



Sen. John J. Cullerton

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LRB093 13523 DRH 48514 a

1 AMENDMENT TO SENATE BILL 2124

2 AMENDMENT NO. _____. Amend Senate Bill 2124, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 11-501 as follows:

7 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

8 Sec. 11-501. Driving while under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds or any
10 combination thereof.

11 (a) A person shall not drive or be in actual physical
12 control of any vehicle within this State while:

13 (1) the alcohol concentration in the person's blood or
14 breath is 0.08 or more based on the definition of blood and
15 breath units in Section 11-501.2;

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving; or

2 (6) there is any amount of a drug, substance, or
3 compound in the person's breath, blood, or urine resulting
4 from the unlawful use or consumption of cannabis listed in
5 the Cannabis Control Act, a controlled substance listed in
6 the Illinois Controlled Substances Act, or an intoxicating
7 compound listed in the Use of Intoxicating Compounds Act.

8 (b) The fact that any person charged with violating this
9 Section is or has been legally entitled to use alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or any
11 combination thereof, shall not constitute a defense against any
12 charge of violating this Section.

13 (b-1) With regard to penalties imposed under this Section:

14 (1) Any reference to a prior violation of subsection
15 (a) or a similar provision includes any violation of a
16 provision of a local ordinance or a provision of a law of
17 another state that is similar to a violation of subsection
18 (a) of this Section.

19 (2) Any penalty imposed for driving with a license that
20 has been revoked for a previous violation of subsection (a)
21 of this Section shall be in addition to the penalty imposed
22 for any subsequent violation of subsection (a).

23 (b-2) Except as otherwise provided in this Section, any
24 person convicted of violating subsection (a) of this Section is
25 guilty of a Class A misdemeanor.

26 (b-3) In addition to any other criminal or administrative
27 sanction for any second conviction of violating subsection (a)
28 or a similar provision committed within 5 years of a previous
29 violation of subsection (a) or a similar provision, the
30 defendant shall be sentenced to a mandatory minimum of 5 days
31 of imprisonment or assigned a mandatory minimum of 240 hours of
32 community service as may be determined by the court.

33 (b-4) In the case of a third or subsequent violation
34 committed within 5 years of a previous violation of subsection

1 (a) or a similar provision, in addition to any other criminal
2 or administrative sanction, a mandatory minimum term of either
3 10 days of imprisonment or 480 hours of community service shall
4 be imposed.

5 (b-5) The imprisonment or assignment of community service
6 under subsections (b-3) and (b-4) shall not be subject to
7 suspension, nor shall the person be eligible for a reduced
8 sentence.

9 (c) (Blank). ~~Except as provided under paragraphs (c-3),~~
10 ~~(c-4), and (d) of this Section, every person convicted of~~
11 ~~violating this Section or a similar provision of a local~~
12 ~~ordinance, shall be guilty of a Class A misdemeanor and, in~~
13 ~~addition to any other criminal or administrative action, for~~
14 ~~any second conviction of violating this Section or a similar~~
15 ~~provision of a law of another state or local ordinance~~
16 ~~committed within 5 years of a previous violation of this~~
17 ~~Section or a similar provision of a local ordinance shall be~~
18 ~~mandatorily sentenced to a minimum of 5 days of imprisonment or~~
19 ~~assigned to a minimum of 30 days of community service as may be~~
20 ~~determined by the court. Every person convicted of violating~~
21 ~~this Section or a similar provision of a local ordinance shall~~
22 ~~be subject to an additional mandatory minimum fine of \$500 and~~
23 ~~an additional mandatory 5 days of community service in a~~
24 ~~program benefiting children if the person committed a violation~~
25 ~~of paragraph (a) or a similar provision of a local ordinance~~
26 ~~while transporting a person under age 16. Every person~~
27 ~~convicted a second time for violating this Section or a similar~~
28 ~~provision of a local ordinance within 5 years of a previous~~
29 ~~violation of this Section or a similar provision of a law of~~
30 ~~another state or local ordinance shall be subject to an~~
31 ~~additional mandatory minimum fine of \$500 and an additional 10~~
32 ~~days of mandatory community service in a program benefiting~~
33 ~~children if the current offense was committed while~~
34 ~~transporting a person under age 16. The imprisonment or~~

1 ~~assignment under this subsection shall not be subject to~~
2 ~~suspension nor shall the person be eligible for probation in~~
3 ~~order to reduce the sentence or assignment.~~

4 (c-1) (1) A person who violates subsection (a) ~~this Section~~
5 during a period in which his or her driving privileges are
6 revoked or suspended, where the revocation or suspension
7 was for a violation of subsection (a) ~~this Section~~, Section
8 11-501.1, paragraph (b) of Section 11-401, or for reckless
9 homicide as defined in Section 9-3 of the Criminal Code of
10 1961 is guilty of a Class 4 felony.

11 (2) A person who violates subsection (a) ~~this Section~~ a
12 third time, if the third violation occurs during a period
13 in which his or her driving privileges are revoked or
14 suspended where the revocation or suspension was for a
15 violation of subsection (a) ~~this Section~~, Section
16 11-501.1, paragraph (b) of Section 11-401, or for reckless
17 homicide as defined in Section 9-3 of the Criminal Code of
18 1961, is guilty of a Class 3 felony.

19 (2.1) A person who violates subsection (a) a third
20 time, if the third violation occurs during a period in
21 which his or her driving privileges are revoked or
22 suspended where the revocation or suspension was for a
23 violation of subsection (a), Section 11-501.1, subsection
24 (b) of Section 11-401, or for reckless homicide as defined
25 in Section 9-3 of the Criminal Code of 1961, is guilty of a
26 Class 3 felony; and if the person receives a term of
27 probation or conditional discharge, he or she shall be
28 required to serve a mandatory minimum of 10 days of
29 imprisonment or shall be assigned a mandatory minimum of
30 480 hours of community service, as may be determined by the
31 court, as a condition of the probation or conditional
32 discharge. This mandatory minimum term of imprisonment or
33 assignment of community service shall not be suspended or
34 reduced by the court.

1 (2.2) A person who violates subsection (a), if the
2 violation occurs during a period in which his or her
3 driving privileges are revoked or suspended where the
4 revocation or suspension was for a violation of subsection
5 (a) or Section 11-501.1, shall also be sentenced to an
6 additional mandatory minimum term of 30 consecutive days of
7 imprisonment, 40 days of 24-hour periodic imprisonment, or
8 720 hours of community service, as may be determined by the
9 court. This mandatory term of imprisonment or assignment of
10 community service shall not be suspended or reduced by the
11 court.

12 (3) A person who violates subsection (a) ~~this Section~~ a
13 fourth or subsequent time, if the fourth or subsequent
14 violation occurs during a period in which his or her
15 driving privileges are revoked or suspended where the
16 revocation or suspension was for a violation of subsection
17 (a) ~~this Section~~, Section 11-501.1, paragraph (b) of
18 Section 11-401, or for reckless homicide as defined in
19 Section 9-3 of the Criminal Code of 1961, is guilty of a
20 Class 2 felony and is not eligible for a sentence of
21 probation or conditional discharge.

