



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1037

Introduced 1/9/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
720 ILCS 5/24-3	from Ch. 38, par. 24-3
730 ILCS 5/5-4.5-95	
730 ILCS 5/5-5-3	

Amends the Criminal Code of 2012. Increases penalties for unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities. Provides that a person commits unlawful sale or delivery of firearms when he or she knowingly: (1) sells or gives a firearm to a person who has been convicted of a felony or who is a streetgang member or (2) sells or gives a firearm that has been purchased or acquired out of state to a person who has been convicted of a felony or is a streetgang member. Provides that a violation is a Class 1 felony. Provides that a second or subsequent violation is non-probationable. Amends the Unified Code of Corrections. Deletes a provision that the first offense had to be committed when the person was 21 years of age or older to be adjudged a habitual criminal. Provides that a person who attained the age of 18 at the time of the third offense may be adjudged a habitual criminal. In the Class X sentencing provision for a defendant over 21 years of age who is convicted of a Class 1 or Class 2 felony after twice being convicted of a Class 1 or Class 2 felony, deletes a provision that the first offense had to be committed when the person was 21 years of age or older and deletes a provision that the offenses had to be forcible felonies. Exempts theft from this calculation.

LRB104 03252 RLC 13274 b

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
5 changing Sections 24-1.1 and 24-3 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 (Text of Section before amendment by P.A. 103-822)

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 Illinois
18 State Police under Section 10 of the Firearm Owners
19 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 2 years and
12 no more than 10 years. A second or subsequent violation of this
13 Section shall be a Class 2 felony for which the person shall be
14 sentenced to a term of imprisonment of not less than 3 years
15 and not more than 14 years, except as provided for in Section
16 5-4.5-110 of the Unified Code of Corrections. Violation of
17 this Section by a person not confined in a penal institution
18 who has been convicted of a forcible felony, a felony
19 violation of Article 24 of this Code or of the Firearm Owners
20 Identification Card Act, stalking or aggravated stalking, or a
21 Class 2 or greater felony under the Illinois Controlled
22 Substances Act, the Cannabis Control Act, or the
23 Methamphetamine Control and Community Protection Act is a
24 Class 2 felony for which the person shall be sentenced to not
25 less than 3 years and not more than 14 years, except as
26 provided for in Section 5-4.5-110 of the Unified Code of

1 Corrections. Violation of this Section by a person who is on
2 parole or mandatory supervised release is a Class 2 felony for
3 which the person shall be sentenced to not less than 3 years
4 and not more than 14 years, except as provided for in Section
5 5-4.5-110 of the Unified Code of Corrections. Violation of
6 this Section by a person not confined in a penal institution is
7 a Class X felony when the firearm possessed is a machine gun.
8 Any person who violates this Section while confined in a penal
9 institution, which is a facility of the Illinois Department of
10 Corrections, is guilty of a Class 1 felony, if he possesses any
11 weapon prohibited under Section 24-1 of this Code regardless
12 of the intent with which he possesses it, a Class X felony if
13 he possesses any firearm, firearm ammunition or explosive, and
14 a Class X felony for which the offender shall be sentenced to
15 not less than 12 years and not more than 50 years when the
16 firearm possessed is a machine gun. A violation of this
17 Section while wearing or in possession of body armor as
18 defined in Section 33F-1 is a Class X felony punishable by a
19 term of imprisonment of not less than 10 years and not more
20 than 40 years. The possession of each firearm or firearm
21 ammunition in violation of this Section constitutes a single
22 and separate violation.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (Text of Section after amendment by P.A. 103-822)

25 Sec. 24-1.1. Unlawful possession of weapons by felons or

1 persons in the custody of the Department of Corrections
2 facilities.

3 (a) It is unlawful for a person to knowingly possess on or
4 about his person or on his land or in his own abode or fixed
5 place of business any weapon prohibited under Section 24-1 of
6 this Act or any firearm or any firearm ammunition if the person
7 has been convicted of a felony under the laws of this State or
8 any other jurisdiction. This Section shall not apply if the
9 person has been granted relief by the Director of the Illinois
10 State Police under Section 10 of the Firearm Owners
11 Identification Card Act.

12 (b) It is unlawful for any person confined in a penal
13 institution, which is a facility of the Illinois Department of
14 Corrections, to possess any weapon prohibited under Section
15 24-1 of this Code or any firearm or firearm ammunition,
16 regardless of the intent with which he possesses it.

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

21 (d) The defense of necessity is not available to a person
22 who is charged with a violation of subsection (b) of this
23 Section.

