



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3365

Introduced 2/14/2014, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Enhances the penalties for certain violations of the statutes concerning unlawful use or possession of weapons by felons, aggravated unlawful use of a weapon, and unlawful possession of a firearm by a street gang member. Changes the minimum term of imprisonment for being an armed habitual criminal from 6 years to 10 years, and the maximum term of imprisonment from 30 years to 45 years. Makes unlawful sale or delivery of firearms on the premises of any school, school conveyance, or public housing residential property a nonprobationable Class 3 felony for which a mandatory term of imprisonment of not less than 2 years and not more than 5 years shall be imposed (rather than a probationable Class 3 felony). Makes use of a stolen firearm in the commission of a forcible felony a nonprobationable Class 2 felony for which a mandatory term of imprisonment of not less than 3 years and not more than 7 years shall be imposed (rather than a probationable Class 2 felony). Provides that the maximum term of imprisonment for unlawful sale or delivery of firearms to a felon or for possession of a stolen firearm is 10 years. Amends the Unified Code of Corrections to make a conforming changes.

LRB098 14312 RLC 48930 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 2012 is amended by changing
5 Sections 24-1.1, 24-1.6, 24-1.7, 24-1.8, 24-3, 24-3.3, 24-3.7,
6 and 24-3.8 as follows:

7 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

8 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
9 Felons or Persons in the Custody of the Department of
10 Corrections Facilities.

11 (a) It is unlawful for a person to knowingly possess on or
12 about his person or on his land or in his own abode or fixed
13 place of business any weapon prohibited under Section 24-1 of
14 this Act or any firearm or any firearm ammunition if the person
15 has been convicted of a felony under the laws of this State or
16 any other jurisdiction. This Section shall not apply if the
17 person has been granted relief by the Director of the
18 Department of State Police under Section 10 of the Firearm
19 Owners Identification Card Act.

20 (b) It is unlawful for any person confined in a penal
21 institution, which is a facility of the Illinois Department of
22 Corrections, to possess any weapon prohibited under Section
23 24-1 of this Code or any firearm or firearm ammunition,

1 regardless of the intent with which he possesses it.

2 (c) It shall be an affirmative defense to a violation of
3 subsection (b), that such possession was specifically
4 authorized by rule, regulation, or directive of the Illinois
5 Department of Corrections or order issued pursuant thereto.

6 (d) The defense of necessity is not available to a person
7 who is charged with a violation of subsection (b) of this
8 Section.

9 (e) Sentence. Violation of this Section by a person not
10 confined in a penal institution shall be a Class 3 felony for
11 which the person shall be sentenced to no less than 4 ~~2~~ years
12 and no more than 10 years and any second or subsequent
13 violation shall be a Class 2 felony for which the person shall
14 be sentenced to a term of imprisonment of not less than 5 ~~3~~
15 years and not more than 14 years. Violation of this Section by
16 a person not confined in a penal institution who has been
17 convicted of a forcible felony, a felony violation of Article
18 24 of this Code or of the Firearm Owners Identification Card
19 Act, stalking or aggravated stalking, or a Class 2 or greater
20 felony under the Illinois Controlled Substances Act, the
21 Cannabis Control Act, or the Methamphetamine Control and
22 Community Protection Act is a Class 2 felony for which the
23 person shall be sentenced to not less than 3 years and not more
24 than 14 years. Violation of this Section by a person who is on
25 parole or mandatory supervised release is a Class 2 felony for
26 which the person shall be sentenced to not less than 5 ~~3~~ years

1 and not more than 14 years. Violation of this Section by a
2 person not confined in a penal institution is a Class X felony
3 when the firearm possessed is a machine gun. Any person who
4 violates this Section while confined in a penal institution,
5 which is a facility of the Illinois Department of Corrections,
6 is guilty of a Class 1 felony, if he possesses any weapon
7 prohibited under Section 24-1 of this Code regardless of the
8 intent with which he possesses it, a Class X felony if he
9 possesses any firearm, firearm ammunition or explosive, and a
10 Class X felony for which the offender shall be sentenced to not
11 less than 12 years and not more than 50 years when the firearm
12 possessed is a machine gun. A violation of this Section while
13 wearing or in possession of body armor as defined in Section
14 33F-1 is a Class X felony punishable by a term of imprisonment
15 of not less than 10 years and not more than 40 years. The
16 possession of each firearm or firearm ammunition in violation
17 of this Section constitutes a single and separate violation.

18 (Source: P.A. 97-237, eff. 1-1-12.)

