



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5719

by Rep. Sonya M. Harper

SYNOPSIS AS INTRODUCED:

New Act

730 ILCS 5/5-4.5-15
730 ILCS 5/5-4.5-25
730 ILCS 5/5-4.5-30
730 ILCS 5/5-4.5-35
730 ILCS 5/5-4.5-40
730 ILCS 5/5-4.5-45
730 ILCS 5/5-4.5-50
730 ILCS 5/5-4.5-85
730 ILCS 5/5-4.5-95

Creates the Employee Targeted Tax Credit Act. Provides provisions regarding: powers of the Department of Employment Security; a pilot program; a certificate of eligibility for tax credit; the tax credit, which shall not be less than \$10,000 and shall not exceed \$15,000; the determination of the amount of the credit; the maximum amount of credits allowed; the application for award of tax credit and a tax credit certificate; submission of tax credit certificate to the Department of Revenue; noncompliance; rules; the elimination of mandatory minimums in sentencing; and applicability. Defines terms. Amends the Unified Code of Corrections. Makes changes regarding appropriate dispositions; terms for Class X, Class 1, Class 2, Class 3, and Class 4 felonies; felony fines; misdemeanor sentences; and habitual criminals. Effective immediately.

LRB100 18857 HLH 34099 b

1 AN ACT concerning revenue.

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

4 Section 1. Short title. This Act may be cited as the
5 Employee Targeted Tax Credit Pilot Program Act.

6 Section 5. Findings and purpose. In order to reverse the
7 trend of high unemployment and to help spur the economy to
8 recovery, it is necessary to assist individuals in accessing
9 family supporting, full-time work.

10 Section 10. Definitions. In this Act:

11 "Applicant" means a person that is operating a business
12 located within this State that:

13 (1) is engaged in interstate or intrastate commerce;
14 and

15 (2) hires a participant for a position under union
16 contract or for a position that offers a basic wage and
17 benefits package as compensation.

18 In the case of any person that is a member of a unitary
19 business group within the meaning of paragraph (27) in
20 subsection (a) of Section 1501 of the Illinois Income Tax Act,
21 "applicant" refers to the unitary business group.

22 "Basic wage" means a minimum annual salary of \$30,000 as

1 compensation

2 "Benefits package" means the new full-time employee's
3 benefits outside of the employee's basic wage including:

4 (1) a minimum of 5 days of earned sick time;

5 (2) a minimum of 5 days of paid vacation;

6 (3) eligibility for health insurance; and

7 (4) eligibility for a 401K.

8 "Benefits package" means the participant's benefits
9 outside of the participant's basic wage including earned sick
10 time, paid vacation, health insurance, and a 401K.

11 "Certificate" means the tax credit certificate issued by
12 the Department under Section 45 of this Act.

13 "Certificate of eligibility" means the certificate issued
14 by the Department under Section 25 of this Act.

15 "Credit" means the amount awarded by the Department to an
16 applicant by issuance of a certificate under Section 30 of this
17 Act for each participant hired.

18 "Department" means the Department of Employment Security.

19 "Director" means the Director of Employment Security.

20 "Full-time employee" means a individual who has a position
21 under union contract or is employed for a basic wage for at
22 least 35 hours each week and receives a benefits package as
23 compensation.

24 "Incentive period" means the period beginning on July 1 and
25 ending on June 30 5 years thereafter. The first incentive
26 period shall begin on July 1, 2019 and the last incentive

1 period shall end on June 30, 2024.

2 "Noncompliance date" means, in the case of an applicant
3 that is not complying with the requirements of the provisions
4 of this Act, the day following the last date upon which the
5 taxpayer was in compliance with the requirements of the
6 provisions of this Act, as determined by the Director, pursuant
7 to Section 55 of this Act.

