

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is
5 amended by changing Sections 401 and 402 as follows:

6 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

7 Sec. 401. Except as authorized by this Act, it is unlawful
8 for any person knowingly to: (i) manufacture or deliver, or
9 possess with intent to manufacture or deliver, a controlled or
10 counterfeit substance or controlled substance analog or (ii)
11 possess any methamphetamine manufacturing chemical listed in
12 paragraph (z-1) of Section 102 with the intent to manufacture
13 methamphetamine or the salt of an optical isomer of
14 methamphetamine or an analog thereof. A violation of this Act
15 with respect to each of the controlled substances listed herein
16 constitutes a single and separate violation of this Act. For
17 purposes of this Section, "controlled substance analog" or
18 "analog" means a substance which is intended for human
19 consumption, other than a controlled substance, that has a
20 chemical structure substantially similar to that of a
21 controlled substance in Schedule I or II, or that was
22 specifically designed to produce an effect substantially
23 similar to that of a controlled substance in Schedule I or II.
24 Examples of chemical classes in which controlled substance
25 analogs are found include, but are not limited to, the
26 following: phenethylamines, N-substituted piperidines,
27 morphinans, ecgonines, quinazolinones, substituted indoles,
28 and arylcycloalkylamines. For purposes of this Act, a
29 controlled substance analog shall be treated in the same manner
30 as the controlled substance to which it is substantially
31 similar.

32 (a) Any person who violates this Section with respect to

1 the following amounts of controlled or counterfeit substances
2 or controlled substance analogs, notwithstanding any of the
3 provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g)
4 or (h) to the contrary, is guilty of a Class X felony and shall
5 be sentenced to a term of imprisonment as provided in this
6 subsection (a) and fined as provided in subsection (b):

7 (1) (A) not less than 6 years and not more than 30
8 years with respect to: (i) 15 grams or more but less
9 than 100 grams of a substance containing heroin, or an
10 analog thereof, or (ii) 15 or more objects or 15 or
11 more segregated parts of an object or objects, or
12 number of objects intended to be segregated or derived
13 from an object or objects, but less than 200 objects or
14 200 segregated parts of an object or objects, or number
15 of objects intended to be segregated or derived from an
16 object or objects, containing in them or having upon
17 them any amounts of any substance containing heroin, or
18 an analog thereof;

19 (B) not less than 9 years and not more than 40
20 years with respect to: (i) 100 grams or more but less
21 than 400 grams of a substance containing heroin, or an
22 analog thereof, or (ii) 200 or more objects or 200 or
23 more segregated parts of an object or objects, or
24 number of objects intended to be segregated or derived
25 from an object or objects, but less than 600 objects or
26 less than 600 segregated parts of an object or objects,
27 or number of objects intended to be segregated or
28 derived from an object or objects, containing in them
29 or having upon them any amount of any substance
30 containing heroin, or an analog thereof;

31 (C) not less than 12 years and not more than 50
32 years with respect to: (i) 400 grams or more but less
33 than 900 grams of a substance containing heroin, or an
34 analog thereof, or (ii) 600 or more objects or 600 or
35 more segregated parts of an object or objects, or
36 number of objects intended to be segregated or derived

1 from an object or objects, but less than 1500 objects
2 or 1500 segregated parts of an object or objects, or
3 number of objects intended to be segregated or derived
4 from an object or objects, containing in them or having
5 upon them any amount of any substance containing
6 heroin, or an analog thereof;

7 (D) not less than 15 years and not more than 60
8 years with respect to: (i) 900 grams or more of any
9 substance containing heroin, or an analog thereof, or
10 (ii) 1500 or more objects or 1500 or more segregated
11 parts of an object or objects, or number of objects
12 intended to be segregated or derived from an object or
13 objects, containing in them or having upon them any
14 amount of a substance containing heroin, or an analog
15 thereof;

16 (2) (A) not less than 6 years and not more than 30
17 years with respect to 15 grams or more but less than
18 100 grams of a substance containing cocaine, or an
19 analog thereof;

20 (B) not less than 9 years and not more than 40
21 years with respect to 100 grams or more but less than
22 400 grams of a substance containing cocaine, or an
23 analog thereof;

24 (C) not less than 12 years and not more than 50
25 years with respect to 400 grams or more but less than
26 900 grams of a substance containing cocaine, or an
27 analog thereof;

28 (D) not less than 15 years and not more than 60
29 years with respect to 900 grams or more of any
30 substance containing cocaine, or an analog thereof;

31 (3) (A) not less than 6 years and not more than 30
32 years with respect to 15 grams or more but less than
33 100 grams of a substance containing morphine, or an
34 analog thereof;

35 (B) not less than 9 years and not more than 40
36 years with respect to 100 grams or more but less than

1 400 grams of a substance containing morphine, or an
2 analog thereof;

3 (C) not less than 12 years and not more than 50
4 years with respect to 400 grams or more but less than
5 900 grams of a substance containing morphine, or an
6 analog thereof;

7 (D) not less than 15 years and not more than 60
8 years with respect to 900 grams or more of a substance
9 containing morphine, or an analog thereof;

