



Sen. Kwame Raoul

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LRB099 20783 RLC 45885 a

1 AMENDMENT TO SENATE BILL 3292

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3292 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this Act, it is  
8 unlawful for any person knowingly to possess a controlled or  
9 counterfeit substance or controlled substance analog. A  
10 violation of this Act with respect to each of the controlled  
11 substances listed herein constitutes a single and separate  
12 violation of this Act. For purposes of this Section,  
13 "controlled substance analog" or "analog" means a substance,  
14 other than a controlled substance, that has a chemical  
15 structure substantially similar to that of a controlled  
16 substance in Schedule I or II, or that was specifically

1 designed to produce an effect substantially similar to that of  
2 a controlled substance in Schedule I or II. Examples of  
3 chemical classes in which controlled substance analogs are  
4 found include, but are not limited to, the following:  
5 phenethylamines, N-substituted piperidines, morphinans,  
6 ecgonines, quinazolinones, substituted indoles, and  
7 arylcycloalkylamines. For purposes of this Act, a controlled  
8 substance analog shall be treated in the same manner as the  
9 controlled substance to which it is substantially similar.

10 (a) Any person who violates this Section with respect to  
11 the following controlled or counterfeit substances and  
12 amounts, notwithstanding any of the provisions of subsections  
13 (c) and (d) to the contrary, is guilty of a Class 1 felony and  
14 shall, if sentenced to a term of imprisonment, be sentenced as  
15 provided in this subsection (a) and fined as provided in  
16 subsection (b):

17 (1) (A) not less than 4 years and not more than 15  
18 years with respect to 15 grams or more but less than  
19 100 grams of a substance containing heroin;

20 (B) not less than 6 years and not more than 30  
21 years with respect to 100 grams or more but less than  
22 400 grams of a substance containing heroin;

23 (C) not less than 8 years and not more than 40  
24 years with respect to 400 grams or more but less than  
25 900 grams of any substance containing heroin;

26 (D) not less than 10 years and not more than 50

1 years with respect to 900 grams or more of any  
2 substance containing heroin;

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

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

9 (C) not less than 8 years and not more than 40  
10 years with respect to 400 grams or more but less than  
11 900 grams of any substance containing cocaine;

12 (D) not less than 10 years and not more than 50  
13 years with respect to 900 grams or more of any  
14 substance containing cocaine;

15 (3) (A) not less than 4 years and not more than 15  
16 years with respect to 15 grams or more but less than  
17 100 grams of any substance containing morphine;

18 (B) not less than 6 years and not more than 30  
19 years with respect to 100 grams or more but less than  
20 400 grams of any substance containing morphine;

21 (C) not less than 6 years and not more than 40  
22 years with respect to 400 grams or more but less than  
23 900 grams of any substance containing morphine;

24 (D) not less than 10 years and not more than 50  
25 years with respect to 900 grams or more of any  
26 substance containing morphine;

1           (4) 200 grams or more of any substance containing  
2 peyote;

3           (5) 200 grams or more of any substance containing a  
4 derivative of barbituric acid or any of the salts of a  
5 derivative of barbituric acid;

6           (6) 200 grams or more of any substance containing  
7 amphetamine or any salt of an optical isomer of  
8 amphetamine;

9           (6.5) (blank);

10          (7) (A) not less than 4 years and not more than 15  
11 years with respect to: (i) 15 grams or more but less  
12 than 100 grams of any substance containing lysergic  
13 acid diethylamide (LSD), or an analog thereof, or (ii)  
14 15 or more objects or 15 or more segregated parts of an  
15 object or objects but less than 200 objects or 200  
16 segregated parts of an object or objects containing in  
17 them or having upon them any amount of any substance  
18 containing lysergic acid diethylamide (LSD), or an  
19 analog thereof;

20          (B) not less than 6 years and not more than 30  
21 years with respect to: (i) 100 grams or more but less  
22 than 400 grams of any substance containing lysergic  
23 acid diethylamide (LSD), or an analog thereof, or (ii)  
24 200 or more objects or 200 or more segregated parts of  
25 an object or objects but less than 600 objects or less  
26 than 600 segregated parts of an object or objects

