

1 AN ACT concerning safe neighborhoods.

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

4 Section 1. This Act may be referred to as the Safe  
5 Neighborhoods Reform Act.

6 Section 3. The Department of State Police Law of the Civil  
7 Administrative Code of Illinois is amended by adding Section  
8 2605-605 as follows:

9 (20 ILCS 2605/2605-605 new)

10 Sec. 2605-605. Violent Crime Intelligence Task Force.

11 The Director of State Police may establish a statewide  
12 multi-jurisdictional Violent Crime Intelligence Task Force led  
13 by the Department of State Police dedicated to combating gun  
14 violence, gun-trafficking, and other violent crime with the  
15 primary mission of preservation of life and reducing the  
16 occurrence and the fear of crime. The objectives of the Task  
17 Force shall include, but not be limited to, reducing and  
18 preventing illegal possession and use of firearms,  
19 firearm-related homicides, and other violent crimes.

20 (1) The Task Force may develop and acquire information,  
21 training, tools, and resources necessary to implement a  
22 data-driven approach to policing, with an emphasis on

1 intelligence development.

2 (2) The Task Force may utilize information sharing,  
3 partnerships, crime analysis, and evidence-based practices to  
4 assist in the reduction of firearm-related shootings,  
5 homicides, and gun-trafficking.

6 (3) The Task Force may recognize and utilize best practices  
7 of community policing and may develop potential partnerships  
8 with faith-based and community organizations to achieve its  
9 goals.

10 (4) The Task Force may identify and utilize best practices  
11 in drug-diversion programs and other community-based services  
12 to redirect low-level offenders.

13 (5) The Task Force may assist in violence suppression  
14 strategies including, but not limited to, details in identified  
15 locations that have shown to be the most prone to gun violence  
16 and violent crime, focused deterrence against violent gangs and  
17 groups considered responsible for the violence in communities,  
18 and other intelligence driven methods deemed necessary to  
19 interrupt cycles of violence or prevent retaliation.

20 (6) In consultation with the Chief Procurement Officer, the  
21 Department of State Police may obtain contracts for software,  
22 commodities, resources, and equipment to assist the Task Force  
23 with achieving this Act. Any contracts necessary to support the  
24 delivery of necessary software, commodities, resources, and  
25 equipment are not subject to the Illinois Procurement Code,  
26 except for Sections 20-60, 20-65, 20-70, and 20-160 and Article

1 50 of that Code, provided that the Chief Procurement Officer  
2 may, in writing with justification, waive any certification  
3 required under Article 50 of the Illinois Procurement Code.

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 2.1 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 Sec. 2.1. For the purpose of maintaining complete and  
8 accurate criminal records of the Department of State Police, it  
9 is necessary for all policing bodies of this State, the clerk  
10 of the circuit court, the Illinois Department of Corrections,  
11 the sheriff of each county, and State's Attorney of each county  
12 to submit certain criminal arrest, charge, and disposition  
13 information to the Department for filing at the earliest time  
14 possible. Unless otherwise noted herein, it shall be the duty  
15 of all policing bodies of this State, the clerk of the circuit  
16 court, the Illinois Department of Corrections, the sheriff of  
17 each county, and the State's Attorney of each county to report  
18 such information as provided in this Section, both in the form  
19 and manner required by the Department and within 30 days of the  
20 criminal history event. Specifically:

21 (a) Arrest Information. All agencies making arrests for  
22 offenses which are required by statute to be collected,  
23 maintained or disseminated by the Department of State Police  
24 shall be responsible for furnishing daily to the Department

1 fingerprints, charges and descriptions of all persons who are  
2 arrested for such offenses. All such agencies shall also notify  
3 the Department of all decisions by the arresting agency not to  
4 refer such arrests for prosecution. With approval of the  
5 Department, an agency making such arrests may enter into  
6 arrangements with other agencies for the purpose of furnishing  
7 daily such fingerprints, charges and descriptions to the  
8 Department upon its behalf.

9 (b) Charge Information. The State's Attorney of each county  
10 shall notify the Department of all charges filed and all  
11 petitions filed alleging that a minor is delinquent, including  
12 all those added subsequent to the filing of a case, and whether  
13 charges were not filed in cases for which the Department has  
14 received information required to be reported pursuant to  
15 paragraph (a) of this Section. With approval of the Department,  
16 the State's Attorney may enter into arrangements with other  
17 agencies for the purpose of furnishing the information required  
18 by this subsection (b) to the Department upon the State's  
19 Attorney's behalf.

20 (c) Disposition Information. The clerk of the circuit court  
21 of each county shall furnish the Department, in the form and  
22 manner required by the Supreme Court, with all final  
23 dispositions of cases for which the Department has received  
24 information required to be reported pursuant to paragraph (a)  
25 or (d) of this Section. Such information shall include, for  
26 each charge, all (1) judgments of not guilty, judgments of

1 guilty including the sentence pronounced by the court with  
2 statutory citations to the relevant sentencing provision,  
3 findings that a minor is delinquent and any sentence made based  
4 on those findings, discharges and dismissals in the court; (2)  
5 reviewing court orders filed with the clerk of the circuit  
6 court which reverse or remand a reported conviction or findings  
7 that a minor is delinquent or that vacate or modify a sentence  
8 or sentence made following a trial that a minor is delinquent;  
9 (3) continuances to a date certain in furtherance of an order  
10 of supervision granted under Section 5-6-1 of the Unified Code  
11 of Corrections or an order of probation granted under Section  
12 10 of the Cannabis Control Act, Section 410 of the Illinois  
13 Controlled Substances Act, Section 70 of the Methamphetamine  
14 Control and Community Protection Act, Section 12-4.3 or  
15 subdivision (b)(1) of Section 12-3.05 of the Criminal Code of  
16 1961 or the Criminal Code of 2012, Section 10-102 of the  
17 Illinois Alcoholism and Other Drug Dependency Act, Section  
18 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
19 Act, Section 10 of the Steroid Control Act, or Section 5-615 of  
20 the Juvenile Court Act of 1987; and (4) judgments or court  
21 orders terminating or revoking a sentence to or juvenile  
22 disposition of probation, supervision or conditional discharge  
23 and any resentencing or new court orders entered by a juvenile  
24 court relating to the disposition of a minor's case involving  
25 delinquency after such revocation.

26 (d) Fingerprints After Sentencing.

1           (1) After the court pronounces sentence, sentences a  
2 minor following a trial in which a minor was found to be  
3 delinquent or issues an order of supervision or an order of  
4 probation granted under Section 10 of the Cannabis Control  
5 Act, Section 410 of the Illinois Controlled Substances Act,  
6 Section 70 of the Methamphetamine Control and Community  
7 Protection Act, Section 12-4.3 or subdivision (b)(1) of  
8 Section 12-3.05 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, Section 10-102 of the Illinois  
10 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
11 the Alcoholism and Other Drug Abuse and Dependency Act,  
12 Section 10 of the Steroid Control Act, or Section 5-615 of  
13 the Juvenile Court Act of 1987 for any offense which is  
14 required by statute to be collected, maintained, or  
15 disseminated by the Department of State Police, the State's  
16 Attorney of each county shall ask the court to order a law  
17 enforcement agency to fingerprint immediately all persons  
18 appearing before the court who have not previously been  
19 fingerprinted for the same case. The court shall so order  
20 the requested fingerprinting, if it determines that any  
21 such person has not previously been fingerprinted for the  
22 same case. The law enforcement agency shall submit such  
23 fingerprints to the Department daily.

24           (2) After the court pronounces sentence or makes a  
25 disposition of a case following a finding of delinquency  
26 for any offense which is not required by statute to be

1 collected, maintained, or disseminated by the Department  
2 of State Police, the prosecuting attorney may ask the court  
3 to order a law enforcement agency to fingerprint  
4 immediately all persons appearing before the court who have  
5 not previously been fingerprinted for the same case. The  
6 court may so order the requested fingerprinting, if it  
7 determines that any so sentenced person has not previously  
8 been fingerprinted for the same case. The law enforcement  
9 agency may retain such fingerprints in its files.

10 (e) Corrections Information. The Illinois Department of  
11 Corrections and the sheriff of each county shall furnish the  
12 Department with all information concerning the receipt,  
13 escape, execution, death, release, pardon, parole, commutation  
14 of sentence, granting of executive clemency or discharge of an  
15 individual who has been sentenced or committed to the agency's  
16 custody for any offenses which are mandated by statute to be  
17 collected, maintained or disseminated by the Department of  
18 State Police. For an individual who has been charged with any  
19 such offense and who escapes from custody or dies while in  
20 custody, all information concerning the receipt and escape or  
21 death, whichever is appropriate, shall also be so furnished to  
22 the Department.

23 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

24 Section 15. The Criminal Code of 2012 is amended by  
25 changing Sections 19-1, 24-1.1, and 24-1.6 as follows:

1 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

2 Sec. 19-1. Burglary.

3 (a) A person commits burglary when without authority he or  
4 she knowingly enters or without authority remains within a  
5 building, housetrailer, watercraft, aircraft, motor vehicle,  
6 railroad car, or any part thereof, with intent to commit  
7 therein a felony or theft. This offense shall not include the  
8 offenses set out in Section 4-102 of the Illinois Vehicle Code.

9 (b) Sentence.

10 Burglary committed in, and without causing damage to, a  
11 watercraft, aircraft, motor vehicle, railroad car, or any part  
12 thereof is a Class 3 felony. Burglary committed in a building,  
13 housetrailer, or any part thereof or while causing damage to a  
14 watercraft, aircraft, motor vehicle, railroad car, or any part  
15 thereof is a Class 2 felony. A burglary committed in a school,  
16 day care center, day care home, group day care home, or part  
17 day child care facility, or place of worship is a Class 1  
18 felony, except that this provision does not apply to a day care  
19 center, day care home, group day care home, or part day child  
20 care facility operated in a private residence used as a  
21 dwelling.

22 (c) Regarding penalties prescribed in subsection (b) for  
23 violations committed in a day care center, day care home, group  
24 day care home, or part day child care facility, the time of  
25 day, time of year, and whether children under 18 years of age

1 were present in the day care center, day care home, group day  
2 care home, or part day child care facility are irrelevant.

3 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

4 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

5 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
6 Felons or Persons in the Custody of the Department of  
7 Corrections Facilities.

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

17 (b) It is unlawful for any person confined in a penal  
18 institution, which is a facility of the Illinois Department of  
19 Corrections, to possess any weapon prohibited under Section  
20 24-1 of this Code or any firearm or firearm ammunition,  
21 regardless of the intent with which he possesses it.

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

1 (d) The defense of necessity is not available to a person  
2 who is charged with a violation of subsection (b) of this  
3 Section.

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

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

17 (Source: P.A. 97-237, eff. 1-1-12.)