19 (720 ILCS 5/24-1.6)

20 Sec. 24-1.6. Aggravated unlawful use of a weapon.

21 (a) A person commits the offense of aggravated unlawful use
22 of a weapon when he or she knowingly:

23 (1) Carries on or about his or her person or in any
24 vehicle or concealed on or about his or her person except
25 when on his or her land or in his or her abode, legal

1 dwelling, or fixed place of business, or on the land or in
2 the legal dwelling of another person as an invitee with
3 that person's permission, any pistol, revolver, stun gun or
4 taser or other firearm; or

5 (2) Carries or possesses on or about his or her person,
6 upon any public street, alley, or other public lands within
7 the corporate limits of a city, village or incorporated
8 town, except when an invitee thereon or therein, for the
9 purpose of the display of such weapon or the lawful
10 commerce in weapons, or except when on his or her own land
11 or in his or her own abode, legal dwelling, or fixed place
12 of business, or on the land or in the legal dwelling of
13 another person as an invitee with that person's permission,
14 any pistol, revolver, stun gun or taser or other firearm;
15 and

16 (3) One of the following factors is present:

17 (A) the firearm, other than a pistol, revolver, or
18 handgun, possessed was uncased, loaded, and
19 immediately accessible at the time of the offense; or

20 (A-5) the pistol, revolver, or handgun possessed
21 was uncased, loaded, and immediately accessible at the
22 time of the offense and the person possessing the
23 pistol, revolver, or handgun has not been issued a
24 currently valid license under the Firearm Concealed
25 Carry Act; or

26 (B) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, unloaded, and the
2 ammunition for the weapon was immediately accessible
3 at the time of the offense; or

4 (B-5) the pistol, revolver, or handgun possessed
5 was uncased, unloaded, and the ammunition for the
6 weapon was immediately accessible at the time of the
7 offense and the person possessing the pistol,
8 revolver, or handgun has not been issued a currently
9 valid license under the Firearm Concealed Carry Act; or

10 (C) the person possessing the firearm has not been
11 issued a currently valid Firearm Owner's
12 Identification Card; or

13 (D) the person possessing the weapon was
14 previously adjudicated a delinquent minor under the
15 Juvenile Court Act of 1987 for an act that if committed
16 by an adult would be a felony; or

17 (E) the person possessing the weapon was engaged in
18 a misdemeanor violation of the Cannabis Control Act, in
19 a misdemeanor violation of the Illinois Controlled
20 Substances Act, or in a misdemeanor violation of the
21 Methamphetamine Control and Community Protection Act;
22 or

23 (F) (blank); or

24 (G) the person possessing the weapon had a order of
25 protection issued against him or her within the
26 previous 2 years; or

1 (H) the person possessing the weapon was engaged in
2 the commission or attempted commission of a
3 misdemeanor involving the use or threat of violence
4 against the person or property of another; or

5 (I) the person possessing the weapon was under 21
6 years of age and in possession of a handgun, unless the
7 person under 21 is engaged in lawful activities under
8 the Wildlife Code or described in subsection
9 24-2(b)(1), (b)(3), or 24-2(f).

10 (a-5) "Handgun" as used in this Section has the meaning
11 given to it in Section 5 of the Firearm Concealed Carry Act.

12 (b) "Stun gun or taser" as used in this Section has the
13 same definition given to it in Section 24-1 of this Code.

14 (c) This Section does not apply to or affect the
15 transportation or possession of weapons that:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a person
20 who has been issued a currently valid Firearm Owner's
21 Identification Card.

22 (d) Sentence.

23 (1) Aggravated unlawful use of a weapon is a Class 4
24 felony; a second or subsequent offense is a Class 2 felony
25 for which the person shall be sentenced to a term of
26 imprisonment of not less than 5 ~~3~~ years and not more than

1 10 7 years.

2 (2) Except as otherwise provided in paragraphs (3) and
3 (4) of this subsection (d), a first offense of aggravated
4 unlawful use of a weapon committed with a firearm by a
5 person 18 years of age or older where the factors listed in
6 both items (A) and (C) or both items (A-5) and (C) of
7 paragraph (3) of subsection (a) are present is a Class 4
8 felony, for which the person shall be sentenced to a term
9 of imprisonment of not less than one year and not more than
10 3 years.

11 (3) Aggravated unlawful use of a weapon by a person who
12 has been previously convicted of a felony in this State or
13 another jurisdiction is a Class 2 felony for which the
14 person shall be sentenced to a term of imprisonment of not
15 less than 3 years and not more than 7 years.

16 (4) Aggravated unlawful use of a weapon while wearing
17 or in possession of body armor as defined in Section 33F-1
18 by a person who has not been issued a valid Firearms
19 Owner's Identification Card in accordance with Section 5 of
20 the Firearm Owners Identification Card Act is a Class X
21 felony.

22 (e) The possession of each firearm in violation of this
23 Section constitutes a single and separate violation.

24 (Source: P.A. 98-63, eff. 7-9-13.)

25 (720 ILCS 5/24-1.7)

1 Sec. 24-1.7. Armed habitual criminal.

2 (a) A person commits ~~the offense of~~ being an armed habitual
3 criminal if he or she receives, sells, possesses, or transfers
4 any firearm after having been convicted a total of 2 or more
5 times of any combination of the following offenses:

6 (1) a forcible felony as defined in Section 2-8 of this
7 Code;

8 (2) unlawful use of a weapon by a felon; aggravated
9 unlawful use of a weapon; aggravated discharge of a
10 firearm; vehicular hijacking; aggravated vehicular
11 hijacking; aggravated battery of a child as described in
12 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
13 intimidation; aggravated intimidation; gunrunning; home
14 invasion; or aggravated battery with a firearm as described
15 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or
16 (e)(4) of Section 12-3.05; or

17 (3) any violation of the Illinois Controlled
18 Substances Act or the Cannabis Control Act that is
19 punishable as a Class 3 felony or higher.

