



Rep. Jehan Gordon-Booth

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1 AMENDMENT TO SENATE BILL 1607

2 AMENDMENT NO. _____. Amend Senate Bill 1607 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Criminal Justice Information Act
5 is amended by changing Section 7 as follows:

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

7 Sec. 7. Powers and Duties. The Authority shall have the
8 following powers, duties, and responsibilities:

9 (a) To develop and operate comprehensive information
10 systems for the improvement and coordination of all aspects
11 of law enforcement, prosecution, and corrections;

12 (b) To define, develop, evaluate, and correlate State
13 and local programs and projects associated with the
14 improvement of law enforcement and the administration of
15 criminal justice;

16 (c) To act as a central repository and clearing house

1 for federal, state, and local research studies, plans,
2 projects, proposals, and other information relating to all
3 aspects of criminal justice system improvement and to
4 encourage educational programs for citizen support of
5 State and local efforts to make such improvements;

6 (d) To undertake research studies to aid in
7 accomplishing its purposes;

8 (e) To monitor the operation of existing criminal
9 justice information systems in order to protect the
10 constitutional rights and privacy of individuals about
11 whom criminal history record information has been
12 collected;

13 (f) To provide an effective administrative forum for
14 the protection of the rights of individuals concerning
15 criminal history record information;

16 (g) To issue regulations, guidelines, and procedures
17 which ensure the privacy and security of criminal history
18 record information consistent with State and federal laws;

19 (h) To act as the sole administrative appeal body in
20 the State of Illinois to conduct hearings and make final
21 determinations concerning individual challenges to the
22 completeness and accuracy of criminal history record
23 information;

24 (i) To act as the sole, official, criminal justice body
25 in the State of Illinois to conduct annual and periodic
26 audits of the procedures, policies, and practices of the

1 State central repositories for criminal history record
2 information to verify compliance with federal and state
3 laws and regulations governing such information;

4 (j) To advise the Authority's Statistical Analysis
5 Center;

6 (k) To apply for, receive, establish priorities for,
7 allocate, disburse, and spend grants of funds that are made
8 available by and received on or after January 1, 1983 from
9 private sources or from the United States pursuant to the
10 federal Crime Control Act of 1973, as amended, and similar
11 federal legislation, and to enter into agreements with the
12 United States government to further the purposes of this
13 Act, or as may be required as a condition of obtaining
14 federal funds;

15 (l) To receive, expend, and account for such funds of
16 the State of Illinois as may be made available to further
17 the purposes of this Act;

18 (m) To enter into contracts and to cooperate with units
19 of general local government or combinations of such units,
20 State agencies, and criminal justice system agencies of
21 other states for the purpose of carrying out the duties of
22 the Authority imposed by this Act or by the federal Crime
23 Control Act of 1973, as amended;

24 (n) To enter into contracts and cooperate with units of
25 general local government outside of Illinois, other
26 states' agencies, and private organizations outside of

1 Illinois to provide computer software or design that has
2 been developed for the Illinois criminal justice system, or
3 to participate in the cooperative development or design of
4 new software or systems to be used by the Illinois criminal
5 justice system. Revenues received as a result of such
6 arrangements shall be deposited in the Criminal Justice
7 Information Systems Trust Fund;

8 (o) To establish general policies concerning criminal
9 justice information systems and to promulgate such rules,
10 regulations, and procedures as are necessary to the
11 operation of the Authority and to the uniform consideration
12 of appeals and audits;

13 (p) To advise and to make recommendations to the
14 Governor and the General Assembly on policies relating to
15 criminal justice information systems;

16 (q) To direct all other agencies under the jurisdiction
17 of the Governor to provide whatever assistance and
18 information the Authority may lawfully require to carry out
19 its functions;

20 (r) To exercise any other powers that are reasonable
21 and necessary to fulfill the responsibilities of the
22 Authority under this Act and to comply with the
23 requirements of applicable federal law or regulation;

24 (s) To exercise the rights, powers, and duties which
25 have been vested in the Authority by the "Illinois Uniform
26 Conviction Information Act", ~~enacted by the 85th General~~

1 ~~Assembly, as hereafter amended;~~

2 (t) (Blank);

3 (u) To exercise the rights, powers, and duties vested
4 in the Authority by the Illinois Public Safety Agency
5 Network Act;

6 (v) To provide technical assistance in the form of
7 training to local governmental entities within Illinois
8 requesting such assistance for the purposes of procuring
9 grants for gang intervention and gang prevention programs
10 or other criminal justice programs from the United States
11 Department of Justice; ~~and~~

12 (w) To conduct strategic planning and provide
13 technical assistance to implement comprehensive trauma
14 recovery services for violent crime victims in underserved
15 communities with high levels of violent crime, with the
16 goal of providing a safe, community-based, culturally
17 competent environment in which to access services
18 necessary to facilitate recovery from the effects of
19 chronic and repeat exposure to trauma. Services may
20 include, but are not limited to, behavioral health
21 treatment, financial recovery, family support and
22 relocation assistance, and support in navigating the legal
23 system; and-

24 (x) To coordinate statewide violence prevention
25 efforts and assist in the implementation of trauma recovery
26 centers and analyze trauma recovery services. The

1 Authority shall develop, publish, and facilitate the
2 implementation of a 4-year statewide violence prevention
3 plan, which shall incorporate public health, public
4 safety, victim services, and trauma recovery centers and
5 services.

6 The requirement for reporting to the General Assembly shall
7 be satisfied by filing copies of the report with the Speaker,
8 the Minority Leader, and the Clerk of the House of
9 Representatives, ~~and~~ the President, the Minority Leader, and
10 the Secretary of the Senate, and the Legislative Research Unit,
11 as required by Section 3.1 of the General Assembly Organization
12 Act ~~"An Act to revise the law in relation to the General~~
13 ~~Assembly", approved February 25, 1874, as amended,~~ and filing
14 such additional copies with the State Government Report
15 Distribution Center for the General Assembly as is required
16 under paragraph (t) of Section 7 of the State Library Act.

17 (Source: P.A. 99-938, eff. 1-1-18; 100-373, eff. 1-1-18;
18 revised 10-2-17.)

19 Section 10. The Illinois Vehicle Code is amended by
20 changing Section 6-303 as follows:

21 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

22 (Text of Section before amendment by P.A. 100-149)

23 Sec. 6-303. Driving while driver's license, permit or
24 privilege to operate a motor vehicle is suspended or revoked.

1 (a) Except as otherwise provided in subsection (a-5), any
2 person who drives or is in actual physical control of a motor
3 vehicle on any highway of this State at a time when such
4 person's driver's license, permit or privilege to do so or the
5 privilege to obtain a driver's license or permit is revoked or
6 suspended as provided by this Code or the law of another state,
7 except as may be specifically allowed by a judicial driving
8 permit issued prior to January 1, 2009, monitoring device
9 driving permit, family financial responsibility driving
10 permit, probationary license to drive, or a restricted driving
11 permit issued pursuant to this Code or under the law of another
12 state, shall be guilty of a Class A misdemeanor.

13 (a-3) A second or subsequent violation of subsection (a) of
14 this Section is a Class 4 felony if committed by a person whose
15 driving or operation of a motor vehicle is the proximate cause
16 of a motor vehicle accident that causes personal injury or
17 death to another. For purposes of this subsection, a personal
18 injury includes any Type A injury as indicated on the traffic
19 accident report completed by a law enforcement officer that
20 requires immediate professional attention in either a doctor's
21 office or a medical facility. A Type A injury includes severe
22 bleeding wounds, distorted extremities, and injuries that
23 require the injured party to be carried from the scene.

24 (a-5) Any person who violates this Section as provided in
25 subsection (a) while his or her driver's license, permit or
26 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide or a similar
3 provision of a law of another state, is guilty of a Class 4
4 felony. The person shall be required to undergo a professional
5 evaluation, as provided in Section 11-501 of this Code, to
6 determine if an alcohol, drug, or intoxicating compound problem
7 exists and the extent of the problem, and to undergo the
8 imposition of treatment as appropriate.

9 (a-10) A person's driver's license, permit, or privilege to
10 obtain a driver's license or permit may be subject to multiple
11 revocations, multiple suspensions, or any combination of both
12 simultaneously. No revocation or suspension shall serve to
13 negate, invalidate, cancel, postpone, or in any way lessen the
14 effect of any other revocation or suspension entered prior or
15 subsequent to any other revocation or suspension.

16 (b) (Blank).

17 (b-1) Upon receiving a report of the conviction of any
18 violation indicating a person was operating a motor vehicle
19 during the time when the person's driver's license, permit or
20 privilege was suspended by the Secretary of State or the
21 driver's licensing administrator of another state, except as
22 specifically allowed by a probationary license, judicial
23 driving permit, restricted driving permit or monitoring device
24 driving permit the Secretary shall extend the suspension for
25 the same period of time as the originally imposed suspension
26 unless the suspension has already expired, in which case the

1 Secretary shall be authorized to suspend the person's driving
2 privileges for the same period of time as the originally
3 imposed suspension.

4 (b-2) Except as provided in subsection (b-6), upon
5 receiving a report of the conviction of any violation
6 indicating a person was operating a motor vehicle when the
7 person's driver's license, permit or privilege was revoked by
8 the Secretary of State or the driver's license administrator of
9 any other state, except as specifically allowed by a restricted
10 driving permit issued pursuant to this Code or the law of
11 another state, the Secretary shall not issue a driver's license
12 for an additional period of one year from the date of such
13 conviction indicating such person was operating a vehicle
14 during such period of revocation.

15 (b-3) (Blank).

16 (b-4) When the Secretary of State receives a report of a
17 conviction of any violation indicating a person was operating a
18 motor vehicle that was not equipped with an ignition interlock
19 device during a time when the person was prohibited from
20 operating a motor vehicle not equipped with such a device, the
21 Secretary shall not issue a driver's license to that person for
22 an additional period of one year from the date of the
23 conviction.

24 (b-5) Any person convicted of violating this Section shall
25 serve a minimum term of imprisonment of 30 consecutive days or
26 300 hours of community service when the person's driving

1 privilege was revoked or suspended as a result of a violation
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, relating to the offense of reckless homicide, or
4 a similar provision of a law of another state. The court may
5 give credit toward the fulfillment of community service hours
6 for participation in activities and treatment as determined by
7 court services.

8 (b-6) Upon receiving a report of a first conviction of
9 operating a motor vehicle while the person's driver's license,
10 permit or privilege was revoked where the revocation was for a
11 violation of Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 relating to the offense of reckless
13 homicide or a similar out-of-state offense, the Secretary shall
14 not issue a driver's license for an additional period of three
15 years from the date of such conviction.

16 (c) Except as provided in subsections (c-3) and (c-4), any
17 person convicted of violating this Section shall serve a
18 minimum term of imprisonment of 10 consecutive days or 30 days
19 of community service when the person's driving privilege was
20 revoked or suspended as a result of:

21 (1) a violation of Section 11-501 of this Code or a
22 similar provision of a local ordinance relating to the
23 offense of operating or being in physical control of a
24 vehicle while under the influence of alcohol, any other
25 drug or any combination thereof; or

26 (2) a violation of paragraph (b) of Section 11-401 of

1 this Code or a similar provision of a local ordinance
2 relating to the offense of leaving the scene of a motor
3 vehicle accident involving personal injury or death; or

4 (3) a statutory summary suspension or revocation under
5 Section 11-501.1 of this Code.

6 Such sentence of imprisonment or community service shall
7 not be subject to suspension in order to reduce such sentence.

8 (c-1) Except as provided in subsections (c-5) and (d), any
9 person convicted of a second violation of this Section shall be
10 ordered by the court to serve a minimum of 100 hours of
11 community service. The court may give credit toward the
12 fulfillment of community service hours for participation in
13 activities and treatment as determined by court services.

14 (c-2) In addition to other penalties imposed under this
15 Section, the court may impose on any person convicted a fourth
16 time of violating this Section any of the following:

17 (1) Seizure of the license plates of the person's
18 vehicle.

19 (2) Immobilization of the person's vehicle for a period
20 of time to be determined by the court.

21 (c-3) Any person convicted of a violation of this Section
22 during a period of summary suspension imposed pursuant to
23 Section 11-501.1 when the person was eligible for a MDDP shall
24 be guilty of a Class 4 felony and shall serve a minimum term of
25 imprisonment of 30 days.

26 (c-4) Any person who has been issued a MDDP or a restricted

1 driving permit which requires the person to operate only motor
2 vehicles equipped with an ignition interlock device and who is
3 convicted of a violation of this Section as a result of
4 operating or being in actual physical control of a motor
5 vehicle not equipped with an ignition interlock device at the
6 time of the offense shall be guilty of a Class 4 felony and
7 shall serve a minimum term of imprisonment of 30 days.

8 (c-5) Any person convicted of a second violation of this
9 Section is guilty of a Class 2 felony, is not eligible for
10 probation or conditional discharge, and shall serve a mandatory
11 term of imprisonment, if:

12 (1) the current violation occurred when the person's
13 driver's license was suspended or revoked for a violation
14 of Section 9-3 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, relating to the offense of reckless homicide,
16 or a similar out-of-state offense; and

17 (2) the prior conviction under this Section occurred
18 while the person's driver's license was suspended or
19 revoked for a violation of Section 9-3 of the Criminal Code
20 of 1961 or the Criminal Code of 2012 relating to the
21 offense of reckless homicide, or a similar out-of-state
22 offense, or was suspended or revoked for a violation of
23 Section 11-401 or 11-501 of this Code, a similar
24 out-of-state offense, a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code.

1 (d) Any person convicted of a second violation of this
2 Section shall be guilty of a Class 4 felony and shall serve a
3 minimum term of imprisonment of 30 days or 300 hours of
4 community service, as determined by the court, if:

5 (1) the current violation occurred when the person's
6 driver's license was suspended or revoked for a violation
7 of Section 11-401 or 11-501 of this Code, a similar
8 out-of-state offense, a similar provision of a local
9 ordinance, or a statutory summary suspension or revocation
10 under Section 11-501.1 of this Code; and

11 (2) the prior conviction under this Section occurred
12 while the person's driver's license was suspended or
13 revoked for a violation of Section 11-401 or 11-501 of this
14 Code, a similar out-of-state offense, a similar provision
15 of a local ordinance, or a statutory summary suspension or
16 revocation under Section 11-501.1 of this Code, or for a
17 violation of Section 9-3 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, relating to the offense of
19 reckless homicide, or a similar out-of-state offense.

20 (3) The court may give credit toward the fulfillment of
21 community service hours for participation in activities
22 and treatment as determined by court services.

23 (d-1) Except as provided in subsections (d-2), (d-2.5), and
24 (d-3), any person convicted of a third or subsequent violation
25 of this Section shall serve a minimum term of imprisonment of
26 30 days or 300 hours of community service, as determined by the

1 court. The court may give credit toward the fulfillment of
2 community service hours for participation in activities and
3 treatment as determined by court services.

4 (d-2) Any person convicted of a third violation of this
5 Section is guilty of a Class 4 felony and must serve a minimum
6 term of imprisonment of 30 days, if:

7 (1) the current violation occurred when the person's
8 driver's license was suspended or revoked for a violation
9 of Section 11-401 or 11-501 of this Code, or a similar
10 out-of-state offense, or a similar provision of a local
11 ordinance, or a statutory summary suspension or revocation
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred
14 while the person's driver's license was suspended or
15 revoked for a violation of Section 11-401 or 11-501 of this
16 Code, a similar out-of-state offense, a similar provision
17 of a local ordinance, or a statutory summary suspension or
18 revocation under Section 11-501.1 of this Code, or for a
19 violation of Section 9-3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, relating to the offense of
21 reckless homicide, or a similar out-of-state offense.

22 (d-2.5) Any person convicted of a third violation of this
23 Section is guilty of a Class 1 felony, is not eligible for
24 probation or conditional discharge, and must serve a mandatory
25 term of imprisonment, if:

26 (1) the current violation occurred while the person's

1 driver's license was suspended or revoked for a violation
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, relating to the offense of reckless homicide,
4 or a similar out-of-state offense. The person's driving
5 privileges shall be revoked for the remainder of the
6 person's life; and

7 (2) the prior convictions under this Section occurred
8 while the person's driver's license was suspended or
9 revoked for a violation of Section 9-3 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, relating to the
11 offense of reckless homicide, or a similar out-of-state
12 offense, or was suspended or revoked for a violation of
13 Section 11-401 or 11-501 of this Code, a similar
14 out-of-state offense, a similar provision of a local
15 ordinance, or a statutory summary suspension or revocation
16 under Section 11-501.1 of this Code.

17 (d-3) Any person convicted of a fourth, fifth, sixth,
18 seventh, eighth, or ninth violation of this Section is guilty
19 of a Class 4 felony and must serve a minimum term of
20 imprisonment of 180 days, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked for a violation
23 of Section 11-401 or 11-501 of this Code, a similar
24 out-of-state offense, a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code; and

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of this
4 Code, a similar out-of-state offense, a similar provision
5 of a local ordinance, or a statutory summary suspension or
6 revocation under Section 11-501.1 of this Code, or for a
7 violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a similar out-of-state offense.

10 (d-3.5) Any person convicted of a fourth or subsequent
11 violation of this Section is guilty of a Class 1 felony, is not
12 eligible for probation or conditional discharge, and must serve
13 a mandatory term of imprisonment, and is eligible for an
14 extended term, if:

15 (1) the current violation occurred when the person's
16 driver's license was suspended or revoked for a violation
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, relating to the offense of reckless homicide,
19 or a similar out-of-state offense; and

20 (2) the prior convictions under this Section occurred
21 while the person's driver's license was suspended or
22 revoked for a violation of Section 9-3 of the Criminal Code
23 of 1961 or the Criminal Code of 2012, relating to the
24 offense of reckless homicide, or a similar out-of-state
25 offense, or was suspended or revoked for a violation of
26 Section 11-401 or 11-501 of this Code, a similar

1 out-of-state offense, a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code.

4 (d-4) Any person convicted of a tenth, eleventh, twelfth,
5 thirteenth, or fourteenth violation of this Section is guilty
6 of a Class 3 felony, and is not eligible for probation or
7 conditional discharge, if:

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked for a violation
10 of Section 11-401 or 11-501 of this Code, or a similar
11 out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 11-401 or 11-501 of this
17 Code, a similar out-of-state offense, a similar provision
18 of a local ordinance, or a statutory suspension or
19 revocation under Section 11-501.1 of this Code, or for a
20 violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of
22 reckless homicide, or a similar out-of-state offense.

23 (d-5) Any person convicted of a fifteenth or subsequent
24 violation of this Section is guilty of a Class 2 felony, and is
25 not eligible for probation or conditional discharge, if:

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 11-401 or 11-501 of this Code, or a similar
3 out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension or revocation
5 under Section 11-501.1 of this Code; and

6 (2) the prior convictions under this Section occurred
7 while the person's driver's license was suspended or
8 revoked for a violation of Section 11-401 or 11-501 of this
9 Code, a similar out-of-state offense, a similar provision
10 of a local ordinance, or a statutory summary suspension or
11 revocation under Section 11-501.1 of this Code, or for a
12 violation of Section 9-3 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, relating to the offense of
14 reckless homicide, or a similar out-of-state offense.

15 (e) Any person in violation of this Section who is also in
16 violation of Section 7-601 of this Code relating to mandatory
17 insurance requirements, in addition to other penalties imposed
18 under this Section, shall have his or her motor vehicle
19 immediately impounded by the arresting law enforcement
20 officer. The motor vehicle may be released to any licensed
21 driver upon a showing of proof of insurance for the vehicle
22 that was impounded and the notarized written consent for the
23 release by the vehicle owner.

24 (f) For any prosecution under this Section, a certified
25 copy of the driving abstract of the defendant shall be admitted
26 as proof of any prior conviction.

1 (g) The motor vehicle used in a violation of this Section
2 is subject to seizure and forfeiture as provided in Sections
3 36-1 and 36-2 of the Criminal Code of 2012 if the person's
4 driving privilege was revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code, a
6 similar provision of a local ordinance, or a similar
7 provision of a law of another state;

8 (2) a violation of paragraph (b) of Section 11-401 of
9 this Code, a similar provision of a local ordinance, or a
10 similar provision of a law of another state;

11 (3) a statutory summary suspension or revocation under
12 Section 11-501.1 of this Code or a similar provision of a
13 law of another state; or

14 (4) a violation of Section 9-3 of the Criminal Code of
15 1961 or the Criminal Code of 2012 relating to the offense
16 of reckless homicide, or a similar provision of a law of
17 another state.

18 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;
19 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.
20 1-1-16.)

21 (Text of Section after amendment by P.A. 100-149)

22 Sec. 6-303. Driving while driver's license, permit or
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5), any
25 person who drives or is in actual physical control of a motor

1 vehicle on any highway of this State at a time when such
2 person's driver's license, permit or privilege to do so or the
3 privilege to obtain a driver's license or permit is revoked or
4 suspended as provided by this Code or the law of another state,
5 except as may be specifically allowed by a judicial driving
6 permit issued prior to January 1, 2009, monitoring device
7 driving permit, family financial responsibility driving
8 permit, probationary license to drive, or a restricted driving
9 permit issued pursuant to this Code or under the law of another
10 state, shall be guilty of a Class A misdemeanor.

11 (a-3) A second or subsequent violation of subsection (a) of
12 this Section is a Class 4 felony if committed by a person whose
13 driving or operation of a motor vehicle is the proximate cause
14 of a motor vehicle accident that causes personal injury or
15 death to another. For purposes of this subsection, a personal
16 injury includes any Type A injury as indicated on the traffic
17 accident report completed by a law enforcement officer that
18 requires immediate professional attention in either a doctor's
19 office or a medical facility. A Type A injury includes severe
20 bleeding wounds, distorted extremities, and injuries that
21 require the injured party to be carried from the scene.

22 (a-5) Any person who violates this Section as provided in
23 subsection (a) while his or her driver's license, permit or
24 privilege is revoked because of a violation of Section 9-3 of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 relating to the offense of reckless homicide, or a violation of

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of this Code, relating to the offense of aggravated
3 driving under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination thereof
5 when the violation was a proximate cause of a death, or a
6 similar provision of a law of another state, is guilty of a
7 Class 4 felony. The person shall be required to undergo a
8 professional evaluation, as provided in Section 11-501 of this
9 Code, to determine if an alcohol, drug, or intoxicating
10 compound problem exists and the extent of the problem, and to
11 undergo the imposition of treatment as appropriate.

12 (a-10) A person's driver's license, permit, or privilege to
13 obtain a driver's license or permit may be subject to multiple
14 revocations, multiple suspensions, or any combination of both
15 simultaneously. No revocation or suspension shall serve to
16 negate, invalidate, cancel, postpone, or in any way lessen the
17 effect of any other revocation or suspension entered prior or
18 subsequent to any other revocation or suspension.

19 (b) (Blank).

20 (b-1) Upon receiving a report of the conviction of any
21 violation indicating a person was operating a motor vehicle
22 during the time when the person's driver's license, permit or
23 privilege was suspended by the Secretary of State or the
24 driver's licensing administrator of another state, except as
25 specifically allowed by a probationary license, judicial
26 driving permit, restricted driving permit or monitoring device

1 driving permit the Secretary shall extend the suspension for
2 the same period of time as the originally imposed suspension
3 unless the suspension has already expired, in which case the
4 Secretary shall be authorized to suspend the person's driving
5 privileges for the same period of time as the originally
6 imposed suspension.

7 (b-2) Except as provided in subsection (b-6), upon
8 receiving a report of the conviction of any violation
9 indicating a person was operating a motor vehicle when the
10 person's driver's license, permit or privilege was revoked by
11 the Secretary of State or the driver's license administrator of
12 any other state, except as specifically allowed by a restricted
13 driving permit issued pursuant to this Code or the law of
14 another state, the Secretary shall not issue a driver's license
15 for an additional period of one year from the date of such
16 conviction indicating such person was operating a vehicle
17 during such period of revocation.

18 (b-3) (Blank).

19 (b-4) When the Secretary of State receives a report of a
20 conviction of any violation indicating a person was operating a
21 motor vehicle that was not equipped with an ignition interlock
22 device during a time when the person was prohibited from
23 operating a motor vehicle not equipped with such a device, the
24 Secretary shall not issue a driver's license to that person for
25 an additional period of one year from the date of the
26 conviction.

