



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1563

Introduced 2/20/2015, 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.

LRB099 08161 RLC 28312 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 imprisonment  
20 or conditional discharge shall not be imposed for the following  
21 offenses. The court shall sentence the offender to not less  
22 than the minimum term of imprisonment set forth in this Code  
23 for the following offenses, and may order a fine or restitution  
24 or both in conjunction with such term of imprisonment:



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

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

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

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

16 (F) A Class 2 or greater felony if the offender had  
17 been convicted of a Class 2 or greater felony, including  
18 any state or federal conviction for an offense that  
19 contained, at the time it was committed, the same elements  
20 as an offense now (the date of the offense committed after  
21 the prior Class 2 or greater felony) classified as a Class  
22 2 or greater felony, within 10 years of the date on which  
23 the offender committed the offense for which he or she is  
24 being sentenced, except as otherwise provided in Section  
25 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
26 Act.

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

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

7 (H) Criminal sexual assault.

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

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

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

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

23 (K) Vehicular hijacking.

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

1 mob action.

2 (M) A second or subsequent conviction for the offense  
3 of institutional vandalism if the damage to the property  
4 exceeds \$300.

5 (N) A Class 3 felony violation of paragraph (1) of  
6 subsection (a) of Section 2 of the Firearm Owners  
7 Identification Card Act.

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

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

13 (Q) A violation of subsection (b) or (b-5) of Section  
14 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012.

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

18 (S) (Blank).

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

21 (U) A second or subsequent violation of Section 6-303  
22 of the Illinois Vehicle Code committed while his or her  
23 driver's license, permit, or privilege was revoked because  
24 of a violation of Section 9-3 of the Criminal Code of 1961  
25 or the Criminal Code of 2012, relating to the offense of  
26 reckless homicide, or a similar provision of a law of

1 another state.

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

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

19 (X) A violation of subsection (a) of Section 31-1a of  
20 the Criminal Code of 1961 or the Criminal Code of 2012.

21 (Y) A conviction for unlawful possession of a firearm  
22 by a street gang member when the firearm was loaded or  
23 contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was  
25 serving a term of probation or conditional discharge for a  
26 felony.

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

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

5 (CC) Knowingly selling, offering for sale, holding for  
6 sale, or using 2,000 or more counterfeit items or  
7 counterfeit items having a retail value in the aggregate of  
8 \$500,000 or more.

9 (DD) A conviction for aggravated assault under  
10 paragraph (6) of subsection (c) of Section 12-2 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 if the  
12 firearm is aimed toward the person against whom the firearm  
13 is being used.

14 (EE) A conviction of Section 24-3.3 of the Criminal  
15 Code of 2012.

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

19 (3) (Blank).

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

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
26 this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court, shall  
5 be imposed for a second violation of subsection (c) of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
8 (4.9) of this subsection (c), a minimum term of imprisonment of  
9 30 days or 300 hours of community service, as determined by the  
10 court, shall be imposed for a third or subsequent violation of  
11 Section 6-303 of the Illinois Vehicle Code.

12 (4.5) A minimum term of imprisonment of 30 days shall be  
13 imposed for a third violation of subsection (c) of Section  
14 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this  
16 subsection (c), a minimum term of imprisonment of 180 days  
17 shall be imposed for a fourth or subsequent violation of  
18 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

19 (4.7) A minimum term of imprisonment of not less than 30  
20 consecutive days, or 300 hours of community service, shall be  
21 imposed for a violation of subsection (a-5) of Section 6-303 of  
22 the Illinois Vehicle Code, as provided in subsection (b-5) of  
23 that Section.

24 (4.8) A mandatory prison sentence shall be imposed for a  
25 second violation of subsection (a-5) of Section 6-303 of the  
26 Illinois Vehicle Code, as provided in subsection (c-5) of that

1 Section. The person's driving privileges shall be revoked for a  
2 period of not less than 5 years from the date of his or her  
3 release from prison.

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

10 (4.10) A mandatory prison sentence for a Class 1 felony  
11 shall be imposed, and the person shall be eligible for an  
12 extended term sentence, for a fourth or subsequent violation of  
13 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
14 as provided in subsection (d-3.5) of that Section. The person's  
15 driving privileges shall be revoked for the remainder of his or  
16 her life.

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

19 (A) a period of conditional discharge;

20 (B) a fine;

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

23 (5.1) In addition to any other penalties imposed, and  
24 except as provided in paragraph (5.2) or (5.3), a person  
25 convicted of violating subsection (c) of Section 11-907 of the  
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for at least 90 days but not  
2 more than one year, if the violation resulted in damage to the  
3 property of another person.

4 (5.2) In addition to any other penalties imposed, and  
5 except as provided in paragraph (5.3), a person convicted of  
6 violating subsection (c) of Section 11-907 of the Illinois  
7 Vehicle Code shall have his or her driver's license, permit, or  
8 privileges suspended for at least 180 days but not more than 2  
9 years, if the violation resulted in injury to another person.

