



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2578

Introduced 2/15/2023, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-3	from Ch. 38, par. 24-3
730 ILCS 5/5-4.5-95	
730 ILCS 5/5-5-3	

Amends the Criminal Code of 2012. Increases penalties for unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities. Provides that a person commits unlawful sale or delivery of firearms when he or she knowingly: (1) sells or gives a firearm to a person who has been convicted of a felony or who is a streetgang member or (2) sells or gives a firearm that has been purchased or acquired out of state to a person who has been convicted of a felony or is a streetgang member. Provides that a violation is a Class 1 felony. Provides that a second or subsequent violation is non-probationable. Amends the Unified Code of Corrections. Deletes a provision that the first offense had to be committed when the person was 21 years of age or older to be adjudged a habitual criminal. Provides that a person who attained the age of 18 at the time of the third offense may be adjudged a habitual criminal. In the Class X sentencing provision for a defendant over 21 years of age who is convicted of a Class 1 or Class 2 felony after twice being convicted of a Class 1 or Class 2 felony, deletes a provision that the first offense had to be committed when the person was 21 years of age or older and deletes a provision that the offenses had to be forcible felonies. Exempts theft from this calculation.

LRB103 29579 RLC 55974 b

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
5 changing Sections 24-1.1 and 24-3 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful use or possession of weapons by
8 felons or persons in the custody of the Department of
9 Corrections facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief by the Director of the Illinois
17 State Police under Section 10 of the Firearm Owners
18 Identification Card Act.

19 (b) It is unlawful for any person confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections, to possess any weapon prohibited under Section
22 24-1 of this Code or any firearm or firearm ammunition,
23 regardless of the intent with which he possesses it.

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

5 (d) The defense of necessity is not available to a person
6 who is charged with a violation of subsection (b) of this
7 Section.

8 (e) Sentence. Violation of this Section by a person not
9 confined in a penal institution shall be a Class 1 ~~3~~ felony for
10 which the person shall be sentenced to no less than 4 ~~2~~ years
11 and no more than 15 ~~10~~ years. A second or subsequent violation
12 of this Section shall be a Class X ~~2~~ felony for which the
13 person shall be sentenced to a term of imprisonment of not less
14 than 6 ~~3~~ years and not more than 30 ~~14~~ years, except as
15 provided for in Section 5-4.5-110 of the Unified Code of
16 Corrections. Violation of this Section by a person not
17 confined in a penal institution who has been convicted of a
18 forcible felony, a felony violation of Article 24 of this Code
19 or of the Firearm Owners Identification Card Act, stalking or
20 aggravated stalking, or a Class 2 or greater felony under the
21 Illinois Controlled Substances Act, the Cannabis Control Act,
22 or the Methamphetamine Control and Community Protection Act is
23 a Class X ~~2~~ felony for which the person shall be sentenced to
24 not less than 6 ~~3~~ years and not more than 30 ~~14~~ years, ~~except~~
25 ~~as provided for in Section 5-4.5-110 of the Unified Code of~~
26 ~~Corrections.~~ Violation of this Section by a person who is on

1 parole or mandatory supervised release is a Class X 2 felony
2 for which the person shall be sentenced to not less than 6 3
3 years and not more than 30 14 years, ~~except as provided for in~~
4 ~~Section 5-4.5-110 of the Unified Code of Corrections.~~

5 Violation of this Section by a person not confined in a penal
6 institution is a Class X felony when the firearm possessed is a
7 machine gun for which the person shall be sentenced to no less
8 than 10 years and no more than 60 years. Any person who
9 violates this Section while confined in a penal institution,
10 which is a facility of the Illinois Department of Corrections,
11 is guilty of a Class 1 felony, if he possesses any weapon
12 prohibited under Section 24-1 of this Code regardless of the
13 intent with which he possesses it, a Class X felony if he
14 possesses any firearm, firearm ammunition or explosive, and a
15 Class X felony for which the offender shall be sentenced to not
16 less than 12 years and not more than 50 years when the firearm
17 possessed is a machine gun. A violation of this Section while
18 wearing or in possession of body armor as defined in Section
19 33F-1 is a Class X felony punishable by a term of imprisonment
20 of not less than 10 years and not more than 60 40 years. The
21 possession of each firearm or firearm ammunition in violation
22 of this Section constitutes a single and separate violation.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

25 Sec. 24-3. Unlawful sale or delivery of firearms.

1 (A) A person commits the offense of unlawful sale or
2 delivery of firearms when he or she knowingly does any of the
3 following:

4 (a) Sells or gives any firearm of a size which may be
5 concealed upon the person to any person under 18 years of
6 age.

