroin,
2 or an analog thereof;

3 (1.5) (A) a Class 2 felony ~~not less than 6 years and~~
4 ~~not more than 30 years~~ with respect to 15 grams or more
5 but less than 100 grams of a substance containing
6 fentanyl, or an analog thereof;

7 (B) a Class 1 felony and sentenced to ~~not less than~~
8 ~~9 years~~ and not more than 15 ~~40~~ years with respect to
9 100 grams or more but less than 400 grams of a
10 substance containing fentanyl, or an analog thereof;

11 (C) a Class X felony and sentenced to ~~not less than~~
12 ~~12 years~~ and not more than 25 ~~50~~ years with respect to
13 400 grams or more but less than 900 grams of a
14 substance containing fentanyl, or an analog thereof;

15 (D) a Class X felony and sentenced to ~~not less than~~
16 ~~15 years~~ and not more than 30 ~~60~~ years with respect to
17 900 grams or more of a substance containing fentanyl,
18 or an analog thereof;

19 (2) (A) a Class 2 felony ~~not less than 6 years and not~~
20 ~~more than 30 years~~ with respect to 15 grams or more but
21 less than 100 grams of a substance containing cocaine,
22 or an analog thereof;

23 (B) a Class 1 felony and sentenced to ~~not less than~~
24 ~~9 years~~ and not more than 40 years with respect to 100
25 grams or more but less than 400 grams of a substance
26 containing cocaine, or an analog thereof;

1 (C) a Class X felony and sentenced to ~~not less than~~
2 ~~12 years and~~ not more than 25 ~~50~~ years with respect to
3 400 grams or more but less than 900 grams of a
4 substance containing cocaine, or an analog thereof;

5 (D) a Class X felony and sentenced to ~~not less than~~
6 ~~15 years and~~ not more than 30 ~~60~~ years with respect to
7 900 grams or more of any substance containing cocaine,
8 or an analog thereof;

9 (3) (A) a Class 2 felony ~~not less than 6 years and not~~
10 ~~more than 30 years~~ with respect to 15 grams or more but
11 less than 100 grams of a substance containing morphine,
12 or an analog thereof;

13 (B) a Class 1 felony and sentenced to ~~not less than~~
14 ~~9 years and~~ not more than 15 ~~40~~ years with respect to
15 100 grams or more but less than 400 grams of a
16 substance containing morphine, or an analog thereof;

17 (C) a Class X felony and sentenced to ~~not less than~~
18 ~~12 years and~~ not more than 25 ~~50~~ years with respect to
19 400 grams or more but less than 900 grams of a
20 substance containing morphine, or an analog thereof;

21 (D) a Class X felony and sentenced to ~~not less than~~
22 ~~15 years and~~ not more than 30 ~~60~~ years with respect to
23 900 grams or more of a substance containing morphine,
24 or an analog thereof;

25 (4) a Class 2 felony for 200 grams or more of any
26 substance containing peyote, or an analog thereof;

1 (5) a Class 2 felony for 200 grams or more of any
2 substance containing a derivative of barbituric acid or any
3 of the salts of a derivative of barbituric acid, or an
4 analog thereof;

5 (6) a Class 2 felony for 200 grams or more of any
6 substance containing amphetamine or any salt of an optical
7 isomer of amphetamine, or an analog thereof;

8 (6.5) (blank);

9 (6.6) (blank);

10 (7) (A) a Class 2 felony for ~~not less than 6 years and~~
11 ~~not more than 30 years~~ with respect to: (i) 15 grams or
12 more but less than 100 grams of a substance containing
13 lysergic acid diethylamide (LSD), or an analog
14 thereof, or (ii) 15 or more objects or 15 or more
15 segregated parts of an object or objects but less than
16 200 objects or 200 segregated parts of an object or
17 objects containing in them or having upon them any
18 amounts of any substance containing lysergic acid
19 diethylamide (LSD), or an analog thereof;

20 (B) a Class 1 felony and sentenced to ~~not less than~~
21 ~~9 years and~~ not more than 15 ~~40~~ years with respect to:
22 (i) 100 grams or more but less than 400 grams of a
23 substance containing lysergic acid diethylamide (LSD),
24 or an analog thereof, or (ii) 200 or more objects or
25 200 or more segregated parts of an object or objects
26 but less than 600 objects or less than 600 segregated

1 parts of an object or objects containing in them or
2 having upon them any amount of any substance containing
3 lysergic acid diethylamide (LSD), or an analog
4 thereof;

5 (C) a Class X felony and sentenced to ~~not less than~~
6 ~~12 years and~~ not more than 25 ~~50~~ years with respect to:
7 (i) 400 grams or more but less than 900 grams of a
8 substance containing lysergic acid diethylamide (LSD),
9 or an analog thereof, or (ii) 600 or more objects or
10 600 or more segregated parts of an object or objects
11 but less than 1500 objects or 1500 segregated parts of
12 an object or objects containing in them or having upon
13 them any amount of any substance containing lysergic
14 acid diethylamide (LSD), or an analog thereof;

15 (D) a Class X felony and sentenced to ~~not less than~~
16 ~~15 years and~~ not more than 30 ~~60~~ years with respect to:
17 (i) 900 grams or more of any substance containing
18 lysergic acid diethylamide (LSD), or an analog
19 thereof, or (ii) 1500 or more objects or 1500 or more
20 segregated parts of an object or objects containing in
21 them or having upon them any amount of a substance
22 containing lysergic acid diethylamide (LSD), or an
23 analog thereof;

24 (7.5) (A) a Class 2 felony ~~not less than 6 years and~~
25 ~~not more than 30 years~~ with respect to: (i) 15 grams or
26 more but less than 100 grams of a substance listed in

1 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
2 (20), (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof, or
4 (ii) 15 or more pills, tablets, caplets, capsules, or
5 objects but less than 200 pills, tablets, caplets,
6 capsules, or objects containing in them or having upon
7 them any amounts of any substance listed in paragraph
8 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof;

11 (B) a Class 1 felony and sentenced to not less than
12 9 years and not more than 15 40 years with respect to:
13 (i) 100 grams or more but less than 400 grams of a
14 substance listed in paragraph (1), (2), (2.1), (2.2),
15 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
16 subsection (d) of Section 204, or an analog or
17 derivative thereof, or (ii) 200 or more pills, tablets,
18 caplets, capsules, or objects but less than 600 pills,
19 tablets, caplets, capsules, or objects containing in
20 them or having upon them any amount of any substance
21 listed in paragraph (1), (2), (2.1), (2.2), (3),
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of
23 subsection (d) of Section 204, or an analog or
24 derivative thereof;

25 (C) a Class X felony and sentenced to not less than
26 12 years and not more than 25 50 years with respect to:

1 (i) 400 grams or more but less than 900 grams of a
2 substance listed in paragraph (1), (2), (2.1), (2.2),
3 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or
5 derivative thereof, or (ii) 600 or more pills, tablets,
6 caplets, capsules, or objects but less than 1,500
7 pills, tablets, caplets, capsules, or objects
8 containing in them or having upon them any amount of
9 any substance listed in paragraph (1), (2), (2.1),
10 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or
11 (26) of subsection (d) of Section 204, or an analog or
12 derivative thereof;

13 (D) a Class X felony and sentenced to ~~not less than~~
14 ~~15 years and~~ not more than 30 ~~60~~ years with respect to:

15 (i) 900 grams or more of any substance listed in
16 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
17 (20), (20.1), (21), (25), or (26) of subsection (d) of
18 Section 204, or an analog or derivative thereof, or
19 (ii) 1,500 or more pills, tablets, caplets, capsules,
20 or objects containing in them or having upon them any
21 amount of a substance listed in paragraph (1), (2),
22 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
23 (25), or (26) of subsection (d) of Section 204, or an
24 analog or derivative thereof;

25 (8) a Class 2 felony for 30 grams or more of any
26 substance containing pentazocine or any of the salts,

1 isomers and salts of isomers of pentazocine, or an analog
2 thereof;

3 (9) a Class 2 felony for 30 grams or more of any
4 substance containing methaqualone or any of the salts,
5 isomers and salts of isomers of methaqualone, or an analog
6 thereof;

7 (10) a Class 2 felony for 30 grams or more of any
8 substance containing phencyclidine or any of the salts,
9 isomers and salts of isomers of phencyclidine (PCP), or an
10 analog thereof;

11 (10.5) a Class 2 felony for 30 grams or more of any
12 substance containing ketamine or any of the salts, isomers
13 and salts of isomers of ketamine, or an analog thereof;

14 (10.6) a Class 2 felony for 100 grams or more of any
15 substance containing hydrocodone, or any of the salts,
16 isomers and salts of isomers of hydrocodone, or an analog
17 thereof;

18 (10.7) a Class 2 felony for 100 grams or more of any
19 substance containing dihydrocodeinone, or any of the
20 salts, isomers and salts of isomers of dihydrocodeinone, or
21 an analog thereof;

22 (10.8) a Class 2 felony for 100 grams or more of any
23 substance containing dihydrocodeine, or any of the salts,
24 isomers and salts of isomers of dihydrocodeine, or an
25 analog thereof;

26 (10.9) a Class 2 felony for 100 grams or more of any

1 substance containing oxycodone, or any of the salts,
2 isomers and salts of isomers of oxycodone, or an analog
3 thereof;

4 (11) a Class 2 felony for 200 grams or more of any
5 substance containing any other controlled substance
6 classified in Schedules I or II, or an analog thereof,
7 which is not otherwise included in this subsection.

8 (b) Any person sentenced with respect to violations of
9 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
10 involving 100 grams or more of the controlled substance named
11 therein, may in addition to the penalties provided therein, be
12 fined an amount not more than \$500,000 or the full street value
13 of the controlled or counterfeit substance or controlled
14 substance analog, whichever is greater. The term "street value"
15 shall have the meaning ascribed in Section 110-5 of the Code of
16 Criminal Procedure of 1963. Any person sentenced with respect
17 to any other provision of subsection (a), may in addition to
18 the penalties provided therein, be fined an amount not to
19 exceed \$500,000.

20 (b-1) Excluding violations of this Act when the controlled
21 substance is fentanyl, any person sentenced to a term of
22 imprisonment with respect to violations of Section 401, 401.1,
23 405, 405.1, 405.2, or 407, when the substance containing the
24 controlled substance contains any amount of fentanyl, 3 years
25 shall be added to the term of imprisonment imposed by the
26 court, and the maximum sentence for the offense shall be

1 increased by 3 years.