18 (720 ILCS 5/24-1.6)

19 Sec. 24-1.6. Aggravated unlawful use of a weapon.

20 (a) A person commits the offense of aggravated unlawful use  
21 of a weapon when he or she knowingly:

22 (1) Carries on or about his or her person or in any  
23 vehicle or concealed on or about his or her person except  
24 when on his or her land or in his or her abode, legal  
25 dwelling, or fixed place of business, or on the land or in

1 the legal dwelling of another person as an invitee with  
2 that person's permission, any pistol, revolver, stun gun or  
3 taser or other firearm; or

4 (2) Carries or possesses on or about his or her person,  
5 upon any public street, alley, or other public lands within  
6 the corporate limits of a city, village or incorporated  
7 town, except when an invitee thereon or therein, for the  
8 purpose of the display of such weapon or the lawful  
9 commerce in weapons, or except when on his or her own land  
10 or in his or her own abode, legal dwelling, or fixed place  
11 of business, or on the land or in the legal dwelling of  
12 another person as an invitee with that person's permission,  
13 any pistol, revolver, stun gun or taser or other firearm;  
14 and

15 (3) One of the following factors is present:

16 (A) the firearm, other than a pistol, revolver, or  
17 handgun, possessed was uncased, loaded, and  
18 immediately accessible at the time of the offense; or

19 (A-5) the pistol, revolver, or handgun possessed  
20 was uncased, loaded, and immediately accessible at the  
21 time of the offense and the person possessing the  
22 pistol, revolver, or handgun has not been issued a  
23 currently valid license under the Firearm Concealed  
24 Carry Act; or

25 (B) the firearm, other than a pistol, revolver, or  
26 handgun, possessed was uncased, unloaded, and the

1           ammunition for the weapon was immediately accessible  
2           at the time of the offense; or

3           (B-5) the pistol, revolver, or handgun possessed  
4           was uncased, unloaded, and the ammunition for the  
5           weapon was immediately accessible at the time of the  
6           offense and the person possessing the pistol,  
7           revolver, or handgun has not been issued a currently  
8           valid license under the Firearm Concealed Carry Act; or

9           (C) the person possessing the firearm has not been  
10          issued a currently valid Firearm Owner's  
11          Identification Card; or

12          (D) the person possessing the weapon was  
13          previously adjudicated a delinquent minor under the  
14          Juvenile Court Act of 1987 for an act that if committed  
15          by an adult would be a felony; or

16          (E) the person possessing the weapon was engaged in  
17          a misdemeanor violation of the Cannabis Control Act, in  
18          a misdemeanor violation of the Illinois Controlled  
19          Substances Act, or in a misdemeanor violation of the  
20          Methamphetamine Control and Community Protection Act;  
21          or

22          (F) (blank); or

23          (G) the person possessing the weapon had an ~~a~~ order  
24          of protection issued against him or her within the  
25          previous 2 years; or

26          (H) the person possessing the weapon was engaged in

1 the commission or attempted commission of a  
2 misdemeanor involving the use or threat of violence  
3 against the person or property of another; or

4 (I) the person possessing the weapon was under 21  
5 years of age and in possession of a handgun, unless the  
6 person under 21 is engaged in lawful activities under  
7 the Wildlife Code or described in subsection  
8 24-2(b)(1), (b)(3), or 24-2(f).

9 (a-5) "Handgun" as used in this Section has the meaning  
10 given to it in Section 5 of the Firearm Concealed Carry Act.

11 (b) "Stun gun or taser" as used in this Section has the  
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the  
14 transportation or possession of weapons that:

15 (i) are broken down in a non-functioning state; or

16 (ii) are not immediately accessible; or

17 (iii) are unloaded and enclosed in a case, firearm  
18 carrying box, shipping box, or other container by a person  
19 who has been issued a currently valid Firearm Owner's  
20 Identification Card.

21 (d) Sentence.

22 (1) Aggravated unlawful use of a weapon is a Class 4  
23 felony; a second or subsequent offense is a Class 2 felony  
24 for which the person shall be sentenced to a term of  
25 imprisonment of not less than 3 years and not more than 7  
26 years, except as provided for in Section 5-4.5-110 of the

1       Unified Code of Corrections.

2           (2) Except as otherwise provided in paragraphs (3) and  
3           (4) of this subsection (d), a first offense of aggravated  
4           unlawful use of a weapon committed with a firearm by a  
5           person 18 years of age or older where the factors listed in  
6           both items (A) and (C) or both items (A-5) and (C) of  
7           paragraph (3) of subsection (a) are present is a Class 4  
8           felony, for which the person shall be sentenced to a term  
9           of imprisonment of not less than one year and not more than  
10          3 years.

11          (3) Aggravated unlawful use of a weapon by a person who  
12          has been previously convicted of a felony in this State or  
13          another jurisdiction is a Class 2 felony for which the  
14          person shall be sentenced to a term of imprisonment of not  
15          less than 3 years and not more than 7 years, except as  
16          provided for in Section 5-4.5-110 of the Unified Code of  
17          Corrections.

18          (4) Aggravated unlawful use of a weapon while wearing  
19          or in possession of body armor as defined in Section 33F-1  
20          by a person who has not been issued a valid Firearms  
21          Owner's Identification Card in accordance with Section 5 of  
22          the Firearm Owners Identification Card Act is a Class X  
23          felony.

24          (e) The possession of each firearm in violation of this  
25          Section constitutes a single and separate violation.

26          (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

1 Section 20. The Cannabis Control Act is amended by changing  
2 Sections 5.2 and 10 as follows:

3 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

4 Sec. 5.2. Delivery of cannabis on school grounds.

5 (a) Any person who violates subsection (e) of Section 5 in  
6 any school, on the real property comprising any school, or any  
7 conveyance owned, leased or contracted by a school to transport  
8 students to or from school or a school related activity, or on  
9 any public way within 500 ~~1,000~~ feet of the real property  
10 comprising any school, or in any conveyance owned, leased or  
11 contracted by a school to transport students to or from school  
12 or a school related activity, and at the time of the violation  
13 persons under the age of 18 are present, the offense is  
14 committed during school hours, or the offense is committed at  
15 times when persons under the age of 18 are reasonably expected  
16 to be present in the school, in the conveyance, on the real  
17 property, or on the public way, such as when after-school  
18 activities are occurring, is guilty of a Class 1 felony, the  
19 fine for which shall not exceed \$200,000;

20 (b) Any person who violates subsection (d) of Section 5 in  
21 any school, on the real property comprising any school, or any  
22 conveyance owned, leased or contracted by a school to transport  
23 students to or from school or a school related activity, or on  
24 any public way within 500 ~~1,000~~ feet of the real property

1 comprising any school, or in any conveyance owned, leased or  
2 contracted by a school to transport students to or from school  
3 or a school related activity, and at the time of the violation  
4 persons under the age of 18 are present, the offense is  
5 committed during school hours, or the offense is committed at  
6 times when persons under the age of 18 are reasonably expected  
7 to be present in the school, in the conveyance, on the real  
8 property, or on the public way, such as when after-school  
9 activities are occurring, is guilty of a Class 2 felony, the  
10 fine for which shall not exceed \$100,000;

11 (c) Any person who violates subsection (c) of Section 5 in  
12 any school, on the real property comprising any school, or any  
13 conveyance owned, leased or contracted by a school to transport  
14 students to or from school or a school related activity, or on  
15 any public way within 500 ~~1,000~~ feet of the real property  
16 comprising any school, or in any conveyance owned, leased or  
17 contracted by a school to transport students to or from school  
18 or a school related activity, and at the time of the violation  
19 persons under the age of 18 are present, the offense is  
20 committed during school hours, or the offense is committed at  
21 times when persons under the age of 18 are reasonably expected  
22 to be present in the school, in the conveyance, on the real  
23 property, or on the public way, such as when after-school  
24 activities are occurring, is guilty of a Class 3 felony, the  
25 fine for which shall not exceed \$50,000;

26 (d) Any person who violates subsection (b) of Section 5 in

1 any school, on the real property comprising any school, or any  
2 conveyance owned, leased or contracted by a school to transport  
3 students to or from school or a school related activity, or on  
4 any public way within 500 ~~1,000~~ feet of the real property  
5 comprising any school, or in any conveyance owned, leased or  
6 contracted by a school to transport students to or from school  
7 or a school related activity, and at the time of the violation  
8 persons under the age of 18 are present, the offense is  
9 committed during school hours, or the offense is committed at  
10 times when persons under the age of 18 are reasonably expected  
11 to be present in the school, in the conveyance, on the real  
12 property, or on the public way, such as when after-school  
13 activities are occurring, is guilty of a Class 4 felony, the  
14 fine for which shall not exceed \$25,000;

15 (e) Any person who violates subsection (a) of Section 5 in  
16 any school, on the real property comprising any school, or in  
17 any conveyance owned, leased or contracted by a school to  
18 transport students to or from school or a school related  
19 activity, on any public way within 500 ~~1,000~~ feet of the real  
20 property comprising any school, or any conveyance owned, leased  
21 or contracted by a school to transport students to or from  
22 school or a school related activity, and at the time of the  
23 violation persons under the age of 18 are present, the offense  
24 is committed during school hours, or the offense is committed  
25 at times when persons under the age of 18 are reasonably  
26 expected to be present in the school, in the conveyance, on the

1 real property, or on the public way, such as when after-school  
2 activities are occurring, is guilty of a Class A misdemeanor.

3 (Source: P.A. 87-544.)

4 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

5 Sec. 10. (a) Whenever any person who has not previously  
6 been convicted of, ~~or placed on probation or court supervision~~  
7 ~~for,~~ any felony offense under this Act or any law of the United  
8 States or of any State relating to cannabis, or controlled  
9 substances as defined in the Illinois Controlled Substances  
10 Act, pleads guilty to or is found guilty of violating Sections  
11 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court  
12 may, without entering a judgment and with the consent of such  
13 person, sentence him 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 jurisdiction; (2)  
21 refrain from possession of a firearm or other dangerous weapon;  
22 (3) submit to periodic drug testing at a time and in a manner  
23 as ordered by the court, but no less than 3 times during the  
24 period of the probation, with the cost of the testing to be  
25 paid by the probationer; and (4) perform no less than 30 hours

1 of community service, provided community service is available  
2 in the jurisdiction and is funded and approved by the county  
3 board.

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

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

10 (2) pay a fine and costs;

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

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

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

17 (6) support his dependents;

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

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

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

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

3 (ii) attend school;

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

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

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

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

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

21 (h) A person may not have more than one discharge ~~Discharge~~  
22 and dismissal under this Section within a 4-year period,  
23 ~~Section 410 of the Illinois Controlled Substances Act, Section~~  
24 ~~70 of the Methamphetamine Control and Community Protection Act,~~  
25 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~  
26 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~

1 ~~er the Criminal Code of 2012 may occur only once with respect~~  
2 ~~to 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 shall ~~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 Section 25. The Illinois Controlled Substances Act is

1 amended by changing Sections 407 and 410 as follows:

2 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

3 Sec. 407. (a) (1) (A) Any person 18 years of age or over who  
4 violates any subsection of Section 401 or subsection (b) of  
5 Section 404 by delivering a controlled, counterfeit or  
6 look-alike substance to a person under 18 years of age may be  
7 sentenced to imprisonment for a term up to twice the maximum  
8 term and fined an amount up to twice that amount otherwise  
9 authorized by the pertinent subsection of Section 401 and  
10 Subsection (b) of Section 404.

11 (B) (Blank).

12 (2) Except as provided in paragraph (3) of this subsection,  
13 any person who violates:

14 (A) subsection (c) of Section 401 by delivering or  
15 possessing with intent to deliver a controlled,  
16 counterfeit, or look-alike substance in or on, or within  
17 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
18 guilty of a Class 1 felony, the fine for which shall not  
19 exceed \$250,000;

20 (B) subsection (d) of Section 401 by delivering or  
21 possessing with intent to deliver a controlled,  
22 counterfeit, or look-alike substance in or on, or within  
23 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
24 guilty of a Class 2 felony, the fine for which shall not  
25 exceed \$200,000;

1 (C) subsection (e) of Section 401 or subsection (b) of  
2 Section 404 by delivering or possessing with intent to  
3 deliver a controlled, counterfeit, or look-alike substance  
4 in or on, or within 500 ~~1,000~~ feet of, a truck stop or  
5 safety rest area, is guilty of a Class 3 felony, the fine  
6 for which shall not exceed \$150,000;

7 (D) subsection (f) of Section 401 by delivering or  
8 possessing with intent to deliver a controlled,  
9 counterfeit, or look-alike substance in or on, or within  
10 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
11 guilty of a Class 3 felony, the fine for which shall not  
12 exceed \$125,000;

13 (E) subsection (g) of Section 401 by delivering or  
14 possessing with intent to deliver a controlled,  
15 counterfeit, or look-alike substance in or on, or within  
16 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
17 guilty of a Class 3 felony, the fine for which shall not  
18 exceed \$100,000;

19 (F) subsection (h) of Section 401 by delivering or  
20 possessing with intent to deliver a controlled,  
21 counterfeit, or look-alike substance in or on, or within  
22 500 ~~1,000~~ feet of, a truck stop or safety rest area, is  
23 guilty of a Class 3 felony, the fine for which shall not  
24 exceed \$75,000;

25 (3) Any person who violates paragraph (2) of this  
26 subsection (a) by delivering or possessing with intent to

1 deliver a controlled, counterfeit, or look-alike substance in  
2 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest  
3 area, following a prior conviction or convictions of paragraph  
4 (2) of this subsection (a) may be sentenced to a term of  
5 imprisonment up to 2 times the maximum term and fined an amount  
6 up to 2 times the amount otherwise authorized by Section 401.