1 (b-5) Any person convicted of violating this Section shall
2 serve a minimum term of imprisonment of 30 consecutive days or
3 300 hours of community service when the person's driving
4 privilege was revoked or suspended as a result of a violation
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, relating to the offense of reckless homicide, or
7 a violation of subparagraph (F) of paragraph (1) of subsection
8 (d) of Section 11-501 of this Code, relating to the offense of
9 aggravated driving under the influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds, or any
11 combination thereof when the violation was a proximate cause of
12 a death, or a similar provision of a law of another state. The
13 court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (b-6) Upon receiving a report of a first conviction of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked where the revocation was for a
19 violation of Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 relating to the offense of reckless
21 homicide, or a violation of subparagraph (F) of paragraph (1)
22 of subsection (d) of Section 11-501 of this Code, relating to
23 the offense of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof when the violation was a
26 proximate cause of a death, or a similar out-of-state offense,

1 the Secretary shall not issue a driver's license for an
2 additional period of three years from the date of such
3 conviction.

4 (c) Except as provided in subsections (c-3) and (c-4), any
5 person convicted of violating this Section shall serve a
6 minimum term of imprisonment of 10 consecutive days or 30 days
7 of community service when the person's driving privilege was
8 revoked or suspended as a result of:

9 (1) a violation of Section 11-501 of this Code or a
10 similar provision of a local ordinance relating to the
11 offense of operating or being in physical control of a
12 vehicle while under the influence of alcohol, any other
13 drug or any combination thereof; or

14 (2) a violation of paragraph (b) of Section 11-401 of
15 this Code or a similar provision of a local ordinance
16 relating to the offense of leaving the scene of a motor
17 vehicle accident involving personal injury or death; or

18 (3) a statutory summary suspension or revocation under
19 Section 11-501.1 of this Code.

20 Such sentence of imprisonment or community service shall
21 not be subject to suspension in order to reduce such sentence.

22 (c-1) Except as provided in subsections (c-5) and (d), any
23 person convicted of a second violation of this Section shall be
24 ordered by the court to serve a minimum of 100 hours of
25 community service. The court may give credit toward the
26 fulfillment of community service hours for participation in

1 activities and treatment as determined by court services.

2 (c-2) In addition to other penalties imposed under this
3 Section, the court may impose on any person convicted a fourth
4 time of violating this Section any of the following:

5 (1) Seizure of the license plates of the person's
6 vehicle.

7 (2) Immobilization of the person's vehicle for a period
8 of time to be determined by the court.

9 (c-3) Any person convicted of a violation of this Section
10 during a period of summary suspension imposed pursuant to
11 Section 11-501.1 when the person was eligible for a MDDP shall
12 be guilty of a Class 4 felony and shall serve a minimum term of
13 imprisonment of 30 days.

14 (c-4) Any person who has been issued a MDDP or a restricted
15 driving permit which requires the person to operate only motor
16 vehicles equipped with an ignition interlock device and who is
17 convicted of a violation of this Section as a result of
18 operating or being in actual physical control of a motor
19 vehicle not equipped with an ignition interlock device at the
20 time of the offense shall be guilty of a Class 4 felony and
21 shall serve a minimum term of imprisonment of 30 days.

22 (c-5) Any person convicted of a second violation of this
23 Section is guilty of a Class 2 felony, is not eligible for
24 probation or conditional discharge, and shall serve a mandatory
25 term of imprisonment, if:

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, relating to the offense of reckless homicide,
4 or a violation of subparagraph (F) of paragraph (1) of
5 subsection (d) of Section 11-501 of this Code, relating to
6 the offense of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof when the violation
9 was a proximate cause of a death, or a similar out-of-state
10 offense; and

11 (2) the prior conviction under this Section occurred
12 while the person's driver's license was suspended or
13 revoked for a violation of Section 9-3 of the Criminal Code
14 of 1961 or the Criminal Code of 2012 relating to the
15 offense of reckless homicide, or a violation of
16 subparagraph (F) of paragraph (1) of subsection (d) of
17 Section 11-501 of this Code, relating to the offense of
18 aggravated driving under the influence of alcohol, other
19 drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof when the violation was a proximate
21 cause of a death, or a similar out-of-state offense, or was
22 suspended or revoked for a violation of Section 11-401 or
23 11-501 of this Code, a similar out-of-state offense, a
24 similar provision of a local ordinance, or a statutory
25 summary suspension or revocation under Section 11-501.1 of
26 this Code.

1 (d) Any person convicted of a second violation of this
2 Section shall be guilty of a Class 4 felony and shall serve a
3 minimum term of imprisonment of 30 days or 300 hours of
4 community service, as determined by the court, if:

5 (1) the current violation occurred when the person's
6 driver's license was suspended or revoked for a violation
7 of Section 11-401 or 11-501 of this Code, a similar
8 out-of-state offense, a similar provision of a local
9 ordinance, or a statutory summary suspension or revocation
10 under Section 11-501.1 of this Code; and

11 (2) the prior conviction under this Section occurred
12 while the person's driver's license was suspended or
13 revoked for a violation of Section 11-401 or 11-501 of this
14 Code, a similar out-of-state offense, a similar provision
15 of a local ordinance, or a statutory summary suspension or
16 revocation under Section 11-501.1 of this Code, or for a
17 violation of Section 9-3 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, relating to the offense of
19 reckless homicide, or a violation of subparagraph (F) of
20 paragraph (1) of subsection (d) of Section 11-501 of this
21 Code, relating to the offense of aggravated driving under
22 the influence of alcohol, other drug or drugs, or
23 intoxicating compound or compounds, or any combination
24 thereof when the violation was a proximate cause of a
25 death, or a similar out-of-state offense.

26 (3) The court may give credit toward the fulfillment of

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

3 (d-1) Except as provided in subsections (d-2), (d-2.5), and
4 (d-3), any person convicted of a third or subsequent violation
5 of this Section shall serve a minimum term of imprisonment of
6 30 days or 300 hours of community service, as determined by the
7 court. The court may give credit toward the fulfillment of
8 community service hours for participation in activities and
9 treatment as determined by court services.

10 (d-2) Any person convicted of a third violation of this
11 Section is guilty of a Class 4 felony and must serve a minimum
12 term of imprisonment of 30 days, if:

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked for a violation
15 of Section 11-401 or 11-501 of this Code, or a similar
16 out-of-state offense, or a similar provision of a local
17 ordinance, or a statutory summary suspension or revocation
18 under Section 11-501.1 of this Code; and

19 (2) the prior convictions under this Section occurred
20 while the person's driver's license was suspended or
21 revoked for a violation of Section 11-401 or 11-501 of this
22 Code, a similar out-of-state offense, a similar provision
23 of a local ordinance, or a statutory summary suspension or
24 revocation under Section 11-501.1 of this Code, or for a
25 violation of Section 9-3 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a violation of subparagraph (F) of
2 paragraph (1) of subsection (d) of Section 11-501 of this
3 Code, relating to the offense of aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof when the violation was a proximate cause of a
7 death, or a similar out-of-state offense.

8 (d-2.5) Any person convicted of a third violation of this
9 Section is guilty of a Class 1 felony, is not eligible for
10 probation or conditional discharge, and must serve a mandatory
11 term of imprisonment, if:

12 (1) the current violation occurred while the person's
13 driver's license was suspended or revoked for a violation
14 of Section 9-3 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, relating to the offense of reckless homicide,
16 or a violation of subparagraph (F) of paragraph (1) of
17 subsection (d) of Section 11-501 of this Code, relating to
18 the offense of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof when the violation
21 was a proximate cause of a death, or a similar out-of-state
22 offense. The person's driving privileges shall be revoked
23 for the remainder of the person's life; and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 9-3 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, relating to the
2 offense of reckless homicide, or a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of this Code, relating to the offense of
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof when the violation was a proximate
8 cause of a death, or a similar out-of-state offense, or was
9 suspended or revoked for a violation of Section 11-401 or
10 11-501 of this Code, a similar out-of-state offense, a
11 similar provision of a local ordinance, or a statutory
12 summary suspension or revocation under Section 11-501.1 of
13 this Code.

14 (d-3) Any person convicted of a fourth, fifth, sixth,
15 seventh, eighth, or ninth violation of this Section is guilty
16 of a Class 4 felony and must serve a minimum term of
17 imprisonment of 180 days, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 11-401 or 11-501 of this Code, a similar
21 out-of-state offense, a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code; and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a violation of subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of this
8 Code, relating to the offense of aggravated driving under
9 the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination
11 thereof when the violation was a proximate cause of a
12 death, or a similar out-of-state offense.

13 (d-3.5) Any person convicted of a fourth or subsequent
14 violation of this Section is guilty of a Class 1 felony, is not
15 eligible for probation or conditional discharge, and must serve
16 a mandatory term of imprisonment, and is eligible for an
17 extended term, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 9-3 of the Criminal Code of 1961 or the Criminal
21 Code of 2012, relating to the offense of reckless homicide,
22 or a violation of subparagraph (F) of paragraph (1) of
23 subsection (d) of Section 11-501 of this Code, relating to
24 the offense of aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof when the violation

1 was a proximate cause of a death, or a similar out-of-state
2 offense; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 9-3 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, relating to the
7 offense of reckless homicide, or a violation of
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of this Code, relating to the offense of
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof when the violation was a proximate
13 cause of a death, or a similar out-of-state offense, or was
14 suspended or revoked for a violation of Section 11-401 or
15 11-501 of this Code, a similar out-of-state offense, a
16 similar provision of a local ordinance, or a statutory
17 summary suspension or revocation under Section 11-501.1 of
18 this Code.

19 (d-4) Any person convicted of a tenth, eleventh, twelfth,
20 thirteenth, or fourteenth violation of this Section is guilty
21 of a Class 3 felony, and is not eligible for probation or
22 conditional discharge, if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 11-401 or 11-501 of this Code, or a similar
26 out-of-state offense, or a similar provision of a local

1 ordinance, or a statutory summary suspension or revocation
2 under Section 11-501.1 of this Code; and

3 (2) the prior convictions under this Section occurred
4 while the person's driver's license was suspended or
5 revoked for a violation of Section 11-401 or 11-501 of this
6 Code, a similar out-of-state offense, a similar provision
7 of a local ordinance, or a statutory suspension or
8 revocation under Section 11-501.1 of this Code, or for a
9 violation of Section 9-3 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, relating to the offense of
11 reckless homicide, or a violation of subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of this
13 Code, relating to the offense of aggravated driving under
14 the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination
16 thereof when the violation was a proximate cause of a
17 death, or a similar out-of-state offense.

18 (d-5) Any person convicted of a fifteenth or subsequent
19 violation of this Section is guilty of a Class 2 felony, and is
20 not eligible for probation or conditional discharge, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked for a violation
23 of Section 11-401 or 11-501 of this Code, or a similar
24 out-of-state offense, or a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code; and

1 (2) the prior convictions under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of this
4 Code, a similar out-of-state offense, a similar provision
5 of a local ordinance, or a statutory summary suspension or
6 revocation under Section 11-501.1 of this Code, or for a
7 violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a violation of subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of this
11 Code, relating to the offense of aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof when the violation was a proximate cause of a
15 death, or a similar out-of-state offense.

16 (e) Any person in violation of this Section who is also in
17 violation of Section 7-601 of this Code relating to mandatory
18 insurance requirements, in addition to other penalties imposed
19 under this Section, shall have his or her motor vehicle
20 immediately impounded by the arresting law enforcement
21 officer. The motor vehicle may be released to any licensed
22 driver upon a showing of proof of insurance for the vehicle
23 that was impounded and the notarized written consent for the
24 release by the vehicle owner.

25 (f) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

2 (g) The motor vehicle used in a violation of this Section
3 is subject to seizure and forfeiture as provided in Sections
4 36-1 and 36-2 of the Criminal Code of 2012 if the person's
5 driving privilege was revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code, a
7 similar provision of a local ordinance, or a similar
8 provision of a law of another state;

9 (2) a violation of paragraph (b) of Section 11-401 of
10 this Code, a similar provision of a local ordinance, or a
11 similar provision of a law of another state;

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code or a similar provision of a
14 law of another state; or

15 (4) a violation of Section 9-3 of the Criminal Code of
16 1961 or the Criminal Code of 2012 relating to the offense
17 of reckless homicide, or a violation of subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of this
19 Code, relating to the offense of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof when the violation was a proximate cause of a
23 death, or a similar provision of a law of another state.

24 (Source: P.A. 99-290, eff. 1-1-16; 100-149, eff. 1-1-18.)

25 Section 15. The Cannabis Control Act is amended by changing

1 Section 10 as follows:

2 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

3 (Text of Section before amendment by P.A. 100-3)

4 Sec. 10. (a) Whenever any person who has not previously
5 been convicted of, or placed on probation or court supervision
6 for, any offense under this Act or any law of the United States
7 or of any State relating to cannabis, or controlled substances
8 as defined in the Illinois Controlled Substances Act, pleads
9 guilty to or is found guilty of violating Sections 4(a), 4(b),
10 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court may, without
11 entering a judgment and with the consent of such person,
12 sentence him to probation.

13 (b) When a person is placed on probation, the court shall
14 enter an order specifying a period of probation of 24 months,
15 and shall defer further proceedings in the case until the
16 conclusion of the period or until the filing of a petition
17 alleging violation of a term or condition of probation.

18 (c) The conditions of probation shall be that the person:
19 (1) not violate any criminal statute of any jurisdiction; (2)
20 refrain from possession of a firearm or other dangerous weapon;
21 (3) submit to periodic drug testing at a time and in a manner
22 as ordered by the court, but no less than 3 times during the
23 period of the probation, with the cost of the testing to be
24 paid by the probationer; and (4) perform no less than 30 hours
25 of community service, provided community service is available

1 in the jurisdiction and is funded and approved by the county
2 board. The court may give credit toward the fulfillment of
3 community service hours for participation in activities and
4 treatment as determined by court services.

5 (d) The court may, in addition to other conditions, require
6 that the person:

7 (1) make a report to and appear in person before or
8 participate with the court or such courts, person, or
9 social service agency as directed by the court in the order
10 of probation;

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational
13 training;

14 (4) undergo medical or psychiatric treatment; or
15 treatment for drug addiction or alcoholism;

16 (5) attend or reside in a facility established for the
17 instruction or residence of defendants on probation;

18 (6) support his dependents;

19 (7) refrain from possessing a firearm or other
20 dangerous weapon;

21 (7-5) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act, the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act,
25 unless prescribed by a physician, and submit samples of his
26 or her blood or urine or both for tests to determine the

1 presence of any illicit drug;

2 (8) and in addition, if a minor:

3 (i) reside with his parents or in a foster home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 (iv) contribute to his own support at home or in a
7 foster home.

8 (e) Upon violation of a term or condition of probation, the
9 court may enter a judgment on its original finding of guilt and
10 proceed as otherwise provided.

11 (f) Upon fulfillment of the terms and conditions of
12 probation, the court shall discharge such person and dismiss
13 the proceedings against him.

14 (g) A disposition of probation is considered to be a
15 conviction for the purposes of imposing the conditions of
16 probation and for appeal, however, discharge and dismissal
17 under this Section is not a conviction for purposes of
18 disqualification or disabilities imposed by law upon
19 conviction of a crime (including the additional penalty imposed
20 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
21 of this Act).

22 (h) Discharge and dismissal under this Section, Section 410
23 of the Illinois Controlled Substances Act, Section 70 of the
24 Methamphetamine Control and Community Protection Act, Section
25 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or
26 subsection (c) of Section 11-14 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 may occur only once with respect to
2 any person.

3 (i) If a person is convicted of an offense under this Act,
4 the Illinois Controlled Substances Act, or the Methamphetamine
5 Control and Community Protection Act within 5 years subsequent
6 to a discharge and dismissal under this Section, the discharge
7 and dismissal under this Section shall be admissible in the
8 sentencing proceeding for that conviction as a factor in
9 aggravation.

10 (j) Notwithstanding subsection (a), before a person is
11 sentenced to probation under this Section, the court may refer
12 the person to the drug court established in that judicial
13 circuit pursuant to Section 15 of the Drug Court Treatment Act.
14 The drug court team shall evaluate the person's likelihood of
15 successfully completing a sentence of probation under this
16 Section and shall report the results of its evaluation to the
17 court. If the drug court team finds that the person suffers
18 from a substance abuse problem that makes him or her
19 substantially unlikely to successfully complete a sentence of
20 probation under this Section, then the drug court shall set
21 forth its findings in the form of a written order, and the
22 person shall not be sentenced to probation under this Section,
23 but may be considered for the drug court program.

24 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

25 (Text of Section after amendment by P.A. 100-3)

1 Sec. 10. (a) Whenever any person who has not previously
2 been convicted of any felony offense under this Act or any law
3 of the United States or of any State relating to cannabis, or
4 controlled substances as defined in the Illinois Controlled
5 Substances Act, pleads guilty to or is found guilty of
6 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
7 this Act, the court may, without entering a judgment and with
8 the consent of such person, sentence him to probation.

9 (b) When a person is placed on probation, the court shall
10 enter an order specifying a period of probation of 24 months,
11 and shall defer further proceedings in the case until the
12 conclusion of the period or until the filing of a petition
13 alleging violation of a term or condition of probation.

14 (c) The conditions of probation shall be that the person:
15 (1) not violate any criminal statute of any jurisdiction; (2)
16 refrain from possession of a firearm or other dangerous weapon;
17 (3) submit to periodic drug testing at a time and in a manner
18 as ordered by the court, but no less than 3 times during the
19 period of the probation, with the cost of the testing to be
20 paid by the probationer; and (4) perform no less than 30 hours
21 of community service, provided community service is available
22 in the jurisdiction and is funded and approved by the county
23 board. The court may give credit toward the fulfillment of
24 community service hours for participation in activities and
25 treatment as determined by court services.

26 (d) The court may, in addition to other conditions, require

1 that the person:

2 (1) make a report to and appear in person before or
3 participate with the court or such courts, person, or
4 social service agency as directed by the court in the order
5 of probation;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical or psychiatric treatment; or
10 treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other
15 dangerous weapon;

16 (7-5) refrain from having in his or her body the
17 presence of any illicit drug prohibited by the Cannabis
18 Control Act, the Illinois Controlled Substances Act, or the
19 Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and submit samples of his
21 or her blood or urine or both for tests to determine the
22 presence of any illicit drug;

23 (8) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) contribute to his own support at home or in a
2 foster home.

3 (e) Upon violation of a term or condition of probation, the
4 court may enter a judgment on its original finding of guilt and
5 proceed as otherwise provided.

6 (f) Upon fulfillment of the terms and conditions of
7 probation, the court shall discharge such person and dismiss
8 the proceedings against him.

9 (g) A disposition of probation is considered to be a
10 conviction for the purposes of imposing the conditions of
11 probation and for appeal, however, discharge and dismissal
12 under this Section is not a conviction for purposes of
13 disqualification or disabilities imposed by law upon
14 conviction of a crime (including the additional penalty imposed
15 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
16 of this Act).

17 (h) A person may not have more than one discharge and
18 dismissal under this Section within a 4-year period.

19 (i) If a person is convicted of an offense under this Act,
20 the Illinois Controlled Substances Act, or the Methamphetamine
21 Control and Community Protection Act within 5 years subsequent
22 to a discharge and dismissal under this Section, the discharge
23 and dismissal under this Section shall be admissible in the
24 sentencing proceeding for that conviction as a factor in
25 aggravation.

26 (j) Notwithstanding subsection (a), before a person is

1 sentenced to probation under this Section, the court may refer
2 the person to the drug court established in that judicial
3 circuit pursuant to Section 15 of the Drug Court Treatment Act.
4 The drug court team shall evaluate the person's likelihood of
5 successfully completing a sentence of probation under this
6 Section and shall report the results of its evaluation to the
7 court. If the drug court team finds that the person suffers
8 from a substance abuse problem that makes him or her
9 substantially unlikely to successfully complete a sentence of
10 probation under this Section, then the drug court shall set
11 forth its findings in the form of a written order, and the
12 person shall not be sentenced to probation under this Section,
13 but shall be considered for the drug court program.

14 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

15 Section 20. The Illinois Controlled Substances Act is
16 amended by changing Section 410 as follows:

17 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

18 (Text of Section before amendment by P.A. 100-3)

19 Sec. 410. (a) Whenever any person who has not previously
20 been convicted of, or placed on probation or court supervision
21 for any offense under this Act or any law of the United States
22 or of any State relating to cannabis or controlled substances,
23 pleads guilty to or is found guilty of possession of a
24 controlled or counterfeit substance under subsection (c) of

1 Section 402 or of unauthorized possession of prescription form
2 under Section 406.2, the court, without entering a judgment and
3 with the consent of such person, may sentence him or her to
4 probation.

5 (b) When a person is placed on probation, the court shall
6 enter an order specifying a period of probation of 24 months
7 and shall defer further proceedings in the case until the
8 conclusion of the period or until the filing of a petition
9 alleging violation of a term or condition of probation.

10 (c) The conditions of probation shall be that the person:
11 (1) not violate any criminal statute of any jurisdiction; (2)
12 refrain from possessing a firearm or other dangerous weapon;
13 (3) submit to periodic drug testing at a time and in a manner
14 as ordered by the court, but no less than 3 times during the
15 period of the probation, with the cost of the testing to be
16 paid by the probationer; and (4) perform no less than 30 hours
17 of community service, provided community service is available
18 in the jurisdiction and is funded and approved by the county
19 board. The court may give credit toward the fulfillment of
20 community service hours for participation in activities and
21 treatment as determined by court services.

22 (d) The court may, in addition to other conditions, require
23 that the person:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of probation;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational
4 training;

5 (4) undergo medical or psychiatric treatment; or
6 treatment or rehabilitation approved by the Illinois
7 Department of Human Services;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his or her dependents;

11 (6-5) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her blood or urine or both for tests to determine the
17 presence of any illicit drug;

18 (7) and in addition, if a minor:

19 (i) reside with his or her parents or in a foster
20 home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 (iv) contribute to his or her own support at home
24 or in a foster home.

25 (e) Upon violation of a term or condition of probation, the
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge the person and dismiss the
4 proceedings against him or her.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of this Act
9 or for purposes of disqualifications or disabilities imposed by
10 law upon conviction of a crime.

11 (h) There may be only one discharge and dismissal under
12 this Section, Section 10 of the Cannabis Control Act, Section
13 70 of the Methamphetamine Control and Community Protection Act,
14 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,
15 or subsection (c) of Section 11-14 of the Criminal Code of 1961
16 or the Criminal Code of 2012 with respect to any person.

17 (i) If a person is convicted of an offense under this Act,
18 the Cannabis Control Act, or the Methamphetamine Control and
19 Community Protection Act within 5 years subsequent to a
20 discharge and dismissal under this Section, the discharge and
21 dismissal under this Section shall be admissible in the
22 sentencing proceeding for that conviction as evidence in
23 aggravation.

24 (j) Notwithstanding subsection (a), before a person is
25 sentenced to probation under this Section, the court may refer
26 the person to the drug court established in that judicial

1 circuit pursuant to Section 15 of the Drug Court Treatment Act.
2 The drug court team shall evaluate the person's likelihood of
3 successfully completing a sentence of probation under this
4 Section and shall report the results of its evaluation to the
5 court. If the drug court team finds that the person suffers
6 from a substance abuse problem that makes him or her
7 substantially unlikely to successfully complete a sentence of
8 probation under this Section, then the drug court shall set
9 forth its findings in the form of a written order, and the
10 person shall not be sentenced to probation under this Section,
11 but may be considered for the drug court program.

12 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

13 (Text of Section after amendment by P.A. 100-3)

14 Sec. 410. (a) Whenever any person who has not previously
15 been convicted of any felony offense under this Act or any law
16 of the United States or of any State relating to cannabis or
17 controlled substances, pleads guilty to or is found guilty of
18 possession of a controlled or counterfeit substance under
19 subsection (c) of Section 402 or of unauthorized possession of
20 prescription form under Section 406.2, the court, without
21 entering a judgment and with the consent of such person, may
22 sentence him or her to probation.

23 (b) When a person is placed on probation, the court shall
24 enter an order specifying a period of probation of 24 months
25 and shall defer further proceedings in the case until the

1 conclusion of the period or until the filing of a petition
2 alleging violation of a term or condition of probation.