8 "Participant" means a full-time employee who:

9 (1) was unemployed or making less than the basic wage
10 referred to in this Section before being hired by an
11 applicant;

12 (2) was formerly incarcerated between January 1, 2008
13 and December 31, 2018;

14 (3) is registered for the pilot program described in
15 Section 20; and

16 (4) is subsequently hired during the incentive period
17 by an applicant for a position under union contract or for
18 a position that offers a basic wage and benefits package as
19 compensation.

20 The term "participant" does not include a person who was
21 previously employed in this State by the applicant prior to the
22 onset of the incentive period if:

23 (1) the position was under union contract;

24 (2) the position provided a basic wage and benefits
25 package as compensation; or

26 (3) the participant is a related member of the

1 applicant that has more than 50 total employees.

2 "Professional Employer Organization" (PEO) shall have the
3 same meaning as defined in Section 5-5 of the Economic
4 Development for a Growing Economy Tax Credit Act. As used in
5 this Section, "Professional Employer Organization" does not
6 include a day and temporary labor service agency regulated
7 under the Day and Temporary Labor Services Act.

8 Section 15. Powers of the Department. The Department, in
9 addition to those powers granted under the Civil Administrative
10 Code of Illinois, is granted and shall have all the powers
11 necessary or convenient to carry out and effectuate the
12 purposes and provisions of this Act, including, but not limited
13 to, power and authority to:

14 (1) promulgate procedures, rules, or regulations
15 deemed necessary and appropriate for the administration of
16 this Act; establish forms for applications, notifications,
17 contracts, or any other agreements; and accept
18 applications at any time during the year and require that
19 all applications be submitted via the Internet. The
20 Department shall require that applications be submitted in
21 electronic form;

22 (2) provide guidance and assistance to an applicant
23 pursuant to the provisions of this Act, and cooperate with
24 applicants to promote, foster, and support job creation
25 within the State;

1 (3) enter into agreements and memoranda of
2 understanding for participation of and engage in
3 cooperation with agencies of the federal government, units
4 of local government, universities, research foundations or
5 institutions, regional economic development corporations,
6 or other organizations for the purposes of this Act;

7 (4) gather information and conduct inquiries, in the
8 manner and by the methods it deems desirable, including,
9 but not limited to, gathering information with respect to
10 applicants for the purpose of making any designations or
11 certifications necessary or desirable or to gather
12 information in furtherance of the purposes of this Act;

13 (5) establish, negotiate, and effectuate any term,
14 agreement, or other document with any person necessary or
15 appropriate to accomplish the purposes of this Act; and
16 consent, subject to the provisions of any agreement with
17 another party, to the modification or restructuring of any
18 agreement to which the Department is a party;

19 (6) provide for sufficient personnel to permit
20 administration, staffing, operation, and related support
21 required to adequately discharge its duties and
22 responsibilities described in this Act from funds made
23 available through charges to applicants or from funds as
24 may be appropriated by the General Assembly for the
25 administration of this Act;

26 (7) require applicants, upon written request, to issue

1 any necessary authorization to the appropriate federal,
2 State, or local authority or any other person for the
3 release to the Department of information requested by the
4 Department, with the information requested to include, but
5 not limited to, financial reports, returns, or records
6 relating to the applicant or to the amount of credit
7 allowable under this Act;

8 (8) require that an applicant shall, at all times, keep
9 proper books of record and account in accordance with
10 generally accepted accounting principles consistently
11 applied with the books, records, or papers related to the
12 agreement in the custody or control of the applicant open
13 for reasonable Department inspection and audits, and
14 including, but not limited to, the making of copies of the
15 books, records, or papers; and

16 (9) take whatever actions are necessary or appropriate
17 to protect the State's interest in the event of bankruptcy,
18 default, foreclosure, or noncompliance with the terms and
19 conditions of financial assistance or participation
20 required under this Act, including the power to sell,
21 dispose of, lease, or rent, upon terms and conditions
22 determined by the Director to be appropriate, real or
23 personal property that the Department may recover as a
24 result of these actions.

