



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3094

Introduced 2/19/2016, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3B new
730 ILCS 5/5-5-3

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

Amends the Criminal Code of 2012. Creates the offense of firearms trafficking. Provides that a person commits the offense when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly brings, or causes to be brought, into the State, a firearm or firearm ammunition, or both, for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person. Provides that firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years. Provides that firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed when the person has been found guilty of firearms trafficking involving both a firearm and firearm ammunition. Provides that the court shall sentence the offender to not less than the minimum term of imprisonment for the offense. Effective immediately.

LRB099 19698 RLC 44095 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Section 24-3B as follows:

6 (720 ILCS 5/24-3B new)

7 Sec. 24-3B. Firearms trafficking.

8 (a) A person commits firearms trafficking when he or she
9 has not been issued a currently valid Firearm Owner's
10 Identification Card and knowingly:

11 (1) brings, or causes to be brought, into this State, a
12 firearm or firearm ammunition for the purpose of sale,
13 delivery, or transfer to any other person or with the
14 intent to sell, deliver, or transfer the firearm or firearm
15 ammunition to any other person; or

16 (2) brings, or causes to be brought, into this State, a
17 firearm and firearm ammunition for the purpose of sale,
18 delivery, or transfer to any other person or with the
19 intent to sell, deliver, or transfer the firearm and
20 firearm ammunition to any other person.

21 (b) Sentence.

22 (1) Firearms trafficking is a Class 1 felony for which
23 the person, if sentenced to a term of imprisonment, shall

1 be sentenced to not less than 4 years and not more than 20
2 years.

3 (2) Firearms trafficking by a person who has been
4 previously convicted of firearms trafficking, gunrunning,
5 or a felony offense for the unlawful sale, delivery, or
6 transfer of a firearm or firearm ammunition in this State
7 or another jurisdiction is a Class X felony.

8 Section 10. The Unified Code of Corrections is amended by
9 changing Section 5-5-3 as follows:

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

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

21 (A) First degree murder where the death penalty is not
22 imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

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

6 (D-5) A violation of subdivision (c) (1) of Section 401
7 of the Illinois Controlled Substances Act which relates to
8 3 or more grams of a substance containing heroin or an
9 analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis
11 Control Act.

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

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

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Alcoholism and Other Drug Abuse and
2 Dependency Act.

3 (H) Criminal sexual assault.

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

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

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

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

19 (K) Vehicular hijacking.

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

24 (M) A second or subsequent conviction for the offense
25 of institutional vandalism if the damage to the property
26 exceeds \$300.

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

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

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

9 (Q) A violation of subsection (b) or (b-5) of Section
10 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
11 Code of 1961 or the Criminal Code of 2012.

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

14 (S) (Blank).

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

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

24 (V) A violation of paragraph (4) of subsection (c) of
25 Section 11-20.1B or paragraph (4) of subsection (c) of
26 Section 11-20.3 of the Criminal Code of 1961, or paragraph

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

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

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

17 (Y) A conviction for unlawful possession of a firearm
18 by a street gang member when the firearm was loaded or
19 contained firearm ammunition.

20 (Z) A Class 1 felony committed while he or she was
21 serving a term of probation or conditional discharge for a
22 felony.

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

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

1 (CC) Knowingly selling, offering for sale, holding for
2 sale, or using 2,000 or more counterfeit items or
3 counterfeit items having a retail value in the aggregate of
4 \$500,000 or more.

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

10 (EE) A conviction for a violation of paragraph (2) of
11 subsection (a) of Section 24-3B of the Criminal Code of
12 2012.

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
20 this subsection (c), a minimum of 100 hours of community
21 service shall be imposed for a second violation of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300
24 hours of community service, as determined by the court, shall
25 be imposed for a second violation of subsection (c) of Section
26 6-303 of the Illinois Vehicle Code.

1 (4.4) Except as provided in paragraphs (4.5), (4.6), and
2 (4.9) of this subsection (c), a minimum term of imprisonment of
3 30 days or 300 hours of community service, as determined by the
4 court, shall be imposed for a third or subsequent violation of
5 Section 6-303 of the Illinois Vehicle Code.

6 (4.5) A minimum term of imprisonment of 30 days shall be
7 imposed for a third violation of subsection (c) of Section
8 6-303 of the Illinois Vehicle Code.

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

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

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

24 (4.9) A mandatory prison sentence of not less than 4 and
25 not more than 15 years shall be imposed for a third violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-2.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

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

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

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license, permit, or
2 privileges suspended for at least 180 days but not more than 2
3 years, if the violation resulted in injury to another person.

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

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

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (9) A defendant convicted of a second or subsequent offense
26 of ritualized abuse of a child may be sentenced to a term of

1 natural life imprisonment.

2 (10) (Blank).

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

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

24 (13) A person convicted of or placed on court supervision
25 for an assault or aggravated assault when the victim and the
26 offender are family or household members as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986 or convicted
2 of domestic battery or aggravated domestic battery may be
3 required to attend a Partner Abuse Intervention Program under
4 protocols set forth by the Illinois Department of Human
5 Services under such terms and conditions imposed by the court.
6 The costs of such classes shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction
2 of a defendant who was a family member of the victim at the
3 time of the commission of the offense, the court shall consider
4 the safety and welfare of the victim and may impose a sentence
5 of probation only where:

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

7 (A) the defendant is willing to undergo a court
8 approved counseling program for a minimum duration of 2
9 years; or

10 (B) the defendant is willing to participate in a
11 court approved plan including but not limited to the
12 defendant's:

13 (i) removal from the household;

14 (ii) restricted contact with the victim;

15 (iii) continued financial support of the
16 family;

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

18 and

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

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

1 counseling as a result of the offense.

2 Probation may be revoked or modified pursuant to Section
3 5-6-4; except where the court determines at the hearing that
4 the defendant violated a condition of his or her probation
5 restricting contact with the victim or other family members or
6 commits another offense with the victim or other family
7 members, the court shall revoke the defendant's probation and
8 impose a term of imprisonment.

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

12 (f) (Blank).

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

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

1 the convicted defendant.

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

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

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

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

22 (j) In cases when prosecution for any violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
24 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,

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

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall as

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

1 developmental disability or otherwise mentally incapable of
2 completing the educational or vocational program.

3 (k) (Blank).

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

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

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

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

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

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

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

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

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

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

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

16 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
17 99-143, eff. 7-27-15.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.