7 (b) Sells or gives any firearm to a person under 21
8 years of age who has been convicted of a misdemeanor other
9 than a traffic offense or adjudged delinquent.

10 (c) Sells or gives any firearm to any narcotic addict.

11 (d) Sells or gives any firearm to any person who has
12 been convicted of a felony under the laws of this or any
13 other jurisdiction.

14 (e) Sells or gives any firearm to any person who has
15 been a patient in a mental institution within the past 5
16 years. In this subsection (e):

17 "Mental institution" means any hospital,
18 institution, clinic, evaluation facility, mental
19 health center, or part thereof, which is used
20 primarily for the care or treatment of persons with
21 mental illness.

22 "Patient in a mental institution" means the person
23 was admitted, either voluntarily or involuntarily, to
24 a mental institution for mental health treatment,
25 unless the treatment was voluntary and solely for an
26 alcohol abuse disorder and no other secondary

1 substance abuse disorder or mental illness.

2 (f) Sells or gives any firearms to any person who is a
3 person with an intellectual disability.

4 (g) Delivers any firearm, incidental to a sale,
5 without withholding delivery of the firearm for at least
6 72 hours after application for its purchase has been made,
7 or delivers a stun gun or taser, incidental to a sale,
8 without withholding delivery of the stun gun or taser for
9 at least 24 hours after application for its purchase has
10 been made. However, this paragraph (g) does not apply to:

11 (1) the sale of a firearm to a law enforcement officer if
12 the seller of the firearm knows that the person to whom he
13 or she is selling the firearm is a law enforcement officer
14 or the sale of a firearm to a person who desires to
15 purchase a firearm for use in promoting the public
16 interest incident to his or her employment as a bank
17 guard, armed truck guard, or other similar employment; (2)
18 a mail order sale of a firearm from a federally licensed
19 firearms dealer to a nonresident of Illinois under which
20 the firearm is mailed to a federally licensed firearms
21 dealer outside the boundaries of Illinois; (3) (blank);
22 (4) the sale of a firearm to a dealer licensed as a federal
23 firearms dealer under Section 923 of the federal Gun
24 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
25 sale of any rifle, shotgun, or other long gun to a resident
26 registered competitor or attendee or non-resident

1 registered competitor or attendee by any dealer licensed
2 as a federal firearms dealer under Section 923 of the
3 federal Gun Control Act of 1968 at competitive shooting
4 events held at the World Shooting Complex sanctioned by a
5 national governing body. For purposes of transfers or
6 sales under subparagraph (5) of this paragraph (g), the
7 Department of Natural Resources shall give notice to the
8 Illinois State Police at least 30 calendar days prior to
9 any competitive shooting events at the World Shooting
10 Complex sanctioned by a national governing body. The
11 notification shall be made on a form prescribed by the
12 Illinois State Police. The sanctioning body shall provide
13 a list of all registered competitors and attendees at
14 least 24 hours before the events to the Illinois State
15 Police. Any changes to the list of registered competitors
16 and attendees shall be forwarded to the Illinois State
17 Police as soon as practicable. The Illinois State Police
18 must destroy the list of registered competitors and
19 attendees no later than 30 days after the date of the
20 event. Nothing in this paragraph (g) relieves a federally
21 licensed firearm dealer from the requirements of
22 conducting a NICS background check through the Illinois
23 Point of Contact under 18 U.S.C. 922(t). For purposes of
24 this paragraph (g), "application" means when the buyer and
25 seller reach an agreement to purchase a firearm. For
26 purposes of this paragraph (g), "national governing body"

1 means a group of persons who adopt rules and formulate
2 policy on behalf of a national firearm sporting
3 organization.

4 (h) While holding any license as a dealer, importer,
5 manufacturer or pawnbroker under the federal Gun Control
6 Act of 1968, manufactures, sells or delivers to any
7 unlicensed person a handgun having a barrel, slide, frame
8 or receiver which is a die casting of zinc alloy or any
9 other nonhomogeneous metal which will melt or deform at a
10 temperature of less than 800 degrees Fahrenheit. For
11 purposes of this paragraph, (1) "firearm" is defined as in
12 the Firearm Owners Identification Card Act; and (2)
13 "handgun" is defined as a firearm designed to be held and
14 fired by the use of a single hand, and includes a
15 combination of parts from which such a firearm can be
16 assembled.

