



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5800

Introduced 07/19/06, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Provides that when a defendant, over the age of 21 years, is convicted of a gang-related felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender.

LRB094 21053 RLC 59380 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Unified Code of Corrections is amended by
5 changing Section 5-5-3 as follows:

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

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

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

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

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22 (now repealed).

23 (6) A fine.

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

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

28 (9) A term of imprisonment in combination with a term
29 of probation when the offender has been admitted into a
30 drug court program under Section 20 of the Drug Court
31 Treatment Act.

32 Neither a fine nor restitution shall be the sole

1 disposition for a felony and either or both may be imposed only
2 in conjunction with another disposition.

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

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

15 (A) First degree murder where the death penalty is
16 not imposed.

17 (B) Attempted first degree murder.

18 (C) A Class X felony.

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

24 (E) A violation of Section 5.1 or 9 of the Cannabis
25 Control Act.

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

32 (F-5) A violation of Section 24-1, 24-1.1, or
33 24-1.6 of the Criminal Code of 1961 for which
34 imprisonment is prescribed in those Sections.

35 (G) Residential burglary, except as otherwise
36 provided in Section 40-10 of the Alcoholism and Other

1 Drug Abuse and Dependency Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen.

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

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

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

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense upon
19 which the hate crime is based is felony aggravated
20 assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to the
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

27 (O) A violation of Section 12-6.1 of the Criminal
28 Code of 1961.

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

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

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

36 (S) (Blank).

1 (T) A second or subsequent violation of the
2 Methamphetamine Control and Community Protection Act.

3 (3) (Blank).

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

8 (4.1) (Blank).

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

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

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

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) A minimum term of imprisonment of 180 days shall
27 be imposed for a fourth or subsequent violation of
28 subsection (c) of Section 6-303 of the Illinois Vehicle
29 Code.

30 (5) The court may sentence an offender convicted of a
31 business offense or a petty offense or a corporation or
32 unincorporated association convicted of any offense to:

33 (A) a period of conditional discharge;

34 (B) a fine;

35 (C) make restitution to the victim under Section
36 5-5-6 of this Code.

1 (5.1) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), and except as
3 provided in paragraph (5.2) or (5.3), a person convicted of
4 violating subsection (c) of Section 11-907 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for at least 90 days but
7 not more than one year, if the violation resulted in damage
8 to the property of another person.

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

17 (5.3) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), 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 2 years, if the
22 violation resulted in the death of another person.

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

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

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

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

11 (8.5) When a defendant, over the age of 21 years, is
12 convicted of a gang-related felony, after having twice been
13 convicted in any state or federal court of an offense that
14 contains the same elements as an offense now classified in
15 Illinois as a Class 2 or greater Class felony and such
16 charges are separately brought and tried and arise out of
17 different series of acts, such defendant shall be sentenced
18 as a Class X offender. This paragraph does not apply unless
19 (1) the first felony was committed after the effective date
20 of this amendatory Act of the 94th General Assembly; and
21 (2) the second felony was committed after conviction on the
22 first; and (3) the third felony was committed after
23 conviction on the second. A person sentenced as a Class X
24 offender under this paragraph is not eligible to apply for
25 treatment as a condition of probation as provided by
26 Section 40-10 of the Alcoholism and Other Drug Abuse and
27 Dependency Act. For the purposes of this paragraph (8.5),
28 "gang-related" has the meaning ascribed to it in Section 10
29 of the Illinois Streetgang Terrorism Omnibus Prevention
30 Act.

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

34 (10) (Blank).

35 (11) The court shall impose a minimum fine of \$1,000
36 for a first offense and \$2,000 for a second or subsequent

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

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

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of the
24 Unified Code of Corrections which may include evidence of the
25 defendant's life, moral character and occupation during the
26 time since the original sentence was passed. The trial court
27 shall then impose sentence upon the defendant. The trial court
28 may impose any sentence which could have been imposed at the
29 original trial subject to Section 5-5-4 of the Unified Code of
30 Corrections. If a sentence is vacated on appeal or on
31 collateral attack due to the failure of the trier of fact at
32 trial to determine beyond a reasonable doubt the existence of a
33 fact (other than a prior conviction) necessary to increase the
34 punishment for the offense beyond the statutory maximum
35 otherwise applicable, either the defendant may be re-sentenced
36 to a term within the range otherwise provided or, if the State

1 files notice of its intention to again seek the extended
2 sentence, the defendant shall be afforded a new trial.