2 (c) Any person who knowingly manufactures or possesses with
3 the intent to manufacture ~~violates this Section with regard to~~
4 the following amounts of controlled or counterfeit substances
5 or controlled substance analogs, notwithstanding any of the
6 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
7 to the contrary, is guilty of a Class 3 ~~±~~ felony. The fine for
8 violation of this subsection (c) shall not be more than
9 \$250,000:

10 (1) 1 gram or more but less than 15 grams of any
11 substance containing heroin, or an analog thereof;

12 (1.5) 1 gram or more but less than 15 grams of any
13 substance containing fentanyl, or an analog thereof;

14 (2) 1 gram or more but less than 15 grams of any
15 substance containing cocaine, or an analog thereof;

16 (3) 1 gram ~~10 grams~~ or more but less than 15 grams of
17 any substance containing morphine, or an analog thereof;

18 (4) 1 gram ~~50 grams~~ or more but less than 200 grams of
19 any substance containing peyote, or an analog thereof;

20 (5) 1 gram ~~50 grams~~ or more but less than 200 grams of
21 any substance containing a derivative of barbituric acid or
22 any of the salts of a derivative of barbituric acid, or an
23 analog thereof;

24 (6) 1 gram ~~50 grams~~ or more but less than 200 grams of
25 any substance containing amphetamine or any salt of an
26 optical isomer of amphetamine, or an analog thereof;

1 (6.5) (blank);

2 (7) (i) 1 gram ~~5 grams~~ or more but less than 15 grams
3 of any substance containing lysergic acid diethylamide
4 (LSD), or an analog thereof, or (ii) more than 1 object ~~10~~
5 ~~objects~~ or more than 1 ~~10~~ segregated part ~~parts~~ of an
6 object or objects but less than 15 objects or less than 15
7 segregated parts of an object containing in them or having
8 upon them any amount of any substance containing lysergic
9 acid diethylamide (LSD), or an analog thereof;

10 (7.5) (i) 1 gram ~~5 grams~~ or more but less than 15 grams
11 of any substance listed in paragraph (1), (2), (2.1),
12 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26)
13 of subsection (d) of Section 204, or an analog or
14 derivative thereof, or (ii) more than 1 pill, tablet,
15 caplet, capsule ~~10 pills, tablets, caplets, capsules,~~ or
16 object ~~objects~~ but less than 15 pills, tablets, caplets,
17 capsules, or objects containing in them or having upon them
18 any amount of any substance listed in paragraph (1), (2),
19 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25),
20 or (26) of subsection (d) of Section 204, or an analog or
21 derivative thereof;

22 (8) 1 gram ~~10 grams~~ or more but less than 30 grams of
23 any substance containing pentazocine or any of the salts,
24 isomers and salts of isomers of pentazocine, or an analog
25 thereof;

26 (9) 1 gram ~~10 grams~~ or more but less than 30 grams of

1 any substance containing methaqualone or any of the salts,
2 isomers and salts of isomers of methaqualone, or an analog
3 thereof;

4 (10) 1 gram ~~10 grams~~ or more but less than 30 grams of
5 any substance containing phencyclidine or any of the salts,
6 isomers and salts of isomers of phencyclidine (PCP), or an
7 analog thereof;

8 (10.5) 1 gram ~~10 grams~~ or more but less than 30 grams
9 of any substance containing ketamine or any of the salts,
10 isomers and salts of isomers of ketamine, or an analog
11 thereof;

12 (10.6) 1 gram ~~50 grams~~ or more but less than 100 grams
13 of any substance containing hydrocodone, or any of the
14 salts, isomers and salts of isomers of hydrocodone, or an
15 analog thereof;

16 (10.7) 1 gram ~~50 grams~~ or more but less than 100 grams
17 of any substance containing dihydrocodeinone, or any of the
18 salts, isomers and salts of isomers of dihydrocodeinone, or
19 an analog thereof;

20 (10.8) 1 gram ~~50 grams~~ or more but less than 100 grams
21 of any substance containing dihydrocodeine, or any of the
22 salts, isomers and salts of isomers of dihydrocodeine, or
23 an analog thereof;

24 (10.9) 1 gram ~~50 grams~~ or more but less than 100 grams
25 of any substance containing oxycodone, or any of the salts,
26 isomers and salts of isomers of oxycodone, or an analog

1 thereof;

2 (11) 1 gram ~~50 grams~~ or more but less than 200 grams of
3 any substance containing a substance classified in
4 Schedules I or II, or an analog thereof, which is not
5 otherwise included in this subsection.

6 (c-1) Any person who knowingly delivers or possesses with
7 intent to deliver the following amounts of controlled or
8 counterfeit substances or controlled substance analogs,
9 notwithstanding any of the provisions of subsections (a), (b),
10 (d), (e), (f), (g), or (h) to the contrary, is guilty of a
11 Class 3 felony.

12 (1) more than 5 grams but less than 15 grams of any
13 substance containing heroin, or an analog thereof;

14 (1.5) more than 5 grams but less than 15 grams of any
15 substance containing fentanyl, or an analog thereof;

16 (2) more than 5 grams but less than 15 grams of any
17 substance containing cocaine, or an analog thereof;

18 (3) more than 5 grams but less than 15 grams of any
19 substance containing morphine, or an analog thereof;

20 (4) more than 100 grams but less than 200 grams of any
21 substance containing peyote, or an analog thereof;

22 (5) more than 100 grams but less than 200 grams of any
23 substance containing a derivative of barbituric acid or any
24 of the salts of a derivative of barbituric acid, or an
25 analog thereof;

26 (6) more than 100 grams but less than 200 grams of any

1 substance containing amphetamine or any salt of an optical
2 isomer of amphetamine, or an analog thereof;

3 (7) (i) more than 5 grams but less than 15 grams of any
4 substance containing lysergic acid diethylamide (LSD), or
5 an analog thereof, or (ii) more than 5 objects or more than
6 5 segregated parts of an object or objects but less than 15
7 objects or less than 15 segregated parts of an object
8 containing in them or having upon them any amount of any
9 substance containing lysergic acid diethylamide (LSD), or
10 an analog thereof;

11 (7.5) (i) more than 5 grams but less than 15 grams of
12 any substance listed in paragraph (1), (2), (2.1), (2.2),
13 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
14 subsection (d) of Section 204, or an analog or derivative
15 thereof, or (ii) more than 5 pills, tablets, caplets,
16 capsules, or objects but less than 15 pills, tablets,
17 caplets, capsules, or objects containing in them or having
18 upon them any amount of any substance listed in paragraph
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
20 (21), (25), or (26) of subsection (d) of Section 204, or an
21 analog or derivative thereof;

22 (8) more than 5 grams but less than 30 grams of any
23 substance containing pentazocine or any of the salts,
24 isomers and salts of isomers of pentazocine, or an analog
25 thereof;

26 (9) more than 5 grams but less than 30 grams of any

1 substance containing methaqualone or any of the salts,
2 isomers and salts of isomers of methaqualone, or an analog
3 thereof;

4 (10) more than 5 grams but less than 30 grams of any
5 substance containing phencyclidine or any of the salts,
6 isomers and salts of isomers of phencyclidine (PCP), or an
7 analog thereof;

8 (10.5) more than 5 grams but less than 30 grams of any
9 substance containing ketamine or any of the salts, isomers
10 and salts of isomers of ketamine, or an analog thereof;

11 (10.6) more than 50 grams but less than 100 grams of
12 any substance containing hydrocodone, or any of the salts,
13 isomers and salts of isomers of hydrocodone, or an analog
14 thereof;

15 (10.7) more than 50 grams but less than 100 grams of
16 any substance containing dihydrocodeinone, or any of the
17 salts, isomers and salts of isomers of dihydrocodeinone, or
18 an analog thereof;

19 (10.8) more than 50 grams but less than 100 grams of
20 any substance containing dihydrocodeine, or any of the
21 salts, isomers and salts of isomers of dihydrocodeine, or
22 an analog thereof;

23 (10.9) more than 50 grams but less than 100 grams of
24 any substance containing oxycodone, or any of the salts,
25 isomers and salts of isomers of oxycodone, or an analog
26 thereof;

1 (11) more than 50 grams but less than 200 grams of any
2 substance containing a substance classified in Schedules I
3 or II, or an analog thereof, which is not otherwise
4 included in this subsection.

5 (c-2) Any person who knowingly delivers or possesses with
6 intent to deliver the following amounts of controlled or
7 counterfeit substances or controlled substance analogs,
8 notwithstanding any of the provisions of subsections (a), (b),
9 (d), (e), (f), (g) or (h) to the contrary, is guilty of a Class
10 A misdemeanor and shall be evaluated for drug addiction and
11 given the opportunity to elect to submit to treatment under
12 Article 40 of the Alcoholism and Other Drug Abuse Dependency
13 Act; but if the person is not determined to be drug dependent
14 after evaluation, he or she is guilty of a Class 4 felony:

15 (1) 5 grams or less of any substance containing heroin,
16 or an analog thereof;

17 (1.5) 5 grams or less of any substance containing
18 fentanyl, or an analog thereof;

19 (2) 5 grams or less of any substance containing
20 cocaine, or an analog thereof;

21 (3) 5 grams or less of any substance containing
22 morphine, or an analog thereof;

23 (4) 100 grams or less of any substance containing
24 peyote, or an analog thereof;

25 (5) 100 grams or less of any substance containing a
26 derivative of barbituric acid or any of the salts of a

1 derivative of barbituric acid, or an analog thereof;

2 (6) 100 grams or less of any substance containing
3 amphetamine or any salt of an optical isomer of
4 amphetamine, or an analog thereof;

5 (7) (i) 5 grams or less of any substance containing
6 lysergic acid diethylamide (LSD), or an analog thereof, or
7 (ii) 5 objects or less or 5 or less segregated parts of an
8 object or objects or of an object containing in them or
9 having upon them any amount of any substance containing
10 lysergic acid diethylamide (LSD), or an analog thereof;

11 (7.5) (i) 5 grams or less of any substance listed in
12 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
13 (20.1), (21), (25), or (26) of subsection (d) of Section
14 204, or an analog or derivative thereof, or (ii) 5 or less
15 pills, tablets, caplets, capsules, or objects or 5 or less
16 pill, tablets, caplets, capsules, or objects containing in
17 them or having upon them any amount of any substance listed
18 in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
19 (20), (20.1), (21), (25), or (26) of subsection (d) of
20 Section 204, or an analog or derivative thereof;

21 (8) 30 grams or less of any substance containing
22 pentazocine or any of the salts, isomers and salts of
23 isomers of pentazocine, or an analog thereof;

24 (9) 5 grams or less of any substance containing
25 methaqualone or any of the salts, isomers and salts of
26 isomers of methaqualone, or an analog thereof;

1 (10) 5 grams or less of any substance containing
2 phencyclidine or any of the salts, isomers and salts of
3 isomers of phencyclidine (PCP), or an analog thereof;

4 (10.5) 5 grams or less of any substance containing
5 ketamine or any of the salts, isomers and salts of isomers
6 of ketamine, or an analog thereof;

7 (10.6) 50 grams or less of any substance containing
8 hydrocodone, or any of the salts, isomers and salts of
9 isomers of hydrocodone, or an analog thereof;

10 (10.7) 50 grams or less of any substance containing
11 dihydrocodeinone, or any of the salts, isomers and salts of
12 isomers of dihydrocodeinone, or an analog thereof;

13 (10.8) 50 grams or less of any substance containing
14 dihydrocodeine, or any of the salts, isomers and salts of
15 isomers of dihydrocodeine, or an analog thereof;

16 (10.9) 50 grams or less of any substance containing
17 oxycodone, or any of the salts, isomers and salts of
18 isomers of oxycodone, or an analog thereof;

19 (11) 50 grams or less of any substance containing a
20 substance classified in Schedules I or II, or an analog
21 thereof, which is not otherwise included in this
22 subsection.