22 (c-2) (Blank).

23 (c-3) (Blank). ~~Every person convicted of violating this~~
24 ~~Section or a similar provision of a local ordinance who had a~~
25 ~~child under age 16 in the vehicle at the time of the offense~~
26 ~~shall have his or her punishment under this Act enhanced by 2~~
27 ~~days of imprisonment for a first offense, 10 days of~~
28 ~~imprisonment for a second offense, 30 days of imprisonment for~~
29 ~~a third offense, and 90 days of imprisonment for a fourth or~~
30 ~~subsequent offense, in addition to the fine and community~~
31 ~~service required under subsection (c) and the possible~~
32 ~~imprisonment required under subsection (d). The imprisonment~~
33 ~~or assignment under this subsection shall not be subject to~~
34 ~~suspension nor shall the person be eligible for probation in~~

1 ~~order to reduce the sentence or assignment.~~

2 (c-4) (Blank). ~~When a person is convicted of violating~~
3 ~~Section 11-501 of this Code or a similar provision of a local~~
4 ~~ordinance, the following penalties apply when his or her blood,~~
5 ~~breath, or urine was .16 or more based on the definition of~~
6 ~~blood, breath, or urine units in Section 11-501.2 or when that~~
7 ~~person is convicted of violating this Section while~~
8 ~~transporting a child under the age of 16:~~

9 ~~(1) A person who is convicted of violating subsection~~
10 ~~(a) of Section 11-501 of this Code a first time, in~~
11 ~~addition to any other penalty that may be imposed under~~
12 ~~subsection (c), is subject to a mandatory minimum of 100~~
13 ~~hours of community service and a minimum fine of \$500.~~

14 ~~(2) A person who is convicted of violating subsection~~
15 ~~(a) of Section 11-501 of this Code a second time within 10~~
16 ~~years, in addition to any other penalty that may be imposed~~
17 ~~under subsection (c), is subject to a mandatory minimum of~~
18 ~~2 days of imprisonment and a minimum fine of \$1,250.~~

19 ~~(3) A person who is convicted of violating subsection~~
20 ~~(a) of Section 11-501 of this Code a third time within 20~~
21 ~~years is guilty of a Class 4 felony and, in addition to any~~
22 ~~other penalty that may be imposed under subsection (c), is~~
23 ~~subject to a mandatory minimum of 90 days of imprisonment~~
24 ~~and a minimum fine of \$2,500.~~

25 ~~(4) A person who is convicted of violating this~~
26 ~~subsection (c-4) a fourth or subsequent time is guilty of a~~
27 ~~Class 2 felony and, in addition to any other penalty that~~
28 ~~may be imposed under subsection (c), is not eligible for a~~
29 ~~sentence of probation or conditional discharge and is~~
30 ~~subject to a minimum fine of \$2,500.~~

31 (c-5) A person who violates subsection (a), if the person
32 was transporting a person under the age of 16 at the time of
33 the violation, is subject to an additional mandatory minimum
34 fine of \$1,000, an additional mandatory minimum 140 hours of

1 community service, which shall include 40 hours of community
2 service in a program benefiting children, and an additional 2
3 days of imprisonment. The imprisonment or assignment of
4 community service under this subsection (c-5) is not subject to
5 suspension, nor is the person eligible for a reduced sentence.

6 (c-6) Except as provided in subsections (c-7) and (c-8) a
7 person who violates subsection (a) a second time, if at the
8 time of the second violation the person was transporting a
9 person under the age of 16, is subject to an additional 10 days
10 of imprisonment, an additional mandatory minimum fine of
11 \$1,000, and an additional mandatory minimum 140 hours of
12 community service, which shall include 40 hours of community
13 service in a program benefiting children. The imprisonment or
14 assignment of community service under this subsection (c-6) is
15 not subject to suspension, nor is the person eligible for a
16 reduced sentence.

17 (c-7) Except as provided in subsection (c-8), any person
18 convicted of violating subsection (c-6) or a similar provision
19 within 10 years of a previous violation of subsection (a) or a
20 similar provision shall receive, in addition to any other
21 penalty imposed, a mandatory minimum 12 days imprisonment, an
22 additional 40 hours of mandatory community service in a program
23 benefiting children, and a mandatory minimum fine of \$1,750.
24 The imprisonment or assignment of community service under this
25 subsection (c-7) is not subject to suspension, nor is the
26 person eligible for a reduced sentence.

27 (c-8) any person convicted of violating subsection (c-6) or
28 a similar provision within 5 years of a previous violation of
29 subsection (a) or a similar provision shall receive, in
30 addition to any other penalty imposed, an additional 80 hours
31 of mandatory community service in a program benefiting
32 children, an additional mandatory minimum 12 days of
33 imprisonment, and a mandatory minimum fine of \$1,750. The
34 imprisonment or assignment of community service under this

1 subsection (c-8) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-9) Any person convicted a third time for violating
4 subsection (a) or a similar provision, if at the time of the
5 third violation the person was transporting a person under the
6 age 16, is guilty of a Class 4 felony and shall receive, in
7 addition to any other penalty imposed, an additional mandatory
8 fine of \$1,000, an additional mandatory 140 hours of community
9 service, which shall include 40 hours in a program benefiting
10 children, and a mandatory minimum 30 days of imprisonment. The
11 imprisonment or assignment of community service under this
12 subsection (c-9) is not subject to suspension, nor is the
13 person eligible for a reduced sentence.

14 (c-10) Any person convicted of violating subsection (c-9)
15 or a similar provision a third time within 20 years of a
16 previous violation of subsection (a) or a similar provision is
17 guilty of a Class 4 felony and shall receive, in addition to
18 any other penalty imposed, an additional mandatory 40 hours of
19 community service in a program benefiting children, an
20 additional mandatory fine of \$3000, and a mandatory minimum 120
21 days of imprisonment. The imprisonment or assignment of
22 community service under this subsection (c-10) is not subject
23 to suspension, nor is the person eligible for a reduced
24 sentence.

25 (c-11) Any person convicted a fourth or subsequent time for
26 violating subsection (a) or a similar provision, if at the time
27 of the fourth or subsequent violation the person was
28 transporting a person under the age of 16, and if the person's
29 3 prior violations of subsection (a) or similar provision
30 occurred while transporting a person under the age of 16 or
31 while the alcohol concentration in his or her blood, breath, or
32 urine was 0.16 or more based on the definition of blood,
33 breath, or urine units in Section 11-501.2, is guilty of a
34 Class 2 felony, is not eligible for probation or conditional

1 discharge, and is subject to a minimum fine of \$3,000.

2 (c-12) Any person convicted of a first violation of
3 subsection (a) or a similar provision, if the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, shall be subject, in addition to any other
7 penalty that may be imposed, to a mandatory minimum of 100
8 hours of community service and a mandatory minimum fine of
9 \$500.