7 (4) For the purposes of this subsection (a):

8 (A) "Safety rest area" means a roadside facility  
9 removed from the roadway with parking and facilities  
10 designed for motorists' rest, comfort, and information  
11 needs; and

12 (B) "Truck stop" means any facility (and its parking  
13 areas) used to provide fuel or service, or both, to any  
14 commercial motor vehicle as defined in Section 18b-101 of  
15 the Illinois Vehicle Code.

16 (b) Any person who violates:

17 (1) subsection (c) of Section 401 in any school, on or  
18 within 500 feet of the real property comprising any school,  
19 or in any conveyance owned, leased or contracted by a  
20 school to transport students to or from school or a school  
21 related activity, and at the time of the violation persons  
22 under the age of 18 are present, the offense is committed  
23 during school hours, or the offense is committed at times  
24 when persons under the age of 18 are reasonably expected to  
25 be present in the school, in the conveyance, or on the real  
26 property, such as when after-school activities are

1        occurring ~~or residential property owned, operated or~~  
2        ~~managed by a public housing agency or leased by a public~~  
3        ~~housing agency as part of a scattered site or mixed income~~  
4        ~~development, or in any public park or, on or within 500~~  
5        feet of the real property comprising any ~~school or~~  
6        ~~residential property owned, operated or managed by a public~~  
7        ~~housing agency or leased by a public housing agency as part~~  
8        ~~of a scattered site or mixed income development, or public~~  
9        ~~park or within 1,000 feet of the real property comprising~~  
10       ~~any school or residential property owned, operated or~~  
11       ~~managed by a public housing agency or leased by a public~~  
12       ~~housing agency as part of a scattered site or mixed income~~  
13       ~~development, or public park,~~ on the real property  
14       comprising any church, synagogue, or other building,  
15       structure, or place used primarily for religious worship,  
16       or within 500 ~~1,000~~ feet of the real property comprising  
17       any church, synagogue, or other building, structure, or  
18       place used primarily for religious worship, on the real  
19       property comprising any of the following places,  
20       buildings, or structures used primarily for housing or  
21       providing space for activities for senior citizens:  
22       nursing homes, assisted-living centers, senior citizen  
23       housing complexes, or senior centers oriented toward  
24       daytime activities, or within 500 ~~1,000~~ feet of the real  
25       property comprising any of the following places,  
26       buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:  
2 nursing homes, assisted-living centers, senior citizen  
3 housing complexes, or senior centers oriented toward  
4 daytime activities and at the time of the violation persons  
5 are present or reasonably expected to be present in the  
6 church, synaogue, or other building, structure, or place  
7 used primarily for religious worship during worship  
8 services, or in buildings or structures used primarily for  
9 housing or providing space for activities for senior  
10 citizens: nursing homes, assisted-living centers, senior  
11 citizen housing complexes, or senior centers oriented  
12 toward daytime activities during the hours those places,  
13 buildings, or structures are open for those activities, or  
14 on the real property is guilty of a Class X felony, the  
15 fine for which shall not exceed \$500,000;

16 (2) subsection (d) of Section 401 in any school, on or  
17 within 500 feet of the real property comprising any school,  
18 or in any conveyance owned, leased or contracted by a  
19 school to transport students to or from school or a school  
20 related activity, and at the time of the violation persons  
21 under the age of 18 are present, the offense is committed  
22 during school hours, or the offense is committed at times  
23 when persons under the age of 18 are reasonably expected to  
24 be present in the school, in the conveyance, or on the real  
25 property, such as when after-school activities are  
26 occurring ~~or residential property owned, operated or~~

1       ~~managed by a public housing agency or leased by a public~~  
2       ~~housing agency as part of a scattered site or mixed income~~  
3       ~~development, or in any public park or ~~7~~ on or within 500~~  
4       ~~feet of the real property comprising any ~~school or~~~~  
5       ~~~~residential property owned, operated or managed by a public~~~~  
6       ~~~~housing agency or leased by a public housing agency as part~~~~  
7       ~~~~of a scattered site or mixed income development, or public~~~~  
8       ~~~~park or within 1,000 feet of the real property comprising~~~~  
9       ~~~~any school or residential property owned, operated or~~~~  
10       ~~~~managed by a public housing agency or leased by a public~~~~  
11       ~~~~housing agency as part of a scattered site or mixed income~~~~  
12       ~~~~development, or public park,~~~~ on the real property  
13       comprising any church, synagogue, or other building,  
14       structure, or place used primarily for religious worship,  
15       or within 500 ~~1,000~~ feet of the real property comprising  
16       any church, synagogue, or other building, structure, or  
17       place used primarily for religious worship, on the real  
18       property comprising any of the following places,  
19       buildings, or structures used primarily for housing or  
20       providing space for activities for senior citizens:  
21       nursing homes, assisted-living centers, senior citizen  
22       housing complexes, or senior centers oriented toward  
23       daytime activities, or within 500 ~~1,000~~ feet of the real  
24       property comprising any of the following places,  
25       buildings, or structures used primarily for housing or  
26       providing space for activities for senior citizens:

1 nursing homes, assisted-living centers, senior citizen  
2 housing complexes, or senior centers oriented toward  
3 daytime activities and at the time of the violation persons  
4 are present or reasonably expected to be present in the  
5 church, synagogue, or other building, structure, or place  
6 used primarily for religious worship during worship  
7 services, or in buildings or structures used primarily for  
8 housing or providing space for activities for senior  
9 citizens: nursing homes, assisted-living centers, senior  
10 citizen housing complexes, or senior centers oriented  
11 toward daytime activities during the hours those places,  
12 buildings, or structures are open for those activities, or  
13 on the real property is guilty of a Class 1 felony, the  
14 fine for which shall not exceed \$250,000;

15 (3) subsection (e) of Section 401 or Subsection (b) of  
16 Section 404 in any school, on or within 500 feet of the  
17 real property comprising any school, or in any conveyance  
18 owned, leased or contracted by a school to transport  
19 students to or from school or a school related activity,  
20 and at the time of the violation persons under the age of  
21 18 are present, the offense is committed during school  
22 hours, or the offense is committed at times when persons  
23 under the age of 18 are reasonably expected to be present  
24 in the school, in the conveyance, or on the real property,  
25 such as when after-school activities are occurring ~~or~~  
26 ~~residential property owned, operated or managed by a public~~

1 ~~housing agency or leased by a public housing agency as part~~  
2 ~~of a scattered site or mixed income development, or in any~~  
3 public park ~~or,~~ on or within 500 feet of the real property  
4 comprising any ~~school or residential property owned,~~  
5 ~~operated or managed by a public housing agency or leased by~~  
6 ~~a public housing agency as part of a scattered site or~~  
7 ~~mixed income development, or public park or within 1,000~~  
8 ~~feet of the real property comprising any school or~~  
9 ~~residential property owned, operated or managed by a public~~  
10 ~~housing agency or leased by a public housing agency as part~~  
11 ~~of a scattered site or mixed income development, or public~~  
12 ~~park,~~ on the real property comprising any church,  
13 synagogue, or other building, structure, or place used  
14 primarily for religious worship, or within 500 ~~1,000~~ feet  
15 of the real property comprising any church, synagogue, or  
16 other building, structure, or place used primarily for  
17 religious worship, on the real property comprising any of  
18 the following places, buildings, or structures used  
19 primarily for housing or providing space for activities for  
20 senior citizens: nursing homes, assisted-living centers,  
21 senior citizen housing complexes, or senior centers  
22 oriented toward daytime activities, or within 500 ~~1,000~~  
23 feet of the real property comprising any of the following  
24 places, buildings, or structures used primarily for  
25 housing or providing space for activities for senior  
26 citizens: nursing homes, assisted-living centers, senior

1 citizen housing complexes, or senior centers oriented  
2 toward daytime activities and at the time of the violation  
3 persons are present or reasonably expected to be present in  
4 the church, synagogue, or other building, structure, or  
5 place used primarily for religious worship during worship  
6 services, or in buildings or structures used primarily for  
7 housing or providing space for activities for senior  
8 citizens: nursing homes, assisted-living centers, senior  
9 citizen housing complexes, or senior centers oriented  
10 toward daytime activities during the hours those places,  
11 buildings, or structures are open for those activities, or  
12 on the real property is guilty of a Class 2 felony, the  
13 fine for which shall not exceed \$200,000;

14 (4) subsection (f) of Section 401 in any school, on or  
15 within 500 feet of the real property comprising any school,  
16 or in any conveyance owned, leased or contracted by a  
17 school to transport students to or from school or a school  
18 related activity, and at the time of the violation persons  
19 under the age of 18 are present, the offense is committed  
20 during school hours, or the offense is committed at times  
21 when persons under the age of 18 are reasonably expected to  
22 be present in the school, in the conveyance, or on the real  
23 property, such as when after-school activities are  
24 occurring ~~or residential property owned, operated or~~  
25 ~~managed by a public housing agency or leased by a public~~  
26 ~~housing agency as part of a scattered site or mixed income~~

1       ~~development, or in any public park or, on or within 500~~  
2       ~~feet of~~ the real property comprising any ~~school or~~  
3       ~~residential property owned, operated or managed by a public~~  
4       ~~housing agency or leased by a public housing agency as part~~  
5       ~~of a scattered site or mixed income development, or public~~  
6       ~~park or within 1,000 feet of the real property comprising~~  
7       ~~any school or residential property owned, operated or~~  
8       ~~managed by a public housing agency or leased by a public~~  
9       ~~housing agency as part of a scattered site or mixed income~~  
10       ~~development, or public park,~~ on the real property  
11       comprising any church, synagogue, or other building,  
12       structure, or place used primarily for religious worship,  
13       or within 500 ~~1,000~~ feet of the real property comprising  
14       any church, synagogue, or other building, structure, or  
15       place used primarily for religious worship, on the real  
16       property comprising any of the following places,  
17       buildings, or structures used primarily for housing or  
18       providing space for activities for senior citizens:  
19       nursing homes, assisted-living centers, senior citizen  
20       housing complexes, or senior centers oriented toward  
21       daytime activities, or within 500 ~~1,000~~ feet of the real  
22       property comprising any of the following places,  
23       buildings, or structures used primarily for housing or  
24       providing space for activities for senior citizens:  
25       nursing homes, assisted-living centers, senior citizen  
26       housing complexes, or senior centers oriented toward

1        daytime activities and at the time of the violation persons  
2        are present or reasonably expected to be present in the  
3        church, synagogue, or other building, structure, or place  
4        used primarily for religious worship during worship  
5        services, or in buildings or structures used primarily for  
6        housing or providing space for activities for senior  
7        citizens: nursing homes, assisted-living centers, senior  
8        citizen housing complexes, or senior centers oriented  
9        toward daytime activities during the hours those places,  
10       buildings, or structures are open for those activities, or  
11       on the real property is guilty of a Class 2 felony, the  
12       fine for which shall not exceed \$150,000;

13       (5) subsection (g) of Section 401 in any school, on or  
14       within 500 feet of the real property comprising any school,  
15       or in any conveyance owned, leased or contracted by a  
16       school to transport students to or from school or a school  
17       related activity, and at the time of the violation persons  
18       under the age of 18 are present, the offense is committed  
19       during school hours, or the offense is committed at times  
20       when persons under the age of 18 are reasonably expected to  
21       be present in the school, in the conveyance, or on the real  
22       property, such as when after-school activities are  
23       occurring ~~or residential property owned, operated or~~  
24       ~~managed by a public housing agency or leased by a public~~  
25       ~~housing agency as part of a scattered site or mixed-income~~  
26       ~~development,~~ or in any public park ~~or,~~ on or within 500

1        feet of the real property comprising any ~~school or~~  
2        ~~residential property owned, operated or managed by a public~~  
3        ~~housing agency or leased by a public housing agency as part~~  
4        ~~of a scattered site or mixed income development, or public~~  
5        ~~park or within 1,000 feet of the real property comprising~~  
6        ~~any school or residential property owned, operated or~~  
7        ~~managed by a public housing agency or leased by a public~~  
8        ~~housing agency as part of a scattered site or mixed income~~  
9        ~~development, or public park,~~ on the real property  
10       comprising any church, synagogue, or other building,  
11       structure, or place used primarily for religious worship,  
12       or within 500 ~~1,000~~ feet of the real property comprising  
13       any church, synagogue, or other building, structure, or  
14       place used primarily for religious worship, on the real  
15       property comprising any of the following places,  
16       buildings, or structures used primarily for housing or  
17       providing space for activities for senior citizens:  
18       nursing homes, assisted-living centers, senior citizen  
19       housing complexes, or senior centers oriented toward  
20       daytime activities, or within 500 ~~1,000~~ feet of the real  
21       property comprising any of the following places,  
22       buildings, or structures used primarily for housing or  
23       providing space for activities for senior citizens:  
24       nursing homes, assisted-living centers, senior citizen  
25       housing complexes, or senior centers oriented toward  
26       daytime activities and at the time of the violation persons