23 (c-5) (Blank).

24 (d) Any person who violates this Section with regard to any
25 other amount of a controlled or counterfeit substance
26 containing dihydrocodeinone or dihydrocodeine or classified in

1 Schedules I or II, or an analog thereof, which is (i) a
2 narcotic drug, (ii) lysergic acid diethylamide (LSD) or an
3 analog thereof, (iii) any substance containing amphetamine or
4 fentanyl or any salt or optical isomer of amphetamine or
5 fentanyl, or an analog thereof, or (iv) any substance
6 containing N-Benzylpiperazine (BZP) or any salt or optical
7 isomer of N-Benzylpiperazine (BZP), or an analog thereof, is
8 guilty of a Class 2 felony. The fine for violation of this
9 subsection (d) shall not be more than \$200,000.

10 (d-5) (Blank).

11 (e) Any person who violates this Section with regard to any
12 other amount of a controlled substance other than
13 methamphetamine or counterfeit substance classified in
14 Schedule I or II, or an analog thereof, which substance is not
15 included under subsection (d) of this Section, is guilty of a
16 Class 3 felony. The fine for violation of this subsection (e)
17 shall not be more than \$150,000.

18 (f) Any person who violates this Section with regard to any
19 other amount of a controlled or counterfeit substance
20 classified in Schedule III is guilty of a Class 3 felony. The
21 fine for violation of this subsection (f) shall not be more
22 than \$125,000.

23 (g) Any person who violates this Section with regard to any
24 other amount of a controlled or counterfeit substance
25 classified in Schedule IV is guilty of a Class 4 ~~3~~ felony. The
26 fine for violation of this subsection (g) shall not be more

1 than \$100,000.

2 (h) Any person who violates this Section with regard to any
3 other amount of a controlled or counterfeit substance
4 classified in Schedule V is guilty of a Class 4 ~~3~~ felony. The
5 fine for violation of this subsection (h) shall not be more
6 than \$75,000.

7 (i) This Section does not apply to the manufacture,
8 possession or distribution of a substance in conformance with
9 the provisions of an approved new drug application or an
10 exemption for investigational use within the meaning of Section
11 505 of the Federal Food, Drug and Cosmetic Act.

12 (j) (Blank).

13 (k) In assessing fines for violations of this Section, the
14 court shall consider the offender's financial circumstances
15 and ability to pay before and after imprisonment before
16 assessing any fine.

17 (l) In determining a sentence for violations of this
18 Section, the court shall, also, consider the overcrowding of
19 prisons in this State due to drug-related offenses.

20 (Source: P.A. 99-371, eff. 1-1-16.)

21 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

22 Sec. 402. Except as otherwise authorized by this Act, it is
23 unlawful for any person knowingly to possess a controlled or
24 counterfeit substance or controlled substance analog. A
25 violation of this Act with respect to each of the controlled

1 substances listed herein constitutes a single and separate
2 violation of this Act. For purposes of this Section,
3 "controlled substance analog" or "analog" means a substance,
4 other than a controlled substance, that has a chemical
5 structure substantially similar to that of a controlled
6 substance in Schedule I or II, or that was specifically
7 designed to produce an effect substantially similar to that of
8 a controlled substance in Schedule I or II. Examples of
9 chemical classes in which controlled substance analogs are
10 found include, but are not limited to, the following:
11 phenethylamines, N-substituted piperidines, morphinans,
12 ecgonines, quinazolinones, substituted indoles, and
13 arylcycloalkylamines. For purposes of this Act, a controlled
14 substance analog shall be treated in the same manner as the
15 controlled substance to which it is substantially similar.

16 (a) Any person who violates this Section with respect to
17 the ~~following~~ controlled or counterfeit substances and amounts
18 listed in this subsection (a), notwithstanding any of the
19 provisions of subsections (c) and (d) to the contrary, is
20 guilty of a Class A misdemeanor for the first and second
21 violation and shall be admitted into a drug court program
22 pursuant to the Drug Court Treatment Act or shall be evaluated
23 for drug addiction or alcoholism and given the opportunity to
24 elect to submit to treatment under Article 40 of the Alcoholism
25 and Other Drug Abuse and Dependency Act. Any third or greater
26 violation of this Section with respect to the below controlled

1 or counterfeit substances and amounts, notwithstanding any of
2 the provisions of subsections (c) and (d) to the contrary, the
3 person is guilty of a Class 4 felony ~~Class 1 felony and shall,~~
4 ~~if sentenced to a term of imprisonment, be sentenced as~~
5 ~~provided in this subsection (a) and fined as provided in~~
6 ~~subsection (b):~~

7 (1) ~~(A) not less than 4 years and not more than 15~~
8 ~~years~~ with respect to 15 grams or ~~more but less than~~
9 ~~100 grams~~ of a substance containing heroin;

10 ~~(B) not less than 6 years and not more than 30~~
11 ~~years with respect to 100 grams or more but less than~~
12 ~~400 grams of a substance containing heroin;~~

13 ~~(C) not less than 8 years and not more than 40~~
14 ~~years with respect to 400 grams or more but less than~~
15 ~~900 grams of any substance containing heroin;~~

16 ~~(D) not less than 10 years and not more than 50~~
17 ~~years with respect to 900 grams or more of any~~
18 ~~substance containing heroin;~~

19 (2) (A) ~~not less than 4 years and not more than 15~~
20 ~~years~~ with respect to 15 grams or ~~more but less than~~
21 ~~100 grams~~ of any substance containing cocaine;

22 ~~(B) not less than 6 years and not more than 30~~
23 ~~years with respect to 100 grams or more but less than~~
24 ~~400 grams of any substance containing cocaine;~~

25 ~~(C) not less than 8 years and not more than 40~~
26 ~~years with respect to 400 grams or more but less than~~

1 ~~900 grams of any substance containing cocaine;~~

2 ~~(D) not less than 10 years and not more than 50~~
3 ~~years with respect to 900 grams or more of any~~
4 ~~substance containing cocaine;~~

5 (3) (A) ~~not less than 4 years and not more than 15~~
6 ~~years~~ with respect to 15 grams or ~~more but less than~~
7 ~~100 grams~~ of any substance containing morphine;

8 ~~(B) not less than 6 years and not more than 30~~
9 ~~years with respect to 100 grams or more but less than~~
10 ~~400 grams of any substance containing morphine;~~

11 ~~(C) not less than 6 years and not more than 40~~
12 ~~years with respect to 400 grams or more but less than~~
13 ~~900 grams of any substance containing morphine;~~

14 ~~(D) not less than 10 years and not more than 50~~
15 ~~years with respect to 900 grams or more of any~~
16 ~~substance containing morphine;~~

17 (4) 100 ~~200~~ grams or less ~~more~~ of any substance
18 containing peyote;

19 (5) 100 ~~200~~ grams or less ~~more~~ of any substance
20 containing a derivative of barbituric acid or any of the
21 salts of a derivative of barbituric acid;

22 (6) 100 ~~200~~ grams or less ~~more~~ of any substance
23 containing amphetamine or any salt of an optical isomer of
24 amphetamine;

25 (6.5) (blank);

26 (7) (A) ~~not less than 4 years and not more than 15~~

1 ~~years with respect to:~~ (i) 15 grams or ~~more but~~ less
2 ~~than 100 grams~~ of any substance containing lysergic
3 acid diethylamide (LSD), or an analog thereof, or (ii)
4 15 or less ~~more~~ objects or 15 or less ~~more~~ segregated
5 parts of an object or objects but less than 200 objects
6 or 200 segregated parts of an object or objects
7 containing in them or having upon them any amount of
8 any substance containing lysergic acid diethylamide
9 (LSD), or an analog thereof;

10 ~~(B) not less than 6 years and not more than 30~~
11 ~~years with respect to:~~ (i) 100 grams or more but less
12 ~~than 400 grams~~ of any substance containing lysergic
13 acid diethylamide (LSD), or an analog thereof, or (ii)
14 ~~200 or more objects or 200 or more segregated parts of~~
15 ~~an object or objects but less than 600 objects or less~~
16 ~~than 600 segregated parts of an object or objects~~
17 ~~containing in them or having upon them any amount of~~
18 ~~any substance containing lysergic acid diethylamide~~
19 ~~(LSD), or an analog thereof;~~

20 ~~(C) not less than 8 years and not more than 40~~
21 ~~years with respect to:~~ (i) 400 grams or more but less
22 ~~than 900 grams~~ of any substance containing lysergic
23 acid diethylamide (LSD), or an analog thereof, or (ii)
24 ~~600 or more objects or 600 or more segregated parts of~~
25 ~~an object or objects but less than 1500 objects or 1500~~
26 ~~segregated parts of an object or objects containing in~~

1 ~~them or having upon them any amount of any substance~~
2 ~~containing lysergic acid diethylamide (LSD), or an~~
3 ~~analog thereof;~~

4 ~~(D) not less than 10 years and not more than 50~~
5 ~~years with respect to: (i) 900 grams or more of any~~
6 ~~substance containing lysergic acid diethylamide (LSD),~~
7 ~~or an analog thereof, or (ii) 1500 or more objects or~~
8 ~~1500 or more segregated parts of an object or objects~~
9 ~~containing in them or having upon them any amount of a~~
10 ~~substance containing lysergic acid diethylamide (LSD),~~
11 ~~or an analog thereof;~~

12 (7.5) (A) ~~not less than 4 years and not more than 15~~
13 ~~years with respect to: (i) 15 grams or more but less~~
14 ~~than 100 grams~~ of any substance listed in paragraph
15 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
16 (20.1), (21), (25), or (26) of subsection (d) of
17 Section 204, or an analog or derivative thereof, or
18 (ii) 15 or more pills, tablets, caplets, capsules, or
19 objects but less than 200 pills, tablets, caplets,
20 capsules, or objects containing in them or having upon
21 them any amount of any substance listed in paragraph
22 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
23 (20.1), (21), (25), or (26) of subsection (d) of
24 Section 204, or an analog or derivative thereof;

