



Sen. Thomas Cullerton

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10100SB0219sam001

LRB101 07050 SLF 57799 a

1 AMENDMENT TO SENATE BILL 219

2 AMENDMENT NO. _____. Amend Senate Bill 219 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3)

7 (Text of Section after amendment by P.A. 100-987)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank).

10 (b) (Blank).

11 (c) (1) (Blank).

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

1 or both in conjunction with such term of imprisonment:

2 (A) First degree murder where the death penalty is not
3 imposed.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

6 (D) A violation of Section 401.1 or 407 of the Illinois
7 Controlled Substances Act, or a violation of subdivision
8 (c)(1.5) of Section 401 of that Act which relates to more
9 than 5 grams of a substance containing fentanyl or an
10 analog thereof.

11 (D-5) A violation of subdivision (c)(1) of Section 401
12 of the Illinois Controlled Substances Act which relates to
13 3 or more grams of a substance containing heroin or an
14 analog thereof.

15 (E) (Blank).

16 (F) A Class 1 or greater felony if the offender had
17 been convicted of a Class 1 or greater felony, including
18 any state or federal conviction for an offense that
19 contained, at the time it was committed, the same elements
20 as an offense now (the date of the offense committed after
21 the prior Class 1 or greater felony) classified as a Class
22 1 or greater felony, within 10 years of the date on which
23 the offender committed the offense for which he or she is
24 being sentenced, except as otherwise provided in Section
25 40-10 of the Substance Use Disorder Act.

26 (F-3) A Class 2 or greater felony sex offense or felony

1 firearm offense if the offender had been convicted of a
2 Class 2 or greater felony, including any state or federal
3 conviction for an offense that contained, at the time it
4 was committed, the same elements as an offense now (the
5 date of the offense committed after the prior Class 2 or
6 greater felony) classified as a Class 2 or greater felony,
7 within 10 years of the date on which the offender committed
8 the offense for which he or she is being sentenced, except
9 as otherwise provided in Section 40-10 of the Substance Use
10 Disorder Act.

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

14 (G) Residential burglary, except as otherwise provided
15 in Section 40-10 of the Substance Use Disorder Act.

16 (H) Criminal sexual assault.

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

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

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5 or
24 more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate crimes
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense
8 of hate crime when the underlying offense upon which the
9 hate crime is based is felony aggravated assault or felony
10 mob action.

11 (M) A second or subsequent conviction for the offense
12 of institutional vandalism if the damage to the property
13 exceeds \$300.

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

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

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

22 (P-5) A violation of paragraph (6) of subsection (a) of
23 Section 11-20.1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 if the victim is a household or
25 family member of the defendant.

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) (Blank).

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

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

1 of 18 years or an offense that is substantially equivalent
2 to those offenses.

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

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

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

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

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

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

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

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

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and
18 (4.9) of this subsection (c), a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court, shall be imposed for a third or subsequent violation of
21 Section 6-303 of the Illinois Vehicle Code. The court may give
22 credit toward the fulfillment of community service hours for
23 participation in activities and treatment as determined by
24 court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation of
26 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,

1 as provided in subsection (d-3.5) of that Section. The person's
2 driving privileges shall be revoked for the remainder of his or
3 her life.

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

6 (A) a period of conditional discharge;

7 (B) a fine;

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

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but not
15 more than one year, if the violation resulted in damage to the
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license, permit, or
21 privileges suspended for at least 180 days but not more than 2
22 years, if the violation resulted in injury to another person.

23 (5.3) In addition to any other penalties imposed, a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 2 years, if the violation

1 resulted in the death of another person.

2 (5.4) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code shall have his or her driver's license, permit, or
5 privileges suspended for 3 months and until he or she has paid
6 a reinstatement fee of \$100.

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

15 (6) (Blank).

16 (7) (Blank).

17 (8) (Blank).

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

21 (10) (Blank).

22 (11) The court shall impose a minimum fine of \$1,000 for a
23 first offense and \$2,000 for a second or subsequent offense
24 upon a person convicted of or placed on supervision for battery
25 when the individual harmed was a sports official or coach at
26 any level of competition and the act causing harm to the sports

1 official or coach occurred within an athletic facility or
2 within the immediate vicinity of the athletic facility at which
3 the sports official or coach was an active participant of the
4 athletic contest held at the athletic facility. For the
5 purposes of this paragraph (11), "sports official" means a
6 person at an athletic contest who enforces the rules of the
7 contest, such as an umpire or referee; "athletic facility"
8 means an indoor or outdoor playing field or recreational area
9 where sports activities are conducted; and "coach" means a
10 person recognized as a coach by the sanctioning authority that
11 conducted the sporting event.

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

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

26 (d) In any case in which a sentence originally imposed is

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

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

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

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2
2 years; or

3 (B) the defendant is willing to participate in a
4 court approved plan including but not limited to the
5 defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 11-0.1 of the Criminal Code of 2012.

5 (f) (Blank).

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

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

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

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

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
5 2012 against the defendant. The court shall order that the cost
6 of any such test shall be paid by the county and may be taxed as
7 costs against the convicted defendant.

8 (i) All fines and penalties imposed under this Section for
9 any violation of Chapters 3, 4, 6, and 11 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, and
11 any violation of the Child Passenger Protection Act, or a
12 similar provision of a local ordinance, shall be collected and
13 disbursed by the circuit clerk as provided under the Criminal
14 and Traffic Assessment Act.

15 (j) In cases when prosecution for any violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, any violation of the Illinois Controlled
22 Substances Act, any violation of the Cannabis Control Act, or
23 any violation of the Methamphetamine Control and Community
24 Protection Act results in conviction, a disposition of court
25 supervision, or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

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

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

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

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection
24 (l), whenever a defendant, who is an alien as defined by the
25 Immigration and Nationality Act, is convicted of any felony or
26 misdemeanor offense, the court after sentencing the defendant

1 may, upon motion of the State's Attorney, hold sentence in
2 abeyance and remand the defendant to the custody of the
3 Attorney General of the United States or his or her designated
4 agent to be deported when:

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

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

11 Otherwise, the defendant shall be sentenced as provided in
12 this Chapter V.

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

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under the
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

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

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

15 (m) A person convicted of criminal defacement of property
16 under Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, in which the property damage exceeds
18 \$300 and the property damaged is a school building, shall be
19 ordered to perform community service that may include cleanup,
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 (i) to an impact
25 incarceration program if the person is otherwise eligible for
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person has a substance use disorder, as defined
2 in the Substance Use Disorder Act, to a treatment program
3 licensed under that Act.

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

9 (Source: P.A. 99-143, eff. 7-27-15; 99-885, eff. 8-23-16;
10 99-938, eff. 1-1-18; 100-575, eff. 1-8-18; 100-759, eff.
11 1-1-19; 100-987, eff. 7-1-19; revised 10-12-18.)".