10 (c-13) Any person convicted of a second violation of
11 subsection (a) or a similar provision committed within 10 years
12 of a previous violation of subsection (a) or a similar
13 provision committed within 10 years of a previous violation of
14 subsection (a) or a similar provision, if at the time of the
15 second violation of subsection (a) the alcohol concentration in
16 his or her blood, breath, or urine was 0.16 or more based on
17 the definition of blood, breath, or urine units in Section
18 11-501.2, shall be subject, in addition to any other penalty
19 that may be imposed, to a mandatory minimum of 2 days of
20 imprisonment and a mandatory minimum fine of \$1,250.

21 (c-14) Any person convicted of a third violation of
22 subsection (a) or a similar provision within 20 years of a
23 previous violation of subsection (a) or a similar provision, if
24 at the time of the third violation of subsection (a) or a
25 similar provision the alcohol concentration in his or her
26 blood, breath, or urine was 0.16 or more based on the
27 definition of blood, breath, or urine units in Section
28 11-501.2, is guilty of a Class 4 felony and shall be subject,
29 in addition to any other penalty that may be imposed, to a
30 mandatory minimum of 90 days of imprisonment and a mandatory
31 minimum fine of \$2,500.

32 (c-15) Any person convicted of a fourth or subsequent
33 violation of subsection (a) or a similar provision, if at the
34 time of the fourth or subsequent violation the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, and if the person's 3 prior violations of
4 subsection (a) or a similar provision occurred while
5 transporting a person under the age of 16 or while the alcohol
6 concentration in his or her blood, breath, or urine was 0.16 or
7 more based on the definition of blood, breath, or urine units
8 in Section 11-501.2, is guilty of a Class 2 felony and is not
9 eligible for a sentence of probation or conditional discharge
10 and is subject to a minimum fine of \$2,500.

11 (d) (1) Every person convicted of committing a violation of
12 this Section shall be guilty of aggravated driving under
13 the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination
15 thereof if:

16 (A) the person committed a violation of subsection
17 (a) this Section, or a similar provision ~~of a law of~~
18 ~~another state or a local ordinance when the cause of~~
19 ~~action is the same as or substantially similar to this~~
20 ~~Section,~~ for the third or subsequent time;

21 (B) the person committed a violation of subsection
22 ~~paragraph~~ (a) while driving a school bus with persons
23 18 years of age or younger children on board;

24 (C) the person in committing a violation of
25 subsection ~~paragraph~~ (a) was involved in a motor
26 vehicle accident that resulted in great bodily harm or
27 permanent disability or disfigurement to another, when
28 the violation was a proximate cause of the injuries;

29 (D) the person committed a violation of subsection
30 ~~paragraph~~ (a) for a second time and has been previously
31 convicted of violating Section 9-3 of the Criminal Code
32 of 1961 relating to reckless homicide in which the
33 person was determined to have been under the influence
34 of alcohol, other drug or drugs, or intoxicating

1 compound or compounds as an element of the offense or
2 the person has previously been convicted under
3 subparagraph (C) or subparagraph (F) of this paragraph
4 (1);

5 (E) the person, in committing a violation of
6 subsection ~~paragraph~~ (a) while driving at any speed in
7 a school speed zone at a time when a speed limit of 20
8 miles per hour was in effect under subsection (a) of
9 Section 11-605 of this Code, was involved in a motor
10 vehicle accident that resulted in bodily harm, other
11 than great bodily harm or permanent disability or
12 disfigurement, to another person, when the violation
13 of subsection ~~paragraph~~ (a) was a proximate cause of
14 the bodily harm; or

15 (F) the person, in committing a violation of
16 subsection ~~paragraph~~ (a), was involved in a motor
17 vehicle, snowmobile, all-terrain vehicle, or
18 watercraft accident that resulted in the death of
19 another person, when the violation of subsection
20 ~~paragraph~~ (a) was a proximate cause of the death.

21 (2) Except as provided in this paragraph (2), a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony. For a violation of subparagraph (C) of paragraph
26 (1) of this subsection (d), the defendant, if sentenced to
27 a term of imprisonment, shall be sentenced to not less than
28 one year nor more than 12 years. Aggravated driving under
29 the influence of alcohol, other drug or drugs, or
30 intoxicating compound or compounds, or any combination
31 thereof as defined in subparagraph (F) of paragraph (1) of
32 this subsection (d) is a Class 2 felony, for which the
33 defendant, if sentenced to a term of imprisonment, shall be
34 sentenced to: (A) a term of imprisonment of not less than 3

1 years and not more than 14 years if the violation resulted
2 in the death of one person; or (B) a term of imprisonment
3 of not less than 6 years and not more than 28 years if the
4 violation resulted in the deaths of 2 or more persons. For
5 any prosecution under this subsection (d), a certified copy
6 of the driving abstract of the defendant shall be admitted
7 as proof of any prior conviction. Any person sentenced
8 under this subsection (d) who receives a term of probation
9 or conditional discharge must serve a minimum term of
10 either 480 hours of community service or 10 days of
11 imprisonment as a condition of the probation or conditional
12 discharge. This mandatory minimum term of imprisonment or
13 assignment of community service may not be suspended or
14 reduced by the court.

15 (e) After a finding of guilt and prior to any final
16 sentencing, or an order for supervision, for an offense based
17 upon an arrest for a violation of this Section or a similar
18 provision of a local ordinance, individuals shall be required
19 to undergo a professional evaluation to determine if an
20 alcohol, drug, or intoxicating compound abuse problem exists
21 and the extent of the problem, and undergo the imposition of
22 treatment as appropriate. Programs conducting these
23 evaluations shall be licensed by the Department of Human
24 Services. The cost of any professional evaluation shall be paid
25 for by the individual required to undergo the professional
26 evaluation.

27 (e-1) Any person who is found guilty of or pleads guilty to
28 violating this Section, including any person receiving a
29 disposition of court supervision for violating this Section,
30 may be required by the Court to attend a victim impact panel
31 offered by, or under contract with, a County State's Attorney's
32 office, a probation and court services department, Mothers
33 Against Drunk Driving, or the Alliance Against Intoxicated
34 Motorists. All costs generated by the victim impact panel shall

1 be paid from fees collected from the offender or as may be
2 determined by the court.

3 (f) Every person found guilty of violating this Section,
4 whose operation of a motor vehicle while in violation of this
5 Section proximately caused any incident resulting in an
6 appropriate emergency response, shall be liable for the expense
7 of an emergency response as provided under Section 5-5-3 of the
8 Unified Code of Corrections.

9 (g) The Secretary of State shall revoke the driving
10 privileges of any person convicted under this Section or a
11 similar provision of a local ordinance.