1       are present or reasonably expected to be present in the  
2       church, synagogue, or other building, structure, or place  
3       used primarily for religious worship during worship  
4       services, or in buildings or structures used primarily for  
5       housing or providing space for activities for senior  
6       citizens: nursing homes, assisted-living centers, senior  
7       citizen housing complexes, or senior centers oriented  
8       toward daytime activities during the hours those places,  
9       buildings, or structures are open for those activities, or  
10       on the real property is guilty of a Class 2 felony, the  
11       fine for which shall not exceed \$125,000;

12       (6) subsection (h) of Section 401 in any school, on or  
13       within 500 feet of the real property comprising any school,  
14       or in any conveyance owned, leased or contracted by a  
15       school to transport students to or from school or a school  
16       related activity, and at the time of the violation persons  
17       under the age of 18 are present, the offense is committed  
18       during school hours, or the offense is committed at times  
19       when persons under the age of 18 are reasonably expected to  
20       be present in the school, in the conveyance, or on the real  
21       property, such as when after-school activities are  
22       occurring ~~or residential property owned, operated or~~  
23       ~~managed by a public housing agency or leased by a public~~  
24       ~~housing agency as part of a scattered site or mixed income~~  
25       ~~development,~~ or in any public park ~~or,~~ on or within 500  
26       feet of the real property comprising any ~~school or~~

1 ~~residential property owned, operated or managed by a public~~  
2 ~~housing agency or leased by a public housing agency as part~~  
3 ~~of a scattered site or mixed income development, or public~~  
4 ~~park or within 1,000 feet of the real property comprising~~  
5 ~~any school or residential property owned, operated or~~  
6 ~~managed by a public housing agency or leased by a public~~  
7 ~~housing agency as part of a scattered site or mixed income~~  
8 ~~development, or public park,~~ on the real property  
9 comprising any church, synagogue, or other building,  
10 structure, or place used primarily for religious worship,  
11 or within 500 ~~1,000~~ feet of the real property comprising  
12 any church, synagogue, or other building, structure, or  
13 place used primarily for religious worship, on the real  
14 property comprising any of the following places,  
15 buildings, or structures used primarily for housing or  
16 providing space for activities for senior citizens:  
17 nursing homes, assisted-living centers, senior citizen  
18 housing complexes, or senior centers oriented toward  
19 daytime activities, or within 500 ~~1,000~~ feet of the real  
20 property comprising any of the following places,  
21 buildings, or structures used primarily for housing or  
22 providing space for activities for senior citizens:  
23 nursing homes, assisted-living centers, senior citizen  
24 housing complexes, or senior centers oriented toward  
25 daytime activities and at the time of the violation persons  
26 are present or reasonably expected to be present in the

1 church, synagogue, or other building, structure, or place  
2 used primarily for religious worship during worship  
3 services, or in buildings or structures used primarily for  
4 housing or providing space for activities for senior  
5 citizens: nursing homes, assisted-living centers, senior  
6 citizen housing complexes, or senior centers oriented  
7 toward daytime activities during the hours those places,  
8 buildings, or structures are open for those activities, or  
9 on the real property is guilty of a Class 2 felony, the  
10 fine for which shall not exceed \$100,000.

11 (c) Regarding penalties prescribed in subsection (b) for  
12 violations committed in a school or on or within 500 ~~1,000~~ feet  
13 of school property, the time of day and, time of year ~~and~~  
14 ~~whether classes were currently in session~~ at the time of the  
15 offense is irrelevant.

16 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

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

18 Sec. 410. (a) Whenever any person who has not previously  
19 been convicted of, ~~or placed on probation or court supervision~~  
20 ~~for~~ any felony offense under this Act or any law of the United  
21 States or of any State relating to cannabis or controlled  
22 substances, pleads guilty to or is found guilty of possession  
23 of a controlled or counterfeit substance under subsection (c)  
24 of Section 402 or of unauthorized possession of prescription  
25 form under Section 406.2, the court, without entering a

1 judgment and with the consent of such person, may sentence him  
2 or her to probation.

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

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

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

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

24 (2) pay a fine and costs;

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

1           (4) undergo medical or psychiatric treatment; or  
2           treatment or rehabilitation approved by the Illinois  
3           Department of Human Services;

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

6           (6) support his or her dependents;

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

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

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

17               (ii) attend school;

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

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

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

24          (f) Upon fulfillment of the terms and conditions of  
25          probation, the court shall discharge the person and dismiss the  
26          proceedings against him or her.

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

7 (h) A person may not have more than ~~There may be only~~ one  
8 discharge and dismissal under this Section within a 4-year  
9 period, ~~Section 10 of the Cannabis Control Act, Section 70 of~~  
10 ~~the Methamphetamine Control and Community Protection Act,~~  
11 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~  
12 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~  
13 ~~or the Criminal Code of 2012 with respect to any person.~~

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

21 (j) Notwithstanding subsection (a), before a person is  
22 sentenced to probation under this Section, the court may refer  
23 the person to the drug court established in that judicial  
24 circuit pursuant to Section 15 of the Drug Court Treatment Act.  
25 The drug court team shall evaluate the person's likelihood of  
26 successfully completing a sentence of probation under this

1 Section and shall report the results of its evaluation to the  
2 court. If the drug court team finds that the person suffers  
3 from a substance abuse problem that makes him or her  
4 substantially unlikely to successfully complete a sentence of  
5 probation under this Section, then the drug court shall set  
6 forth its findings in the form of a written order, and the  
7 person shall not be sentenced to probation under this Section,  
8 but shall ~~may~~ be considered for the drug court program.

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

10 Section 30. The Methamphetamine Control and Community  
11 Protection Act is amended by changing Sections 15, 55, and 70  
12 as follows:

13 (720 ILCS 646/15)

14 Sec. 15. Participation in methamphetamine manufacturing.

15 (a) Participation in methamphetamine manufacturing.

16 (1) It is unlawful to knowingly participate in the  
17 manufacture of methamphetamine with the intent that  
18 methamphetamine or a substance containing methamphetamine  
19 be produced.

20 (2) A person who violates paragraph (1) of this  
21 subsection (a) is subject to the following penalties:

22 (A) A person who participates in the manufacture of  
23 less than 15 grams of methamphetamine or a substance  
24 containing methamphetamine is guilty of a Class 1

1 felony.

2 (B) A person who participates in the manufacture of  
3 15 or more grams but less than 100 grams of  
4 methamphetamine or a substance containing  
5 methamphetamine is guilty of a Class X felony, subject  
6 to a term of imprisonment of not less than 6 years and  
7 not more than 30 years, and subject to a fine not to  
8 exceed \$100,000 or the street value of the  
9 methamphetamine manufactured, whichever is greater.

10 (C) A person who participates in the manufacture of  
11 100 or more grams but less than 400 grams of  
12 methamphetamine or a substance containing  
13 methamphetamine is guilty of a Class X felony, subject  
14 to a term of imprisonment of not less than 9 years and  
15 not more than 40 years, and subject to a fine not to  
16 exceed \$200,000 or the street value of the  
17 methamphetamine manufactured, whichever is greater.

18 (D) A person who participates in the manufacture of  
19 400 or more grams but less than 900 grams of  
20 methamphetamine or a substance containing  
21 methamphetamine is guilty of a Class X felony, subject  
22 to a term of imprisonment of not less than 12 years and  
23 not more than 50 years, and subject to a fine not to  
24 exceed \$300,000 or the street value of the  
25 methamphetamine manufactured, whichever is greater.

26 (E) A person who participates in the manufacture of

1           900 grams or more of methamphetamine or a substance  
2           containing methamphetamine is guilty of a Class X  
3           felony, subject to a term of imprisonment of not less  
4           than 15 years and not more than 60 years, and subject  
5           to a fine not to exceed \$400,000 or the street value of  
6           the methamphetamine, whichever is greater.

7           (b) Aggravated participation in methamphetamine  
8           manufacturing.

9           (1) It is unlawful to engage in aggravated  
10           participation in the manufacture of methamphetamine. A  
11           person engages in aggravated participation in the  
12           manufacture of methamphetamine when the person violates  
13           paragraph (1) of subsection (a) and:

14                   (A) the person knowingly does so in a multi-unit  
15                   dwelling;

16                   (B) the person knowingly does so in a structure or  
17                   vehicle where a child under the age of 18, a person  
18                   with a disability, or a person 60 years of age or older  
19                   who is incapable of adequately providing for his or her  
20                   own health and personal care resides, is present, or is  
21                   endangered by the manufacture of methamphetamine;

22                   (C) the person does so in a structure or vehicle  
23                   where a woman the person knows to be pregnant  
24                   (including but not limited to the person herself)  
25                   resides, is present, or is endangered by the  
26                   methamphetamine manufacture;

1 (D) the person knowingly does so in a structure or  
2 vehicle protected by one or more firearms, explosive  
3 devices, booby traps, alarm systems, surveillance  
4 systems, guard dogs, or dangerous animals;

5 (E) the methamphetamine manufacturing in which the  
6 person participates is a contributing cause of the  
7 death, serious bodily injury, disability, or  
8 disfigurement of another person, including but not  
9 limited to an emergency service provider;

10 (F) the methamphetamine manufacturing in which the  
11 person participates is a contributing cause of a fire  
12 or explosion that damages property belonging to  
13 another person;

14 (G) the person knowingly organizes, directs, or  
15 finances the methamphetamine manufacturing or  
16 activities carried out in support of the  
17 methamphetamine manufacturing; or

18 (H) the methamphetamine manufacturing occurs  
19 within 500 ~~1,000~~ feet of a place of worship or  
20 parsonage, or within 500 ~~1,000~~ feet of the real  
21 property comprising any school at a time when children,  
22 clergy, patrons, staff, or other persons are present or  
23 any activity sanctioned by the place of worship or  
24 parsonage or school is taking place.

25 (2) A person who violates paragraph (1) of this  
26 subsection (b) is subject to the following penalties:

1 (A) A person who participates in the manufacture of  
2 less than 15 grams of methamphetamine or a substance  
3 containing methamphetamine is guilty of a Class X  
4 felony, subject to a term of imprisonment of not less  
5 than 6 years and not more than 30 years, and subject to  
6 a fine not to exceed \$100,000 or the street value of  
7 the methamphetamine, whichever is greater.

8 (B) A person who participates in the manufacture of  
9 15 or more grams but less than 100 grams of  
10 methamphetamine or a substance containing  
11 methamphetamine is guilty of a Class X felony, subject  
12 to a term of imprisonment of not less than 9 years and  
13 not more than 40 years, and subject to a fine not to  
14 exceed \$200,000 or the street value of the  
15 methamphetamine, whichever is greater.

16 (C) A person who participates in the manufacture of  
17 100 or more grams but less than 400 grams of  
18 methamphetamine or a substance containing  
19 methamphetamine is guilty of a Class X felony, subject  
20 to a term of imprisonment of not less than 12 years and  
21 not more than 50 years, and subject to a fine not to  
22 exceed \$300,000 or the street value of the  
23 methamphetamine, whichever is greater.

24 (D) A person who participates in the manufacture of  
25 400 grams or more of methamphetamine or a substance  
26 containing methamphetamine is guilty of a Class X

1 felony, subject to a term of imprisonment of not less  
2 than 15 years and not more than 60 years, and subject  
3 to a fine not to exceed \$400,000 or the street value of  
4 the methamphetamine, whichever is greater.

5 (Source: P.A. 98-980, eff. 1-1-15.)

6 (720 ILCS 646/55)

7 Sec. 55. Methamphetamine delivery.

8 (a) Delivery or possession with intent to deliver  
9 methamphetamine or a substance containing methamphetamine.

10 (1) It is unlawful knowingly to engage in the delivery  
11 or possession with intent to deliver methamphetamine or a  
12 substance containing methamphetamine.