3 (c) The conditions of probation shall be that the person:
4 (1) not violate any criminal statute of any jurisdiction; (2)
5 refrain from possessing a firearm or other dangerous weapon;
6 (3) submit to periodic drug testing at a time and in a manner
7 as ordered by the court, but no less than 3 times during the
8 period of the probation, with the cost of the testing to be
9 paid by the probationer; and (4) perform no less than 30 hours
10 of community service, provided community service is available
11 in the jurisdiction and is funded and approved by the county
12 board. The court may give credit toward the fulfillment of
13 community service hours for participation in activities and
14 treatment as determined by court services.

15 (d) The court may, in addition to other conditions, require
16 that the person:

17 (1) make a report to and appear in person before or
18 participate with the court or such courts, person, or
19 social service agency as directed by the court in the order
20 of probation;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical or psychiatric treatment; or
25 treatment or rehabilitation approved by the Illinois
26 Department of Human Services;

1 (5) attend or reside in a facility established for the
2 instruction or residence of defendants on probation;

3 (6) support his or her dependents;

4 (6-5) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

11 (7) and in addition, if a minor:

12 (i) reside with his or her parents or in a foster
13 home;

14 (ii) attend school;

15 (iii) attend a non-residential program for youth;

16 (iv) contribute to his or her own support at home
17 or in a foster home.

18 (e) Upon violation of a term or condition of probation, the
19 court may enter a judgment on its original finding of guilt and
20 proceed as otherwise provided.

21 (f) Upon fulfillment of the terms and conditions of
22 probation, the court shall discharge the person and dismiss the
23 proceedings against him or her.

24 (g) A disposition of probation is considered to be a
25 conviction for the purposes of imposing the conditions of
26 probation and for appeal, however, discharge and dismissal

1 under this Section is not a conviction for purposes of this Act
2 or for purposes of disqualifications or disabilities imposed by
3 law upon conviction of a crime.

4 (h) A person may not have more than one discharge and
5 dismissal under this Section within a 4-year period.

6 (i) If a person is convicted of an offense under this Act,
7 the Cannabis Control Act, or the Methamphetamine Control and
8 Community Protection Act within 5 years subsequent to a
9 discharge and dismissal under this Section, the discharge and
10 dismissal under this Section shall be admissible in the
11 sentencing proceeding for that conviction as evidence in
12 aggravation.

13 (j) Notwithstanding subsection (a), before a person is
14 sentenced to probation under this Section, the court may refer
15 the person to the drug court established in that judicial
16 circuit pursuant to Section 15 of the Drug Court Treatment Act.
17 The drug court team shall evaluate the person's likelihood of
18 successfully completing a sentence of probation under this
19 Section and shall report the results of its evaluation to the
20 court. If the drug court team finds that the person suffers
21 from a substance abuse problem that makes him or her
22 substantially unlikely to successfully complete a sentence of
23 probation under this Section, then the drug court shall set
24 forth its findings in the form of a written order, and the
25 person shall not be sentenced to probation under this Section,
26 but shall be considered for the drug court program.

1 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

2 Section 25. The Methamphetamine Control and Community
3 Protection Act is amended by changing Section 70 as follows:

4 (720 ILCS 646/70)

5 (Text of Section before amendment by P.A. 100-3)

6 Sec. 70. Probation.

7 (a) Whenever any person who has not previously been
8 convicted of, or placed on probation or court supervision for
9 any offense under this Act, the Illinois Controlled Substances
10 Act, the Cannabis Control Act, or any law of the United States
11 or of any state relating to cannabis or controlled substances,
12 pleads guilty to or is found guilty of possession of less than
13 15 grams of methamphetamine under paragraph (1) or (2) of
14 subsection (b) of Section 60 of this Act, the court, without
15 entering a judgment and with the consent of the person, may
16 sentence him or her to probation.

17 (b) When a person is placed on probation, the court shall
18 enter an order specifying a period of probation of 24 months
19 and shall defer further proceedings in the case until the
20 conclusion of the period or until the filing of a petition
21 alleging violation of a term or condition of probation.

22 (c) The conditions of probation shall be that the person:

23 (1) not violate any criminal statute of any
24 jurisdiction;

1 (2) refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) submit to periodic drug testing at a time and in a
4 manner as ordered by the court, but no less than 3 times
5 during the period of the probation, with the cost of the
6 testing to be paid by the probationer; and

7 (4) perform no less than 30 hours of community service,
8 if community service is available in the jurisdiction and
9 is funded and approved by the county board. The court may
10 give credit toward the fulfillment of community service
11 hours for participation in activities and treatment as
12 determined by court services.

13 (d) The court may, in addition to other conditions, require
14 that the person take one or more of the following actions:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the order
18 of probation;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

22 (4) undergo medical or psychiatric treatment; or
23 treatment or rehabilitation approved by the Illinois
24 Department of Human Services;

25 (5) attend or reside in a facility established for the
26 instruction or residence of defendants on probation;

1 (6) support his or her dependents;

2 (7) refrain from having in his or her body the presence
3 of any illicit drug prohibited by this Act, the Cannabis
4 Control Act, or the Illinois Controlled Substances Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug; or

8 (8) if a minor:

9 (i) reside with his or her parents or in a foster
10 home;

11 (ii) attend school;

12 (iii) attend a non-residential program for youth;

13 or

14 (iv) contribute to his or her own support at home
15 or in a foster home.

16 (e) Upon violation of a term or condition of probation, the
17 court may enter a judgment on its original finding of guilt and
18 proceed as otherwise provided.

19 (f) Upon fulfillment of the terms and conditions of
20 probation, the court shall discharge the person and dismiss the
21 proceedings against the person.

22 (g) A disposition of probation is considered to be a
23 conviction for the purposes of imposing the conditions of
24 probation and for appeal, however, discharge and dismissal
25 under this Section is not a conviction for purposes of this Act
26 or for purposes of disqualifications or disabilities imposed by

1 law upon conviction of a crime.

2 (h) There may be only one discharge and dismissal under
3 this Section, Section 410 of the Illinois Controlled Substances
4 Act, Section 10 of the Cannabis Control Act, Section 5-6-3.3 or
5 5-6-3.4 of the Unified Code of Corrections, or subsection (c)
6 of Section 11-14 of the Criminal Code of 1961 or the Criminal
7 Code of 2012 with respect to any person.

8 (i) If a person is convicted of an offense under this Act,
9 the Cannabis Control Act, or the Illinois Controlled Substances
10 Act within 5 years subsequent to a discharge and dismissal
11 under this Section, the discharge and dismissal under this
12 Section are admissible in the sentencing proceeding for that
13 conviction as evidence in aggravation.

14 (j) Notwithstanding subsection (a), before a person is
15 sentenced to probation under this Section, the court may refer
16 the person to the drug court established in that judicial
17 circuit pursuant to Section 15 of the Drug Court Treatment Act.
18 The drug court team shall evaluate the person's likelihood of
19 successfully completing a sentence of probation under this
20 Section and shall report the results of its evaluation to the
21 court. If the drug court team finds that the person suffers
22 from a substance abuse problem that makes him or her
23 substantially unlikely to successfully complete a sentence of
24 probation under this Section, then the drug court shall set
25 forth its findings in the form of a written order, and the
26 person shall not be sentenced to probation under this Section,

1 but may be considered for the drug court program.

2 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

3 (Text of Section after amendment by P.A. 100-3)

4 Sec. 70. Probation.

5 (a) Whenever any person who has not previously been
6 convicted of any felony offense under this Act, the Illinois
7 Controlled Substances Act, the Cannabis Control Act, or any law
8 of the United States or of any state relating to cannabis or
9 controlled substances, pleads guilty to or is found guilty of
10 possession of less than 15 grams of methamphetamine under
11 paragraph (1) or (2) of subsection (b) of Section 60 of this
12 Act, the court, without entering a judgment and with the
13 consent of the person, may sentence him or her to probation.

14 (b) When a person is placed on probation, the court shall
15 enter an order specifying a period of probation of 24 months
16 and shall defer further proceedings in the case until the
17 conclusion of the period or until the filing of a petition
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:

20 (1) not violate any criminal statute of any
21 jurisdiction;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) submit to periodic drug testing at a time and in a
25 manner as ordered by the court, but no less than 3 times

1 during the period of the probation, with the cost of the
2 testing to be paid by the probationer; and

3 (4) perform no less than 30 hours of community service,
4 if community service is available in the jurisdiction and
5 is funded and approved by the county board. The court may
6 give credit toward the fulfillment of community service
7 hours for participation in activities and treatment as
8 determined by court services.

9 (d) The court may, in addition to other conditions, require
10 that the person take one or more of the following actions:

11 (1) make a report to and appear in person before or
12 participate with the court or such courts, person, or
13 social service agency as directed by the court in the order
14 of probation;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical or psychiatric treatment; or
19 treatment or rehabilitation approved by the Illinois
20 Department of Human Services;

21 (5) attend or reside in a facility established for the
22 instruction or residence of defendants on probation;

23 (6) support his or her dependents;

24 (7) refrain from having in his or her body the presence
25 of any illicit drug prohibited by this Act, the Cannabis
26 Control Act, or the Illinois Controlled Substances Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug; or

4 (8) if a minor:

5 (i) reside with his or her parents or in a foster
6 home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 or

10 (iv) contribute to his or her own support at home
11 or in a foster home.

12 (e) Upon violation of a term or condition of probation, the
13 court may enter a judgment on its original finding of guilt and
14 proceed as otherwise provided.

15 (f) Upon fulfillment of the terms and conditions of
16 probation, the court shall discharge the person and dismiss the
17 proceedings against the person.

18 (g) A disposition of probation is considered to be a
19 conviction for the purposes of imposing the conditions of
20 probation and for appeal, however, discharge and dismissal
21 under this Section is not a conviction for purposes of this Act
22 or for purposes of disqualifications or disabilities imposed by
23 law upon conviction of a crime.

24 (h) A person may not have more than one discharge and
25 dismissal under this Section within a 4-year period.

26 (i) If a person is convicted of an offense under this Act,

1 the Cannabis Control Act, or the Illinois Controlled Substances
2 Act within 5 years subsequent to a discharge and dismissal
3 under this Section, the discharge and dismissal under this
4 Section are admissible in the sentencing proceeding for that
5 conviction as evidence in aggravation.

6 (j) Notwithstanding subsection (a), before a person is
7 sentenced to probation under this Section, the court may refer
8 the person to the drug court established in that judicial
9 circuit pursuant to Section 15 of the Drug Court Treatment Act.
10 The drug court team shall evaluate the person's likelihood of
11 successfully completing a sentence of probation under this
12 Section and shall report the results of its evaluation to the
13 court. If the drug court team finds that the person suffers
14 from a substance abuse problem that makes him or her
15 substantially unlikely to successfully complete a sentence of
16 probation under this Section, then the drug court shall set
17 forth its findings in the form of a written order, and the
18 person shall not be sentenced to probation under this Section,
19 but shall be considered for the drug court program.

20 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

21 Section 30. The Unified Code of Corrections is amended by
22 changing Sections 3-3-7, 3-6-3, 5-5-3, 5-6-3, 5-6-3.3,
23 5-6-3.4, and 5-8A-3 and by adding Section 5-8A-4.2 as follows:

24 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

1 (Text of Section before amendment by P.A. 100-260)

2 Sec. 3-3-7. Conditions of parole or mandatory supervised
3 release.

4 (a) The conditions of parole or mandatory supervised
5 release shall be such as the Prisoner Review Board deems
6 necessary to assist the subject in leading a law-abiding life.
7 The conditions of every parole and mandatory supervised release
8 are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) report to an agent of the Department of
14 Corrections;

15 (4) permit the agent to visit him or her at his or her
16 home, employment, or elsewhere to the extent necessary for
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the
19 instruction or residence of persons on parole or mandatory
20 supervised release;

21 (6) secure permission before visiting or writing a
22 committed person in an Illinois Department of Corrections
23 facility;

24 (7) report all arrests to an agent of the Department of
25 Corrections as soon as permitted by the arresting authority
26 but in no event later than 24 hours after release from

1 custody and immediately report service or notification of
2 an order of protection, a civil no contact order, or a
3 stalking no contact order to an agent of the Department of
4 Corrections;

5 (7.5) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, the individual shall
7 undergo and successfully complete sex offender treatment
8 conducted in conformance with the standards developed by
9 the Sex Offender Management Board Act by a treatment
10 provider approved by the Board;

11 (7.6) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, refrain from residing at
13 the same address or in the same condominium unit or
14 apartment unit or in the same condominium complex or
15 apartment complex with another person he or she knows or
16 reasonably should know is a convicted sex offender or has
17 been placed on supervision for a sex offense; the
18 provisions of this paragraph do not apply to a person
19 convicted of a sex offense who is placed in a Department of
20 Corrections licensed transitional housing facility for sex
21 offenders, or is in any facility operated or licensed by
22 the Department of Children and Family Services or by the
23 Department of Human Services, or is in any licensed medical
24 facility;

25 (7.7) if convicted for an offense that would qualify
26 the accused as a sexual predator under the Sex Offender

1 Registration Act on or after January 1, 2007 (the effective
2 date of Public Act 94-988), wear an approved electronic
3 monitoring device as defined in Section 5-8A-2 for the
4 duration of the person's parole, mandatory supervised
5 release term, or extended mandatory supervised release
6 term and if convicted for an offense of criminal sexual
7 assault, aggravated criminal sexual assault, predatory
8 criminal sexual assault of a child, criminal sexual abuse,
9 aggravated criminal sexual abuse, or ritualized abuse of a
10 child committed on or after August 11, 2009 (the effective
11 date of Public Act 96-236) when the victim was under 18
12 years of age at the time of the commission of the offense
13 and the defendant used force or the threat of force in the
14 commission of the offense wear an approved electronic
15 monitoring device as defined in Section 5-8A-2 that has
16 Global Positioning System (GPS) capability for the
17 duration of the person's parole, mandatory supervised
18 release term, or extended mandatory supervised release
19 term;

20 (7.8) if convicted for an offense committed on or after
21 June 1, 2008 (the effective date of Public Act 95-464) that
22 would qualify the accused as a child sex offender as
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
24 1961 or the Criminal Code of 2012, refrain from
25 communicating with or contacting, by means of the Internet,
26 a person who is not related to the accused and whom the

1 accused reasonably believes to be under 18 years of age;
2 for purposes of this paragraph (7.8), "Internet" has the
3 meaning ascribed to it in Section 16-0.1 of the Criminal
4 Code of 2012; and a person is not related to the accused if
5 the person is not: (i) the spouse, brother, or sister of
6 the accused; (ii) a descendant of the accused; (iii) a
7 first or second cousin of the accused; or (iv) a step-child
8 or adopted child of the accused;

9 (7.9) if convicted under Section 11-6, 11-20.1,
10 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, consent to search of computers,
12 PDAs, cellular phones, and other devices under his or her
13 control that are capable of accessing the Internet or
14 storing electronic files, in order to confirm Internet
15 protocol addresses reported in accordance with the Sex
16 Offender Registration Act and compliance with conditions
17 in this Act;

18 (7.10) if convicted for an offense that would qualify
19 the accused as a sex offender or sexual predator under the
20 Sex Offender Registration Act on or after June 1, 2008 (the
21 effective date of Public Act 95-640), not possess
22 prescription drugs for erectile dysfunction;

23 (7.11) if convicted for an offense under Section 11-6,
24 11-9.1, 11-14.4 that involves soliciting for a juvenile
25 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 or any attempt to commit any of these offenses, committed
2 on or after June 1, 2009 (the effective date of Public Act
3 95-983):

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the Department;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's supervising
10 agent, a law enforcement officer, or assigned computer
11 or information technology specialist, including the
12 retrieval and copying of all data from the computer or
13 device and any internal or external peripherals and
14 removal of such information, equipment, or device to
15 conduct a more thorough inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a
22 computer or any other device with Internet capability
23 imposed by the Board, the Department or the offender's
24 supervising agent;

25 (7.12) if convicted of a sex offense as defined in the
26 Sex Offender Registration Act committed on or after January

1 1, 2010 (the effective date of Public Act 96-262), refrain
2 from accessing or using a social networking website as
3 defined in Section 17-0.5 of the Criminal Code of 2012;

4 (7.13) if convicted of a sex offense as defined in
5 Section 2 of the Sex Offender Registration Act committed on
6 or after January 1, 2010 (the effective date of Public Act
7 96-362) that requires the person to register as a sex
8 offender under that Act, may not knowingly use any computer
9 scrub software on any computer that the sex offender uses;

10 (8) obtain permission of an agent of the Department of
11 Corrections before leaving the State of Illinois;

12 (9) obtain permission of an agent of the Department of
13 Corrections before changing his or her residence or
14 employment;

15 (10) consent to a search of his or her person,
16 property, or residence under his or her control;

17 (11) refrain from the use or possession of narcotics or
18 other controlled substances in any form, or both, or any
19 paraphernalia related to those substances and submit to a
20 urinalysis test as instructed by a parole agent of the
21 Department of Corrections;

22 (12) not frequent places where controlled substances
23 are illegally sold, used, distributed, or administered;

24 (13) not knowingly associate with other persons on
25 parole or mandatory supervised release without prior
26 written permission of his or her parole agent, except when

1 the association involves activities related to community
2 programs, worship services, volunteering, and engaging
3 families, and not associate with persons who are members of
4 an organized gang as that term is defined in the Illinois
5 Streetgang Terrorism Omnibus Prevention Act;

6 (14) provide true and accurate information, as it
7 relates to his or her adjustment in the community while on
8 parole or mandatory supervised release or to his or her
9 conduct while incarcerated, in response to inquiries by his
10 or her parole agent or of the Department of Corrections;

11 (15) follow any specific instructions provided by the
12 parole agent that are consistent with furthering
13 conditions set and approved by the Prisoner Review Board or
14 by law, exclusive of placement on electronic detention, to
15 achieve the goals and objectives of his or her parole or
16 mandatory supervised release or to protect the public.
17 These instructions by the parole agent may be modified at
18 any time, as the agent deems appropriate;

19 (16) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter;

3 (17) if convicted of a violation of an order of
4 protection under Section 12-3.4 or Section 12-30 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, be
6 placed under electronic surveillance as provided in
7 Section 5-8A-7 of this Code;

8 (18) comply with the terms and conditions of an order
9 of protection issued pursuant to the Illinois Domestic
10 Violence Act of 1986; an order of protection issued by the
11 court of another state, tribe, or United States territory;
12 a no contact order issued pursuant to the Civil No Contact
13 Order Act; or a no contact order issued pursuant to the
14 Stalking No Contact Order Act; ~~and~~

15 (19) if convicted of a violation of the Methamphetamine
16 Control and Community Protection Act, the Methamphetamine
17 Precursor Control Act, or a methamphetamine related
18 offense, be:

19 (A) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 pseudoephedrine unless prescribed by a physician; and

22 (B) prohibited from purchasing, possessing, or
23 having under his or her control any product containing
24 ammonium nitrate; and

25 (20) be evaluated by the Department of Corrections
26 prior to release using a validated risk assessment and be

1 subject to a corresponding level of supervision. In
2 accordance with the findings of that evaluation:

3 (A) All subjects found to be at a moderate or high
4 risk to recidivate, or on parole or mandatory
5 supervised release for first degree murder, a Class X
6 felony, or a Class 1 felony violation of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or any
8 felony that requires registration as a sex offender
9 under the Sex Offender Registration Act, shall be
10 subject to high level supervision. The Department
11 shall define high level supervision based upon
12 evidence-based and research-based practices.
13 Notwithstanding this placement on high level
14 supervision, placement of the subject on electronic
15 monitoring or detention shall not occur unless it is
16 required by law or expressly ordered or approved by the
17 Prisoner Review Board.

18 (B) All subjects found to be at a low risk to
19 recidivate shall be subject to low-level supervision,
20 except for those subjects on parole or mandatory
21 supervised release for first degree murder, a Class X
22 felony, or a Class 1 felony violation of the Criminal
23 Code of 1961 or the Criminal Code of 2012, or any
24 felony that requires registration as a sex offender
25 under the Sex Offender Registration Act. Low level
26 supervision shall require the subject to check in with

1 the supervising officer via phone or other electronic
2 means. Notwithstanding this placement on low level
3 supervision, placement of the subject on electronic
4 monitoring or detention shall not occur unless it is
5 required by law or expressly ordered or approved by the
6 Prisoner Review Board.

7 (b) The Board may in addition to other conditions require
8 that the subject:

9 (1) work or pursue a course of study or vocational
10 training;

11 (2) undergo medical or psychiatric treatment, or
12 treatment for drug addiction or alcoholism;

13 (3) attend or reside in a facility established for the
14 instruction or residence of persons on probation or parole;

15 (4) support his or her dependents;

16 (5) (blank);

17 (6) (blank);

18 (7) (blank);

19 (7.5) if convicted for an offense committed on or after
20 the effective date of this amendatory Act of the 95th
21 General Assembly that would qualify the accused as a child
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, refrain
24 from communicating with or contacting, by means of the
25 Internet, a person who is related to the accused and whom
26 the accused reasonably believes to be under 18 years of

1 age; for purposes of this paragraph (7.5), "Internet" has
2 the meaning ascribed to it in Section 16-0.1 of the
3 Criminal Code of 2012; and a person is related to the
4 accused if the person is: (i) the spouse, brother, or
5 sister of the accused; (ii) a descendant of the accused;
6 (iii) a first or second cousin of the accused; or (iv) a
7 step-child or adopted child of the accused;

8 (7.6) if convicted for an offense committed on or after
9 June 1, 2009 (the effective date of Public Act 95-983) that
10 would qualify as a sex offense as defined in the Sex
11 Offender Registration Act:

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the Department;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's supervising
18 agent, a law enforcement officer, or assigned computer
19 or information technology specialist, including the
20 retrieval and copying of all data from the computer or
21 device and any internal or external peripherals and
22 removal of such information, equipment, or device to
23 conduct a more thorough inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the Board, the Department or the offender's
6 supervising agent; and

7 (8) in addition, if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 or

13 (iv) contribute to his or her own support at home
14 or in a foster home.

15 (b-1) In addition to the conditions set forth in
16 subsections (a) and (b), persons required to register as sex
17 offenders pursuant to the Sex Offender Registration Act, upon
18 release from the custody of the Illinois Department of
19 Corrections, may be required by the Board to comply with the
20 following specific conditions of release:

21 (1) reside only at a Department approved location;

22 (2) comply with all requirements of the Sex Offender
23 Registration Act;

24 (3) notify third parties of the risks that may be
25 occasioned by his or her criminal record;

26 (4) obtain the approval of an agent of the Department

1 of Corrections prior to accepting employment or pursuing a
2 course of study or vocational training and notify the
3 Department prior to any change in employment, study, or
4 training;

5 (5) not be employed or participate in any volunteer
6 activity that involves contact with children, except under
7 circumstances approved in advance and in writing by an
8 agent of the Department of Corrections;

9 (6) be electronically monitored for a minimum of 12
10 months from the date of release as determined by the Board;

11 (7) refrain from entering into a designated geographic
12 area except upon terms approved in advance by an agent of
13 the Department of Corrections. The terms may include
14 consideration of the purpose of the entry, the time of day,
15 and others accompanying the person;

16 (8) refrain from having any contact, including written
17 or oral communications, directly or indirectly, personally
18 or by telephone, letter, or through a third party with
19 certain specified persons including, but not limited to,
20 the victim or the victim's family without the prior written
21 approval of an agent of the Department of Corrections;

22 (9) refrain from all contact, directly or indirectly,
23 personally, by telephone, letter, or through a third party,
24 with minor children without prior identification and
25 approval of an agent of the Department of Corrections;

26 (10) neither possess or have under his or her control

1 any material that is sexually oriented, sexually
2 stimulating, or that shows male or female sex organs or any
3 pictures depicting children under 18 years of age nude or
4 any written or audio material describing sexual
5 intercourse or that depicts or alludes to sexual activity,
6 including but not limited to visual, auditory, telephonic,
7 or electronic media, or any matter obtained through access
8 to any computer or material linked to computer access use;

9 (11) not patronize any business providing sexually
10 stimulating or sexually oriented entertainment nor utilize
11 "900" or adult telephone numbers;

12 (12) not reside near, visit, or be in or about parks,
13 schools, day care centers, swimming pools, beaches,
14 theaters, or any other places where minor children
15 congregate without advance approval of an agent of the
16 Department of Corrections and immediately report any
17 incidental contact with minor children to the Department;

18 (13) not possess or have under his or her control
19 certain specified items of contraband related to the
20 incidence of sexually offending as determined by an agent
21 of the Department of Corrections;

22 (14) may be required to provide a written daily log of
23 activities if directed by an agent of the Department of
24 Corrections;

25 (15) comply with all other special conditions that the
26 Department may impose that restrict the person from

1 high-risk situations and limit access to potential
2 victims;

3 (16) take an annual polygraph exam;

4 (17) maintain a log of his or her travel; or

5 (18) obtain prior approval of his or her parole officer
6 before driving alone in a motor vehicle.

