



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6631

by Rep. Jehan Gordon-Booth

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Criminal Justice Information Act. Provides that the Illinois Criminal Justice Information Authority shall conduct strategic planning and provide technical assistance to implement comprehensive trauma recovery services for violent crime victims in underserved communities with high-levels of violent crime, with the goal of providing a safe, community-based, culturally competent environment in which to access services necessary to facilitate recovery from the effects of chronic and repeat exposure to trauma. Provides that services may include, but are not limited to, behavioral health treatment, financial recovery, family support and relocation assistance, and support in navigating the legal system. Amends the Unified Code of Corrections. Changes sentence credit for good conduct in specific instances to earned sentence credit for good conduct in specific instances as the Director of Corrections deems proper. Provides that the program credit is not available to sex offenders. Deletes provisions that an offender may not receive probation, periodic imprisonment, or conditional discharge for certain drug offenses, or for Class 2 felony offenses that are not sex offenses or deadly weapon offenses if the offender has received a sentence for a Class 2 felony and has previously been convicted of a Class 2 or greater felony.

LRB099 24310 RLC 52060 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law, which may be referred to as
2 the Neighborhood Safety Act.

3 WHEREAS, Victims experience chronic and repeat trauma and
4 often lack adequate support in recovering from crime; and

5 WHEREAS, Best practices in criminal justice indicate
6 incentives and discretion work better than mandates; therefore

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

9 Section 5. The Illinois Criminal Justice Information Act is
10 amended by changing Section 7 as follows:

11 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

12 Sec. 7. Powers and Duties. The Authority shall have the
13 following powers, duties and responsibilities:

14 (a) To develop and operate comprehensive information
15 systems for the improvement and coordination of all aspects
16 of law enforcement, prosecution and corrections;

17 (b) To define, develop, evaluate and correlate State
18 and local programs and projects associated with the
19 improvement of law enforcement and the administration of
20 criminal justice;

21 (c) To act as a central repository and clearing house

1 for federal, state and local research studies, plans,
2 projects, proposals and other information relating to all
3 aspects of criminal justice system improvement and to
4 encourage educational programs for citizen support of
5 State and local efforts to make such improvements;

6 (d) To undertake research studies to aid in
7 accomplishing its purposes;

8 (e) To monitor the operation of existing criminal
9 justice information systems in order to protect the
10 constitutional rights and privacy of individuals about
11 whom criminal history record information has been
12 collected;

13 (f) To provide an effective administrative forum for
14 the protection of the rights of individuals concerning
15 criminal history record information;

16 (g) To issue regulations, guidelines and procedures
17 which ensure the privacy and security of criminal history
18 record information consistent with State and federal laws;

19 (h) To act as the sole administrative appeal body in
20 the State of Illinois to conduct hearings and make final
21 determinations concerning individual challenges to the
22 completeness and accuracy of criminal history record
23 information;

24 (i) To act as the sole, official, criminal justice body
25 in the State of Illinois to conduct annual and periodic
26 audits of the procedures, policies, and practices of the

1 State central repositories for criminal history record
2 information to verify compliance with federal and state
3 laws and regulations governing such information;

4 (j) To advise the Authority's Statistical Analysis
5 Center;

6 (k) To apply for, receive, establish priorities for,
7 allocate, disburse and spend grants of funds that are made
8 available by and received on or after January 1, 1983 from
9 private sources or from the United States pursuant to the
10 federal Crime Control Act of 1973, as amended, and similar
11 federal legislation, and to enter into agreements with the
12 United States government to further the purposes of this
13 Act, or as may be required as a condition of obtaining
14 federal funds;

15 (l) To receive, expend and account for such funds of
16 the State of Illinois as may be made available to further
17 the purposes of this Act;

18 (m) To enter into contracts and to cooperate with units
19 of general local government or combinations of such units,
20 State agencies, and criminal justice system agencies of
21 other states for the purpose of carrying out the duties of
22 the Authority imposed by this Act or by the federal Crime
23 Control Act of 1973, as amended;

24 (n) To enter into contracts and cooperate with units of
25 general local government outside of Illinois, other
26 states' agencies, and private organizations outside of

1 Illinois to provide computer software or design that has
2 been developed for the Illinois criminal justice system, or
3 to participate in the cooperative development or design of
4 new software or systems to be used by the Illinois criminal
5 justice system. Revenues received as a result of such
6 arrangements shall be deposited in the Criminal Justice
7 Information Systems Trust Fund; -

8 (o) To establish general policies concerning criminal
9 justice information systems and to promulgate such rules,
10 regulations and procedures as are necessary to the
11 operation of the Authority and to the uniform consideration
12 of appeals and audits;

13 (p) To advise and to make recommendations to the
14 Governor and the General Assembly on policies relating to
15 criminal justice information systems;

16 (q) To direct all other agencies under the jurisdiction
17 of the Governor to provide whatever assistance and
18 information the Authority may lawfully require to carry out
19 its functions;

20 (r) To exercise any other powers that are reasonable
21 and necessary to fulfill the responsibilities of the
22 Authority under this Act and to comply with the
23 requirements of applicable federal law or regulation;

24 (s) To exercise the rights, powers and duties which
25 have been vested in the Authority by the "Illinois Uniform
26 Conviction Information Act", enacted by the 85th General

1 Assembly, as hereafter amended;

2 (t) To exercise the rights, powers and duties which
3 have been vested in the Authority by the Illinois Motor
4 Vehicle Theft Prevention Act;

5 (u) To exercise the rights, powers, and duties vested
6 in the Authority by the Illinois Public Safety Agency
7 Network Act; ~~and~~

8 (v) To provide technical assistance in the form of
9 training to local governmental entities within Illinois
10 requesting such assistance for the purposes of procuring
11 grants for gang intervention and gang prevention programs
12 or other criminal justice programs from the United States
13 Department of Justice; and -

14 (w) To conduct strategic planning and provide
15 technical assistance to implement comprehensive trauma
16 recovery services for violent crime victims in underserved
17 communities with high-levels of violent crime, with the
18 goal of providing a safe, community-based, culturally
19 competent environment in which to access services
20 necessary to facilitate recovery from the effects of
21 chronic and repeat exposure to trauma. Services may
22 include, but are not limited to, behavioral health
23 treatment, financial recovery, family support and
24 relocation assistance, and support in navigating the legal
25 system.

26 The requirement for reporting to the General Assembly shall

1 be satisfied by filing copies of the report with the Speaker,
2 the Minority Leader and the Clerk of the House of
3 Representatives and the President, the Minority Leader and the
4 Secretary of the Senate and the Legislative Research Unit, as
5 required by Section 3.1 of "An Act to revise the law in
6 relation to the General Assembly", approved February 25, 1874,
7 as amended, and filing such additional copies with the State
8 Government Report Distribution Center for the General Assembly
9 as is required under paragraph (t) of Section 7 of the State
10 Library Act.

11 (Source: P.A. 97-435, eff. 1-1-12.)