25 Section 20. Pilot Program.

1 (a) The tax credit shall only apply to up to 20,000
2 participants for the duration of the incentive period.

3 A maximum of 10,000 participants shall be newly
4 released from prison.

5 A maximum of 10,000 participants shall be released from
6 prison between January 1, 2008 and December 31, 2018.

7 (b) The Department shall maintain a database of all
8 participants for the duration of the incentive period.

9 (1) Eligible individuals shall register as
10 participants with the Department by May 31, 2019.

11 (2) The Department shall verify individuals'
12 eligibility to participate in the program by checking the
13 employment and incarceration history.

14 (3) The Department shall mail a written letter
15 containing a denial or confirmation of the individual's
16 eligibility to participate in the program to the primary
17 address of the individual.

18 (A) The denial letter shall state the reason why
19 the individual is being denied.

20 (B) The confirmation letter shall state the
21 identifying number assigned to the individual.

22 (c) The Department shall maintain a record of the
23 participants and the corresponding applicant.

24 (1) Each applicant shall, on a quarterly basis starting
25 from receipt of the certificate of eligibility for the tax
26 credit, submit an annual report of employment of

1 participants to remain in good standing to receive the tax
2 credit.

3 (2) The reports shall be submitted in the form and
4 manner required by the Department.

5 Section 25. Certificate of eligibility for tax credit.

6 (a) An applicant that has hired a participant during the
7 incentive period may apply for a certificate of eligibility for
8 the credit with respect to that position on or after the date
9 of hire of the participant. The date of hire shall be the first
10 day on which the participant begins providing services under a
11 union contract or for a basic wage and benefits package as
12 compensation.

13 (b) An applicant may apply for a certificate of eligibility
14 for the credit for more than one participant on or after the
15 date of hire of each qualifying participant.

16 (c) After receipt of an application under this Section, the
17 Department shall issue a certificate of eligibility to the
18 applicant, stating:

19 (1) the date and time on which the application was
20 received by the Department and an identifying number
21 assigned to the applicant by the Department;

22 (2) the maximum amount of the credit the applicant
23 could potentially receive under this Act with respect to
24 the new employees listed on the application; and

25 (3) the maximum amount of the credit potentially

1 allowable on certificates of eligibility issued for
2 applications received prior to the application for which
3 the certificate of eligibility is issued.

4 (d) After the initial certificate of eligibility, the
5 applicant must submit a quarterly report of employment of all
6 participants to the Department. The Department shall review the
7 report and issue an annual certificate of eligibility by April
8 15 of each taxable year to the applicant.

9 Section 30. Tax credit.

10 (a) Subject to the conditions set forth in this Act, an
11 applicant is entitled to a credit against payment of taxes
12 withheld under Section 704A of the Illinois Income Tax Act for
13 participants as described in Section 20.

14 (b) The credit shall be allowed as a credit to an applicant
15 for each participant hired during the incentive period that
16 results in a net increase in full-time Illinois employees,
17 where the net increase in the employer's full-time Illinois
18 employees is maintained for at least 24 months.

19 (c) The Department shall make credit awards under this Act
20 to further job creation.

21 (d) The credit shall be claimed for the second calendar
22 year ending on or after the date on which the certificate is
23 issued by the Department and each year thereafter during the
24 incentive period as long as the participant's employment with
25 the applicant is maintained.

1 (e) The credit shall not be less than \$10,000 and shall not
2 exceed \$15,000 each year per participant hired.

3 (f) The net increase in full-time Illinois employees,
4 measured on an annual full-time equivalent basis, shall be the
5 total number of full-time Illinois employees of the applicant
6 on the final day of the incentive period, minus the number of
7 full-time Illinois employees employed by the employer on the
8 first day of that same incentive period. For purposes of the
9 calculation, an employer that begins doing business in this
10 State during the incentive period, as determined by the
11 Director, shall be treated as having zero Illinois employees on
12 the first day of the incentive period.