13 (2) A person who violates paragraph (1) of this  
14 subsection (a) is subject to the following penalties:

15 (A) A person who delivers or possesses with intent  
16 to deliver less than 5 grams of methamphetamine or a  
17 substance containing methamphetamine is guilty of a  
18 Class 2 felony.

19 (B) A person who delivers or possesses with intent  
20 to deliver 5 or more grams but less than 15 grams of  
21 methamphetamine or a substance containing  
22 methamphetamine is guilty of a Class 1 felony.

23 (C) A person who delivers or possesses with intent  
24 to deliver 15 or more grams but less than 100 grams of  
25 methamphetamine or a substance containing

1           methamphetamine is guilty of a Class X felony, subject  
2           to a term of imprisonment of not less than 6 years and  
3           not more than 30 years, and subject to a fine not to  
4           exceed \$100,000 or the street value of the  
5           methamphetamine, whichever is greater.

6           (D) A person who delivers or possesses with intent  
7           to deliver 100 or more grams but less than 400 grams of  
8           methamphetamine or a substance containing  
9           methamphetamine is guilty of a Class X felony, subject  
10          to a term of imprisonment of not less than 9 years and  
11          not more than 40 years, and subject to a fine not to  
12          exceed \$200,000 or the street value of the  
13          methamphetamine, whichever is greater.

14          (E) A person who delivers or possesses with intent  
15          to deliver 400 or more grams but less than 900 grams of  
16          methamphetamine or a substance containing  
17          methamphetamine is guilty of a Class X felony, subject  
18          to a term of imprisonment of not less than 12 years and  
19          not more than 50 years, and subject to a fine not to  
20          exceed \$300,000 or the street value of the  
21          methamphetamine, whichever is greater.

22          (F) A person who delivers or possesses with intent  
23          to deliver 900 or more grams of methamphetamine or a  
24          substance containing methamphetamine is guilty of a  
25          Class X felony, subject to a term of imprisonment of  
26          not less than 15 years and not more than 60 years, and

1 subject to a fine not to exceed \$400,000 or the street  
2 value of the methamphetamine, whichever is greater.

3 (b) Aggravated delivery or possession with intent to  
4 deliver methamphetamine or a substance containing  
5 methamphetamine.

6 (1) It is unlawful to engage in the aggravated delivery  
7 or possession with intent to deliver methamphetamine or a  
8 substance containing methamphetamine. A person engages in  
9 the aggravated delivery or possession with intent to  
10 deliver methamphetamine or a substance containing  
11 methamphetamine when the person violates paragraph (1) of  
12 subsection (a) of this Section and:

13 (A) the person is at least 18 years of age and  
14 knowingly delivers or possesses with intent to deliver  
15 the methamphetamine or substance containing  
16 methamphetamine to a person under 18 years of age;

17 (B) the person is at least 18 years of age and  
18 knowingly uses, engages, employs, or causes another  
19 person to use, engage, or employ a person under 18  
20 years of age to deliver the methamphetamine or  
21 substance containing methamphetamine;

22 (C) the person knowingly delivers or possesses  
23 with intent to deliver the methamphetamine or  
24 substance containing methamphetamine in any structure  
25 or vehicle protected by one or more firearms, explosive  
26 devices, booby traps, alarm systems, surveillance

1 systems, guard dogs, or dangerous animals;

2 (D) the person knowingly delivers or possesses  
3 with intent to deliver the methamphetamine or  
4 substance containing methamphetamine in any school, on  
5 any real property comprising any school, or in any  
6 conveyance owned, leased, or contracted by a school to  
7 transport students to or from school or a  
8 school-related activity and at the time of the  
9 violation persons under the age of 18 are present, the  
10 offense is committed during school hours, or the  
11 offense is committed at times when persons under the  
12 age of 18 are reasonably expected to be present in the  
13 school, in the conveyance, or on the real property,  
14 such as when after-school activities are occurring;

15 (E) the person delivers or causes another person to  
16 deliver the methamphetamine or substance containing  
17 methamphetamine to a woman that the person knows to be  
18 pregnant; or

19 (F) (blank).

20 (2) A person who violates paragraph (1) of this  
21 subsection (b) is subject to the following penalties:

22 (A) A person who delivers or possesses with intent  
23 to deliver less than 5 grams of methamphetamine or a  
24 substance containing methamphetamine is guilty of a  
25 Class 1 felony.

26 (B) A person who delivers or possesses with intent

1 to deliver 5 or more grams but less than 15 grams of  
2 methamphetamine or a substance containing  
3 methamphetamine is guilty of a Class X felony, subject  
4 to a term of imprisonment of not less than 6 years and  
5 not more than 30 years, and subject to a fine not to  
6 exceed \$100,000 or the street value of the  
7 methamphetamine, whichever is greater.

8 (C) A person who delivers or possesses with intent  
9 to deliver 15 or more grams but less than 100 grams of  
10 methamphetamine or a substance containing  
11 methamphetamine is guilty of a Class X felony, subject  
12 to a term of imprisonment of not less than 8 years and  
13 not more than 40 years, and subject to a fine not to  
14 exceed \$200,000 or the street value of the  
15 methamphetamine, whichever is greater.

16 (D) A person who delivers or possesses with intent  
17 to deliver 100 or more grams of methamphetamine or a  
18 substance containing methamphetamine is guilty of a  
19 Class X felony, subject to a term of imprisonment of  
20 not less than 10 years and not more than 50 years, and  
21 subject to a fine not to exceed \$300,000 or the street  
22 value of the methamphetamine, whichever is greater.

23 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

24 (720 ILCS 646/70)

25 Sec. 70. Probation.

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

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

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

17               (1) not violate any criminal statute of any  
18 jurisdiction;

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

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

25               (4) perform no less than 30 hours of community service,  
26 if community service is available in the jurisdiction and

1 is funded and approved by the county board.

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

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

8 (2) pay a fine and costs;

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

11 (4) undergo medical or psychiatric treatment; or  
12 treatment or rehabilitation approved by the Illinois  
13 Department of Human Services;

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

16 (6) support his or her dependents;

17 (7) refrain from having in his or her body the presence  
18 of any illicit drug prohibited by this Act, the Cannabis  
19 Control Act, or the Illinois Controlled Substances 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; or

23 (8) if a minor:

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

26 (ii) attend school;

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

2 or

3 (iv) contribute to his or her own support at home

4 or in a foster home.

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

8 (f) Upon fulfillment of the terms and conditions of  
9 probation, the court shall discharge the person and dismiss the  
10 proceedings against the person.

11 (g) A disposition of probation is considered to be a  
12 conviction for the purposes of imposing the conditions of  
13 probation and for appeal, however, discharge and dismissal  
14 under this Section is not a conviction for purposes of this Act  
15 or for purposes of disqualifications or disabilities imposed by  
16 law upon conviction of a crime.

17 (h) A person may not have more than ~~There may be only one~~  
18 ~~discharge and dismissal under this Section~~ within a 4-year  
19 period, ~~Section 410 of the Illinois Controlled Substances Act,~~  
20 ~~Section 10 of the Cannabis Control Act, Section 5-6-3.3 or~~  
21 ~~5-6-3.4 of the Unified Code of Corrections, or subsection (c)~~  
22 ~~of Section 11-14 of the Criminal Code of 1961 or the Criminal~~  
23 ~~Code of 2012 with respect to any person.~~

24 (i) If a person is convicted of an offense under this Act,  
25 the Cannabis Control Act, or the Illinois Controlled Substances  
26 Act within 5 years subsequent to a discharge and dismissal

1 under this Section, the discharge and dismissal under this  
2 Section are admissible in the sentencing proceeding for that  
3 conviction as evidence in aggravation.

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

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

19 Section 35. The Unified Code of Corrections is amended by  
20 changing Sections 3-3-8, 3-6-3, 5-4.5-95, 5-6-3.3, 5-6-3.4,  
21 and 5-8-8 and by adding Sections 5-4.5-110 and 5-6-3.6 as  
22 follows:

23 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

24 Sec. 3-3-8. Length of parole and mandatory supervised

1 release; discharge.

2 (a) The length of parole for a person sentenced under the  
3 law in effect prior to the effective date of this amendatory  
4 Act of 1977 and the length of mandatory supervised release for  
5 those sentenced under the law in effect on and after such  
6 effective date shall be as set out in Section 5-8-1 unless  
7 sooner terminated under paragraph (b) of this Section.

8 (b) The Prisoner Review Board may enter an order releasing  
9 and discharging one from parole or mandatory supervised  
10 release, and his or her commitment to the Department, when it  
11 determines that he or she is likely to remain at liberty  
12 without committing another offense.

13 (b-1) Provided that the subject is in compliance with the  
14 terms and conditions of his or her parole or mandatory  
15 supervised release, the Prisoner Review Board may reduce the  
16 period of a parolee or releasee's parole or mandatory  
17 supervised release by 90 days upon the parolee or releasee  
18 receiving a high school diploma or upon passage of high school  
19 equivalency testing during the period of his or her parole or  
20 mandatory supervised release. This reduction in the period of a  
21 subject's term of parole or mandatory supervised release shall  
22 be available only to subjects who have not previously earned a  
23 high school diploma or who have not previously passed high  
24 school equivalency testing.

25 (b-2) The Prisoner Review Board may release a low-risk and  
26 need subject person from mandatory supervised release as

1 determined by an appropriate evidence-based risk and need  
2 assessment.

3 (c) The order of discharge shall become effective upon  
4 entry of the order of the Board. The Board shall notify the  
5 clerk of the committing court of the order. Upon receipt of  
6 such copy, the clerk shall make an entry on the record judgment  
7 that the sentence or commitment has been satisfied pursuant to  
8 the order.

9 (d) Rights of the person discharged under this Section  
10 shall be restored under Section 5-5-5.

11 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,  
12 eff. 1-1-16; 99-628, eff. 1-1-17.)

13 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

16 (a) (1) The Department of Corrections shall prescribe rules  
17 and regulations for awarding and revoking sentence credit for  
18 persons committed to the Department which shall be subject to  
19 review by the Prisoner Review Board.

20 (1.5) As otherwise provided by law, sentence credit may be  
21 awarded for the following:

22 (A) successful completion of programming while in  
23 custody of the Department or while in custody prior to  
24 sentencing;

25 (B) compliance with the rules and regulations of the

1 Department; or

2 (C) service to the institution, service to a community,  
3 or service to the State.

4 (2) The rules and regulations on sentence credit shall  
5 provide, with respect to offenses listed in clause (i), (ii),  
6 or (iii) of this paragraph (2) committed on or after June 19,  
7 1998 or with respect to the offense listed in clause (iv) of  
8 this paragraph (2) committed on or after June 23, 2005 (the  
9 effective date of Public Act 94-71) or with respect to offense  
10 listed in clause (vi) committed on or after June 1, 2008 (the  
11 effective date of Public Act 95-625) or with respect to the  
12 offense of being an armed habitual criminal committed on or  
13 after August 2, 2005 (the effective date of Public Act 94-398)  
14 or with respect to the offenses listed in clause (v) of this  
15 paragraph (2) committed on or after August 13, 2007 (the  
16 effective date of Public Act 95-134) or with respect to the  
17 offense of aggravated domestic battery committed on or after  
18 July 23, 2010 (the effective date of Public Act 96-1224) or  
19 with respect to the offense of attempt to commit terrorism  
20 committed on or after January 1, 2013 (the effective date of  
21 Public Act 97-990), the following:

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

26 (ii) that a prisoner serving a sentence for attempt to

1       commit terrorism, attempt to commit first degree murder,  
2       solicitation of murder, solicitation of murder for hire,  
3       intentional homicide of an unborn child, predatory  
4       criminal sexual assault of a child, aggravated criminal  
5       sexual assault, criminal sexual assault, aggravated  
6       kidnapping, aggravated battery with a firearm as described  
7       in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
8       (e) (4) of Section 12-3.05, heinous battery as described in  
9       Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
10      being an armed habitual criminal, aggravated battery of a  
11      senior citizen as described in Section 12-4.6 or  
12      subdivision (a) (4) of Section 12-3.05, or aggravated  
13      battery of a child as described in Section 12-4.3 or  
14      subdivision (b) (1) of Section 12-3.05 shall receive no more  
15      than 4.5 days of sentence credit for each month of his or  
16      her sentence of imprisonment;

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

1           (iv) that a prisoner serving a sentence for aggravated  
2 discharge of a firearm, whether or not the conduct leading  
3 to conviction for the offense resulted in great bodily harm  
4 to the victim, shall receive no more than 4.5 days of  
5 sentence credit for each month of his or her sentence of  
6 imprisonment;

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

1 sentence of imprisonment;

2 (vi) that a prisoner serving a sentence for a second or  
3 subsequent offense of luring a minor shall receive no more  
4 than 4.5 days of sentence credit for each month of his or  
5 her sentence of imprisonment; and

6 (vii) that a prisoner serving a sentence for aggravated  
7 domestic battery shall receive no more than 4.5 days of  
8 sentence credit for each month of his or her sentence of  
9 imprisonment.