12 (h) Blank. ~~Every person sentenced under paragraph (2) or~~
13 ~~(3) of subsection (c-1) of this Section or subsection (d) of~~
14 ~~this Section and who receives a term of probation or~~
15 ~~conditional discharge shall be required to serve a minimum term~~
16 ~~of either 60 days community service or 10 days of imprisonment~~
17 ~~as a condition of the probation or conditional discharge. This~~
18 ~~mandatory minimum term of imprisonment or assignment of~~
19 ~~community service shall not be suspended and shall not be~~
20 ~~subject to reduction by the court.~~

21 (i) The Secretary of State shall require the use of
22 ignition interlock devices on all vehicles owned by an
23 individual who has been convicted of a second or subsequent
24 offense of this Section or a similar provision of a local
25 ordinance. The Secretary shall establish by rule and regulation
26 the procedures for certification and use of the interlock
27 system.

28 (j) In addition to any other penalties and liabilities, a
29 person who is found guilty of or pleads guilty to violating
30 subsection (a) this Section, including any person placed on
31 court supervision for violating subsection (a) this Section,
32 shall be fined \$100, payable to the circuit clerk, who shall
33 distribute the money to the law enforcement agency that made
34 the arrest. If the person has been previously convicted of

1 violating subsection (a) ~~this Section~~ or a similar provision of
2 a local ordinance, the fine shall be \$200. In the event that
3 more than one agency is responsible for the arrest, the \$100 or
4 \$200 shall be shared equally. Any moneys received by a law
5 enforcement agency under this subsection (j) shall be used to
6 purchase law enforcement equipment that will assist in the
7 prevention of alcohol related criminal violence throughout the
8 State. This shall include, but is not limited to, in-car video
9 cameras, radar and laser speed detection devices, and alcohol
10 breath testers. Any moneys received by the Department of State
11 Police under this subsection (j) shall be deposited into the
12 State Police DUI Fund and shall be used to purchase law
13 enforcement equipment that will assist in the prevention of
14 alcohol related criminal violence throughout the State.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used to purchase law
20 enforcement equipment to assist in the prevention of alcohol
21 related criminal violence throughout the State.

22 (l) Whenever an individual is sentenced for an offense
23 based upon an arrest for a violation of subsection (a) or a
24 similar provision of a local ordinance, and the professional
25 evaluation recommends remedial or rehabilitative treatment or
26 education, neither the treatment nor the education shall be the
27 sole disposition and either or both may be imposed only in
28 conjunction with another disposition. The court shall monitor
29 compliance with any remedial education or treatment
30 recommendations contained in the professional evaluation.
31 Programs conducting alcohol or other drug evaluation or
32 remedial education must be licensed by the Department of Human
33 Services. If the individual is not a resident of Illinois,
34 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

5 (m) In addition to any other fine or penalty required by
6 law, an individual convicted of a violation of subsection (a),
7 Section 5-7 of the Snowmobile Registration and Safety Act,
8 Section 5-16 of the Boat Registration and Safety Act, or a
9 similar provision, whose operation of a motor vehicle,
10 snowmobile, or watercraft while in violation of subsection (a),
11 Section 5-7 of the Snowmobile Registration and Safety Act,
12 Section 5-16 of the Boat Registration and Safety Act, or a
13 similar provision proximately caused an incident resulting in
14 an appropriate emergency response, shall be required to make
15 restitution to a public agency for the costs of that emergency
16 response. The restitution may not exceed \$1,000 per public
17 agency for each emergency response. As used in this subsection
18 (m), "emergency response" means any incident requiring a
19 response by a police officer, a firefighter carried on the
20 rolls of a regularly constituted fire department, or an
21 ambulance.

22 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
23 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
24 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
25 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

26 Section 10. The Clerks of Courts Act is amended by changing
27 Sections 27.5 and 27.6 as follows:

28 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

29 Sec. 27.5. (a) All fees, fines, costs, additional
30 penalties, bail balances assessed or forfeited, and any other
31 amount paid by a person to the circuit clerk that equals an
32 amount less than \$55, except restitution under Section 5-5-6 of

1 the Unified Code of Corrections, reimbursement for the costs of
2 an emergency response as provided under Section 11-501 of the
3 Illinois Vehicle Code ~~5-5-3 of the Unified Code of Corrections,~~
4 any fees collected for attending a traffic safety program under
5 paragraph (c) of Supreme Court Rule 529, any fee collected on
6 behalf of a State's Attorney under Section 4-2002 of the
7 Counties Code or a sheriff under Section 4-5001 of the Counties
8 Code, or any cost imposed under Section 124A-5 of the Code of
9 Criminal Procedure of 1963, for convictions, orders of
10 supervision, or any other disposition for a violation of
11 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
12 similar provision of a local ordinance, and any violation of
13 the Child Passenger Protection Act, or a similar provision of a
14 local ordinance, and except as provided in subsection (b) shall
15 be disbursed within 60 days after receipt by the circuit clerk
16 as follows: 47% shall be disbursed to the entity authorized by
17 law to receive the fine imposed in the case; 12% shall be
18 disbursed to the State Treasurer; and 41% shall be disbursed to
19 the county's general corporate fund. Of the 12% disbursed to
20 the State Treasurer, 1/6 shall be deposited by the State
21 Treasurer into the Violent Crime Victims Assistance Fund, 1/2
22 shall be deposited into the Traffic and Criminal Conviction
23 Surcharge Fund, and 1/3 shall be deposited into the Drivers
24 Education Fund. For fiscal years 1992 and 1993, amounts
25 deposited into the Violent Crime Victims Assistance Fund, the
26 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
27 Education Fund shall not exceed 110% of the amounts deposited
28 into those funds in fiscal year 1991. Any amount that exceeds
29 the 110% limit shall be distributed as follows: 50% shall be
30 disbursed to the county's general corporate fund and 50% shall
31 be disbursed to the entity authorized by law to receive the
32 fine imposed in the case. Not later than March 1 of each year
33 the circuit clerk shall submit a report of the amount of funds
34 remitted to the State Treasurer under this Section during the

1 preceding year based upon independent verification of fines and
2 fees. All counties shall be subject to this Section, except
3 that counties with a population under 2,000,000 may, by
4 ordinance, elect not to be subject to this Section. For
5 offenses subject to this Section, judges shall impose one total
6 sum of money payable for violations. The circuit clerk may add
7 on no additional amounts except for amounts that are required
8 by Sections 27.3a and 27.3c of this Act, unless those amounts
9 are specifically waived by the judge. With respect to money
10 collected by the circuit clerk as a result of forfeiture of
11 bail, ex parte judgment or guilty plea pursuant to Supreme
12 Court Rule 529, the circuit clerk shall first deduct and pay
13 amounts required by Sections 27.3a and 27.3c of this Act. This
14 Section is a denial and limitation of home rule powers and
15 functions under subsection (h) of Section 6 of Article VII of
16 the Illinois Constitution.

17 (b) The following amounts must be remitted to the State
18 Treasurer for deposit into the Illinois Animal Abuse Fund:

19 (1) 50% of the amounts collected for felony offenses
20 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
21 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
22 Animals Act and Section 26-5 of the Criminal Code of 1961;

23 (2) 20% of the amounts collected for Class A and Class
24 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
25 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
26 for Animals Act and Section 26-5 of the Criminal Code of
27 1961; and

28 (3) 50% of the amounts collected for Class C
29 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
30 for Animals Act and Section 26-5 of the Criminal Code of
31 1961.