10 (5.3) In addition to any other penalties imposed, a person  
11 convicted of violating subsection (c) of Section 11-907 of the  
12 Illinois Vehicle Code shall have his or her driver's license,  
13 permit, or privileges suspended for 2 years, if the violation  
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person  
16 convicted of violating Section 3-707 of the Illinois Vehicle  
17 Code shall have his or her driver's license, permit, or  
18 privileges suspended for 3 months and until he or she has paid  
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person  
21 convicted of violating Section 3-707 of the Illinois Vehicle  
22 Code during a period in which his or her driver's license,  
23 permit, or privileges were suspended for a previous violation  
24 of that Section shall have his or her driver's license, permit,  
25 or privileges suspended for an additional 6 months after the  
26 expiration of the original 3-month suspension and until he or



1 she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

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

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000 for a  
10 first offense and \$2,000 for a second or subsequent offense  
11 upon a person convicted of or placed on supervision for battery  
12 when the individual harmed was a sports official or coach at  
13 any level of competition and the act causing harm to the sports  
14 official or coach occurred within an athletic facility or  
15 within the immediate vicinity of the athletic facility at which  
16 the sports official or coach was an active participant of the  
17 athletic contest held at the athletic facility. For the  
18 purposes of this paragraph (11), "sports official" means a  
19 person at an athletic contest who enforces the rules of the  
20 contest, such as an umpire or referee; "athletic facility"  
21 means an indoor or outdoor playing field or recreational area  
22 where sports activities are conducted; and "coach" means a  
23 person recognized as a coach by the sanctioning authority that  
24 conducted the sporting event.

25 (12) A person may not receive a disposition of court  
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously  
2 received a disposition of court supervision for a violation of  
3 that Section.

4 (13) A person convicted of or placed on court supervision  
5 for an assault or aggravated assault when the victim and the  
6 offender are family or household members as defined in Section  
7 103 of the Illinois Domestic Violence Act of 1986 or convicted  
8 of domestic battery or aggravated domestic battery may be  
9 required to attend a Partner Abuse Intervention Program under  
10 protocols set forth by the Illinois Department of Human  
11 Services under such terms and conditions imposed by the court.  
12 The costs of such classes shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is  
14 vacated, the case shall be remanded to the trial court. The  
15 trial court shall hold a hearing under Section 5-4-1 of the  
16 Unified Code of Corrections which may include evidence of the  
17 defendant's life, moral character and occupation during the  
18 time since the original sentence was passed. The trial court  
19 shall then impose sentence upon the defendant. The trial court  
20 may impose any sentence which could have been imposed at the  
21 original trial subject to Section 5-5-4 of the Unified Code of  
22 Corrections. If a sentence is vacated on appeal or on  
23 collateral attack due to the failure of the trier of fact at  
24 trial to determine beyond a reasonable doubt the existence of a  
25 fact (other than a prior conviction) necessary to increase the  
26 punishment for the offense beyond the statutory maximum

1 otherwise applicable, either the defendant may be re-sentenced  
2 to a term within the range otherwise provided or, if the State  
3 files notice of its intention to again seek the extended  
4 sentence, the defendant shall be afforded a new trial.

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

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

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

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

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the  
22 family;

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

24 and

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

1           (2) the court orders the defendant to pay for the  
2 victim's counseling services, to the extent that the court  
3 finds, after considering the defendant's income and  
4 assets, that the defendant is financially capable of paying  
5 for such services, if the victim was under 18 years of age  
6 at the time the offense was committed and requires  
7 counseling as a result of the offense.

8           Probation may be revoked or modified pursuant to Section  
9 5-6-4; except where the court determines at the hearing that  
10 the defendant violated a condition of his or her probation  
11 restricting contact with the victim or other family members or  
12 commits another offense with the victim or other family  
13 members, the court shall revoke the defendant's probation and  
14 impose a term of imprisonment.

15           For the purposes of this Section, "family member" and  
16 "victim" shall have the meanings ascribed to them in Section  
17 11-0.1 of the Criminal Code of 2012.

18           (f) (Blank).

19           (g) Whenever a defendant is convicted of an offense under  
20 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
21 11-14.3, 11-14.4 except for an offense that involves keeping a  
22 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, the defendant shall undergo medical  
26 testing to determine whether the defendant has any sexually

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

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

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

18 (h) Whenever a defendant is convicted of an offense under  
19 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
20 defendant shall undergo medical testing to determine whether  
21 the defendant has been exposed to human immunodeficiency virus  
22 (HIV) or any other identified causative agent of acquired  
23 immunodeficiency syndrome (AIDS). Except as otherwise provided  
24 by law, the results of such test shall be kept strictly  
25 confidential by all medical personnel involved in the testing  
26 and must be personally delivered in a sealed envelope to the