25 ~~(B) not less than 6 years and not more than 30~~
26 ~~years with respect to: (i) 100 grams or more but less~~

1 ~~than 400 grams of any substance listed in paragraph~~
2 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
3 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
4 ~~Section 204, or an analog or derivative thereof, or~~
5 ~~(ii) 200 or more pills, tablets, caplets, capsules, or~~
6 ~~objects but less than 600 pills, tablets, caplets,~~
7 ~~capsules, or objects containing in them or having upon~~
8 ~~them any amount of any substance listed in paragraph~~
9 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
10 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
11 ~~Section 204, or an analog or derivative thereof;~~

12 ~~(C) not less than 8 years and not more than 40~~
13 ~~years with respect to: (i) 400 grams or more but less~~
14 ~~than 900 grams of any substance listed in paragraph~~
15 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
16 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
17 ~~Section 204, or an analog or derivative thereof, or~~
18 ~~(ii) 600 or more pills, tablets, caplets, capsules, or~~
19 ~~objects but less than 1,500 pills, tablets, caplets,~~
20 ~~capsules, or objects containing in them or having upon~~
21 ~~them any amount of any substance listed in paragraph~~
22 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
23 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
24 ~~Section 204, or an analog or derivative thereof;~~

25 ~~(D) not less than 10 years and not more than 50~~
26 ~~years with respect to: (i) 900 grams or more of any~~

1 ~~substance listed in paragraph (1), (2), (2.1), (2.2),~~
2 ~~(3), (14.1), (19), (20), (20.1), (21), (25), or (26) of~~
3 ~~subsection (d) of Section 204, or an analog or~~
4 ~~derivative thereof, or (ii) 1,500 or more pills,~~
5 ~~tablets, caplets, capsules, or objects containing in~~
6 ~~them or having upon them any amount of a substance~~
7 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
8 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
9 ~~subsection (d) of Section 204, or an analog or~~
10 ~~derivative thereof;~~

11 (8) 15 ~~30~~ grams or less ~~more~~ of any substance
12 containing pentazocine or any of the salts, isomers and
13 salts of isomers of pentazocine, or an analog thereof;

14 (9) 15 ~~30~~ grams or less ~~more~~ of any substance
15 containing methaqualone or any of the salts, isomers and
16 salts of isomers of methaqualone;

17 (10) 15 ~~30~~ grams or less ~~more~~ of any substance
18 containing phencyclidine or any of the salts, isomers and
19 salts of isomers of phencyclidine (PCP);

20 (10.5) 15 ~~30~~ grams or less ~~more~~ of any substance
21 containing ketamine or any of the salts, isomers and salts
22 of isomers of ketamine;

23 (11) 15 ~~200~~ grams or less ~~more~~ of any substance
24 containing any substance classified as a narcotic drug in
25 Schedules I or II, or an analog thereof, which is not
26 otherwise included in this subsection.

1 (b) Any person sentenced with respect to violations of
2 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
3 involving 100 grams or more of the controlled substance named
4 therein, may ~~in addition to the penalties provided therein,~~ be
5 fined an amount not to exceed \$25,000 ~~\$200,000~~ or the full
6 street value of the controlled or counterfeit substances,
7 whichever is less ~~greater~~. The term "street value" shall have
8 the meaning ascribed in Section 110-5 of the Code of Criminal
9 Procedure of 1963. Any person sentenced with respect to any
10 other provision of subsection (a), may in addition to the
11 penalties provided therein, be fined an amount not to exceed
12 \$200,000.

13 (c) Any person who violates this Section with regard to an
14 amount of a controlled substance other than methamphetamine or
15 counterfeit substance not set forth in subsection (a) or (d) is
16 guilty of a Class 4 felony. The fine for a violation punishable
17 under this subsection (c) shall not be more than \$25,000.

18 (d) Any person who violates this Section with regard to any
19 amount of anabolic steroid is guilty of a Class C misdemeanor
20 for the first offense and a Class B misdemeanor for a
21 subsequent offense committed within 2 years of a prior
22 conviction.

23 (e) In assessing fines for violations of this Section, the
24 court shall consider the offender's financial circumstances
25 and ability to pay before and after imprisonment before
26 assessing any fine.

1 (Source: P.A. 99-371, eff. 1-1-16.)

2 Section 45. The Drug Paraphernalia Control Act is amended
3 by changing Section 3.5 as follows:

4 (720 ILCS 600/3.5)

5 Sec. 3.5. Possession of drug paraphernalia.

6 (a) Except for a civil violation under subsection (c) of
7 this Section, a A person who knowingly possesses an item of
8 drug paraphernalia with the intent to use it in ingesting,
9 inhaling, or otherwise introducing cannabis or a controlled
10 substance into the human body, or in preparing cannabis or a
11 controlled substance for that use, is guilty of a Class A
12 misdemeanor for which the court shall impose a maximum ~~minimum~~
13 fine of \$750 ~~in addition to any other penalty prescribed for a~~
14 ~~Class A misdemeanor~~. This subsection (a) does not apply to a
15 person who is legally authorized to possess hypodermic syringes
16 or needles under the Hypodermic Syringes and Needles Act.

17 (b) In determining intent under subsection (a), the trier
18 of fact may take into consideration the proximity of the
19 cannabis or controlled substances to drug paraphernalia or the
20 presence of cannabis or a controlled substance on the drug
21 paraphernalia.

22 (c) If a person violates subsection (a) of Section 4 of the
23 Cannabis Control Act, the penalty for possession of any drug
24 paraphernalia seized during the violation for that offense

1 shall be a civil violation punishable by a fine of \$25.

2 (Source: P.A. 93-392, eff. 7-25-03.)

3 Section 50. The Methamphetamine Control and Community
4 Protection Act is amended by changing Sections 55 and 60 as
5 follows:

6 (720 ILCS 646/55)

7 Sec. 55. Methamphetamine delivery.

8 (a) Delivery or possession with intent to deliver
9 methamphetamine or a substance containing methamphetamine.

10 (1) It is unlawful knowingly to engage in the delivery
11 or possession with intent to deliver methamphetamine or a
12 substance containing methamphetamine.

13 (2) A person who violates paragraph (1) of this
14 subsection (a) is subject to the following penalties:

15 (A) A person who delivers or possesses with intent
16 to deliver ~~less than 5~~ or less grams of methamphetamine
17 or a substance containing methamphetamine is guilty of
18 a Class A misdemeanor and shall be evaluated for drug
19 addiction and given the opportunity to elect to submit
20 to treatment under Article 40 of the Alcoholism and
21 Other Drug Abuse and Dependency Act; but if the person
22 is not determined to be drug dependent after
23 evaluation, he or she is guilty of a Class 4 felony ~~2~~
24 ~~felony.~~

1 (B) A person who delivers or possesses with intent
2 to deliver more than 5 ~~or more~~ grams but less than 15
3 grams of methamphetamine or a substance containing
4 methamphetamine is guilty of a Class 3 ~~4~~ felony.

5 (C) A person who delivers or possesses with intent
6 to deliver 15 or more grams but less than 100 grams of
7 methamphetamine or a substance containing
8 methamphetamine is guilty of a Class 2 ~~*~~ felony,
9 ~~subject to a term of imprisonment of not less than 6~~
10 ~~years and not more than 30 years,~~ and subject to a fine
11 not to exceed \$100,000 or the street value of the
12 methamphetamine, whichever is greater.

13 (D) A person who delivers or possesses with intent
14 to deliver 100 or more grams but less than 400 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 1 ~~*~~ felony,
17 subject to a term of imprisonment of ~~not less than 9~~
18 ~~years and not more than 15~~ 40 years, and subject to a
19 fine not to exceed \$200,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (E) A person who delivers or possesses with intent
22 to deliver 400 or more grams but less than 900 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class X felony, subject
25 to a term of imprisonment of ~~not less than 12 years and~~
26 not more than 25 ~~50~~ years, and subject to a fine not to

1 exceed \$300,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (F) A person who delivers or possesses with intent
4 to deliver 900 or more grams of methamphetamine or a
5 substance containing methamphetamine is guilty of a
6 Class X felony, subject to a term of imprisonment of
7 ~~not less than 15 years and~~ not more than 30 ~~60~~ years,
8 and subject to a fine not to exceed \$400,000 or the
9 street value of the methamphetamine, whichever is
10 greater.

11 (3) In assessing fines for violations of this
12 subsection (a), the court shall consider the offender's
13 financial circumstances and ability to pay before and after
14 imprisonment before assessing any fine.

15 (b) Aggravated delivery or possession with intent to
16 deliver methamphetamine or a substance containing
17 methamphetamine.

18 (1) It is unlawful to engage in the aggravated delivery
19 or possession with intent to deliver methamphetamine or a
20 substance containing methamphetamine. A person engages in
21 the aggravated delivery or possession with intent to
22 deliver methamphetamine or a substance containing
23 methamphetamine when the person violates paragraph (1) of
24 subsection (a) of this Section and:

25 (A) the person is at least 18 years of age and
26 knowingly delivers or possesses with intent to deliver

1 the methamphetamine or substance containing
2 methamphetamine to a person under 18 years of age;

3 (B) the person is at least 18 years of age and
4 knowingly uses, engages, employs, or causes another
5 person to use, engage, or employ a person under 18
6 years of age to deliver the methamphetamine or
7 substance containing methamphetamine;

8 (C) the person knowingly delivers or possesses
9 with intent to deliver the methamphetamine or
10 substance containing methamphetamine in any structure
11 or vehicle protected by one or more firearms, explosive
12 devices, booby traps, alarm systems, surveillance
13 systems, guard dogs, or dangerous animals;

14 (D) the person knowingly delivers or possesses
15 with intent to deliver the methamphetamine or
16 substance containing methamphetamine in any school, on
17 any real property comprising any school, or in any
18 conveyance owned, leased, or contracted by a school to
19 transport students to or from school or a
20 school-related activity;

21 (E) the person delivers or causes another person to
22 deliver the methamphetamine or substance containing
23 methamphetamine to a woman that the person knows to be
24 pregnant; or

25 (F) (blank).

26 (2) A person who violates paragraph (1) of this

1 subsection (b) is subject to the following penalties:

2 (A) A person who delivers or possesses with intent
3 to deliver less than 5 grams of methamphetamine or a
4 substance containing methamphetamine is guilty of a
5 Class 1 felony.