13 (g) The net increase in the number of full-time Illinois
14 employees of the applicant under subsection (e) must be
15 sustained continuously for at least 24 months, starting with
16 the date of hire of a participant during the incentive period.

17 (h) The Department shall promulgate rules to enable an
18 applicant for which a PEO has been contracted to issue W-2s and
19 make payment of taxes withheld under Section 704A of the
20 Illinois Income Tax Act for new employees to retain the benefit
21 of tax credits to which the applicant is otherwise entitled
22 under this Act.

23 Section 35. Determination of Amount of the Credit. In
24 determining the amount of the credit that should be awarded,
25 the Department shall take into consideration the following

1 factors:

- 2 (1) the type of service provided;
- 3 (2) the skill-level, education and expertise required
4 to provide the service;
- 5 (3) the benefits package offered by the applicant;
- 6 (4) the amount of training provided by the applicant;
- 7 and
- 8 (5) opportunities for wage increases and promotions.

9 Section 40. Maximum amount of credits allowed. To the
10 extent authorized by Section 30 of this Act, for taxable years
11 beginning on or after January 1, 2019 and December 31, 2024,
12 the Department shall limit the monetary amount of credits
13 awarded under this Act to no more than \$1,500,000,000. If
14 applications for a greater amount are received, credits shall
15 be allowed on a first-come-first-served basis, based on the
16 date on which each properly completed application for a
17 certificate of eligibility is received by the Department. If
18 more than one certificate of eligibility is received on the
19 same day, the credits will be awarded based on the time of
20 submission for that particular day.

21 Section 45. Application for award of tax credit; tax credit
22 certificate.

23 (a) On or after the conclusion of the 24-month period after
24 a participant has been hired, an applicant shall file with the

1 Department an application for award of a credit. The
2 application shall include the following:

3 (1) the names, social security numbers, job
4 descriptions, salary or wage rates, and dates of hire of
5 the participants with respect to whom the credit is being
6 requested, and whether each participant is registered in
7 the pilot program described in Section 20;

8 (2) a certification that each participant listed has
9 been retained on the job for 24 months from the date of
10 hire;

11 (3) the number of participants hired by the applicant
12 during the incentive period;

13 (4) the net increase in the number of full-time
14 Illinois employees of the applicant, including the
15 participants listed in the request, between the beginning
16 of the incentive period and the dates on which the
17 participants listed in the request were hired;

18 (5) an agreement that the Director is authorized to
19 verify with the appropriate State agencies the information
20 contained in the request before issuing a certificate to
21 the applicant; and

22 (6) any other information the Department determines to
23 be appropriate.

24 (b) Although an application may be filed at any time after
25 the conclusion of the 24-month period, an application filed
26 more than 90 days after the earliest date on which it could

1 have been filed shall not be awarded any credit if, prior to
2 the date it is filed, the Department has received applications
3 under this Section for credits totaling more than
4 \$1,500,000,000.

5 (c) The Department shall issue a certificate to each
6 applicant awarded a credit under this Act. The certificate
7 shall include the following:

8 (1) the name and taxpayer identification number of the
9 applicant;

10 (2) the date on which the certificate is issued;

11 (3) the credit amount that will be allowed; and

12 (4) any other information the Department determines to
13 be appropriate.

14 Section 50. Submission of tax credit certificate to
15 Department of Revenue. An applicant claiming a credit under
16 this Act shall submit to the Department of Revenue a copy of
17 each certificate issued under Section 45 of this Act with the
18 first return for which the credit shown on the certificate is
19 claimed. Failure to submit a copy of the certificate with the
20 applicant's return shall not invalidate a claim for a credit.

21 Section 55. Noncompliance. If the Director determines that
22 an applicant who has received a credit under this Act is not
23 complying with the requirements of the provisions of this Act,
24 the Director shall provide notice to the applicant of the

1 alleged noncompliance, and allow the taxpayer a hearing under
2 the provisions of the Illinois Administrative Procedure Act.
3 If, after such notice and any hearing, the Director determines
4 that noncompliance exists, the Director shall issue to the
5 Department of Revenue notice to that effect stating the
6 noncompliance date.

