

1 AMENDMENT TO HOUSE BILL 571

2 AMENDMENT NO. _____. Amend House Bill 571 by replacing
3 everything after the enacting clause with the following:

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

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
7 Sec. 5-5-3. Disposition.

8 (a) Every person convicted of an offense shall be
9 sentenced as provided in this Section.

10 (b) The following options shall be appropriate
11 dispositions, alone or in combination, for all felonies and
12 misdemeanors other than those identified in subsection (c) of
13 this Section:

- 14 (1) A period of probation.
- 15 (2) A term of periodic imprisonment.
- 16 (3) A term of conditional discharge.
- 17 (4) A term of imprisonment.
- 18 (5) An order directing the offender to clean up and
19 repair the damage, if the offender was convicted under
20 paragraph (h) of Section 21-1 of the Criminal Code of
21 1961.
- 22 (6) A fine.

1 (7) An order directing the offender to make
2 restitution to the victim under Section 5-5-6 of this
3 Code.

4 (8) A sentence of participation in a county impact
5 incarceration program under Section 5-8-1.2 of this Code.

6 Whenever an individual is sentenced for an offense based
7 upon an arrest for a violation of Section 11-501 of the
8 Illinois Vehicle Code, or a similar provision of a local
9 ordinance, and the professional evaluation recommends
10 remedial or rehabilitative treatment or education, neither
11 the treatment nor the education shall be the sole disposition
12 and either or both may be imposed only in conjunction with
13 another disposition. The court shall monitor compliance with
14 any remedial education or treatment recommendations contained
15 in the professional evaluation. Programs conducting alcohol
16 or other drug evaluation or remedial education must be
17 licensed by the Department of Human Services. However, if
18 the individual is not a resident of Illinois, the court may
19 accept an alcohol or other drug evaluation or remedial
20 education program in the state of such individual's
21 residence. Programs providing treatment must be licensed
22 under existing applicable alcoholism and drug treatment
23 licensure standards.

24 In addition to any other fine or penalty required by law,
25 any individual convicted of a violation of Section 11-501 of
26 the Illinois Vehicle Code or a similar provision of local
27 ordinance, whose operation of a motor vehicle while in
28 violation of Section 11-501 or such ordinance proximately
29 caused an incident resulting in an appropriate emergency
30 response, shall be required to make restitution to a public
31 agency for the costs of that emergency response. Such
32 restitution shall not exceed \$500 per public agency for each
33 such emergency response. For the purpose of this paragraph,
34 emergency response shall mean any incident requiring a

1 response by: a police officer as defined under Section 1-162
2 of the Illinois Vehicle Code; a fireman carried on the rolls
3 of a regularly constituted fire department; and an ambulance
4 as defined under Section 3.85 4-05 of the Emergency Medical
5 Services (EMS) Systems Act.

6 Neither a fine nor restitution shall be the sole
7 disposition for a felony and either or both may be imposed
8 only in conjunction with another disposition.

9 (c) (1) When a defendant is found guilty of first degree
10 murder the State may either seek a sentence of
11 imprisonment under Section 5-8-1 of this Code, or where
12 appropriate seek a sentence of death under Section 9-1 of
13 the Criminal Code of 1961.

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

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

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the
26 Illinois Controlled Substances Act, or a violation
27 of subdivision (c)(1) or (c)(2) of Section 401 of
28 that Act which relates to more than 5 grams of a
29 substance containing heroin or cocaine or an analog
30 thereof.

31 (E) A violation of Section 5.1 or 9 of the
32 Cannabis Control Act.

33 (F) A Class 2 or greater felony if the
34 offender had been convicted of a Class 2 or greater

1 felony within 10 years of the date on which the
2 offender committed the offense for which he or she
3 is being sentenced, except as otherwise provided in
4 Section 40-10 of the Alcoholism and Other Drug Abuse
5 and Dependency Act.

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

9 (H) Criminal sexual assault, ~~except as~~
10 ~~otherwise provided in subsection (e) of this~~
11 ~~Section.~~

12 (I) Aggravated battery of a senior citizen.

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

15 Before July 1, 1994, for the purposes of this
16 paragraph, "organized gang" means an association of
17 5 or more persons, with an established hierarchy,
18 that encourages members of the association to
19 perpetrate crimes or provides support to the members
20 of the association who do commit crimes.