12 Section 10. The Unified Code of Corrections is amended by
13 changing Sections 3-6-3, 5-4-1, and 5-5-3 as follows:

14 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

15 Sec. 3-6-3. Rules and regulations for sentence credit.

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

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

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

1 (B) compliance with the rules and regulations of the
2 Department; or

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

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

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

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

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

1 sentence of imprisonment;

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

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

1 than 7.5 days sentence credit for each month of his or her
2 sentence of imprisonment;

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

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

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
14 June 23, 2005 (the effective date of Public Act 94-71) or
15 subdivision (a)(2)(v) committed on or after August 13, 2007
16 (the effective date of Public Act 95-134) or subdivision
17 (a)(2)(vi) committed on or after June 1, 2008 (the effective
18 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
19 on or after July 23, 2010 (the effective date of Public Act
20 96-1224), and other than the offense of aggravated driving
21 under the influence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination thereof
23 as defined in subparagraph (F) of paragraph (1) of subsection
24 (d) of Section 11-501 of the Illinois Vehicle Code, and other
25 than the offense of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

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

11 (2.2) A prisoner serving a term of natural life
12 imprisonment or a prisoner who has been sentenced to death
13 shall receive no sentence credit.

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

22 (2.4) The rules and regulations on sentence credit shall
23 provide with respect to the offenses of aggravated battery with
24 a machine gun or a firearm equipped with any device or
25 attachment designed or used for silencing the report of a
26 firearm or aggravated discharge of a machine gun or a firearm

1 equipped with any device or attachment designed or used for
2 silencing the report of a firearm, committed on or after July
3 15, 1999 (the effective date of Public Act 91-121), that a
4 prisoner serving a sentence for any of these offenses shall
5 receive no more than 4.5 days of sentence credit for each month
6 of his or her sentence of imprisonment.

7 (2.5) The rules and regulations on sentence credit shall
8 provide that a prisoner who is serving a sentence for
9 aggravated arson committed on or after July 27, 2001 (the
10 effective date of Public Act 92-176) shall receive no more than
11 4.5 days of sentence credit for each month of his or her
12 sentence of imprisonment.

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

23 (3) The rules and regulations shall also provide that the
24 Director may award up to 180 days of earned ~~additional~~ sentence
25 credit for good conduct in specific instances as the Director
26 deems proper. The good conduct may include, but is not limited

1 to, compliance with the rules and regulations of the
2 Department, service to the Department, service to a community,
3 or service to the State. ~~However, the Director shall not award~~
4 ~~more than 90 days of sentence credit for good conduct to any~~
5 ~~prisoner who is serving a sentence for conviction of first~~
6 ~~degree murder, reckless homicide while under the influence of~~
7 ~~alcohol or any other drug, or aggravated driving under the~~
8 ~~influence of alcohol, other drug or drugs, or intoxicating~~
9 ~~compound or compounds, or any combination thereof as defined in~~
10 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
11 ~~11-501 of the Illinois Vehicle Code, aggravated kidnapping,~~
12 ~~kidnapping, predatory criminal sexual assault of a child,~~
13 ~~aggravated criminal sexual assault, criminal sexual assault,~~
14 ~~deviate sexual assault, aggravated criminal sexual abuse,~~
15 ~~aggravated indecent liberties with a child, indecent liberties~~
16 ~~with a child, child pornography, heinous battery as described~~
17 ~~in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,~~
18 ~~aggravated battery of a spouse, aggravated battery of a spouse~~
19 ~~with a firearm, stalking, aggravated stalking, aggravated~~
20 ~~battery of a child as described in Section 12-4.3 or~~
21 ~~subdivision (b)(1) of Section 12-3.05, endangering the life or~~
22 ~~health of a child, or cruelty to a child. Notwithstanding the~~
23 ~~foregoing, sentence credit for good conduct shall not be~~
24 ~~awarded on a sentence of imprisonment imposed for conviction~~
25 ~~of: (i) one of the offenses enumerated in subdivision~~
26 ~~(a)(2)(i), (ii), or (iii) when the offense is committed on or~~

1 ~~after June 19, 1998 or subdivision (a) (2) (iv) when the offense~~
2 ~~is committed on or after June 23, 2005 (the effective date of~~
3 ~~Public Act 94-71) or subdivision (a) (2) (v) when the offense is~~
4 ~~committed on or after August 13, 2007 (the effective date of~~
5 ~~Public Act 95-134) or subdivision (a) (2) (vi) when the offense~~
6 ~~is committed on or after June 1, 2008 (the effective date of~~
7 ~~Public Act 95-625) or subdivision (a) (2) (vii) when the offense~~
8 ~~is committed on or after July 23, 2010 (the effective date of~~
9 ~~Public Act 96-1224), (ii) aggravated driving under the~~
10 ~~influence of alcohol, other drug or drugs, or intoxicating~~
11 ~~compound or compounds, or any combination thereof as defined in~~
12 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
13 ~~11-501 of the Illinois Vehicle Code, (iii) one of the offenses~~
14 ~~enumerated in subdivision (a) (2.4) when the offense is~~
15 ~~committed on or after July 15, 1999 (the effective date of~~
16 ~~Public Act 91-121), (iv) aggravated arson when the offense is~~
17 ~~committed on or after July 27, 2001 (the effective date of~~
18 ~~Public Act 92-176), (v) offenses that may subject the offender~~
19 ~~to commitment under the Sexually Violent Persons Commitment~~
20 ~~Act, or (vi) aggravated driving under the influence of alcohol,~~
21 ~~other drug or drugs, or intoxicating compound or compounds or~~
22 ~~any combination thereof as defined in subparagraph (C) of~~
23 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
24 ~~Illinois Vehicle Code committed on or after January 1, 2011~~
25 ~~(the effective date of Public Act 96-1230).~~

26 Eligible inmates for an award of earned sentence credit

1 under this paragraph (3) may be selected to receive the credit
2 at the Director's or his or her designee's sole discretion.
3 Eligibility for the additional earned sentence credit under
4 this paragraph (3) shall be based on, but is not limited to,
5 the results of any available risk/needs assessment or other
6 relevant assessments or evaluations administered by the
7 Department using a validated instrument, the circumstances of
8 the crime, any history of conviction for a forcible felony
9 enumerated in Section 2-8 of the Criminal Code of 2012, the
10 inmate's behavior and disciplinary history while incarcerated,
11 and the inmate's commitment to rehabilitation, including
12 participation in programming offered by the Department.
13 ~~Consideration may be based on, but not limited to, any~~
14 ~~available risk assessment analysis on the inmate, any history~~
15 ~~of conviction for violent crimes as defined by the Rights of~~
16 ~~Crime Victims and Witnesses Act, facts and circumstances of the~~
17 ~~inmate's holding offense or offenses, and the potential for~~
18 ~~rehabilitation.~~

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

26 (A) is eligible for the earned sentence credit;

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

3 (B-1) has received a risk/needs assessment or other
4 relevant evaluation or assessment administered by the
5 Department using a validated instrument; and

6 (C) has met the eligibility criteria established by
7 rule for earned sentence credit.

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

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

16 (A) the number of inmates awarded earned sentence
17 credit ~~for good conduct~~;

18 (B) the average amount of earned sentence credit ~~for~~
19 ~~good conduct~~ awarded;

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

22 (D) the number of earned sentence credit ~~for good~~
23 ~~conduct~~ revocations.