10 (4) 200 grams or more of any substance containing
11 peyote, or an analog thereof;

12 (5) 200 grams or more of any substance containing a
13 derivative of barbituric acid or any of the salts of a
14 derivative of barbituric acid, or an analog thereof;

15 (6) 200 grams or more of any substance containing
16 amphetamine or any salt of an optical isomer of
17 amphetamine, or an analog thereof;

18 (6.5) (A) not less than 6 years and not more than 30
19 years with respect to 15 grams or more but less than
20 100 grams of a substance containing methamphetamine or
21 any salt of an optical isomer of methamphetamine, or an
22 analog thereof;

23 (B) not less than 9 years and not more than 40
24 years with respect to 100 grams or more but less than
25 400 grams of a substance containing methamphetamine or
26 any salt of an optical isomer of methamphetamine, or an
27 analog thereof;

28 (C) not less than 12 years and not more than 50
29 years with respect to 400 grams or more but less than
30 900 grams of a substance containing methamphetamine or
31 any salt of an optical isomer of methamphetamine, or an
32 analog thereof;

33 (D) not less than 15 years and not more than 60
34 years with respect to 900 grams or more of any
35 substance containing methamphetamine or any salt of an
36 optical isomer of methamphetamine, or an analog

1 thereof.

2 (6.6) (A) not less than 6 years and not more than 30
3 years for the possession of any methamphetamine
4 manufacturing chemical set forth in paragraph (z-1) of
5 Section 102 with intent to manufacture 30 grams or more
6 but less than 150 grams of any substance containing
7 methamphetamine, or salt of any optical isomer of
8 methamphetamine, or an analog thereof;

9 (B) not less than 6 years and not more than 40
10 years for the possession of any methamphetamine
11 manufacturing chemical set forth in paragraph (z-1) of
12 Section 102 with intent to manufacture 150 grams or
13 more but less than 500 grams of any substance
14 containing methamphetamine, or salt of an optical
15 isomer of methamphetamine, or an analog thereof;

16 (C) not less than 6 years and not more than 50
17 years for the possession of any methamphetamine
18 manufacturing chemical set forth in paragraph (z-1) of
19 Section 102 with intent to manufacture 500 grams or
20 more but less than 1200 grams of any substance
21 containing methamphetamine, or salt of an optical
22 isomer of methamphetamine, or an analog thereof;

23 (D) not less than 6 years and not more than 60
24 years for the possession of any methamphetamine
25 manufacturing chemical set forth in paragraph (z-1) of
26 Section 102 with intent to manufacture 1200 grams or
27 more of any substance containing methamphetamine, or
28 salt of an optical isomer of methamphetamine, or an
29 analog thereof;

30 (7) (A) not less than 6 years and not more than 30
31 years with respect to: (i) 15 grams or more but less
32 than 100 grams of a substance containing lysergic acid
33 diethylamide (LSD), or an analog thereof, or (ii) 15 or
34 more objects or 15 or more segregated parts of an
35 object or objects but less than 200 objects or 200
36 segregated parts of an object or objects containing in

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

4 (B) not less than 9 years and not more than 40
5 years with respect to: (i) 100 grams or more but less
6 than 400 grams of a substance containing lysergic acid
7 diethylamide (LSD), or an analog thereof, or (ii) 200
8 or more objects or 200 or more segregated parts of an
9 object or objects but less than 600 objects or less
10 than 600 segregated parts of an object or objects
11 containing in them or having upon them any amount of
12 any substance containing lysergic acid diethylamide
13 (LSD), or an analog thereof;

14 (C) not less than 12 years and not more than 50
15 years with respect to: (i) 400 grams or more but less
16 than 900 grams of a substance containing lysergic acid
17 diethylamide (LSD), or an analog thereof, or (ii) 600
18 or more objects or 600 or more segregated parts of an
19 object or objects but less than 1500 objects or 1500
20 segregated parts of an object or objects containing in
21 them or having upon them any amount of any substance
22 containing lysergic acid diethylamide (LSD), or an
23 analog thereof;

24 (D) not less than 15 years and not more than 60
25 years with respect to: (i) 900 grams or more of any
26 substance containing lysergic acid diethylamide (LSD),
27 or an analog thereof, or (ii) 1500 or more objects or
28 1500 or more segregated parts of an object or objects
29 containing in them or having upon them any amount of a
30 substance containing lysergic acid diethylamide (LSD),
31 or an analog thereof;

32 (7.5) (A) not less than 6 years and not more than 30
33 years with respect to: (i) 15 grams or more but less
34 than 100 grams of a substance listed in paragraph (1),
35 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
36 (25), or (26) of subsection (d) of Section 204, or an

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

9 (B) not less than 9 years and not more than 40
10 years with respect to: (i) 100 grams or more but less
11 than 400 grams of a substance listed in paragraph (1),
12 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
13 (25), or (26) of subsection (d) of Section 204, or an
14 analog or derivative thereof, or (ii) 200 or more
15 pills, tablets, caplets, capsules, or objects but less
16 than 600 pills, tablets, caplets, capsules, or objects
17 containing in them or having upon them any amount of
18 any substance listed in paragraph (1), (2), (2.1), (3),
19 (14.1), (19), (20), (20.1), (21), (25), or (26) of
20 subsection (d) of Section 204, or an analog or
21 derivative thereof;