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

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the
27 offense of hate crime when the underlying offense
28 upon which the hate crime is based is felony
29 aggravated assault or felony mob action.

30 (M) A second or subsequent conviction for the
31 offense of institutional vandalism if the damage to
32 the property exceeds \$300.

33 (N) A Class 3 felony violation of paragraph
34 (1) of subsection (a) of Section 2 of the Firearm

1 Owners Identification Card Act.

2 (O) A violation of Section 12-6.1 of the
3 Criminal Code of 1961.

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

7 (Q) A violation of Section 20-1.2 of the
8 Criminal Code of 1961.

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

11 (S) A violation of Section 11-501(c-1)(3) of
12 the Illinois Vehicle Code.

13 (3) A minimum term of imprisonment of not less than
14 5 days or 30 days of community service as may be
15 determined by the court shall be imposed for a second
16 violation committed within 5 years of a previous
17 violation of Section 11-501 of the Illinois Vehicle Code
18 or a similar provision of a local ordinance. In the case
19 of a third or subsequent violation committed within 5
20 years of a previous violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance, a minimum term of either 10 days of
23 imprisonment or 60 days of community service shall be
24 imposed.

25 (4) A minimum term of imprisonment of not less than
26 10 consecutive days or 30 days of community service shall
27 be imposed for a violation of paragraph (c) of Section
28 6-303 of the Illinois Vehicle Code.

29 (4.1) A minimum term of 30 consecutive days of
30 imprisonment, 40 days of 24 hour periodic imprisonment or
31 720 hours of community service, as may be determined by
32 the court, shall be imposed for a violation of Section
33 11-501 of the Illinois Vehicle Code during a period in
34 which the defendant's driving privileges are revoked or

1 suspended, where the revocation or suspension was for a
2 violation of Section 11-501 or Section 11-501.1 of that
3 Code.

4 (4.2) Except as provided in paragraph (4.3) of this
5 subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of
7 Section 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or
9 300 hours of community service, as determined by the
10 court, shall be imposed for a second violation of
11 subsection (c) of Section 6-303 of the Illinois Vehicle
12 Code.

13 (4.4) Except as provided in paragraph (4.5) and
14 paragraph (4.6) of this subsection (c), a minimum term of
15 imprisonment of 30 days or 300 hours of community
16 service, as determined by the court, shall be imposed for
17 a third or subsequent violation of Section 6-303 of the
18 Illinois Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days
20 shall be imposed for a third violation of subsection (c)
21 of Section 6-303 of the Illinois Vehicle Code.

22 (4.6) A minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle
25 Code.

26 (5) The court may sentence an offender convicted of
27 a business offense or a petty offense or a corporation or
28 unincorporated association convicted of any offense to:

29 (A) a period of conditional discharge;

30 (B) a fine;

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

33 (5.1) In addition to any penalties imposed under
34 paragraph (5) of this subsection (c), and except as

1 provided in paragraph (5.2) or (5.3), a person convicted
2 of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's
4 license, permit, or privileges suspended for at least 90
5 days but not more than one year, if the violation
6 resulted in damage to the property of another person.

7 (5.2) In addition to any penalties imposed under
8 paragraph (5) of this subsection (c), and except as
9 provided in paragraph (5.3), a person convicted of
10 violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's
12 license, permit, or privileges suspended for at least 180
13 days but not more than 2 years, if the violation resulted
14 in injury to another person.

15 (5.3) In addition to any penalties imposed under
16 paragraph (5) of this subsection (c), a person convicted
17 of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's
19 license, permit, or privileges suspended for 2 years, if
20 the violation resulted in the death of another person.

21 (6) In no case shall an offender be eligible for a
22 disposition of probation or conditional discharge for a
23 Class 1 felony committed while he was serving a term of
24 probation or conditional discharge for a felony.

25 (7) When a defendant is adjudged a habitual
26 criminal under Article 33B of the Criminal Code of 1961,
27 the court shall sentence the defendant to a term of
28 natural life imprisonment.