17 (i) Sells or gives a firearm of any size to any person
18 under 18 years of age who does not possess a valid Firearm
19 Owner's Identification Card.

20 (j) Sells or gives a firearm while engaged in the
21 business of selling firearms at wholesale or retail
22 without being licensed as a federal firearms dealer under
23 Section 923 of the federal Gun Control Act of 1968 (18
24 U.S.C. 923). In this paragraph (j):

25 A person "engaged in the business" means a person who
26 devotes time, attention, and labor to engaging in the

1 activity as a regular course of trade or business with the
2 principal objective of livelihood and profit, but does not
3 include a person who makes occasional repairs of firearms
4 or who occasionally fits special barrels, stocks, or
5 trigger mechanisms to firearms.

6 "With the principal objective of livelihood and
7 profit" means that the intent underlying the sale or
8 disposition of firearms is predominantly one of obtaining
9 livelihood and pecuniary gain, as opposed to other
10 intents, such as improving or liquidating a personal
11 firearms collection; however, proof of profit shall not be
12 required as to a person who engages in the regular and
13 repetitive purchase and disposition of firearms for
14 criminal purposes or terrorism.

15 (k) Sells or transfers ownership of a firearm to a
16 person who does not display to the seller or transferor of
17 the firearm either: (1) a currently valid Firearm Owner's
18 Identification Card that has previously been issued in the
19 transferee's name by the Illinois State Police under the
20 provisions of the Firearm Owners Identification Card Act;
21 or (2) a currently valid license to carry a concealed
22 firearm that has previously been issued in the
23 transferee's name by the Illinois State Police under the
24 Firearm Concealed Carry Act. This paragraph (k) does not
25 apply to the transfer of a firearm to a person who is
26 exempt from the requirement of possessing a Firearm

1 Owner's Identification Card under Section 2 of the Firearm
2 Owners Identification Card Act. For the purposes of this
3 Section, a currently valid Firearm Owner's Identification
4 Card or license to carry a concealed firearm means receipt
5 of an approval number issued in accordance with subsection
6 (a-10) of Section 3 or Section 3.1 of the Firearm Owners
7 Identification Card Act.

8 (1) In addition to the other requirements of this
9 paragraph (k), all persons who are not federally
10 licensed firearms dealers must also have complied with
11 subsection (a-10) of Section 3 of the Firearm Owners
12 Identification Card Act by determining the validity of
13 a purchaser's Firearm Owner's Identification Card.

14 (2) All sellers or transferors who have complied
15 with the requirements of subparagraph (1) of this
16 paragraph (k) shall not be liable for damages in any
17 civil action arising from the use or misuse by the
18 transferee of the firearm transferred, except for
19 willful or wanton misconduct on the part of the seller
20 or transferor.

21 (1) Not being entitled to the possession of a firearm,
22 delivers the firearm, knowing it to have been stolen or
23 converted. It may be inferred that a person who possesses
24 a firearm with knowledge that its serial number has been
25 removed or altered has knowledge that the firearm is
26 stolen or converted.

1 (m) Sells or gives a firearm to a person who has been
2 convicted of a felony or who is a streetgang member.

3 (n) Sells or gives a firearm that has been purchased
4 or acquired out of state to a person who has been convicted
5 of a felony or who is a streetgang member.

6 (B) Paragraph (h) of subsection (A) does not include
7 firearms sold within 6 months after enactment of Public Act
8 78-355 (approved August 21, 1973, effective October 1, 1973),
9 nor is any firearm legally owned or possessed by any citizen or
10 purchased by any citizen within 6 months after the enactment
11 of Public Act 78-355 subject to confiscation or seizure under
12 the provisions of that Public Act. Nothing in Public Act
13 78-355 shall be construed to prohibit the gift or trade of any
14 firearm if that firearm was legally held or acquired within 6
15 months after the enactment of that Public Act.

16 (C) Sentence.

17 (1) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (c), (e), (f), (g),
19 or (h) of subsection (A) commits a Class 4 felony.

20 (2) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (b) or (i) of
22 subsection (A) commits a Class 3 felony.