20 (b) Sentence. Being an armed habitual criminal is a Class X
21 felony for which the sentence shall be a term of imprisonment
22 of not less than 10 years and not more than 45 years.

23 (Source: P.A. 96-1551, eff. 7-1-11.)

24 (720 ILCS 5/24-1.8)

25 Sec. 24-1.8. Unlawful possession of a firearm by a street

1 gang member.

2 (a) A person commits unlawful possession of a firearm by a
3 street gang member when he or she knowingly:

4 (1) possesses, carries, or conceals on or about his or
5 her person a firearm and firearm ammunition while on any
6 street, road, alley, gangway, sidewalk, or any other lands,
7 except when inside his or her own abode or inside his or
8 her fixed place of business, and has not been issued a
9 currently valid Firearm Owner's Identification Card and is
10 a member of a street gang; or

11 (2) possesses or carries in any vehicle a firearm and
12 firearm ammunition which are both immediately accessible
13 at the time of the offense while on any street, road,
14 alley, or any other lands, except when inside his or her
15 own abode or garage, and has not been issued a currently
16 valid Firearm Owner's Identification Card and is a member
17 of a street gang.

18 (b) Unlawful possession of a firearm by a street gang
19 member is a Class 2 felony for which the person, if sentenced
20 to a term of imprisonment, shall be sentenced to no less than 4
21 ~~3~~ years and no more than 10 years. A period of probation, a
22 term of periodic imprisonment or conditional discharge shall
23 not be imposed for the offense of unlawful possession of a
24 firearm by a street gang member when the firearm was loaded or
25 contained firearm ammunition and the court shall sentence the
26 offender to not less than the minimum term of imprisonment

1 authorized for the Class 2 felony.

2 (c) For purposes of this Section:

3 "Street gang" or "gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 "Street gang member" or "gang member" has the meaning
7 ascribed to it in Section 10 of the Illinois Streetgang
8 Terrorism Omnibus Prevention Act.

9 (Source: P.A. 96-829, eff. 12-3-09.)

10 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

11 Sec. 24-3. Unlawful sale or delivery of firearms.

12 (A) A person commits the offense of unlawful sale or
13 delivery of firearms when he or she knowingly does any of the
14 following:

15 (a) Sells or gives any firearm of a size which may be
16 concealed upon the person to any person under 18 years of
17 age.

18 (b) Sells or gives any firearm to a person under 21
19 years of age who has been convicted of a misdemeanor other
20 than a traffic offense or adjudged delinquent.

21 (c) Sells or gives any firearm to any narcotic addict.

22 (d) Sells or gives any firearm to any person who has
23 been convicted of a felony under the laws of this or any
24 other jurisdiction.

25 (e) Sells or gives any firearm to any person who has

1 been a patient in a mental institution within the past 5
2 years. In this subsection (e):

3 "Mental institution" means any hospital,
4 institution, clinic, evaluation facility, mental
5 health center, or part thereof, which is used primarily
6 for the care or treatment of persons with mental
7 illness.

8 "Patient in a mental institution" means the person
9 was admitted, either voluntarily or involuntarily, to
10 a mental institution for mental health treatment,
11 unless the treatment was voluntary and solely for an
12 alcohol abuse disorder and no other secondary
13 substance abuse disorder or mental illness.

14 (f) Sells or gives any firearms to any person who is
15 intellectually disabled.

16 (g) Delivers any firearm of a size which may be
17 concealed upon the person, incidental to a sale, without
18 withholding delivery of such firearm for at least 72 hours
19 after application for its purchase has been made, or
20 delivers any rifle, shotgun or other long gun, or a stun
21 gun or taser, incidental to a sale, without withholding
22 delivery of such rifle, shotgun or other long gun, or a
23 stun gun or taser for at least 24 hours after application
24 for its purchase has been made. However, this paragraph (g)
25 does not apply to: (1) the sale of a firearm to a law
26 enforcement officer if the seller of the firearm knows that

1 the person to whom he or she is selling the firearm is a
2 law enforcement officer or the sale of a firearm to a
3 person who desires to purchase a firearm for use in
4 promoting the public interest incident to his or her
5 employment as a bank guard, armed truck guard, or other
6 similar employment; (2) a mail order sale of a firearm to a
7 nonresident of Illinois under which the firearm is mailed
8 to a point outside the boundaries of Illinois; (3) the sale
9 of a firearm to a nonresident of Illinois while at a
10 firearm showing or display recognized by the Illinois
11 Department of State Police; or (4) the sale of a firearm to
12 a dealer licensed as a federal firearms dealer under
13 Section 923 of the federal Gun Control Act of 1968 (18
14 U.S.C. 923). For purposes of this paragraph (g),
15 "application" means when the buyer and seller reach an
16 agreement to purchase a firearm.