6 (B) A person who delivers or possesses with intent
7 to deliver 5 or more grams but less than 15 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class X felony, subject
10 to a term of imprisonment of not less than 6 years and
11 not more than 30 years, and subject to a fine not to
12 exceed \$100,000 or the street value of the
13 methamphetamine, whichever is greater.

14 (C) A person who delivers or possesses with intent
15 to deliver 15 or more grams but less than 100 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class X felony, subject
18 to a term of imprisonment of not less than 8 years and
19 not more than 40 years, and subject to a fine not to
20 exceed \$200,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (D) A person who delivers or possesses with intent
23 to deliver 100 or more grams of methamphetamine or a
24 substance containing methamphetamine is guilty of a
25 Class X felony, subject to a term of imprisonment of
26 not less than 10 years and not more than 50 years, and

1 subject to a fine not to exceed \$300,000 or the street
2 value of the methamphetamine, whichever is greater.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

4 (720 ILCS 646/60)

5 Sec. 60. Methamphetamine possession.

6 (a) It is unlawful knowingly to possess methamphetamine or
7 a substance containing methamphetamine.

8 (b) A person who violates subsection (a) is subject to the
9 following penalties:

10 (1) A person who possesses less than 15 ~~5~~ grams or less
11 of methamphetamine or a substance containing
12 methamphetamine is guilty of a Class A misdemeanor for the
13 first and second violation and shall be admitted into a
14 drug court program pursuant to the Drug Court Treatment Act
15 or shall be evaluated for drug addiction or alcoholism and
16 given the opportunity to elect to submit to treatment under
17 Article 40 of the Alcoholism and Other Drug Abuse and
18 Dependency Act. Any third or subsequent violation of this
19 Section with respect to the below controlled or counterfeit
20 substances and amounts, notwithstanding any of the
21 provisions of subsections (c) and (d) to the contrary is
22 guilty of a Class 4 ~~3~~ felony.

23 (2) (Blank). ~~A person who possesses 5 or more grams but~~
24 ~~less than 15 grams of methamphetamine or a substance~~
25 ~~containing methamphetamine is guilty of a Class 2 felony.~~

1 (3) A person who possesses 15 or more grams but less
2 than 100 grams of methamphetamine or a substance containing
3 methamphetamine is guilty of a Class 4 ~~±~~ felony.

4 (4) A person who possesses 100 or more grams but less
5 than 400 grams of methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 4 ~~*~~ felony, subject to
7 a term of imprisonment ~~of not less than 6 years and not~~
8 ~~more than 30 years~~, and subject to a fine not to exceed
9 \$100,000.

10 (5) A person who possesses 400 or more grams but less
11 than 900 grams of methamphetamine or a substance containing
12 methamphetamine is guilty of a Class 4 ~~*~~ felony, subject to
13 a term of imprisonment ~~of not less than 8 years and not~~
14 ~~more than 40 years~~, and subject to a fine not to exceed
15 \$200,000.

16 (6) A person who possesses 900 or more grams of
17 methamphetamine or a substance containing methamphetamine
18 is guilty of a Class 4 X felony, ~~subject to a term of~~
19 ~~imprisonment of not less than 10 years and not more than 50~~
20 ~~years~~, and subject to a fine not to exceed \$300,000.

21 (c) In assessing fines for violations of this Section, the
22 court shall consider the offender's financial circumstances
23 and ability to pay before and after imprisonment before
24 assessing any fine.

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 Section 55. The Code of Criminal Procedure of 1963 is
2 amended by changing Section 113-3.1 as follows:

3 (725 ILCS 5/113-3.1) (from Ch. 38, par. 113-3.1)

4 Sec. 113-3.1. Payment for Court-Appointed Counsel.

5 (a) Whenever under either Section 113-3 of this Code or
6 Rule 607 of the Illinois Supreme Court the court appoints
7 counsel to represent a defendant, the court may order the
8 defendant to pay to the Clerk of the Circuit Court a reasonable
9 sum to reimburse either the county or the State for such
10 representation. In a hearing to determine the amount of the
11 payment, the court shall consider the affidavit prepared by the
12 defendant under Section 113-3 of this Code and any other
13 information pertaining to the defendant's financial
14 circumstances which may be submitted by the parties. Such
15 hearing shall be conducted on the court's own motion or on
16 motion of the State's Attorney at any time after the
17 appointment of counsel but no later than 90 days after the
18 entry of a final order disposing of the case at the trial
19 level.

20 (b) Any sum ordered paid under this Section may not exceed
21 \$500 for a defendant charged with a misdemeanor, \$5,000 for a
22 defendant charged with a felony, or \$2,500 for a defendant who
23 is appealing a conviction of any class offense.

24 (c) The method of any payment required under this Section
25 shall be as specified by the Court. The court may order that

1 payments be made on a monthly basis during the term of
2 representation; however, the sum deposited as money bond shall
3 not be used to satisfy this court order. Any sum deposited as
4 money bond with the Clerk of the Circuit Court under Section
5 110-7 of this Code may be used in the court's discretion in
6 whole or in part to comply with any payment order entered in
7 accordance with paragraph (a) of this Section. The court may
8 give special consideration to the interests of relatives or
9 other third parties who may have posted a money bond on the
10 behalf of the defendant to secure his release. At any time
11 prior to full payment of any payment order the court on its own
12 motion or the motion of any party may reduce, increase, or
13 suspend the ordered payment, or modify the method of payment,
14 as the interest of fairness may require. No increase,
15 suspension, or reduction may be ordered without a hearing and
16 notice to all parties.

17 (d) The Supreme Court or the circuit courts may provide by
18 rule for procedures for the enforcement of orders entered under
19 this Section. Such rules may provide for the assessment of all
20 costs, including attorneys' fees which are required for the
21 enforcement of orders entered under this Section when the court
22 in an enforcement proceeding has first found that the defendant
23 has willfully refused to pay. The Clerk of the Circuit Court
24 shall keep records and make reports to the court concerning
25 funds paid under this Section in whatever manner the court
26 directs.

1 (e) Whenever an order is entered under this Section for the
2 reimbursement of the State due to the appointment of the State
3 Appellate Defender as counsel on appeal, the order shall
4 provide that the Clerk of the Circuit Court shall retain all
5 funds paid pursuant to such order until the full amount of the
6 sum ordered to be paid by the defendant has been paid. When no
7 balance remains due on such order, the Clerk of the Circuit
8 Court shall inform the court of this fact and the court shall
9 promptly order the Clerk of the Circuit Court to pay to the
10 State Treasurer all of the sum paid.

11 (f) The Clerk of the Circuit Court shall retain all funds
12 under this Section paid for the reimbursement of the county,
13 and shall inform the court when no balance remains due on an
14 order entered hereunder. The Clerk of the Circuit Court shall
15 make payments of funds collected under this Section to the
16 County Treasurer in whatever manner and at whatever point as
17 the court may direct, including payments made on a monthly
18 basis during the term of representation.

19 (g) (Blank). ~~A defendant who fails to obey any order of~~
20 ~~court entered under this Section may be punished for contempt~~
21 ~~of court. Any arrearage in payments may be reduced to judgment~~
22 ~~in the court's discretion and collected by any means authorized~~
23 ~~for the collection of money judgments under the law of this~~
24 ~~State.~~

25 (Source: P.A. 88-394.)

1 Section 60. The Unified Code of Corrections is amended by
2 changing Sections 5-4.5-15, 5-4.5-25, 5-4.5-30, 5-4.5-35,
3 5-4.5-40, 5-4.5-45, 5-4.5-50, 5-4.5-70, 5-4.5-85, 5-4.5-95,
4 5-4.5-105, 5-9-1.1, 5-9-1.10, 5-9-1.17, and 5-9-3 as follows:

5 (730 ILCS 5/5-4.5-15)

6 Sec. 5-4.5-15. DISPOSITIONS.

7 (a) APPROPRIATE DISPOSITIONS. The following are
8 appropriate dispositions, alone or in combination, for all
9 felonies and misdemeanors other than as provided in Section
10 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the
11 statute defining the offense or elsewhere:

12 (1) A period of probation.

13 (2) A term of periodic imprisonment.

14 (3) A term of conditional discharge.

15 (4) A term of imprisonment.

16 (5) A fine.

17 (6) Restitution to the victim.

18 (7) Participation in an impact incarceration program.

19 (8) A term of imprisonment in combination with a term
20 of probation when the offender has been admitted into a
21 drug court program.

22 (9) If the defendant is convicted of arson, aggravated
23 arson, residential arson, or place of worship arson, an
24 order directing the offender to reimburse the local
25 emergency response department for the costs of responding

1 to the fire that the offender was convicted of setting in
2 accordance with the Emergency Services Response
3 Reimbursement for Criminal Convictions Act.

4 (b) FINE; RESTITUTION; ~~NOT SOLE DISPOSITION.~~ A ~~Neither a~~
5 fine or ~~nor~~ restitution may ~~shall~~ be the sole disposition for a
6 Class 4 felony, and either or both may be imposed ~~only~~ in
7 conjunction with another disposition.

8 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a
9 term of natural life is imposed, every sentence includes a term
10 in addition to the term of imprisonment. For those sentenced
11 under the law in effect before February 1, 1978, that term is a
12 parole term. For those sentenced on or after February 1, 1978,
13 that term is a mandatory supervised release term.

14 (Source: P.A. 95-1052, eff. 7-1-09; incorporates P.A. 96-400,
15 eff. 8-13-09; 96-1000, eff. 7-2-10.)

16 (730 ILCS 5/5-4.5-25)

17 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
18 felony:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of ~~not less than 6 years and~~ not more than
21 30 years. The sentence of imprisonment for an extended term
22 Class X felony, as provided in Section 5-8-2 (730 ILCS
23 5/5-8-2), shall be ~~not less than 30 years and~~ not more than 60
24 years.

25 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment

1 shall not be imposed.

2 (c) IMPACT INCARCERATION. The impact incarceration program
3 or the county impact incarceration program is not an authorized
4 disposition.

5 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
6 probation or conditional discharge shall not be imposed.

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning no credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
21 for rules and regulations for sentence credit.

22 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
23 5/5-8A-3) concerning eligibility for electronic home
24 detention.

25 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
26 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or

1 5/5-8-1), the parole or mandatory supervised release term shall
2 be 3 years upon release from imprisonment.

3 (Source: P.A. 97-697, eff. 6-22-12.)

4 (730 ILCS 5/5-4.5-30)

5 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
6 felony:

7 (a) TERM. The sentence of imprisonment, other than for
8 second degree murder, shall be a determinate sentence of ~~not~~
9 ~~less than 4 years and~~ not more than 15 years. The sentence of
10 imprisonment for second degree murder shall be a determinate
11 sentence of ~~not less than 4 years and~~ not more than 20 years.
12 The sentence of imprisonment for an extended term Class 1
13 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
14 be a term ~~not less than 15 years and~~ not more than 30 years.