24 (e) Sentence. Violation of this Section by a person not
25 confined in a penal institution shall be a Class 1 ~~3~~ felony for
26 which the person shall be sentenced to no less than 4 ~~2~~ years

1 and no more than 15 ~~10~~ years. A second or subsequent violation
2 of this Section shall be a Class X ~~2~~ felony for which the
3 person shall be sentenced to a term of imprisonment of not less
4 than 6 ~~3~~ years and not more than 30 ~~14~~ years, except as
5 provided for in Section 5-4.5-110 of the Unified Code of
6 Corrections. Violation of this Section by a person not
7 confined in a penal institution who has been convicted of a
8 forcible felony, a felony violation of Article 24 of this Code
9 or of the Firearm Owners Identification Card Act, stalking or
10 aggravated stalking, or a Class 2 or greater felony under the
11 Illinois Controlled Substances Act, the Cannabis Control Act,
12 or the Methamphetamine Control and Community Protection Act is
13 a Class X ~~2~~ felony for which the person shall be sentenced to
14 not less than 6 ~~3~~ years and not more than 30 ~~14~~ years, ~~except~~
15 ~~as provided for in Section 5-4.5-110 of the Unified Code of~~
16 ~~Corrections.~~ Violation of this Section by a person who is on
17 parole or mandatory supervised release is a Class X ~~2~~ felony
18 for which the person shall be sentenced to not less than 6 ~~3~~
19 years and not more than 30 ~~14~~ years, ~~except as provided for in~~
20 ~~Section 5-4.5-110 of the Unified Code of Corrections.~~
21 Violation of this Section by a person not confined in a penal
22 institution is a Class X felony when the firearm possessed is a
23 machine gun for which the person shall be sentenced to no less
24 than 10 years and no more than 60 years. Any person who
25 violates this Section while confined in a penal institution,
26 which is a facility of the Illinois Department of Corrections,

1 is guilty of a Class 1 felony, if he possesses any weapon
2 prohibited under Section 24-1 of this Code regardless of the
3 intent with which he possesses it, a Class X felony if he
4 possesses any firearm, firearm ammunition or explosive, and a
5 Class X felony for which the offender shall be sentenced to not
6 less than 12 years and not more than 50 years when the firearm
7 possessed is a machine gun. A violation of this Section while
8 wearing or in possession of body armor as defined in Section
9 33F-1 is a Class X felony punishable by a term of imprisonment
10 of not less than 10 years and not more than 60 ~~40~~ years. The
11 possession of each firearm or firearm ammunition in violation
12 of this Section constitutes a single and separate violation.
13 (Source: P.A. 102-538, eff. 8-20-21; 103-822, eff. 1-1-25.)

14 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

16 (A) A person commits the offense of unlawful sale or
17 delivery of firearms when he or she knowingly does any of the
18 following:

19 (a) Sells or gives any firearm of a size which may be
20 concealed upon the person to any person under 18 years of
21 age.

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

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

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

4 (e) Sells or gives any firearm to any person who has
5 been a patient in a mental institution within the past 5
6 years. In this subsection (e):

7 "Mental institution" means any hospital,
8 institution, clinic, evaluation facility, mental
9 health center, or part thereof, which is used
10 primarily for the care or treatment of persons with
11 mental illness.

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

18 (f) Sells or gives any firearms to any person who is a
19 person with an intellectual disability.

20 (g) Delivers any firearm, incidental to a sale,
21 without withholding delivery of the firearm for at least
22 72 hours after application for its purchase has been made,
23 or delivers a stun gun or taser, incidental to a sale,
24 without withholding delivery of the stun gun or taser for
25 at least 24 hours after application for its purchase has
26 been made. However, this paragraph (g) does not apply to:

1 (1) the sale of a firearm to a law enforcement officer if
2 the seller of the firearm knows that the person to whom he
3 or she is selling the firearm is a law enforcement officer
4 or the sale of a firearm to a person who desires to
5 purchase a firearm for use in promoting the public
6 interest incident to his or her employment as a bank
7 guard, armed truck guard, or other similar employment; (2)
8 a mail order sale of a firearm from a federally licensed
9 firearms dealer to a nonresident of Illinois under which
10 the firearm is mailed to a federally licensed firearms
11 dealer outside the boundaries of Illinois; (3) (blank);
12 (4) the sale of a firearm to a dealer licensed as a federal
13 firearms dealer under Section 923 of the federal Gun
14 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
15 sale of any rifle, shotgun, or other long gun to a resident
16 registered competitor or attendee or non-resident
17 registered competitor or attendee by any dealer licensed
18 as a federal firearms dealer under Section 923 of the
19 federal Gun Control Act of 1968 at competitive shooting
20 events held at the World Shooting Complex sanctioned by a
21 national governing body. For purposes of transfers or
22 sales under subparagraph (5) of this paragraph (g), the
23 Department of Natural Resources shall give notice to the
24 Illinois State Police at least 30 calendar days prior to
25 any competitive shooting events at the World Shooting
26 Complex sanctioned by a national governing body. The

1 notification shall be made on a form prescribed by the
2 Illinois State Police. The sanctioning body shall provide
3 a list of all registered competitors and attendees at
4 least 24 hours before the events to the Illinois State
5 Police. Any changes to the list of registered competitors
6 and attendees shall be forwarded to the Illinois State
7 Police as soon as practicable. The Illinois State Police
8 must destroy the list of registered competitors and
9 attendees no later than 30 days after the date of the
10 event. Nothing in this paragraph (g) relieves a federally
11 licensed firearm dealer from the requirements of
12 conducting a NICS background check through the Illinois
13 Point of Contact under 18 U.S.C. 922(t). For purposes of
14 this paragraph (g), "application" means when the buyer and
15 seller reach an agreement to purchase a firearm. For
16 purposes of this paragraph (g), "national governing body"
17 means a group of persons who adopt rules and formulate
18 policy on behalf of a national firearm sporting
19 organization.

