



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3714

Introduced 2/18/2025, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-15
730 ILCS 5/5-4.5-45
730 ILCS 5/5-4.5-55
730 ILCS 5/5-4.5-60
730 ILCS 5/5-4.5-65

Amends the Unified Code of Corrections. Provides that if the defendant has been incarcerated for a Class 4 felony or a Class A, B, or C misdemeanor and has been released from imprisonment, the court shall impose an unconditional sentence in any case in which the court is of the opinion that no proper purpose would be served by imposing any condition upon the defendant's release. Provides that when an unconditional sentence is imposed for a felony, the court shall set forth in the record the reasons for its action.

LRB104 11222 RLC 21304 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 Unified Code of Corrections is amended by
5 changing Section 5-4.5-15, 5-4.5-45, 5-4.5-55, 5-4.5-60, and
6 5-4.5-65 as follows:

7 (730 ILCS 5/5-4.5-15)

8 Sec. 5-4.5-15. DISPOSITIONS.

9 (a) APPROPRIATE DISPOSITIONS. The following are
10 appropriate dispositions, alone or in combination, for all
11 felonies and misdemeanors other than as provided in Section
12 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the
13 statute defining the offense or elsewhere:

14 (1) A period of probation.

15 (2) A term of periodic imprisonment.

16 (3) A term of conditional discharge.

17 (3.1) An unconditional sentence.

18 (4) A term of imprisonment.

19 (5) A fine.

20 (6) Restitution to the victim.

21 (7) Participation in an impact incarceration program.

22 (8) A term of imprisonment in combination with a term
23 of probation when the offender has been admitted into a

1 drug court program.

2 (9) If the defendant is convicted of arson, aggravated
3 arson, residential arson, or place of worship arson, an
4 order directing the offender to reimburse the local
5 emergency response department for the costs of responding
6 to the fire that the offender was convicted of setting in
7 accordance with the Emergency Services Response
8 Reimbursement for Criminal Convictions Act.

9 (b) FINE; RESTITUTION; NOT SOLE DISPOSITION. Neither a
10 fine nor restitution shall be the sole disposition for a
11 felony, and either or both may be imposed only in conjunction
12 with another disposition.

13 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a
14 term of natural life is imposed, every sentence includes a
15 term in addition to the term of imprisonment. For those
16 sentenced under the law in effect before February 1, 1978,
17 that term is a parole term. For those sentenced on or after
18 February 1, 1978, that term is a mandatory supervised release
19 term.

20 (d) (1) CRITERIA FOR UNCONDITIONAL SENTENCE. If the
21 defendant has been incarcerated for a Class 4 felony or a Class
22 A, B, or C misdemeanor and has been released from
23 imprisonment, the court shall impose an unconditional sentence
24 in any case in which the court is of the opinion that no proper
25 purpose would be served by imposing any condition upon the
26 defendant's release. When an unconditional sentence is imposed

1 for a felony, the court shall set forth in the record the
2 reasons for its action.

3 (2) SENTENCE. When the court imposes an unconditional
4 sentence, the defendant shall be released with respect to the
5 conviction for which the sentence is imposed without any
6 conditions of parole or mandatory supervised release. An
7 unconditional sentence discharges the defendant from any
8 additional obligations imposed for conviction of the offense.

9 (Source: P.A. 95-1052, eff. 7-1-09; incorporates P.A. 96-400,
10 eff. 8-13-09; 96-1000, eff. 7-2-10.)

11 (730 ILCS 5/5-4.5-45)

12 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
13 felony:

14 (a) TERM. The sentence of imprisonment shall be a
15 determinate sentence of not less than one year and not more
16 than 3 years. The sentence of imprisonment for an extended
17 term Class 4 felony, as provided in Section 5-8-2 (730 ILCS
18 5/5-8-2), shall be a term not less than 3 years and not more
19 than 6 years.

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic
21 imprisonment shall be for a definite term of up to 18 months,
22 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
23 ILCS 5/5-5-3 or 5/5-7-1).

24 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
25 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for

1 the impact incarceration program or the county impact
2 incarceration program.

3 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
4 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
5 period of probation or conditional discharge shall not exceed
6 30 months. The court shall specify the conditions of probation
7 or conditional discharge as set forth in Section 5-6-3 (730
8 ILCS 5/5-6-3).

9 (e) FINE. Fines may be imposed as provided in Section
10 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
14 be concurrent or consecutive as provided in Section 5-8-4 (730
15 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
17 Act (730 ILCS 166/20) concerning eligibility for a drug court
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
20 ILCS 5/5-4.5-100) concerning credit for time spent in home
21 detention prior to judgment.