10 (2.1) For all offenses, other than those enumerated in  
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
13 June 23, 2005 (the effective date of Public Act 94-71) or  
14 subdivision (a)(2)(v) committed on or after August 13, 2007  
15 (the effective date of Public Act 95-134) or subdivision  
16 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
17 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
18 on or after July 23, 2010 (the effective date of Public Act  
19 96-1224), and other than the offense of aggravated driving  
20 under the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination thereof  
22 as defined in subparagraph (F) of paragraph (1) of subsection  
23 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
24 than 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 as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of Section  
2 11-501 of the Illinois Vehicle Code committed on or after  
3 January 1, 2011 (the effective date of Public Act 96-1230), the  
4 rules and regulations shall provide that a prisoner who is  
5 serving a term of imprisonment shall receive one day of  
6 sentence credit for each day of his or her sentence of  
7 imprisonment or recommitment under Section 3-3-9. Each day of  
8 sentence credit shall reduce by one day the prisoner's period  
9 of imprisonment or recommitment under Section 3-3-9.

10 (2.2) A prisoner serving a term of natural life  
11 imprisonment or a prisoner who has been sentenced to death  
12 shall receive no sentence credit.

13 (2.3) The rules and regulations on sentence credit shall  
14 provide that a prisoner who is serving a sentence for  
15 aggravated driving under the influence of alcohol, other drug  
16 or drugs, or intoxicating compound or compounds, or any  
17 combination thereof as defined in subparagraph (F) of paragraph  
18 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
19 Code, shall receive no more than 4.5 days of sentence credit  
20 for each month of his or her sentence of imprisonment.

21 (2.4) The rules and regulations on sentence credit shall  
22 provide with respect to the offenses of aggravated battery with  
23 a machine gun or a firearm equipped with any device or  
24 attachment designed or used for silencing the report of a  
25 firearm or aggravated discharge of a machine gun or a firearm  
26 equipped with any device or attachment designed or used for

1 silencing the report of a firearm, committed on or after July  
2 15, 1999 (the effective date of Public Act 91-121), that a  
3 prisoner serving a sentence for any of these offenses shall  
4 receive no more than 4.5 days of sentence credit for each month  
5 of his or her sentence of imprisonment.

6 (2.5) The rules and regulations on sentence credit shall  
7 provide that a prisoner who is serving a sentence for  
8 aggravated arson committed on or after July 27, 2001 (the  
9 effective date of Public Act 92-176) shall receive no more than  
10 4.5 days of sentence credit for each month of his or her  
11 sentence of imprisonment.

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

22 (3) The rules and regulations shall also provide that the  
23 Director may award up to 180 days additional sentence credit  
24 for good conduct in specific instances as the Director deems  
25 proper. The good conduct may include, but is not limited to,  
26 compliance with the rules and regulations of the Department,

1 service to the Department, service to a community, or service  
2 to the State. However, the Director shall not award more than  
3 90 days of sentence credit for good conduct to any prisoner who  
4 is serving a sentence for conviction of first degree murder,  
5 reckless homicide while under the influence of alcohol or any  
6 other drug, or aggravated driving under the influence of  
7 alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof as defined in  
9 subparagraph (F) of paragraph (1) of subsection (d) of Section  
10 11-501 of the Illinois Vehicle Code, aggravated kidnapping,  
11 kidnapping, predatory criminal sexual assault of a child,  
12 aggravated criminal sexual assault, criminal sexual assault,  
13 deviate sexual assault, aggravated criminal sexual abuse,  
14 aggravated indecent liberties with a child, indecent liberties  
15 with a child, child pornography, heinous battery as described  
16 in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
17 aggravated battery of a spouse, aggravated battery of a spouse  
18 with a firearm, stalking, aggravated stalking, aggravated  
19 battery of a child as described in Section 12-4.3 or  
20 subdivision (b) (1) of Section 12-3.05, endangering the life or  
21 health of a child, or cruelty to a child. Notwithstanding the  
22 foregoing, sentence credit for good conduct shall not be  
23 awarded on a sentence of imprisonment imposed for conviction  
24 of: (i) one of the offenses enumerated in subdivision  
25 (a) (2) (i), (ii), or (iii) when the offense is committed on or  
26 after June 19, 1998 or subdivision (a) (2) (iv) when the offense

1 is committed on or after June 23, 2005 (the effective date of  
2 Public Act 94-71) or subdivision (a)(2)(v) when the offense is  
3 committed on or after August 13, 2007 (the effective date of  
4 Public Act 95-134) or subdivision (a)(2)(vi) when the offense  
5 is committed on or after June 1, 2008 (the effective date of  
6 Public Act 95-625) or subdivision (a)(2)(vii) when the offense  
7 is committed on or after July 23, 2010 (the effective date of  
8 Public Act 96-1224), (ii) aggravated driving under the  
9 influence of alcohol, other drug or drugs, or intoxicating  
10 compound or compounds, or any combination thereof as defined in  
11 subparagraph (F) of paragraph (1) of subsection (d) of Section  
12 11-501 of the Illinois Vehicle Code, (iii) one of the offenses  
13 enumerated in subdivision (a)(2.4) when the offense is  
14 committed on or after July 15, 1999 (the effective date of  
15 Public Act 91-121), (iv) aggravated arson when the offense is  
16 committed on or after July 27, 2001 (the effective date of  
17 Public Act 92-176), (v) offenses that may subject the offender  
18 to commitment under the Sexually Violent Persons Commitment  
19 Act, or (vi) aggravated driving under the influence of alcohol,  
20 other drug or drugs, or intoxicating compound or compounds or  
21 any combination thereof as defined in subparagraph (C) of  
22 paragraph (1) of subsection (d) of Section 11-501 of the  
23 Illinois Vehicle Code committed on or after January 1, 2011  
24 (the effective date of Public Act 96-1230).

25 Eligible inmates for an award of sentence credit under this  
26 paragraph (3) may be selected to receive the credit at the

1 Director's or his or her designee's sole discretion.  
2 Consideration may be based on, but not limited to, any  
3 available risk assessment analysis on the inmate, any history  
4 of conviction for violent crimes as defined by the Rights of  
5 Crime Victims and Witnesses Act, facts and circumstances of the  
6 inmate's holding offense or offenses, and the potential for  
7 rehabilitation.

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

15 (A) is eligible for the sentence credit;

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

18 (C) has met the eligibility criteria established by  
19 rule.

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

22 (3.5) The Department shall provide annual written reports  
23 to the Governor and the General Assembly on the award of  
24 sentence credit for good conduct, with the first report due  
25 January 1, 2014. The Department must publish both reports on  
26 its website within 48 hours of transmitting the reports to the

1 Governor and the General Assembly. The reports must include:

2 (A) the number of inmates awarded sentence credit for  
3 good conduct;

4 (B) the average amount of sentence credit for good  
5 conduct awarded;

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

8 (D) the number of sentence credit for good conduct  
9 revocations.

10 (4) The rules and regulations shall also provide that the  
11 sentence credit accumulated and retained under paragraph (2.1)  
12 of subsection (a) of this Section by any inmate during specific  
13 periods of time in which such inmate is engaged full-time in  
14 substance abuse programs, correctional industry assignments,  
15 educational programs, behavior modification programs, life  
16 skills courses, or re-entry planning provided by the Department  
17 under this paragraph (4) and satisfactorily completes the  
18 assigned program as determined by the standards of the  
19 Department, shall be multiplied by a factor of 1.25 for program  
20 participation before August 11, 1993 and 1.50 for program  
21 participation on or after that date. The rules and regulations  
22 shall also provide that sentence credit, subject to the same  
23 offense limits and multiplier provided in this paragraph, may  
24 be provided to an inmate who was held in pre-trial detention  
25 prior to his or her current commitment to the Department of  
26 Corrections and successfully completed a full-time, 60-day or

1 longer substance abuse program, educational program, behavior  
2 modification program, life skills course, or re-entry planning  
3 provided by the county department of corrections or county  
4 jail. Calculation of this county program credit shall be done  
5 at sentencing as provided in Section 5-4.5-100 of this Code and  
6 shall be included in the sentencing order. However, no inmate  
7 shall be eligible for the additional sentence credit under this  
8 paragraph (4) or (4.1) of this subsection (a) while assigned to  
9 a boot camp or electronic detention, or if convicted of an  
10 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of  
11 this Section that is committed on or after June 19, 1998 or  
12 subdivision (a)(2)(iv) of this Section that is committed on or  
13 after June 23, 2005 (the effective date of Public Act 94-71) or  
14 subdivision (a)(2)(v) of this Section that is committed on or  
15 after August 13, 2007 (the effective date of Public Act 95-134)  
16 or subdivision (a)(2)(vi) when the offense is committed on or  
17 after June 1, 2008 (the effective date of Public Act 95-625) or  
18 subdivision (a)(2)(vii) when the offense is committed on or  
19 after July 23, 2010 (the effective date of Public Act 96-1224),  
20 or if convicted of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds or any combination thereof as defined in subparagraph  
23 (F) of paragraph (1) of subsection (d) of Section 11-501 of the  
24 Illinois Vehicle Code, or if convicted of aggravated driving  
25 under the influence of alcohol, other drug or drugs, or  
26 intoxicating compound or compounds or any combination thereof

1 as defined in subparagraph (C) of paragraph (1) of subsection  
2 (d) of Section 11-501 of the Illinois Vehicle Code committed on  
3 or after January 1, 2011 (the effective date of Public Act  
4 96-1230), or if convicted of an offense enumerated in paragraph  
5 (a) (2.4) of this Section that is committed on or after July 15,  
6 1999 (the effective date of Public Act 91-121), or first degree  
7 murder, a Class X felony, criminal sexual assault, felony  
8 criminal sexual abuse, aggravated criminal sexual abuse,  
9 aggravated battery with a firearm as described in Section  
10 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of  
11 Section 12-3.05, or any predecessor or successor offenses with  
12 the same or substantially the same elements, or any inchoate  
13 offenses relating to the foregoing offenses. No inmate shall be  
14 eligible for the additional good conduct credit under this  
15 paragraph (4) who (i) has previously received increased good  
16 conduct credit under this paragraph (4) and has subsequently  
17 been convicted of a felony, or (ii) has previously served more  
18 than one prior sentence of imprisonment for a felony in an  
19 adult correctional facility.

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

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

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

15 (4.1) The rules and regulations shall also provide that an  
16 additional 90 days of sentence credit shall be awarded to any  
17 prisoner who passes high school equivalency testing while the  
18 prisoner is committed to the Department of Corrections. The  
19 sentence credit awarded under this paragraph (4.1) shall be in  
20 addition to, and shall not affect, the award of sentence credit  
21 under any other paragraph of this Section, but shall also be  
22 pursuant to the guidelines and restrictions set forth in  
23 paragraph (4) of subsection (a) of this Section. The sentence  
24 credit provided for in this paragraph shall be available only  
25 to those prisoners who have not previously earned a high school  
26 diploma or a high school equivalency certificate. If, after an

1 award of the high school equivalency testing sentence credit  
2 has been made, the Department determines that the prisoner was  
3 not eligible, then the award shall be revoked. The Department  
4 may also award 90 days of sentence credit to any committed  
5 person who passed high school equivalency testing while he or  
6 she was held in pre-trial detention prior to the current  
7 commitment to the Department of Corrections.

