



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5524

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-3.5
(730 ILCS 5/5-5-3

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

Amends the Criminal Code of 1961. Provides that the penalty for the offense of unlawful purchase of a firearm is a Class 2 felony (rather than a Class 4 felony) for the purchase or attempted purchase of one firearm, a Class 1 felony (rather than a Class 3 felony) for the purchase or attempted purchase of 2 to 5 firearms at the same time or within a one year period, and a Class X felony with a term of imprisonment of not less than 9 years and not more than 40 years for the purchase or attempted purchase of 6 or more firearms at the same time or within a 2 year period. Amends the Unified Code of Corrections. Provides that a person convicted of the offense of unlawful purchase of a firearm shall not receive a period of probation, a term of periodic imprisonment, or conditional discharge.

LRB095 19716 RLC 46080 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 24-3.5 as follows:

6 (720 ILCS 5/24-3.5)

7 Sec. 24-3.5. Unlawful purchase of a firearm.

8 (a) For purposes of this Section, "firearms transaction
9 record form" means a form:

10 (1) executed by a transferee of a firearm stating: (i)
11 the transferee's name and address (including county or
12 similar political subdivision); (ii) whether the
13 transferee is a citizen of the United States; (iii) the
14 transferee's State of residence; and (iv) the date and
15 place of birth, height, weight, and race of the transferee;
16 and

17 (2) on which the transferee certifies that he or she is
18 not prohibited by federal law from transporting or shipping
19 a firearm in interstate or foreign commerce or receiving a
20 firearm that has been shipped or transported in interstate
21 or foreign commerce or possessing a firearm in or affecting
22 commerce.

23 (b) A person commits the offense of unlawful purchase of a

1 firearm who knowingly purchases or attempts to purchase a
2 firearm with the intent to deliver that firearm to another
3 person who is prohibited by federal or State law from
4 possessing a firearm.

5 (c) A person commits the offense of unlawful purchase of a
6 firearm when he or she, in purchasing or attempting to purchase
7 a firearm, intentionally provides false or misleading
8 information on a United States Department of the Treasury,
9 Bureau of Alcohol, Tobacco and Firearms firearms transaction
10 record form.

11 (d) Exemption. It is not a violation of subsection (b) of
12 this Section for a person to make a gift or loan of a firearm to
13 a person who is not prohibited by federal or State law from
14 possessing a firearm if the transfer of the firearm is made in
15 accordance with Section 3 of the Firearm Owners Identification
16 Card Act.

17 (e) Sentence.

18 (1) A person who commits the offense of unlawful
19 purchase of a firearm:

20 (A) is guilty of a Class 2 ~~4~~ felony for purchasing
21 or attempting to purchase one firearm;

22 (B) is guilty of a Class 1 ~~3~~ felony for purchasing
23 or attempting to purchase not less than 2 firearms and
24 not more than 5 firearms at the same time or within a
25 one year period;

26 (C) is guilty of a Class X ~~2~~ felony for which the

1 offender shall be sentenced to a term of imprisonment
2 of not less than 9 years and not more than 40 years for
3 purchasing or attempting to purchase not less than 6
4 firearms and ~~not more than 10 firearms~~ at the same time
5 or within a 2 year period. †

6 ~~(D) is guilty of a Class 1 felony for purchasing or~~
7 ~~attempting to purchase not less than 11 firearms and~~
8 ~~not more than 20 firearms at the same time or within a~~
9 ~~3 year period;~~

10 ~~(E) is guilty of a Class X felony for which the~~
11 ~~person shall be sentenced to a term of imprisonment of~~
12 ~~not less than 6 years and not more than 30 years for~~
13 ~~purchasing or attempting to purchase not less than 21~~
14 ~~firearms and not more than 30 firearms at the same time~~
15 ~~or within a 4 year period;~~

16 ~~(F) is guilty of a Class X felony for which the~~
17 ~~person shall be sentenced to a term of imprisonment of~~
18 ~~not less than 6 years and not more than 40 years for~~
19 ~~purchasing or attempting to purchase not less than 31~~
20 ~~firearms and not more than 40 firearms at the same time~~
21 ~~or within a 5 year period;~~

22 ~~(G) is guilty of a Class X felony for which the~~
23 ~~person shall be sentenced to a term of imprisonment of~~
24 ~~not less than 6 years and not more than 50 years for~~
25 ~~purchasing or attempting to purchase more than 40~~
26 ~~firearms at the same time or within a 6 year period.~~

1 (2) In addition to any other penalty that may be
2 imposed for a violation of this Section, the court may
3 sentence a person convicted of a violation of subsection
4 (c) of this Section to a fine not to exceed \$250,000 for
5 each violation.

6 (f) A prosecution for unlawful purchase of a firearm may be
7 commenced within 6 years after the commission of the offense.
8 (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)

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

11 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
12 (Text of Section after amendment by P.A. 95-579)
13 Sec. 5-5-3. Disposition.