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

1 periods of time in which such inmate is engaged full-time in
2 substance abuse programs, correctional industry assignments,
3 educational programs, behavior modification programs, life
4 skills courses, or re-entry planning provided by the Department
5 under this paragraph (4) and satisfactorily completes the
6 assigned program as determined by the standards of the
7 Department, shall be multiplied by a factor of 1.25 for program
8 participation before August 11, 1993 and 1.50 for program
9 participation on or after that date. The rules and regulations
10 shall also provide that sentence credit, subject to the same
11 offense limits and multiplier provided in this paragraph, may
12 be provided to an inmate who was held in pre-trial detention
13 prior to his or her current commitment to the Department of
14 Corrections and successfully completed a full-time, 60-day or
15 longer substance abuse program, educational program, behavior
16 modification program, life skills course, or re-entry planning
17 provided by the county department of corrections or county
18 jail. Calculation of this county program credit shall be done
19 at sentencing as provided in Section 5-4.5-100 of this Code and
20 shall be included in the sentencing order. However, no inmate
21 shall be eligible for the additional sentence credit under this
22 paragraph (4) or (4.1) of this subsection (a) while assigned to
23 a boot camp or electronic detention, or if convicted of an
24 offense under Article 11 or Section 12-13, 12-14, 12-14.1,
25 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, or if convicted of an offense enumerated in

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

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

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

21 Availability of these programs shall be subject to the
22 limits of fiscal resources appropriated by the General Assembly
23 for these purposes. Eligible inmates who are denied immediate
24 admission shall be placed on a waiting list under criteria
25 established by the Department. The inability of any inmate to
26 become engaged in any such programs by reason of insufficient

1 program resources or for any other reason established under the
2 rules and regulations of the Department shall not be deemed a
3 cause of action under which the Department or any employee or
4 agent of the Department shall be liable for damages to the
5 inmate.

6 (4.1) The rules and regulations shall also provide that an
7 additional 90 days of sentence credit shall be awarded to any
8 prisoner who passes high school equivalency testing while the
9 prisoner is committed to the Department of Corrections. The
10 sentence credit awarded under this paragraph (4.1) shall be in
11 addition to, and shall not affect, the award of sentence credit
12 under any other paragraph of this Section, but shall also be
13 pursuant to the guidelines and restrictions set forth in
14 paragraph (4) of subsection (a) of this Section. The sentence
15 credit provided for in this paragraph shall be available only
16 to those prisoners who have not previously earned a high school
17 diploma or a high school equivalency certificate. If, after an
18 award of the high school equivalency testing sentence credit
19 has been made, the Department determines that the prisoner was
20 not eligible, then the award shall be revoked. The Department
21 may also award 90 days of sentence credit to any committed
22 person who passed high school equivalency testing while he or
23 she was held in pre-trial detention prior to the current
24 commitment to the Department of Corrections.

25 (4.5) The rules and regulations on sentence credit shall
26 also provide that when the court's sentencing order recommends

1 a prisoner for substance abuse treatment and the crime was
2 committed on or after September 1, 2003 (the effective date of
3 Public Act 93-354), the prisoner shall receive no sentence
4 credit awarded under clause (3) of this subsection (a) unless
5 he or she participates in and completes a substance abuse
6 treatment program. The Director may waive the requirement to
7 participate in or complete a substance abuse treatment program
8 ~~and award the sentence credit~~ in specific instances if the
9 prisoner is not a good candidate for a substance abuse
10 treatment program for medical, programming, or operational
11 reasons. Availability of substance abuse treatment shall be
12 subject to the limits of fiscal resources appropriated by the
13 General Assembly for these purposes. If treatment is not
14 available and the requirement to participate and complete the
15 treatment has not been waived by the Director, the prisoner
16 shall be placed on a waiting list under criteria established by
17 the Department. The Director may allow a prisoner placed on a
18 waiting list to participate in and complete a substance abuse
19 education class or attend substance abuse self-help meetings in
20 lieu of a substance abuse treatment program. A prisoner on a
21 waiting list who is not placed in a substance abuse program
22 prior to release may be eligible for a waiver and receive
23 sentence credit under clause (3) of this subsection (a) at the
24 discretion of the Director.

25 (4.6) The rules and regulations on sentence credit shall
26 also provide that a prisoner who has been convicted of a sex

1 offense as defined in Section 2 of the Sex Offender
2 Registration Act shall receive no sentence credit unless he or
3 she either has successfully completed or is participating in
4 sex offender treatment as defined by the Sex Offender
5 Management Board. However, prisoners who are waiting to receive
6 treatment, but who are unable to do so due solely to the lack
7 of resources on the part of the Department, may, at the
8 Director's sole discretion, be awarded sentence credit at a
9 rate as the Director shall determine.

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

1 ~~information shall be placed on the website within 3 days of the~~
2 ~~inmate's release and the information may not be removed until~~
3 ~~either: completion of the first year of mandatory supervised~~
4 ~~release or return of the inmate to custody of the Department.~~

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

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

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

1 within 60 days of scheduled release. In those cases, the
2 Department of Corrections may revoke up to 30 days of sentence
3 credit. The Board may subsequently approve the revocation of
4 additional sentence credit, if the Department seeks to revoke
5 sentence credit in excess of 30 days. However, the Board shall
6 not be empowered to review the Department's decision with
7 respect to the loss of 30 days of sentence credit within any
8 calendar year for any prisoner or to increase any penalty
9 beyond the length requested by the Department.

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

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

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

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

9 For purposes of this subsection (d):

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

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

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

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

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

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

7 (2) "Lawsuit" means a motion pursuant to Section 116-3
8 of the Code of Criminal Procedure of 1963, a habeas corpus
9 action under Article X of the Code of Civil Procedure or
10 under federal law (28 U.S.C. 2254), a petition for claim
11 under the Court of Claims Act, an action under the federal
12 Civil Rights Act (42 U.S.C. 1983), or a second or
13 subsequent petition for post-conviction relief under
14 Article 122 of the Code of Criminal Procedure of 1963
15 whether filed with or without leave of court or a second or
16 subsequent petition for relief from judgment under Section
17 2-1401 of the Code of Civil Procedure.

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

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

1 Section 5-8A-7 of this Code.

2 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
3 eff. 1-1-16; 99-642, eff. 7-28-16.)

4 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

5 (Text of Section before amendment by P.A. 99-861)

6 Sec. 5-4-1. Sentencing Hearing.

7 (a) Except when the death penalty is sought under hearing
8 procedures otherwise specified, after a determination of
9 guilt, a hearing shall be held to impose the sentence. However,
10 prior to the imposition of sentence on an individual being
11 sentenced for an offense based upon a charge for a violation of
12 Section 11-501 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance, the individual must undergo a
14 professional evaluation to determine if an alcohol or other
15 drug abuse problem exists and the extent of such a problem.
16 Programs conducting these evaluations shall be licensed by the
17 Department of Human Services. However, if the individual is not
18 a resident of Illinois, the court may, in its discretion,
19 accept an evaluation from a program in the state of such
20 individual's residence. The court may in its sentencing order
21 approve an eligible defendant for placement in a Department of
22 Corrections impact incarceration program as provided in
23 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
24 order recommend a defendant for placement in a Department of
25 Corrections substance abuse treatment program as provided in

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
2 upon the defendant being accepted in a program by the
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration
8 based on the financial impact statement filed with the
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility
13 screening, and an assessment, if any, of the defendant by
14 an agent designated by the State of Illinois to provide
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

17 (6) afford the defendant the opportunity to make a
18 statement in his own behalf;