8 (4.5) The rules and regulations on sentence credit shall  
9 also provide that when the court's sentencing order recommends  
10 a prisoner for substance abuse treatment and the crime was  
11 committed on or after September 1, 2003 (the effective date of  
12 Public Act 93-354), the prisoner shall receive no sentence  
13 credit awarded under clause (3) of this subsection (a) unless  
14 he or she participates in and completes a substance abuse  
15 treatment program. The Director may waive the requirement to  
16 participate in or complete a substance abuse treatment program  
17 and award the sentence credit in specific instances if the  
18 prisoner is not a good candidate for a substance abuse  
19 treatment program for medical, programming, or operational  
20 reasons. Availability of substance abuse treatment shall be  
21 subject to the limits of fiscal resources appropriated by the  
22 General Assembly for these purposes. If treatment is not  
23 available and the requirement to participate and complete the  
24 treatment has not been waived by the Director, the prisoner  
25 shall be placed on a waiting list under criteria established by  
26 the Department. The Director may allow a prisoner placed on a

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

8 (4.6) The rules and regulations on sentence credit shall  
9 also provide that a prisoner who has been convicted of a sex  
10 offense as defined in Section 2 of the Sex Offender  
11 Registration Act shall receive no sentence credit unless he or  
12 she either has successfully completed or is participating in  
13 sex offender treatment as defined by the Sex Offender  
14 Management Board. However, prisoners who are waiting to receive  
15 treatment, but who are unable to do so due solely to the lack  
16 of resources on the part of the Department, may, at the  
17 Director's sole discretion, be awarded sentence credit at a  
18 rate as the Director shall determine.

19 (5) Whenever the Department is to release any inmate  
20 earlier than it otherwise would because of a grant of sentence  
21 credit for good conduct under paragraph (3) of subsection (a)  
22 of this Section given at any time during the term, the  
23 Department shall give reasonable notice of the impending  
24 release not less than 14 days prior to the date of the release  
25 to the State's Attorney of the county where the prosecution of  
26 the inmate took place, and if applicable, the State's Attorney

1 of the county into which the inmate will be released. The  
2 Department must also make identification information and a  
3 recent photo of the inmate being released accessible on the  
4 Internet by means of a hyperlink labeled "Community  
5 Notification of Inmate Early Release" on the Department's World  
6 Wide Web homepage. The identification information shall  
7 include the inmate's: name, any known alias, date of birth,  
8 physical characteristics, commitment offense and county where  
9 conviction was imposed. The identification information shall  
10 be placed on the website within 3 days of the inmate's release  
11 and the information may not be removed until either: completion  
12 of the first year of mandatory supervised release or return of  
13 the inmate to custody of the Department.

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

18 (c) The Department shall prescribe rules and regulations  
19 for revoking sentence credit, including revoking sentence  
20 credit awarded for good conduct under paragraph (3) of  
21 subsection (a) of this Section. The Department shall prescribe  
22 rules and regulations for suspending or reducing the rate of  
23 accumulation of sentence credit for specific rule violations,  
24 during imprisonment. These rules and regulations shall provide  
25 that no inmate may be penalized more than one year of sentence  
26 credit for any one infraction.

1           When the Department seeks to revoke, suspend or reduce the  
2 rate of accumulation of any sentence credits for an alleged  
3 infraction of its rules, it shall bring charges therefor  
4 against the prisoner sought to be so deprived of sentence  
5 credits before the Prisoner Review Board as provided in  
6 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
7 amount of credit at issue exceeds 30 days or when during any 12  
8 month period, the cumulative amount of credit revoked exceeds  
9 30 days except where the infraction is committed or discovered  
10 within 60 days of scheduled release. In those cases, the  
11 Department of Corrections may revoke up to 30 days of sentence  
12 credit. The Board may subsequently approve the revocation of  
13 additional sentence credit, if the Department seeks to revoke  
14 sentence credit in excess of 30 days. However, the Board shall  
15 not be empowered to review the Department's decision with  
16 respect to the loss of 30 days of sentence credit within any  
17 calendar year for any prisoner or to increase any penalty  
18 beyond the length requested by the Department.

19           The Director of the Department of Corrections, in  
20 appropriate cases, may restore up to 30 days of sentence  
21 credits which have been revoked, suspended or reduced. Any  
22 restoration of sentence credits in excess of 30 days shall be  
23 subject to review by the Prisoner Review Board. However, the  
24 Board may not restore sentence credit in excess of the amount  
25 requested by the Director.

26           Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section  
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
3 sentence imposed by the court that was not served due to the  
4 accumulation of sentence credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in  
24 fact;

25 (B) it is being presented for any improper purpose,  
26 such as to harass or to cause unnecessary delay or

1           needless increase in the cost of litigation;

2           (C) the claims, defenses, and other legal  
3 contentions therein are not warranted by existing law  
4 or by a nonfrivolous argument for the extension,  
5 modification, or reversal of existing law or the  
6 establishment of new law;

7           (D) the allegations and other factual contentions  
8 do not have evidentiary support or, if specifically so  
9 identified, are not likely to have evidentiary support  
10 after a reasonable opportunity for further  
11 investigation or discovery; or

12           (E) the denials of factual contentions are not  
13 warranted on the evidence, or if specifically so  
14 identified, are not reasonably based on a lack of  
15 information or belief.

16           (2) "Lawsuit" means a motion pursuant to Section 116-3  
17 of the Code of Criminal Procedure of 1963, a habeas corpus  
18 action under Article X of the Code of Civil Procedure or  
19 under federal law (28 U.S.C. 2254), a petition for claim  
20 under the Court of Claims Act, an action under the federal  
21 Civil Rights Act (42 U.S.C. 1983), or a second or  
22 subsequent petition for post-conviction relief under  
23 Article 122 of the Code of Criminal Procedure of 1963  
24 whether filed with or without leave of court or a second or  
25 subsequent petition for relief from judgment under Section  
26 2-1401 of the Code of Civil Procedure.

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

3 (f) Whenever the Department is to release any inmate who  
4 has been convicted of a violation of an order of protection  
5 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, earlier than it otherwise would  
7 because of a grant of sentence credit, the Department, as a  
8 condition of release, shall require that the person, upon  
9 release, be placed under electronic surveillance as provided in  
10 Section 5-8A-7 of this Code.

11 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,  
12 eff. 1-1-16; 99-642, eff. 7-28-16.)

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

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

15 (a) (1) The Department of Corrections shall prescribe rules  
16 and regulations for awarding and revoking sentence credit for  
17 persons committed to the Department which shall be subject to  
18 review by the Prisoner Review Board.

19 (1.5) As otherwise provided by law, sentence credit may be  
20 awarded for the following:

21 (A) successful completion of programming while in  
22 custody of the Department or while in custody prior to  
23 sentencing;

24 (B) compliance with the rules and regulations of the  
25 Department; or

1 (C) service to the institution, service to a community,  
2 or service to the State.

3 (2) Except as provided in paragraph (4.7) of this  
4 subsection (a), the ~~The~~ rules and regulations on sentence  
5 credit shall provide, with respect to offenses listed in clause  
6 (i), (ii), or (iii) of this paragraph (2) committed on or after  
7 June 19, 1998 or with respect to the offense listed in clause  
8 (iv) of this paragraph (2) committed on or after June 23, 2005  
9 (the effective date of Public Act 94-71) or with respect to  
10 offense listed in clause (vi) committed on or after June 1,  
11 2008 (the effective date of Public Act 95-625) or with respect  
12 to the offense of being an armed habitual criminal committed on  
13 or after August 2, 2005 (the effective date of Public Act  
14 94-398) or with respect to the offenses listed in clause (v) of  
15 this paragraph (2) committed on or after August 13, 2007 (the  
16 effective date of Public Act 95-134) or with respect to the  
17 offense of aggravated domestic battery committed on or after  
18 July 23, 2010 (the effective date of Public Act 96-1224) or  
19 with respect to the offense of attempt to commit terrorism  
20 committed on or after January 1, 2013 (the effective date of  
21 Public Act 97-990), the following:

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

26 (ii) that a prisoner serving a sentence for attempt to

1       commit terrorism, attempt to commit first degree murder,  
2       solicitation of murder, solicitation of murder for hire,  
3       intentional homicide of an unborn child, predatory  
4       criminal sexual assault of a child, aggravated criminal  
5       sexual assault, criminal sexual assault, aggravated  
6       kidnapping, aggravated battery with a firearm as described  
7       in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
8       (e) (4) of Section 12-3.05, heinous battery as described in  
9       Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,  
10      being an armed habitual criminal, aggravated battery of a  
11      senior citizen as described in Section 12-4.6 or  
12      subdivision (a) (4) of Section 12-3.05, or aggravated  
13      battery of a child as described in Section 12-4.3 or  
14      subdivision (b) (1) of Section 12-3.05 shall receive no more  
15      than 4.5 days of sentence credit for each month of his or  
16      her sentence of imprisonment;

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

1           (iv) that a prisoner serving a sentence for aggravated  
2 discharge of a firearm, whether or not the conduct leading  
3 to conviction for the offense resulted in great bodily harm  
4 to the victim, shall receive no more than 4.5 days of  
5 sentence credit for each month of his or her sentence of  
6 imprisonment;

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

1 sentence of imprisonment;

2 (vi) that a prisoner serving a sentence for a second or  
3 subsequent offense of luring a minor shall receive no more  
4 than 4.5 days of sentence credit for each month of his or  
5 her sentence of imprisonment; and

6 (vii) that a prisoner serving a sentence for aggravated  
7 domestic battery shall receive no more than 4.5 days of  
8 sentence credit for each month of his or her sentence of  
9 imprisonment.

10 (2.1) For all offenses, other than those enumerated in  
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
13 June 23, 2005 (the effective date of Public Act 94-71) or  
14 subdivision (a)(2)(v) committed on or after August 13, 2007  
15 (the effective date of Public Act 95-134) or subdivision  
16 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
17 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
18 on or after July 23, 2010 (the effective date of Public Act  
19 96-1224), and other than the offense of aggravated driving  
20 under the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination thereof  
22 as defined in subparagraph (F) of paragraph (1) of subsection  
23 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
24 than 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 as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of Section  
2 11-501 of the Illinois Vehicle Code committed on or after  
3 January 1, 2011 (the effective date of Public Act 96-1230), the  
4 rules and regulations shall provide that a prisoner who is  
5 serving a term of imprisonment shall receive one day of  
6 sentence credit for each day of his or her sentence of  
7 imprisonment or recommitment under Section 3-3-9. Each day of  
8 sentence credit shall reduce by one day the prisoner's period  
9 of imprisonment or recommitment under Section 3-3-9.

10 (2.2) A prisoner serving a term of natural life  
11 imprisonment or a prisoner who has been sentenced to death  
12 shall receive no sentence credit.

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

22 (2.4) Except as provided in paragraph (4.7) of this  
23 subsection (a), the ~~The~~ rules and regulations on sentence  
24 credit shall provide with respect to the offenses of aggravated  
25 battery with a machine gun or a firearm equipped with any  
26 device or attachment designed or used for silencing the report

1 of a firearm or aggravated discharge of a machine gun or a  
2 firearm equipped with any device or attachment designed or used  
3 for silencing the report of a firearm, committed on or after  
4 July 15, 1999 (the effective date of Public Act 91-121), that a  
5 prisoner serving a sentence for any of these offenses shall  
6 receive no more than 4.5 days of sentence credit for each month  
7 of his or her sentence of imprisonment.

8 (2.5) Except as provided in paragraph (4.7) of this  
9 subsection (a), the ~~The~~ rules and regulations on sentence  
10 credit shall provide that a prisoner who is serving a sentence  
11 for aggravated arson committed on or after July 27, 2001 (the  
12 effective date of Public Act 92-176) shall receive no more than  
13 4.5 days of sentence credit for each month of his or her  
14 sentence of imprisonment.

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

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

1 subsection (a), the ~~The~~ rules and regulations shall also  
2 provide that the Director may award up to 180 days of earned  
3 sentence credit for good conduct in specific instances as the  
4 Director deems proper. The good conduct may include, but is not  
5 limited to, compliance with the rules and regulations of the  
6 Department, service to the Department, service to a community,  
7 or service to the State.

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

21 The Director shall not award sentence credit under this  
22 paragraph (3) to an inmate unless the inmate has served a  
23 minimum of 60 days of the sentence; except nothing in this  
24 paragraph shall be construed to permit the Director to extend  
25 an inmate's sentence beyond that which was imposed by the  
26 court. Prior to awarding credit under this paragraph (3), the

1 Director shall make a written determination that the inmate:

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

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

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

8 (C) has met the eligibility criteria established under  
9 paragraph (4) of this subsection (a) and by rule for earned  
10 sentence credit.