32 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

33 (705 ILCS 105/27.6)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the additional fee required by
5 subsections (b) and (c), restitution under Section 5-5-6 of the
6 Unified Code of Corrections, reimbursement for the costs of an
7 emergency response as provided under Section 11-501 of the
8 Illinois Vehicle Code ~~5-5-3 of the Unified Code of Corrections~~,
9 any fees collected for attending a traffic safety program under
10 paragraph (c) of Supreme Court Rule 529, any fee collected on
11 behalf of a State's Attorney under Section 4-2002 of the
12 Counties Code or a sheriff under Section 4-5001 of the Counties
13 Code, or any cost imposed under Section 124A-5 of the Code of
14 Criminal Procedure of 1963, for convictions, orders of
15 supervision, or any other disposition for a violation of
16 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
17 similar provision of a local ordinance, and any violation of
18 the Child Passenger Protection Act, or a similar provision of a
19 local ordinance, and except as provided in subsection (d) shall
20 be disbursed within 60 days after receipt by the circuit clerk
21 as follows: 44.5% shall be disbursed to the entity authorized
22 by law to receive the fine imposed in the case; 16.825% shall
23 be disbursed to the State Treasurer; and 38.675% shall be
24 disbursed to the county's general corporate fund. Of the
25 16.825% disbursed to the State Treasurer, 2/17 shall be
26 deposited by the State Treasurer into the Violent Crime Victims
27 Assistance Fund, 5.052/17 shall be deposited into the Traffic
28 and Criminal Conviction Surcharge Fund, 3/17 shall be deposited
29 into the Drivers Education Fund, and 6.948/17 shall be
30 deposited into the Trauma Center Fund. Of the 6.948/17
31 deposited into the Trauma Center Fund from the 16.825%
32 disbursed to the State Treasurer, 50% shall be disbursed to the
33 Department of Public Health and 50% shall be disbursed to the
34 Department of Public Aid. For fiscal year 1993, amounts

1 deposited into the Violent Crime Victims Assistance Fund, the
2 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
3 Education Fund shall not exceed 110% of the amounts deposited
4 into those funds in fiscal year 1991. Any amount that exceeds
5 the 110% limit shall be distributed as follows: 50% shall be
6 disbursed to the county's general corporate fund and 50% shall
7 be disbursed to the entity authorized by law to receive the
8 fine imposed in the case. Not later than March 1 of each year
9 the circuit clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this Section during the
11 preceding year based upon independent verification of fines and
12 fees. All counties shall be subject to this Section, except
13 that counties with a population under 2,000,000 may, by
14 ordinance, elect not to be subject to this Section. For
15 offenses subject to this Section, judges shall impose one total
16 sum of money payable for violations. The circuit clerk may add
17 on no additional amounts except for amounts that are required
18 by Sections 27.3a and 27.3c of this Act, unless those amounts
19 are specifically waived by the judge. With respect to money
20 collected by the circuit clerk as a result of forfeiture of
21 bail, ex parte judgment or guilty plea pursuant to Supreme
22 Court Rule 529, the circuit clerk shall first deduct and pay
23 amounts required by Sections 27.3a and 27.3c of this Act. This
24 Section is a denial and limitation of home rule powers and
25 functions under subsection (h) of Section 6 of Article VII of
26 the Illinois Constitution.

27 (b) In addition to any other fines and court costs assessed
28 by the courts, any person convicted or receiving an order of
29 supervision for driving under the influence of alcohol or drugs
30 shall pay an additional fee of \$100 to the clerk of the circuit
31 court. This amount, less 2 1/2% that shall be used to defray
32 administrative costs incurred by the clerk, shall be remitted
33 by the clerk to the Treasurer within 60 days after receipt for
34 deposit into the Trauma Center Fund. This additional fee of

1 \$100 shall not be considered a part of the fine for purposes of
2 any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection during
6 the preceding calendar year.

7 (b-1) In addition to any other fines and court costs
8 assessed by the courts, any person convicted or receiving an
9 order of supervision for driving under the influence of alcohol
10 or drugs shall pay an additional fee of \$5 to the clerk of the
11 circuit court. This amount, less 2 1/2% that shall be used to
12 defray administrative costs incurred by the clerk, shall be
13 remitted by the clerk to the Treasurer within 60 days after
14 receipt for deposit into the Spinal Cord Injury Paralysis Cure
15 Research Trust Fund. This additional fee of \$5 shall not be
16 considered a part of the fine for purposes of any reduction in
17 the fine for time served either before or after sentencing. Not
18 later than March 1 of each year the Circuit Clerk shall submit
19 a report of the amount of funds remitted to the State Treasurer
20 under this subsection during the preceding calendar year.

21 (c) In addition to any other fines and court costs assessed
22 by the courts, any person convicted for a violation of Sections
23 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
24 person sentenced for a violation of the Cannabis Control Act or
25 the Controlled Substance Act shall pay an additional fee of
26 \$100 to the clerk of the circuit court. This amount, less 2
27 1/2% that shall be used to defray administrative costs incurred
28 by the clerk, shall be remitted by the clerk to the Treasurer
29 within 60 days after receipt for deposit into the Trauma Center
30 Fund. This additional fee of \$100 shall not be considered a
31 part of the fine for purposes of any reduction in the fine for
32 time served either before or after sentencing. Not later than
33 March 1 of each year the Circuit Clerk shall submit a report of
34 the amount of funds remitted to the State Treasurer under this

1 subsection during the preceding calendar year.

2 (c-1) In addition to any other fines and court costs
3 assessed by the courts, any person sentenced for a violation of
4 the Cannabis Control Act or the Illinois Controlled Substances
5 Act shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
21 Animals Act and Section 26-5 of the Criminal Code of 1961;

22 (2) 20% of the amounts collected for Class A and Class
23 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
24 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
25 for Animals Act and Section 26-5 of the Criminal Code of
26 1961; and

27 (3) 50% of the amounts collected for Class C
28 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
29 for Animals Act and Section 26-5 of the Criminal Code of
30 1961.

31 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
32 eff. 7-11-02; 92-651, eff. 7-11-02.)

33 Section 15. The Unified Code of Corrections is amended by

1 changing Sections 5-5-3, 5-6-4, 5-6-4.1, and 5-8-7 as follows:

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

3 Sec. 5-5-3. Disposition.

4 (a) Except as provided in Section 11-501 of the Illinois
5 Vehicle Code, every person convicted of an offense shall be
6 sentenced as provided in this Section.

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

11 (1) A period of probation.

12 (2) A term of periodic imprisonment.

13 (3) A term of conditional discharge.

14 (4) A term of imprisonment.

15 (5) An order directing the offender to clean up and
16 repair the damage, if the offender was convicted under
17 paragraph (h) of Section 21-1 of the Criminal Code of 1961
18 (now repealed).

19 (6) A fine.