29 (8) When a defendant, over the age of 21 years, is
30 convicted of a Class 1 or Class 2 felony, after having
31 twice been convicted in any state or federal court of an
32 offense that contains the same elements as an offense now
33 classified in Illinois as a Class 2 or greater Class
34 felony and such charges are separately brought and tried

1 and arise out of different series of acts, such defendant
2 shall be sentenced as a Class X offender. This paragraph
3 shall not apply unless (1) the first felony was committed
4 after the effective date of this amendatory Act of 1977;
5 and (2) the second felony was committed after conviction
6 on the first; and (3) the third felony was committed
7 after conviction on the second. A person sentenced as a
8 Class X offender under this paragraph is not eligible to
9 apply for treatment as a condition of probation as
10 provided by Section 40-10 of the Alcoholism and Other
11 Drug Abuse and Dependency Act.

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

15 (10) When a person is convicted of violating
16 Section 11-501 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance, the following penalties
18 apply when his or her blood, breath, or urine was .16 or
19 more based on the definition of blood, breath, or urine
20 units in Section 11-501.2 or that person is convicted of
21 violating Section 11-501 of the Illinois Vehicle Code
22 while transporting a child under the age of 16:

23 (A) For a first violation of subsection (a) of
24 Section 11-501, in addition to any other penalty
25 that may be imposed under subsection (c) of Section
26 11-501: a mandatory minimum of 100 hours of
27 community service and a minimum fine of \$500.

28 (B) For a second violation of subsection (a)
29 of Section 11-501, in addition to any other penalty
30 that may be imposed under subsection (c) of Section
31 11-501 within 10 years: a mandatory minimum of 2
32 days of imprisonment and a minimum fine of \$1,250.

33 (C) For a third violation of subsection (a) of
34 Section 11-501, in addition to any other penalty

1 that may be imposed under subsection (c) of Section
2 11-501 within 20 years: a mandatory minimum of 90
3 days of imprisonment and a minimum fine of \$2,500.

4 (D) For a fourth or subsequent violation of
5 subsection (a) of Section 11-501: ineligibility for
6 a sentence of probation or conditional discharge and
7 a minimum fine of \$2,500.

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

27 (e) (Blank).~~In--cases--where--prosecution--for--criminal~~
28 ~~sexual--assault--or--aggravated--criminal--sexual--abuse--under~~
29 ~~Section--12-13--or-12-16--of--the--Criminal--Code--of--1961--results~~
30 ~~in--conviction--of--a--defendant--who--was--a--family--member--of--the~~
31 ~~victim--at--the--time--of--the--commission--of--the--offense,--the~~
32 ~~court--shall--consider--the--safety--and--welfare--of--the--victim--and~~
33 ~~may--impose--a--sentence--of--probation--only--where:~~

34 (1)--the--court--finds--(A)--or--(B)--or--both--are

1 appropriate:

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

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

8 (i)--removal-from-the-household;

9 (ii)--restricted-contact-with-the-victim;

10 (iii)--continued-financial-support-of--the
11 family;

12 (iv)--restitution--for--harm--done--to-the
13 victim;-and

14 (v)--compliance-with--any--other--measures
15 that-the-court-may-deem-appropriate;-and

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

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

30 For--the--purposes--of--this-Section,-"family-member"-and
31 "victim"-shall-have-the-meanings-ascribed-to-them-in--Section
32 12-12-of-the-Criminal-Code-of-1961.

33 (f) This Article shall not deprive a court in other
34 proceedings to order a forfeiture of property, to suspend or

1 cancel a license, to remove a person from office, or to
2 impose any other civil penalty.

3 (g) Whenever a defendant is convicted of an offense
4 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
5 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
6 12-15 or 12-16 of the Criminal Code of 1961, the defendant
7 shall undergo medical testing to determine whether the
8 defendant has any sexually transmissible disease, including a
9 test for infection with human immunodeficiency virus (HIV) or
10 any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Any such medical test
12 shall be performed only by appropriately licensed medical
13 practitioners and may include an analysis of any bodily
14 fluids as well as an examination of the defendant's person.
15 Except as otherwise provided by law, the results of such test
16 shall be kept strictly confidential by all medical personnel
17 involved in the testing and must be personally delivered in a
18 sealed envelope to the judge of the court in which the
19 conviction was entered for the judge's inspection in camera.
20 Acting in accordance with the best interests of the victim
21 and the public, the judge shall have the discretion to
22 determine to whom, if anyone, the results of the testing may
23 be revealed. The court shall notify the defendant of the test
24 results. The court shall also notify the victim if requested
25 by the victim, and if the victim is under the age of 15 and
26 if requested by the victim's parents or legal guardian, the
27 court shall notify the victim's parents or legal guardian of
28 the test results. The court shall provide information on the
29 availability of HIV testing and counseling at Department of
30 Public Health facilities to all parties to whom the results
31 of the testing are revealed and shall direct the State's
32 Attorney to provide the information to the victim when
33 possible. A State's Attorney may petition the court to obtain
34 the results of any HIV test administered under this Section,