23 (3) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a) of subsection
25 (A) commits a Class 2 felony.

26 (4) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a), (b), or (i) of
2 subsection (A) in any school, on the real property
3 comprising a school, within 1,000 feet of the real
4 property comprising a school, at a school related
5 activity, or on or within 1,000 feet of any conveyance
6 owned, leased, or contracted by a school or school
7 district to transport students to or from school or a
8 school related activity, regardless of the time of day or
9 time of year at which the offense was committed, commits a
10 Class 1 felony. Any person convicted of a second or
11 subsequent violation of unlawful sale or delivery of
12 firearms in violation of paragraph (a), (b), or (i) of
13 subsection (A) in any school, on the real property
14 comprising a school, within 1,000 feet of the real
15 property comprising a school, at a school related
16 activity, or on or within 1,000 feet of any conveyance
17 owned, leased, or contracted by a school or school
18 district to transport students to or from school or a
19 school related activity, regardless of the time of day or
20 time of year at which the offense was committed, commits a
21 Class 1 felony for which the sentence shall be a term of
22 imprisonment of no less than 5 years and no more than 15
23 years.

24 (5) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) or (i) of
26 subsection (A) in residential property owned, operated, or

1 managed by a public housing agency or leased by a public
2 housing agency as part of a scattered site or mixed-income
3 development, in a public park, in a courthouse, on
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development,
7 on the real property comprising any public park, on the
8 real property comprising any courthouse, or on any public
9 way within 1,000 feet of the real property comprising any
10 public park, courthouse, or residential property owned,
11 operated, or managed by a public housing agency or leased
12 by a public housing agency as part of a scattered site or
13 mixed-income development commits a Class 2 felony.

14 (6) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (j) of subsection
16 (A) commits a Class A misdemeanor. A second or subsequent
17 violation is a Class 4 felony.

18 (7) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (k) of subsection
20 (A) commits a Class 4 felony, except that a violation of
21 subparagraph (1) of paragraph (k) of subsection (A) shall
22 not be punishable as a crime or petty offense. A third or
23 subsequent conviction for a violation of paragraph (k) of
24 subsection (A) is a Class 1 felony.

25 (8) A person 18 years of age or older convicted of
26 unlawful sale or delivery of firearms in violation of

1 paragraph (a) or (i) of subsection (A), when the firearm
2 that was sold or given to another person under 18 years of
3 age was used in the commission of or attempt to commit a
4 forcible felony, shall be fined or imprisoned, or both,
5 not to exceed the maximum provided for the most serious
6 forcible felony so committed or attempted by the person
7 under 18 years of age who was sold or given the firearm.

8 (9) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (d) of subsection
10 (A) commits a Class 3 felony.

11 (10) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (l) of subsection
13 (A) commits a Class 2 felony if the delivery is of one
14 firearm. Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (l) of subsection
16 (A) commits a Class 1 felony if the delivery is of not less
17 than 2 and not more than 5 firearms at the same time or
18 within a one-year period. Any person convicted of unlawful
19 sale or delivery of firearms in violation of paragraph (l)
20 of subsection (A) commits a Class X felony for which he or
21 she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years if the
23 delivery is of not less than 6 and not more than 10
24 firearms at the same time or within a 2-year period. Any
25 person convicted of unlawful sale or delivery of firearms
26 in violation of paragraph (l) of subsection (A) commits a

1 Class X felony for which he or she shall be sentenced to a
2 term of imprisonment of not less than 6 years and not more
3 than 40 years if the delivery is of not less than 11 and
4 not more than 20 firearms at the same time or within a
5 3-year period. Any person convicted of unlawful sale or
6 delivery of firearms in violation of paragraph (l) of
7 subsection (A) commits a Class X felony for which he or she
8 shall be sentenced to a term of imprisonment of not less
9 than 6 years and not more than 50 years if the delivery is
10 of not less than 21 and not more than 30 firearms at the
11 same time or within a 4-year period. Any person convicted
12 of unlawful sale or delivery of firearms in violation of
13 paragraph (l) of subsection (A) commits a Class X felony
14 for which he or she shall be sentenced to a term of
15 imprisonment of not less than 6 years and not more than 60
16 years if the delivery is of 31 or more firearms at the same
17 time or within a 5-year period.

18 (11) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (m) or (n) of
20 subsection (A) commits a Class 1 felony.

21 (D) For purposes of this Section:

22 "School" means a public or private elementary or secondary
23 school, community college, college, or university.