17 (h) While holding any license as a dealer, importer,
18 manufacturer or pawnbroker under the federal Gun Control
19 Act of 1968, manufactures, sells or delivers to any
20 unlicensed person a handgun having a barrel, slide, frame
21 or receiver which is a die casting of zinc alloy or any
22 other nonhomogeneous metal which will melt or deform at a
23 temperature of less than 800 degrees Fahrenheit. For
24 purposes of this paragraph, (1) "firearm" is defined as in
25 the Firearm Owners Identification Card Act; and (2)
26 "handgun" is defined as a firearm designed to be held and

1 fired by the use of a single hand, and includes a
2 combination of parts from which such a firearm can be
3 assembled.

4 (i) Sells or gives a firearm of any size to any person
5 under 18 years of age who does not possess a valid Firearm
6 Owner's Identification Card.

7 (j) Sells or gives a firearm while engaged in the
8 business of selling firearms at wholesale or retail without
9 being licensed as a federal firearms dealer under Section
10 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
11 In this paragraph (j):

12 A person "engaged in the business" means a person who
13 devotes time, attention, and labor to engaging in the
14 activity as a regular course of trade or business with the
15 principal objective of livelihood and profit, but does not
16 include a person who makes occasional repairs of firearms
17 or who occasionally fits special barrels, stocks, or
18 trigger mechanisms to firearms.

19 "With the principal objective of livelihood and
20 profit" means that the intent underlying the sale or
21 disposition of firearms is predominantly one of obtaining
22 livelihood and pecuniary gain, as opposed to other intents,
23 such as improving or liquidating a personal firearms
24 collection; however, proof of profit shall not be required
25 as to a person who engages in the regular and repetitive
26 purchase and disposition of firearms for criminal purposes

1 or terrorism.

2 (k) Sells or transfers ownership of a firearm to a
3 person who does not display to the seller or transferor of
4 the firearm a currently valid Firearm Owner's
5 Identification Card that has previously been issued in the
6 transferee's name by the Department of State Police under
7 the provisions of the Firearm Owners Identification Card
8 Act. This paragraph (k) does not apply to the transfer of a
9 firearm to a person who is exempt from the requirement of
10 possessing a Firearm Owner's Identification Card under
11 Section 2 of the Firearm Owners Identification Card Act.
12 For the purposes of this Section, a currently valid Firearm
13 Owner's Identification Card means (i) a Firearm Owner's
14 Identification Card that has not expired or (ii) an
15 approval number issued in accordance with subsection
16 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners
17 Identification Card Act shall be proof that the Firearm
18 Owner's Identification Card was valid.

19 (1) In addition to the other requirements of this
20 paragraph (k), all persons who are not federally
21 licensed firearms dealers must also have complied with
22 subsection (a-10) of Section 3 of the Firearm Owners
23 Identification Card Act by determining the validity of
24 a purchaser's Firearm Owner's Identification Card.

25 (2) All sellers or transferors who have complied
26 with the requirements of subparagraph (1) of this

1 paragraph (k) shall not be liable for damages in any
2 civil action arising from the use or misuse by the
3 transferee of the firearm transferred, except for
4 willful or wanton misconduct on the part of the seller
5 or transferor.

6 (1) Not being entitled to the possession of a firearm,
7 delivers the firearm, knowing it to have been stolen or
8 converted. It may be inferred that a person who possesses a
9 firearm with knowledge that its serial number has been
10 removed or altered has knowledge that the firearm is stolen
11 or converted.

12 (B) Paragraph (h) of subsection (A) does not include
13 firearms sold within 6 months after enactment of Public Act
14 78-355 (approved August 21, 1973, effective October 1, 1973),
15 nor is any firearm legally owned or possessed by any citizen or
16 purchased by any citizen within 6 months after the enactment of
17 Public Act 78-355 subject to confiscation or seizure under the
18 provisions of that Public Act. Nothing in Public Act 78-355
19 shall be construed to prohibit the gift or trade of any firearm
20 if that firearm was legally held or acquired within 6 months
21 after the enactment of that Public Act.

22 (C) Sentence.

23 (1) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (c), (e), (f), (g),
25 or (h) of subsection (A) commits a Class 4 felony.

26 (2) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (b) or (i) of
2 subsection (A) commits a Class 3 felony.

3 (3) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (a) of subsection (A)
5 commits a Class 2 felony.