19 (7) afford the victim of a violent crime or a violation
20 of Section 11-501 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, or a qualified
22 individual affected by: (i) a violation of Section 405,
23 405.1, 405.2, or 407 of the Illinois Controlled Substances
24 Act or a violation of Section 55 or Section 65 of the
25 Methamphetamine Control and Community Protection Act, or
26 (ii) a Class 4 felony violation of Section 11-14, 11-14.3

1 except as described in subdivisions (a)(2)(A) and
2 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 committed by the defendant the opportunity to make a
5 statement concerning the impact on the victim and to offer
6 evidence in aggravation or mitigation; provided that the
7 statement and evidence offered in aggravation or
8 mitigation must first be prepared in writing in conjunction
9 with the State's Attorney before it may be presented orally
10 at the hearing. Any sworn testimony offered by the victim
11 is subject to the defendant's right to cross-examine. All
12 statements and evidence offered under this paragraph (7)
13 shall become part of the record of the court. For the
14 purpose of this paragraph (7), "qualified individual"
15 means any person who (i) lived or worked within the
16 territorial jurisdiction where the offense took place when
17 the offense took place; and (ii) is familiar with various
18 public places within the territorial jurisdiction where
19 the offense took place when the offense took place. For the
20 purposes of this paragraph (7), "qualified individual"
21 includes any peace officer, or any member of any duly
22 organized State, county, or municipal peace unit assigned
23 to the territorial jurisdiction where the offense took
24 place when the offense took place;

25 (8) in cases of reckless homicide afford the victim's
26 spouse, guardians, parents or other immediate family

1 members an opportunity to make oral statements;

2 (9) in cases involving a felony sex offense as defined
3 under the Sex Offender Management Board Act, consider the
4 results of the sex offender evaluation conducted pursuant
5 to Section 5-3-2 of this Act; and

6 (10) make a finding of whether a motor vehicle was used
7 in the commission of the offense for which the defendant is
8 being sentenced.

9 (b) All sentences shall be imposed by the judge based upon
10 his independent assessment of the elements specified above and
11 any agreement as to sentence reached by the parties. The judge
12 who presided at the trial or the judge who accepted the plea of
13 guilty shall impose the sentence unless he is no longer sitting
14 as a judge in that court. Where the judge does not impose
15 sentence at the same time on all defendants who are convicted
16 as a result of being involved in the same offense, the
17 defendant or the State's Attorney may advise the sentencing
18 court of the disposition of any other defendants who have been
19 sentenced.

20 (c) In imposing a sentence for a violent crime or for an
21 offense of operating or being in physical control of a vehicle
22 while under the influence of alcohol, any other drug or any
23 combination thereof, or a similar provision of a local
24 ordinance, when such offense resulted in the personal injury to
25 someone other than the defendant, the trial judge shall specify
26 on the record the particular evidence, information, factors in

1 mitigation and aggravation or other reasons that led to his
2 sentencing determination. The full verbatim record of the
3 sentencing hearing shall be filed with the clerk of the court
4 and shall be a public record.

5 (c-1) In imposing a sentence for the offense of aggravated
6 kidnapping for ransom, home invasion, armed robbery,
7 aggravated vehicular hijacking, aggravated discharge of a
8 firearm, or armed violence with a category I weapon or category
9 II weapon, the trial judge shall make a finding as to whether
10 the conduct leading to conviction for the offense resulted in
11 great bodily harm to a victim, and shall enter that finding and
12 the basis for that finding in the record.

13 (c-2) If the defendant is sentenced to prison, other than
14 when a sentence of natural life imprisonment or a sentence of
15 death is imposed, at the time the sentence is imposed the judge
16 shall state on the record in open court the approximate period
17 of time the defendant will serve in custody according to the
18 then current statutory rules and regulations for sentence
19 credit found in Section 3-6-3 and other related provisions of
20 this Code. This statement is intended solely to inform the
21 public, has no legal effect on the defendant's actual release,
22 and may not be relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the
24 sentence, other than when the sentence is imposed for one of
25 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois as
5 applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, assuming the defendant receives all of his or her
8 sentence credit, the period of estimated actual custody is ...
9 years and ... months, less up to 180 days additional sentence
10 credit for good conduct. If the defendant, because of his or
11 her own misconduct or failure to comply with the institutional
12 regulations, does not receive those credits, the actual time
13 served in prison will be longer. The defendant may also receive
14 an additional one-half day sentence credit for each day of
15 participation in vocational, industry, substance abuse, and
16 educational programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(3) of Section 3-6-3, other than
19 when the sentence is imposed for one of the offenses enumerated
20 in paragraph (a)(2) of Section 3-6-3 committed on or after June
21 19, 1998, and other than when the sentence is imposed for
22 reckless homicide as defined in subsection (e) of Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012 if
24 the offense was committed on or after January 1, 1999, and
25 other than when the sentence is imposed for aggravated arson if
26 the offense was committed on or after July 27, 2001 (the

1 effective date of Public Act 92-176), and other than when the
2 sentence is imposed for aggravated driving under the influence
3 of alcohol, other drug or drugs, or intoxicating compound or
4 compounds, or any combination thereof as defined in
5 subparagraph (C) of paragraph (1) of subsection (d) of Section
6 11-501 of the Illinois Vehicle Code committed on or after
7 January 1, 2011 (the effective date of Public Act 96-1230), the
8 judge's statement, to be given after pronouncing the sentence,
9 shall include the following:

10 "The purpose of this statement is to inform the public of
11 the actual period of time this defendant is likely to spend in
12 prison as a result of this sentence. The actual period of
13 prison time served is determined by the statutes of Illinois as
14 applied to this sentence by the Illinois Department of
15 Corrections and the Illinois Prisoner Review Board. In this
16 case, assuming the defendant receives all of his or her
17 sentence credit, the period of estimated actual custody is ...
18 years and ... months, less up to 90 days additional sentence
19 credit for good conduct. If the defendant, because of his or
20 her own misconduct or failure to comply with the institutional
21 regulations, does not receive those credits, the actual time
22 served in prison will be longer. The defendant may also receive
23 an additional one-half day sentence credit for each day of
24 participation in vocational, industry, substance abuse, and
25 educational programs as provided for by Illinois statute."

26 When the sentence is imposed for one of the offenses

1 enumerated in paragraph (a)(2) of Section 3-6-3, other than
2 first degree murder, and the offense was committed on or after
3 June 19, 1998, and when the sentence is imposed for reckless
4 homicide as defined in subsection (e) of Section 9-3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 if the
6 offense was committed on or after January 1, 1999, and when the
7 sentence is imposed for aggravated driving under the influence
8 of alcohol, other drug or drugs, or intoxicating compound or
9 compounds, or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of Section
11 11-501 of the Illinois Vehicle Code, and when the sentence is
12 imposed for aggravated arson if the offense was committed on or
13 after July 27, 2001 (the effective date of Public Act 92-176),
14 and when the sentence is imposed for aggravated driving under
15 the influence of alcohol, other drug or drugs, or intoxicating
16 compound or compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code committed on or after
19 January 1, 2011 (the effective date of Public Act 96-1230), the
20 judge's statement, to be given after pronouncing the sentence,
21 shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois as
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, the defendant is entitled to no more than 4 1/2 days of
3 sentence credit for each month of his or her sentence of
4 imprisonment. Therefore, this defendant will serve at least 85%
5 of his or her sentence. Assuming the defendant receives 4 1/2
6 days credit for each month of his or her sentence, the period
7 of estimated actual custody is ... years and ... months. If the
8 defendant, because of his or her own misconduct or failure to
9 comply with the institutional regulations receives lesser
10 credit, the actual time served in prison will be longer."