24 "School related activity" means any sporting, social,
25 academic, or other activity for which students' attendance or
26 participation is sponsored, organized, or funded in whole or

1 in part by a school or school district.

2 (E) A prosecution for a violation of paragraph (k) of
3 subsection (A) of this Section may be commenced within 6 years
4 after the commission of the offense. A prosecution for a
5 violation of this Section other than paragraph (g) of
6 subsection (A) of this Section may be commenced within 5 years
7 after the commission of the offense defined in the particular
8 paragraph.

9 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
10 102-813, eff. 5-13-22.)

11 Section 10. The Unified Code of Corrections is amended by
12 changing Sections 5-4.5-95 and 5-5-3 as follows:

13 (730 ILCS 5/5-4.5-95)

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

15 (a) HABITUAL CRIMINALS.

16 (1) Every person who has been twice convicted in any
17 state or federal court of an offense that contains the
18 same elements as an offense now (the date of the offense
19 committed after the 2 prior convictions) classified in
20 Illinois as a Class X felony, criminal sexual assault,
21 aggravated kidnapping, or first degree murder, and who is
22 thereafter convicted of a Class X felony, criminal sexual
23 assault, or first degree murder, committed after the 2
24 prior convictions, shall be adjudged an habitual criminal.

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

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

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

9 (A) The third offense was committed after July 3,
10 1980.

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

15 (C) The third offense was committed after
16 conviction on the second offense.

17 (D) The second offense was committed after
18 conviction on the first offense.

19 (E) (Blank). ~~The first offense was committed when~~
20 ~~the person was 21 years of age or older.~~

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

25 (6) A prior conviction shall not be alleged in the
26 indictment, and no evidence or other disclosure of that

1 conviction shall be presented to the court or the jury
2 during the trial of an offense set forth in this Section
3 unless otherwise permitted by the issues properly raised
4 in that trial. After a plea or verdict or finding of guilty
5 and before sentence is imposed, the prosecutor may file
6 with the court a verified written statement signed by the
7 State's Attorney concerning any former conviction of an
8 offense set forth in this Section rendered against the
9 defendant. The court shall then cause the defendant to be
10 brought before it; shall inform the defendant of the
11 allegations of the statement so filed, and of his or her
12 right to a hearing before the court on the issue of that
13 former conviction and of his or her right to counsel at
14 that hearing; and unless the defendant admits such
15 conviction, shall hear and determine the issue, and shall
16 make a written finding thereon. If a sentence has
17 previously been imposed, the court may vacate that
18 sentence and impose a new sentence in accordance with this
19 Section.

20 (7) A duly authenticated copy of the record of any
21 alleged former conviction of an offense set forth in this
22 Section shall be prima facie evidence of that former
23 conviction; and a duly authenticated copy of the record of
24 the defendant's final release or discharge from probation
25 granted, or from sentence and parole supervision (if any)
26 imposed pursuant to that former conviction, shall be prima

1 facie evidence of that release or discharge.

2 (8) Any claim that a previous conviction offered by
3 the prosecution is not a former conviction of an offense
4 set forth in this Section because of the existence of any
5 exceptions described in this Section, is waived unless
6 duly raised at the hearing on that conviction, or unless
7 the prosecution's proof shows the existence of the
8 exceptions described in this Section.

9 (9) If the person so convicted shows to the
10 satisfaction of the court before whom that conviction was
11 had that he or she was released from imprisonment, upon
12 either of the sentences upon a pardon granted for the
13 reason that he or she was innocent, that conviction and
14 sentence shall not be considered under this Section.

15 (b) When a defendant, over the age of 21 years, is
16 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
17 an offense listed in subsection (d) of this Section, after
18 having twice been convicted in any state or federal court of an
19 offense that contains the same elements as an offense now (the
20 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
21 classified in Illinois as a Class 2 or greater Class ~~forcible~~
22 felony, except for an offense listed in subsection (d) of this
23 Section, and those charges are separately brought and tried
24 and arise out of different series of acts, that defendant
25 shall be sentenced as a Class X offender. This subsection does
26 not apply unless:

1 (1) the first ~~forcible~~ felony was committed after
2 February 1, 1978 (the effective date of Public Act
3 80-1099);

4 (2) the second ~~forcible~~ felony was committed after
5 conviction on the first;

6 (3) the third ~~forcible~~ felony was committed after
7 conviction on the second; and

8 (4) (blank). ~~the first offense was committed when the~~
9 ~~person was 21 years of age or older.~~

10 (c) (Blank).