6 (4) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a), (b), or (i) of
8 subsection (A) in any school, on the real property
9 comprising a school, within 1,000 feet of the real property
10 comprising a school, at a school related activity, or on or
11 within 1,000 feet of any conveyance owned, leased, or
12 contracted by a school or school district to transport
13 students to or from school or a school related activity,
14 regardless of the time of day or time of year at which the
15 offense was committed, commits a Class 1 felony. Any person
16 convicted of a second or subsequent violation of unlawful
17 sale or delivery of firearms in violation of paragraph (a),
18 (b), or (i) of subsection (A) in any school, on the real
19 property comprising a school, within 1,000 feet of the real
20 property comprising a school, at a school related activity,
21 or on or within 1,000 feet of any conveyance owned, leased,
22 or contracted by a school or school district to transport
23 students to or from school or a school related activity,
24 regardless of the time of day or time of year at which the
25 offense was committed, commits a Class 1 felony for which
26 the sentence shall be a term of imprisonment of no less

1 than 5 years and no more than 15 years.

2 (5) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (a) or (i) of
4 subsection (A) in residential property owned, operated, or
5 managed by a public housing agency or leased by a public
6 housing agency as part of a scattered site or mixed-income
7 development, in a public park, in a courthouse, on
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development, on
11 the real property comprising any public park, on the real
12 property comprising any courthouse, or on any public way
13 within 1,000 feet of the real property comprising any
14 public park, courthouse, or residential property owned,
15 operated, or managed by a public housing agency or leased
16 by a public housing agency as part of a scattered site or
17 mixed-income development commits a Class 2 felony.

18 (6) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (j) of subsection (A)
20 commits a Class A misdemeanor. A second or subsequent
21 violation is a Class 4 felony.

22 (7) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (k) of subsection (A)
24 commits a Class 4 felony, except that a violation of
25 subparagraph (1) of paragraph (k) of subsection (A) shall
26 not be punishable as a crime or petty offense. A third or

1 subsequent conviction for a violation of paragraph (k) of
2 subsection (A) is a Class 1 felony.

3 (8) A person 18 years of age or older convicted of
4 unlawful sale or delivery of firearms in violation of
5 paragraph (a) or (i) of subsection (A), when the firearm
6 that was sold or given to another person under 18 years of
7 age was used in the commission of or attempt to commit a
8 forcible felony, shall be fined or imprisoned, or both, not
9 to exceed the maximum provided for the most serious
10 forcible felony so committed or attempted by the person
11 under 18 years of age who was sold or given the firearm.

12 (9) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (d) of subsection (A)
14 commits a Class 3 felony for which the person, if sentenced
15 to a term of imprisonment, shall be sentenced to a term of
16 imprisonment of no less than 2 years and no more than 10
17 years.

18 (10) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (l) of subsection (A)
20 commits a Class 2 felony if the delivery is of one firearm.
21 Any person convicted of unlawful sale or delivery of
22 firearms in violation of paragraph (l) of subsection (A)
23 commits a Class 1 felony if the delivery is of not less
24 than 2 and not more than 5 firearms at the same time or
25 within a one year period. Any person convicted of unlawful
26 sale or delivery of firearms in violation of paragraph (l)

1 of subsection (A) commits a Class X felony for which he or
2 she shall be sentenced to a term of imprisonment of not
3 less than 6 years and not more than 30 years if the
4 delivery is of not less than 6 and not more than 10
5 firearms at the same time or within a 2 year period. Any
6 person convicted of unlawful sale or delivery of firearms
7 in violation of paragraph (1) of subsection (A) commits a
8 Class X felony for which he or she shall be sentenced to a
9 term of imprisonment of not less than 6 years and not more
10 than 40 years if the delivery is of not less than 11 and
11 not more than 20 firearms at the same time or within a 3
12 year period. Any person convicted of unlawful sale or
13 delivery of firearms in violation of paragraph (1) of
14 subsection (A) commits a Class X felony for which he or she
15 shall be sentenced to a term of imprisonment of not less
16 than 6 years and not more than 50 years if the delivery is
17 of not less than 21 and not more than 30 firearms at the
18 same time or within a 4 year period. Any person convicted
19 of unlawful sale or delivery of firearms in violation of
20 paragraph (1) of subsection (A) commits a Class X felony
21 for which he or she shall be sentenced to a term of
22 imprisonment of not less than 6 years and not more than 60
23 years if the delivery is of 31 or more firearms at the same
24 time or within a 5 year period.

25 (D) For purposes of this Section:

26 "School" means a public or private elementary or secondary

1 school, community college, college, or university.

2 "School related activity" means any sporting, social,
3 academic, or other activity for which students' attendance or
4 participation is sponsored, organized, or funded in whole or in
5 part by a school or school district.

6 (E) A prosecution for a violation of paragraph (k) of
7 subsection (A) of this Section may be commenced within 6 years
8 after the commission of the offense. A prosecution for a
9 violation of this Section other than paragraph (g) of
10 subsection (A) of this Section may be commenced within 5 years
11 after the commission of the offense defined in the particular
12 paragraph.