20 (h) While holding any license as a dealer, importer,
21 manufacturer or pawnbroker under the federal Gun Control
22 Act of 1968, manufactures, sells or delivers to any
23 unlicensed person a handgun having a barrel, slide, frame
24 or receiver which is a die casting of zinc alloy or any
25 other nonhomogeneous metal which will melt or deform at a
26 temperature of less than 800 degrees Fahrenheit. For

1 purposes of this paragraph, (1) "firearm" is defined as in
2 the Firearm Owners Identification Card Act; and (2)
3 "handgun" is defined as a firearm designed to be held and
4 fired by the use of a single hand, and includes a
5 combination of parts from which such a firearm can be
6 assembled.

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

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

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

22 "With the principal objective of livelihood and
23 profit" means that the intent underlying the sale or
24 disposition of firearms is predominantly one of obtaining
25 livelihood and pecuniary gain, as opposed to other
26 intents, such as improving or liquidating a personal

1 firearms collection; however, proof of profit shall not be
2 required as to a person who engages in the regular and
3 repetitive purchase and disposition of firearms for
4 criminal purposes or terrorism.

5 (k) Sells or transfers ownership of a firearm to a
6 person who does not display to the seller or transferor of
7 the firearm either: (1) a currently valid Firearm Owner's
8 Identification Card that has previously been issued in the
9 transferee's name by the Illinois State Police under the
10 provisions of the Firearm Owners Identification Card Act;
11 or (2) a currently valid license to carry a concealed
12 firearm that has previously been issued in the
13 transferee's name by the Illinois State Police under the
14 Firearm Concealed Carry Act. This paragraph (k) does not
15 apply to the transfer of a firearm to a person who is
16 exempt from the requirement of possessing a Firearm
17 Owner's Identification Card under Section 2 of the Firearm
18 Owners Identification Card Act. For the purposes of this
19 Section, a currently valid Firearm Owner's Identification
20 Card or license to carry a concealed firearm means receipt
21 of an approval number issued in accordance with subsection
22 (a-10) of Section 3 or Section 3.1 of the Firearm Owners
23 Identification Card Act.

24 (1) In addition to the other requirements of this
25 paragraph (k), all persons who are not federally
26 licensed firearms dealers must also have complied with

1 subsection (a-10) of Section 3 of the Firearm Owners
2 Identification Card Act by determining the validity of
3 a purchaser's Firearm Owner's Identification Card.

4 (2) All sellers or transferors who have complied
5 with the requirements of subparagraph (1) of this
6 paragraph (k) shall not be liable for damages in any
7 civil action arising from the use or misuse by the
8 transferee of the firearm transferred, except for
9 willful or wanton misconduct on the part of the seller
10 or transferor.

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

17 (m) Sells or gives a firearm to a person who has been
18 convicted of a felony or who is a streetgang member.

19 (n) Sells or gives a firearm that has been purchased
20 or acquired out of state to a person who has been convicted
21 of a felony or who is a streetgang member.

22 (B) Paragraph (h) of subsection (A) does not include
23 firearms sold within 6 months after enactment of Public Act
24 78-355 (approved August 21, 1973, effective October 1, 1973),
25 nor is any firearm legally owned or possessed by any citizen or
26 purchased by any citizen within 6 months after the enactment

1 of Public Act 78-355 subject to confiscation or seizure under
2 the provisions of that Public Act. Nothing in Public Act
3 78-355 shall be construed to prohibit the gift or trade of any
4 firearm if that firearm was legally held or acquired within 6
5 months after the enactment of that Public Act.

6 (C) Sentence.

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

10 (2) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (b) or (i) of
12 subsection (A) commits a Class 3 felony.

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

16 (4) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (a), (b), or (i) of
18 subsection (A) in any school, on the real property
19 comprising a school, within 1,000 feet of the real
20 property comprising a school, at a school related
21 activity, or on or within 1,000 feet of any conveyance
22 owned, leased, or contracted by a school or school
23 district to transport students to or from school or a
24 school related activity, regardless of the time of day or
25 time of year at which the offense was committed, commits a
26 Class 1 felony. Any person convicted of a second or

1 subsequent violation of unlawful sale or delivery of
2 firearms in violation of paragraph (a), (b), or (i) of
3 subsection (A) in any school, on the real property
4 comprising a school, within 1,000 feet of the real
5 property comprising a school, at a school related
6 activity, or on or within 1,000 feet of any conveyance
7 owned, leased, or contracted by a school or school
8 district to transport students to or from school or a
9 school related activity, regardless of the time of day or
10 time of year at which the offense was committed, commits a
11 Class 1 felony for which the sentence shall be a term of
12 imprisonment of no less than 5 years and no more than 15
13 years.

14 (5) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (a) or (i) of
16 subsection (A) in residential property owned, operated, or
17 managed by a public housing agency or leased by a public
18 housing agency as part of a scattered site or mixed-income
19 development, in a public park, in a courthouse, on
20 residential property owned, operated, or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development,
23 on the real property comprising any public park, on the
24 real property comprising any courthouse, or on any public
25 way within 1,000 feet of the real property comprising any
26 public park, courthouse, or residential property owned,

1 operated, or managed by a public housing agency or leased
2 by a public housing agency as part of a scattered site or
3 mixed-income development commits a Class 2 felony.