22 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
23 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
24 (730 ILCS 130/) for rules and regulations for sentence credit.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
3 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
4 5/5-8-1), the parole or mandatory supervised release term
5 shall be one year upon release from imprisonment.

6 (m) UNCONDITIONAL SENTENCE. See Section 5-4.5-15.

7 (Source: P.A. 100-431, eff. 8-25-17.)

8 (730 ILCS 5/5-4.5-55)

9 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
10 A misdemeanor:

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence of less than one year.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of less than one
15 year, except as otherwise provided in Section 5-5-3 or 5-7-1
16 (730 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
18 5/5-8-1.2) concerning eligibility for the county impact
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
22 period of probation or conditional discharge shall not exceed
23 2 years. The court shall specify the conditions of probation
24 or conditional discharge as set forth in Section 5-6-3 (730
25 ILCS 5/5-6-3).

1 (e) FINE. Unless otherwise specified by law, the minimum
2 fine is \$75. A fine not to exceed \$2,500 for each offense or
3 the amount specified in the offense, whichever is greater, may
4 be imposed. A fine may be imposed in addition to a sentence of
5 conditional discharge, probation, periodic imprisonment, or
6 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
7 Art. 9) for imposition of additional amounts and determination
8 of amounts and payment. If the court finds that the fine would
9 impose an undue burden on the victim, the court may reduce or
10 waive the fine.

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
14 be concurrent or consecutive as provided in Section 5-8-4 (730
15 ILCS 5/5-8-4).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
17 Act (730 ILCS 166/20) concerning eligibility for a drug court
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
20 ILCS 5/5-4.5-100) concerning credit for time spent in home
21 detention prior to judgment.

22 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
23 Behavior Allowance Act (730 ILCS 130/) for rules and
24 regulations for good behavior allowance.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (1) UNCONDITIONAL SENTENCE. See Section 5-4.5-15.

3 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19;
4 100-1161, eff. 7-1-19.)

5 (730 ILCS 5/5-4.5-60)

6 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
7 B misdemeanor:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of not more than 6 months.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 6 months or
12 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

13 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
14 5/5-8-1.2) concerning eligibility for the county impact
15 incarceration program.

16 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
17 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation
18 or conditional discharge shall not exceed 2 years. The court
19 shall specify the conditions of probation or conditional
20 discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

21 (e) FINE. Unless otherwise specified by law, the minimum
22 fine is \$75. A fine not to exceed \$1,500 for each offense or
23 the amount specified in the offense, whichever is greater, may
24 be imposed. A fine may be imposed in addition to a sentence of
25 conditional discharge, probation, periodic imprisonment, or

1 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
2 Art. 9) for imposition of additional amounts and determination
3 of amounts and payment. If the court finds that the fine would
4 impose an undue burden on the victim, the court may reduce or
5 waive the fine.

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4).

11 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
12 Act (730 ILCS 166/20) concerning eligibility for a drug court
13 program.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning credit for time spent in home
16 detention prior to judgment.

17 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
18 Behavior Allowance Act (730 ILCS 130/) for rules and
19 regulations for good behavior allowance.

20 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
21 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
22 electronic monitoring and home detention.

23 (l) UNCONDITIONAL SENTENCE. See Section 5-4.5-15.

24 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19;
25 100-1161, eff. 7-1-19.)

1 (730 ILCS 5/5-4.5-65)

2 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
3 C misdemeanor:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not more than 30 days.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of up to 30 days or
8 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

9 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
10 5/5-8-1.2) concerning eligibility for the county impact
11 incarceration program.

12 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
13 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation
14 or conditional discharge shall not exceed 2 years. The court
15 shall specify the conditions of probation or conditional
16 discharge as set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

17 (e) FINE. Unless otherwise specified by law, the minimum
18 fine is \$75. A fine not to exceed \$1,500 for each offense or
19 the amount specified in the offense, whichever is greater, may
20 be imposed. A fine may be imposed in addition to a sentence of
21 conditional discharge, probation, periodic imprisonment, or
22 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
23 Art. 9) for imposition of additional amounts and determination
24 of amounts and payment. If the court finds that the fine would
25 impose an undue burden on the victim, the court may reduce or
26 waive the fine.

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
13 Behavior Allowance Act (730 ILCS 130/) for rules and
14 regulations for good behavior allowance.

15 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
16 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
17 electronic monitoring and home detention.

18 (l) UNCONDITIONAL SENTENCE. See Section 5-4.5-15.

19 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19;
20 100-1161, eff. 7-1-19.)