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

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

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

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

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

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

21 and

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

24 (2) the court orders the defendant to pay for the
25 victim's counseling services, to the extent that the court
26 finds, after considering the defendant's income and
27 assets, that the defendant is financially capable of paying
28 for such services, if the victim was under 18 years of age
29 at the time the offense was committed and requires
30 counseling as a result of the offense.

31 Probation may be revoked or modified pursuant to Section
32 5-6-4; except where the court determines at the hearing that
33 the defendant violated a condition of his or her probation
34 restricting contact with the victim or other family members or
35 commits another offense with the victim or other family
36 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 12-12 of the Criminal Code of 1961.

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

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

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

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

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

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

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

20 (j) In cases when prosecution for any violation of Section
21 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
23 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
24 Code of 1961, any violation of the Illinois Controlled
25 Substances Act, any violation of the Cannabis Control Act, or
26 any violation of the Methamphetamine Control and Community
27 Protection Act results in conviction, a disposition of court
28 supervision, or an order of probation granted under Section 10
29 of the Cannabis Control Act, Section 410 of the Illinois
30 Controlled Substance Act, or Section 70 of the Methamphetamine
31 Control and Community Protection Act of a defendant, the court
32 shall determine whether the defendant is employed by a facility
33 or center as defined under the Child Care Act of 1969, a public
34 or private elementary or secondary school, or otherwise works
35 with children under 18 years of age on a daily basis. When a
36 defendant is so employed, the court shall order the Clerk of

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

9 (j-5) A defendant at least 17 years of age who is convicted
10 of a felony and who has not been previously convicted of a
11 misdemeanor or felony and who is sentenced to a term of
12 imprisonment in the Illinois Department of Corrections shall as
13 a condition of his or her sentence be required by the court to
14 attend educational courses designed to prepare the defendant
15 for a high school diploma and to work toward a high school
16 diploma or to work toward passing the high school level Test of
17 General Educational Development (GED) or to work toward
18 completing a vocational training program offered by the
19 Department of Corrections. If a defendant fails to complete the
20 educational training required by his or her sentence during the
21 term of incarceration, the Prisoner Review Board shall, as a
22 condition of mandatory supervised release, require the
23 defendant, at his or her own expense, to pursue a course of
24 study toward a high school diploma or passage of the GED test.
25 The Prisoner Review Board shall revoke the mandatory supervised
26 release of a defendant who wilfully fails to comply with this
27 subsection (j-5) upon his or her release from confinement in a
28 penal institution while serving a mandatory supervised release
29 term; however, the inability of the defendant after making a
30 good faith effort to obtain financial aid or pay for the
31 educational training shall not be deemed a wilful failure to
32 comply. The Prisoner Review Board shall recommit the defendant
33 whose mandatory supervised release term has been revoked under
34 this subsection (j-5) as provided in Section 3-3-9. This
35 subsection (j-5) does not apply to a defendant who has a high
36 school diploma or has successfully passed the GED test. This

1 subsection (j-5) does not apply to a defendant who is
2 determined by the court to be developmentally disabled or
3 otherwise mentally incapable of completing the educational or
4 vocational program.

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

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

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

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

22 Otherwise, the defendant shall be sentenced as
23 provided in this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on
26 probation under Section 10 of the Cannabis Control Act,
27 Section 410 of the Illinois Controlled Substances Act, or
28 Section 70 of the Methamphetamine Control and Community
29 Protection Act, the court may, upon motion of the State's
30 Attorney to suspend the sentence imposed, commit the
31 defendant to the custody of the Attorney General of the
32 United States or his or her designated agent when:

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

36 (2) the deportation of the defendant would not

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

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

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

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

22 (n) The court may sentence a person convicted of a
23 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
24 Code of 1961 (i) to an impact incarceration program if the
25 person is otherwise eligible for that program under Section
26 5-8-1.1, (ii) to community service, or (iii) if the person is
27 an addict or alcoholic, as defined in the Alcoholism and Other
28 Drug Abuse and Dependency Act, to a substance or alcohol abuse
29 program licensed under that Act.

30 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
31 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
32 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
33 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
34 eff. 9-11-05; revised 8-19-05.)