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

4 (C) not less than 8 years and not more than 40  
5 years with respect to: (i) 400 grams or more but less  
6 than 900 grams of any substance containing lysergic  
7 acid diethylamide (LSD), or an analog thereof, or (ii)  
8 600 or more objects or 600 or more segregated parts of  
9 an object or objects but less than 1500 objects or 1500  
10 segregated parts of an object or objects containing in  
11 them or having upon them any amount of any substance  
12 containing lysergic acid diethylamide (LSD), or an  
13 analog thereof;

14 (D) not less than 10 years and not more than 50  
15 years with respect to: (i) 900 grams or more of any  
16 substance containing lysergic acid diethylamide (LSD),  
17 or an analog thereof, or (ii) 1500 or more objects or  
18 1500 or more segregated parts of an object or objects  
19 containing in them or having upon them any amount of a  
20 substance containing lysergic acid diethylamide (LSD),  
21 or an analog thereof;

22 (7.5) (A) not less than 4 years and not more than 15  
23 years with respect to: (i) 15 grams or more but less  
24 than 100 grams of any substance listed in paragraph  
25 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
26 (20.1), (21), (25), or (26) of subsection (d) of

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

9 (B) not less than 6 years and not more than 30  
10 years with respect to: (i) 100 grams or more but less  
11 than 400 grams of any substance listed in paragraph  
12 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
13 (20.1), (21), (25), or (26) of subsection (d) of  
14 Section 204, or an analog or derivative thereof, or  
15 (ii) 200 or more pills, tablets, caplets, capsules, or  
16 objects but less than 600 pills, tablets, caplets,  
17 capsules, or objects containing in them or having upon  
18 them any amount of any substance listed in paragraph  
19 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
20 (20.1), (21), (25), or (26) of subsection (d) of  
21 Section 204, or an analog or derivative thereof;

22 (C) not less than 8 years and not more than 40  
23 years with respect to: (i) 400 grams or more but less  
24 than 900 grams of any substance listed in paragraph  
25 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),  
26 (20.1), (21), (25), or (26) of subsection (d) of

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

9 (D) not less than 10 years and not more than 50  
10 years with respect to: (i) 900 grams or more of any  
11 substance listed in paragraph (1), (2), (2.1), (2.2),  
12 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of  
13 subsection (d) of Section 204, or an analog or  
14 derivative thereof, or (ii) 1,500 or more pills,  
15 tablets, caplets, capsules, or objects containing in  
16 them or having upon them any amount of a substance  
17 listed in paragraph (1), (2), (2.1), (2.2), (3),  
18 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
19 subsection (d) of Section 204, or an analog or  
20 derivative thereof;

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

24 (9) 30 grams or more of any substance containing  
25 methaqualone or any of the salts, isomers and salts of  
26 isomers of methaqualone;

1           (10) 30 grams or more of any substance containing  
2           phencyclidine or any of the salts, isomers and salts of  
3           isomers of phencyclidine (PCP);

4           (10.5) 30 grams or more of any substance containing  
5           ketamine or any of the salts, isomers and salts of isomers  
6           of ketamine;

7           (11) 200 grams or more of any substance containing any  
8           substance classified as a narcotic drug in Schedules I or  
9           II, or an analog thereof, which is not otherwise included  
10          in this subsection.

11          (b) Any person sentenced with respect to violations of  
12          paragraph (1), (2), (3), (7), or (7.5) of subsection (a)  
13          involving 100 grams or more of the controlled substance named  
14          therein, may in addition to the penalties provided therein, be  
15          fined an amount not to exceed \$200,000 or the full street value  
16          of the controlled or counterfeit substances, whichever is  
17          greater. The term "street value" shall have the meaning  
18          ascribed in Section 110-5 of the Code of Criminal Procedure of  
19          1963. Any person sentenced with respect to any other provision  
20          of subsection (a), may in addition to the penalties provided  
21          therein, be fined an amount not to exceed \$200,000.