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

8 (7) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (k) of subsection
10 (A) commits a Class 4 felony, except that a violation of
11 subparagraph (1) of paragraph (k) of subsection (A) shall
12 not be punishable as a crime or petty offense. A third or
13 subsequent conviction for a violation of paragraph (k) of
14 subsection (A) is a Class 1 felony.

15 (8) A person 18 years of age or older convicted of
16 unlawful sale or delivery of firearms in violation of
17 paragraph (a) or (i) of subsection (A), when the firearm
18 that was sold or given to another person under 18 years of
19 age was used in the commission of or attempt to commit a
20 forcible felony, shall be fined or imprisoned, or both,
21 not to exceed the maximum provided for the most serious
22 forcible felony so committed or attempted by the person
23 under 18 years of age who was sold or given the firearm.

24 (9) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (d) of subsection
26 (A) commits a Class 3 felony.

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

1 same time or within a 4-year period. Any person convicted
2 of unlawful sale or delivery of firearms in violation of
3 paragraph (l) of subsection (A) commits a Class X felony
4 for which he or she shall be sentenced to a term of
5 imprisonment of not less than 6 years and not more than 60
6 years if the delivery is of 31 or more firearms at the same
7 time or within a 5-year period.

8 (11) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (m) or (n) of
10 subsection (A) commits a Class 1 felony.

11 (D) For purposes of this Section:

12 "School" means a public or private elementary or secondary
13 school, community college, college, or university.

14 "School related activity" means any sporting, social,
15 academic, or other activity for which students' attendance or
16 participation is sponsored, organized, or funded in whole or
17 in part by a school or school district.

18 (E) A prosecution for a violation of paragraph (k) of
19 subsection (A) of this Section may be commenced within 6 years
20 after the commission of the offense. A prosecution for a
21 violation of this Section other than paragraph (g) of
22 subsection (A) of this Section may be commenced within 5 years
23 after the commission of the offense defined in the particular
24 paragraph.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 Section 10. The Unified Code of Corrections is amended by
2 changing Sections 5-4.5-95 and 5-5-3 as follows:

3 (730 ILCS 5/5-4.5-95)

4 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

5 (a) HABITUAL CRIMINALS.

6 (1) Every person who has been twice convicted in any
7 state or federal court of an offense that contains the
8 same elements as an offense now (the date of the offense
9 committed after the 2 prior convictions) classified in
10 Illinois as a Class X felony, criminal sexual assault,
11 aggravated kidnapping, or first degree murder, and who is
12 thereafter convicted of a Class X felony, criminal sexual
13 assault, or first degree murder, committed after the 2
14 prior convictions, shall be adjudged an habitual criminal.

15 (2) The 2 prior convictions need not have been for the
16 same offense.

17 (3) Any convictions that result from or are connected
18 with the same transaction, or result from offenses
19 committed at the same time, shall be counted for the
20 purposes of this Section as one conviction.

21 (4) This Section does not apply unless each of the
22 following requirements are satisfied:

23 (A) The third offense was committed after July 3,
24 1980.

1 (B) The third offense was committed within 20
2 years of the date that judgment was entered on the
3 first conviction; provided, however, that time spent
4 in custody shall not be counted.

5 (C) The third offense was committed after
6 conviction on the second offense.

7 (D) The second offense was committed after
8 conviction on the first offense.

9 (E) (Blank). ~~The first offense was committed when~~
10 ~~the person was 21 years of age or older.~~

11 (5) Anyone who, having attained the age of 18 at the
12 time of the third offense, is adjudged an habitual
13 criminal shall be sentenced to a term of natural life
14 imprisonment.

15 (6) A prior conviction shall not be alleged in the
16 indictment, and no evidence or other disclosure of that
17 conviction shall be presented to the court or the jury
18 during the trial of an offense set forth in this Section
19 unless otherwise permitted by the issues properly raised
20 in that trial. After a plea or verdict or finding of guilty
21 and before sentence is imposed, the prosecutor may file
22 with the court a verified written statement signed by the
23 State's Attorney concerning any former conviction of an
24 offense set forth in this Section rendered against the
25 defendant. The court shall then cause the defendant to be
26 brought before it; shall inform the defendant of the

1 allegations of the statement so filed, and of his or her
2 right to a hearing before the court on the issue of that
3 former conviction and of his or her right to counsel at
4 that hearing; and unless the defendant admits such
5 conviction, shall hear and determine the issue, and shall
6 make a written finding thereon. If a sentence has
7 previously been imposed, the court may vacate that
8 sentence and impose a new sentence in accordance with this
9 Section.

10 (7) A duly authenticated copy of the record of any
11 alleged former conviction of an offense set forth in this
12 Section shall be prima facie evidence of that former
13 conviction; and a duly authenticated copy of the record of
14 the defendant's final release or discharge from probation
15 granted, or from sentence and parole supervision (if any)
16 imposed pursuant to that former conviction, shall be prima
17 facie evidence of that release or discharge.

18 (8) Any claim that a previous conviction offered by
19 the prosecution is not a former conviction of an offense
20 set forth in this Section because of the existence of any
21 exceptions described in this Section, is waived unless
22 duly raised at the hearing on that conviction, or unless
23 the prosecution's proof shows the existence of the
24 exceptions described in this Section.