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

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

- 21 (1) A period of probation.
22 (2) A term of periodic imprisonment.
23 (3) A term of conditional discharge.
24 (4) A term of imprisonment.

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

5 (6) A fine.

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

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

10 (9) A term of imprisonment in combination with a term
11 of probation when the offender has been admitted into a
12 drug court program under Section 20 of the Drug Court
13 Treatment Act.

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

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

22 (2) A period of probation, a term of periodic
23 imprisonment or conditional discharge shall not be imposed
24 for the following offenses. The court shall sentence the
25 offender to not less than the minimum term of imprisonment
26 set forth in this Code for the following offenses, and may

1 order a fine or restitution or both in conjunction with
2 such term of imprisonment:

3 (A) First degree murder where the death penalty is
4 not imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

7 (D) A violation of Section 401.1 or 407 of the
8 Illinois Controlled Substances Act, or a violation of
9 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
10 of that Act which relates to more than 5 grams of a
11 substance containing heroin, cocaine, fentanyl, or an
12 analog thereof.

13 (E) A violation of Section 5.1 or 9 of the Cannabis
14 Control Act.

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

21 (F-5) A violation of Section 24-1, 24-1.1, or
22 24-1.6 of the Criminal Code of 1961 for which
23 imprisonment is prescribed in those Sections.

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

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen.

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

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

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

15 (K) Vehicular hijacking.

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

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

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

26 (O) A violation of Section 12-6.1 of the Criminal

1 Code of 1961.

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

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

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

9 (S) (Blank).

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

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

19 (V) ~~(U)~~ A violation of paragraph (4) of subsection
20 (c) of Section 11-20.3 of the Criminal Code of 1961.

21 (W) A violation of Section 24-3.5 of the Criminal
22 Code of 1961.

23 (3) (Blank).

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

1 of the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8)
4 of this subsection (c), a minimum of 100 hours of community
5 service shall be imposed for a second violation of Section
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300
8 hours of community service, as determined by the court,
9 shall be imposed for a second violation of subsection (c)
10 of Section 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6),
12 and (4.9) of this subsection (c), a minimum term of
13 imprisonment of 30 days or 300 hours of community service,
14 as determined by the court, shall be imposed for a third or
15 subsequent violation of Section 6-303 of the Illinois
16 Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall
18 be imposed for a third violation of subsection (c) of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this
21 subsection (c), a minimum term of imprisonment of 180 days
22 shall be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (4.7) A minimum term of imprisonment of not less than
26 30 consecutive days, or 300 hours of community service,

1 shall be imposed for a violation of subsection (a-5) of
2 Section 6-303 of the Illinois Vehicle Code, as provided in
3 subsection (b-5) of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for
5 a second violation of subsection (a-5) of Section 6-303 of
6 the Illinois Vehicle Code, as provided in subsection (c-5)
7 of that Section. The person's driving privileges shall be
8 revoked for a period of not less than 5 years from the date
9 of his or her release from prison.

10 (4.9) A mandatory prison sentence of not less than 4
11 and not more than 15 years shall be imposed for a third
12 violation of subsection (a-5) of Section 6-303 of the
13 Illinois Vehicle Code, as provided in subsection (d-2.5) of
14 that Section. The person's driving privileges shall be
15 revoked for the remainder of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-3.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (5) The court may sentence an offender convicted of a
24 business offense or a petty offense or a corporation or
25 unincorporated association convicted of any offense to:

26 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section
3 5-5-6 of this Code.

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

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

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

26 (5.4) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), a person convicted of
2 violating Section 3-707 of the Illinois Vehicle Code shall
3 have his or her driver's license, permit, or privileges
4 suspended for 3 months and until he or she has paid a
5 reinstatement fee of \$100.

6 (5.5) In addition to any penalties imposed under
7 paragraph (5) of this subsection (c), a person convicted of
8 violating Section 3-707 of the Illinois Vehicle Code during
9 a period in which his or her driver's license, permit, or
10 privileges were suspended for a previous violation of that
11 Section shall have his or her driver's license, permit, or
12 privileges suspended for an additional 6 months after the
13 expiration of the original 3-month suspension and until he
14 or she has paid a reinstatement fee of \$100.

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

19 (7) When a defendant is adjudged a habitual criminal
20 under Article 33B of the Criminal Code of 1961, the court
21 shall sentence the defendant to a term of natural life
22 imprisonment.

23 (8) When a defendant, over the age of 21 years, is
24 convicted of a Class 1 or Class 2 felony, after having
25 twice been convicted in any state or federal court of an
26 offense that contains the same elements as an offense now

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

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

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000
18 for a first offense and \$2,000 for a second or subsequent
19 offense upon a person convicted of or placed on supervision
20 for battery when the individual harmed was a sports
21 official or coach at any level of competition and the act
22 causing harm to the sports official or coach occurred
23 within an athletic facility or within the immediate
24 vicinity of the athletic facility at which the sports
25 official or coach was an active participant of the athletic
26 contest held at the athletic facility. For the purposes of

1 this paragraph (11), "sports official" means a person at an
2 athletic contest who enforces the rules of the contest,
3 such as an umpire or referee; "athletic facility" means an
4 indoor or outdoor playing field or recreational area where
5 sports activities are conducted; and "coach" means a person
6 recognized as a coach by the sanctioning authority that
7 conducted the sporting event.