11 When a sentence of imprisonment is imposed for first degree
12 murder and the offense was committed on or after June 19, 1998,
13 the judge's statement, to be given after pronouncing the
14 sentence, shall include the following:

15 "The purpose of this statement is to inform the public of
16 the actual period of time this defendant is likely to spend in
17 prison as a result of this sentence. The actual period of
18 prison time served is determined by the statutes of Illinois as
19 applied to this sentence by the Illinois Department of
20 Corrections and the Illinois Prisoner Review Board. In this
21 case, the defendant is not entitled to sentence credit.
22 Therefore, this defendant will serve 100% of his or her
23 sentence."

24 When the sentencing order recommends placement in a
25 substance abuse program for any offense that results in
26 incarceration in a Department of Corrections facility and the

1 crime was committed on or after September 1, 2003 (the
2 effective date of Public Act 93-354), the judge's statement, in
3 addition to any other judge's statement required under this
4 Section, to be given after pronouncing the sentence, shall
5 include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant shall receive no sentence credit for good
13 conduct under clause (3) of subsection (a) of Section 3-6-3
14 until he or she participates in and completes a substance abuse
15 treatment program or receives a waiver from the Director of
16 Corrections pursuant to clause (4.5) of subsection (a) of
17 Section 3-6-3."

18 (c-4) Before the sentencing hearing and as part of the
19 presentence investigation under Section 5-3-1, the court shall
20 inquire of the defendant whether the defendant is currently
21 serving in or is a veteran of the Armed Forces of the United
22 States. If the defendant is currently serving in the Armed
23 Forces of the United States or is a veteran of the Armed Forces
24 of the United States and has been diagnosed as having a mental
25 illness by a qualified psychiatrist or clinical psychologist or
26 physician, the court may:

1 (1) order that the officer preparing the presentence
2 report consult with the United States Department of
3 Veterans Affairs, Illinois Department of Veterans'
4 Affairs, or another agency or person with suitable
5 knowledge or experience for the purpose of providing the
6 court with information regarding treatment options
7 available to the defendant, including federal, State, and
8 local programming; and

9 (2) consider the treatment recommendations of any
10 diagnosing or treating mental health professionals
11 together with the treatment options available to the
12 defendant in imposing sentence.

13 For the purposes of this subsection (c-4), "qualified
14 psychiatrist" means a reputable physician licensed in Illinois
15 to practice medicine in all its branches, who has specialized
16 in the diagnosis and treatment of mental and nervous disorders
17 for a period of not less than 5 years.

18 (c-6) In imposing a sentence, the trial judge shall
19 specify, on the record, the particular evidence and other
20 reasons which led to his or her determination that a motor
21 vehicle was used in the commission of the offense.

22 (d) When the defendant is committed to the Department of
23 Corrections, the State's Attorney shall and counsel for the
24 defendant may file a statement with the clerk of the court to
25 be transmitted to the department, agency or institution to
26 which the defendant is committed to furnish such department,

1 agency or institution with the facts and circumstances of the
2 offense for which the person was committed together with all
3 other factual information accessible to them in regard to the
4 person prior to his commitment relative to his habits,
5 associates, disposition and reputation and any other facts and
6 circumstances which may aid such department, agency or
7 institution during its custody of such person. The clerk shall
8 within 10 days after receiving any such statements transmit a
9 copy to such department, agency or institution and a copy to
10 the other party, provided, however, that this shall not be
11 cause for delay in conveying the person to the department,
12 agency or institution to which he has been committed.

13 (e) The clerk of the court shall transmit to the
14 department, agency or institution, if any, to which the
15 defendant is committed, the following:

16 (1) the sentence imposed;

17 (2) any statement by the court of the basis for
18 imposing the sentence;

19 (3) any presentence reports;

20 (3.5) any sex offender evaluations;

21 (3.6) any substance abuse treatment eligibility
22 screening and assessment of the defendant by an agent
23 designated by the State of Illinois to provide assessment
24 services for the Illinois courts;

25 (4) the number of days, if any, which the defendant has
26 been in custody and for which he is entitled to credit

1 against the sentence, which information shall be provided
2 to the clerk by the sheriff;

3 (4.1) any finding of great bodily harm made by the
4 court with respect to an offense enumerated in subsection
5 (c-1);

6 (5) all statements filed under subsection (d) of this
7 Section;

8 (6) any medical or mental health records or summaries
9 of the defendant;

10 (7) the municipality where the arrest of the offender
11 or the commission of the offense has occurred, where such
12 municipality has a population of more than 25,000 persons;

13 (8) all statements made and evidence offered under
14 paragraph (7) of subsection (a) of this Section; and

15 (9) all additional matters which the court directs the
16 clerk to transmit.

17 (f) In cases in which the court finds that a motor vehicle
18 was used in the commission of the offense for which the
19 defendant is being sentenced, the clerk of the court shall,
20 within 5 days thereafter, forward a report of such conviction
21 to the Secretary of State.

22 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
23 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
24 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

25 (Text of Section after amendment by P.A. 99-861)

1 Sec. 5-4-1. Sentencing Hearing.

2 (a) Except when the death penalty is sought under hearing
3 procedures otherwise specified, after a determination of
4 guilt, a hearing shall be held to impose the sentence. However,
5 prior to the imposition of sentence on an individual being
6 sentenced for an offense based upon a charge for a violation of
7 Section 11-501 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance, the individual must undergo a
9 professional evaluation to determine if an alcohol or other
10 drug abuse problem exists and the extent of such a problem.
11 Programs conducting these evaluations shall be licensed by the
12 Department of Human Services. However, if the individual is not
13 a resident of Illinois, the court may, in its discretion,
14 accept an evaluation from a program in the state of such
15 individual's residence. The court may in its sentencing order
16 approve an eligible defendant for placement in a Department of
17 Corrections impact incarceration program as provided in
18 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
19 order recommend a defendant for placement in a Department of
20 Corrections substance abuse treatment program as provided in
21 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
22 upon the defendant being accepted in a program by the
23 Department of Corrections. At the hearing the court shall:

24 (1) consider the evidence, if any, received upon the
25 trial;

26 (2) consider any presentence reports;

1 (3) consider the financial impact of incarceration
2 based on the financial impact statement filed with the
3 clerk of the court by the Department of Corrections;

4 (4) consider evidence and information offered by the
5 parties in aggravation and mitigation;

6 (4.5) consider substance abuse treatment, eligibility
7 screening, and an assessment, if any, of the defendant by
8 an agent designated by the State of Illinois to provide
9 assessment services for the Illinois courts;

10 (5) hear arguments as to sentencing alternatives;

11 (6) afford the defendant the opportunity to make a
12 statement in his own behalf;

13 (7) afford the victim of a violent crime or a violation
14 of Section 11-501 of the Illinois Vehicle Code, or a
15 similar provision of a local ordinance, or a qualified
16 individual affected by: (i) a violation of Section 405,
17 405.1, 405.2, or 407 of the Illinois Controlled Substances
18 Act or a violation of Section 55 or Section 65 of the
19 Methamphetamine Control and Community Protection Act, or
20 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
21 except as described in subdivisions (a)(2)(A) and
22 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
23 Criminal Code of 1961 or the Criminal Code of 2012,
24 committed by the defendant the opportunity to make a
25 statement concerning the impact on the victim and to offer
26 evidence in aggravation or mitigation; provided that the