7 (c) The conditions under which the parole or mandatory
8 supervised release is to be served shall be communicated to the
9 person in writing prior to his or her release, and he or she
10 shall sign the same before release. A signed copy of these
11 conditions, including a copy of an order of protection where
12 one had been issued by the criminal court, shall be retained by
13 the person and another copy forwarded to the officer in charge
14 of his or her supervision.

15 (d) After a hearing under Section 3-3-9, the Prisoner
16 Review Board may modify or enlarge the conditions of parole or
17 mandatory supervised release.

18 (e) The Department shall inform all offenders committed to
19 the Department of the optional services available to them upon
20 release and shall assist inmates in availing themselves of such
21 optional services upon their release on a voluntary basis.

22 (f) (Blank).

23 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;
24 100-201, eff. 8-18-17.)

25 (Text of Section after amendment by P.A. 100-260)

1 Sec. 3-3-7. Conditions of parole or mandatory supervised
2 release.

3 (a) The conditions of parole or mandatory supervised
4 release shall be such as the Prisoner Review Board deems
5 necessary to assist the subject in leading a law-abiding life.
6 The conditions of every parole and mandatory supervised release
7 are that the subject:

8 (1) not violate any criminal statute of any
9 jurisdiction during the parole or release term;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) report to an agent of the Department of
13 Corrections;

14 (4) permit the agent to visit him or her at his or her
15 home, employment, or elsewhere to the extent necessary for
16 the agent to discharge his or her duties;

17 (5) attend or reside in a facility established for the
18 instruction or residence of persons on parole or mandatory
19 supervised release;

20 (6) secure permission before visiting or writing a
21 committed person in an Illinois Department of Corrections
22 facility;

23 (7) report all arrests to an agent of the Department of
24 Corrections as soon as permitted by the arresting authority
25 but in no event later than 24 hours after release from
26 custody and immediately report service or notification of

1 an order of protection, a civil no contact order, or a
2 stalking no contact order to an agent of the Department of
3 Corrections;

4 (7.5) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, the individual shall
6 undergo and successfully complete sex offender treatment
7 conducted in conformance with the standards developed by
8 the Sex Offender Management Board Act by a treatment
9 provider approved by the Board;

10 (7.6) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, refrain from residing at
12 the same address or in the same condominium unit or
13 apartment unit or in the same condominium complex or
14 apartment complex with another person he or she knows or
15 reasonably should know is a convicted sex offender or has
16 been placed on supervision for a sex offense; the
17 provisions of this paragraph do not apply to a person
18 convicted of a sex offense who is placed in a Department of
19 Corrections licensed transitional housing facility for sex
20 offenders, or is in any facility operated or licensed by
21 the Department of Children and Family Services or by the
22 Department of Human Services, or is in any licensed medical
23 facility;

24 (7.7) if convicted for an offense that would qualify
25 the accused as a sexual predator under the Sex Offender
26 Registration Act on or after January 1, 2007 (the effective

1 date of Public Act 94-988), wear an approved electronic
2 monitoring device as defined in Section 5-8A-2 for the
3 duration of the person's parole, mandatory supervised
4 release term, or extended mandatory supervised release
5 term and if convicted for an offense of criminal sexual
6 assault, aggravated criminal sexual assault, predatory
7 criminal sexual assault of a child, criminal sexual abuse,
8 aggravated criminal sexual abuse, or ritualized abuse of a
9 child committed on or after August 11, 2009 (the effective
10 date of Public Act 96-236) when the victim was under 18
11 years of age at the time of the commission of the offense
12 and the defendant used force or the threat of force in the
13 commission of the offense wear an approved electronic
14 monitoring device as defined in Section 5-8A-2 that has
15 Global Positioning System (GPS) capability for the
16 duration of the person's parole, mandatory supervised
17 release term, or extended mandatory supervised release
18 term;

19 (7.8) if convicted for an offense committed on or after
20 June 1, 2008 (the effective date of Public Act 95-464) that
21 would qualify the accused as a child sex offender as
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
23 1961 or the Criminal Code of 2012, refrain from
24 communicating with or contacting, by means of the Internet,
25 a person who is not related to the accused and whom the
26 accused reasonably believes to be under 18 years of age;

1 for purposes of this paragraph (7.8), "Internet" has the
2 meaning ascribed to it in Section 16-0.1 of the Criminal
3 Code of 2012; and a person is not related to the accused if
4 the person is not: (i) the spouse, brother, or sister of
5 the accused; (ii) a descendant of the accused; (iii) a
6 first or second cousin of the accused; or (iv) a step-child
7 or adopted child of the accused;

8 (7.9) if convicted under Section 11-6, 11-20.1,
9 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
10 the Criminal Code of 2012, consent to search of computers,
11 PDAs, cellular phones, and other devices under his or her
12 control that are capable of accessing the Internet or
13 storing electronic files, in order to confirm Internet
14 protocol addresses reported in accordance with the Sex
15 Offender Registration Act and compliance with conditions
16 in this Act;

17 (7.10) if convicted for an offense that would qualify
18 the accused as a sex offender or sexual predator under the
19 Sex Offender Registration Act on or after June 1, 2008 (the
20 effective date of Public Act 95-640), not possess
21 prescription drugs for erectile dysfunction;

22 (7.11) if convicted for an offense under Section 11-6,
23 11-9.1, 11-14.4 that involves soliciting for a juvenile
24 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 or any attempt to commit any of these offenses, committed

1 on or after June 1, 2009 (the effective date of Public Act
2 95-983):

3 (i) not access or use a computer or any other
4 device with Internet capability without the prior
5 written approval of the Department;

6 (ii) submit to periodic unannounced examinations
7 of the offender's computer or any other device with
8 Internet capability by the offender's supervising
9 agent, a law enforcement officer, or assigned computer
10 or information technology specialist, including the
11 retrieval and copying of all data from the computer or
12 device and any internal or external peripherals and
13 removal of such information, equipment, or device to
14 conduct a more thorough inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 offender's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the Board, the Department or the offender's
23 supervising agent;

24 (7.12) if convicted of a sex offense as defined in the
25 Sex Offender Registration Act committed on or after January
26 1, 2010 (the effective date of Public Act 96-262), refrain

1 from accessing or using a social networking website as
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (7.13) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed on
5 or after January 1, 2010 (the effective date of Public Act
6 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any computer
8 scrub software on any computer that the sex offender uses;

9 (8) obtain permission of an agent of the Department of
10 Corrections before leaving the State of Illinois;

11 (9) obtain permission of an agent of the Department of
12 Corrections before changing his or her residence or
13 employment;

14 (10) consent to a search of his or her person,
15 property, or residence under his or her control;

16 (11) refrain from the use or possession of narcotics or
17 other controlled substances in any form, or both, or any
18 paraphernalia related to those substances and submit to a
19 urinalysis test as instructed by a parole agent of the
20 Department of Corrections;

21 (12) not frequent places where controlled substances
22 are illegally sold, used, distributed, or administered;

23 (13) not knowingly associate with other persons on
24 parole or mandatory supervised release without prior
25 written permission of his or her parole agent, except when
26 the association involves activities related to community

1 programs, worship services, volunteering, and engaging
2 families, and not associate with persons who are members of
3 an organized gang as that term is defined in the Illinois
4 Streetgang Terrorism Omnibus Prevention Act;

5 (14) provide true and accurate information, as it
6 relates to his or her adjustment in the community while on
7 parole or mandatory supervised release or to his or her
8 conduct while incarcerated, in response to inquiries by his
9 or her parole agent or of the Department of Corrections;

10 (15) follow any specific instructions provided by the
11 parole agent that are consistent with furthering
12 conditions set and approved by the Prisoner Review Board or
13 by law, exclusive of placement on electronic detention, to
14 achieve the goals and objectives of his or her parole or
15 mandatory supervised release or to protect the public.
16 These instructions by the parole agent may be modified at
17 any time, as the agent deems appropriate;

18 (16) if convicted of a sex offense as defined in
19 subsection (a-5) of Section 3-1-2 of this Code, unless the
20 offender is a parent or guardian of the person under 18
21 years of age present in the home and no non-familial minors
22 are present, not participate in a holiday event involving
23 children under 18 years of age, such as distributing candy
24 or other items to children on Halloween, wearing a Santa
25 Claus costume on or preceding Christmas, being employed as
26 a department store Santa Claus, or wearing an Easter Bunny

1 costume on or preceding Easter;

2 (17) if convicted of a violation of an order of
3 protection under Section 12-3.4 or Section 12-30 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, be
5 placed under electronic surveillance as provided in
6 Section 5-8A-7 of this Code;

7 (18) comply with the terms and conditions of an order
8 of protection issued pursuant to the Illinois Domestic
9 Violence Act of 1986; an order of protection issued by the
10 court of another state, tribe, or United States territory;
11 a no contact order issued pursuant to the Civil No Contact
12 Order Act; or a no contact order issued pursuant to the
13 Stalking No Contact Order Act;

14 (19) if convicted of a violation of the Methamphetamine
15 Control and Community Protection Act, the Methamphetamine
16 Precursor Control Act, or a methamphetamine related
17 offense, be:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate; ~~and~~

24 (20) if convicted of a hate crime under Section 12-7.1
25 of the Criminal Code of 2012, perform public or community
26 service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the
2 protected class identified in subsection (a) of Section
3 12-7.1 of the Criminal Code of 2012 that gave rise to the
4 offense the offender committed ordered by the court; and

5 (21) be evaluated by the Department of Corrections
6 prior to release using a validated risk assessment and be
7 subject to a corresponding level of supervision. In
8 accordance with the findings of that evaluation:

9 (A) All subjects found to be at a moderate or high
10 risk to recidivate, or on parole or mandatory
11 supervised release for first degree murder, a Class X
12 felony, or a Class 1 felony violation of the Criminal
13 Code of 1961 or the Criminal Code of 2012, or any
14 felony that requires registration as a sex offender
15 under the Sex Offender Registration Act, shall be
16 subject to high level supervision. The Department
17 shall define high level supervision based upon
18 evidence-based and research-based practices.
19 Notwithstanding this placement on high level
20 supervision, placement of the subject on electronic
21 monitoring or detention shall not occur unless it is
22 required by law or expressly ordered or approved by the
23 Prisoner Review Board.

24 (B) All subjects found to be at a low risk to
25 recidivate shall be subject to low-level supervision,
26 except for those subjects on parole or mandatory

1 supervised release for first degree murder, a Class X
2 felony, or a Class 1 felony violation of the Criminal
3 Code of 1961 or the Criminal Code of 2012, or any
4 felony that requires registration as a sex offender
5 under the Sex Offender Registration Act. Low level
6 supervision shall require the subject to check in with
7 the supervising officer via phone or other electronic
8 means. Notwithstanding this placement on low level
9 supervision, placement of the subject on electronic
10 monitoring or detention shall not occur unless it is
11 required by law or expressly ordered or approved by the
12 Prisoner Review Board.

13 (b) The Board may in addition to other conditions require
14 that the subject:

15 (1) work or pursue a course of study or vocational
16 training;

17 (2) undergo medical or psychiatric treatment, or
18 treatment for drug addiction or alcoholism;

19 (3) attend or reside in a facility established for the
20 instruction or residence of persons on probation or parole;

21 (4) support his or her dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) (blank);

25 (7.5) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, refrain
4 from communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom
6 the accused reasonably believes to be under 18 years of
7 age; for purposes of this paragraph (7.5), "Internet" has
8 the meaning ascribed to it in Section 16-0.1 of the
9 Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

14 (7.6) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's supervising
24 agent, a law enforcement officer, or assigned computer
25 or information technology specialist, including the
26 retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 conduct a more thorough inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent; and

13 (8) in addition, if a minor:

14 (i) reside with his or her parents or in a foster
15 home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 or

19 (iv) contribute to his or her own support at home
20 or in a foster home.

21 (b-1) In addition to the conditions set forth in
22 subsections (a) and (b), persons required to register as sex
23 offenders pursuant to the Sex Offender Registration Act, upon
24 release from the custody of the Illinois Department of
25 Corrections, may be required by the Board to comply with the
26 following specific conditions of release:

- 1 (1) reside only at a Department approved location;
- 2 (2) comply with all requirements of the Sex Offender
3 Registration Act;
- 4 (3) notify third parties of the risks that may be
5 occasioned by his or her criminal record;
- 6 (4) obtain the approval of an agent of the Department
7 of Corrections prior to accepting employment or pursuing a
8 course of study or vocational training and notify the
9 Department prior to any change in employment, study, or
10 training;
- 11 (5) not be employed or participate in any volunteer
12 activity that involves contact with children, except under
13 circumstances approved in advance and in writing by an
14 agent of the Department of Corrections;
- 15 (6) be electronically monitored for a minimum of 12
16 months from the date of release as determined by the Board;
- 17 (7) refrain from entering into a designated geographic
18 area except upon terms approved in advance by an agent of
19 the Department of Corrections. The terms may include
20 consideration of the purpose of the entry, the time of day,
21 and others accompanying the person;
- 22 (8) refrain from having any contact, including written
23 or oral communications, directly or indirectly, personally
24 or by telephone, letter, or through a third party with
25 certain specified persons including, but not limited to,
26 the victim or the victim's family without the prior written

1 approval of an agent of the Department of Corrections;

2 (9) refrain from all contact, directly or indirectly,
3 personally, by telephone, letter, or through a third party,
4 with minor children without prior identification and
5 approval of an agent of the Department of Corrections;

6 (10) neither possess or have under his or her control
7 any material that is sexually oriented, sexually
8 stimulating, or that shows male or female sex organs or any
9 pictures depicting children under 18 years of age nude or
10 any written or audio material describing sexual
11 intercourse or that depicts or alludes to sexual activity,
12 including but not limited to visual, auditory, telephonic,
13 or electronic media, or any matter obtained through access
14 to any computer or material linked to computer access use;

15 (11) not patronize any business providing sexually
16 stimulating or sexually oriented entertainment nor utilize
17 "900" or adult telephone numbers;

18 (12) not reside near, visit, or be in or about parks,
19 schools, day care centers, swimming pools, beaches,
20 theaters, or any other places where minor children
21 congregate without advance approval of an agent of the
22 Department of Corrections and immediately report any
23 incidental contact with minor children to the Department;

24 (13) not possess or have under his or her control
25 certain specified items of contraband related to the
26 incidence of sexually offending as determined by an agent

1 of the Department of Corrections;

2 (14) may be required to provide a written daily log of
3 activities if directed by an agent of the Department of
4 Corrections;

5 (15) comply with all other special conditions that the
6 Department may impose that restrict the person from
7 high-risk situations and limit access to potential
8 victims;

9 (16) take an annual polygraph exam;

10 (17) maintain a log of his or her travel; or

11 (18) obtain prior approval of his or her parole officer
12 before driving alone in a motor vehicle.

13 (c) The conditions under which the parole or mandatory
14 supervised release is to be served shall be communicated to the
15 person in writing prior to his or her release, and he or she
16 shall sign the same before release. A signed copy of these
17 conditions, including a copy of an order of protection where
18 one had been issued by the criminal court, shall be retained by
19 the person and another copy forwarded to the officer in charge
20 of his or her supervision.

21 (d) After a hearing under Section 3-3-9, the Prisoner
22 Review Board may modify or enlarge the conditions of parole or
23 mandatory supervised release.

24 (e) The Department shall inform all offenders committed to
25 the Department of the optional services available to them upon
26 release and shall assist inmates in availing themselves of such

1 optional services upon their release on a voluntary basis.

2 (f) (Blank).

3 (Source: P.A. 99-628, eff. 1-1-17; 99-698, eff. 7-29-16;
4 100-201, eff. 8-18-17; 100-260, eff. 1-1-18.)

5 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

6 (Text of Section from P.A. 99-642)

7 Sec. 3-6-3. Rules and regulations for sentence credit.

8 (a) (1) The Department of Corrections shall prescribe rules
9 and regulations for awarding and revoking sentence credit for
10 persons committed to the Department which shall be subject to
11 review by the Prisoner Review Board.

12 (1.5) As otherwise provided by law, sentence credit may be
13 awarded for the following:

14 (A) successful completion of programming while in
15 custody of the Department or while in custody prior to
16 sentencing;

17 (B) compliance with the rules and regulations of the
18 Department; or

19 (C) service to the institution, service to a community,
20 or service to the State.

21 (2) The rules and regulations on sentence credit shall
22 provide, with respect to offenses listed in clause (i), (ii),
23 or (iii) of this paragraph (2) committed on or after June 19,
24 1998 or with respect to the offense listed in clause (iv) of
25 this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense
2 listed in clause (vi) committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625) or with respect to the
4 offense of being an armed habitual criminal committed on or
5 after August 2, 2005 (the effective date of Public Act 94-398)
6 or with respect to the offenses listed in clause (v) of this
7 paragraph (2) committed on or after August 13, 2007 (the
8 effective date of Public Act 95-134) or with respect to the
9 offense of aggravated domestic battery committed on or after
10 July 23, 2010 (the effective date of Public Act 96-1224) or
11 with respect to the offense of attempt to commit terrorism
12 committed on or after January 1, 2013 (the effective date of
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder or for the offense of
16 terrorism shall receive no sentence credit and shall serve
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to
19 commit terrorism, attempt to commit first degree murder,
20 solicitation of murder, solicitation of murder for hire,
21 intentional homicide of an unborn child, predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, criminal sexual assault, aggravated
24 kidnapping, aggravated battery with a firearm as described
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
26 (e) (4) of Section 12-3.05, heinous battery as described in

1 Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
2 being an armed habitual criminal, aggravated battery of a
3 senior citizen as described in Section 12-4.6 or
4 subdivision (a)(4) of Section 12-3.05, or aggravated
5 battery of a child as described in Section 12-4.3 or
6 subdivision (b)(1) of Section 12-3.05 shall receive no more
7 than 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home
10 invasion, armed robbery, aggravated vehicular hijacking,
11 aggravated discharge of a firearm, or armed violence with a
12 category I weapon or category II weapon, when the court has
13 made and entered a finding, pursuant to subsection (c-1) of
14 Section 5-4-1 of this Code, that the conduct leading to
15 conviction for the enumerated offense resulted in great
16 bodily harm to a victim, shall receive no more than 4.5
17 days of sentence credit for each month of his or her
18 sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated
20 discharge of a firearm, whether or not the conduct leading
21 to conviction for the offense resulted in great bodily harm
22 to the victim, shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,
2 aggravated methamphetamine-related child endangerment,
3 money laundering pursuant to clause (c) (4) or (5) of
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or a Class X felony conviction for delivery
6 of a controlled substance, possession of a controlled
7 substance with intent to manufacture or deliver,
8 calculated criminal drug conspiracy, criminal drug
9 conspiracy, street gang criminal drug conspiracy,
10 participation in methamphetamine manufacturing, aggravated
11 participation in methamphetamine manufacturing, delivery
12 of methamphetamine, possession with intent to deliver
13 methamphetamine, aggravated delivery of methamphetamine,
14 aggravated possession with intent to deliver
15 methamphetamine, methamphetamine conspiracy when the
16 substance containing the controlled substance or
17 methamphetamine is 100 grams or more shall receive no more
18 than 7.5 days sentence credit for each month of his or her
19 sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second or
21 subsequent offense of luring a minor shall receive no more
22 than 4.5 days of sentence credit for each month of his or
23 her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for aggravated
25 domestic battery shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) committed on or after August 13, 2007
7 (the effective date of Public Act 95-134) or subdivision
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective
9 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
10 on or after July 23, 2010 (the effective date of Public Act
11 96-1224), and other than the offense of aggravated driving
12 under the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination thereof
14 as defined in subparagraph (F) of paragraph (1) of subsection
15 (d) of Section 11-501 of the Illinois Vehicle Code, and other
16 than the offense of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof as defined in
19 subparagraph (C) of paragraph (1) of subsection (d) of Section
20 11-501 of the Illinois Vehicle Code committed on or after
21 January 1, 2011 (the effective date of Public Act 96-1230), the
22 rules and regulations shall provide that a prisoner who is
23 serving a term of imprisonment shall receive one day of
24 sentence credit for each day of his or her sentence of
25 imprisonment or recommitment under Section 3-3-9. Each day of
26 sentence credit shall reduce by one day the prisoner's period

1 of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life
3 imprisonment or a prisoner who has been sentenced to death
4 shall receive no sentence credit.

5 (2.3) The rules and regulations on sentence credit shall
6 provide that a prisoner who is serving a sentence for
7 aggravated driving under the influence of alcohol, other drug
8 or drugs, or intoxicating compound or compounds, or any
9 combination thereof as defined in subparagraph (F) of paragraph
10 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
11 Code, shall receive no more than 4.5 days of sentence credit
12 for each month of his or her sentence of imprisonment.

13 (2.4) The rules and regulations on sentence credit shall
14 provide with respect to the offenses of aggravated battery with
15 a machine gun or a firearm equipped with any device or
16 attachment designed or used for silencing the report of a
17 firearm or aggravated discharge of a machine gun or a firearm
18 equipped with any device or attachment designed or used for
19 silencing the report of a firearm, committed on or after July
20 15, 1999 (the effective date of Public Act 91-121), that a
21 prisoner serving a sentence for any of these offenses shall
22 receive no more than 4.5 days of sentence credit for each month
23 of his or her sentence of imprisonment.

24 (2.5) The rules and regulations on sentence credit shall
25 provide that a prisoner who is serving a sentence for
26 aggravated arson committed on or after July 27, 2001 (the

1 effective date of Public Act 92-176) shall receive no more than
2 4.5 days of sentence credit for each month of his or her
3 sentence of imprisonment.

4 (2.6) The rules and regulations on sentence credit shall
5 provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds or any
8 combination thereof as defined in subparagraph (C) of paragraph
9 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
10 Code committed on or after January 1, 2011 (the effective date
11 of Public Act 96-1230) shall receive no more than 4.5 days of
12 sentence credit for each month of his or her sentence of
13 imprisonment.

14 (3) The rules and regulations shall also provide that the
15 Director may award up to 180 days additional sentence credit
16 for good conduct in specific instances as the Director deems
17 proper. The good conduct may include, but is not limited to,
18 compliance with the rules and regulations of the Department,
19 service to the Department, service to a community, or service
20 to the State. However, the Director shall not award more than
21 90 days of sentence credit for good conduct to any prisoner who
22 is serving a sentence for conviction of first degree murder,
23 reckless homicide while under the influence of alcohol or any
24 other drug, or aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code, aggravated kidnapping,
3 kidnapping, predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, criminal sexual assault,
5 deviate sexual assault, aggravated criminal sexual abuse,
6 aggravated indecent liberties with a child, indecent liberties
7 with a child, child pornography, heinous battery as described
8 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
9 aggravated battery of a spouse, aggravated battery of a spouse
10 with a firearm, stalking, aggravated stalking, aggravated
11 battery of a child as described in Section 12-4.3 or
12 subdivision (b)(1) of Section 12-3.05, endangering the life or
13 health of a child, or cruelty to a child. Notwithstanding the
14 foregoing, sentence credit for good conduct shall not be
15 awarded on a sentence of imprisonment imposed for conviction
16 of: (i) one of the offenses enumerated in subdivision
17 (a)(2)(i), (ii), or (iii) when the offense is committed on or
18 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
19 is committed on or after June 23, 2005 (the effective date of
20 Public Act 94-71) or subdivision (a)(2)(v) when the offense is
21 committed on or after August 13, 2007 (the effective date of
22 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
23 is committed on or after June 1, 2008 (the effective date of
24 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
25 is committed on or after July 23, 2010 (the effective date of
26 Public Act 96-1224), (ii) aggravated driving under the

1 influence of alcohol, other drug or drugs, or intoxicating
2 compound or compounds, or any combination thereof as defined in
3 subparagraph (F) of paragraph (1) of subsection (d) of Section
4 11-501 of the Illinois Vehicle Code, (iii) one of the offenses
5 enumerated in subdivision (a)(2.4) when the offense is
6 committed on or after July 15, 1999 (the effective date of
7 Public Act 91-121), (iv) aggravated arson when the offense is
8 committed on or after July 27, 2001 (the effective date of
9 Public Act 92-176), (v) offenses that may subject the offender
10 to commitment under the Sexually Violent Persons Commitment
11 Act, or (vi) aggravated driving under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or compounds or
13 any combination thereof as defined in subparagraph (C) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code committed on or after January 1, 2011
16 (the effective date of Public Act 96-1230).