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

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

24 ~~Whenever an individual is sentenced for an offense based~~
25 ~~upon an arrest for a violation of Section 11-501 of the~~
26 ~~Illinois Vehicle Code, or a similar provision of a local~~
27 ~~ordinance, and the professional evaluation recommends remedial~~
28 ~~or rehabilitative treatment or education, neither the~~
29 ~~treatment nor the education shall be the sole disposition and~~
30 ~~either or both may be imposed only in conjunction with another~~
31 ~~disposition. The court shall monitor compliance with any~~
32 ~~remedial education or treatment recommendations contained in~~
33 ~~the professional evaluation. Programs conducting alcohol or~~

1 ~~other drug evaluation or remedial education must be licensed by~~
2 ~~the Department of Human Services. However, if the individual is~~
3 ~~not a resident of Illinois, the court may accept an alcohol or~~
4 ~~other drug evaluation or remedial education program in the~~
5 ~~state of such individual's residence. Programs providing~~
6 ~~treatment must be licensed under existing applicable~~
7 ~~alcoholism and drug treatment licensure standards.~~

8 ~~In addition to any other fine or penalty required by law,~~
9 ~~any individual convicted of a violation of Section 11-501 of~~
10 ~~the Illinois Vehicle Code, Section 5-7 of the Snowmobile~~
11 ~~Registration and Safety Act, Section 5-16 of the Boat~~
12 ~~Registration and Safety Act, or a similar provision of local~~
13 ~~ordinance, whose operation of a motor vehicle while in~~
14 ~~violation of Section 11-501, Section 5-7, Section 5-16, or such~~
15 ~~ordinance proximately caused an incident resulting in an~~
16 ~~appropriate emergency response, shall be required to make~~
17 ~~restitution to a public agency for the costs of that emergency~~
18 ~~response. Such restitution shall not exceed \$1,000 per public~~
19 ~~agency for each such emergency response. For the purpose of~~
20 ~~this paragraph, emergency response shall mean any incident~~
21 ~~requiring a response by: a police officer as defined under~~
22 ~~Section 1-162 of the Illinois Vehicle Code; a fireman carried~~
23 ~~on the rolls of a regularly constituted fire department; and an~~
24 ~~ambulance as defined under Section 3.85 of the Emergency~~
25 ~~Medical Services (EMS) Systems Act.~~

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

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

34 (2) A period of probation, a term of periodic

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

7 (A) First degree murder where the death penalty is
8 not 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) or (c) (2) of Section 401 of that Act
14 which relates to more than 5 grams of a substance
15 containing heroin or cocaine or an analog thereof.

16 (E) A violation of Section 5.1 or 9 of the Cannabis
17 Control Act.

18 (F) A Class 2 or greater felony if the offender had
19 been convicted of a Class 2 or greater felony within 10
20 years of the date on which the offender committed the
21 offense for which he or she is being sentenced, except
22 as otherwise provided in Section 40-10 of the
23 Alcoholism and Other Drug Abuse and Dependency Act.

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

27 (H) Criminal sexual assault.

28 (I) Aggravated battery of a senior citizen.

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

31 Before July 1, 1994, for the purposes of this
32 paragraph, "organized gang" means an association of 5
33 or more persons, with an established hierarchy, that
34 encourages members of the association to perpetrate

1 crimes or provides support to the members of the
2 association who do commit crimes.

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

7 (K) Vehicular hijacking.

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

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

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

18 (O) A violation of Section 12-6.1 of the Criminal
19 Code of 1961.

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

23 (Q) A violation of Section 20-1.2 or 20-1.3 of the
24 Criminal Code of 1961.

25 (R) A violation of Section 24-3A of the Criminal
26 Code of 1961.

27 (S) ~~(Blank). A violation of Section 11-501(c-1)(3)~~
28 ~~of the Illinois Vehicle Code.~~

29 (T) A second or subsequent violation of paragraph
30 (6.6) of subsection (a), subsection (c-5), or
31 subsection (d-5) of Section 401 of the Illinois
32 Controlled Substances Act.

33 (3) ~~(Blank). A minimum term of imprisonment of not less~~
34 ~~than 5 days or 30 days of community service as may be~~

~~determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.~~

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

(4.1) (Blank). ~~A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.~~

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

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

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

1 Vehicle Code.

2 (4.5) A minimum term of imprisonment of 30 days shall
3 be imposed for a third violation of subsection (c) of
4 Section 6-303 of the Illinois Vehicle Code.

5 (4.6) A minimum term of imprisonment of 180 days shall
6 be imposed for a fourth or subsequent violation of
7 subsection (c) of Section 6-303 of the Illinois Vehicle
8 Code.

9 (5) The court may sentence an offender convicted of a
10 business offense or a petty offense or a corporation or
11 unincorporated association convicted of any offense to:

12 (A) a period of conditional discharge;

13 (B) a fine;

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

16 (5.1) In addition to any penalties imposed under
17 paragraph (5) of this subsection (c), and except as
18 provided in paragraph (5.2) or (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,
21 permit, or privileges suspended for at least 90 days but
22 not more than one year, if the violation resulted in damage
23 to the property of another person.

24 (5.2) In addition to any penalties imposed under
25 paragraph (5) of this subsection (c), and except as
26 provided in paragraph (5.3), a person convicted of
27 violating subsection (c) of Section 11-907 of the Illinois
28 Vehicle Code shall have his or her driver's license,
29 permit, or privileges suspended for at least 180 days but
30 not more than 2 years, if the violation resulted in injury
31 to another person.

32 (5.3) In addition to any penalties imposed under
33 paragraph (5) of this subsection (c), a person convicted of
34 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 2 years, if the
3 violation resulted in the death of another person.

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

8 (7) When a defendant is adjudged a habitual criminal
9 under Article 33B of the Criminal Code of 1961, the court
10 shall sentence the defendant to a term of natural life
11 imprisonment.

12 (8) When a defendant, over the age of 21 years, is
13 convicted of a Class 1 or Class 2 felony, after having
14 twice been convicted in any state or federal court of an
15 offense that contains the same elements as an offense now
16 classified in Illinois as a Class 2 or greater Class felony
17 and such charges are separately brought and tried and arise
18 out of different series of acts, such defendant shall be
19 sentenced as a Class X offender. This paragraph shall not
20 apply unless (1) the first felony was committed after the
21 effective date of this amendatory Act of 1977; and (2) the
22 second felony was committed after conviction on the first;
23 and (3) the third felony was committed after conviction on
24 the second. A person sentenced as a Class X offender under
25 this paragraph is not eligible to apply for treatment as a
26 condition of probation as provided by Section 40-10 of the
27 Alcoholism and Other Drug Abuse and Dependency Act.