1 statement and evidence offered in aggravation or
2 mitigation must first be prepared in writing in conjunction
3 with the State's Attorney before it may be presented orally
4 at the hearing. Any sworn testimony offered by the victim
5 is subject to the defendant's right to cross-examine. All
6 statements and evidence offered under this paragraph (7)
7 shall become part of the record of the court. For the
8 purpose of this paragraph (7), "qualified individual"
9 means any person who (i) lived or worked within the
10 territorial jurisdiction where the offense took place when
11 the offense took place; and (ii) is familiar with various
12 public places within the territorial jurisdiction where
13 the offense took place when the offense took place. For the
14 purposes of this paragraph (7), "qualified individual"
15 includes any peace officer, or any member of any duly
16 organized State, county, or municipal peace unit assigned
17 to the territorial jurisdiction where the offense took
18 place when the offense took place;

19 (8) in cases of reckless homicide afford the victim's
20 spouse, guardians, parents or other immediate family
21 members an opportunity to make oral statements;

22 (9) in cases involving a felony sex offense as defined
23 under the Sex Offender Management Board Act, consider the
24 results of the sex offender evaluation conducted pursuant
25 to Section 5-3-2 of this Act; and

26 (10) make a finding of whether a motor vehicle was used

1 in the commission of the offense for which the defendant is
2 being sentenced.

3 (b) All sentences shall be imposed by the judge based upon
4 his independent assessment of the elements specified above and
5 any agreement as to sentence reached by the parties. The judge
6 who presided at the trial or the judge who accepted the plea of
7 guilty shall impose the sentence unless he is no longer sitting
8 as a judge in that court. Where the judge does not impose
9 sentence at the same time on all defendants who are convicted
10 as a result of being involved in the same offense, the
11 defendant or the State's Attorney may advise the sentencing
12 court of the disposition of any other defendants who have been
13 sentenced.

14 (b-1) In imposing a sentence of imprisonment or periodic
15 imprisonment for a Class 3 or Class 4 felony for which a
16 sentence of probation or conditional discharge is an available
17 sentence, if the defendant has no prior sentence of probation
18 or conditional discharge and no prior conviction for a violent
19 crime, the defendant shall not be sentenced to imprisonment
20 before review and consideration of a presentence report and
21 determination and explanation of why the particular evidence,
22 information, factor in aggravation, factual finding, or other
23 reasons support a sentencing determination that one or more of
24 the factors under subsection (a) of Section 5-6-1 of this Code
25 apply and that probation or conditional discharge is not an
26 appropriate sentence.

1 (c) In imposing a sentence for a violent crime or for an
2 offense of operating or being in physical control of a vehicle
3 while under the influence of alcohol, any other drug or any
4 combination thereof, or a similar provision of a local
5 ordinance, when such offense resulted in the personal injury to
6 someone other than the defendant, the trial judge shall specify
7 on the record the particular evidence, information, factors in
8 mitigation and aggravation or other reasons that led to his
9 sentencing determination. The full verbatim record of the
10 sentencing hearing shall be filed with the clerk of the court
11 and shall be a public record.

12 (c-1) In imposing a sentence for the offense of aggravated
13 kidnapping for ransom, home invasion, armed robbery,
14 aggravated vehicular hijacking, aggravated discharge of a
15 firearm, or armed violence with a category I weapon or category
16 II weapon, the trial judge shall make a finding as to whether
17 the conduct leading to conviction for the offense resulted in
18 great bodily harm to a victim, and shall enter that finding and
19 the basis for that finding in the record.

20 (c-2) If the defendant is sentenced to prison, other than
21 when a sentence of natural life imprisonment or a sentence of
22 death is imposed, at the time the sentence is imposed the judge
23 shall state on the record in open court the approximate period
24 of time the defendant will serve in custody according to the
25 then current statutory rules and regulations for sentence
26 credit found in Section 3-6-3 and other related provisions of

1 this Code. This statement is intended solely to inform the
2 public, has no legal effect on the defendant's actual release,
3 and may not be relied on by the defendant on appeal.

4 The judge's statement, to be given after pronouncing the
5 sentence, other than when the sentence is imposed for one of
6 the offenses enumerated in paragraph (a) (4) ~~(a) (3)~~ of Section
7 3-6-3, shall include the following:

8 "The purpose of this statement is to inform the public of
9 the actual period of time this defendant is likely to spend in
10 prison as a result of this sentence. The actual period of
11 prison time served is determined by the statutes of Illinois as
12 applied to this sentence by the Illinois Department of
13 Corrections and the Illinois Prisoner Review Board. In this
14 case, assuming the defendant receives all of his or her
15 sentence credit, the period of estimated actual custody is ...
16 years and ... months, less up to 180 days additional earned
17 sentence credit ~~for good conduct~~. If the defendant, because of
18 his or her own misconduct or failure to comply with the
19 institutional regulations, does not receive those credits, the
20 actual time served in prison will be longer. The defendant may
21 also receive an additional one-half day sentence credit for
22 each day of participation in vocational, industry, substance
23 abuse, and educational programs as provided for by Illinois
24 statute."

25 ~~When the sentence is imposed for one of the offenses~~
26 ~~enumerated in paragraph (a) (3) of Section 3-6-3, other than~~

1 ~~when the sentence is imposed for one of the offenses enumerated~~
2 ~~in paragraph (a) (2) of Section 3-6-3 committed on or after June~~
3 ~~19, 1998, and other than when the sentence is imposed for~~
4 ~~reckless homicide as defined in subsection (c) of Section 9-3~~
5 ~~of the Criminal Code of 1961 or the Criminal Code of 2012 if~~
6 ~~the offense was committed on or after January 1, 1999, and~~
7 ~~other than when the sentence is imposed for aggravated arson if~~
8 ~~the offense was committed on or after July 27, 2001 (the~~
9 ~~effective date of Public Act 92-176), and other than when the~~
10 ~~sentence is imposed for aggravated driving under the influence~~
11 ~~of alcohol, other drug or drugs, or intoxicating compound or~~
12 ~~compounds, or any combination thereof as defined in~~
13 ~~subparagraph (C) of paragraph (1) of subsection (d) of Section~~
14 ~~11-501 of the Illinois Vehicle Code committed on or after~~
15 ~~January 1, 2011 (the effective date of Public Act 96-1230), the~~
16 ~~judge's statement, to be given after pronouncing the sentence,~~
17 ~~shall include the following:~~

18 ~~"The purpose of this statement is to inform the public of~~
19 ~~the actual period of time this defendant is likely to spend in~~
20 ~~prison as a result of this sentence. The actual period of~~
21 ~~prison time served is determined by the statutes of Illinois as~~
22 ~~applied to this sentence by the Illinois Department of~~
23 ~~Corrections and the Illinois Prisoner Review Board. In this~~
24 ~~case, assuming the defendant receives all of his or her~~
25 ~~sentence credit, the period of estimated actual custody is ...~~
26 ~~years and ... months, less up to 90 days additional sentence~~