7 Section 60. Rules. The Department may adopt rules necessary
8 to implement this Act. The rules may provide for recipients of
9 credits under this Act to be charged fees to cover
10 administrative costs of the tax credit program.

11 Section 65. Elimination of mandatory minimums in
12 sentencing. The cost savings from this Section shall be
13 directly applied to fund the pilot program described in Section
14 25.

15 Section 70. Applicability. This Act applies to offenses
16 committed before the effective date of this Act, and to
17 offenses committed on or after the effective date.

18 A person currently serving a sentence for a conviction,
19 whether by trial or plea, of a felony or felonies who would
20 have been guilty of a misdemeanor or lesser felony
21 classification under this Act had the Act been in effect at the
22 time of the offense may petition the trial court that entered
23 the judgment of conviction in his or her case to request

1 resentencing in accordance with this Act. A person who is
2 resented shall be given credit for time served. Under no
3 circumstances may resentencing result in the imposition of a
4 term longer than the original sentence.

5 Section 905. The Unified Code of Corrections is amended by
6 changing Sections 5-4.5-15, 5-4.5-25, 5-4.5-30, 5-4.5-35,
7 5-4.5-40, 5-4.5-45, 5-4.5-50, 5-4.5-85, and 5-4.5-95 as
8 follows:

9 (730 ILCS 5/5-4.5-15)

10 Sec. 5-4.5-15. DISPOSITIONS.

11 (a) APPROPRIATE DISPOSITIONS. The following are
12 appropriate dispositions, alone or in combination, for all
13 felonies and misdemeanors other than as provided in Section
14 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the
15 statute defining the offense or elsewhere:

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

20 (5) A fine.

21 (6) Restitution to the victim.

22 (7) Participation in an impact incarceration program.

23 (8) A term of imprisonment in combination with a term
24 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.~~ A ~~Neither a~~
10 fine nor restitution may ~~shall~~ be the sole disposition for a
11 Class 4 felony, and either or both may be imposed only in
12 conjunction with another disposition.

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

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

21 (730 ILCS 5/5-4.5-25)

22 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
23 felony:

24 (a) TERM. The sentence of imprisonment shall be a
25 determinate sentence of ~~not less than 6 years and~~ not more than

1 30 years. The sentence of imprisonment for an extended term
2 Class X felony, as provided in Section 5-8-2 (730 ILCS
3 5/5-8-2), shall be ~~not less than 30 years and~~ not more than 60
4 years.

5 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
6 shall not be imposed.

7 (c) IMPACT INCARCERATION. The impact incarceration program
8 or the county impact incarceration program is not an authorized
9 disposition.

10 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
11 probation or conditional discharge shall not be imposed.

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

22 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
23 ILCS 5/5-4.5-100) concerning no credit for time spent in home
24 detention prior to judgment.

25 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
26 for rules and regulations for sentence credit.

1 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
2 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
3 electronic monitoring and home detention.

4 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
6 5/5-8-1), the parole or mandatory supervised release term shall
7 be 3 years upon release from imprisonment.

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

9 (730 ILCS 5/5-4.5-30)

10 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
11 felony:

12 (a) TERM. The sentence of imprisonment, other than for
13 second degree murder, shall be a determinate sentence of ~~not~~
14 ~~less than 4 years and~~ not more than 15 years. The sentence of
15 imprisonment for second degree murder shall be a determinate
16 sentence of ~~not less than 4 years and~~ not more than 20 years.
17 The sentence of imprisonment for an extended term Class 1
18 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
19 be a term ~~not less than 15 years and~~ not more than 30 years.