15 (b) PERIODIC IMPRISONMENT. A sentence of periodic
16 imprisonment shall be for a definite term of from 3 to 4 years,
17 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
18 ILCS 5/5-5-3 or 5/5-7-1).

19 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
20 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
21 the impact incarceration program or the county impact
22 incarceration program.

23 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
24 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
25 period of probation or conditional discharge shall not exceed 4

1 years. The court shall specify the conditions of probation or
2 conditional discharge as set forth in Section 5-6-3 (730 ILCS
3 5/5-6-3). In no case shall an offender be eligible for a
4 disposition of probation or conditional discharge for a Class 1
5 felony committed while he or she was serving a term of
6 probation or conditional discharge for a felony.

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
21 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
22 (730 ILCS 130/) for rules and regulations for sentence credit.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as

1 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
2 5/5-8-1), the parole or mandatory supervised release term shall
3 be 2 years upon release from imprisonment.

4 (Source: P.A. 97-697, eff. 6-22-12.)

5 (730 ILCS 5/5-4.5-35)

6 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
7 felony:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of ~~not less than 3 years and~~ not more than
10 7 years. The sentence of imprisonment for an extended term
11 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
12 5/5-8-2), shall be a term ~~not less than 7 years and~~ not more
13 than 14 years.

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic
15 imprisonment shall be for a definite term of from 18 to 30
16 months, except as otherwise provided in Section 5-5-3 or 5-7-1
17 (730 ILCS 5/5-5-3 or 5/5-7-1).

18 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
19 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
20 the impact incarceration program or the county impact
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed 4
25 years. The court shall specify the conditions of probation or

1 conditional discharge as set forth in Section 5-6-3 (730 ILCS
2 5/5-6-3).

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term shall
25 be 2 years upon release from imprisonment.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-40)

2 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of ~~not less than 2 years and~~ not more than
6 5 years. The sentence of imprisonment for an extended term
7 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be a term ~~not less than 5 years and~~ not more
9 than 10 years.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 18 months,
12 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
13 ILCS 5/5-5-3 or 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
15 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
16 the impact incarceration program or the county impact
17 incarceration program.

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed
21 30 months. The court shall specify the conditions of probation
22 or conditional discharge as set forth in Section 5-6-3 (730
23 ILCS 5/5-6-3).

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
13 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
14 (730 ILCS 130/) for rules and regulations for sentence credit.

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
16 5/5-8A-3) concerning eligibility for electronic home
17 detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
20 5/5-8-1), the parole or mandatory supervised release term shall
21 be one year upon release from imprisonment.

22 (Source: P.A. 97-697, eff. 6-22-12.)

23 (730 ILCS 5/5-4.5-45)

24 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
25 felony:

1 (a) TERM. The sentence of imprisonment shall be a
2 determinate sentence of ~~not less than one year and~~ not more
3 than 3 years. The sentence of imprisonment for an extended term
4 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
5 5/5-8-2), shall be a term ~~not less than 3 years and~~ not more
6 than 6 years.

7 (b) PERIODIC IMPRISONMENT. A sentence of periodic
8 imprisonment shall be for a definite term of up to 18 months,
9 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
10 ILCS 5/5-5-3 or 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
12 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
13 the impact incarceration program or the county impact
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
17 period of probation or conditional discharge shall not exceed
18 30 months. The court shall specify the conditions of probation
19 or conditional discharge as set forth in Section 5-6-3 (730
20 ILCS 5/5-6-3).

21 (e) FINE. Fines may be imposed as provided in Section
22 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
9 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
10 (730 ILCS 130/) for rules and regulations for sentence credit.

11 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
12 5/5-8A-3) concerning eligibility for electronic home
13 detention.

14 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
15 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
16 5/5-8-1), the parole or mandatory supervised release term shall
17 be one year upon release from imprisonment.

18 (Source: P.A. 97-697, eff. 6-22-12.)

19 (730 ILCS 5/5-4.5-50)

20 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
21 as otherwise provided, for all felonies:

22 (a) NO SUPERVISION. The court, upon a plea of guilty or a
23 stipulation by the defendant of the facts supporting the charge
24 or a finding of guilt, may not defer further proceedings and
25 the imposition of a sentence and may not enter an order for

1 supervision of the defendant.

2 (b) FELONY FINES. An offender may be sentenced to pay a
3 fine not to exceed, for each offense, \$25,000 or the amount
4 specified in the offense, whichever is greater, or if the
5 offender is a corporation, \$50,000 or the amount specified in
6 the offense, whichever is greater. A fine may be imposed in
7 addition to a sentence of conditional discharge, probation,
8 periodic imprisonment, or imprisonment. See Article 9 of
9 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
10 additional amounts and determination of amounts and payment.
11 The court shall consider the offender's financial
12 circumstances and ability to pay before and after imprisonment
13 before assessing any fine.

14 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
15 each felony conviction shall set forth his or her reasons for
16 imposing the particular sentence entered in the case, as
17 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
18 include any mitigating or aggravating factors specified in this
19 Code, or the lack of any such factors, as well as any other
20 mitigating or aggravating factors that the judge sets forth on
21 the record that are consistent with the purposes and principles
22 of sentencing set out in this Code.

23 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
24 sentence may be made, or the court may reduce a sentence
25 without motion, within 30 days after the sentence is imposed. A
26 defendant's challenge to the correctness of a sentence or to

1 any aspect of the sentencing hearing shall be made by a written
2 motion filed with the circuit court clerk within 30 days
3 following the imposition of sentence. A motion not filed within
4 that 30-day period is not timely. The court may not increase a
5 sentence once it is imposed. A notice of motion must be filed
6 with the motion. The notice of motion shall set the motion on
7 the court's calendar on a date certain within a reasonable time
8 after the date of filing.

9 If a motion filed pursuant to this subsection is timely
10 filed, the proponent of the motion shall exercise due diligence
11 in seeking a determination on the motion and the court shall
12 thereafter decide the motion within a reasonable time.

13 If a motion filed pursuant to this subsection is timely
14 filed, then for purposes of perfecting an appeal, a final
15 judgment is not considered to have been entered until the
16 motion to reduce the sentence has been decided by order entered
17 by the trial court.

18 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
19 OTHER-STATE SENTENCE. A defendant who has a previous and
20 unexpired sentence of imprisonment imposed by another state or
21 by any district court of the United States and who, after
22 sentence for a crime in Illinois, must return to serve the
23 unexpired prior sentence may have his or her sentence by the
24 Illinois court ordered to be concurrent with the prior
25 other-state or federal sentence. The court may order that any
26 time served on the unexpired portion of the other-state or

1 federal sentence, prior to his or her return to Illinois, shall
2 be credited on his or her Illinois sentence. The appropriate
3 official of the other state or the United States shall be
4 furnished with a copy of the order imposing sentence, which
5 shall provide that, when the offender is released from
6 other-state or federal confinement, whether by parole or by
7 termination of sentence, the offender shall be transferred by
8 the Sheriff of the committing Illinois county to the Illinois
9 Department of Corrections. The court shall cause the Department
10 of Corrections to be notified of the sentence at the time of
11 commitment and to be provided with copies of all records
12 regarding the sentence.

13 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
14 defendant who has a previous and unexpired sentence of
15 imprisonment imposed by an Illinois circuit court for a crime
16 in this State and who is subsequently sentenced to a term of
17 imprisonment by another state or by any district court of the
18 United States and who has served a term of imprisonment imposed
19 by the other state or district court of the United States, and
20 must return to serve the unexpired prior sentence imposed by
21 the Illinois circuit court, may apply to the Illinois circuit
22 court that imposed sentence to have his or her sentence
23 reduced.

24 The circuit court may order that any time served on the
25 sentence imposed by the other state or district court of the
26 United States be credited on his or her Illinois sentence. The

1 application for reduction of a sentence under this subsection
2 shall be made within 30 days after the defendant has completed
3 the sentence imposed by the other state or district court of
4 the United States.

5 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
6 sentence or disposition that requires the defendant to be
7 implanted or injected with or to use any form of birth control.
8 (Source: P.A. 95-1052, eff. 7-1-09.)

9 (730 ILCS 5/5-4.5-70)

10 Sec. 5-4.5-70. SENTENCE PROVISIONS; ALL MISDEMEANORS.
11 Except as otherwise provided, for all misdemeanors:

12 (a) SUPERVISION; ORDER. The court, upon a plea of guilty or
13 a stipulation by the defendant of the facts supporting the
14 charge or a finding of guilt, may defer further proceedings and
15 the imposition of a sentence and may enter an order for
16 supervision of the defendant. If the defendant is not barred
17 from receiving an order for supervision under Section 5-6-1
18 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
19 for supervision after considering the circumstances of the
20 offense, and the history, character, and condition of the
21 offender, if the court is of the opinion that:

22 (1) the defendant is not likely to commit further
23 crimes;

24 (2) the defendant and the public would be best served
25 if the defendant were not to receive a criminal record; and

1 (3) in the best interests of justice, an order of
2 supervision is more appropriate than a sentence otherwise
3 permitted under this Code.

4 (b) SUPERVISION; PERIOD. When a defendant is placed on
5 supervision, the court shall enter an order for supervision
6 specifying the period of supervision, and shall defer further
7 proceedings in the case until the conclusion of the period. The
8 period of supervision shall be reasonable under all of the
9 circumstances of the case, and except as otherwise provided,
10 may not be longer than 2 years, unless the defendant has
11 knowingly or intentionally failed to pay the assessment
12 required by Section 10.3 of the Cannabis Control Act (720 ILCS
13 550/10.3), Section 411.2 of the Illinois Controlled Substances
14 Act (720 ILCS 570/411.2), or Section 80 of the Methamphetamine
15 Control and Community Protection Act (720 ILCS 646/80), in
16 which case the court may extend supervision beyond 2 years. The
17 court shall specify the conditions of supervision as set forth
18 in Section 5-6-3.1 (730 ILCS 5/5-6-3.1).

19 (c) NO REQUIRED BIRTH CONTROL. A court may not impose a
20 sentence or disposition that requires the defendant to be
21 implanted or injected with or to use any form of birth control.
22 (Source: P.A. 95-1052, eff. 7-1-09.)

23 (730 ILCS 5/5-4.5-85)

24 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

25 (a) FELONY. The particular classification of each felony is

1 specified in the law defining the felony. Any unclassified
2 offense that is declared by law to be a felony or that provides
3 a sentence to a term of imprisonment for one year or more is a
4 Class 4 felony.

5 (b) MISDEMEANOR. The particular classification of each
6 misdemeanor is specified in the law or ordinance defining the
7 misdemeanor.