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

31 (10) (Blank). ~~When a person is convicted of violating~~
32 ~~Section 11-501 of the Illinois Vehicle Code or a similar~~
33 ~~provision of a local ordinance, the following penalties~~
34 ~~apply when his or her blood, breath, or urine was .16 or~~

1 ~~more based on the definition of blood, breath, or urine~~
2 ~~units in Section 11-501.2 or that person is convicted of~~
3 ~~violating Section 11-501 of the Illinois Vehicle Code while~~
4 ~~transporting a child under the age of 16:~~

5 ~~(A) For a first violation of subsection (a) of~~
6 ~~Section 11-501, in addition to any other penalty that~~
7 ~~may be imposed under subsection (c) of Section 11-501:~~
8 ~~a mandatory minimum of 100 hours of community service~~
9 ~~and a minimum fine of \$500.~~

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

15 ~~(C) For a third violation of subsection (a) of~~
16 ~~Section 11-501, in addition to any other penalty that~~
17 ~~may be imposed under subsection (c) of Section 11-501~~
18 ~~within 20 years: a mandatory minimum of 90 days of~~
19 ~~imprisonment and a minimum fine of \$2,500.~~

20 ~~(D) For a fourth or subsequent violation of~~
21 ~~subsection (a) of Section 11-501: ineligibility for a~~
22 ~~sentence of probation or conditional discharge and a~~
23 ~~minimum fine of \$2,500.~~

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the
27 Unified Code of Corrections which may include evidence of the
28 defendant's life, moral character and occupation during the
29 time since the original sentence was passed. The trial court
30 shall then impose sentence upon the defendant. The trial court
31 may impose any sentence which could have been imposed at the
32 original trial subject to Section 5-5-4 of the Unified Code of
33 Corrections. If a sentence is vacated on appeal or on
34 collateral attack due to the failure of the trier of fact at

1 trial to determine beyond a reasonable doubt the existence of a
2 fact (other than a prior conviction) necessary to increase the
3 punishment for the offense beyond the statutory maximum
4 otherwise applicable, either the defendant may be re-sentenced
5 to a term within the range otherwise provided or, if the State
6 files notice of its intention to again seek the extended
7 sentence, the defendant shall be afforded a new trial.

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

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

15 (A) the defendant is willing to undergo a court
16 approved counseling program for a minimum duration of 2
17 years; or

18 (B) the defendant is willing to participate in a
19 court approved plan including but not limited to the
20 defendant's:

21 (i) removal from the household;

22 (ii) restricted contact with the victim;

23 (iii) continued financial support of the
24 family;

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

26 and

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

29 (2) the court orders the defendant to pay for the
30 victim's counseling services, to the extent that the court
31 finds, after considering the defendant's income and
32 assets, that the defendant is financially capable of paying
33 for such services, if the victim was under 18 years of age
34 at the time the offense was committed and requires

1 counseling as a result of the offense.

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

9 For the purposes of this Section, "family member" and
10 "victim" shall have the meanings ascribed to them in Section
11 12-12 of the Criminal Code of 1961.

12 (f) This Article shall not deprive a court in other
13 proceedings to order a forfeiture of property, to suspend or
14 cancel a license, to remove a person from office, or to impose
15 any other civil penalty.

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

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

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

29 (h) Whenever a defendant is convicted of an offense under
30 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
31 defendant shall undergo medical testing to determine whether
32 the defendant has been exposed to human immunodeficiency virus
33 (HIV) or any other identified causative agent of acquired
34 immunodeficiency syndrome (AIDS). Except as otherwise provided

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

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

31 (j) In cases when prosecution for any violation of Section
32 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
33 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
34 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal

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

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall as
24 a condition of his or her sentence be required by the court to
25 attend educational courses designed to prepare the defendant
26 for a high school diploma and to work toward a high school
27 diploma or to work toward passing the high school level Test of
28 General Educational Development (GED) or to work toward
29 completing a vocational training program offered by the
30 Department of Corrections. If a defendant fails to complete the
31 educational training required by his or her sentence during the
32 term of incarceration, the Prisoner Review Board shall, as a
33 condition of mandatory supervised release, require the
34 defendant, at his or her own expense, to pursue a course of

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

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

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

29 (1) a final order of deportation has been issued
30 against the defendant pursuant to proceedings under
31 the Immigration and Nationality Act, and

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

1 Otherwise, the defendant shall be sentenced as
2 provided in this Chapter V.

3 (B) If the defendant has already been sentenced for a
4 felony or misdemeanor offense, or has been placed on
5 probation under Section 10 of the Cannabis Control Act or
6 Section 410 of the Illinois Controlled Substances Act, the
7 court may, upon motion of the State's Attorney to suspend
8 the sentence imposed, commit the defendant to the custody
9 of the Attorney General of the United States or his or her
10 designated agent when:

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

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

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

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

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

1 defacement.

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

10 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;
11 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
12 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
13 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
14 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
15 eff. 1-1-04; revised 10-9-03.)

16 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

17 Sec. 5-6-4. Violation, Modification or Revocation of
18 Probation, of Conditional Discharge or Supervision or of a
19 sentence of county impact incarceration - Hearing.

20 (a) Except in cases where conditional discharge or
21 supervision was imposed for a petty offense as defined in
22 Section 5-1-17, when a petition is filed charging a violation
23 of a condition, the court may:

24 (1) in the case of probation violations, order the
25 issuance of a notice to the offender to be present by the
26 County Probation Department or such other agency
27 designated by the court to handle probation matters; and in
28 the case of conditional discharge or supervision
29 violations, such notice to the offender shall be issued by
30 the Circuit Court Clerk; and in the case of a violation of
31 a sentence of county impact incarceration, such notice
32 shall be issued by the Sheriff;

33 (2) order a summons to the offender to be present for

1 hearing; or

2 (3) order a warrant for the offender's arrest where
3 there is danger of his fleeing the jurisdiction or causing
4 serious harm to others or when the offender fails to answer
5 a summons or notice from the clerk of the court or Sheriff.

6 Personal service of the petition for violation of probation
7 or the issuance of such warrant, summons or notice shall toll
8 the period of probation, conditional discharge, supervision,
9 or sentence of county impact incarceration until the final
10 determination of the charge, and the term of probation,
11 conditional discharge, supervision, or sentence of county
12 impact incarceration shall not run until the hearing and
13 disposition of the petition for violation.

14 (b) The court shall conduct a hearing of the alleged
15 violation. The court shall admit the offender to bail pending
16 the hearing unless the alleged violation is itself a criminal
17 offense in which case the offender shall be admitted to bail on
18 such terms as are provided in the Code of Criminal Procedure of
19 1963, as amended. In any case where an offender remains
20 incarcerated only as a result of his alleged violation of the
21 court's earlier order of probation, supervision, conditional
22 discharge, or county impact incarceration such hearing shall be
23 held within 14 days of the onset of said incarceration, unless
24 the alleged violation is the commission of another offense by
25 the offender during the period of probation, supervision or
26 conditional discharge in which case such hearing shall be held
27 within the time limits described in Section 103-5 of the Code
28 of Criminal Procedure of 1963, as amended.

29 (c) The State has the burden of going forward with the
30 evidence and proving the violation by the preponderance of the
31 evidence. The evidence shall be presented in open court with
32 the right of confrontation, cross-examination, and
33 representation by counsel.