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic
21 imprisonment shall be for a definite term of from 3 to 4 years,
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 4
6 years. The court shall specify the conditions of probation or
7 conditional discharge as set forth in Section 5-6-3 (730 ILCS
8 5/5-6-3). In no case shall an offender be eligible for a
9 disposition of probation or conditional discharge for a Class 1
10 felony committed while he or she was serving a term of
11 probation or conditional discharge for a felony.

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

25 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
26 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act

1 (730 ILCS 130/) for rules and regulations for sentence credit.

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

5 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
6 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
7 5/5-8-1), the parole or mandatory supervised release term shall
8 be 2 years upon release from imprisonment.

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

10 (730 ILCS 5/5-4.5-35)

11 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
12 felony:

13 (a) TERM. The sentence of imprisonment shall be a
14 determinate sentence of ~~not less than 3 years and~~ not more than
15 7 years. The sentence of imprisonment for an extended term
16 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
17 5/5-8-2), shall be a term ~~not less than 7 years and~~ not more
18 than 14 years.

19 (b) PERIODIC IMPRISONMENT. A sentence of periodic
20 imprisonment shall be for a definite term of from 18 to 30
21 months, except as otherwise provided in Section 5-5-3 or 5-7-1
22 (730 ILCS 5/5-5-3 or 5/5-7-1).

23 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
24 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
25 the impact incarceration program or the county impact

1 incarceration program.

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

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

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

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

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

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

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

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

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

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

6 (730 ILCS 5/5-4.5-40)

7 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
8 felony:

9 (a) TERM. The sentence of imprisonment shall be a
10 determinate sentence of ~~not less than 2 years and~~ not more than
11 5 years. The sentence of imprisonment for an extended term
12 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
13 5/5-8-2), shall be a term ~~not less than 5 years and~~ not more
14 than 10 years.

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

19 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
20 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
21 the impact incarceration program or the county impact
22 incarceration program.

23 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
24 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
25 period of probation or conditional discharge shall not exceed

1 30 months. The court shall specify the conditions of probation
2 or conditional discharge as set forth in Section 5-6-3 (730
3 ILCS 5/5-6-3).

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

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) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

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) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
18 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
19 (730 ILCS 130/) for rules and regulations for sentence credit.

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) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
24 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
25 5/5-8-1), the parole or mandatory supervised release term shall
26 be one year upon release from imprisonment.

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

2 (730 ILCS 5/5-4.5-45)

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

5 (a) TERM. The sentence of imprisonment shall be a
6 determinate sentence of ~~not less than one year and~~ not more
7 than 3 years. The sentence of imprisonment for an extended term
8 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
9 5/5-8-2), shall be a term ~~not less than 3 years and~~ not more
10 than 6 years.

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

15 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
16 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
17 the impact incarceration program or the county impact
18 incarceration program.

19 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
20 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
21 period of probation or conditional discharge shall not exceed
22 30 months. The court shall specify the conditions of probation
23 or conditional discharge as set forth in Section 5-6-3 (730
24 ILCS 5/5-6-3).

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

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

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

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

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

13 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
14 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
15 (730 ILCS 130/) for rules and regulations for sentence credit.

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

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
21 5/5-8-1), the parole or mandatory supervised release term shall
22 be one year upon release from imprisonment.

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

24 (730 ILCS 5/5-4.5-50)

25 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except

1 as otherwise provided, for all felonies:

2 (a) NO SUPERVISION. The court, upon a plea of guilty or a
3 stipulation by the defendant of the facts supporting the charge
4 or a finding of guilt, may not defer further proceedings and
5 the imposition of a sentence and may not enter an order for
6 supervision of the defendant.

7 (b) FELONY FINES. An offender may be sentenced to pay a
8 fine not to exceed, for each offense, \$25,000 or the amount
9 specified in the offense, whichever is greater, or if the
10 offender is a corporation, \$50,000 or the amount specified in
11 the offense, whichever is greater. A fine may be imposed in
12 addition to a sentence of conditional discharge, probation,
13 periodic imprisonment, or imprisonment. See Article 9 of
14 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
15 additional amounts and determination of amounts and payment.
16 The court shall consider the offender's financial
17 circumstances and ability to pay before and after imprisonment
18 before assessing any fine.