22 (C) not less than 12 years and not more than 50
23 years with respect to: (i) 400 grams or more but less
24 than 900 grams of a substance listed in paragraph (1),
25 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
26 (25), or (26) of subsection (d) of Section 204, or an
27 analog or derivative thereof, or (ii) 600 or more
28 pills, tablets, caplets, capsules, or objects but less
29 than 1,500 pills, tablets, caplets, capsules, or
30 objects containing in them or having upon them any
31 amount of any substance listed in paragraph (1), (2),
32 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
33 (26) of subsection (d) of Section 204, or an analog or
34 derivative thereof;

35 (D) not less than 15 years and not more than 60
36 years with respect to: (i) 900 grams or more of any

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

10 (8) 30 grams or more of any substance containing
11 pentazocine or any of the salts, isomers and salts of
12 isomers of pentazocine, or an analog thereof;

13 (9) 30 grams or more of any substance containing
14 methaqualone or any of the salts, isomers and salts of
15 isomers of methaqualone, or an analog thereof;

16 (10) 30 grams or more of any substance containing
17 phencyclidine or any of the salts, isomers and salts of
18 isomers of phencyclidine (PCP), or an analog thereof;

19 (10.5) 30 grams or more of any substance containing
20 ketamine or any of the salts, isomers and salts of isomers
21 of ketamine, or an analog thereof;

22 (11) 200 grams or more of any substance containing any
23 other controlled substance classified in Schedules I or II,
24 or an analog thereof, which is not otherwise included in
25 this subsection.

26 (b) Any person sentenced with respect to violations of
27 paragraph (1), (2), (3), (6.5), (6.6), (7), or (7.5) of
28 subsection (a) involving 100 grams or more of the controlled
29 substance named therein, may in addition to the penalties
30 provided therein, be fined an amount not more than \$500,000 or
31 the full street value of the controlled or counterfeit
32 substance or controlled substance analog, whichever is
33 greater. The term "street value" shall have the meaning
34 ascribed in Section 110-5 of the Code of Criminal Procedure of
35 1963. Any person sentenced with respect to any other provision
36 of subsection (a), may in addition to the penalties provided

1 therein, be fined an amount not to exceed \$500,000.

2 (c) Any person who violates this Section with regard to the
3 following amounts of controlled or counterfeit substances or
4 controlled substance analogs, notwithstanding any of the
5 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
6 to the contrary, is guilty of a Class 1 felony. The fine for
7 violation of this subsection (c) shall not be more than
8 \$250,000:

9 (1) (i) 1 gram or more but less than 15 grams of any
10 substance containing heroin, or an analog thereof, or (ii)
11 more than 10 objects or more than 10 segregated parts of an
12 object or objects, or number of objects intended to be
13 segregated or derived from an object or objects, but less
14 than 15 objects or less than 15 segregated parts of an
15 object, or number of objects intended to be segregated or
16 derived from an object or objects, containing in them or
17 having upon them any amount of any substance containing
18 heroin, or an analog thereof;

19 (2) 1 gram or more but less than 15 grams of any
20 substance containing cocaine, or an analog thereof;

21 (3) 10 grams or more but less than 15 grams of any
22 substance containing morphine, or an analog thereof;

23 (4) 50 grams or more but less than 200 grams of any
24 substance containing peyote, or an analog thereof;

25 (5) 50 grams or more but less than 200 grams of any
26 substance containing a derivative of barbituric acid or any
27 of the salts of a derivative of barbituric acid, or an
28 analog thereof;

29 (6) 50 grams or more but less than 200 grams of any
30 substance containing amphetamine or any salt of an optical
31 isomer of amphetamine, or an analog thereof;

32 (6.5) 5 grams or more but less than 15 grams of any
33 substance containing methamphetamine or any salt or
34 optical isomer of methamphetamine, or an analog thereof;

35 (7) (i) 5 grams or more but less than 15 grams of any
36 substance containing lysergic acid diethylamide (LSD), or

1 an analog thereof, or (ii) more than 10 objects or more
2 than 10 segregated parts of an object or objects but less
3 than 15 objects or less than 15 segregated parts of an
4 object containing in them or having upon them any amount of
5 any substance containing lysergic acid diethylamide (LSD),
6 or an analog thereof;

7 (7.5) (i) 5 grams or more but less than 15 grams of any
8 substance listed in paragraph (1), (2), (2.1), (3), (14.1),
9 (19), (20), (20.1), (21), (25), or (26) of subsection (d)
10 of Section 204, or an analog or derivative thereof, or (ii)
11 more than 10 pills, tablets, caplets, capsules, or objects
12 but less than 15 pills, tablets, caplets, capsules, or
13 objects containing in them or having upon them any amount
14 of any substance listed in paragraph (1), (2), (2.1), (3),
15 (14.1), (19), (20), (20.1), (21), (25), or (26) of
16 subsection (d) of Section 204, or an analog or derivative
17 thereof;