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

13 (13) A person convicted of or placed on court
14 supervision for an assault or aggravated assault when the
15 victim and the offender are family or household members as
16 defined in Section 103 of the Illinois Domestic Violence
17 Act of 1986 or convicted of domestic battery or aggravated
18 domestic battery may be required to attend a Partner Abuse
19 Intervention Program under protocols set forth by the
20 Illinois Department of Human Services under such terms and
21 conditions imposed by the court. The costs of such classes
22 shall be paid by the offender.

23 (d) In any case in which a sentence originally imposed is
24 vacated, the case shall be remanded to the trial court. The
25 trial court shall hold a hearing under Section 5-4-1 of the
26 Unified Code of Corrections which may include evidence of the

1 defendant's life, moral character and occupation during the
2 time since the original sentence was passed. The trial court
3 shall then impose sentence upon the defendant. The trial court
4 may impose any sentence which could have been imposed at the
5 original trial subject to Section 5-5-4 of the Unified Code of
6 Corrections. If a sentence is vacated on appeal or on
7 collateral attack due to the failure of the trier of fact at
8 trial to determine beyond a reasonable doubt the existence of a
9 fact (other than a prior conviction) necessary to increase the
10 punishment for the offense beyond the statutory maximum
11 otherwise applicable, either the defendant may be re-sentenced
12 to a term within the range otherwise provided or, if the State
13 files notice of its intention to again seek the extended
14 sentence, the defendant shall be afforded a new trial.

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

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

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

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

7 and

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

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

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

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

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

5 (g) Whenever a defendant is convicted of an offense under
6 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
7 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
8 of the Criminal Code of 1961, the defendant shall undergo
9 medical testing to determine whether the defendant has any
10 sexually transmissible disease, including a test for infection
11 with human immunodeficiency virus (HIV) or any other identified
12 causative agent of acquired immunodeficiency syndrome (AIDS).
13 Any such medical test shall be performed only by appropriately
14 licensed medical practitioners and may include an analysis of
15 any bodily fluids as well as an examination of the defendant's
16 person. Except as otherwise provided by law, the results of
17 such test shall be kept strictly confidential by all medical
18 personnel involved in the testing and must be personally
19 delivered in a sealed envelope to the judge of the court in
20 which the conviction was entered for the judge's inspection in
21 camera. Acting in accordance with the best interests of the
22 victim and the public, the judge shall have the discretion to
23 determine to whom, if anyone, the results of the testing may be
24 revealed. The court shall notify the defendant of the test
25 results. The court shall also notify the victim if requested by
26 the victim, and if the victim is under the age of 15 and if

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

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

26 (h) Whenever a defendant is convicted of an offense under

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

1 county and may be taxed as costs against the convicted
2 defendant.

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

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

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

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

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

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under
2 the Immigration and Nationality Act, and

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

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

8 (B) If the defendant has already been sentenced for a
9 felony or misdemeanor offense, or has been placed on
10 probation under Section 10 of the Cannabis Control Act,
11 Section 410 of the Illinois Controlled Substances Act, or
12 Section 70 of the Methamphetamine Control and Community
13 Protection Act, the court may, upon motion of the State's
14 Attorney to suspend the sentence imposed, commit the
15 defendant to the custody of the Attorney General of the
16 United States or his or her 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

1 sentenced under this Section returns to the jurisdiction of
2 the United States, the defendant shall be recommitted to
3 the custody of the county from which he or she was
4 sentenced. Thereafter, the defendant shall be brought
5 before the sentencing court, which may impose any sentence
6 that was available under Section 5-5-3 at the time of
7 initial sentencing. In addition, the defendant shall not be
8 eligible for additional good conduct credit for
9 meritorious service as provided under Section 3-6-6.

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

16 (n) The court may sentence a person convicted of a
17 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
18 Code of 1961 (i) to an impact incarceration program if the
19 person is otherwise eligible for that program under Section
20 5-8-1.1, (ii) to community service, or (iii) if the person is
21 an addict or alcoholic, as defined in the Alcoholism and Other
22 Drug Abuse and Dependency Act, to a substance or alcohol abuse
23 program licensed under that Act.

24 (o) Whenever a person is convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act, the
26 defendant's driver's license or permit shall be subject to

1 renewal on an annual basis in accordance with the provisions of
2 license renewal established by the Secretary of State.

3 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
4 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
5 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
6 1-1-08; 95-579, eff. 6-1-08; revised 11-19-07.)