19 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
20 each felony conviction shall set forth his or her reasons for
21 imposing the particular sentence entered in the case, as
22 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
23 include any mitigating or aggravating factors specified in this
24 Code, or the lack of any such factors, as well as any other
25 mitigating or aggravating factors that the judge sets forth on
26 the record that are consistent with the purposes and principles

1 of sentencing set out in this Code.

2 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
3 sentence may be made, or the court may reduce a sentence
4 without motion, within 30 days after the sentence is imposed. A
5 defendant's challenge to the correctness of a sentence or to
6 any aspect of the sentencing hearing shall be made by a written
7 motion filed with the circuit court clerk within 30 days
8 following the imposition of sentence. A motion not filed within
9 that 30-day period is not timely. The court may not increase a
10 sentence once it is imposed. A notice of motion must be filed
11 with the motion. The notice of motion shall set the motion on
12 the court's calendar on a date certain within a reasonable time
13 after the date of filing.

14 If a motion filed pursuant to this subsection is timely
15 filed, the proponent of the motion shall exercise due diligence
16 in seeking a determination on the motion and the court shall
17 thereafter decide the motion within a reasonable time.

18 If a motion filed pursuant to this subsection is timely
19 filed, then for purposes of perfecting an appeal, a final
20 judgment is not considered to have been entered until the
21 motion to reduce the sentence has been decided by order entered
22 by the trial court.

23 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
24 OTHER-STATE SENTENCE. A defendant who has a previous and
25 unexpired sentence of imprisonment imposed by another state or
26 by any district court of the United States and who, after

1 sentence for a crime in Illinois, must return to serve the
2 unexpired prior sentence may have his or her sentence by the
3 Illinois court ordered to be concurrent with the prior
4 other-state or federal sentence. The court may order that any
5 time served on the unexpired portion of the other-state or
6 federal sentence, prior to his or her return to Illinois, shall
7 be credited on his or her Illinois sentence. The appropriate
8 official of the other state or the United States shall be
9 furnished with a copy of the order imposing sentence, which
10 shall provide that, when the offender is released from
11 other-state or federal confinement, whether by parole or by
12 termination of sentence, the offender shall be transferred by
13 the Sheriff of the committing Illinois county to the Illinois
14 Department of Corrections. The court shall cause the Department
15 of Corrections to be notified of the sentence at the time of
16 commitment and to be provided with copies of all records
17 regarding the sentence.

18 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
19 defendant who has a previous and unexpired sentence of
20 imprisonment imposed by an Illinois circuit court for a crime
21 in this State and who is subsequently sentenced to a term of
22 imprisonment by another state or by any district court of the
23 United States and who has served a term of imprisonment imposed
24 by the other state or district court of the United States, and
25 must return to serve the unexpired prior sentence imposed by
26 the Illinois circuit court, may apply to the Illinois circuit

1 court that imposed sentence to have his or her sentence
2 reduced.

3 The circuit court may order that any time served on the
4 sentence imposed by the other state or district court of the
5 United States be credited on his or her Illinois sentence. The
6 application for reduction of a sentence under this subsection
7 shall be made within 30 days after the defendant has completed
8 the sentence imposed by the other state or district court of
9 the United States.

10 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
11 sentence or disposition that requires the defendant to be
12 implanted or injected with or to use any form of birth control.
13 (Source: P.A. 95-1052, eff. 7-1-09.)

14 (730 ILCS 5/5-4.5-85)

15 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

16 (a) FELONY. The particular classification of each felony is
17 specified in the law defining the felony. Any unclassified
18 offense that is declared by law to be a felony or that provides
19 a sentence to a term of imprisonment for one year or more is a
20 Class 4 felony.