13 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,
14 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)

15 (720 ILCS 5/24-3.3) (from Ch. 38, par. 24-3.3)

16 Sec. 24-3.3. Unlawful Sale or Delivery of Firearms on the
17 Premises of a Any School, School Conveyance, or Public Housing
18 Residential Property, ~~regardless of the time of day or the time~~
19 ~~of year, or any conveyance owned, leased or contracted by a~~
20 ~~school to transport students to or from school or a school~~
21 ~~related activity, or residential property owned, operated or~~
22 ~~managed by a public housing agency.~~

23 (a) Any person 18 years of age or older commits unlawful
24 sale or delivery of firearms on the premises of a school,
25 school conveyance, or public housing residential property when

1 he or she ~~who~~ sells, gives or delivers any firearm to any
2 person under 18 years of age in any school, on the real
3 property comprising any school, ~~regardless of the time of day~~
4 ~~or the time of year~~ in any conveyance owned, leased, or
5 contracted by a school to transport students to or from school
6 or a school related activity, or residential property owned,
7 operated or managed by a public housing agency or leased by a
8 public housing agency as part of a scattered site or
9 mixed-income development, ~~on the real property comprising any~~
10 ~~school, regardless of the time of day or the time of year or~~
11 ~~residential property owned, operated or managed by a public~~
12 ~~housing agency or leased by a public housing agency as part of~~
13 ~~a scattered site or mixed-income development commits a Class 3~~
14 ~~felony.~~

15 (b) For the purposes of this Section, "school" means ~~School~~
16 ~~is defined, for the purposes of this Section, as~~ any public or
17 private elementary or secondary school, community college,
18 college or university, regardless of the time of day or the
19 time of year.

20 (c) This Section does not apply to peace officers or to
21 students carrying or possessing firearms for use in school
22 training courses, parades, target shooting on school ranges, or
23 otherwise with the consent of school authorities and which
24 firearms are transported unloaded and enclosed in a suitable
25 case, box or transportation package.

26 (d) Sentence. A violation of this Section is a Class 3

1 felony for which the sentence shall be a term of imprisonment
2 of not less than 2 years and not more than 5 years.

3 (Source: P.A. 91-673, eff. 12-22-99.)

4 (720 ILCS 5/24-3.7)

5 Sec. 24-3.7. Use of a stolen firearm in the commission of
6 an offense or forcible felony.

7 (a) A person commits ~~the offense of~~ use of a stolen firearm
8 in the commission of an offense when he or she knowingly uses a
9 stolen firearm in the commission of an any offense, other than
10 a forcible felony as defined in Section 2-8 of this Code, and
11 the person knows that the firearm was stolen.

12 (a-5) A person commits use of a stolen firearm in the
13 commission of a forcible felony as defined in Section 2-8 of
14 this Code and the person knows that the firearm was stolen.

15 (b) Sentence. Use of a stolen firearm in the commission of
16 an offense is a Class 2 felony. Use of a stolen firearm in the
17 commission of a forcible felony is a Class 2 felony for which
18 the sentence shall be a term of imprisonment of not less than 3
19 years and not more than 7 years.

20 (Source: P.A. 96-190, eff. 1-1-10.)

21 (720 ILCS 5/24-3.8)

22 Sec. 24-3.8. Possession of a stolen firearm.

23 (a) A person commits possession of a stolen firearm when he
24 or she, not being entitled to the possession of a firearm,

1 possesses the firearm, knowing it to have been stolen or
2 converted. The trier of fact may infer that a person who
3 possesses a firearm with knowledge that its serial number has
4 been removed or altered has knowledge that the firearm is
5 stolen or converted.

6 (b) Possession of a stolen firearm is a Class 2 felony for
7 which the person, if sentenced to a term of imprisonment, shall
8 be sentenced to a term of imprisonment of not less than 3 years
9 and not more than 10 years.

10 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
11 1-1-12; 97-1109, eff. 1-1-13.)

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

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

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

1 such term of imprisonment:

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

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

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

11 (D-5) A violation of subdivision (c) (1) of Section
12 401 of the Illinois Controlled Substances Act which
13 relates to 3 or more grams of a substance containing
14 heroin or an analog thereof.

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

17 (F) A Class 2 or greater felony if the offender had
18 been convicted of a Class 2 or greater felony,
19 including any state or federal conviction for an
20 offense that contained, at the time it was committed,
21 the same elements as an offense now (the date of the
22 offense committed after the prior Class 2 or greater
23 felony) classified as a Class 2 or greater felony,
24 within 10 years of the date on which the offender
25 committed the offense for which he or she is being
26 sentenced, except as otherwise provided in Section

1 40-10 of the Alcoholism and Other Drug Abuse and
2 Dependency Act.

3 (F-5) A violation of Section 24-1, 24-1.1, or
4 24-1.6 of the Criminal Code of 1961 or the Criminal
5 Code of 2012 for which imprisonment is prescribed in
6 those Sections.

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

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen as
12 described in Section 12-4.6 or subdivision (a)(4) of
13 Section 12-3.05 of the Criminal Code of 1961 or the
14 Criminal Code of 2012.