25 (9) If the person so convicted shows to the
26 satisfaction of the court before whom that conviction was

1 had that he or she was released from imprisonment, upon
2 either of the sentences upon a pardon granted for the
3 reason that he or she was innocent, that conviction and
4 sentence shall not be considered under this Section.

5 (b) When a defendant, over the age of 21 years, is
6 convicted of a Class 1 or Class 2 ~~forcible~~ felony, except for
7 an offense listed in subsection (d) of this Section, after
8 having twice been convicted in any state or federal court of an
9 offense that contains the same elements as an offense now (the
10 date the Class 1 or Class 2 ~~forcible~~ felony was committed)
11 classified in Illinois as a Class 2 or greater Class ~~forcible~~
12 felony, except for an offense listed in subsection (d) of this
13 Section, and those charges are separately brought and tried
14 and arise out of different series of acts, that defendant
15 shall be sentenced as a Class X offender. This subsection does
16 not apply unless:

17 (1) the first ~~forcible~~ felony was committed after
18 February 1, 1978 (the effective date of Public Act
19 80-1099);

20 (2) the second ~~forcible~~ felony was committed after
21 conviction on the first;

22 (3) the third ~~forcible~~ felony was committed after
23 conviction on the second; and

24 (4) (blank). ~~the first offense was committed when the~~
25 ~~person was 21 years of age or older.~~

26 (c) (Blank).

1 (d) Subsection (b) of this Section does not apply to Class
2 1 or Class 2 felony convictions for a violation of Section 16-1
3 of the Criminal Code of 2012.

4 A person sentenced as a Class X offender under this
5 subsection (b) is not eligible to apply for treatment as a
6 condition of probation as provided by Section 40-10 of the
7 Substance Use Disorder Act (20 ILCS 301/40-10).

8 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19;
9 101-652, eff. 7-1-21.)

10 (730 ILCS 5/5-5-3)

11 (Text of Section before amendment by P.A. 103-825)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

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

23 (A) First degree murder.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

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

6 (D-5) A violation of subdivision (c)(1) of Section 401
7 of the Illinois Controlled Substances Act which relates to
8 3 or more grams of a substance containing heroin or an
9 analog thereof.

10 (E) (Blank).

11 (F) A Class 1 or greater felony if the offender had
12 been convicted of a Class 1 or greater felony, including
13 any state or federal conviction for an offense that
14 contained, at the time it was committed, the same elements
15 as an offense now (the date of the offense committed after
16 the prior Class 1 or greater felony) classified as a Class
17 1 or greater felony, within 10 years of the date on which
18 the offender committed the offense for which he or she is
19 being sentenced, except as otherwise provided in Section
20 40-10 of the Substance Use Disorder Act.

21 (F-3) A Class 2 or greater felony sex offense or
22 felony firearm offense if the offender had been convicted
23 of a Class 2 or greater felony, including any state or
24 federal conviction for an offense that contained, at the
25 time it was committed, the same elements as an offense now
26 (the date of the offense committed after the prior Class 2

1 or greater felony) classified as a Class 2 or greater
2 felony, within 10 years of the date on which the offender
3 committed the offense for which he or she is being
4 sentenced, except as otherwise provided in Section 40-10
5 of the Substance Use Disorder Act.

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

9 (G) Residential burglary, except as otherwise provided
10 in Section 40-10 of the Substance Use Disorder Act.

11 (H) Criminal sexual assault.

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

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

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

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

1 Prevention Act.

2 (K) Vehicular hijacking.

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

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

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

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

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

18 (P-5) A violation of paragraph (6) of subsection (a)
19 of Section 11-20.1 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 if the victim is a household or
21 family member of the defendant.

22 (Q) A violation of subsection (b) or (b-5) of Section
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

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

1 (S) (Blank).

2 (T) (Blank).

3 (U) A second or subsequent violation of Section 6-303
4 of the Illinois Vehicle Code committed while his or her
5 driver's license, permit, or privilege was revoked because
6 of a violation of Section 9-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012, relating to the offense of
8 reckless homicide, or a similar provision of a law of
9 another state.

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

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

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

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

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

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

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

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

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

22 (EE) A conviction for a violation of paragraph (2) of
23 subsection (a) of Section 24-3B of the Criminal Code of
24 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 of
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
6 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, shall
11 be imposed for a second violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

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

21 (4.5) A minimum term of imprisonment of 30 days shall be
22 imposed for a third violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this
25 subsection (c), a minimum term of imprisonment of 180 days
26 shall be imposed for a fourth or subsequent violation of

1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

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

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

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

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

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

25 (5.4) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

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

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

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

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

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

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

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

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

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

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

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

24 (A) the defendant is willing to undergo a court
25 approved counseling program for a minimum duration of
26 2 years; or

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

4 (i) removal from the household;

5 (ii) restricted contact with the victim;

6 (iii) continued financial support of the
7 family;

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

9 and

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

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

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

26 For the purposes of this Section, "family member" and

1 "victim" shall have the meanings ascribed to them in Section
2 11-0.1 of the Criminal Code of 2012.

3 (f) (Blank).