18 (8) 10 grams or more but less than 30 grams of any
19 substance containing pentazocine or any of the salts,
20 isomers and salts of isomers of pentazocine, or an analog
21 thereof;

22 (9) 10 grams or more but less than 30 grams of any
23 substance containing methaqualone or any of the salts,
24 isomers and salts of isomers of methaqualone, or an analog
25 thereof;

26 (10) 10 grams or more but less than 30 grams of any
27 substance containing phencyclidine or any of the salts,
28 isomers and salts of isomers of phencyclidine (PCP), or an
29 analog thereof;

30 (10.5) 10 grams or more but less than 30 grams of any
31 substance containing ketamine or any of the salts, isomers
32 and salts of isomers of ketamine, or an analog thereof;

33 (11) 50 grams or more but less than 200 grams of any
34 substance containing a substance classified in Schedules I
35 or II, or an analog thereof, which is not otherwise
36 included in this subsection.

1 (c-5) Any person who violates this Section with regard to
2 possession of any methamphetamine manufacturing chemical set
3 forth in paragraph (z-1) of Section 102 with intent to
4 manufacture 15 grams or more but less than 30 grams of
5 methamphetamine, or salt of an optical isomer of
6 methamphetamine or any analog thereof, is guilty of a Class 1
7 felony. The fine for violation of this subsection (c-5) shall
8 not be more than \$250,000.

9 (d) Any person who violates this Section with regard to any
10 other amount of a controlled or counterfeit substance
11 classified in Schedules I or II, or an analog thereof, which is
12 (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or
13 an analog thereof, or (iii) any substance containing
14 amphetamine or methamphetamine or any salt or optical isomer of
15 amphetamine or methamphetamine, or an analog thereof, is guilty
16 of a Class 2 felony. The fine for violation of this subsection
17 (d) shall not be more than \$200,000.

18 (d-5) Any person who violates this Section with regard to
19 possession of any methamphetamine manufacturing chemical set
20 forth in paragraph (z-1) of Section 102 with intent to
21 manufacture less than 15 grams of methamphetamine, or salt of
22 an optical isomer of methamphetamine or any analog thereof, is
23 guilty of a Class 2 felony. The fine for violation of this
24 subsection (d-5) shall not be more than \$200,000.

25 (e) Any person who violates this Section with regard to any
26 other amount of a controlled or counterfeit substance
27 classified in Schedule I or II, or an analog thereof, which
28 substance is not included under subsection (d) of this Section,
29 is guilty of a Class 3 felony. The fine for violation of this
30 subsection (e) shall not be more than \$150,000.

31 (f) Any person who violates this Section with regard to any
32 other amount of a controlled or counterfeit substance
33 classified in Schedule III is guilty of a Class 3 felony. The
34 fine for violation of this subsection (f) shall not be more
35 than \$125,000.

36 (g) Any person who violates this Section with regard to any

1 other amount of a controlled or counterfeit substance
2 classified in Schedule IV is guilty of a Class 3 felony. The
3 fine for violation of this subsection (g) shall not be more
4 than \$100,000.

5 (h) Any person who violates this Section with regard to any
6 other amount of a controlled or counterfeit substance
7 classified in Schedule V is guilty of a Class 3 felony. The
8 fine for violation of this subsection (h) shall not be more
9 than \$75,000.

10 (i) This Section does not apply to the manufacture,
11 possession or distribution of a substance in conformance with
12 the provisions of an approved new drug application or an
13 exemption for investigational use within the meaning of Section
14 505 of the Federal Food, Drug and Cosmetic Act.

15 (j) The presence of any methamphetamine manufacturing
16 chemical in a sealed, factory imprinted container, including,
17 but not limited to a bottle, box, or plastic blister package,
18 at the time of seizure by law enforcement, is prima facie
19 evidence that the methamphetamine manufacturing chemical
20 located within the container is in fact the chemical so
21 described and in the amount and dosage listed on the container.
22 The factory imprinted container is admissible for a violation
23 of this Section for purposes of proving the contents of the
24 container.

25 (Source: P.A. 92-16, eff. 6-28-01; 92-256, eff. 1-1-02; 92-698,
26 eff. 7-19-02; 93-278, eff. 1-1-04.)

27 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

28 Sec. 402. Except as otherwise authorized by this Act, it is
29 unlawful for any person knowingly to possess a controlled or
30 counterfeit substance. A violation of this Act with respect to
31 each of the controlled substances listed herein constitutes a
32 single and separate violation of this Act.