17 Eligible inmates for an award of sentence credit under this
18 paragraph (3) may be selected to receive the credit at the
19 Director's or his or her designee's sole discretion.
20 Consideration may be based on, but not limited to, any
21 available risk assessment analysis on the inmate, any history
22 of conviction for violent crimes as defined by the Rights of
23 Crime Victims and Witnesses Act, facts and circumstances of the
24 inmate's holding offense or offenses, and the potential for
25 rehabilitation.

26 The Director shall not award sentence credit under this

1 paragraph (3) to an inmate unless the inmate has served a
2 minimum of 60 days of the sentence; except nothing in this
3 paragraph shall be construed to permit the Director to extend
4 an inmate's sentence beyond that which was imposed by the
5 court. Prior to awarding credit under this paragraph (3), the
6 Director shall make a written determination that the inmate:

7 (A) is eligible for the sentence credit;

8 (B) has served a minimum of 60 days, or as close to 60
9 days as the sentence will allow; and

10 (C) has met the eligibility criteria established by
11 rule.

12 The Director shall determine the form and content of the
13 written determination required in this subsection.

14 (3.5) The Department shall provide annual written reports
15 to the Governor and the General Assembly on the award of
16 sentence credit for good conduct, with the first report due
17 January 1, 2014. The Department must publish both reports on
18 its website within 48 hours of transmitting the reports to the
19 Governor and the General Assembly. The reports must include:

20 (A) the number of inmates awarded sentence credit for
21 good conduct;

22 (B) the average amount of sentence credit for good
23 conduct awarded;

24 (C) the holding offenses of inmates awarded sentence
25 credit for good conduct; and

26 (D) the number of sentence credit for good conduct

1 revocations.

2 (4) The rules and regulations shall also provide that the
3 sentence credit accumulated and retained under paragraph (2.1)
4 of subsection (a) of this Section by any inmate during specific
5 periods of time in which such inmate is engaged full-time in
6 substance abuse programs, correctional industry assignments,
7 educational programs, behavior modification programs, life
8 skills courses, or re-entry planning provided by the Department
9 under this paragraph (4) and satisfactorily completes the
10 assigned program as determined by the standards of the
11 Department, shall be multiplied by a factor of 1.25 for program
12 participation before August 11, 1993 and 1.50 for program
13 participation on or after that date. The rules and regulations
14 shall also provide that sentence credit, subject to the same
15 offense limits and multiplier provided in this paragraph, may
16 be provided to an inmate who was held in pre-trial detention
17 prior to his or her current commitment to the Department of
18 Corrections and successfully completed a full-time, 60-day or
19 longer substance abuse program, educational program, behavior
20 modification program, life skills course, or re-entry planning
21 provided by the county department of corrections or county
22 jail. Calculation of this county program credit shall be done
23 at sentencing as provided in Section 5-4.5-100 of this Code and
24 shall be included in the sentencing order. However, no inmate
25 shall be eligible for the additional sentence credit under this
26 paragraph (4) or (4.1) of this subsection (a) while assigned to

1 a boot camp or electronic detention, or if convicted of an
2 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of
3 this Section that is committed on or after June 19, 1998 or
4 subdivision (a)(2)(iv) of this Section that is committed on or
5 after June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) of this Section that is committed on or
7 after August 13, 2007 (the effective date of Public Act 95-134)
8 or subdivision (a)(2)(vi) when the offense is committed on or
9 after June 1, 2008 (the effective date of Public Act 95-625) or
10 subdivision (a)(2)(vii) when the offense is committed on or
11 after July 23, 2010 (the effective date of Public Act 96-1224),
12 or if convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds or any combination thereof as defined in subparagraph
15 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, or if convicted of aggravated driving
17 under the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds or any combination thereof
19 as defined in subparagraph (C) of paragraph (1) of subsection
20 (d) of Section 11-501 of the Illinois Vehicle Code committed on
21 or after January 1, 2011 (the effective date of Public Act
22 96-1230), or if convicted of an offense enumerated in paragraph
23 (a)(2.4) of this Section that is committed on or after July 15,
24 1999 (the effective date of Public Act 91-121), or first degree
25 murder, a Class X felony, criminal sexual assault, felony
26 criminal sexual abuse, aggravated criminal sexual abuse,

1 aggravated battery with a firearm as described in Section
2 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
3 Section 12-3.05, or any predecessor or successor offenses with
4 the same or substantially the same elements, or any inchoate
5 offenses relating to the foregoing offenses. No inmate shall be
6 eligible for the additional good conduct credit under this
7 paragraph (4) who (i) has previously received increased good
8 conduct credit under this paragraph (4) and has subsequently
9 been convicted of a felony, or (ii) has previously served more
10 than one prior sentence of imprisonment for a felony in an
11 adult correctional facility.

12 Educational, vocational, substance abuse, behavior
13 modification programs, life skills courses, re-entry planning,
14 and correctional industry programs under which sentence credit
15 may be increased under this paragraph (4) and paragraph (4.1)
16 of this subsection (a) shall be evaluated by the Department on
17 the basis of documented standards. The Department shall report
18 the results of these evaluations to the Governor and the
19 General Assembly by September 30th of each year. The reports
20 shall include data relating to the recidivism rate among
21 program participants.

22 Availability of these programs shall be subject to the
23 limits of fiscal resources appropriated by the General Assembly
24 for these purposes. Eligible inmates who are denied immediate
25 admission shall be placed on a waiting list under criteria
26 established by the Department. The inability of any inmate to

1 become engaged in any such programs by reason of insufficient
2 program resources or for any other reason established under the
3 rules and regulations of the Department shall not be deemed a
4 cause of action under which the Department or any employee or
5 agent of the Department shall be liable for damages to the
6 inmate.

7 (4.1) The rules and regulations shall also provide that an
8 additional 90 days of sentence credit shall be awarded to any
9 prisoner who passes high school equivalency testing while the
10 prisoner is committed to the Department of Corrections. The
11 sentence credit awarded under this paragraph (4.1) shall be in
12 addition to, and shall not affect, the award of sentence credit
13 under any other paragraph of this Section, but shall also be
14 pursuant to the guidelines and restrictions set forth in
15 paragraph (4) of subsection (a) of this Section. The sentence
16 credit provided for in this paragraph shall be available only
17 to those prisoners who have not previously earned a high school
18 diploma or a high school equivalency certificate. If, after an
19 award of the high school equivalency testing sentence credit
20 has been made, the Department determines that the prisoner was
21 not eligible, then the award shall be revoked. The Department
22 may also award 90 days of sentence credit to any committed
23 person who passed high school equivalency testing while he or
24 she was held in pre-trial detention prior to the current
25 commitment to the Department of Corrections.

26 (4.5) The rules and regulations on sentence credit shall

1 also provide that when the court's sentencing order recommends
2 a prisoner for substance abuse treatment and the crime was
3 committed on or after September 1, 2003 (the effective date of
4 Public Act 93-354), the prisoner shall receive no sentence
5 credit awarded under clause (3) of this subsection (a) unless
6 he or she participates in and completes a substance abuse
7 treatment program. The Director may waive the requirement to
8 participate in or complete a substance abuse treatment program
9 and award the sentence credit in specific instances if the
10 prisoner is not a good candidate for a substance abuse
11 treatment program for medical, programming, or operational
12 reasons. Availability of substance abuse treatment shall be
13 subject to the limits of fiscal resources appropriated by the
14 General Assembly for these purposes. If treatment is not
15 available and the requirement to participate and complete the
16 treatment has not been waived by the Director, the prisoner
17 shall be placed on a waiting list under criteria established by
18 the Department. The Director may allow a prisoner placed on a
19 waiting list to participate in and complete a substance abuse
20 education class or attend substance abuse self-help meetings in
21 lieu of a substance abuse treatment program. A prisoner on a
22 waiting list who is not placed in a substance abuse program
23 prior to release may be eligible for a waiver and receive
24 sentence credit under clause (3) of this subsection (a) at the
25 discretion of the Director.

26 (4.6) The rules and regulations on sentence credit shall

1 also provide that a prisoner who has been convicted of a sex
2 offense as defined in Section 2 of the Sex Offender
3 Registration Act shall receive no sentence credit unless he or
4 she either has successfully completed or is participating in
5 sex offender treatment as defined by the Sex Offender
6 Management Board. However, prisoners who are waiting to receive
7 treatment, but who are unable to do so due solely to the lack
8 of resources on the part of the Department, may, at the
9 Director's sole discretion, be awarded sentence credit at a
10 rate as the Director shall determine.

11 (5) Whenever the Department is to release any inmate
12 earlier than it otherwise would because of a grant of sentence
13 credit for good conduct under paragraph (3) of subsection (a)
14 of this Section given at any time during the term, the
15 Department shall give reasonable notice of the impending
16 release not less than 14 days prior to the date of the release
17 to the State's Attorney of the county where the prosecution of
18 the inmate took place, and if applicable, the State's Attorney
19 of the county into which the inmate will be released. The
20 Department must also make identification information and a
21 recent photo of the inmate being released accessible on the
22 Internet by means of a hyperlink labeled "Community
23 Notification of Inmate Early Release" on the Department's World
24 Wide Web homepage. The identification information shall
25 include the inmate's: name, any known alias, date of birth,
26 physical characteristics, commitment offense and county where

1 conviction was imposed. The identification information shall
2 be placed on the website within 3 days of the inmate's release
3 and the information may not be removed until either: completion
4 of the first year of mandatory supervised release or return of
5 the inmate to custody of the Department.

6 (b) Whenever a person is or has been committed under
7 several convictions, with separate sentences, the sentences
8 shall be construed under Section 5-8-4 in granting and
9 forfeiting of sentence credit.

10 (c) The Department shall prescribe rules and regulations
11 for revoking sentence credit, including revoking sentence
12 credit awarded for good conduct under paragraph (3) of
13 subsection (a) of this Section. The Department shall prescribe
14 rules and regulations for suspending or reducing the rate of
15 accumulation of sentence credit for specific rule violations,
16 during imprisonment. These rules and regulations shall provide
17 that no inmate may be penalized more than one year of sentence
18 credit for any one infraction.

19 When the Department seeks to revoke, suspend or reduce the
20 rate of accumulation of any sentence credits for an alleged
21 infraction of its rules, it shall bring charges therefor
22 against the prisoner sought to be so deprived of sentence
23 credits before the Prisoner Review Board as provided in
24 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
25 amount of credit at issue exceeds 30 days or when during any 12
26 month period, the cumulative amount of credit revoked exceeds

1 30 days except where the infraction is committed or discovered
2 within 60 days of scheduled release. In those cases, the
3 Department of Corrections may revoke up to 30 days of sentence
4 credit. The Board may subsequently approve the revocation of
5 additional sentence credit, if the Department seeks to revoke
6 sentence credit in excess of 30 days. However, the Board shall
7 not be empowered to review the Department's decision with
8 respect to the loss of 30 days of sentence credit within any
9 calendar year for any prisoner or to increase any penalty
10 beyond the length requested by the Department.

11 The Director of the Department of Corrections, in
12 appropriate cases, may restore up to 30 days of sentence
13 credits which have been revoked, suspended or reduced. Any
14 restoration of sentence credits in excess of 30 days shall be
15 subject to review by the Prisoner Review Board. However, the
16 Board may not restore sentence credit in excess of the amount
17 requested by the Director.

18 Nothing contained in this Section shall prohibit the
19 Prisoner Review Board from ordering, pursuant to Section
20 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
21 sentence imposed by the court that was not served due to the
22 accumulation of sentence credit.

23 (d) If a lawsuit is filed by a prisoner in an Illinois or
24 federal court against the State, the Department of Corrections,
25 or the Prisoner Review Board, or against any of their officers
26 or employees, and the court makes a specific finding that a

1 pleading, motion, or other paper filed by the prisoner is
2 frivolous, the Department of Corrections shall conduct a
3 hearing to revoke up to 180 days of sentence credit by bringing
4 charges against the prisoner sought to be deprived of the
5 sentence credits before the Prisoner Review Board as provided
6 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
7 prisoner has not accumulated 180 days of sentence credit at the
8 time of the finding, then the Prisoner Review Board may revoke
9 all sentence credit accumulated by the prisoner.

10 For purposes of this subsection (d):

11 (1) "Frivolous" means that a pleading, motion, or other
12 filing which purports to be a legal document filed by a
13 prisoner in his or her lawsuit meets any or all of the
14 following criteria:

15 (A) it lacks an arguable basis either in law or in
16 fact;

17 (B) it is being presented for any improper purpose,
18 such as to harass or to cause unnecessary delay or
19 needless increase in the cost of litigation;

20 (C) the claims, defenses, and other legal
21 contentions therein are not warranted by existing law
22 or by a nonfrivolous argument for the extension,
23 modification, or reversal of existing law or the
24 establishment of new law;

25 (D) the allegations and other factual contentions
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support
2 after a reasonable opportunity for further
3 investigation or discovery; or

4 (E) the denials of factual contentions are not
5 warranted on the evidence, or if specifically so
6 identified, are not reasonably based on a lack of
7 information or belief.

8 (2) "Lawsuit" means a motion pursuant to Section 116-3
9 of the Code of Criminal Procedure of 1963, a habeas corpus
10 action under Article X of the Code of Civil Procedure or
11 under federal law (28 U.S.C. 2254), a petition for claim
12 under the Court of Claims Act, an action under the federal
13 Civil Rights Act (42 U.S.C. 1983), or a second or
14 subsequent petition for post-conviction relief under
15 Article 122 of the Code of Criminal Procedure of 1963
16 whether filed with or without leave of court or a second or
17 subsequent petition for relief from judgment under Section
18 2-1401 of the Code of Civil Procedure.

19 (e) Nothing in Public Act 90-592 or 90-593 affects the
20 validity of Public Act 89-404.

21 (f) Whenever the Department is to release any inmate who
22 has been convicted of a violation of an order of protection
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, earlier than it otherwise would
25 because of a grant of sentence credit, the Department, as a
26 condition of release, shall require that the person, upon

1 release, be placed under electronic surveillance as provided in
2 Section 5-8A-7 of this Code.

3 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
4 eff. 7-28-16; 100-3, eff. 1-1-18.)

5 (Text of Section from P.A. 99-938 and 100-3)

6 Sec. 3-6-3. Rules and regulations for sentence credit.

7 (a) (1) The Department of Corrections shall prescribe rules
8 and regulations for awarding and revoking sentence credit for
9 persons committed to the Department which shall be subject to
10 review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may be
12 awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of the
17 Department; or

18 (C) service to the institution, service to a community,
19 or service to the State.

20 (2) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after June
24 19, 1998 or with respect to the offense listed in clause (iv)
25 of this paragraph (2) committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or with respect to offense
2 listed in clause (vi) committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625) or with respect to the
4 offense of being an armed habitual criminal committed on or
5 after August 2, 2005 (the effective date of Public Act 94-398)
6 or with respect to the offenses listed in clause (v) of this
7 paragraph (2) committed on or after August 13, 2007 (the
8 effective date of Public Act 95-134) or with respect to the
9 offense of aggravated domestic battery committed on or after
10 July 23, 2010 (the effective date of Public Act 96-1224) or
11 with respect to the offense of attempt to commit terrorism
12 committed on or after January 1, 2013 (the effective date of
13 Public Act 97-990), the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder or for the offense of
16 terrorism shall receive no sentence credit and shall serve
17 the entire sentence imposed by the court;

18 (ii) that a prisoner serving a sentence for attempt to
19 commit terrorism, attempt to commit first degree murder,
20 solicitation of murder, solicitation of murder for hire,
21 intentional homicide of an unborn child, predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, criminal sexual assault, aggravated
24 kidnapping, aggravated battery with a firearm as described
25 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
26 (e) (4) of Section 12-3.05, heinous battery as described in

1 Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
2 being an armed habitual criminal, aggravated battery of a
3 senior citizen as described in Section 12-4.6 or
4 subdivision (a)(4) of Section 12-3.05, or aggravated
5 battery of a child as described in Section 12-4.3 or
6 subdivision (b)(1) of Section 12-3.05 shall receive no more
7 than 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment;

9 (iii) that a prisoner serving a sentence for home
10 invasion, armed robbery, aggravated vehicular hijacking,
11 aggravated discharge of a firearm, or armed violence with a
12 category I weapon or category II weapon, when the court has
13 made and entered a finding, pursuant to subsection (c-1) of
14 Section 5-4-1 of this Code, that the conduct leading to
15 conviction for the enumerated offense resulted in great
16 bodily harm to a victim, shall receive no more than 4.5
17 days of sentence credit for each month of his or her
18 sentence of imprisonment;

19 (iv) that a prisoner serving a sentence for aggravated
20 discharge of a firearm, whether or not the conduct leading
21 to conviction for the offense resulted in great bodily harm
22 to the victim, shall receive no more than 4.5 days of
23 sentence credit for each month of his or her sentence of
24 imprisonment;

25 (v) that a person serving a sentence for gunrunning,
26 narcotics racketeering, controlled substance trafficking,

1 methamphetamine trafficking, drug-induced homicide,
2 aggravated methamphetamine-related child endangerment,
3 money laundering pursuant to clause (c) (4) or (5) of
4 Section 29B-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or a Class X felony conviction for delivery
6 of a controlled substance, possession of a controlled
7 substance with intent to manufacture or deliver,
8 calculated criminal drug conspiracy, criminal drug
9 conspiracy, street gang criminal drug conspiracy,
10 participation in methamphetamine manufacturing, aggravated
11 participation in methamphetamine manufacturing, delivery
12 of methamphetamine, possession with intent to deliver
13 methamphetamine, aggravated delivery of methamphetamine,
14 aggravated possession with intent to deliver
15 methamphetamine, methamphetamine conspiracy when the
16 substance containing the controlled substance or
17 methamphetamine is 100 grams or more shall receive no more
18 than 7.5 days sentence credit for each month of his or her
19 sentence of imprisonment;

20 (vi) that a prisoner serving a sentence for a second or
21 subsequent offense of luring a minor shall receive no more
22 than 4.5 days of sentence credit for each month of his or
23 her sentence of imprisonment; and

24 (vii) that a prisoner serving a sentence for aggravated
25 domestic battery shall receive no more than 4.5 days of
26 sentence credit for each month of his or her sentence of

1 imprisonment.

2 (2.1) For all offenses, other than those enumerated in
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
5 June 23, 2005 (the effective date of Public Act 94-71) or
6 subdivision (a)(2)(v) committed on or after August 13, 2007
7 (the effective date of Public Act 95-134) or subdivision
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective
9 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
10 on or after July 23, 2010 (the effective date of Public Act
11 96-1224), and other than the offense of aggravated driving
12 under the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination thereof
14 as defined in subparagraph (F) of paragraph (1) of subsection
15 (d) of Section 11-501 of the Illinois Vehicle Code, and other
16 than the offense of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof as defined in
19 subparagraph (C) of paragraph (1) of subsection (d) of Section
20 11-501 of the Illinois Vehicle Code committed on or after
21 January 1, 2011 (the effective date of Public Act 96-1230), the
22 rules and regulations shall provide that a prisoner who is
23 serving a term of imprisonment shall receive one day of
24 sentence credit for each day of his or her sentence of
25 imprisonment or recommitment under Section 3-3-9. Each day of
26 sentence credit shall reduce by one day the prisoner's period

1 of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life
3 imprisonment or a prisoner who has been sentenced to death
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds, or any
10 combination thereof as defined in subparagraph (F) of paragraph
11 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
12 Code, shall receive no more than 4.5 days of sentence credit
13 for each month of his or her sentence of imprisonment.

14 (2.4) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations on sentence credit
16 shall provide with respect to the offenses of aggravated
17 battery with a machine gun or a firearm equipped with any
18 device or attachment designed or used for silencing the report
19 of a firearm or aggravated discharge of a machine gun or a
20 firearm equipped with any device or attachment designed or used
21 for silencing the report of a firearm, committed on or after
22 July 15, 1999 (the effective date of Public Act 91-121), that a
23 prisoner serving a sentence for any of these offenses shall
24 receive no more than 4.5 days of sentence credit for each month
25 of his or her sentence of imprisonment.

26 (2.5) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit
2 shall provide that a prisoner who is serving a sentence for
3 aggravated arson committed on or after July 27, 2001 (the
4 effective date of Public Act 92-176) shall receive no more than
5 4.5 days of sentence credit for each month of his or her
6 sentence of imprisonment.

7 (2.6) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide that a prisoner who is serving a sentence for
10 aggravated driving under the influence of alcohol, other drug
11 or drugs, or intoxicating compound or compounds or any
12 combination thereof as defined in subparagraph (C) of paragraph
13 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
14 Code committed on or after January 1, 2011 (the effective date
15 of Public Act 96-1230) shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment.

18 (3) In addition to the sentence credits earned under
19 paragraphs (2.1), (4), (4.1), and ~~Except as provided in~~
20 ~~paragraph~~ (4.7) of this subsection (a), the rules and
21 regulations shall also provide that the Director may award up
22 to 180 days of earned sentence credit for good conduct in
23 specific instances as the Director deems proper. The good
24 conduct may include, but is not limited to, compliance with the
25 rules and regulations of the Department, service to the
26 Department, service to a community, or service to the State.

1 Eligible inmates for an award of earned sentence credit
2 under this paragraph (3) may be selected to receive the credit
3 at the Director's or his or her designee's sole discretion.
4 Eligibility for the additional earned sentence credit under
5 this paragraph (3) shall be based on, but is not limited to,
6 the results of any available risk/needs assessment or other
7 relevant assessments or evaluations administered by the
8 Department using a validated instrument, the circumstances of
9 the crime, any history of conviction for a forcible felony
10 enumerated in Section 2-8 of the Criminal Code of 2012, the
11 inmate's behavior and disciplinary history while incarcerated,
12 and the inmate's commitment to rehabilitation, including
13 participation in programming offered by the Department.

14 The Director shall not award sentence credit under this
15 paragraph (3) to an inmate unless the inmate has served a
16 minimum of 60 days of the sentence; except nothing in this
17 paragraph shall be construed to permit the Director to extend
18 an inmate's sentence beyond that which was imposed by the
19 court. Prior to awarding credit under this paragraph (3), the
20 Director shall make a written determination that the inmate:

21 (A) is eligible for the earned sentence credit;

22 (B) has served a minimum of 60 days, or as close to 60
23 days as the sentence will allow;

24 (B-1) has received a risk/needs assessment or other
25 relevant evaluation or assessment administered by the
26 Department using a validated instrument; and

1 (C) has met the eligibility criteria established ~~under~~
2 ~~paragraph (4) of this subsection (a) and~~ by rule for earned
3 sentence credit.

4 The Director shall determine the form and content of the
5 written determination required in this subsection.

6 (3.5) The Department shall provide annual written reports
7 to the Governor and the General Assembly on the award of earned
8 sentence credit no later than February 1 of each year. The
9 Department must publish both reports on its website within 48
10 hours of transmitting the reports to the Governor and the
11 General Assembly. The reports must include:

12 (A) the number of inmates awarded earned sentence
13 credit;

14 (B) the average amount of earned sentence credit
15 awarded;

16 (C) the holding offenses of inmates awarded earned
17 sentence credit; and

18 (D) the number of earned sentence credit revocations.