21 (b) MISDEMEANOR. The particular classification of each
22 misdemeanor is specified in the law or ordinance defining the
23 misdemeanor.

24 (1) Any offense not so classified that provides a
25 sentence to a term of imprisonment of less than one year

1 ~~but in excess of 6 months~~ is a Class A misdemeanor.

2 (2) Any offense not so classified that provides a
3 sentence to a term of imprisonment of 6 months or less ~~but~~
4 ~~in excess of 30 days~~ is a Class B misdemeanor.

5 (3) Any offense not so classified that provides a
6 sentence to a term of imprisonment of 30 days or less is a
7 Class C misdemeanor.

8 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
9 that does not provide for a sentence of imprisonment is a petty
10 offense or a business offense.

11 (Source: P.A. 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-4.5-95)

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

14 (a) HABITUAL CRIMINALS.

15 (1) Every person who has been twice convicted in any
16 state or federal court of an offense that contains the same
17 elements as an offense now (the date of the offense
18 committed after the 2 prior convictions) classified in
19 Illinois as a Class X felony, criminal sexual assault,
20 aggravated kidnapping, or first degree murder, and who is
21 thereafter convicted of a Class X felony, criminal sexual
22 assault, or first degree murder, committed after the 2
23 prior convictions, shall be adjudged an habitual criminal.

24 (2) The 2 prior convictions need not have been for the
25 same offense.

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

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

7 (A) The third offense was committed after July 3,
8 1980.

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

13 (C) The third offense was committed after
14 conviction on the second offense.

15 (D) The second offense was committed after
16 conviction on the first offense.

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

20 (6) A prior conviction shall not be alleged in the
21 indictment, and no evidence or other disclosure of that
22 conviction shall be presented to the court or the jury
23 during the trial of an offense set forth in this Section
24 unless otherwise permitted by the issues properly raised in
25 that trial. After a plea or verdict or finding of guilty
26 and before sentence is imposed, the prosecutor may file

1 with the court a verified written statement signed by the
2 State's Attorney concerning any former conviction of an
3 offense set forth in this Section rendered against the
4 defendant. The court shall then cause the defendant to be
5 brought before it; shall inform the defendant of the
6 allegations of the statement so filed, and of his or her
7 right to a hearing before the court on the issue of that
8 former conviction and of his or her right to counsel at
9 that hearing; and unless the defendant admits such
10 conviction, shall hear and determine the issue, and shall
11 make a written finding thereon. If a sentence has
12 previously been imposed, the court may vacate that sentence
13 and impose a new sentence in accordance with this Section.

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

22 (8) Any claim that a previous conviction offered by the
23 prosecution is not a former conviction of an offense set
24 forth in this Section because of the existence of any
25 exceptions described in this Section, is waived unless duly
26 raised at the hearing on that conviction, or unless the

1 prosecution's proof shows the existence of the exceptions
2 described in this Section.

3 (9) If the person so convicted shows to the
4 satisfaction of the court before whom that conviction was
5 had that he or she was released from imprisonment, upon
6 either of the sentences upon a pardon granted for the
7 reason that he or she was innocent, that conviction and
8 sentence shall not be considered under this Section.

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

20 ~~(1) the first felony was committed after February 1,~~
21 ~~1978 (the effective date of Public Act 80-1099);~~

22 ~~(2) the second felony was committed after conviction on~~
23 ~~the first; and~~

24 ~~(3) the third felony was committed after conviction on~~
25 ~~the second.~~

26 (c) (Blank). ~~Subsection (b) of this Section does not apply~~

1 ~~to Class 1 or Class 2 felony convictions for a violation of~~
2 ~~Section 16-1 of the Criminal Code of 2012.~~

3 ~~A person sentenced as a Class X offender under this~~
4 ~~subsection (b) is not eligible to apply for treatment as a~~
5 ~~condition of probation as provided by Section 40-10 of the~~
6 ~~Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS~~
7 ~~301/40-10).~~

8 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18.)

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.