33 (a) Any person who violates this Section with respect to
34 the following controlled or counterfeit substances and
35 amounts, notwithstanding any of the provisions of subsections

1 (c) and (d) to the contrary, is guilty of a Class 1 felony and
2 shall, if sentenced to a term of imprisonment, be sentenced as
3 provided in this subsection (a) and fined as provided in
4 subsection (b):

5 (1) (A) not less than 4 years and not more than 15
6 years with respect to: (i) 15 grams or more but less
7 than 100 grams of a substance containing heroin, or
8 (ii) 15 or more objects or 15 or more segregated parts
9 of an object or objects, or number of objects intended
10 to be segregated or derived from an object or objects,
11 but less than 200 objects or 200 segregated parts of an
12 object or objects, or number of objects intended to be
13 segregated or derived from an object or objects,
14 containing in them or having upon them any amount of
15 any substance containing heroin, or an analog thereof;

16 (B) not less than 6 years and not more than 30
17 years with respect to: (i) 100 grams or more but less
18 than 400 grams of a substance containing heroin, or
19 (ii) 200 or more objects or 200 or more segregated
20 parts of an object or objects, or number of objects
21 intended to be segregated or derived from an object or
22 objects, but less than 600 objects or less than 600
23 segregated parts of an object or objects, or number of
24 objects intended to be segregated or derived from an
25 object or objects, containing in them or having upon
26 them any amount of any substance containing heroin, or
27 an analog thereof;

28 (C) not less than 8 years and not more than 40
29 years with respect to: (i) 400 grams or more but less
30 than 900 grams of any substance containing heroin, or
31 (ii) 600 or more objects or 600 or more segregated
32 parts of an object or objects, or number of objects
33 intended to be segregated or derived from an object or
34 objects, but less than 1500 objects or 1500 segregated
35 parts of an object or objects, or number of objects
36 intended to be segregated or derived from an object or

1 objects, containing in them or having upon them any
2 amount of any substance containing heroin, or an analog
3 thereof;

4 (D) not less than 10 years and not more than 50
5 years with respect to: (i) 900 grams or more of any
6 substance containing heroin, or (ii) 1500 or more
7 objects or 1500 or more segregated parts of an object
8 or objects, or number of objects intended to be
9 segregated or derived from an object or objects,
10 containing in them or having upon them any amount of a
11 substance containing heroin, or an analog thereof;

12 (2) (A) not less than 4 years and not more than 15
13 years with respect to 15 grams or more but less than
14 100 grams of any substance containing cocaine;

15 (B) not less than 6 years and not more than 30
16 years with respect to 100 grams or more but less than
17 400 grams of any substance containing cocaine;

18 (C) not less than 8 years and not more than 40
19 years with respect to 400 grams or more but less than
20 900 grams of any substance containing cocaine;

21 (D) not less than 10 years and not more than 50
22 years with respect to 900 grams or more of any
23 substance containing cocaine;

24 (3) (A) not less than 4 years and not more than 15
25 years with respect to 15 grams or more but less than
26 100 grams of any substance containing morphine;

27 (B) not less than 6 years and not more than 30
28 years with respect to 100 grams or more but less than
29 400 grams of any substance containing morphine;

30 (C) not less than 6 years and not more than 40
31 years with respect to 400 grams or more but less than
32 900 grams of any substance containing morphine;

33 (D) not less than 10 years and not more than 50
34 years with respect to 900 grams or more of any

1 substance containing morphine;

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

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

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

10 (6.5) (A) not less than 4 years and not more than 15
11 years with respect to 15 grams or more but less than
12 100 grams of a substance containing methamphetamine or
13 any salt of an optical isomer of methamphetamine;

14 (B) not less than 6 years and not more than 30
15 years with respect to 100 grams or more but less than
16 400 grams of a substance containing methamphetamine or
17 any salt of an optical isomer of methamphetamine;

18 (C) not less than 8 years and not more than 40
19 years with respect to 400 grams or more but less than
20 900 grams of a substance containing methamphetamine or
21 any salt of an optical isomer of methamphetamine;

22 (D) not less than 10 years and not more than 50
23 years with respect to 900 grams or more of any
24 substance containing methamphetamine or any salt of an
25 optical isomer of methamphetamine;

26 (7) (A) not less than 4 years and not more than 15
27 years with respect to: (i) 15 grams or more but less
28 than 100 grams of any substance containing lysergic
29 acid diethylamide (LSD), or an analog thereof, or (ii)
30 15 or more objects or 15 or more segregated parts of an
31 object or objects but less than 200 objects or 200
32 segregated parts of an object or objects containing in
33 them or having upon them any amount of any substance
34 containing lysergic acid diethylamide (LSD), or an
35 analog thereof;

36 (B) not less than 6 years and not more than 30

1 years with respect to: (i) 100 grams or more but less
2 than 400 grams of any substance containing lysergic
3 acid diethylamide (LSD), or an analog thereof, or (ii)
4 200 or more objects or 200 or more segregated parts of
5 an object or objects but less than 600 objects or less
6 than 600 segregated parts of an object or objects
7 containing in them or having upon them any amount of
8 any substance containing lysergic acid diethylamide
9 (LSD), or an analog thereof;

10 (C) not less than 8 years and not more than 40
11 years with respect to: (i) 400 grams or more but less
12 than 900 grams of any substance containing lysergic
13 acid diethylamide (LSD), or an analog thereof, or (ii)
14 600 or more objects or 600 or more segregated parts of
15 an object or objects but less than 1500 objects or 1500
16 segregated parts of an object or objects containing in
17 them or having upon them any amount of any substance
18 containing lysergic acid diethylamide (LSD), or an
19 analog thereof;