34 (d) Probation, conditional discharge, periodic

1 imprisonment and supervision shall not be revoked for failure
2 to comply with conditions of a sentence or supervision, which
3 imposes financial obligations upon the offender unless such
4 failure is due to his willful refusal to pay.

5 (e) If the court finds that the offender has violated a
6 condition at any time prior to the expiration or termination of
7 the period, it may continue him on the existing sentence, with
8 or without modifying or enlarging the conditions, or may impose
9 any other sentence that was available under Section 5-5-3 of
10 this Code or Section 11-501 of the Illinois Vehicle Code at the
11 time of initial sentencing. If the court finds that the person
12 has failed to successfully complete his or her sentence to a
13 county impact incarceration program, the court may impose any
14 other sentence that was available under Section 5-5-3 of this
15 Code or Section 11-501 of the Illinois Vehicle Code at the time
16 of initial sentencing, except for a sentence of probation or
17 conditional discharge.

18 (f) The conditions of probation, of conditional discharge,
19 of supervision, or of a sentence of county impact incarceration
20 may be modified by the court on motion of the supervising
21 agency or on its own motion or at the request of the offender
22 after notice and a hearing.

23 (g) A judgment revoking supervision, probation,
24 conditional discharge, or a sentence of county impact
25 incarceration is a final appealable order.

26 (h) Resentencing after revocation of probation,
27 conditional discharge, supervision, or a sentence of county
28 impact incarceration shall be under Article 4. Time served on
29 probation, conditional discharge or supervision shall not be
30 credited by the court against a sentence of imprisonment or
31 periodic imprisonment unless the court orders otherwise.

32 (i) Instead of filing a violation of probation, conditional
33 discharge, supervision, or a sentence of county impact
34 incarceration, an agent or employee of the supervising agency

1 with the concurrence of his or her supervisor may serve on the
2 defendant a Notice of Intermediate Sanctions. The Notice shall
3 contain the technical violation or violations involved, the
4 date or dates of the violation or violations, and the
5 intermediate sanctions to be imposed. Upon receipt of the
6 Notice, the defendant shall immediately accept or reject the
7 intermediate sanctions. If the sanctions are accepted, they
8 shall be imposed immediately. If the intermediate sanctions are
9 rejected or the defendant does not respond to the Notice, a
10 violation of probation, conditional discharge, supervision, or
11 a sentence of county impact incarceration shall be immediately
12 filed with the court. The State's Attorney and the sentencing
13 court shall be notified of the Notice of Sanctions. Upon
14 successful completion of the intermediate sanctions, a court
15 may not revoke probation, conditional discharge, supervision,
16 or a sentence of county impact incarceration or impose
17 additional sanctions for the same violation. A notice of
18 intermediate sanctions may not be issued for any violation of
19 probation, conditional discharge, supervision, or a sentence
20 of county impact incarceration which could warrant an
21 additional, separate felony charge. The intermediate sanctions
22 shall include a term of home detention as provided in Article
23 8A of Chapter V of this Code for multiple or repeat violations
24 of the terms and conditions of a sentence of probation,
25 conditional discharge, or supervision.

26 (Source: P.A. 89-198, eff. 7-21-95; 89-587, eff. 7-31-96;
27 89-647, eff. 1-1-97; 90-14, eff. 7-1-97.)

28 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

29 Sec. 5-6-4.1. Violation, Modification or Revocation of
30 Conditional Discharge or Supervision - Hearing.) (a) In cases
31 where a defendant was placed upon supervision or conditional
32 discharge for the commission of a petty offense, upon the oral
33 or written motion of the State, or on the court's own motion,

1 which charges that a violation of a condition of that
2 conditional discharge or supervision has occurred, the court
3 may:

4 (1) Conduct a hearing instanter if the offender is present
5 in court;

6 (2) Order the issuance by the court clerk of a notice to
7 the offender to be present for a hearing for violation;

8 (3) Order summons to the offender to be present; or

9 (4) Order a warrant for the offender's arrest.

10 The oral motion, if the defendant is present, or the
11 issuance of such warrant, summons or notice shall toll the
12 period of conditional discharge or supervision until the final
13 determination of the charge, and the term of conditional
14 discharge or supervision shall not run until the hearing and
15 disposition of the petition for violation.

16 (b) The Court shall admit the offender to bail pending the
17 hearing.

18 (c) The State has the burden of going forward with the
19 evidence and proving the violation by the preponderance of the
20 evidence. The evidence shall be presented in open court with
21 the right of confrontation, cross-examination, and
22 representation by counsel.

23 (d) Conditional discharge or supervision shall not be
24 revoked for failure to comply with the conditions of the
25 discharge or supervision which imposed financial obligations
26 upon the offender unless such failure is due to his wilful
27 refusal to pay.

28 (e) If the court finds that the offender has violated a
29 condition at any time prior to the expiration or termination of
30 the period, it may continue him on the existing sentence or
31 supervision with or without modifying or enlarging the
32 conditions, or may impose any other sentence that was available
33 under Section 5-5-3 of this Code or Section 11-501 of the
34 Illinois Vehicle Code at the time of initial sentencing.

1 (f) The conditions of conditional discharge and of
2 supervision may be modified by the court on motion of the
3 probation officer or on its own motion or at the request of the
4 offender after notice to the defendant and a hearing.

5 (g) A judgment revoking supervision is a final appealable
6 order.

7 (h) Resentencing after revocation of conditional discharge
8 or of supervision shall be under Article 4. Time served on
9 conditional discharge or supervision shall be credited by the
10 court against a sentence of imprisonment or periodic
11 imprisonment unless the court orders otherwise.

12 (Source: P.A. 81-815.)

13 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

14 Sec. 5-8-7. Calculation of Term of Imprisonment.

15 (a) A sentence of imprisonment shall commence on the date
16 on which the offender is received by the Department or the
17 institution at which the sentence is to be served.

18 (b) The offender shall be given credit on the determinate
19 sentence or maximum term and the minimum period of imprisonment
20 for time spent in custody as a result of the offense for which
21 the sentence was imposed, at the rate specified in Section
22 3-6-3 of this Code. Except when prohibited by subsection (d),
23 the trial court may give credit to the defendant for time spent
24 in home detention, or when the defendant has been confined for
25 psychiatric or substance abuse treatment prior to judgment, if
26 the court finds that the detention or confinement was
27 custodial.

28 (c) An offender arrested on one charge and prosecuted on
29 another charge for conduct which occurred prior to his arrest
30 shall be given credit on the determinate sentence or maximum
31 term and the minimum term of imprisonment for time spent in
32 custody under the former charge not credited against another
33 sentence.

1 (d) An offender sentenced to a term of imprisonment for an
2 offense listed in paragraph (2) of subsection (c) of Section
3 5-5-3 of this Code or in paragraph (3) of subsection (c-1) of
4 Section 11-501 of the Illinois Vehicle Code shall not receive
5 credit for time spent in home detention prior to judgment.
6 (Source: P.A. 88-119; 89-647, eff. 1-1-97.)".