4 (g) Whenever a defendant is convicted of an offense under
5 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
6 11-14.3, 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
8 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
9 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, the defendant shall undergo medical
11 testing to determine whether the defendant has any sexually
12 transmissible disease, including a test for infection with
13 human immunodeficiency virus (HIV) or any other identified
14 causative agent of acquired immunodeficiency syndrome (AIDS).
15 Any such medical test shall be performed only by appropriately
16 licensed medical practitioners and may include an analysis of
17 any bodily fluids as well as an examination of the defendant's
18 person. Except as otherwise provided by law, the results of
19 such test shall be kept strictly confidential by all medical
20 personnel involved in the testing and must be personally
21 delivered in a sealed envelope to the judge of the court in
22 which the conviction was entered for the judge's inspection in
23 camera. Acting in accordance with the best interests of the
24 victim and the public, the judge shall have the discretion to
25 determine to whom, if anyone, the results of the testing may be
26 revealed. The court shall notify the defendant of the test

1 results. The court shall also notify the victim if requested
2 by the victim, and if the victim is under the age of 15 and if
3 requested by the victim's parents or legal guardian, the court
4 shall notify the victim's parents or legal guardian of the
5 test results. The court shall provide information on the
6 availability of HIV testing and counseling at Department of
7 Public Health facilities to all parties to whom the results of
8 the testing are revealed and shall direct the State's Attorney
9 to provide the information to the victim when possible. The
10 court shall order that the cost of any such test shall be paid
11 by the county and may be taxed as costs against the convicted
12 defendant.

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

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. The court shall order that the cost of any such
19 test shall be paid by the county and may be taxed as costs
20 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 the Criminal

1 and Traffic Assessment 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
15 Methamphetamine Control and Community Protection Act of a
16 defendant, the court shall determine whether the defendant is
17 employed by a facility or center as defined under the Child
18 Care Act of 1969, a public or private elementary or secondary
19 school, or otherwise works with children under 18 years of age
20 on a daily basis. When a defendant is so employed, the court
21 shall order the Clerk of the Court to send a copy of the
22 judgment of conviction or order of supervision or probation to
23 the defendant's employer by certified mail. If the employer of
24 the defendant is a school, the Clerk of the Court shall direct
25 the mailing of a copy of the judgment of conviction or order of
26 supervision or probation to the appropriate regional

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

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

1 wilful failure to comply. The Prisoner Review Board shall
2 recommit the defendant whose mandatory supervised release term
3 has been revoked under this subsection (j-5) as provided in
4 Section 3-3-9. This subsection (j-5) does not apply to a
5 defendant who has a high school diploma or has successfully
6 passed high school equivalency testing. This subsection (j-5)
7 does not apply to a defendant who is determined by the court to
8 be a person with a developmental disability or otherwise
9 mentally incapable of completing the educational or vocational
10 program.

11 (k) (Blank).

12 (l) (A) Except as provided in paragraph (C) of subsection
13 (l), whenever a defendant, who is not a citizen or national of
14 the United States, is convicted of any felony or misdemeanor
15 offense, the court after sentencing the defendant may, upon
16 motion of the State's Attorney, hold sentence in abeyance and
17 remand the defendant to the custody of the Attorney General of
18 the United States or his or her designated agent to be deported
19 when:

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

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

26 Otherwise, the defendant shall be sentenced as provided in

1 this Chapter V.

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

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

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

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

20 (D) Upon motion of the State's Attorney, if a defendant
21 sentenced under this Section returns to the jurisdiction of
22 the United States, the defendant shall be recommitted to the
23 custody of the county from which he or she was sentenced.
24 Thereafter, the defendant shall be brought before the
25 sentencing court, which may impose any sentence that was
26 available under Section 5-5-3 at the time of initial

1 sentencing. In addition, the defendant shall not be eligible
2 for additional earned sentence credit as provided under
3 Section 3-6-3.

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

10 (n) The court may sentence a person convicted of a
11 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
12 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
13 of 1961 or the Criminal Code of 2012 (i) to an impact
14 incarceration program if the person is otherwise eligible for
15 that program under Section 5-8-1.1, (ii) to community service,
16 or (iii) if the person has a substance use disorder, as defined
17 in the Substance Use Disorder Act, to a treatment program
18 licensed under that Act.

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

24 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
25 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
26 1-1-24.)

1 (Text of Section after amendment by P.A. 103-825)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

13 (A) First degree murder.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the
17 Illinois Controlled Substances Act, or a violation of
18 subdivision (c)(1.5) of Section 401 of that Act which
19 relates to more than 5 grams of a substance containing
20 fentanyl or an analog thereof.

21 (D-5) A violation of subdivision (c)(1) of Section 401
22 of the Illinois Controlled Substances Act which relates to
23 3 or more grams of a substance containing heroin or an
24 analog thereof.

25 (E) (Blank).

1 (F) A Class 1 or greater felony if the offender had
2 been convicted of a Class 1 or greater felony, including
3 any state or federal conviction for an offense that
4 contained, at the time it was committed, the same elements
5 as an offense now (the date of the offense committed after
6 the prior Class 1 or greater felony) classified as a Class
7 1 or greater felony, within 10 years of the date on which
8 the offender committed the offense for which he or she is
9 being sentenced, except as otherwise provided in Section
10 40-10 of the Substance Use Disorder Act.