20 (D) not less than 10 years and not more than 50
21 years with respect to: (i) 900 grams or more of any
22 substance containing lysergic acid diethylamide (LSD),
23 or an analog thereof, or (ii) 1500 or more objects or
24 1500 or more segregated parts of an object or objects
25 containing in them or having upon them any amount of a
26 substance containing lysergic acid diethylamide (LSD),
27 or an analog thereof;

28 (7.5) (A) not less than 4 years and not more than 15
29 years with respect to: (i) 15 grams or more but less
30 than 100 grams of any substance listed in paragraph
31 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
32 (25), or (26) of subsection (d) of Section 204, or an
33 analog or derivative thereof, or (ii) 15 or more pills,
34 tablets, caplets, capsules, or objects but less than
35 200 pills, tablets, caplets, capsules, or objects
36 containing in them or having upon them any amount of

1 any substance listed in paragraph (1), (2), (2.1), (3),
2 (14.1), (19), (20), (20.1), (21), (25), or (26) of
3 subsection (d) of Section 204, or an analog or
4 derivative thereof;

5 (B) not less than 6 years and not more than 30
6 years with respect to: (i) 100 grams or more but less
7 than 400 grams of any substance listed in paragraph
8 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
9 (25), or (26) of subsection (d) of Section 204, or an
10 analog or derivative thereof, or (ii) 200 or more
11 pills, tablets, caplets, capsules, or objects but less
12 than 600 pills, tablets, caplets, capsules, or objects
13 containing in them or having upon them any amount of
14 any substance listed in paragraph (1), (2), (2.1), (3),
15 (14.1), (19), (20), (20.1), (21), (25), or (26) of
16 subsection (d) of Section 204, or an analog or
17 derivative thereof;

18 (C) not less than 8 years and not more than 40
19 years with respect to: (i) 400 grams or more but less
20 than 900 grams of any substance listed in paragraph
21 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
22 (25), or (26) of subsection (d) of Section 204, or an
23 analog or derivative thereof, or (ii) 600 or more
24 pills, tablets, caplets, capsules, or objects but less
25 than 1,500 pills, tablets, caplets, capsules, or
26 objects containing in them or having upon them any
27 amount of any substance listed in paragraph (1), (2),
28 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
29 (26) of subsection (d) of Section 204, or an analog or
30 derivative thereof;

31 (D) not less than 10 years and not more than 50
32 years with respect to: (i) 900 grams or more of any
33 substance listed in paragraph (1), (2), (2.1), (3),
34 (14.1), (19), (20), (20.1), (21), (25), or (26) of
35 subsection (d) of Section 204, or an analog or
36 derivative thereof, or (ii) 1,500 or more pills,

1 tablets, caplets, capsules, or objects containing in
2 them or having upon them any amount of a substance
3 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
4 (20), (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof;

6 (8) 30 grams or more of any substance containing
7 pentazocine or any of the salts, isomers and salts of
8 isomers of pentazocine, or an analog thereof;

9 (9) 30 grams or more of any substance containing
10 methaqualone or any of the salts, isomers and salts of
11 isomers of methaqualone;

12 (10) 30 grams or more of any substance containing
13 phencyclidine or any of the salts, isomers and salts of
14 isomers of phencyclidine (PCP);

15 (10.5) 30 grams or more of any substance containing
16 ketamine or any of the salts, isomers and salts of isomers
17 of ketamine;

18 (11) 200 grams or more of any substance containing any
19 substance classified as a narcotic drug in Schedules I or
20 II which is not otherwise included in this subsection.

21 (b) Any person sentenced with respect to violations of
22 paragraph (1), (2), (3), (6.5), (7), or (7.5) of subsection (a)
23 involving 100 grams or more of the controlled substance named
24 therein, may in addition to the penalties provided therein, be
25 fined an amount not to exceed \$200,000 or the full street value
26 of the controlled or counterfeit substances, whichever is
27 greater. The term "street value" shall have the meaning
28 ascribed in Section 110-5 of the Code of Criminal Procedure of
29 1963. Any person sentenced with respect to any other provision
30 of subsection (a), may in addition to the penalties provided
31 therein, be fined an amount not to exceed \$200,000.

32 (c) Any person who violates this Section with regard to an
33 amount of a controlled or counterfeit substance not set forth
34 in subsection (a) or (d) is guilty of a Class 4 felony. The
35 fine for a violation punishable under this subsection (c) shall
36 not be more than \$25,000.

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

6 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
7 92-256, eff. 1-1-02.)

8 Section 10. The Unified Code of Corrections is amended by
9 changing Section 5-5-3 as follows:

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

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

15 (b) The following options shall be appropriate
16 dispositions, alone or in combination, for all felonies and
17 misdemeanors other than those identified in subsection (c) of
18 this Section:

19 (1) A period of probation.

20 (2) A term of periodic imprisonment.

21 (3) A term of conditional discharge.

22 (4) A term of imprisonment.

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

27 (6) A fine.