19 (4) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations shall also provide
21 that the sentence credit accumulated and retained under
22 paragraph (2.1) of subsection (a) of this Section by any inmate
23 during specific periods of time in which such inmate is engaged
24 full-time in substance abuse programs, correctional industry
25 assignments, educational programs, behavior modification
26 programs, life skills courses, or re-entry planning provided by

1 the Department under this paragraph (4) and satisfactorily
2 completes the assigned program as determined by the standards
3 of the Department, shall be multiplied by a factor of 1.25 for
4 program participation before August 11, 1993 and 1.50 for
5 program participation on or after that date. The rules and
6 regulations shall also provide that sentence credit, subject to
7 the same offense limits and multiplier provided in this
8 paragraph, may be provided to an inmate who was held in
9 pre-trial detention prior to his or her current commitment to
10 the Department of Corrections and successfully completed a
11 full-time, 60-day or longer substance abuse program,
12 educational program, behavior modification program, life
13 skills course, or re-entry planning provided by the county
14 department of corrections or county jail. Calculation of this
15 county program credit shall be done at sentencing as provided
16 in Section 5-4.5-100 of this Code and shall be included in the
17 sentencing order. However, no inmate shall be eligible for the
18 additional sentence credit under this paragraph (4) or (4.1) of
19 this subsection (a) while assigned to a boot camp or electronic
20 detention.

21 Educational, vocational, substance abuse, behavior
22 modification programs, life skills courses, re-entry planning,
23 and correctional industry programs under which sentence credit
24 may be increased under this paragraph (4) and paragraph (4.1)
25 of this subsection (a) shall be evaluated by the Department on
26 the basis of documented standards. The Department shall report

1 the results of these evaluations to the Governor and the
2 General Assembly by September 30th of each year. The reports
3 shall include data relating to the recidivism rate among
4 program participants.

5 Availability of these programs shall be subject to the
6 limits of fiscal resources appropriated by the General Assembly
7 for these purposes. Eligible inmates who are denied immediate
8 admission shall be placed on a waiting list under criteria
9 established by the Department. The inability of any inmate to
10 become engaged in any such programs by reason of insufficient
11 program resources or for any other reason established under the
12 rules and regulations of the Department shall not be deemed a
13 cause of action under which the Department or any employee or
14 agent of the Department shall be liable for damages to the
15 inmate.

16 (4.1) Except as provided in paragraph (4.7) of this
17 subsection (a), the rules and regulations shall also provide
18 that an additional 90 days of sentence credit shall be awarded
19 to any prisoner who passes high school equivalency testing
20 while the prisoner is committed to the Department of
21 Corrections. The sentence credit awarded under this paragraph
22 (4.1) shall be in addition to, and shall not affect, the award
23 of sentence credit under any other paragraph of this Section,
24 but shall also be pursuant to the guidelines and restrictions
25 set forth in paragraph (4) of subsection (a) of this Section.
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously
2 earned a high school diploma or a high school equivalency
3 certificate. If, after an award of the high school equivalency
4 testing sentence credit has been made, the Department
5 determines that the prisoner was not eligible, then the award
6 shall be revoked. The Department may also award 90 days of
7 sentence credit to any committed person who passed high school
8 equivalency testing while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections.

11 (4.5) The rules and regulations on sentence credit shall
12 also provide that when the court's sentencing order recommends
13 a prisoner for substance abuse treatment and the crime was
14 committed on or after September 1, 2003 (the effective date of
15 Public Act 93-354), the prisoner shall receive no sentence
16 credit awarded under clause (3) of this subsection (a) unless
17 he or she participates in and completes a substance abuse
18 treatment program. The Director may waive the requirement to
19 participate in or complete a substance abuse treatment program
20 in specific instances if the prisoner is not a good candidate
21 for a substance abuse treatment program for medical,
22 programming, or operational reasons. Availability of substance
23 abuse treatment shall be subject to the limits of fiscal
24 resources appropriated by the General Assembly for these
25 purposes. If treatment is not available and the requirement to
26 participate and complete the treatment has not been waived by

1 the Director, the prisoner shall be placed on a waiting list
2 under criteria established by the Department. The Director may
3 allow a prisoner placed on a waiting list to participate in and
4 complete a substance abuse education class or attend substance
5 abuse self-help meetings in lieu of a substance abuse treatment
6 program. A prisoner on a waiting list who is not placed in a
7 substance abuse program prior to release may be eligible for a
8 waiver and receive sentence credit under clause (3) of this
9 subsection (a) at the discretion of the Director.

10 (4.6) The rules and regulations on sentence credit shall
11 also provide that a prisoner who has been convicted of a sex
12 offense as defined in Section 2 of the Sex Offender
13 Registration Act shall receive no sentence credit unless he or
14 she either has successfully completed or is participating in
15 sex offender treatment as defined by the Sex Offender
16 Management Board. However, prisoners who are waiting to receive
17 treatment, but who are unable to do so due solely to the lack
18 of resources on the part of the Department, may, at the
19 Director's sole discretion, be awarded sentence credit at a
20 rate as the Director shall determine.

21 (4.7) On or after the effective date of this amendatory Act
22 of the 100th General Assembly, sentence credit under paragraph
23 (3), (4), or (4.1) of this subsection (a) may be awarded to a
24 prisoner who is serving a sentence for an offense described in
25 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
26 on or after the effective date of this amendatory Act of the

1 100th General Assembly; provided, the award of the credits
2 under this paragraph (4.7) shall not reduce the sentence of the
3 prisoner to less than the following amounts:

4 (i) 85% of his or her sentence if the prisoner is
5 required to serve 85% of his or her sentence; or

6 (ii) 60% of his or her sentence if the prisoner is
7 required to serve 75% of his or her sentence, except if the
8 prisoner is serving a sentence for gunrunning his or her
9 sentence shall not be reduced to less than 75%.

10 This paragraph (4.7) shall not apply to a prisoner serving
11 a sentence for an offense described in subparagraph (i) of
12 paragraph (2) of this subsection (a).

13 (5) Whenever the Department is to release any inmate
14 earlier than it otherwise would because of a grant of earned
15 sentence credit under paragraph (3) of subsection (a) of this
16 Section given at any time during the term, the Department shall
17 give reasonable notice of the impending release not less than
18 14 days prior to the date of the release to the State's
19 Attorney of the county where the prosecution of the inmate took
20 place, and if applicable, the State's Attorney of the county
21 into which the inmate will be released. The Department must
22 also make identification information and a recent photo of the
23 inmate being released accessible on the Internet by means of a
24 hyperlink labeled "Community Notification of Inmate Early
25 Release" on the Department's World Wide Web homepage. The
26 identification information shall include the inmate's: name,

1 any known alias, date of birth, physical characteristics,
2 commitment offense and county where conviction was imposed. The
3 identification information shall be placed on the website
4 within 3 days of the inmate's release and the information may
5 not be removed until either: completion of the first year of
6 mandatory supervised release or return of the inmate to custody
7 of the Department.

8 (b) Whenever a person is or has been committed under
9 several convictions, with separate sentences, the sentences
10 shall be construed under Section 5-8-4 in granting and
11 forfeiting of sentence credit.

12 (c) The Department shall prescribe rules and regulations
13 for revoking sentence credit, including revoking sentence
14 credit awarded under paragraph (3) of subsection (a) of this
15 Section. The Department shall prescribe rules and regulations
16 for suspending or reducing the rate of accumulation of sentence
17 credit for specific rule violations, during imprisonment.
18 These rules and regulations shall provide that no inmate may be
19 penalized more than one year of sentence credit for any one
20 infraction.

21 When the Department seeks to revoke, suspend or reduce the
22 rate of accumulation of any sentence credits for an alleged
23 infraction of its rules, it shall bring charges therefor
24 against the prisoner sought to be so deprived of sentence
25 credits before the Prisoner Review Board as provided in
26 subparagraph (a) (4) of Section 3-3-2 of this Code, if the

1 amount of credit at issue exceeds 30 days or when during any 12
2 month period, the cumulative amount of credit revoked exceeds
3 30 days except where the infraction is committed or discovered
4 within 60 days of scheduled release. In those cases, the
5 Department of Corrections may revoke up to 30 days of sentence
6 credit. The Board may subsequently approve the revocation of
7 additional sentence credit, if the Department seeks to revoke
8 sentence credit in excess of 30 days. However, the Board shall
9 not be empowered to review the Department's decision with
10 respect to the loss of 30 days of sentence credit within any
11 calendar year for any prisoner or to increase any penalty
12 beyond the length requested by the Department.

13 The Director of the Department of Corrections, in
14 appropriate cases, may restore up to 30 days of sentence
15 credits which have been revoked, suspended or reduced. Any
16 restoration of sentence credits in excess of 30 days shall be
17 subject to review by the Prisoner Review Board. However, the
18 Board may not restore sentence credit in excess of the amount
19 requested by the Director.

20 Nothing contained in this Section shall prohibit the
21 Prisoner Review Board from ordering, pursuant to Section
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
23 sentence imposed by the court that was not served due to the
24 accumulation of sentence credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or
26 federal court against the State, the Department of Corrections,

1 or the Prisoner Review Board, or against any of their officers
2 or employees, and the court makes a specific finding that a
3 pleading, motion, or other paper filed by the prisoner is
4 frivolous, the Department of Corrections shall conduct a
5 hearing to revoke up to 180 days of sentence credit by bringing
6 charges against the prisoner sought to be deprived of the
7 sentence credits before the Prisoner Review Board as provided
8 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
9 prisoner has not accumulated 180 days of sentence credit at the
10 time of the finding, then the Prisoner Review Board may revoke
11 all sentence credit accumulated by the prisoner.

12 For purposes of this subsection (d):

13 (1) "Frivolous" means that a pleading, motion, or other
14 filing which purports to be a legal document filed by a
15 prisoner in his or her lawsuit meets any or all of the
16 following criteria:

17 (A) it lacks an arguable basis either in law or in
18 fact;

19 (B) it is being presented for any improper purpose,
20 such as to harass or to cause unnecessary delay or
21 needless increase in the cost of litigation;

22 (C) the claims, defenses, and other legal
23 contentions therein are not warranted by existing law
24 or by a nonfrivolous argument for the extension,
25 modification, or reversal of existing law or the
26 establishment of new law;

1 (D) the allegations and other factual contentions
2 do not have evidentiary support or, if specifically so
3 identified, are not likely to have evidentiary support
4 after a reasonable opportunity for further
5 investigation or discovery; or

6 (E) the denials of factual contentions are not
7 warranted on the evidence, or if specifically so
8 identified, are not reasonably based on a lack of
9 information or belief.

10 (2) "Lawsuit" means a motion pursuant to Section 116-3
11 of the Code of Criminal Procedure of 1963, a habeas corpus
12 action under Article X of the Code of Civil Procedure or
13 under federal law (28 U.S.C. 2254), a petition for claim
14 under the Court of Claims Act, an action under the federal
15 Civil Rights Act (42 U.S.C. 1983), or a second or
16 subsequent petition for post-conviction relief under
17 Article 122 of the Code of Criminal Procedure of 1963
18 whether filed with or without leave of court or a second or
19 subsequent petition for relief from judgment under Section
20 2-1401 of the Code of Civil Procedure.

21 (e) Nothing in Public Act 90-592 or 90-593 affects the
22 validity of Public Act 89-404.

23 (f) Whenever the Department is to release any inmate who
24 has been convicted of a violation of an order of protection
25 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, earlier than it otherwise would

1 because of a grant of sentence credit, the Department, as a
2 condition of release, shall require that the person, upon
3 release, be placed under electronic surveillance as provided in
4 Section 5-8A-7 of this Code.

5 (Source: P.A. 99-241, eff. 1-1-16; 99-275, eff. 1-1-16; 99-642,
6 eff. 7-28-16; 99-938, eff. 1-1-18; 100-3, eff. 1-1-18.)

7 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

8 (Text of Section before amendment by P.A. 99-938)

9 Sec. 5-5-3. Disposition.

10 (a) (Blank).

11 (b) (Blank).

12 (c) (1) (Blank).

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

19 (A) First degree murder where the death penalty is not
20 imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the Illinois
24 Controlled Substances Act, or a violation of subdivision
25 (c) (1.5) or (c) (2) of Section 401 of that Act which relates

1 to more than 5 grams of a substance containing cocaine,
2 fentanyl, or an analog thereof.

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

7 (E) A violation of Section 5.1 or 9 of the Cannabis
8 Control Act.

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

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

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

26 (H) Criminal sexual assault.

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

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

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

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

16 (K) Vehicular hijacking.

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

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

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

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

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

6 (Q) A violation of subsection (b) or (b-5) of Section
7 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
8 Code of 1961 or the Criminal Code of 2012.

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

11 (S) (Blank).

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

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

21 (V) A violation of paragraph (4) of subsection (c) of
22 Section 11-20.1B or paragraph (4) of subsection (c) of
23 Section 11-20.3 of the Criminal Code of 1961, or paragraph
24 (6) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 2012 when the victim is under 13 years of age and
26 the defendant has previously been convicted under the laws

1 of this State or any other state of the offense of child
2 pornography, aggravated child pornography, aggravated
3 criminal sexual abuse, aggravated criminal sexual assault,
4 predatory criminal sexual assault of a child, or any of the
5 offenses formerly known as rape, deviate sexual assault,
6 indecent liberties with a child, or aggravated indecent
7 liberties with a child where the victim was under the age
8 of 18 years or an offense that is substantially equivalent
9 to those offenses.

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

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

14 (Y) A conviction for unlawful possession of a firearm
15 by a street gang member when the firearm was loaded or
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge for a
19 felony.

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

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

24 (CC) Knowingly selling, offering for sale, holding for
25 sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the aggregate of

1 \$500,000 or more.

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

7 (EE) A conviction for a violation of paragraph (2) of
8 subsection (a) of Section 24-3B of the Criminal Code of
9 2012.

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
17 this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court, shall
22 be imposed for a second violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6), and
25 (4.9) of this subsection (c), a minimum term of imprisonment of
26 30 days or 300 hours of community service, as determined by the

1 court, shall be imposed for a third or subsequent violation of
2 Section 6-303 of the Illinois Vehicle Code. The court may give
3 credit toward the fulfillment of community service hours for
4 participation in activities and treatment as determined by
5 court services.

6 (4.5) A minimum term of imprisonment of 30 days shall be
7 imposed for a third violation of subsection (c) of Section
8 6-303 of the Illinois Vehicle Code.

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

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

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

24 (4.9) A mandatory prison sentence of not less than 4 and
25 not more than 15 years shall be imposed for a third violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-2.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

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

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

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license, permit, or
2 privileges suspended for at least 180 days but not more than 2
3 years, if the violation resulted in injury to another person.

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

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

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

25 (9) A defendant convicted of a second or subsequent offense
26 of ritualized abuse of a child may be sentenced to a term of

1 natural life imprisonment.

2 (10) (Blank).

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

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

24 (13) A person convicted of or placed on court supervision
25 for an assault or aggravated assault when the victim and the
26 offender are family or household members as defined in Section

1 103 of the Illinois Domestic Violence Act of 1986 or convicted
2 of domestic battery or aggravated domestic battery may be
3 required to attend a Partner Abuse Intervention Program under
4 protocols set forth by the Illinois Department of Human
5 Services under such terms and conditions imposed by the court.
6 The costs of such classes shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction
2 of a defendant who was a family member of the victim at the
3 time of the commission of the offense, the court shall consider
4 the safety and welfare of the victim and may impose a sentence
5 of probation only where:

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

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

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

13 (i) removal from the household;

14 (ii) restricted contact with the victim;

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

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

18 and

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

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

1 counseling as a result of the offense.

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

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

12 (f) (Blank).

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

1 person. Except as otherwise provided by law, the results of
2 such test shall be kept strictly confidential by all medical
3 personnel involved in the testing and must be personally
4 delivered in a sealed envelope to the judge of the court in
5 which the conviction was entered for the judge's inspection in
6 camera. Acting in accordance with the best interests of the
7 victim and the public, the judge shall have the discretion to
8 determine to whom, if anyone, the results of the testing may be
9 revealed. The court shall notify the defendant of the test
10 results. The court shall also notify the victim if requested by
11 the victim, and if the victim is under the age of 15 and if
12 requested by the victim's parents or legal guardian, the court
13 shall notify the victim's parents or legal guardian of the test
14 results. The court shall provide information on the
15 availability of HIV testing and counseling at Department of
16 Public Health facilities to all parties to whom the results of
17 the testing are revealed and shall direct the State's Attorney
18 to provide the information to the victim when possible. A
19 State's Attorney may petition the court to obtain the results
20 of any HIV test administered under this Section, and the court
21 shall grant the disclosure if the State's Attorney shows it is
22 relevant in order to prosecute a charge of criminal
23 transmission of HIV under Section 12-5.01 or 12-16.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 against the
25 defendant. The court shall order that the cost of any such test
26 shall be paid by the county and may be taxed as costs against

1 the convicted defendant.

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

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

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

15 (i) All fines and penalties imposed under this Section for
16 any violation of Chapters 3, 4, 6, and 11 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance, and
18 any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under Section 27.5
21 of the Clerks of Courts Act.

22 (j) In cases when prosecution for any violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
24 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,

1 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, any violation of the Illinois Controlled
3 Substances Act, any violation of the Cannabis Control Act, or
4 any violation of the Methamphetamine Control and Community
5 Protection Act results in conviction, a disposition of court
6 supervision, or an order of probation granted under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act of a defendant, the court
10 shall determine whether the defendant is employed by a facility
11 or center as defined under the Child Care Act of 1969, a public
12 or private elementary or secondary school, or otherwise works
13 with children under 18 years of age on a daily basis. When a
14 defendant is so employed, the court shall order the Clerk of
15 the Court to send a copy of the judgment of conviction or order
16 of supervision or probation to the defendant's employer by
17 certified mail. If the employer of the defendant is a school,
18 the Clerk of the Court shall direct the mailing of a copy of
19 the judgment of conviction or order of supervision or probation
20 to the appropriate regional superintendent of schools. The
21 regional superintendent of schools shall notify the State Board
22 of Education of any notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall as

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

1 developmental disability or otherwise mentally incapable of
2 completing the educational or vocational program.

3 (k) (Blank).

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

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

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

18 Otherwise, the defendant shall be sentenced as provided in
19 this Chapter V.

20 (B) If the defendant has already been sentenced for a
21 felony or misdemeanor offense, or has been placed on probation
22 under Section 10 of the Cannabis Control Act, Section 410 of
23 the Illinois Controlled Substances Act, or Section 70 of the
24 Methamphetamine Control and Community Protection Act, the
25 court may, upon motion of the State's Attorney to suspend the
26 sentence imposed, commit the defendant to the custody of the

1 Attorney General of the United States or his or her designated
2 agent when:

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

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

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

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

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, in which the property damage exceeds
25 \$300 and the property damaged is a school building, shall be
26 ordered to perform community service that may include cleanup,

1 removal, or painting over the defacement.

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

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

16 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
17 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

18 (Text of Section after amendment by P.A. 99-938)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the following
25 offenses. The court shall sentence the offender to not less

1 than the minimum term of imprisonment set forth in this Code
2 for the following offenses, and may order a fine or restitution
3 or both in conjunction with such term of imprisonment:

4 (A) First degree murder where the death penalty is not
5 imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

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

13 (D-5) A violation of subdivision (c)(1) of Section 401
14 of the Illinois Controlled Substances Act which relates to
15 3 or more grams of a substance containing heroin or an
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had
19 been convicted of a Class 1 or greater felony, including
20 any state or federal conviction for an offense that
21 contained, at the time it was committed, the same elements
22 as an offense now (the date of the offense committed after
23 the prior Class 1 or greater felony) classified as a Class
24 1 or greater felony, within 10 years of the date on which
25 the offender committed the offense for which he or she is
26 being sentenced, except as otherwise provided in Section

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

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

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

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

20 (H) Criminal sexual assault.

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

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

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or
2 more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate crimes
4 or provides support to the members of the association who
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this
7 paragraph, "organized gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense
12 of hate crime when the underlying offense upon which the
13 hate crime is based is felony aggravated assault or felony
14 mob action.

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

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

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

26 (Q) A violation of subsection (b) or (b-5) of Section

1 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.

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

5 (S) (Blank).

6 (T) (Blank).

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

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

1 of 18 years or an offense that is substantially equivalent
2 to those offenses.

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

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

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

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

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

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

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

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

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of
2 2012.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
10 this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court, shall
15 be imposed for a second violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

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

25 (4.5) A minimum term of imprisonment of 30 days shall be
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this
3 subsection (c), a minimum term of imprisonment of 180 days
4 shall be imposed for a fourth or subsequent violation of
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent violation of
26 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,

1 as provided in subsection (d-3.5) of that Section. The person's
2 driving privileges shall be revoked for the remainder of his or
3 her life.

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

6 (A) a period of conditional discharge;

7 (B) a fine;

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

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

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

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

1 resulted in the death of another person.

2 (5.4) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code shall have his or her driver's license, permit, or
5 privileges suspended for 3 months and until he or she has paid
6 a reinstatement fee of \$100.

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

15 (6) (Blank).

16 (7) (Blank).

17 (8) (Blank).

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

21 (10) (Blank).

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

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

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

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

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

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

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

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

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

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

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

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

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

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

11 and

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

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

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

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 11-0.1 of the Criminal Code of 2012.

5 (f) (Blank).

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

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

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

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

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

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

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

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

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

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

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

22 (k) (Blank).

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

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

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

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

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

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

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

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

1 would not be inconsistent with the ends of justice.

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

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

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

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

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

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

9 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
10 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
11 1-1-18.)