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

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

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

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the
3 offense of hate crime when the underlying offense upon
4 which the hate crime is based is felony aggravated
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the
7 offense of institutional vandalism if the damage to the
8 property exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (Q) A violation of subsection (b) or (b-5) of
18 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal
21 Code of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

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

25 (U) A second or subsequent violation of Section
26 6-303 of the Illinois Vehicle Code committed while his

1 or her driver's license, permit, or privilege was
2 revoked because of a violation of Section 9-3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 relating to the offense of reckless homicide, or a
5 similar provision of a law of another state.

6 (V) A violation of paragraph (4) of subsection (c)
7 of Section 11-20.1B or paragraph (4) of subsection (c)
8 of Section 11-20.3 of the Criminal Code of 1961, or
9 paragraph (6) of subsection (a) of Section 11-20.1 of
10 the Criminal Code of 2012 when the victim is under 13
11 years of age and the defendant has previously been
12 convicted under the laws of this State or any other
13 state of the offense of child pornography, aggravated
14 child pornography, aggravated criminal sexual abuse,
15 aggravated criminal sexual assault, predatory criminal
16 sexual assault of a child, or any of the offenses
17 formerly known as rape, deviate sexual assault,
18 indecent liberties with a child, or aggravated
19 indecent liberties with a child where the victim was
20 under the age of 18 years or an offense that is
21 substantially equivalent to those offenses.

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961 or the Criminal Code of
26 2012.

1 (Y) A conviction for unlawful possession of a
2 firearm by a street gang member when the firearm was
3 loaded or contained firearm ammunition.

4 (Z) A Class 1 felony committed while he or she was
5 serving a term of probation or conditional discharge
6 for a felony.

7 (AA) Theft of property exceeding \$500,000 and not
8 exceeding \$1,000,000 in value.

9 (BB) Laundering of criminally derived property of
10 a value exceeding \$500,000.

11 (CC) Knowingly selling, offering for sale, holding
12 for sale, or using 2,000 or more counterfeit items or
13 counterfeit items having a retail value in the
14 aggregate of \$500,000 or more.

15 (DD) A conviction for aggravated assault under
16 paragraph (6) of subsection (c) of Section 12-2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 if
18 the firearm is aimed toward the person against whom the
19 firearm is being used.

20 (EE) A conviction of Section 24-3.3 of the Criminal
21 Code of 2012.

22 (FF) A conviction for use of a stolen firearm in
23 the commission of a forcible felony under subsection
24 (a-5) of Section 24-3.7 of the Criminal Code of 2012.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8)
6 of this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

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

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

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

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

1 (4.7) A minimum term of imprisonment of not less than
2 30 consecutive days, or 300 hours of community service,
3 shall be imposed for a violation of subsection (a-5) of
4 Section 6-303 of the Illinois Vehicle Code, as provided in
5 subsection (b-5) of that Section.

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

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

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

25 (5) The court may sentence a corporation or
26 unincorporated association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section
- 4 5-5-6 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of

8 the Illinois Vehicle Code shall have his or her driver's

9 license, permit, or privileges suspended for at least 90

10 days but not more than one year, if the violation resulted

11 in damage to the property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted

14 of violating subsection (c) of Section 11-907 of the

15 Illinois Vehicle Code shall have his or her driver's

16 license, permit, or privileges suspended for at least 180

17 days but not more than 2 years, if the violation resulted

18 in injury to another person.

19 (5.3) In addition to any other penalties imposed, a

20 person convicted of violating subsection (c) of Section

21 11-907 of the Illinois Vehicle Code shall have his or her

22 driver's license, permit, or privileges suspended for 2

23 years, if the violation resulted in the death of another

24 person.

25 (5.4) In addition to any other penalties imposed, a

26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for 3 months and until he
3 or she has paid a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a
5 person convicted of violating Section 3-707 of the Illinois
6 Vehicle Code during a period in which his or her driver's
7 license, permit, or privileges were suspended for a
8 previous violation of that Section shall have his or her
9 driver's license, permit, or privileges suspended for an
10 additional 6 months after the expiration of the original
11 3-month suspension and until he or she has paid a
12 reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

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

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

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

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

26 (d) In any case in which a sentence originally imposed is

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

18 (e) In cases where prosecution for aggravated criminal
19 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 results in conviction
21 of a defendant who was a family member of the victim at the
22 time of the commission of the offense, the court shall consider
23 the safety and welfare of the victim and may impose a sentence
24 of probation only where:

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

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2
2 years; or

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

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 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 11-0.1 of the Criminal Code of 2012.

5 (f) (Blank).