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

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

32 (9) A term of imprisonment in combination with a term
33 of probation when the offender has been admitted into a
34 drug court program under Section 20 of the Drug Court

1 Treatment Act.

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

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

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

17 (A) First degree murder where the death penalty is
18 not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

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

26 (D-5) A second or subsequent violation of Section
27 401 or 402 of the Illinois Controlled Substances Act
28 with regard to an amount of 5 or more objects or 5 or
29 more segregated parts of an object or objects
30 containing in them or having upon them any amounts of
31 any substance containing heroin, or an analog thereof.

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

34 (F) A Class 2 or greater felony if the offender had
35 been convicted of a Class 2 or greater felony within 10
36 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except
2 as otherwise provided in Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

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

7 (H) Criminal sexual assault.

8 (I) Aggravated battery of a senior citizen.

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

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

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

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the
23 offense of hate crime when the underlying offense upon
24 which the hate crime is based is felony aggravated
25 assault or felony mob action.

26 (M) A second or subsequent conviction for the
27 offense of institutional vandalism if the damage to the
28 property exceeds \$300.

29 (N) A Class 3 felony violation of paragraph (1) of
30 subsection (a) of Section 2 of the Firearm Owners
31 Identification Card Act.

32 (O) A violation of Section 12-6.1 of the Criminal
33 Code of 1961.

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

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

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

5 (S) (Blank).

6 (T) A second or subsequent violation of paragraph
7 (6.6) of subsection (a), subsection (c-5), or
8 subsection (d-5) of Section 401 of the Illinois
9 Controlled Substances Act.

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraph (4.3) of this
17 subsection (c), a minimum of 100 hours of community service
18 shall be imposed for a second violation of Section 6-303 of
19 the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court,
22 shall be imposed for a second violation of subsection (c)
23 of Section 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraph (4.5) and
25 paragraph (4.6) of this subsection (c), a minimum term of
26 imprisonment of 30 days or 300 hours of community service,
27 as determined by the court, shall be imposed for a third or
28 subsequent violation of Section 6-303 of the Illinois
29 Vehicle Code.

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

33 (4.6) A minimum term of imprisonment of 180 days shall
34 be imposed for a fourth or subsequent violation of
35 subsection (c) of Section 6-303 of the Illinois Vehicle
36 Code.

1 (5) The court may sentence an offender convicted of a
2 business offense or a petty offense or a corporation or
3 unincorporated association convicted of any offense to:

4 (A) a period of conditional discharge;

5 (B) a fine;

6 (C) make restitution to the victim under Section
7 5-5-6 of this Code.

8 (5.1) In addition to any penalties imposed under
9 paragraph (5) of this subsection (c), and except as
10 provided in paragraph (5.2) or (5.3), a person convicted of
11 violating subsection (c) of Section 11-907 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for at least 90 days but
14 not more than one year, if the violation resulted in damage
15 to the property of another person.

16 (5.2) In addition to any penalties imposed under
17 paragraph (5) of this subsection (c), and except as
18 provided in paragraph (5.3), a person convicted of
19 violating subsection (c) of Section 11-907 of the Illinois
20 Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for at least 180 days but
22 not more than 2 years, if the violation resulted in injury
23 to another person.

24 (5.3) In addition to any penalties imposed under
25 paragraph (5) of this subsection (c), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois
27 Vehicle Code shall have his or her driver's license,
28 permit, or privileges suspended for 2 years, if the
29 violation resulted in the death of another person.

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

34 (7) When a defendant is adjudged a habitual criminal
35 under Article 33B of the Criminal Code of 1961, the court
36 shall sentence the defendant to a term of natural life

1 imprisonment.

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

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

21 (10) (Blank).

22 (11) The court shall impose a minimum fine of \$1,000
23 for a first offense and \$2,000 for a second or subsequent
24 offense upon a person convicted of or placed on supervision
25 for battery when the individual harmed was a sports
26 official or coach at any level of competition and the act
27 causing harm to the sports official or coach occurred
28 within an athletic facility or within the immediate
29 vicinity of the athletic facility at which the sports
30 official or coach was an active participant of the athletic
31 contest held at the athletic facility. For the purposes of
32 this paragraph (11), "sports official" means a person at an
33 athletic contest who enforces the rules of the contest,
34 such as an umpire or referee; "athletic facility" means an
35 indoor or outdoor playing field or recreational area where
36 sports activities are conducted; and "coach" means a person

1 recognized as a coach by the sanctioning authority that
2 conducted the sporting event.

3 (12) ~~(11)~~ A person may not receive a disposition of
4 court supervision for a violation of Section 5-16 of the
5 Boat Registration and Safety Act if that person has
6 previously received a disposition of court supervision for
7 a violation of that Section.

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

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

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

33 (A) the defendant is willing to undergo a court
34 approved counseling program for a minimum duration of 2
35 years; or

36 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the
2 defendant's:

3 (i) removal from the household;
4 (ii) restricted contact with the victim;
5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the victim;
8 and

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

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

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

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section
27 12-12 of the Criminal Code of 1961.