11 (d) Subsection (b) of this Section does not apply to Class
12 1 or Class 2 felony convictions for a violation of Section 16-1
13 of the Criminal Code of 2012.

14 A person sentenced as a Class X offender under this
15 subsection (b) is not eligible to apply for treatment as a
16 condition of probation as provided by Section 40-10 of the
17 Substance Use Disorder Act (20 ILCS 301/40-10).

18 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
19 101-652, eff. 7-1-21.)

20 (730 ILCS 5/5-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic imprisonment

1 or conditional discharge shall not be imposed for the
2 following offenses. The court shall sentence the offender to
3 not less than the minimum term of imprisonment set forth in
4 this Code for the following offenses, and may order a fine or
5 restitution or both in conjunction with such term of
6 imprisonment:

7 (A) First degree murder where the death penalty is not
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the
12 Illinois Controlled Substances Act, or a violation of
13 subdivision (c)(1.5) of Section 401 of that Act which
14 relates to more than 5 grams of a substance containing
15 fentanyl or an analog thereof.

16 (D-5) A violation of subdivision (c)(1) of Section 401
17 of the Illinois Controlled Substances Act which relates to
18 3 or more grams of a substance containing heroin or an
19 analog thereof.

20 (E) (Blank).

21 (F) A Class 1 or greater felony if the offender had
22 been convicted of a Class 1 or greater felony, including
23 any state or federal conviction for an offense that
24 contained, at the time it was committed, the same elements
25 as an offense now (the date of the offense committed after
26 the prior Class 1 or greater felony) classified as a Class

1 1 or greater felony, within 10 years of the date on which
2 the offender committed the offense for which he or she is
3 being sentenced, except as otherwise provided in Section
4 40-10 of the Substance Use Disorder Act.

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

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

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

21 (H) Criminal sexual assault.

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

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

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

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

12 (K) Vehicular hijacking.

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

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

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

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

25 (P) A violation of paragraph (1), (2), (3), (4), (5),
26 or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

11 (S) (Blank).

12 (T) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

9 (FF) A second or subsequent conviction for a violation
10 of paragraph (m) or (n) of subsection (A) of Section 24-3
11 of the Criminal Code of 2012.

12 (3) (Blank).

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

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
19 this subsection (c), a minimum of 100 hours of community
20 service shall be imposed for a second violation of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300
23 hours of community service, as determined by the court, shall
24 be imposed for a second violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6), and

1 (4.9) of this subsection (c), a minimum term of imprisonment
2 of 30 days or 300 hours of community service, as determined by
3 the court, shall be imposed for a third or subsequent
4 violation of Section 6-303 of the Illinois Vehicle Code. The
5 court may give credit toward the fulfillment of community
6 service hours for participation in activities and treatment as
7 determined by court services.

8 (4.5) A minimum term of imprisonment of 30 days shall be
9 imposed for a third violation of subsection (c) of Section
10 6-303 of the Illinois Vehicle Code.

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

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

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

26 (4.9) A mandatory prison sentence of not less than 4 and

1 not more than 15 years shall be imposed for a third violation
2 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
3 Code, as provided in subsection (d-2.5) of that Section. The
4 person's driving privileges shall be revoked for the remainder
5 of his or her life.

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

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

15 (A) a period of conditional discharge;

16 (B) a fine;

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

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

26 (5.2) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.3), a person convicted of
2 violating subsection (c) of Section 11-907 of the Illinois
3 Vehicle Code shall have his or her driver's license, permit,
4 or privileges suspended for at least 180 days but not more than
5 2 years, if the violation resulted in injury to another
6 person.

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

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

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

25 (6) (Blank).

26 (7) (Blank).

1 (8) (Blank).

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

5 (10) (Blank).

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

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

1 (13) A person convicted of or placed on court supervision
2 for an assault or aggravated assault when the victim and the
3 offender are family or household members as defined in Section
4 103 of the Illinois Domestic Violence Act of 1986 or convicted
5 of domestic battery or aggravated domestic battery may be
6 required to attend a Partner Abuse Intervention Program under
7 protocols set forth by the Illinois Department of Human
8 Services under such terms and conditions imposed by the court.
9 The costs of such classes shall be paid by the offender.