1 ~~credit for good conduct. If the defendant, because of his or~~
2 ~~her own misconduct or failure to comply with the institutional~~
3 ~~regulations, does not receive those credits, the actual time~~
4 ~~served in prison will be longer. The defendant may also receive~~
5 ~~an additional one half day sentence credit for each day of~~
6 ~~participation in vocational, industry, substance abuse, and~~
7 ~~educational programs as provided for by Illinois statute."~~

8 When the sentence is imposed for one of the offenses
9 enumerated in paragraph (a)(2) of Section 3-6-3, other than
10 first degree murder, and the offense was committed on or after
11 June 19, 1998, and when the sentence is imposed for reckless
12 homicide as defined in subsection (e) of Section 9-3 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 if the
14 offense was committed on or after January 1, 1999, and when the
15 sentence is imposed for aggravated driving under the influence
16 of alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of Section
19 11-501 of the Illinois Vehicle Code, and when the sentence is
20 imposed for aggravated arson if the offense was committed on or
21 after July 27, 2001 (the effective date of Public Act 92-176),
22 and when the sentence is imposed for aggravated driving under
23 the influence of alcohol, other drug or drugs, or intoxicating
24 compound or compounds, or any combination thereof as defined in
25 subparagraph (C) of paragraph (1) of subsection (d) of Section
26 11-501 of the Illinois Vehicle Code committed on or after

1 January 1, 2011 (the effective date of Public Act 96-1230), the
2 judge's statement, to be given after pronouncing the sentence,
3 shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend in
6 prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois as
8 applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, the defendant is entitled to no more than 4 1/2 days of
11 sentence credit for each month of his or her sentence of
12 imprisonment. Therefore, this defendant will serve at least 85%
13 of his or her sentence. Assuming the defendant receives 4 1/2
14 days credit for each month of his or her sentence, the period
15 of estimated actual custody is ... years and ... months. If the
16 defendant, because of his or her own misconduct or failure to
17 comply with the institutional regulations receives lesser
18 credit, the actual time served in prison will be longer."

19 When a sentence of imprisonment is imposed for first degree
20 murder and the offense was committed on or after June 19, 1998,
21 the judge's statement, to be given after pronouncing the
22 sentence, shall include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to sentence credit.
4 Therefore, this defendant will serve 100% of his or her
5 sentence."

6 When the sentencing order recommends placement in a
7 substance abuse program for any offense that results in
8 incarceration in a Department of Corrections facility and the
9 crime was committed on or after September 1, 2003 (the
10 effective date of Public Act 93-354), the judge's statement, in
11 addition to any other judge's statement required under this
12 Section, to be given after pronouncing the sentence, shall
13 include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant shall receive no earned sentence credit ~~for~~
21 ~~good conduct~~ under clause (3) of subsection (a) of Section
22 3-6-3 until he or she participates in and completes a substance
23 abuse treatment program or receives a waiver from the Director
24 of Corrections pursuant to clause (4.5) of subsection (a) of
25 Section 3-6-3."

26 (c-4) Before the sentencing hearing and as part of the

1 presentence investigation under Section 5-3-1, the court shall
2 inquire of the defendant whether the defendant is currently
3 serving in or is a veteran of the Armed Forces of the United
4 States. If the defendant is currently serving in the Armed
5 Forces of the United States or is a veteran of the Armed Forces
6 of the United States and has been diagnosed as having a mental
7 illness by a qualified psychiatrist or clinical psychologist or
8 physician, the court may:

9 (1) order that the officer preparing the presentence
10 report consult with the United States Department of
11 Veterans Affairs, Illinois Department of Veterans'
12 Affairs, or another agency or person with suitable
13 knowledge or experience for the purpose of providing the
14 court with information regarding treatment options
15 available to the defendant, including federal, State, and
16 local programming; and

17 (2) consider the treatment recommendations of any
18 diagnosing or treating mental health professionals
19 together with the treatment options available to the
20 defendant in imposing sentence.

21 For the purposes of this subsection (c-4), "qualified
22 psychiatrist" means a reputable physician licensed in Illinois
23 to practice medicine in all its branches, who has specialized
24 in the diagnosis and treatment of mental and nervous disorders
25 for a period of not less than 5 years.

26 (c-6) In imposing a sentence, the trial judge shall

1 specify, on the record, the particular evidence and other
2 reasons which led to his or her determination that a motor
3 vehicle was used in the commission of the offense.

4 (d) When the defendant is committed to the Department of
5 Corrections, the State's Attorney shall and counsel for the
6 defendant may file a statement with the clerk of the court to
7 be transmitted to the department, agency or institution to
8 which the defendant is committed to furnish such department,
9 agency or institution with the facts and circumstances of the
10 offense for which the person was committed together with all
11 other factual information accessible to them in regard to the
12 person prior to his commitment relative to his habits,
13 associates, disposition and reputation and any other facts and
14 circumstances which may aid such department, agency or
15 institution during its custody of such person. The clerk shall
16 within 10 days after receiving any such statements transmit a
17 copy to such department, agency or institution and a copy to
18 the other party, provided, however, that this shall not be
19 cause for delay in conveying the person to the department,
20 agency or institution to which he has been committed.

21 (e) The clerk of the court shall transmit to the
22 department, agency or institution, if any, to which the
23 defendant is committed, the following:

24 (1) the sentence imposed;

25 (2) any statement by the court of the basis for
26 imposing the sentence;

1 (3) any presentence reports;

2 (3.5) any sex offender evaluations;

3 (3.6) any substance abuse treatment eligibility
4 screening and assessment of the defendant by an agent
5 designated by the State of Illinois to provide assessment
6 services for the Illinois courts;

7 (4) the number of days, if any, which the defendant has
8 been in custody and for which he is entitled to credit
9 against the sentence, which information shall be provided
10 to the clerk by the sheriff;

11 (4.1) any finding of great bodily harm made by the
12 court with respect to an offense enumerated in subsection
13 (c-1);

14 (5) all statements filed under subsection (d) of this
15 Section;

16 (6) any medical or mental health records or summaries
17 of the defendant;

18 (7) the municipality where the arrest of the offender
19 or the commission of the offense has occurred, where such
20 municipality has a population of more than 25,000 persons;

21 (8) all statements made and evidence offered under
22 paragraph (7) of subsection (a) of this Section; and

23 (9) all additional matters which the court directs the
24 clerk to transmit.

25 (f) In cases in which the court finds that a motor vehicle
26 was used in the commission of the offense for which the

1 defendant is being sentenced, the clerk of the court shall,
2 within 5 days thereafter, forward a report of such conviction
3 to the Secretary of State.

4 (Source: P.A. 99-861, eff. 1-1-17.)

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

6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

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

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

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

25 (D-5) (Blank). ~~A violation of subdivision (c) (1) of~~

1 ~~Section 401 of the Illinois Controlled Substances Act which~~
2 ~~relates to 3 or more grams of a substance containing heroin~~
3 ~~or an analog thereof.~~

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

6 (F) A Class 1 2 or greater felony if the offender had
7 been convicted of a Class 1 2 or greater felony, including
8 any state or federal conviction for an offense that
9 contained, at the time it was committed, the same elements
10 as an offense now (the date of the offense committed after
11 the prior Class 1 2 or greater felony) classified as a
12 Class 1 2 or greater felony, within 10 years of the date on
13 which the offender committed the offense for which he or
14 she is being sentenced, except as otherwise provided in
15 Section 40-10 of the Alcoholism and Other Drug Abuse and
16 Dependency Act.