22          (c) Any person who violates this Section with regard to an  
23          amount of a controlled substance of more than 1 gram but less  
24          than the amount set forth in subsection (a) other than  
25          methamphetamine or counterfeit substance not set forth in  
26          subsection (a) or (d) is guilty of a Class 4 felony. The fine



1 for a violation punishable under this subsection (c) shall not  
2 be more than \$25,000.

3 (c-5) Any person who violates this Section with regard to  
4 an amount of a controlled substance of not more than 1 gram  
5 other than methamphetamine or counterfeit substance not set  
6 forth in subsection (a) or (d) is guilty of a Class A  
7 misdemeanor. The fine for a violation punishable under this  
8 subsection (c-5) shall not be more than \$2,500.

9 (d) Any person who violates this Section with regard to any  
10 amount of anabolic steroid is guilty of a Class C misdemeanor  
11 for the first offense and a Class B misdemeanor for a  
12 subsequent offense committed within 2 years of a prior  
13 conviction.

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

15 Section 10. The Methamphetamine Control and Community  
16 Protection Act is amended by changing Section 60 as follows:

17 (720 ILCS 646/60)

18 Sec. 60. Methamphetamine possession.

19 (a) It is unlawful knowingly to possess methamphetamine or  
20 a substance containing methamphetamine.

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

23 (0.5) A person who possesses 1 gram or less of  
24 methamphetamine or a substance containing methamphetamine

1           is guilty of a Class A misdemeanor.

2           (1) A person who possesses more than 1 gram but less  
3 than 5 grams of methamphetamine or a substance containing  
4 methamphetamine is guilty of a Class 3 felony.

5           (2) A person who possesses 5 or more grams but less  
6 than 15 grams of methamphetamine or a substance containing  
7 methamphetamine is guilty of a Class 2 felony.

8           (3) A person who possesses 15 or more grams but less  
9 than 100 grams of methamphetamine or a substance containing  
10 methamphetamine is guilty of a Class 1 felony.

11           (4) A person who possesses 100 or more grams but less  
12 than 400 grams of methamphetamine or a substance containing  
13 methamphetamine is guilty of a Class X felony, subject to a  
14 term of imprisonment of not less than 6 years and not more  
15 than 30 years, and subject to a fine not to exceed  
16 \$100,000.

17           (5) A person who possesses 400 or more grams but less  
18 than 900 grams of methamphetamine or a substance containing  
19 methamphetamine is guilty of a Class X felony, subject to a  
20 term of imprisonment of not less than 8 years and not more  
21 than 40 years, and subject to a fine not to exceed  
22 \$200,000.

23           (6) A person who possesses 900 or more grams of  
24 methamphetamine or a substance containing methamphetamine  
25 is guilty of a Class X felony, subject to a term of  
26 imprisonment of not less than 10 years and not more than 50

1           years, and subject to a fine not to exceed \$300,000.

2           (Source: P.A. 94-556, eff. 9-11-05.)

3           Section 15. The Unified Code of Corrections is amended by  
4           changing Sections 5-4.5-95 and 5-5-3 as follows:

5           (730 ILCS 5/5-4.5-95)

6           Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

7           (a) HABITUAL CRIMINALS.

8           (1) Every person who has been twice convicted in any  
9           state or federal court of an offense that contains the same  
10          elements as an offense now (the date of the offense  
11          committed after the 2 prior convictions) classified in  
12          Illinois as a Class X felony, criminal sexual assault,  
13          aggravated kidnapping, or first degree murder, and who is  
14          thereafter convicted of a Class X felony, criminal sexual  
15          assault, or first degree murder, committed after the 2  
16          prior convictions, shall be adjudged an habitual criminal.

17          (2) The 2 prior convictions need not have been for the  
18          same offense.

19          (3) Any convictions that result from or are connected  
20          with the same transaction, or result from offenses  
21          committed at the same time, shall be counted for the  
22          purposes of this Section as one conviction.

23          (4) This Section does not apply unless each of the  
24          following requirements are satisfied:

1           (A) The third offense was committed after July 3,  
2           1980.

3           (B) The third offense was committed within 20 years  
4           of the date that judgment was entered on the first  
5           conviction; provided, however, that time spent in  
6           custody shall not be counted.