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

13 Sec. 5-6-3. Conditions of probation and of conditional
14 discharge.

15 (a) The conditions of probation and of conditional
16 discharge shall be that the person:

17 (1) not violate any criminal statute of any
18 jurisdiction;

19 (2) report to or appear in person before such person or
20 agency as directed by the court;

21 (3) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a felony or, if a
23 misdemeanor, the offense involved the intentional or
24 knowing infliction of bodily harm or threat of bodily harm;

25 (4) not leave the State without the consent of the

1 court or, in circumstances in which the reason for the
2 absence is of such an emergency nature that prior consent
3 by the court is not possible, without the prior
4 notification and approval of the person's probation
5 officer. Transfer of a person's probation or conditional
6 discharge supervision to another state is subject to
7 acceptance by the other state pursuant to the Interstate
8 Compact for Adult Offender Supervision;

9 (5) permit the probation officer to visit him at his
10 home or elsewhere to the extent necessary to discharge his
11 duties;

12 (6) perform no less than 30 hours of community service
13 and not more than 120 hours of community service, if
14 community service is available in the jurisdiction and is
15 funded and approved by the county board where the offense
16 was committed, where the offense was related to or in
17 furtherance of the criminal activities of an organized gang
18 and was motivated by the offender's membership in or
19 allegiance to an organized gang. The community service
20 shall include, but not be limited to, the cleanup and
21 repair of any damage caused by a violation of Section
22 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
23 2012 and similar damage to property located within the
24 municipality or county in which the violation occurred.
25 When possible and reasonable, the community service should
26 be performed in the offender's neighborhood. For purposes

1 of this Section, "organized gang" has the meaning ascribed
2 to it in Section 10 of the Illinois Streetgang Terrorism
3 Omnibus Prevention Act. The court may give credit toward
4 the fulfillment of community service hours for
5 participation in activities and treatment as determined by
6 court services;

7 (7) if he or she is at least 17 years of age and has
8 been sentenced to probation or conditional discharge for a
9 misdemeanor or felony in a county of 3,000,000 or more
10 inhabitants and has not been previously convicted of a
11 misdemeanor or felony, may be required by the sentencing
12 court to attend educational courses designed to prepare the
13 defendant for a high school diploma and to work toward a
14 high school diploma or to work toward passing high school
15 equivalency testing or to work toward completing a
16 vocational training program approved by the court. The
17 person on probation or conditional discharge must attend a
18 public institution of education to obtain the educational
19 or vocational training required by this paragraph ~~clause~~
20 (7). The court shall revoke the probation or conditional
21 discharge of a person who wilfully fails to comply with
22 this paragraph ~~clause~~ (7). The person on probation or
23 conditional discharge shall be required to pay for the cost
24 of the educational courses or high school equivalency
25 testing if a fee is charged for those courses or testing.
26 The court shall resentence the offender whose probation or

1 conditional discharge has been revoked as provided in
2 Section 5-6-4. This paragraph ~~clause~~ (7) does not apply to
3 a person who has a high school diploma or has successfully
4 passed high school equivalency testing. This paragraph
5 ~~clause~~ (7) does not apply to a person who is determined by
6 the court to be a person with a developmental disability or
7 otherwise mentally incapable of completing the educational
8 or vocational program;

9 (8) if convicted of possession of a substance
10 prohibited by the Cannabis Control Act, the Illinois
11 Controlled Substances Act, or the Methamphetamine Control
12 and Community Protection Act after a previous conviction or
13 disposition of supervision for possession of a substance
14 prohibited by the Cannabis Control Act or Illinois
15 Controlled Substances Act or after a sentence of probation
16 under Section 10 of the Cannabis Control Act, Section 410
17 of the Illinois Controlled Substances Act, or Section 70 of
18 the Methamphetamine Control and Community Protection Act
19 and upon a finding by the court that the person is
20 addicted, undergo treatment at a substance abuse program
21 approved by the court;

22 (8.5) if convicted of a felony sex offense as defined
23 in the Sex Offender Management Board Act, the person shall
24 undergo and successfully complete sex offender treatment
25 by a treatment provider approved by the Board and conducted
26 in conformance with the standards developed under the Sex

1 Offender Management Board Act;

2 (8.6) if convicted of a sex offense as defined in the
3 Sex Offender Management Board Act, refrain from residing at
4 the same address or in the same condominium unit or
5 apartment unit or in the same condominium complex or
6 apartment complex with another person he or she knows or
7 reasonably should know is a convicted sex offender or has
8 been placed on supervision for a sex offense; the
9 provisions of this paragraph do not apply to a person
10 convicted of a sex offense who is placed in a Department of
11 Corrections licensed transitional housing facility for sex
12 offenders;

13 (8.7) if convicted for an offense committed on or after
14 June 1, 2008 (the effective date of Public Act 95-464) that
15 would qualify the accused as a child sex offender as
16 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
17 1961 or the Criminal Code of 2012, refrain from
18 communicating with or contacting, by means of the Internet,
19 a person who is not related to the accused and whom the
20 accused reasonably believes to be under 18 years of age;
21 for purposes of this paragraph (8.7), "Internet" has the
22 meaning ascribed to it in Section 16-0.1 of the Criminal
23 Code of 2012; and a person is not related to the accused if
24 the person is not: (i) the spouse, brother, or sister of
25 the accused; (ii) a descendant of the accused; (iii) a
26 first or second cousin of the accused; or (iv) a step-child

1 or adopted child of the accused;

2 (8.8) if convicted for an offense under Section 11-6,
3 11-9.1, 11-14.4 that involves soliciting for a juvenile
4 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 or any attempt to commit any of these offenses, committed
7 on or after June 1, 2009 (the effective date of Public Act
8 95-983):

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 offender's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer;

7 (8.9) if convicted of a sex offense as defined in the
8 Sex Offender Registration Act committed on or after January
9 1, 2010 (the effective date of Public Act 96-262), refrain
10 from accessing or using a social networking website as
11 defined in Section 17-0.5 of the Criminal Code of 2012;

12 (9) if convicted of a felony or of any misdemeanor
13 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
14 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
15 2012 that was determined, pursuant to Section 112A-11.1 of
16 the Code of Criminal Procedure of 1963, to trigger the
17 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
18 at a time and place designated by the court, his or her
19 Firearm Owner's Identification Card and any and all
20 firearms in his or her possession. The Court shall return
21 to the Department of State Police Firearm Owner's
22 Identification Card Office the person's Firearm Owner's
23 Identification Card;

24 (10) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial minors
2 are present, not participate in a holiday event involving
3 children under 18 years of age, such as distributing candy
4 or other items to children on Halloween, wearing a Santa
5 Claus costume on or preceding Christmas, being employed as
6 a department store Santa Claus, or wearing an Easter Bunny
7 costume on or preceding Easter;

8 (11) if convicted of a sex offense as defined in
9 Section 2 of the Sex Offender Registration Act committed on
10 or after January 1, 2010 (the effective date of Public Act
11 96-362) that requires the person to register as a sex
12 offender under that Act, may not knowingly use any computer
13 scrub software on any computer that the sex offender uses;

14 (12) if convicted of a violation of the Methamphetamine
15 Control and Community Protection Act, the Methamphetamine
16 Precursor Control Act, or a methamphetamine related
17 offense:

18 (A) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 ammonium nitrate; and

24 (13) if convicted of a hate crime involving the
25 protected class identified in subsection (a) of Section
26 12-7.1 of the Criminal Code of 2012 that gave rise to the

1 offense the offender committed, perform public or
2 community service of no less than 200 hours and enroll in
3 an educational program discouraging hate crimes that
4 includes racial, ethnic, and cultural sensitivity training
5 ordered by the court.

6 (b) The Court may in addition to other reasonable
7 conditions relating to the nature of the offense or the
8 rehabilitation of the defendant as determined for each
9 defendant in the proper discretion of the Court require that
10 the person:

11 (1) serve a term of periodic imprisonment under Article
12 7 for a period not to exceed that specified in paragraph
13 (d) of Section 5-7-1;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical, psychological or psychiatric
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) and in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 (iv) contribute to his own support at home or in a

1 foster home;

2 (v) with the consent of the superintendent of the
3 facility, attend an educational program at a facility
4 other than the school in which the offense was
5 committed if he or she is convicted of a crime of
6 violence as defined in Section 2 of the Crime Victims
7 Compensation Act committed in a school, on the real
8 property comprising a school, or within 1,000 feet of
9 the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6 of
11 this Code;

12 (9) perform some reasonable public or community
13 service;

14 (10) serve a term of home confinement. In addition to
15 any other applicable condition of probation or conditional
16 discharge, the conditions of home confinement shall be that
17 the offender:

18 (i) remain within the interior premises of the
19 place designated for his confinement during the hours
20 designated by the court;

21 (ii) admit any person or agent designated by the
22 court into the offender's place of confinement at any
23 time for purposes of verifying the offender's
24 compliance with the conditions of his confinement; and

25 (iii) if further deemed necessary by the court or
26 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject
2 to Article 8A of Chapter V;

3 (iv) for persons convicted of any alcohol,
4 cannabis or controlled substance violation who are
5 placed on an approved monitoring device as a condition
6 of probation or conditional discharge, the court shall
7 impose a reasonable fee for each day of the use of the
8 device, as established by the county board in
9 subsection (g) of this Section, unless after
10 determining the inability of the offender to pay the
11 fee, the court assesses a lesser fee or no fee as the
12 case may be. This fee shall be imposed in addition to
13 the fees imposed under subsections (g) and (i) of this
14 Section. The fee shall be collected by the clerk of the
15 circuit court, except as provided in an administrative
16 order of the Chief Judge of the circuit court. The
17 clerk of the circuit court shall pay all monies
18 collected from this fee to the county treasurer for
19 deposit in the substance abuse services fund under
20 Section 5-1086.1 of the Counties Code, except as
21 provided in an administrative order of the Chief Judge
22 of the circuit court.

23 The Chief Judge of the circuit court of the county
24 may by administrative order establish a program for
25 electronic monitoring of offenders, in which a vendor
26 supplies and monitors the operation of the electronic

1 monitoring device, and collects the fees on behalf of
2 the county. The program shall include provisions for
3 indigent offenders and the collection of unpaid fees.
4 The program shall not unduly burden the offender and
5 shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend
7 any additional charges or fees for late payment,
8 interest, or damage to any device; and

9 (v) for persons convicted of offenses other than
10 those referenced in clause (iv) above and who are
11 placed on an approved monitoring device as a condition
12 of probation or conditional discharge, the court shall
13 impose a reasonable fee for each day of the use of the
14 device, as established by the county board in
15 subsection (g) of this Section, unless after
16 determining the inability of the defendant to pay the
17 fee, the court assesses a lesser fee or no fee as the
18 case may be. This fee shall be imposed in addition to
19 the fees imposed under subsections (g) and (i) of this
20 Section. The fee shall be collected by the clerk of the
21 circuit court, except as provided in an administrative
22 order of the Chief Judge of the circuit court. The
23 clerk of the circuit court shall pay all monies
24 collected from this fee to the county treasurer who
25 shall use the monies collected to defray the costs of
26 corrections. The county treasurer shall deposit the

1 fee collected in the probation and court services fund.
2 The Chief Judge of the circuit court of the county may
3 by administrative order establish a program for
4 electronic monitoring of offenders, in which a vendor
5 supplies and monitors the operation of the electronic
6 monitoring device, and collects the fees on behalf of
7 the county. The program shall include provisions for
8 indigent offenders and the collection of unpaid fees.
9 The program shall not unduly burden the offender and
10 shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend
12 any additional charges or fees for late payment,
13 interest, or damage to any device.

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter amended,
17 or an order of protection issued by the court of another
18 state, tribe, or United States territory. A copy of the
19 order of protection shall be transmitted to the probation
20 officer or agency having responsibility for the case;

21 (12) reimburse any "local anti-crime program" as
22 defined in Section 7 of the Anti-Crime Advisory Council Act
23 for any reasonable expenses incurred by the program on the
24 offender's case, not to exceed the maximum amount of the
25 fine authorized for the offense for which the defendant was
26 sentenced;

1 (13) contribute a reasonable sum of money, not to
2 exceed the maximum amount of the fine authorized for the
3 offense for which the defendant was sentenced, (i) to a
4 "local anti-crime program", as defined in Section 7 of the
5 Anti-Crime Advisory Council Act, or (ii) for offenses under
6 the jurisdiction of the Department of Natural Resources, to
7 the fund established by the Department of Natural Resources
8 for the purchase of evidence for investigation purposes and
9 to conduct investigations as outlined in Section 805-105 of
10 the Department of Natural Resources (Conservation) Law;

11 (14) refrain from entering into a designated
12 geographic area except upon such terms as the court finds
13 appropriate. Such terms may include consideration of the
14 purpose of the entry, the time of day, other persons
15 accompanying the defendant, and advance approval by a
16 probation officer, if the defendant has been placed on
17 probation or advance approval by the court, if the
18 defendant was placed on conditional discharge;

19 (15) refrain from having any contact, directly or
20 indirectly, with certain specified persons or particular
21 types of persons, including but not limited to members of
22 street gangs and drug users or dealers;

23 (16) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the Cannabis
25 Control Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his
2 or her blood or urine or both for tests to determine the
3 presence of any illicit drug;

4 (17) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is related to the accused and whom the accused
11 reasonably believes to be under 18 years of age; for
12 purposes of this paragraph (17), "Internet" has the meaning
13 ascribed to it in Section 16-0.1 of the Criminal Code of
14 2012; and a person is related to the accused if the person
15 is: (i) the spouse, brother, or sister of the accused; (ii)
16 a descendant of the accused; (iii) a first or second cousin
17 of the accused; or (iv) a step-child or adopted child of
18 the accused;

19 (18) if convicted for an offense committed on or after
20 June 1, 2009 (the effective date of Public Act 95-983) that
21 would qualify as a sex offense as defined in the Sex
22 Offender Registration Act:

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the offender's probation officer,
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the
2 offender's probation officer;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's probation
6 officer, a law enforcement officer, or assigned
7 computer or information technology specialist,
8 including the retrieval and copying of all data from
9 the computer or device and any internal or external
10 peripherals and removal of such information,
11 equipment, or device to conduct a more thorough
12 inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 subject's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the offender's probation officer; and

21 (19) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a misdemeanor that
23 did not involve the intentional or knowing infliction of
24 bodily harm or threat of bodily harm.

25 (c) The court may as a condition of probation or of
26 conditional discharge require that a person under 18 years of

1 age found guilty of any alcohol, cannabis or controlled
2 substance violation, refrain from acquiring a driver's license
3 during the period of probation or conditional discharge. If
4 such person is in possession of a permit or license, the court
5 may require that the minor refrain from driving or operating
6 any motor vehicle during the period of probation or conditional
7 discharge, except as may be necessary in the course of the
8 minor's lawful employment.

9 (d) An offender sentenced to probation or to conditional
10 discharge shall be given a certificate setting forth the
11 conditions thereof.

12 (e) Except where the offender has committed a fourth or
13 subsequent violation of subsection (c) of Section 6-303 of the
14 Illinois Vehicle Code, the court shall not require as a
15 condition of the sentence of probation or conditional discharge
16 that the offender be committed to a period of imprisonment in
17 excess of 6 months. This 6-month ~~6-month~~ limit shall not
18 include periods of confinement given pursuant to a sentence of
19 county impact incarceration under Section 5-8-1.2.

20 Persons committed to imprisonment as a condition of
21 probation or conditional discharge shall not be committed to
22 the Department of Corrections.

23 (f) The court may combine a sentence of periodic
24 imprisonment under Article 7 or a sentence to a county impact
25 incarceration program under Article 8 with a sentence of
26 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes mandatory
3 drug or alcohol testing, or both, or is assigned to be placed
4 on an approved electronic monitoring device, shall be ordered
5 to pay all costs incidental to such mandatory drug or alcohol
6 testing, or both, and all costs incidental to such approved
7 electronic monitoring in accordance with the defendant's
8 ability to pay those costs. The county board with the
9 concurrence of the Chief Judge of the judicial circuit in which
10 the county is located shall establish reasonable fees for the
11 cost of maintenance, testing, and incidental expenses related
12 to the mandatory drug or alcohol testing, or both, and all
13 costs incidental to approved electronic monitoring, involved
14 in a successful probation program for the county. The
15 concurrence of the Chief Judge shall be in the form of an
16 administrative order. The fees shall be collected by the clerk
17 of the circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The clerk of the
19 circuit court shall pay all moneys collected from these fees to
20 the county treasurer who shall use the moneys collected to
21 defray the costs of drug testing, alcohol testing, and
22 electronic monitoring. The county treasurer shall deposit the
23 fees collected in the county working cash fund under Section
24 6-27001 or Section 6-29002 of the Counties Code, as the case
25 may be. The Chief Judge of the circuit court of the county may
26 by administrative order establish a program for electronic

1 monitoring of offenders, in which a vendor supplies and
2 monitors the operation of the electronic monitoring device, and
3 collects the fees on behalf of the county. The program shall
4 include provisions for indigent offenders and the collection of
5 unpaid fees. The program shall not unduly burden the offender
6 and shall be subject to review by the Chief Judge.

7 The Chief Judge of the circuit court may suspend any
8 additional charges or fees for late payment, interest, or
9 damage to any device.

10 (h) Jurisdiction over an offender may be transferred from
11 the sentencing court to the court of another circuit with the
12 concurrence of both courts. Further transfers or retransfers of
13 jurisdiction are also authorized in the same manner. The court
14 to which jurisdiction has been transferred shall have the same
15 powers as the sentencing court. The probation department within
16 the circuit to which jurisdiction has been transferred, or
17 which has agreed to provide supervision, may impose probation
18 fees upon receiving the transferred offender, as provided in
19 subsection (i). For all transfer cases, as defined in Section
20 9b of the Probation and Probation Officers Act, the probation
21 department from the original sentencing court shall retain all
22 probation fees collected prior to the transfer. After the
23 transfer, all probation fees shall be paid to the probation
24 department within the circuit to which jurisdiction has been
25 transferred.

26 (i) The court shall impose upon an offender sentenced to

1 probation after January 1, 1989 or to conditional discharge
2 after January 1, 1992 or to community service under the
3 supervision of a probation or court services department after
4 January 1, 2004, as a condition of such probation or
5 conditional discharge or supervised community service, a fee of
6 \$50 for each month of probation or conditional discharge
7 supervision or supervised community service ordered by the
8 court, unless after determining the inability of the person
9 sentenced to probation or conditional discharge or supervised
10 community service to pay the fee, the court assesses a lesser
11 fee. The court may not impose the fee on a minor who is placed
12 in the guardianship or custody of the Department of Children
13 and Family Services under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless the circuit
23 court has adopted, by administrative order issued by the chief
24 judge, a standard probation fee guide determining an offender's
25 ability to pay Of the amount collected as a probation fee, up
26 to \$5 of that fee collected per month may be used to provide

1 services to crime victims and their families.

2 The Court may only waive probation fees based on an
3 offender's ability to pay. The probation department may
4 re-evaluate an offender's ability to pay every 6 months, and,
5 with the approval of the Director of Court Services or the
6 Chief Probation Officer, adjust the monthly fee amount. An
7 offender may elect to pay probation fees due in a lump sum. Any
8 offender that has been assigned to the supervision of a
9 probation department, or has been transferred either under
10 subsection (h) of this Section or under any interstate compact,
11 shall be required to pay probation fees to the department
12 supervising the offender, based on the offender's ability to
13 pay.

14 Public Act 93-970 ~~This amendatory Act of the 93rd General~~
15 ~~Assembly~~ deletes the \$10 increase in the fee under this
16 subsection that was imposed by Public Act 93-616. This deletion
17 is intended to control over any other Act of the 93rd General
18 Assembly that retains or incorporates that fee increase.

19 (i-5) In addition to the fees imposed under subsection (i)
20 of this Section, in the case of an offender convicted of a
21 felony sex offense (as defined in the Sex Offender Management
22 Board Act) or an offense that the court or probation department
23 has determined to be sexually motivated (as defined in the Sex
24 Offender Management Board Act), the court or the probation
25 department shall assess additional fees to pay for all costs of
26 treatment, assessment, evaluation for risk and treatment, and

1 monitoring the offender, based on that offender's ability to
2 pay those costs either as they occur or under a payment plan.

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

10 (k) Any offender who is sentenced to probation or
11 conditional discharge for a felony sex offense as defined in
12 the Sex Offender Management Board Act or any offense that the
13 court or probation department has determined to be sexually
14 motivated as defined in the Sex Offender Management Board Act
15 shall be required to refrain from any contact, directly or
16 indirectly, with any persons specified by the court and shall
17 be available for all evaluations and treatment programs
18 required by the court or the probation department.

19 (l) The court may order an offender who is sentenced to
20 probation or conditional discharge for a violation of an order
21 of protection be placed under electronic surveillance as
22 provided in Section 5-8A-7 of this Code.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
24 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; revised 10-5-17.)

1 (Text of Section before amendment by P.A. 100-3)

2 Sec. 5-6-3.3. Offender Initiative Program.

3 (a) Statement of purpose. The General Assembly seeks to
4 continue other successful programs that promote public safety,
5 conserve valuable resources, and reduce recidivism by
6 defendants who can lead productive lives by creating the
7 Offender Initiative Program.

8 (a-1) Whenever any person who has not previously been
9 convicted of, or placed on probation or conditional discharge
10 for, any felony offense under the laws of this State, the laws
11 of any other state, or the laws of the United States, is
12 arrested for and charged with a probationable felony offense of
13 theft, retail theft, forgery, possession of a stolen motor
14 vehicle, burglary, possession of burglary tools, possession of
15 cannabis, possession of a controlled substance, or possession
16 of methamphetamine, the court, with the consent of the
17 defendant and the State's Attorney, may continue this matter to
18 allow a defendant to participate and complete the Offender
19 Initiative Program.

20 (a-2) Exemptions. A defendant shall not be eligible for
21 this Program if the offense he or she has been arrested for and
22 charged with is a violent offense. For purposes of this
23 Program, a "violent offense" is any offense where bodily harm
24 was inflicted or where force was used against any person or
25 threatened against any person, any offense involving sexual
26 conduct, sexual penetration, or sexual exploitation, any

1 offense of domestic violence, domestic battery, violation of an
2 order of protection, stalking, hate crime, driving under the
3 influence of drugs or alcohol, and any offense involving the
4 possession of a firearm or dangerous weapon. A defendant shall
5 not be eligible for this Program if he or she has previously
6 been adjudicated a delinquent minor for the commission of a
7 violent offense as defined in this subsection.

8 (b) When a defendant is placed in the Program, after both
9 the defendant and State's Attorney waive preliminary hearing
10 pursuant to Section 109-3 of the Code of Criminal Procedure of
11 1963, the court shall enter an order specifying that the
12 proceedings shall be suspended while the defendant is
13 participating in a Program of not less 12 months.

14 (c) The conditions of the Program shall be that the
15 defendant:

16 (1) not violate any criminal statute of this State or
17 any other jurisdiction;

18 (2) refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) make full restitution to the victim or property
21 owner pursuant to Section 5-5-6 of this Code;

22 (4) obtain employment or perform not less than 30 hours
23 of community service, provided community service is
24 available in the county and is funded and approved by the
25 county board; and

26 (5) attend educational courses designed to prepare the

1 defendant for obtaining a high school diploma or to work
2 toward passing high school equivalency testing or to work
3 toward completing a vocational training program.

4 (c-1) The court may give credit toward the fulfillment of
5 community service hours for participation in activities and
6 treatment as determined by court services.

7 (d) The court may, in addition to other conditions, require
8 that the defendant:

9 (1) undergo medical or psychiatric treatment, or
10 treatment or rehabilitation approved by the Illinois
11 Department of Human Services;

12 (2) refrain from having in his or her body the presence
13 of any illicit drug prohibited by the Methamphetamine
14 Control and Community Protection Act, the Cannabis Control
15 Act or the Illinois Controlled Substances Act, unless
16 prescribed by a physician, and submit samples of his or her
17 blood or urine or both for tests to determine the presence
18 of any illicit drug;

19 (3) submit to periodic drug testing at a time, manner,
20 and frequency as ordered by the court;

21 (4) pay fines, fees and costs; and

22 (5) in addition, if a minor:

23 (i) reside with his or her parents or in a foster
24 home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 or

2 (iv) contribute to his or her own support at home
3 or in a foster home.

4 (e) When the State's Attorney makes a factually specific
5 offer of proof that the defendant has failed to successfully
6 complete the Program or has violated any of the conditions of
7 the Program, the court shall enter an order that the defendant
8 has not successfully completed the Program and continue the
9 case for arraignment pursuant to Section 113-1 of the Code of
10 Criminal Procedure of 1963 for further proceedings as if the
11 defendant had not participated in the Program.

12 (f) Upon fulfillment of the terms and conditions of the
13 Program, the State's Attorney shall dismiss the case or the
14 court shall discharge the person and dismiss the proceedings
15 against the person.

16 (g) There may be only one discharge and dismissal under
17 this Section with respect to any person.

18 (h) Notwithstanding subsection (a-1), if the court finds
19 that the defendant suffers from a substance abuse problem, then
20 before the person participates in the Program under this
21 Section, the court may refer the person to the drug court
22 established in that judicial circuit pursuant to Section 15 of
23 the Drug Court Treatment Act. The drug court team shall
24 evaluate the person's likelihood of successfully fulfilling
25 the terms and conditions of the Program under this Section and
26 shall report the results of its evaluation to the court. If the

1 drug court team finds that the person suffers from a substance
2 abuse problem that makes him or her substantially unlikely to
3 successfully fulfill the terms and conditions of the Program,
4 then the drug court shall set forth its findings in the form of
5 a written order, and the person shall be ineligible to
6 participate in the Program under this Section, but may be
7 considered for the drug court program.

8 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

9 (Text of Section after amendment by P.A. 100-3)

10 Sec. 5-6-3.3. Offender Initiative Program.

11 (a) Statement of purpose. The General Assembly seeks to
12 continue other successful programs that promote public safety,
13 conserve valuable resources, and reduce recidivism by
14 defendants who can lead productive lives by creating the
15 Offender Initiative Program.

16 (a-1) Whenever any person who has not previously been
17 convicted of any felony offense under the laws of this State,
18 the laws of any other state, or the laws of the United States,
19 is arrested for and charged with a probationable felony offense
20 of theft, retail theft, forgery, possession of a stolen motor
21 vehicle, burglary, possession of burglary tools, deceptive
22 practices, disorderly conduct, criminal damage or trespass to
23 property under Article 21 of the Criminal Code of 2012,
24 criminal trespass to a residence, obstructing justice, or an
25 offense involving fraudulent identification, or possession of

1 cannabis, possession of a controlled substance, or possession
2 of methamphetamine, the court, with the consent of the
3 defendant and the State's Attorney, may continue this matter to
4 allow a defendant to participate and complete the Offender
5 Initiative Program.

6 (a-2) Exemptions. A defendant shall not be eligible for
7 this Program if the offense he or she has been arrested for and
8 charged with is a violent offense. For purposes of this
9 Program, a "violent offense" is any offense where bodily harm
10 was inflicted or where force was used against any person or
11 threatened against any person, any offense involving sexual
12 conduct, sexual penetration, or sexual exploitation, any
13 offense of domestic violence, domestic battery, violation of an
14 order of protection, stalking, hate crime, and any offense
15 involving the possession of a firearm or dangerous weapon. A
16 defendant shall not be eligible for this Program if he or she
17 has previously been adjudicated a delinquent minor for the
18 commission of a violent offense as defined in this subsection.