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

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

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

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

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

21 (j) In cases when prosecution for any violation of
22 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
23 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
24 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
25 12-16 of the Criminal Code of 1961, any violation of the
26 Illinois Controlled Substances Act, or any violation of the
27 Cannabis Control Act results in conviction, a disposition of
28 court supervision, or an order of probation granted under
29 Section 10 of the Cannabis Control Act or Section 410 of the
30 Illinois Controlled Substance Act of a defendant, the court
31 shall determine whether the defendant is employed by a
32 facility or center as defined under the Child Care Act of
33 1969, a public or private elementary or secondary school, or
34 otherwise works with children under 18 years of age on a

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

11 (j-5) A defendant at least 17 years of age who is
12 convicted of a felony and who has not been previously
13 convicted of a misdemeanor or felony and who is sentenced to
14 a term of imprisonment in the Illinois Department of
15 Corrections shall as a condition of his or her sentence be
16 required by the court to attend educational courses designed
17 to prepare the defendant for a high school diploma and to
18 work toward a high school diploma or to work toward passing
19 the high school level Test of General Educational Development
20 (GED) or to work toward completing a vocational training
21 program offered by the Department of Corrections. If a
22 defendant fails to complete the educational training required
23 by his or her sentence during the term of incarceration, the
24 Prisoner Review Board shall, as a condition of mandatory
25 supervised release, require the defendant, at his or her own
26 expense, to pursue a course of study toward a high school
27 diploma or passage of the GED test. The Prisoner Review
28 Board shall revoke the mandatory supervised release of a
29 defendant who wilfully fails to comply with this subsection
30 (j-5) upon his or her release from confinement in a penal
31 institution while serving a mandatory supervised release
32 term; however, the inability of the defendant after making a
33 good faith effort to obtain financial aid or pay for the
34 educational training shall not be deemed a wilful failure to

1 comply. The Prisoner Review Board shall recommit the
2 defendant whose mandatory supervised release term has been
3 revoked under this subsection (j-5) as provided in Section
4 3-3-9. This subsection (j-5) does not apply to a defendant
5 who has a high school diploma or has successfully passed the
6 GED test. This subsection (j-5) does not apply to a defendant
7 who is determined by the court to be developmentally disabled
8 or otherwise mentally incapable of completing the educational
9 or vocational program.

10 (k) A court may not impose a sentence or disposition for
11 a felony or misdemeanor that requires the defendant to be
12 implanted or injected with or to use any form of birth
13 control.

14 (l) (A) Except as provided in paragraph (C) of
15 subsection (l), whenever a defendant, who is an alien as
16 defined by the Immigration and Nationality Act, is
17 convicted of any felony or misdemeanor offense, the court
18 after sentencing the defendant may, upon motion of the
19 State's Attorney, hold sentence in abeyance and remand
20 the defendant to the custody of the Attorney General of
21 the United States or his or her designated agent to be
22 deported when:

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

26 (2) the deportation of the defendant would not
27 deprecate the seriousness of the defendant's conduct
28 and would not be inconsistent with the ends of
29 justice.

30 Otherwise, the defendant shall be sentenced as
31 provided in this Chapter V.

32 (B) If the defendant has already been sentenced for
33 a felony or misdemeanor offense, or has been placed on
34 probation under Section 10 of the Cannabis Control Act or

1 Section 410 of the Illinois Controlled Substances Act,
2 the court may, upon motion of the State's Attorney to
3 suspend the sentence imposed, commit the defendant to the
4 custody of the Attorney General of the United States or
5 his or her designated agent when:

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

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

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

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

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

32 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
33 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
34 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,

1 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
2 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
3 7-19-02; revised 2-17-03.)".