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

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

23 (H) A Class 2 or greater felony under Article 11 or 24
24 or Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 ~~Criminal~~
26 ~~sexual assault.~~

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

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

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

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

16 (K) Vehicular hijacking.

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

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

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

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

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

6 (Q) A violation of subsection (b) or (b-5) of Section
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

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

11 (S) (Blank).

12 (T) (Blank). ~~A second or subsequent violation of the~~
13 ~~Methamphetamine Control and Community Protection Act.~~

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

21 (V) A violation of paragraph (4) of subsection (c) of
22 Section 11-20.1B or paragraph (4) of subsection (c) of
23 Section 11-20.3 of the Criminal Code of 1961, or paragraph
24 (6) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 2012 when the victim is under 13 years of age and
26 the defendant has previously been convicted under the laws

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

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

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

14 (Y) A conviction for unlawful possession of a firearm
15 by a street gang member when the firearm was loaded or
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge for a
19 felony.

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

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

24 (CC) Knowingly selling, offering for sale, holding for
25 sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the aggregate of

1 \$500,000 or more.

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

7 (EE) A conviction for a violation of paragraph (2) of
8 subsection (a) of Section 24-3B of the Criminal Code of
9 2012.

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
17 this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court, shall
22 be imposed for a second violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6), and
25 (4.9) of this subsection (c), a minimum term of imprisonment of
26 30 days or 300 hours of community service, as determined by the

1 court, shall be imposed for a third or subsequent violation of
2 Section 6-303 of the Illinois Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall be
4 imposed for a third violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

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

10 (4.7) A minimum term of imprisonment of not less than 30
11 consecutive days, or 300 hours of community service, shall be
12 imposed for a violation of subsection (a-5) of Section 6-303 of
13 the Illinois Vehicle Code, as provided in subsection (b-5) of
14 that Section.

15 (4.8) A mandatory prison sentence shall be imposed for a
16 second violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (c-5) of that
18 Section. The person's driving privileges shall be revoked for a
19 period of not less than 5 years from the date of his or her
20 release from prison.

21 (4.9) A mandatory prison sentence of not less than 4 and
22 not more than 15 years shall be imposed for a third violation
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
24 Code, as provided in subsection (d-2.5) of that Section. The
25 person's driving privileges shall be revoked for the remainder
26 of his or her life.

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

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

10 (A) a period of conditional discharge;

11 (B) a fine;

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

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

21 (5.2) In addition to any other penalties imposed, and
22 except as provided in paragraph (5.3), a person convicted of
23 violating subsection (c) of Section 11-907 of the Illinois
24 Vehicle Code shall have his or her driver's license, permit, or
25 privileges suspended for at least 180 days but not more than 2
26 years, if the violation resulted in injury to another person.

1 (5.3) In addition to any other penalties imposed, a person
2 convicted of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for 2 years, if the violation
5 resulted in the death of another person.

6 (5.4) In addition to any other penalties imposed, a person
7 convicted of violating Section 3-707 of the Illinois Vehicle
8 Code shall have his or her driver's license, permit, or
9 privileges suspended for 3 months and until he or she has paid
10 a reinstatement fee of \$100.

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

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

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

25 (10) (Blank).

26 (11) The court shall impose a minimum fine of \$1,000 for a

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

16 (12) A person may not receive a disposition of court
17 supervision for a violation of Section 5-16 of the Boat
18 Registration and Safety Act if that person has previously
19 received a disposition of court supervision for a violation of
20 that Section.

21 (13) A person convicted of or placed on court supervision
22 for an assault or aggravated assault when the victim and the
23 offender are family or household members as defined in Section
24 103 of the Illinois Domestic Violence Act of 1986 or convicted
25 of domestic battery or aggravated domestic battery may be
26 required to attend a Partner Abuse Intervention Program under

1 protocols set forth by the Illinois Department of Human
2 Services under such terms and conditions imposed by the court.
3 The costs of such classes shall be paid by the offender.

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

22 (e) In cases where prosecution for aggravated criminal
23 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 results in conviction
25 of a defendant who was a family member of the victim at the
26 time of the commission of the offense, the court shall consider

1 the safety and welfare of the victim and may impose a sentence
2 of probation only where:

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

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of 2
6 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan including but not limited to the
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

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

15 and

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

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of paying
22 for such services, if the victim was under 18 years of age
23 at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 11-0.1 of the Criminal Code of 2012.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
12 11-14.3, 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the defendant shall undergo medical
17 testing to determine whether the defendant has any sexually
18 transmissible disease, including a test for infection with
19 human immunodeficiency virus (HIV) or any other identified
20 causative agent of acquired immunodeficiency syndrome (AIDS).
21 Any such medical test shall be performed only by appropriately
22 licensed medical practitioners and may include an analysis of
23 any bodily fluids as well as an examination of the defendant's
24 person. Except as otherwise provided by law, the results of
25 such test shall be kept strictly confidential by all medical
26 personnel involved in the testing and must be personally

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

25 (g-5) When an inmate is tested for an airborne communicable
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results
2 of the test shall be personally delivered by the warden or his
3 or her designee in a sealed envelope to the judge of the court
4 in which the inmate must appear for the judge's inspection in
5 camera if requested by the judge. Acting in accordance with the
6 best interests of those in the courtroom, the judge shall have
7 the discretion to determine what if any precautions need to be
8 taken to prevent transmission of the disease in the courtroom.

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

1 whom the results of the testing are revealed and shall direct
2 the State's Attorney to provide the information to the victim
3 when possible. A State's Attorney may petition the court to
4 obtain the results of any HIV test administered under this
5 Section, and the court shall grant the disclosure if the
6 State's Attorney shows it is relevant in order to prosecute a
7 charge of criminal transmission of HIV under Section 12-5.01 or
8 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
9 2012 against the defendant. The court shall order that the cost
10 of any such test shall be paid by the county and may be taxed as
11 costs against the convicted defendant.

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

19 (j) In cases when prosecution for any violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, any violation of the Illinois Controlled
26 Substances Act, any violation of the Cannabis Control Act, or

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

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall as
24 a condition of his or her sentence be required by the court to
25 attend educational courses designed to prepare the defendant
26 for a high school diploma and to work toward a high school

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

26 (k) (Blank).

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

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

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

15 Otherwise, the defendant shall be sentenced as provided in
16 this Chapter V.

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

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under the
2 Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct and
5 would not be inconsistent with the ends of justice.

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

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

19 (m) A person convicted of criminal defacement of property
20 under Section 21-1.3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, in which the property damage exceeds
22 \$300 and the property damaged is a school building, shall be
23 ordered to perform community service that may include cleanup,
24 removal, or painting over the defacement.

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
2 of 1961 or the Criminal Code of 2012 (i) to an impact
3 incarceration program if the person is otherwise eligible for
4 that program under Section 5-8-1.1, (ii) to community service,
5 or (iii) if the person is an addict or alcoholic, as defined in
6 the Alcoholism and Other Drug Abuse and Dependency Act, to a
7 substance or alcohol abuse program licensed under that Act.

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

13 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
14 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

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INDEX

2

Statutes amended in order of appearance

3

20 ILCS 3930/7

from Ch. 38, par. 210-7

4

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

5

730 ILCS 5/5-4-1

from Ch. 38, par. 1005-4-1

6

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3