6 (g) Whenever a defendant is convicted of an offense under
7 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
8 11-14.3, 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
10 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
11 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the defendant shall undergo medical
13 testing to determine whether the defendant has any sexually
14 transmissible disease, including a test for infection with
15 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

1 determine to whom, if anyone, the results of the testing may be
2 revealed. The court shall notify the defendant of the test
3 results. The court shall also notify the victim if requested by
4 the victim, and if the victim is under the age of 15 and if
5 requested by the victim's parents or legal guardian, the court
6 shall notify the victim's parents or legal guardian of the test
7 results. The court shall provide information on the
8 availability of HIV testing and counseling at Department of
9 Public Health facilities to all parties to whom the results of
10 the testing are revealed and shall direct the State's Attorney
11 to provide the information to the victim when possible. A
12 State's Attorney may petition the court to obtain the results
13 of any HIV test administered under this Section, and the court
14 shall grant the disclosure if the State's Attorney shows it is
15 relevant in order to prosecute a charge of criminal
16 transmission of HIV under Section 12-5.01 or 12-16.2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 against the
18 defendant. The court shall order that the cost of any such test
19 shall be paid by the county and may be taxed as costs against
20 the convicted defendant.

21 (g-5) When an inmate is tested for an airborne communicable
22 disease, as determined by the Illinois Department of Public
23 Health including but not limited to tuberculosis, the results
24 of the test shall be personally delivered by the warden or his
25 or her designee in a sealed envelope to the judge of the court
26 in which the inmate must appear for the judge's inspection in

1 camera if requested by the judge. Acting in accordance with the
2 best interests of those in the courtroom, the judge shall have
3 the discretion to determine what if any precautions need to be
4 taken to prevent transmission of the disease in the courtroom.

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

1 Section, and the court shall grant the disclosure if the
2 State's Attorney shows it is relevant in order to prosecute a
3 charge of criminal transmission of HIV under Section 12-5.01 or
4 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
5 2012 against the defendant. The court shall order that the cost
6 of any such test shall be paid by the county and may be taxed as
7 costs against the convicted defendant.

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

15 (j) In cases when prosecution for any violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
17 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
20 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, any violation of the Illinois Controlled
22 Substances Act, any violation of the Cannabis Control Act, or
23 any violation of the Methamphetamine Control and Community
24 Protection Act results in conviction, a disposition of court
25 supervision, or an order of probation granted under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substance Act, or Section 70 of the Methamphetamine
2 Control and Community Protection Act of a defendant, the court
3 shall determine whether the defendant is employed by a facility
4 or center as defined under the Child Care Act of 1969, a public
5 or private elementary or secondary school, or otherwise works
6 with children under 18 years of age on a daily basis. When a
7 defendant is so employed, the court shall order the Clerk of
8 the Court to send a copy of the judgment of conviction or order
9 of supervision or probation to the defendant's employer by
10 certified mail. If the employer of the defendant is a school,
11 the Clerk of the Court shall direct the mailing of a copy of
12 the judgment of conviction or order of supervision or probation
13 to the appropriate regional superintendent of schools. The
14 regional superintendent of schools shall notify the State Board
15 of Education of any notification under this subsection.

16 (j-5) A defendant at least 17 years of age who is convicted
17 of a felony and who has not been previously convicted of a
18 misdemeanor or felony and who is sentenced to a term of
19 imprisonment in the Illinois Department of Corrections shall as
20 a condition of his or her sentence be required by the court to
21 attend educational courses designed to prepare the defendant
22 for a high school diploma and to work toward a high school
23 diploma or to work toward passing the high school level Test of
24 General Educational Development (GED) or to work toward
25 completing a vocational training program offered by the
26 Department of Corrections. If a defendant fails to complete the

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

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection
24 (l), whenever a defendant, who is an alien as defined by
25 the Immigration and Nationality Act, is convicted of any
26 felony or misdemeanor offense, the court after sentencing

1 the defendant may, upon motion of the State's Attorney,
2 hold sentence in abeyance and remand the defendant to the
3 custody of the Attorney General of the United States or his
4 or her designated agent to be deported when:

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

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

11 Otherwise, the defendant shall be sentenced as
12 provided in this Chapter V.

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

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

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of justice.

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

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

15 (m) A person convicted of criminal defacement of property
16 under Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, in which the property damage exceeds
18 \$300 and the property damaged is a school building, shall be
19 ordered to perform community service that may include cleanup,
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 (i) to an impact
25 incarceration program if the person is otherwise eligible for
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person is an addict or alcoholic, as defined in
2 the Alcoholism and Other Drug Abuse and Dependency Act, to a
3 substance or alcohol abuse program licensed under that Act.

4 (o) Whenever a person is convicted of a sex offense as
5 defined in Section 2 of the Sex Offender Registration Act, the
6 defendant's driver's license or permit shall be subject to
7 renewal on an annual basis in accordance with the provisions of
8 license renewal established by the Secretary of State.

9 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
10 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
11 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
12 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
13 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
14 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
15 eff. 1-25-13.)

1 INDEX
2 Statutes amended in order of appearance

3	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
4	720 ILCS 5/24-1.6	
5	720 ILCS 5/24-1.7	
6	720 ILCS 5/24-1.8	
7	720 ILCS 5/24-3	from Ch. 38, par. 24-3
8	720 ILCS 5/24-3.3	from Ch. 38, par. 24-3.3
9	720 ILCS 5/24-3.7	
10	720 ILCS 5/24-3.8	
11	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3