7           (C) The third offense was committed after  
8           conviction on the second offense.

9           (D) The second offense was committed after  
10          conviction on the first offense.

11          (E) The first offense was committed when the person  
12          was 21 years of age or older.

13          (5) Anyone who, having attained the age of 18 at the  
14          time of the third offense, is adjudged an habitual criminal  
15          shall be sentenced to a term of natural life imprisonment.

16          (6) A prior conviction shall not be alleged in the  
17          indictment, and no evidence or other disclosure of that  
18          conviction shall be presented to the court or the jury  
19          during the trial of an offense set forth in this Section  
20          unless otherwise permitted by the issues properly raised in  
21          that trial. After a plea or verdict or finding of guilty  
22          and before sentence is imposed, the prosecutor may file  
23          with the court a verified written statement signed by the  
24          State's Attorney concerning any former conviction of an  
25          offense set forth in this Section rendered against the  
26          defendant. The court shall then cause the defendant to be

1 brought before it; shall inform the defendant of the  
2 allegations of the statement so filed, and of his or her  
3 right to a hearing before the court on the issue of that  
4 former conviction and of his or her right to counsel at  
5 that hearing; and unless the defendant admits such  
6 conviction, shall hear and determine the issue, and shall  
7 make a written finding thereon. If a sentence has  
8 previously been imposed, the court may vacate that sentence  
9 and impose a new sentence in accordance with this Section.

10 (7) A duly authenticated copy of the record of any  
11 alleged former conviction of an offense set forth in this  
12 Section shall be prima facie evidence of that former  
13 conviction; and a duly authenticated copy of the record of  
14 the defendant's final release or discharge from probation  
15 granted, or from sentence and parole supervision (if any)  
16 imposed pursuant to that former conviction, shall be prima  
17 facie evidence of that release or discharge.

18 (8) Any claim that a previous conviction offered by the  
19 prosecution is not a former conviction of an offense set  
20 forth in this Section because of the existence of any  
21 exceptions described in this Section, is waived unless duly  
22 raised at the hearing on that conviction, or unless the  
23 prosecution's proof shows the existence of the exceptions  
24 described in this Section.

25 (9) If the person so convicted shows to the  
26 satisfaction of the court before whom that conviction was

1 had that he or she was released from imprisonment, upon  
2 either of the sentences upon a pardon granted for the  
3 reason that he or she was innocent, that conviction and  
4 sentence shall not be considered under this Section.

5 (b) When a defendant, over the age of 21 years, is  
6 convicted of a Class 1 or Class 2 forcible felony, after having  
7 twice been convicted in any state or federal court of an  
8 offense that contains the same elements as an offense now (the  
9 date the Class 1 or Class 2 forcible felony was committed)  
10 classified in Illinois as a Class 2 or greater Class forcible  
11 felony and those charges are separately brought and tried and  
12 arise out of different series of acts, that defendant shall be  
13 sentenced as a Class X offender. This subsection does not apply  
14 unless:

15 (1) the first forcible felony was committed after  
16 February 1, 1978 (the effective date of Public Act  
17 80-1099);

18 (2) the second forcible felony was committed after  
19 conviction on the first; and

20 (3) the third forcible felony was committed after  
21 conviction on the second.

22 A person sentenced as a Class X offender under this  
23 subsection (b) is not eligible to apply for treatment as a  
24 condition of probation as provided by Section 40-10 of the  
25 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS  
26 301/40-10).

1 (Source: P.A. 99-69, eff. 1-1-16.)

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

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

13 (A) First degree murder where the death penalty is not  
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

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

22 (D-5) (Blank). ~~A violation of subdivision (c)(1) of~~  
23 ~~Section 401 of the Illinois Controlled Substances Act which~~  
24 ~~relates to 3 or more grams of a substance containing heroin~~  
25 ~~or an analog thereof.~~

1 (E) A violation of Section 5.1 or 9 of the Cannabis  
2 Control Act.