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

1 shall be afforded a new trial.

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

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

11 (A) the defendant is willing to undergo a court
12 approved counseling program for a minimum duration of
13 2 years; or

14 (B) the defendant is willing to participate in a
15 court approved plan, including, but not limited to,
16 the defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the
20 family;

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

22 and

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

25 (2) the court orders the defendant to pay for the
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and
2 assets, that the defendant is financially capable of
3 paying for such services, if the victim was under 18 years
4 of age at the time the offense was committed and requires
5 counseling as a result of the offense.

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

13 For the purposes of this Section, "family member" and
14 "victim" shall have the meanings ascribed to them in Section
15 11-0.1 of the Criminal Code of 2012.

16 (f) (Blank).

17 (g) Whenever a defendant is convicted of an offense under
18 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
19 11-14.3, 11-14.4 except for an offense that involves keeping a
20 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
21 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
22 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, the defendant shall undergo medical
24 testing to determine whether the defendant has any sexually
25 transmissible disease, including a test for infection with
26 human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).
2 Any such medical test shall be performed only by appropriately
3 licensed medical practitioners and may include an analysis of
4 any bodily fluids as well as an examination of the defendant's
5 person. Except as otherwise provided by law, the results of
6 such test shall be kept strictly confidential by all medical
7 personnel involved in the testing and must be personally
8 delivered in a sealed envelope to the judge of the court in
9 which the conviction was entered for the judge's inspection in
10 camera. Acting in accordance with the best interests of the
11 victim and the public, the judge shall have the discretion to
12 determine to whom, if anyone, the results of the testing may be
13 revealed. The court shall notify the defendant of the test
14 results. The court shall also notify the victim if requested
15 by the victim, and if the victim is under the age of 15 and if
16 requested by the victim's parents or legal guardian, the court
17 shall notify the victim's parents or legal guardian of the
18 test results. The court shall provide information on the
19 availability of HIV testing and counseling at Department of
20 Public Health facilities to all parties to whom the results of
21 the testing are revealed and shall direct the State's Attorney
22 to provide the information to the victim when possible. The
23 court shall order that the cost of any such test shall be paid
24 by the county and may be taxed as costs against the convicted
25 defendant.

26 (g-5) When an inmate is tested for an airborne

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

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

1 information on the availability of HIV testing and counseling
2 at Department of Public Health facilities to all parties to
3 whom the results of the testing are revealed and shall direct
4 the State's Attorney to provide the information to the victim
5 when possible. The court shall order that the cost of any such
6 test shall be paid by the county and may be taxed as costs
7 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
2 Methamphetamine Control and Community Protection Act of a
3 defendant, the court shall determine whether the defendant is
4 employed by a facility or center as defined under the Child
5 Care Act of 1969, a public or private elementary or secondary
6 school, or otherwise works with children under 18 years of age
7 on a daily basis. When a defendant is so employed, the court
8 shall order the Clerk of the Court to send a copy of the
9 judgment of conviction or order of supervision or probation to
10 the defendant's employer by certified mail. If the employer of
11 the defendant is a school, the Clerk of the Court shall direct
12 the mailing of a copy of the judgment of conviction or order of
13 supervision or probation to the appropriate regional
14 superintendent of schools. The regional superintendent of
15 schools shall notify the State Board of Education of any
16 notification under this subsection.

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

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

24 (k) (Blank).

25 (l) (A) Except as provided in paragraph (C) of subsection
26 (l), whenever a defendant, who is not a citizen or national of

1 the United States, is convicted of any felony or misdemeanor
2 offense, the court after sentencing the defendant may, upon
3 motion of the State's Attorney, hold sentence in abeyance and
4 remand the defendant to the custody of the Attorney General of
5 the United States or his or her designated agent to be deported
6 when:

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

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

13 Otherwise, the defendant shall be sentenced as provided in
14 this Chapter V.

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

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

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

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

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

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

23 (n) The court may sentence a person convicted of a
24 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
25 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
26 of 1961 or the Criminal Code of 2012 (i) to an impact

1 incarceration program if the person is otherwise eligible for
2 that program under Section 5-8-1.1, (ii) to community service,
3 or (iii) if the person has a substance use disorder, as defined
4 in the Substance Use Disorder Act, to a treatment program
5 licensed under that Act.

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

11 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
12 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
13 5-27-22.)