8 (1) Any offense not so classified that provides a
9 sentence to a term of imprisonment of less than one year
10 ~~but in excess of 6 months~~ is a Class A misdemeanor.

11 (2) Any offense not so classified that provides a
12 sentence to a term of imprisonment of 6 months or less ~~but~~
13 ~~in excess of 30 days~~ is a Class B misdemeanor.

14 (3) Any offense not so classified that provides a
15 sentence to a term of imprisonment of 30 days or less is a
16 Class C misdemeanor.

17 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
18 that does not provide for a sentence of imprisonment is a petty
19 offense or a business offense.

20 (Source: P.A. 95-1052, eff. 7-1-09.)

21 (730 ILCS 5/5-4.5-95)

22 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any
25 state or federal court of an offense that contains the same

1 elements as an offense now (the date of the offense
2 committed after the 2 prior convictions) classified in
3 Illinois as a Class X felony, criminal sexual assault,
4 aggravated kidnapping, or first degree murder, and who is
5 thereafter convicted of a Class X felony, criminal sexual
6 assault, or first degree murder, committed after the 2
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the
9 same offense.

10 (3) Any convictions that result from or are connected
11 with the same transaction, or result from offenses
12 committed at the same time, shall be counted for the
13 purposes of this Section as one conviction.

14 (4) This Section does not apply unless each of the
15 following requirements are satisfied:

16 (A) The third offense was committed after July 3,
17 1980.

18 (B) The third offense was committed within 20 years
19 of the date that judgment was entered on the first
20 conviction; provided, however, that time spent in
21 custody shall not be counted.

22 (C) The third offense was committed after
23 conviction on the second offense.

24 (D) The second offense was committed after
25 conviction on the first offense.

26 (5) Anyone who, having attained the age of 18 at the

1 time of the third offense, is adjudged an habitual criminal
2 shall be sentenced to a term of natural life imprisonment.

3 (6) A prior conviction shall not be alleged in the
4 indictment, and no evidence or other disclosure of that
5 conviction shall be presented to the court or the jury
6 during the trial of an offense set forth in this Section
7 unless otherwise permitted by the issues properly raised in
8 that trial. After a plea or verdict or finding of guilty
9 and before sentence is imposed, the prosecutor may file
10 with the court a verified written statement signed by the
11 State's Attorney concerning any former conviction of an
12 offense set forth in this Section rendered against the
13 defendant. The court shall then cause the defendant to be
14 brought before it; shall inform the defendant of the
15 allegations of the statement so filed, and of his or her
16 right to a hearing before the court on the issue of that
17 former conviction and of his or her right to counsel at
18 that hearing; and unless the defendant admits such
19 conviction, shall hear and determine the issue, and shall
20 make a written finding thereon. If a sentence has
21 previously been imposed, the court may vacate that sentence
22 and impose a new sentence in accordance with this Section.

23 (7) A duly authenticated copy of the record of any
24 alleged former conviction of an offense set forth in this
25 Section shall be prima facie evidence of that former
26 conviction; and a duly authenticated copy of the record of

1 the defendant's final release or discharge from probation
2 granted, or from sentence and parole supervision (if any)
3 imposed pursuant to that former conviction, shall be prima
4 facie evidence of that release or discharge.

5 (8) Any claim that a previous conviction offered by the
6 prosecution is not a former conviction of an offense set
7 forth in this Section because of the existence of any
8 exceptions described in this Section, is waived unless duly
9 raised at the hearing on that conviction, or unless the
10 prosecution's proof shows the existence of the exceptions
11 described in this Section.

12 (9) If the person so convicted shows to the
13 satisfaction of the court before whom that conviction was
14 had that he or she was released from imprisonment, upon
15 either of the sentences upon a pardon granted for the
16 reason that he or she was innocent, that conviction and
17 sentence shall not be considered under this Section.

18 (b) (Blank). ~~When a defendant, over the age of 21 years, is~~
19 ~~convicted of a Class 1 or Class 2 felony, after having twice~~
20 ~~been convicted in any state or federal court of an offense that~~
21 ~~contains the same elements as an offense now (the date the~~
22 ~~Class 1 or Class 2 felony was committed) classified in Illinois~~
23 ~~as a Class 2 or greater Class felony and those charges are~~
24 ~~separately brought and tried and arise out of different series~~
25 ~~of acts, that defendant shall be sentenced as a Class X~~
26 ~~offender. This subsection does not apply unless:~~

1 ~~(1) the first felony was committed after February 1,~~
2 ~~1978 (the effective date of Public Act 80-1099);~~

3 ~~(2) the second felony was committed after conviction on~~
4 ~~the first; and~~

5 ~~(3) the third felony was committed after conviction on~~
6 ~~the second.~~

7 ~~A person sentenced as a Class X offender under this~~
8 ~~subsection (b) is not eligible to apply for treatment as a~~
9 ~~condition of probation as provided by Section 40-10 of the~~
10 ~~Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS~~
11 ~~301/40-10).~~

12 (Source: P.A. 99-69, eff. 1-1-16.)

13 (730 ILCS 5/5-4.5-105)

14 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
15 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

16 (a) On or after the effective date of this amendatory Act
17 of the 99th General Assembly, when a person commits an offense
18 and the person is under 18 years of age at the time of the
19 commission of the offense, the court, at the sentencing hearing
20 conducted under Section 5-4-1, shall consider the following
21 additional factors in mitigation in determining the
22 appropriate sentence:

23 (1) the person's age, impetuosity, and level of
24 maturity at the time of the offense, including the ability
25 to consider risks and consequences of behavior, and the

1 presence of cognitive or developmental disability, or
2 both, if any;

3 (2) whether the person was subjected to outside
4 pressure, including peer pressure, familial pressure, or
5 negative influences;

6 (3) the person's family, home environment, educational
7 and social background, including any history of parental
8 neglect, physical abuse, or other childhood trauma;

9 (4) the person's potential for rehabilitation or
10 evidence of rehabilitation, or both;

11 (5) the circumstances of the offense;

12 (6) the person's degree of participation and specific
13 role in the offense, including the level of planning by the
14 defendant before the offense;

15 (7) whether the person was able to meaningfully
16 participate in his or her defense;

17 (8) the person's prior juvenile or criminal history;
18 and

19 (9) any other information the court finds relevant and
20 reliable, including an expression of remorse, if
21 appropriate. However, if the person, on advice of counsel
22 chooses not to make a statement, the court shall not
23 consider a lack of an expression of remorse as an
24 aggravating factor.

25 (b) Except as provided in subsection (c), the court may
26 sentence the defendant to any disposition authorized for the

1 class of the offense of which he or she was found guilty as
2 described in Article 4.5 of this Code, and may, in its
3 discretion, decline to impose any otherwise applicable
4 sentencing enhancement based upon firearm possession,
5 possession with personal discharge, or possession with
6 personal discharge that proximately causes great bodily harm,
7 permanent disability, permanent disfigurement, or death to
8 another person.

9 (c) Notwithstanding any other provision of law, if the
10 defendant is convicted of first degree murder and would
11 otherwise be subject to sentencing under clause (iii), (iv),
12 (v), or (vii) of subsection (c) of Section 5-8-1 of this Code
13 based on the category of persons identified therein, the court
14 shall impose a sentence of not less than 20 ~~40~~ years of
15 imprisonment. In addition, the court may, in its discretion,
16 decline to impose the sentencing enhancements based upon the
17 possession or use of a firearm during the commission of the
18 offense included in subsection (d) of Section 5-8-1.

19 (Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16.)

20 (730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

21 (Text of Section from P.A. 94-550, 96-132, 96-402, 96-1234,
22 97-545, 98-537, and 99-480)

23 Sec. 5-9-1.1. Drug related offenses.

24 (a) When a person has been adjudged guilty of a drug
25 related offense involving possession or delivery of cannabis or

1 possession or delivery of a controlled substance, other than
2 methamphetamine, as defined in the Cannabis Control Act, as
3 amended, or the Illinois Controlled Substances Act, as amended,
4 in addition to any other penalty imposed, a fine shall be
5 levied by the court at not less than the full street value of
6 the cannabis or controlled substances seized for felony
7 offenses.

8 "Street value" shall be determined by the court on the
9 basis of testimony of law enforcement personnel and the
10 defendant as to the amount seized and such testimony as may be
11 required by the court as to the current street value of the
12 cannabis or controlled substance seized.

13 (b) In addition to any penalty imposed under subsection (a)
14 of this Section, a fine of \$100 shall be levied by the court on
15 felony offenders, the proceeds of which shall be collected by
16 the Circuit Clerk and remitted to the State Treasurer under
17 Section 27.6 of the Clerks of Courts Act for deposit into the
18 Trauma Center Fund for distribution as provided under Section
19 3.225 of the Emergency Medical Services (EMS) Systems Act.

20 (c) In addition to any penalty imposed under subsection (a)
21 of this Section, a fee of \$5 shall be assessed by the court on
22 felony offenders, the proceeds of which shall be collected by
23 the Circuit Clerk and remitted to the State Treasurer under
24 Section 27.6 of the Clerks of Courts Act for deposit into the
25 Spinal Cord Injury Paralysis Cure Research Trust Fund. This
26 additional fee of \$5 shall not be considered a part of the fine

1 for purposes of any reduction in the fine for time served
2 either before or after sentencing.

3 (d) In addition to any penalty imposed under subsection (a)
4 of this Section for a drug related offense involving felony
5 ~~possession or delivery of cannabis or~~ possession or delivery of
6 a controlled substance as defined in ~~the Cannabis Control Act,~~
7 the Illinois Controlled Substances Act, or the Methamphetamine
8 Control and Community Protection Act, a fee of \$50 shall be
9 assessed by the court, the proceeds of which shall be collected
10 by the Circuit Clerk and remitted to the State Treasurer under
11 Section 27.6 of the Clerks of Courts Act for deposit into the
12 Performance-enhancing Substance Testing Fund. This additional
13 fee of \$50 shall not be considered a part of the fine for
14 purposes of any reduction in the fine for time served either
15 before or after sentencing. The provisions of this subsection
16 (d), other than this sentence, are inoperative after June 30,
17 2011.

18 (e) In addition to any penalty imposed under subsection (a)
19 of this Section, a \$25 assessment shall be assessed by the
20 court on felony offenders, the proceeds of which shall be
21 collected by the Circuit Clerk and remitted to the State
22 Treasurer for deposit into the Criminal Justice Information
23 Projects Fund. The moneys deposited into the Criminal Justice
24 Information Projects Fund under this Section shall be
25 appropriated to and administered by the Illinois Criminal
26 Justice Information Authority for funding of drug task forces

1 and Metropolitan Enforcement Groups.