11 (F-3) A Class 2 or greater felony sex offense or
12 felony firearm offense if the offender had been convicted
13 of a Class 2 or greater felony, including any state or
14 federal conviction for an offense that contained, at the
15 time it was committed, the same elements as an offense now
16 (the date of the offense committed after the prior Class 2
17 or greater felony) classified as a Class 2 or greater
18 felony, within 10 years of the date on which the offender
19 committed the offense for which he or she is being
20 sentenced, except as otherwise provided in Section 40-10
21 of the Substance Use Disorder Act.

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

25 (G) Residential burglary, except as otherwise provided
26 in Section 40-10 of the Substance Use Disorder Act.

1 (H) Criminal sexual assault.

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

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

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

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

18 (K) Vehicular hijacking.

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

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

26 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners
2 Identification Card Act.

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

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

8 (P-5) A violation of paragraph (6) of subsection (a)
9 of Section 11-20.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 if the victim is a household or
11 family member of the defendant.

12 (P-6) A violation of paragraph (2) of subsection (b)
13 of Section 11-20.4 of the Criminal Code of 2012.

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

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

19 (S) (Blank).

20 (T) (Blank).

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
12 the offenses formerly known as rape, deviate sexual
13 assault, indecent liberties with a child, or aggravated
14 indecent liberties with a child where the victim was under
15 the age of 18 years or an offense that is substantially
16 equivalent to those offenses.

17 (V-5) A violation of paragraph (1) of subsection (b)
18 of Section 11-20.4 of the Criminal Code of 2012 when the
19 victim is under 13 years of age and the defendant has
20 previously been convicted under the laws of this State or
21 any other state of the offense of child pornography,
22 aggravated child pornography, aggravated criminal sexual
23 abuse, aggravated criminal sexual assault, predatory
24 criminal sexual assault of a child, or any of the offenses
25 formerly known as rape, deviate sexual assault, indecent
26 liberties with a child, or aggravated indecent liberties

1 with a child if the victim was under the age of 18 years or
2 an offense that is substantially equivalent to those
3 offenses.

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

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

8 (Y) A conviction for unlawful possession of a firearm
9 by a street gang member when the firearm was loaded or
10 contained firearm ammunition.

11 (Z) A Class 1 felony committed while he or she was
12 serving a term of probation or conditional discharge for a
13 felony.

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

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

18 (CC) Knowingly selling, offering for sale, holding for
19 sale, or using 2,000 or more counterfeit items or
20 counterfeit items having a retail value in the aggregate
21 of \$500,000 or more.

22 (DD) A conviction for aggravated assault under
23 paragraph (6) of subsection (c) of Section 12-2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 if the
25 firearm is aimed toward the person against whom the
26 firearm is being used.

1 (EE) A conviction for a violation of paragraph (2) of
2 subsection (a) of Section 24-3B of the Criminal Code of
3 2012.

4 (FF) A second or subsequent conviction for a violation
5 of paragraph (m) or (n) of subsection (A) of Section 24-3
6 of the Criminal Code of 2012.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
14 this subsection (c), a minimum of 100 hours of community
15 service shall be imposed for a second violation of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court, shall
19 be imposed for a second violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and
22 (4.9) of this subsection (c), a minimum term of imprisonment
23 of 30 days or 300 hours of community service, as determined by
24 the court, shall be imposed for a third or subsequent
25 violation of Section 6-303 of the Illinois Vehicle Code. The
26 court may give credit toward the fulfillment of community

1 service hours for participation in activities and treatment as
2 determined by court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be
4 imposed for a third violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

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

10 (4.7) A minimum term of imprisonment of not less than 30
11 consecutive days, or 300 hours of community service, shall be
12 imposed for a violation of subsection (a-5) of Section 6-303
13 of the Illinois Vehicle Code, as provided in subsection (b-5)
14 of that Section.

15 (4.8) A mandatory prison sentence shall be imposed for a
16 second violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (c-5) of that
18 Section. The person's driving privileges shall be revoked for
19 a period of not less than 5 years from the date of his or her
20 release from prison.

21 (4.9) A mandatory prison sentence of not less than 4 and
22 not more than 15 years shall be imposed for a third violation
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
24 Code, as provided in subsection (d-2.5) of that Section. The
25 person's driving privileges shall be revoked for the remainder
26 of his or her life.

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

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

10 (A) a period of conditional discharge;

11 (B) a fine;

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

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

21 (5.2) In addition to any other penalties imposed, and
22 except as provided in paragraph (5.3), a person convicted of
23 violating subsection (c) of Section 11-907 of the Illinois
24 Vehicle Code shall have his or her driver's license, permit,
25 or privileges suspended for at least 180 days but not more than
26 2 years, if the violation resulted in injury to another

1 person.

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

7 (5.4) In addition to any other penalties imposed, a person
8 convicted of violating Section 3-707 of the Illinois Vehicle
9 Code shall have his or her driver's license, permit, or
10 privileges suspended for 3 months and until he or she has paid
11 a reinstatement fee of \$100.