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

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

17 (G) (Blank). ~~Residential burglary, except as otherwise~~  
18 ~~provided in Section 40-10 of the Alcoholism and Other Drug~~  
19 ~~Abuse and Dependency Act.~~

20 (H) Criminal sexual assault.

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

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

26 Before July 1, 1994, for the purposes of this



1 paragraph, "organized gang" means an association of 5 or  
2 more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate crimes  
4 or provides support to the members of the association who  
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed to it  
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense  
12 of hate crime when the underlying offense upon which the  
13 hate crime is based is felony aggravated assault or felony  
14 mob action.

15 (M) A second or subsequent conviction for the offense  
16 of institutional vandalism if the damage to the property  
17 exceeds \$300.

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

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

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

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

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

5 (S) (Blank).

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

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

15 (V) A violation of paragraph (4) of subsection (c) of  
16 Section 11-20.1B or paragraph (4) of subsection (c) of  
17 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
18 (6) of subsection (a) of Section 11-20.1 of the Criminal  
19 Code of 2012 when the victim is under 13 years of age and  
20 the defendant has previously been convicted under the laws  
21 of this State or any other state of the offense of child  
22 pornography, aggravated child pornography, aggravated  
23 criminal sexual abuse, aggravated criminal sexual assault,  
24 predatory criminal sexual assault of a child, or any of the  
25 offenses formerly known as rape, deviate sexual assault,  
26 indecent liberties with a child, or aggravated indecent

1           liberties with a child where the victim was under the age  
2           of 18 years or an offense that is substantially equivalent  
3           to those offenses.

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

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

8           (Y) A conviction for unlawful possession of a firearm  
9           by a street gang member when the firearm was loaded or  
10          contained firearm ammunition.

11          (Z) A Class 1 felony committed while he or she was  
12          serving a term of probation or conditional discharge for a  
13          felony.

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

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

18          (CC) Knowingly selling, offering for sale, holding for  
19          sale, or using 2,000 or more counterfeit items or  
20          counterfeit items having a retail value in the aggregate of  
21          \$500,000 or more.

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

1 (3) (Blank).

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

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
8 this subsection (c), a minimum of 100 hours of community  
9 service shall be imposed for a second violation of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300  
12 hours of community service, as determined by the court, shall  
13 be imposed for a second violation of subsection (c) of Section  
14 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
16 (4.9) of this subsection (c), a minimum term of imprisonment of  
17 30 days or 300 hours of community service, as determined by the  
18 court, shall be imposed for a third or subsequent violation of  
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.5) A minimum term of imprisonment of 30 days shall be  
21 imposed for a third violation of subsection (c) of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this  
24 subsection (c), a minimum term of imprisonment of 180 days  
25 shall be imposed for a fourth or subsequent violation of  
26 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

1           (4.7) A minimum term of imprisonment of not less than 30  
2 consecutive days, or 300 hours of community service, shall be  
3 imposed for a violation of subsection (a-5) of Section 6-303 of  
4 the Illinois Vehicle Code, as provided in subsection (b-5) of  
5 that Section.

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

12           (4.9) A mandatory prison sentence of not less than 4 and  
13 not more than 15 years shall be imposed for a third violation  
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
15 Code, as provided in subsection (d-2.5) of that Section. The  
16 person's driving privileges shall be revoked for the remainder  
17 of his or her life.

18           (4.10) A mandatory prison sentence for a Class 1 felony  
19 shall be imposed, and the person shall be eligible for an  
20 extended term sentence, for a fourth or subsequent violation of  
21 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
22 as provided in subsection (d-3.5) of that Section. The person's  
23 driving privileges shall be revoked for the remainder of his or  
24 her life.

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

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section 5-5-6
- 4 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of the

8 Illinois Vehicle Code shall have his or her driver's license,

9 permit, or privileges suspended for at least 90 days but not

10 more than one year, if the violation resulted in damage to the

11 property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted of

14 violating subsection (c) of Section 11-907 of the Illinois

15 Vehicle Code shall have his or her driver's license, permit, or

16 privileges suspended for at least 180 days but not more than 2

17 years, if the violation resulted in injury to another person.