19 (b) When a defendant is placed in the Program, after both
20 the defendant and State's Attorney waive preliminary hearing
21 pursuant to Section 109-3 of the Code of Criminal Procedure of
22 1963, the court shall enter an order specifying that the
23 proceedings shall be suspended while the defendant is
24 participating in a Program of not less 12 months.

25 (c) The conditions of the Program shall be that the
26 defendant:

1 (1) not violate any criminal statute of this State or
2 any other jurisdiction;

3 (2) refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) make full restitution to the victim or property
6 owner pursuant to Section 5-5-6 of this Code;

7 (4) obtain employment or perform not less than 30 hours
8 of community service, provided community service is
9 available in the county and is funded and approved by the
10 county board; and

11 (5) attend educational courses designed to prepare the
12 defendant for obtaining a high school diploma or to work
13 toward passing high school equivalency testing or to work
14 toward completing a vocational training program.

15 (c-1) The court may give credit toward the fulfillment of
16 community service hours for participation in activities and
17 treatment as determined by court services.

18 (d) The court may, in addition to other conditions, require
19 that the defendant:

20 (1) undergo medical or psychiatric treatment, or
21 treatment or rehabilitation approved by the Illinois
22 Department of Human Services;

23 (2) refrain from having in his or her body the presence
24 of any illicit drug prohibited by the Methamphetamine
25 Control and Community Protection Act, the Cannabis Control
26 Act or the Illinois Controlled Substances Act, unless

1 prescribed by a physician, and submit samples of his or her
2 blood or urine or both for tests to determine the presence
3 of any illicit drug;

4 (3) submit to periodic drug testing at a time, manner,
5 and frequency as ordered by the court;

6 (4) pay fines, fees and costs; and

7 (5) in addition, if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 or

13 (iv) contribute to his or her own support at home
14 or in a foster home.

15 (e) When the State's Attorney makes a factually specific
16 offer of proof that the defendant has failed to successfully
17 complete the Program or has violated any of the conditions of
18 the Program, the court shall enter an order that the defendant
19 has not successfully completed the Program and continue the
20 case for arraignment pursuant to Section 113-1 of the Code of
21 Criminal Procedure of 1963 for further proceedings as if the
22 defendant had not participated in the Program.

23 (f) Upon fulfillment of the terms and conditions of the
24 Program, the State's Attorney shall dismiss the case or the
25 court shall discharge the person and dismiss the proceedings
26 against the person.

1 (g) A person may only have one discharge and dismissal
2 under this Section within a 4-year period.

3 (h) Notwithstanding subsection (a-1), if the court finds
4 that the defendant suffers from a substance abuse problem, then
5 before the person participates in the Program under this
6 Section, the court may refer the person to the drug court
7 established in that judicial circuit pursuant to Section 15 of
8 the Drug Court Treatment Act. The drug court team shall
9 evaluate the person's likelihood of successfully fulfilling
10 the terms and conditions of the Program under this Section and
11 shall report the results of its evaluation to the court. If the
12 drug court team finds that the person suffers from a substance
13 abuse problem that makes him or her substantially unlikely to
14 successfully fulfill the terms and conditions of the Program,
15 then the drug court shall set forth its findings in the form of
16 a written order, and the person shall be ineligible to
17 participate in the Program under this Section, but shall be
18 considered for the drug court program.

19 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

20 (730 ILCS 5/5-6-3.4)

21 (Text of Section before amendment by P.A. 100-3)

22 Sec. 5-6-3.4. Second Chance Probation.

23 (a) Whenever any person who has not previously been
24 convicted of, or placed on probation or conditional discharge
25 for, any felony offense under the laws of this State, the laws

1 of any other state, or the laws of the United States, including
2 probation under Section 410 of the Illinois Controlled
3 Substances Act, Section 70 of the Methamphetamine Control and
4 Community Protection Act, Section 10 of the Cannabis Control
5 Act, subsection (c) of Section 11-14 of the Criminal Code of
6 2012, Treatment Alternatives for Criminal Justice Clients
7 (TASC) under Article 40 of the Alcoholism and Other Drug Abuse
8 and Dependency Act, or prior successful completion of the
9 Offender Initiative Program under Section 5-6-3.3 of this Code,
10 and pleads guilty to, or is found guilty of, a probationable
11 felony offense of possession of a controlled substance that is
12 punishable as a Class 4 felony; possession of methamphetamine
13 that is punishable as a Class 4 felony; theft that is
14 punishable as a Class 3 felony based on the value of the
15 property or punishable as a Class 4 felony if the theft was
16 committed in a school or place of worship or if the theft was
17 of governmental property; retail theft that is punishable as a
18 Class 3 felony based on the value of the property; criminal
19 damage to property that is punishable as a Class 4 felony;
20 criminal damage to government supported property that is
21 punishable as a Class 4 felony; or possession of cannabis which
22 is punishable as a Class 4 felony, the court, with the consent
23 of the defendant and the State's Attorney, may, without
24 entering a judgment, sentence the defendant to probation under
25 this Section.

26 (a-1) Exemptions. A defendant is not eligible for this

1 probation if the offense he or she pleads guilty to, or is
2 found guilty of, is a violent offense, or he or she has
3 previously been convicted of a violent offense. For purposes of
4 this probation, a "violent offense" is any offense where bodily
5 harm was inflicted or where force was used against any person
6 or threatened against any person, any offense involving sexual
7 conduct, sexual penetration, or sexual exploitation, any
8 offense of domestic violence, domestic battery, violation of an
9 order of protection, stalking, hate crime, driving under the
10 influence of drugs or alcohol, and any offense involving the
11 possession of a firearm or dangerous weapon. A defendant shall
12 not be eligible for this probation if he or she has previously
13 been adjudicated a delinquent minor for the commission of a
14 violent offense as defined in this subsection.

15 (b) When a defendant is placed on probation, the court
16 shall enter an order specifying a period of probation of not
17 less than 24 months and shall defer further proceedings in the
18 case until the conclusion of the period or until the filing of
19 a petition alleging violation of a term or condition of
20 probation.

21 (c) The conditions of probation shall be that the
22 defendant:

23 (1) not violate any criminal statute of this State or
24 any other jurisdiction;

25 (2) refrain from possessing a firearm or other
26 dangerous weapon;

1 (3) make full restitution to the victim or property
2 owner under Section 5-5-6 of this Code;

3 (4) obtain or attempt to obtain employment;

4 (5) pay fines and costs;

5 (6) attend educational courses designed to prepare the
6 defendant for obtaining a high school diploma or to work
7 toward passing high school equivalency testing or to work
8 toward completing a vocational training program;

9 (7) submit to periodic drug testing at a time and in a
10 manner as ordered by the court, but no less than 3 times
11 during the period of probation, with the cost of the
12 testing to be paid by the defendant; and

13 (8) perform a minimum of 30 hours of community service.

14 The court may give credit toward the fulfillment of
15 community service hours for participation in activities
16 and treatment as determined by court services.

17 (d) The court may, in addition to other conditions, require
18 that the defendant:

19 (1) make a report to and appear in person before or
20 participate with the court or such courts, person, or
21 social service agency as directed by the court in the order
22 of probation;

23 (2) undergo medical or psychiatric treatment, or
24 treatment or rehabilitation approved by the Illinois
25 Department of Human Services;

26 (3) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (4) support his or her dependents; or

3 (5) refrain from having in his or her body the presence
4 of any illicit drug prohibited by the Methamphetamine
5 Control and Community Protection Act, the Cannabis Control
6 Act, or the Illinois Controlled Substances Act, unless
7 prescribed by a physician, and submit samples of his or her
8 blood or urine or both for tests to determine the presence
9 of any illicit drug.

10 (e) Upon violation of a term or condition of probation, the
11 court may enter a judgment on its original finding of guilt and
12 proceed as otherwise provided by law.

13 (f) Upon fulfillment of the terms and conditions of
14 probation, the court shall discharge the person and dismiss the
15 proceedings against the person.

16 (g) A disposition of probation is considered to be a
17 conviction for the purposes of imposing the conditions of
18 probation and for appeal; however, a discharge and dismissal
19 under this Section is not a conviction for purposes of this
20 Code or for purposes of disqualifications or disabilities
21 imposed by law upon conviction of a crime.

22 (h) There may be only one discharge and dismissal under
23 this Section, Section 410 of the Illinois Controlled Substances
24 Act, Section 70 of the Methamphetamine Control and Community
25 Protection Act, Section 10 of the Cannabis Control Act,
26 Treatment Alternatives for Criminal Justice Clients (TASC)

1 under Article 40 of the Alcoholism and Other Drug Abuse and
2 Dependency Act, the Offender Initiative Program under Section
3 5-6-3.3 of this Code, and subsection (c) of Section 11-14 of
4 the Criminal Code of 2012 with respect to any person.

5 (i) If a person is convicted of any offense which occurred
6 within 5 years subsequent to a discharge and dismissal under
7 this Section, the discharge and dismissal under this Section
8 shall be admissible in the sentencing proceeding for that
9 conviction as evidence in aggravation.

10 (j) Notwithstanding subsection (a), if the court finds that
11 the defendant suffers from a substance abuse problem, then
12 before the person is placed on probation under this Section,
13 the court may refer the person to the drug court established in
14 that judicial circuit pursuant to Section 15 of the Drug Court
15 Treatment Act. The drug court team shall evaluate the person's
16 likelihood of successfully fulfilling the terms and conditions
17 of probation under this Section and shall report the results of
18 its evaluation to the court. If the drug court team finds that
19 the person suffers from a substance abuse problem that makes
20 him or her substantially unlikely to successfully fulfill the
21 terms and conditions of probation under this Section, then the
22 drug court shall set forth its findings in the form of a
23 written order, and the person shall be ineligible to be placed
24 on probation under this Section, but may be considered for the
25 drug court program.

26 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,

1 eff. 9-9-15.)

2 (Text of Section after amendment by P.A. 100-3)

3 Sec. 5-6-3.4. Second Chance Probation.

4 (a) Whenever any person who has not previously been
5 convicted of any felony offense under the laws of this State,
6 the laws of any other state, or the laws of the United States,
7 and pleads guilty to, or is found guilty of, possession of less
8 than 15 grams of a controlled substance; possession of less
9 than 15 grams of methamphetamine; or a probationable felony
10 offense of possession of cannabis, theft, retail theft,
11 forgery, deceptive practices, possession of a stolen motor
12 vehicle, burglary, possession of burglary tools, disorderly
13 conduct, criminal damage or trespass to property under Article
14 21 of the Criminal Code of 2012, criminal trespass to a
15 residence, an offense involving fraudulent identification, or
16 obstructing justice; or possession of cannabis, the court, with
17 the consent of the defendant and the State's Attorney, may,
18 without entering a judgment, sentence the defendant to
19 probation under this Section.

20 (a-1) Exemptions. A defendant is not eligible for this
21 probation if the offense he or she pleads guilty to, or is
22 found guilty of, is a violent offense, or he or she has
23 previously been convicted of a violent offense. For purposes of
24 this probation, a "violent offense" is any offense where bodily
25 harm was inflicted or where force was used against any person

1 or threatened against any person, any offense involving sexual
2 conduct, sexual penetration, or sexual exploitation, any
3 offense of domestic violence, domestic battery, violation of an
4 order of protection, stalking, hate crime, and any offense
5 involving the possession of a firearm or dangerous weapon. A
6 defendant shall not be eligible for this probation if he or she
7 has previously been adjudicated a delinquent minor for the
8 commission of a violent offense as defined in this subsection.

9 (b) When a defendant is placed on probation, the court
10 shall enter an order specifying a period of probation of not
11 less than 24 months and shall defer further proceedings in the
12 case until the conclusion of the period or until the filing of
13 a petition alleging violation of a term or condition of
14 probation.

15 (c) The conditions of probation shall be that the
16 defendant:

17 (1) not violate any criminal statute of this State or
18 any other jurisdiction;

19 (2) refrain from possessing a firearm or other
20 dangerous weapon;

21 (3) make full restitution to the victim or property
22 owner under Section 5-5-6 of this Code;

23 (4) obtain or attempt to obtain employment;

24 (5) pay fines and costs;

25 (6) attend educational courses designed to prepare the
26 defendant for obtaining a high school diploma or to work

1 toward passing high school equivalency testing or to work
2 toward completing a vocational training program;

3 (7) submit to periodic drug testing at a time and in a
4 manner as ordered by the court, but no less than 3 times
5 during the period of probation, with the cost of the
6 testing to be paid by the defendant; and

7 (8) perform a minimum of 30 hours of community service.
8 The court may give credit toward the fulfillment of
9 community service hours for participation in activities
10 and treatment as determined by court services.

11 (d) The court may, in addition to other conditions, require
12 that the defendant:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) undergo medical or psychiatric treatment, or
18 treatment or rehabilitation approved by the Illinois
19 Department of Human Services;

20 (3) attend or reside in a facility established for the
21 instruction or residence of defendants on probation;

22 (4) support his or her dependents; or

23 (5) refrain from having in his or her body the presence
24 of any illicit drug prohibited by the Methamphetamine
25 Control and Community Protection Act, the Cannabis Control
26 Act, or the Illinois Controlled Substances Act, unless

1 prescribed by a physician, and submit samples of his or her
2 blood or urine or both for tests to determine the presence
3 of any illicit drug.

4 (e) Upon violation of a term or condition of probation, the
5 court may enter a judgment on its original finding of guilt and
6 proceed as otherwise provided by law.

7 (f) Upon fulfillment of the terms and conditions of
8 probation, the court shall discharge the person and dismiss the
9 proceedings against the person.

10 (g) A disposition of probation is considered to be a
11 conviction for the purposes of imposing the conditions of
12 probation and for appeal; however, a discharge and dismissal
13 under this Section is not a conviction for purposes of this
14 Code or for purposes of disqualifications or disabilities
15 imposed by law upon conviction of a crime.

16 (h) A person may only have one discharge and dismissal
17 under this Section within a 4-year period.

18 (i) If a person is convicted of any offense which occurred
19 within 5 years subsequent to a discharge and dismissal under
20 this Section, the discharge and dismissal under this Section
21 shall be admissible in the sentencing proceeding for that
22 conviction as evidence in aggravation.

23 (j) Notwithstanding subsection (a), if the court finds that
24 the defendant suffers from a substance abuse problem, then
25 before the person is placed on probation under this Section,
26 the court may refer the person to the drug court established in

1 that judicial circuit pursuant to Section 15 of the Drug Court
2 Treatment Act. The drug court team shall evaluate the person's
3 likelihood of successfully fulfilling the terms and conditions
4 of probation under this Section and shall report the results of
5 its evaluation to the court. If the drug court team finds that
6 the person suffers from a substance abuse problem that makes
7 him or her substantially unlikely to successfully fulfill the
8 terms and conditions of probation under this Section, then the
9 drug court shall set forth its findings in the form of a
10 written order, and the person shall be ineligible to be placed
11 on probation under this Section, but shall be considered for
12 the drug court program.

13 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18.)

14 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

15 Sec. 5-8A-3. Application.

16 (a) Except as provided in subsection (d), a person charged
17 with or convicted of an excluded offense may not be placed in
18 an electronic monitoring or home detention program, except for
19 bond pending trial or appeal or while on parole, aftercare
20 release, or mandatory supervised release.

21 (b) A person serving a sentence for a conviction of a Class
22 1 felony, other than an excluded offense, may be placed in an
23 electronic monitoring or home detention program for a period
24 not to exceed the last 90 days of incarceration.

25 (c) A person serving a sentence for a conviction of a Class

1 X felony, other than an excluded offense, may be placed in an
2 electronic monitoring or home detention program for a period
3 not to exceed the last 90 days of incarceration, provided that
4 the person was sentenced on or after August 11, 1993 (the
5 effective date of Public Act 88-311) and provided that the
6 court has not prohibited the program for the person in the
7 sentencing order.

8 (d) A person serving a sentence for conviction of an
9 offense other than for predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 assault, aggravated criminal sexual abuse, or felony criminal
12 sexual abuse, may be placed in an electronic monitoring or home
13 detention program for a period not to exceed the last 12 months
14 of incarceration, provided that (i) the person is 55 years of
15 age or older; (ii) the person is serving a determinate
16 sentence; (iii) the person has served at least 25% of the
17 sentenced prison term; and (iv) placement in an electronic
18 monitoring or home detention program is approved by the
19 Prisoner Review Board or the Department of Juvenile Justice.

20 (e) A person serving a sentence for conviction of a Class
21 2, 3, or 4 felony offense which is not an excluded offense may
22 be placed in an electronic monitoring or home detention program
23 pursuant to Department administrative directives. These
24 directives shall encourage inmates to apply for electronic
25 detention to incentivize positive behavior and program
26 participation prior to and following their return to the

1 community, consistent with Section 5-8A-4.2 of this Code. These
2 directives shall not prohibit application solely for prior
3 mandatory supervised release violation history, outstanding
4 municipal warrants, current security classification, and prior
5 criminal history, though these factors may be considered when
6 reviewing individual applications in conjunction with
7 additional factors, such as the applicant's institution
8 behavior, program participation, and reentry plan.

9 (f) Applications for electronic monitoring or home
10 detention may include the following:

- 11
- 12 (1) pretrial or pre-adjudicatory detention;
 - 13 (2) probation;
 - 14 (3) conditional discharge;
 - 15 (4) periodic imprisonment;
 - 16 (5) parole, aftercare release, or mandatory supervised
17 release;
 - 18 (6) work release;
 - 19 (7) furlough; or
 - 20 (8) post-trial incarceration.

21 (g) A person convicted of an offense described in clause
22 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
23 shall be placed in an electronic monitoring or home detention
24 program for at least the first 2 years of the person's
25 mandatory supervised release term.

26 (Source: P.A. 99-628, eff. 1-1-17; 99-797, eff. 8-12-16;

1 100-201, eff. 8-18-17; 100-431, eff. 8-25-17.)

2 (730 ILCS 5/5-8A-4.2 new)

3 Sec. 5-8A-4.2. Successful transition to the community.

4 (a) The Department shall engage in reentry planning to
5 include individualized case planning for persons preparing to
6 be released to the community. This planning shall begin at
7 intake and be supported throughout the term of incarceration,
8 with a focused emphasis in the year prior to the inmate's
9 mandatory statutory release date. All inmates within one year
10 of their mandatory statutory release data shall be deemed to be
11 in reentry status. The Department shall develop administrative
12 directives to define reentry status based on the requirements
13 of this Section.

14 (b) The Department shall develop incentives to increase
15 program and treatment participation, positive behavior, and
16 readiness to change.

17 (c) The Department shall coordinate with, and provide
18 access at the point of release for, community partners and
19 State and local government agencies to support successful
20 transitions through assistance in planning and by providing
21 appropriate programs to inmates in reentry status. The
22 Department shall work with community partners and appropriate
23 state agencies to support the successful transitions through
24 assistance in planning and by providing appropriate programs to
25 persons prior to release. Release planning shall include, but

1 is not limited to:

2 (1) necessary documentation to include birth
3 certificate, social security card, and identification
4 card;

5 (2) vocational or educational short-term and long-term
6 goals;

7 (3) financial literacy and planning to include
8 payments of fines, fees, restitution, child support, and
9 other debt;

10 (4) access to healthcare, mental healthcare, and
11 chemical dependency treatment;

12 (5) living and transportation arrangements; and

13 (6) family reunification, if appropriate, and
14 pro-social support networks.

15 (d) The Illinois Housing Development Authority shall
16 create a Frequent Users Systems Engagement (FUSE) Re-Entry
17 rental subsidy supportive housing program for the most
18 vulnerable persons exiting the Department of Corrections. The
19 Re-Entry rental subsidy supportive housing program shall be
20 targeted to persons with disabilities who have a history of
21 incarcerations, hospitalizations, and homelessness. The
22 Illinois Housing Development Authority, the Department of
23 Human Services Statewide Housing Coordinator, stakeholders,
24 and the Department of Corrections shall adopt policies and
25 procedures for the FUSE Re-Entry rental subsidy supportive
26 housing program including eligibility criteria, geographic

1 distribution, and documentation requirements which are similar
2 to the Rental Housing Support Program. The funding formula for
3 this program shall be developed by calculating the number of
4 prison bed days saved through the timely releases that would
5 not be possible but for the Re-Entry rental subsidy supportive
6 housing program. Funding shall include administrative costs
7 for the Illinois Housing Development Authority to operate the
8 program.

9 (e) The Department shall report to the General Assembly on
10 or before January 1, 2019, and annually thereafter, on these
11 activities to support successful transitions to the community.
12 This report shall include the following information regarding
13 persons released from the Department:

14 (1) the total number of persons released each year
15 listed by county;

16 (2) the number of persons assessed as having a high or
17 moderate criminogenic need who have completed programming
18 addressing that criminogenic need prior to release listed
19 by program and county;

20 (3) the number of persons released in the reporting
21 year who have engaged in pre-release planning prior to
22 their release listed by county;

23 (4) the number of persons who have been released to
24 electronic detention prior to their mandatory supervised
25 release date;

26 (5) the number of persons who have been released after

1 their mandatory supervised release date, average time past
2 mandatory supervised release date, and reasons held past
3 mandatory supervised release date; and

4 (6) when implemented, the number of Frequent Users
5 Systems Engagement (FUSE) Re-Entry rental subsidy
6 supportive housing program participants and average prison
7 bed days saved.

8 Section 35. The Crime Victims Compensation Act is amended
9 by changing Section 6.1 as follows:

10 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

11 Sec. 6.1. Right to compensation. A person is entitled to
12 compensation under this Act if:

13 (a) Within 2 years of the occurrence of the crime, or
14 within one year after a criminal charge of a person for an
15 offense, upon which the claim is based, he files an
16 application, under oath, with the Court of Claims and on a
17 form prescribed in accordance with Section 7.1 furnished by
18 the Attorney General. If the person entitled to
19 compensation is under 18 years of age or under other legal
20 disability at the time of the occurrence or is determined
21 by a court to be under a legal disability as a result of
22 the occurrence, he may file the application required by
23 this subsection within 2 years after he attains the age of
24 18 years or the disability is removed, as the case may be.

1 Legal disability includes a diagnosis of posttraumatic
2 stress disorder.

3 (b) For all crimes of violence, except those listed in
4 subsection (b-1) of this Section, the appropriate law
5 enforcement officials were notified within 72 hours of the
6 perpetration of the crime allegedly causing the death or
7 injury to the victim or, in the event such notification was
8 made more than 72 hours after the perpetration of the
9 crime, the applicant establishes that such notice was
10 timely under the circumstances.

11 (b-1) For victims of offenses defined in Sections
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
13 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, the appropriate law enforcement
15 officials were notified within 7 days of the perpetration
16 of the crime allegedly causing death or injury to the
17 victim or, in the event that the notification was made more
18 than 7 days after the perpetration of the crime, the
19 applicant establishes that the notice was timely under the
20 circumstances. If the applicant or victim has obtained an
21 order of protection, a civil no contact order, or a
22 stalking no contact order, or has presented himself or
23 herself to a hospital for sexual assault evidence
24 collection and medical care, such action shall constitute
25 appropriate notification under this subsection (b-1) or
26 subsection (b) of this Section.

1 (c) The applicant has cooperated with law enforcement
2 officials in the apprehension and prosecution of the
3 assailant. If the applicant or victim has obtained an order
4 of protection, a civil no contact order, or a stalking no
5 contact order or has presented himself or herself to a
6 hospital for sexual assault evidence collection and
7 medical care, such action shall constitute cooperation
8 under this subsection (c). If the victim is under 18 years
9 of age at the time of the commission of the offense, the
10 following shall constitute cooperation under this
11 subsection (c):

12 (1) the applicant or the victim files a police report
13 with a law enforcement agency;

14 (2) a mandated reporter reports the crime to law
15 enforcement; or

16 (3) a person with firsthand knowledge of the crime
17 reports the crime to law enforcement.

18 (d) The applicant is not the offender or an accomplice
19 of the offender and the award would not unjustly benefit
20 the offender or his accomplice.

21 (e) The injury to or death of the victim was not
22 substantially attributable to his own wrongful act and was
23 not substantially provoked by the victim.

24 (f) For victims of offenses defined in Section 10-9 of
25 the Criminal Code of 2012, the victim submits a statement
26 under oath on a form prescribed by the Attorney General

1 attesting that the removed tattoo was applied in connection
2 with the commission of the offense.

3 (Source: P.A. 98-435, eff. 1-1-14; 99-143, eff. 7-27-15.)

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."