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

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

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

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

22 (13) A person convicted of or placed on court supervision
23 for an assault or aggravated assault when the victim and the
24 offender are family or household members as defined in Section
25 103 of the Illinois Domestic Violence Act of 1986 or convicted
26 of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under
2 protocols set forth by the Illinois Department of Human
3 Services under such terms and conditions imposed by the court.
4 The costs of such classes shall be paid by the offender.

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

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 results in conviction
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall
2 consider the safety and welfare of the victim and may impose a
3 sentence of probation only where:

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

6 (A) the defendant is willing to undergo a court
7 approved counseling program for a minimum duration of
8 2 years; or

9 (B) the defendant is willing to participate in a
10 court approved plan, including, but not limited to,
11 the defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the
15 family;

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

17 and

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

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

1 Probation may be revoked or modified pursuant to Section
2 5-6-4; except where the court determines at the hearing that
3 the defendant violated a condition of his or her probation
4 restricting contact with the victim or other family members or
5 commits another offense with the victim or other family
6 members, the court shall revoke the defendant's probation and
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and
9 "victim" shall have the meanings ascribed to them in Section
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
14 11-14.3, 11-14.4 except for an offense that involves keeping a
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
17 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, the defendant shall undergo medical
19 testing to determine whether the defendant has any sexually
20 transmissible disease, including a test for infection with
21 human immunodeficiency virus (HIV) or any other identified
22 causative agent of acquired immunodeficiency syndrome (AIDS).
23 Any such medical test shall be performed only by appropriately
24 licensed medical practitioners and may include an analysis of
25 any bodily fluids as well as an examination of the defendant's
26 person. Except as otherwise provided by law, the results of

1 such test shall be kept strictly confidential by all medical
2 personnel involved in the testing and must be personally
3 delivered in a sealed envelope to the judge of the court in
4 which the conviction was entered for the judge's inspection in
5 camera. Acting in accordance with the best interests of the
6 victim and the public, the judge shall have the discretion to
7 determine to whom, if anyone, the results of the testing may be
8 revealed. The court shall notify the defendant of the test
9 results. The court shall also notify the victim if requested
10 by the victim, and if the victim is under the age of 15 and if
11 requested by the victim's parents or legal guardian, the court
12 shall notify the victim's parents or legal guardian of the
13 test results. The court shall provide information on the
14 availability of HIV testing and counseling at Department of
15 Public Health facilities to all parties to whom the results of
16 the testing are revealed and shall direct the State's Attorney
17 to provide the information to the victim when possible. The
18 court shall order that the cost of any such test shall be paid
19 by the county and may be taxed as costs against the convicted
20 defendant.

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

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

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

1 test shall be paid by the county and may be taxed as costs
2 against the convicted defendant.

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

10 (j) In cases when prosecution for any violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
15 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, any violation of the Illinois
17 Controlled Substances Act, any violation of the Cannabis
18 Control Act, or any violation of the Methamphetamine Control
19 and Community Protection Act results in conviction, a
20 disposition of court supervision, or an order of probation
21 granted under Section 10 of the Cannabis Control Act, Section
22 410 of the Illinois Controlled Substances Act, or Section 70
23 of the Methamphetamine Control and Community Protection Act of
24 a defendant, the court shall determine whether the defendant
25 is employed by a facility or center as defined under the Child
26 Care Act of 1969, a public or private elementary or secondary

1 school, or otherwise works with children under 18 years of age
2 on a daily basis. When a defendant is so employed, the court
3 shall order the Clerk of the Court to send a copy of the
4 judgment of conviction or order of supervision or probation to
5 the defendant's employer by certified mail. If the employer of
6 the defendant is a school, the Clerk of the Court shall direct
7 the mailing of a copy of the judgment of conviction or order of
8 supervision or probation to the appropriate regional
9 superintendent of schools. The regional superintendent of
10 schools shall notify the State Board of Education of any
11 notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall
16 as a condition of his or her sentence be required by the court
17 to attend educational courses designed to prepare the
18 defendant for a high school diploma and to work toward a high
19 school diploma or to work toward passing high school
20 equivalency testing or to work toward completing a vocational
21 training program offered by the Department of Corrections. If
22 a defendant fails to complete the educational training
23 required by his or her sentence during the term of
24 incarceration, the Prisoner Review Board shall, as a condition
25 of mandatory supervised release, require the defendant, at his
26 or her own expense, to pursue a course of study toward a high

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

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is not a citizen or national of
22 the United States, is convicted of any felony or misdemeanor
23 offense, the court after sentencing the defendant may, upon
24 motion of the State's Attorney, hold sentence in abeyance and
25 remand the defendant to the custody of the Attorney General of
26 the United States or his or her designated agent to be deported

1 when:

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

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

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

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

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

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

25 (C) This subsection (1) does not apply to offenders who
26 are subject to the provisions of paragraph (2) of subsection

1 (a) of Section 3-6-3.

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

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

18 (n) The court may sentence a person convicted of a
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
21 of 1961 or the Criminal Code of 2012 (i) to an impact
22 incarceration program if the person is otherwise eligible for
23 that program under Section 5-8-1.1, (ii) to community service,
24 or (iii) if the person has a substance use disorder, as defined
25 in the Substance Use Disorder Act, to a treatment program
26 licensed under that Act.

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

6 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
7 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
8 1-1-24; 103-825, eff. 1-1-25.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.