18 (5.3) In addition to any other penalties imposed, 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 2 years, if the violation

22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person

24 convicted of violating Section 3-707 of the Illinois Vehicle

25 Code shall have his or her driver's license, permit, or

26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person  
3 convicted of violating Section 3-707 of the Illinois Vehicle  
4 Code during a period in which his or her driver's license,  
5 permit, or privileges were suspended for a previous violation  
6 of that Section shall have his or her driver's license, permit,  
7 or privileges suspended for an additional 6 months after the  
8 expiration of the original 3-month suspension and until he or  
9 she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000 for a  
18 first offense and \$2,000 for a second or subsequent offense  
19 upon a person convicted of or placed on supervision for battery  
20 when the individual harmed was a sports official or coach at  
21 any level of competition and the act causing harm to the sports  
22 official or coach occurred within an athletic facility or  
23 within the immediate vicinity of the athletic facility at which  
24 the sports official or coach was an active participant of the  
25 athletic contest held at the athletic facility. For the  
26 purposes of this paragraph (11), "sports official" means a

1 person at an athletic contest who enforces the rules of the  
2 contest, such as an umpire or referee; "athletic facility"  
3 means an indoor or outdoor playing field or recreational area  
4 where sports activities are conducted; and "coach" means a  
5 person recognized as a coach by the sanctioning authority that  
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court  
8 supervision for a violation of Section 5-16 of the Boat  
9 Registration and Safety Act if that person has previously  
10 received a disposition of court supervision for a violation of  
11 that Section.

12 (13) A person convicted of or placed on court supervision  
13 for an assault or aggravated assault when the victim and the  
14 offender are family or household members as defined in Section  
15 103 of the Illinois Domestic Violence Act of 1986 or convicted  
16 of domestic battery or aggravated domestic battery may be  
17 required to attend a Partner Abuse Intervention Program under  
18 protocols set forth by the Illinois Department of Human  
19 Services under such terms and conditions imposed by the court.  
20 The costs of such classes shall be paid by the offender.

21 (d) In any case in which a sentence originally imposed is  
22 vacated, the case shall be remanded to the trial court. The  
23 trial court shall hold a hearing under Section 5-4-1 of the  
24 Unified Code of Corrections which may include evidence of the  
25 defendant's life, moral character and occupation during the  
26 time since the original sentence was passed. The trial court



1 shall then impose sentence upon the defendant. The trial court  
2 may impose any sentence which could have been imposed at the  
3 original trial subject to Section 5-5-4 of the Unified Code of  
4 Corrections. If a sentence is vacated on appeal or on  
5 collateral attack due to the failure of the trier of fact at  
6 trial to determine beyond a reasonable doubt the existence of a  
7 fact (other than a prior conviction) necessary to increase the  
8 punishment for the offense beyond the statutory maximum  
9 otherwise applicable, either the defendant may be re-sentenced  
10 to a term within the range otherwise provided or, if the State  
11 files notice of its intention to again seek the extended  
12 sentence, the defendant shall be afforded a new trial.

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

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

21 (A) the defendant is willing to undergo a court  
22 approved counseling program for a minimum duration of 2  
23 years; or

24 (B) the defendant is willing to participate in a  
25 court approved plan including but not limited to the  
26 defendant's:

- 1 (i) removal from the household;  
2 (ii) restricted contact with the victim;  
3 (iii) continued financial support of the  
4 family;  
5 (iv) restitution for harm done to the victim;  
6 and  
7 (v) compliance with any other measures that  
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the  
10 victim's counseling services, to the extent that the court  
11 finds, after considering the defendant's income and  
12 assets, that the defendant is financially capable of paying  
13 for such services, if the victim was under 18 years of age  
14 at the time the offense was committed and requires  
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section  
17 5-6-4; except where the court determines at the hearing that  
18 the defendant violated a condition of his or her probation  
19 restricting contact with the victim or other family members or  
20 commits another offense with the victim or other family  
21 members, the court shall revoke the defendant's probation and  
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and  
24 "victim" shall have the meanings ascribed to them in Section  
25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under  
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
3 11-14.3, 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, the defendant shall undergo medical  
8 testing to determine whether the defendant has any sexually  
9 transmissible disease, including a test for infection with  
10 human immunodeficiency virus (HIV) or any other identified  
11 causative agent of acquired immunodeficiency syndrome (AIDS).  
12 Any such medical test shall be performed only by appropriately  
13 licensed medical practitioners and may include an analysis of  
14 any bodily fluids as well as an examination of the defendant's  
15 person. Except as otherwise provided by law, the results of  
16 such test shall be kept strictly confidential by all medical  
17 personnel involved in the testing and must be personally  
18 delivered in a sealed envelope to the judge of the court in  
19 which the conviction was entered for the judge's inspection in  
20 camera. Acting in accordance with the best interests of the  
21 victim and the public, the judge shall have the discretion to  
22 determine to whom, if anyone, the results of the testing may be  
23 revealed. The court shall notify the defendant of the test  
24 results. The court shall also notify the victim if requested by  
25 the victim, and if the victim is under the age of 15 and if  
26 requested by the victim's parents or legal guardian, the court

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

16 (g-5) When an inmate is tested for an airborne communicable  
17 disease, as determined by the Illinois Department of Public  
18 Health including but not limited to tuberculosis, the results  
19 of the test shall be personally delivered by the warden or his  
20 or her designee in a sealed envelope to the judge of the court  
21 in which the inmate must appear for the judge's inspection in  
22 camera if requested by the judge. Acting in accordance with the  
23 best interests of those in the courtroom, the judge shall have  
24 the discretion to determine what if any precautions need to be  
25 taken to prevent transmission of the disease in the courtroom.

26 (h) Whenever a defendant is convicted of an offense under

1 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
2 defendant shall undergo medical testing to determine whether  
3 the defendant has been exposed to human immunodeficiency virus  
4 (HIV) or any other identified causative agent of acquired  
5 immunodeficiency syndrome (AIDS). Except as otherwise provided  
6 by law, the results of such test shall be kept strictly  
7 confidential by all medical personnel involved in the testing  
8 and must be personally delivered in a sealed envelope to the  
9 judge of the court in which the conviction was entered for the  
10 judge's inspection in camera. Acting in accordance with the  
11 best interests of the public, the judge shall have the  
12 discretion to determine to whom, if anyone, the results of the  
13 testing may be revealed. The court shall notify the defendant  
14 of a positive test showing an infection with the human  
15 immunodeficiency virus (HIV). The court shall provide  
16 information on the availability of HIV testing and counseling  
17 at Department of Public Health facilities to all parties to  
18 whom the results of the testing are revealed and shall direct  
19 the State's Attorney to provide the information to the victim  
20 when possible. A State's Attorney may petition the court to  
21 obtain the results of any HIV test administered under this  
22 Section, and the court shall grant the disclosure if the  
23 State's Attorney shows it is relevant in order to prosecute a  
24 charge of criminal transmission of HIV under Section 12-5.01 or  
25 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
26 2012 against the defendant. The court shall order that the cost

1 of any such test shall be paid by the county and may be taxed as  
2 costs against the convicted defendant.

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

10 (j) In cases when prosecution for any violation of Section  
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
14 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
15 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012, any violation of the Illinois Controlled  
17 Substances Act, any violation of the Cannabis Control Act, or  
18 any violation of the Methamphetamine Control and Community  
19 Protection Act results in conviction, a disposition of court  
20 supervision, or an order of probation granted under Section 10  
21 of the Cannabis Control Act, Section 410 of the Illinois  
22 Controlled Substances Act, or Section 70 of the Methamphetamine  
23 Control and Community Protection Act of a defendant, the court  
24 shall determine whether the defendant is employed by a facility  
25 or center as defined under the Child Care Act of 1969, a public  
26 or private elementary or secondary school, or otherwise works

1 with children under 18 years of age on a daily basis. When a  
2 defendant is so employed, the court shall order the Clerk of  
3 the Court to send a copy of the judgment of conviction or order  
4 of supervision or probation to the defendant's employer by  
5 certified mail. If the employer of the defendant is a school,  
6 the Clerk of the Court shall direct the mailing of a copy of  
7 the judgment of conviction or order of supervision or probation  
8 to the appropriate regional superintendent of schools. The  
9 regional superintendent of schools shall notify the State Board  
10 of Education of any notification under this subsection.