2 (f) In addition to any penalty imposed under subsection (a)
3 of this Section, a \$40 assessment shall be assessed by the
4 court on felony offenders, the proceeds of which shall be
5 collected by the Circuit Clerk. Of the collected proceeds, (i)
6 90% shall be remitted to the State Treasurer for deposit into
7 the Prescription Pill and Drug Disposal Fund; (ii) 5% shall be
8 remitted for deposit into the Criminal Justice Information
9 Projects Fund, for use by the Illinois Criminal Justice
10 Information Authority for the costs associated with making
11 grants from the Prescription Pill and Drug Disposal Fund; and
12 (iii) the Circuit Clerk shall retain 5% for deposit into the
13 Circuit Court Clerk Operation and Administrative Fund for the
14 costs associated with administering this subsection.

15 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

16 (Text of Section from P.A. 94-556, 96-132, 96-402, 96-1234,
17 97-545, 98-537, and 99-480)

18 Sec. 5-9-1.1. Drug related offenses.

19 (a) When a person has been adjudged guilty of a drug
20 related offense involving possession or delivery of cannabis or
21 possession or delivery of a controlled substance as defined in
22 the Cannabis Control Act, the Illinois Controlled Substances
23 Act, or the Methamphetamine Control and Community Protection
24 Act, in addition to any other penalty imposed, a fine shall be
25 levied by the court at not less than the full street value of

1 the cannabis or controlled substances seized for felony
2 offenses.

3 "Street value" shall be determined by the court on the
4 basis of testimony of law enforcement personnel and the
5 defendant as to the amount seized and such testimony as may be
6 required by the court as to the current street value of the
7 cannabis or controlled substance seized.

8 (b) In addition to any penalty imposed under subsection (a)
9 of this Section, a fine of \$100 shall be levied by the court on
10 felony offenders, the proceeds of which shall be collected by
11 the Circuit Clerk and remitted to the State Treasurer under
12 Section 27.6 of the Clerks of Courts Act for deposit into the
13 Trauma Center Fund for distribution as provided under Section
14 3.225 of the Emergency Medical Services (EMS) Systems Act.

15 (c) In addition to any penalty imposed under subsection (a)
16 of this Section, a fee of \$5 shall be assessed by the court on
17 felony offenders, the proceeds of which shall be collected by
18 the Circuit Clerk and remitted to the State Treasurer under
19 Section 27.6 of the Clerks of Courts Act for deposit into the
20 Spinal Cord Injury Paralysis Cure Research Trust Fund. This
21 additional fee of \$5 shall not be considered a part of the fine
22 for purposes of any reduction in the fine for time served
23 either before or after sentencing.

24 (d) In addition to any penalty imposed under subsection (a)
25 of this Section for a drug related offense involving felony
26 ~~possession or delivery of cannabis or~~ possession or delivery of

1 a controlled substance as defined in ~~the Cannabis Control Act,~~
2 the Illinois Controlled Substances Act, or the Methamphetamine
3 Control and Community Protection Act, a fee of \$50 shall be
4 assessed by the court, the proceeds of which shall be collected
5 by the Circuit Clerk and remitted to the State Treasurer under
6 Section 27.6 of the Clerks of Courts Act for deposit into the
7 Performance-enhancing Substance Testing Fund. This additional
8 fee of \$50 shall not be considered a part of the fine for
9 purposes of any reduction in the fine for time served either
10 before or after sentencing. The provisions of this subsection
11 (d), other than this sentence, are inoperative after June 30,
12 2011.

13 (e) In addition to any penalty imposed under subsection (a)
14 of this Section, a \$25 assessment shall be assessed by the
15 court on felony offenders, the proceeds of which shall be
16 collected by the Circuit Clerk and remitted to the State
17 Treasurer for deposit into the Criminal Justice Information
18 Projects Fund. The moneys deposited into the Criminal Justice
19 Information Projects Fund under this Section shall be
20 appropriated to and administered by the Illinois Criminal
21 Justice Information Authority for funding of drug task forces
22 and Metropolitan Enforcement Groups.

23 (f) In addition to any penalty imposed under subsection (a)
24 of this Section, a \$40 assessment shall be assessed by the
25 court on felony offenders, the proceeds of which shall be
26 collected by the Circuit Clerk. Of the collected proceeds, (i)

1 90% shall be remitted to the State Treasurer for deposit into
2 the Prescription Pill and Drug Disposal Fund; (ii) 5% shall be
3 remitted for deposit into the Criminal Justice Information
4 Projects Fund, for use by the Illinois Criminal Justice
5 Information Authority for the costs associated with making
6 grants from the Prescription Pill and Drug Disposal Fund; and
7 (iii) the Circuit Clerk shall retain 5% for deposit into the
8 Circuit Court Clerk Operation and Administrative Fund for the
9 costs associated with administering this subsection.

10 (Source: P.A. 98-537, eff. 8-23-13; 99-480, eff. 9-9-15.)

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

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

1 each year the circuit clerk shall submit a report of the amount
2 of funds remitted to the State Treasurer under this Section
3 during the preceding calendar year. All moneys collected by the
4 circuit clerk and remitted to the State Treasurer under Section
5 27.6 of the Clerks of Courts Act shall be deposited into the
6 Trauma Center Fund for distribution as provided under Section
7 3.225 of the Emergency Medical Services (EMS) Systems Act.

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

9 (730 ILCS 5/5-9-1.17)

10 Sec. 5-9-1.17. Additional fine to fund expungement of
11 juvenile records.

12 (a) There shall be added to every penalty imposed in
13 sentencing for a criminal offense an additional fine of \$30 to
14 be imposed upon a plea of guilty or finding of guilty resulting
15 in a judgment of conviction, only after the court considers the
16 financial resources of the offender and the offender's future
17 ability to pay the fine.

18 (b) Ten dollars of each such additional fine shall be
19 remitted to the State Treasurer for deposit into the State
20 Police Services Fund to be used to implement the expungement of
21 juvenile records as provided in Section 5-622 of the Juvenile
22 Court Act of 1987, \$10 shall be paid to the State's Attorney's
23 Office that prosecuted the criminal offense, and \$10 shall be
24 retained by the Circuit Clerk for administrative costs
25 associated with the expungement of juvenile records and shall

1 be deposited into the Circuit Court Clerk Operation and
2 Administrative Fund.

3 (Source: P.A. 96-707, eff. 1-1-10; 96-1000, eff. 7-2-10.)

4 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

5 Sec. 5-9-3. Default.

6 (a) An offender who defaults in the payment of a fine or
7 any installment of that fine may be held in contempt and
8 imprisoned for nonpayment only upon the showing that the
9 offender's default was due to his or her intentional refusal to
10 pay or failure on his or her part to make a good faith effort to
11 pay. The court may issue a summons for his appearance or a
12 warrant of arrest.

13 (b) Unless the offender shows that his default was not due
14 to his intentional refusal to pay, or not due to a failure on
15 his part to make a good faith effort to pay, the court may
16 order the offender imprisoned for a term not to exceed 2 ~~6~~
17 months if the fine was for a felony, or 15 ~~30~~ days if the fine
18 was for a misdemeanor, a petty offense or a business offense.
19 Payment of the fine at any time will entitle the offender to be
20 released, but imprisonment under this Section shall not satisfy
21 the payment of the fine.

22 (c) If it appears that the default in the payment of a fine
23 is not intentional under paragraph (b) of this Section, the
24 court may enter an order allowing the offender additional time
25 for payment, reducing the amount of the fine or of each

1 installment, or revoking the fine or the unpaid portion. The
2 court shall consider the offender's financial circumstances
3 and future ability to pay a fine by assessing the offender's
4 assets, employability, and related income when requiring
5 payment under this subsection (c). No fee shall be so great
6 that the offender is not able to care for the basic needs of
7 her or his family or results in the offender applying for
8 public aid.

9 (d) When a fine is imposed on a corporation or
10 unincorporated organization or association, it is the duty of
11 the person or persons authorized to make disbursement of
12 assets, and their superiors, to pay the fine from assets of the
13 corporation or unincorporated organization or association. The
14 failure of such persons to do so shall render them subject to
15 proceedings under paragraphs (a) and (b) of this Section.

16 (e) A default in the payment of a fine, fee, cost, order of
17 restitution, judgment of bond forfeiture, judgment order of
18 forfeiture, or any installment thereof may be collected by any
19 and all means authorized for the collection of money judgments
20 provided the offender has the assets or income to pay as
21 determined by the court. Upon receipt of the results of the
22 court's consideration of the offenders financial
23 circumstances, the ~~The~~ State's Attorney of the county in which
24 the fine, fee, cost, order of restitution, judgment of bond
25 forfeiture, or judgment order of forfeiture was imposed may
26 retain attorneys and private collection agents for the purpose

1 of collecting any default in payment of any fine, fee, cost,
2 order of restitution, judgment of bond forfeiture, judgment
3 order of forfeiture, or installment thereof. An additional fee
4 of 30% of the delinquent amount and each taxable court cost
5 including, without limitation, costs of service of process,
6 shall be charged to the offender for any amount of the fine,
7 fee, cost, restitution, or judgment of bond forfeiture or
8 installment of the fine, fee, cost, restitution, or judgment of
9 bond forfeiture that remains unpaid after the time fixed for
10 payment of the fine, fee, cost, restitution, or judgment of
11 bond forfeiture by the court. The additional fee shall be
12 payable to the State's Attorney in order to compensate the
13 State's Attorney for costs incurred in collecting the
14 delinquent amount. The State's Attorney may enter into
15 agreements assigning any portion of the fee to the retained
16 attorneys or the private collection agent retained by the
17 State's Attorney. Any agreement between the State's Attorney
18 and the retained attorneys or collection agents shall require
19 the approval of the Circuit Clerk of that county. A default in
20 payment of a fine, fee, cost, restitution, or judgment of bond
21 forfeiture shall draw interest at the rate of 9% per annum. The
22 private collection agent retained by the State's Attorney shall
23 not be given any of the additional fees or interest due under
24 this subsection (e).

25 (Source: P.A. 98-373, eff. 1-1-14.)

1 Section 98. Applicability. This amendatory Act of the 99th
2 General Assembly applies to offenses committed before its
3 effective date of this amendatory Act, and to offenses
4 committed on or after its effective date.

5 A person currently serving a sentence for a conviction,
6 whether by trial or plea, of a felony or felonies who would
7 have been guilty of a misdemeanor or lesser felony
8 classification under this amendatory Act had the amendatory Act
9 been in effect at the time of the offense may petition the
10 trial court that entered the judgment of conviction in his or
11 her case to request resentencing in accordance with the
12 Sections that have been amended by this amendatory Act. A
13 person who is resentenced shall be given credit for time
14 served. Under no circumstances may resentencing result in the
15 imposition of a term longer than the original sentence.

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