1 judge of the court in which the conviction was entered for the  
2 judge's inspection in camera. Acting in accordance with the  
3 best interests of the public, the judge shall have the  
4 discretion to determine to whom, if anyone, the results of the  
5 testing may be revealed. The court shall notify the defendant  
6 of a positive test showing an infection with the human  
7 immunodeficiency virus (HIV). The court shall provide  
8 information on the availability of HIV testing and counseling  
9 at Department of Public Health facilities to all parties to  
10 whom the results of the testing are revealed and shall direct  
11 the State's Attorney to provide the information to the victim  
12 when possible. A State's Attorney may petition the court to  
13 obtain the results of any HIV test administered under this  
14 Section, and the court shall grant the disclosure if the  
15 State's Attorney shows it is relevant in order to prosecute a  
16 charge of criminal transmission of HIV under Section 12-5.01 or  
17 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 against the defendant. The court shall order that the cost  
19 of any such test shall be paid by the county and may be taxed as  
20 costs against the convicted defendant.

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

1 of the Clerks of Courts Act.

2 (j) In cases when prosecution for any violation of Section  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
4 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
6 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
7 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012, any violation of the Illinois Controlled  
9 Substances Act, any violation of the Cannabis Control Act, or  
10 any violation of the Methamphetamine Control and Community  
11 Protection Act results in conviction, a disposition of court  
12 supervision, or an order of probation granted under Section 10  
13 of the Cannabis Control Act, Section 410 of the Illinois  
14 Controlled Substances Act, or Section 70 of the Methamphetamine  
15 Control and Community Protection Act of a defendant, the court  
16 shall determine whether the defendant is employed by a facility  
17 or center as defined under the Child Care Act of 1969, a public  
18 or private elementary or secondary school, or otherwise works  
19 with children under 18 years of age on a daily basis. When a  
20 defendant is so employed, the court shall order the Clerk of  
21 the Court to send a copy of the judgment of conviction or order  
22 of supervision or probation to the defendant's employer by  
23 certified mail. If the employer of the defendant is a school,  
24 the Clerk of the Court shall direct the mailing of a copy of  
25 the judgment of conviction or order of supervision or probation  
26 to the appropriate regional superintendent of schools. The



1 regional superintendent of schools shall notify the State Board  
2 of Education of any notification under this subsection.

3 (j-5) A defendant at least 17 years of age who is convicted  
4 of a felony and who has not been previously convicted of a  
5 misdemeanor or felony and who is sentenced to a term of  
6 imprisonment in the Illinois Department of Corrections shall as  
7 a condition of his or her sentence be required by the court to  
8 attend educational courses designed to prepare the defendant  
9 for a high school diploma and to work toward a high school  
10 diploma or to work toward passing high school equivalency  
11 testing or to work toward completing a vocational training  
12 program offered by the Department of Corrections. If a  
13 defendant fails to complete the educational training required  
14 by his or her sentence during the term of incarceration, the  
15 Prisoner Review Board shall, as a condition of mandatory  
16 supervised release, require the defendant, at his or her own  
17 expense, to pursue a course of study toward a high school  
18 diploma or passage of high school equivalency testing. The  
19 Prisoner Review Board shall revoke the mandatory supervised  
20 release of a defendant who wilfully fails to comply with this  
21 subsection (j-5) upon his or her release from confinement in a  
22 penal institution while serving a mandatory supervised release  
23 term; however, the inability of the defendant after making a  
24 good faith effort to obtain financial aid or pay for the  
25 educational training shall not be deemed a wilful failure to  
26 comply. The Prisoner Review Board shall recommit the defendant

1 whose mandatory supervised release term has been revoked under  
2 this subsection (j-5) as provided in Section 3-3-9. This  
3 subsection (j-5) does not apply to a defendant who has a high  
4 school diploma or has successfully passed high school  
5 equivalency testing. This subsection (j-5) does not apply to a  
6 defendant who is determined by the court to be developmentally  
7 disabled or otherwise mentally incapable of completing the  
8 educational or vocational program.

9 (k) (Blank).

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

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

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

24 Otherwise, the defendant shall be sentenced as provided in  
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation  
2 under Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, or Section 70 of the  
4 Methamphetamine Control and Community Protection Act, the  
5 court may, upon motion of the State's Attorney to suspend the  
6 sentence imposed, commit the defendant to the custody of the  
7 Attorney General of the United States or his or her designated  
8 agent when:

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

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

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

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

1 under Section 3-6-3.

2 (m) A person convicted of criminal defacement of property  
3 under Section 21-1.3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, in which the property damage exceeds  
5 \$300 and the property damaged is a school building, shall be  
6 ordered to perform community service that may include cleanup,  
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a  
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
11 of 1961 or the Criminal Code of 2012 (i) to an impact  
12 incarceration program if the person is otherwise eligible for  
13 that program under Section 5-8-1.1, (ii) to community service,  
14 or (iii) if the person is an addict or alcoholic, as defined in  
15 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
16 substance or alcohol abuse program licensed under that Act.

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

22 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;  
23 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.  
24 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,  
25 eff. 7-16-14.)

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