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

32 (g) Whenever a defendant is convicted of an offense under
33 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
34 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
35 of the Criminal Code of 1961, the defendant shall undergo
36 medical testing to determine whether the defendant has any

1 sexually transmissible disease, including a test for infection
2 with human immunodeficiency virus (HIV) or any other identified
3 causative agent of acquired immunodeficiency syndrome (AIDS).
4 Any such medical test shall be performed only by appropriately
5 licensed medical practitioners and may include an analysis of
6 any bodily fluids as well as an examination of the defendant's
7 person. Except as otherwise provided by law, the results of
8 such test shall be kept strictly confidential by all medical
9 personnel involved in the testing and must be personally
10 delivered in a sealed envelope to the judge of the court in
11 which the conviction was entered for the judge's inspection in
12 camera. Acting in accordance with the best interests of the
13 victim and the public, the judge shall have the discretion to
14 determine to whom, if anyone, the results of the testing may be
15 revealed. The court shall notify the defendant of the test
16 results. The court shall also notify the victim if requested by
17 the victim, and if the victim is under the age of 15 and if
18 requested by the victim's parents or legal guardian, the court
19 shall notify the victim's parents or legal guardian of the test
20 results. The court shall provide information on the
21 availability of HIV testing and counseling at Department of
22 Public Health facilities to all parties to whom the results of
23 the testing are revealed and shall direct the State's Attorney
24 to provide the information to the victim when possible. A
25 State's Attorney may petition the court to obtain the results
26 of any HIV test administered under this Section, and the court
27 shall grant the disclosure if the State's Attorney shows it is
28 relevant in order to prosecute a charge of criminal
29 transmission of HIV under Section 12-16.2 of the Criminal Code
30 of 1961 against the defendant. The court shall order that the
31 cost of any such test shall be paid by the county and may be
32 taxed as costs against the convicted defendant.

33 (g-5) When an inmate is tested for an airborne communicable
34 disease, as determined by the Illinois Department of Public
35 Health including but not limited to tuberculosis, the results
36 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court
2 in which the inmate must appear for the judge's inspection in
3 camera if requested by the judge. Acting in accordance with the
4 best interests of those in the courtroom, the judge shall have
5 the discretion to determine what if any precautions need to be
6 taken to prevent transmission of the disease in the courtroom.

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

36 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois
2 Vehicle Code, or a similar provision of a local ordinance, and
3 any violation of the Child Passenger Protection Act, or a
4 similar provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under Section 27.5
6 of the Clerks of Courts Act.

7 (j) In cases when prosecution for any violation of Section
8 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
10 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
11 Code of 1961, any violation of the Illinois Controlled
12 Substances Act, or any violation of the Cannabis Control Act
13 results in conviction, a disposition of court supervision, or
14 an order of probation granted under Section 10 of the Cannabis
15 Control Act or Section 410 of the Illinois Controlled Substance
16 Act of a defendant, the court shall determine whether the
17 defendant is employed by a facility or center as defined under
18 the Child Care Act of 1969, a public or private elementary or
19 secondary school, or otherwise works with children under 18
20 years of age on a daily basis. When a defendant is so employed,
21 the court shall order the Clerk of the Court to send a copy of
22 the judgment of conviction or order of supervision or probation
23 to the defendant's employer by certified mail. If the employer
24 of the defendant is a school, the Clerk of the Court shall
25 direct the mailing of a copy of the judgment of conviction or
26 order of supervision or probation to the appropriate regional
27 superintendent of schools. The regional superintendent of
28 schools shall notify the State Board of Education of any
29 notification under this subsection.

30 (j-5) A defendant at least 17 years of age who is convicted
31 of a felony and who has not been previously convicted of a
32 misdemeanor or felony and who is sentenced to a term of
33 imprisonment in the Illinois Department of Corrections shall as
34 a condition of his or her sentence be required by the court to
35 attend educational courses designed to prepare the defendant
36 for a high school diploma and to work toward a high school

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

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

29 (l) (A) Except as provided in paragraph (C) of subsection
30 (l), whenever a defendant, who is an alien as defined by
31 the Immigration and Nationality Act, is convicted of any
32 felony or misdemeanor offense, the court after sentencing
33 the defendant may, upon motion of the State's Attorney,
34 hold sentence in abeyance and remand the defendant to the
35 custody of the Attorney General of the United States or his
36 or her designated agent to be deported when:

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

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

7 Otherwise, the defendant shall be sentenced as
8 provided in this Chapter V.

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

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

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

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

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

36 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961, in which the
2 property damage exceeds \$300 and the property damaged is a
3 school building, shall be ordered to perform community service
4 that may include cleanup, removal, or painting over the
5 defacement.

6 (n) The court may sentence a person convicted of a
7 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
8 Code of 1961 (i) to an impact incarceration program if the
9 person is otherwise eligible for that program under Section
10 5-8-1.1, (ii) to community service, or (iii) if the person is
11 an addict or alcoholic, as defined in the Alcoholism and Other
12 Drug Abuse and Dependency Act, to a substance or alcohol abuse
13 program licensed under that Act.

14 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;
15 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
16 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
17 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
18 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
19 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
20 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)