11 (j-5) A defendant at least 17 years of age who is convicted  
12 of a felony and who has not been previously convicted of a  
13 misdemeanor or felony and who is sentenced to a term of  
14 imprisonment in the Illinois Department of Corrections shall as  
15 a condition of his or her sentence be required by the court to  
16 attend educational courses designed to prepare the defendant  
17 for a high school diploma and to work toward a high school  
18 diploma or to work toward passing high school equivalency  
19 testing or to work toward completing a vocational training  
20 program offered by the Department of Corrections. If a  
21 defendant fails to complete the educational training required  
22 by his or her sentence during the term of incarceration, the  
23 Prisoner Review Board shall, as a condition of mandatory  
24 supervised release, require the defendant, at his or her own  
25 expense, to pursue a course of study toward a high school  
26 diploma or passage of high school equivalency testing. The

1 Prisoner Review Board shall revoke the mandatory supervised  
2 release of a defendant who wilfully fails to comply with this  
3 subsection (j-5) upon his or her release from confinement in a  
4 penal institution while serving a mandatory supervised release  
5 term; however, the inability of the defendant after making a  
6 good faith effort to obtain financial aid or pay for the  
7 educational training shall not be deemed a wilful failure to  
8 comply. The Prisoner Review Board shall recommit the defendant  
9 whose mandatory supervised release term has been revoked under  
10 this subsection (j-5) as provided in Section 3-3-9. This  
11 subsection (j-5) does not apply to a defendant who has a high  
12 school diploma or has successfully passed high school  
13 equivalency testing. This subsection (j-5) does not apply to a  
14 defendant who is determined by the court to be a person with a  
15 developmental disability or otherwise mentally incapable of  
16 completing the educational or vocational program.

17 (k) (Blank).

18 (l) (A) Except as provided in paragraph (C) of subsection  
19 (l), whenever a defendant, who is an alien as defined by the  
20 Immigration and Nationality Act, is convicted of any felony or  
21 misdemeanor offense, the court after sentencing the defendant  
22 may, upon motion of the State's Attorney, hold sentence in  
23 abeyance and remand the defendant to the custody of the  
24 Attorney General of the United States or his or her designated  
25 agent to be deported 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 Otherwise, the defendant shall be sentenced as provided in  
7 this Chapter V.

8 (B) If the defendant has already been sentenced for a  
9 felony or misdemeanor offense, or has been placed on probation  
10 under Section 10 of the Cannabis Control Act, Section 410 of  
11 the Illinois Controlled Substances Act, or Section 70 of the  
12 Methamphetamine Control and Community Protection Act, the  
13 court may, upon motion of the State's Attorney to suspend the  
14 sentence imposed, commit the defendant to the custody of the  
15 Attorney General of the United States or his or her designated  
16 agent when:

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

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

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

26 (D) Upon motion of the State's Attorney, if a defendant

1 sentenced under this Section returns to the jurisdiction of the  
2 United States, the defendant shall be recommitted to the  
3 custody of the county from which he or she was sentenced.  
4 Thereafter, the defendant shall be brought before the  
5 sentencing court, which may impose any sentence that was  
6 available under Section 5-5-3 at the time of initial  
7 sentencing. In addition, the defendant shall not be eligible  
8 for additional sentence credit for good conduct as provided  
9 under Section 3-6-3.

10 (m) A person convicted of criminal defacement of property  
11 under Section 21-1.3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, in which the property damage exceeds  
13 \$300 and the property damaged is a school building, shall be  
14 ordered to perform community service that may include cleanup,  
15 removal, or painting over the defacement.

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

25 (o) Whenever a person is convicted of a sex offense as  
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to  
2 renewal on an annual basis in accordance with the provisions of  
3 license renewal established by the Secretary of State.

4 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
5 99-143, eff. 7-27-15.)".