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

13 (3.5) The Department shall provide annual written reports  
14 to the Governor and the General Assembly on the award of earned  
15 sentence credit no later than February 1 of each year. The  
16 Department must publish both reports on its website within 48  
17 hours of transmitting the reports to the Governor and the  
18 General Assembly. The reports must include:

19 (A) the number of inmates awarded earned sentence  
20 credit;

21 (B) the average amount of earned sentence credit  
22 awarded;

23 (C) the holding offenses of inmates awarded earned  
24 sentence credit; and

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

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

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

1 ~~detention, or if convicted of an offense enumerated in~~  
2 ~~subdivision (a) (2) (i), (ii), or (iii) of this Section that is~~  
3 ~~committed on or after June 19, 1998 or subdivision (a) (2) (iv)~~  
4 ~~of this Section that is committed on or after June 23, 2005~~  
5 ~~(the effective date of Public Act 94-71) or subdivision~~  
6 ~~(a) (2) (v) of this Section that is committed on or after August~~  
7 ~~13, 2007 (the effective date of Public Act 95-134) or~~  
8 ~~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 (c)(1), (c)(2), (c)(3), or (c)(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.~~

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

16 Availability of these programs shall be subject to the  
17 limits of fiscal resources appropriated by the General Assembly  
18 for these purposes. Eligible inmates who are denied immediate  
19 admission shall be placed on a waiting list under criteria  
20 established by the Department. The inability of any inmate to  
21 become engaged in any such programs by reason of insufficient  
22 program resources or for any other reason established under the  
23 rules and regulations of the Department shall not be deemed a  
24 cause of action under which the Department or any employee or  
25 agent of the Department shall be liable for damages to the  
26 inmate.

1           (4.1) Except as provided in paragraph (4.7) of this  
2 subsection (a), the ~~The~~ rules and regulations shall also  
3 provide that an additional 90 days of sentence credit shall be  
4 awarded to any prisoner who passes high school equivalency  
5 testing while the prisoner is committed to the Department of  
6 Corrections. The sentence credit awarded under this paragraph  
7 (4.1) shall be in addition to, and shall not affect, the award  
8 of sentence credit under any other paragraph of this Section,  
9 but shall also be pursuant to the guidelines and restrictions  
10 set forth in paragraph (4) of subsection (a) of this Section.  
11 The sentence credit provided for in this paragraph shall be  
12 available only to those prisoners who have not previously  
13 earned a high school diploma or a high school equivalency  
14 certificate. If, after an award of the high school equivalency  
15 testing sentence credit has been made, the Department  
16 determines that the prisoner was not eligible, then the award  
17 shall be revoked. The Department may also award 90 days of  
18 sentence credit to any committed person who passed high school  
19 equivalency testing while he or she was held in pre-trial  
20 detention prior to the current commitment to the Department of  
21 Corrections.

22           (4.5) The rules and regulations on sentence credit shall  
23 also provide that when the court's sentencing order recommends  
24 a prisoner for substance abuse treatment and the crime was  
25 committed on or after September 1, 2003 (the effective date of  
26 Public Act 93-354), the prisoner shall receive no sentence

1 credit awarded under clause (3) of this subsection (a) unless  
2 he or she participates in and completes a substance abuse  
3 treatment program. The Director may waive the requirement to  
4 participate in or complete a substance abuse treatment program  
5 in specific instances if the prisoner is not a good candidate  
6 for a substance abuse treatment program for medical,  
7 programming, or operational reasons. Availability of substance  
8 abuse treatment shall be subject to the limits of fiscal  
9 resources appropriated by the General Assembly for these  
10 purposes. If treatment is not available and the requirement to  
11 participate and complete the treatment has not been waived by  
12 the Director, the prisoner shall be placed on a waiting list  
13 under criteria established by the Department. The Director may  
14 allow a prisoner placed on a waiting list to participate in and  
15 complete a substance abuse education class or attend substance  
16 abuse self-help meetings in lieu of a substance abuse treatment  
17 program. A prisoner on a waiting list who is not placed in a  
18 substance abuse program prior to release may be eligible for a  
19 waiver and receive sentence credit under clause (3) of this  
20 subsection (a) at the discretion of the Director.

21 (4.6) The rules and regulations on sentence credit shall  
22 also provide that a prisoner who has been convicted of a sex  
23 offense as defined in Section 2 of the Sex Offender  
24 Registration Act shall receive no sentence credit unless he or  
25 she either has successfully completed or is participating in  
26 sex offender treatment as defined by the Sex Offender

1 Management Board. However, prisoners who are waiting to receive  
2 treatment, but who are unable to do so due solely to the lack  
3 of resources on the part of the Department, may, at the  
4 Director's sole discretion, be awarded sentence credit at a  
5 rate as the Director shall determine.

6 (4.7) On or after the effective date of this amendatory Act  
7 of the 100th General Assembly, sentence credit under paragraph  
8 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
9 prisoner who is serving a sentence for an offense described in  
10 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
11 on or after the effective date of this amendatory Act of the  
12 100th General Assembly; provided, the award of the credits  
13 under this paragraph (4.7) shall not reduce the sentence of the  
14 prisoner to less than the following amounts:

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

17 (ii) 60% of his or her sentence if the prisoner is  
18 required to serve 75% of his or her sentence, except if the  
19 prisoner is serving a sentence for gunrunning his or her  
20 sentence shall not be reduced to less than 75%.

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

24 (5) Whenever the Department is to release any inmate  
25 earlier than it otherwise would because of a grant of earned  
26 sentence credit under paragraph (3) of subsection (a) of this

1 Section given at any time during the term, the Department shall  
2 give reasonable notice of the impending release not less than  
3 14 days prior to the date of the release to the State's  
4 Attorney of the county where the prosecution of the inmate took  
5 place, and if applicable, the State's Attorney of the county  
6 into which the inmate will be released. The Department must  
7 also make identification information and a recent photo of the  
8 inmate being released accessible on the Internet by means of a  
9 hyperlink labeled "Community Notification of Inmate Early  
10 Release" on the Department's World Wide Web homepage. The  
11 identification information shall include the inmate's: name,  
12 any known alias, date of birth, physical characteristics,  
13 commitment offense and county where conviction was imposed. The  
14 identification information shall be placed on the website  
15 within 3 days of the inmate's release and the information may  
16 not be removed until either: completion of the first year of  
17 mandatory supervised release or return of the inmate to custody  
18 of the Department.

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

23 (c) The Department shall prescribe rules and regulations  
24 for revoking sentence credit, including revoking sentence  
25 credit awarded under paragraph (3) of subsection (a) of this  
26 Section. The Department shall prescribe rules and regulations

1 for suspending or reducing the rate of accumulation of sentence  
2 credit for specific rule violations, during imprisonment.  
3 These rules and regulations shall provide that no inmate may be  
4 penalized more than one year of sentence credit for any one  
5 infraction.

6 When the Department seeks to revoke, suspend or reduce the  
7 rate of accumulation of any sentence credits for an alleged  
8 infraction of its rules, it shall bring charges therefor  
9 against the prisoner sought to be so deprived of sentence  
10 credits before the Prisoner Review Board as provided in  
11 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
12 amount of credit at issue exceeds 30 days or when during any 12  
13 month period, the cumulative amount of credit revoked exceeds  
14 30 days except where the infraction is committed or discovered  
15 within 60 days of scheduled release. In those cases, the  
16 Department of Corrections may revoke up to 30 days of sentence  
17 credit. The Board may subsequently approve the revocation of  
18 additional sentence credit, if the Department seeks to revoke  
19 sentence credit in excess of 30 days. However, the Board shall  
20 not be empowered to review the Department's decision with  
21 respect to the loss of 30 days of sentence credit within any  
22 calendar year for any prisoner or to increase any penalty  
23 beyond the length requested by the Department.

24 The Director of the Department of Corrections, in  
25 appropriate cases, may restore up to 30 days of sentence  
26 credits which have been revoked, suspended or reduced. Any

1 restoration of sentence credits in excess of 30 days shall be  
2 subject to review by the Prisoner Review Board. However, the  
3 Board may not restore sentence credit in excess of the amount  
4 requested by the Director.

5 Nothing contained in this Section shall prohibit the  
6 Prisoner Review Board from ordering, pursuant to Section  
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
8 sentence imposed by the court that was not served due to the  
9 accumulation of sentence credit.

10 (d) If a lawsuit is filed by a prisoner in an Illinois or  
11 federal court against the State, the Department of Corrections,  
12 or the Prisoner Review Board, or against any of their officers  
13 or employees, and the court makes a specific finding that a  
14 pleading, motion, or other paper filed by the prisoner is  
15 frivolous, the Department of Corrections shall conduct a  
16 hearing to revoke up to 180 days of sentence credit by bringing  
17 charges against the prisoner sought to be deprived of the  
18 sentence credits before the Prisoner Review Board as provided  
19 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the  
20 prisoner has not accumulated 180 days of sentence credit at the  
21 time of the finding, then the Prisoner Review Board may revoke  
22 all sentence credit accumulated by the prisoner.

23 For purposes of this subsection (d):

24 (1) "Frivolous" means that a pleading, motion, or other  
25 filing which purports to be a legal document filed by a  
26 prisoner in his or her lawsuit meets any or all of the

1 following criteria:

2 (A) it lacks an arguable basis either in law or in  
3 fact;

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

7 (C) the claims, defenses, and other legal  
8 contentions therein are not warranted by existing law  
9 or by a nonfrivolous argument for the extension,  
10 modification, or reversal of existing law or the  
11 establishment of new law;

12 (D) the allegations and other factual contentions  
13 do not have evidentiary support or, if specifically so  
14 identified, are not likely to have evidentiary support  
15 after a reasonable opportunity for further  
16 investigation or discovery; or

17 (E) the denials of factual contentions are not  
18 warranted on the evidence, or if specifically so  
19 identified, are not reasonably based on a lack of  
20 information or belief.

21 (2) "Lawsuit" means a motion pursuant to Section 116-3  
22 of the Code of Criminal Procedure of 1963, a habeas corpus  
23 action under Article X of the Code of Civil Procedure or  
24 under federal law (28 U.S.C. 2254), a petition for claim  
25 under the Court of Claims Act, an action under the federal  
26 Civil Rights Act (42 U.S.C. 1983), or a second or

1 subsequent petition for post-conviction relief under  
2 Article 122 of the Code of Criminal Procedure of 1963  
3 whether filed with or without leave of court or a second or  
4 subsequent petition for relief from judgment under Section  
5 2-1401 of the Code of Civil Procedure.

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

8 (f) Whenever the Department is to release any inmate who  
9 has been convicted of a violation of an order of protection  
10 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012, earlier than it otherwise would  
12 because of a grant of sentence credit, the Department, as a  
13 condition of release, shall require that the person, upon  
14 release, be placed under electronic surveillance as provided in  
15 Section 5-8A-7 of this Code.

16 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,  
17 eff. 1-1-16; 99-642, eff. 7-28-16; 99-938, eff. 1-1-18.)

18 (730 ILCS 5/5-4.5-95)

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

20 (a) HABITUAL CRIMINALS.

21 (1) Every person who has been twice convicted in any  
22 state or federal court of an offense that contains the same  
23 elements as an offense now (the date of the offense  
24 committed after the 2 prior convictions) classified in  
25 Illinois as a Class X felony, criminal sexual assault,

1 aggravated kidnapping, or first degree murder, and who is  
2 thereafter convicted of a Class X felony, criminal sexual  
3 assault, or first degree murder, committed after the 2  
4 prior convictions, shall be adjudged an habitual criminal.

5 (2) The 2 prior convictions need not have been for the  
6 same offense.

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

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

13 (A) The third offense was committed after July 3,  
14 1980.

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

19 (C) The third offense was committed after  
20 conviction on the second offense.

21 (D) The second offense was committed after  
22 conviction on the first offense.

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

26 (6) A prior conviction shall not be alleged in the

1 indictment, and no evidence or other disclosure of that  
2 conviction shall be presented to the court or the jury  
3 during the trial of an offense set forth in this Section  
4 unless otherwise permitted by the issues properly raised in  
5 that trial. After a plea or verdict or finding of guilty  
6 and before sentence is imposed, the prosecutor may file  
7 with the court a verified written statement signed by the  
8 State's Attorney concerning any former conviction of an  
9 offense set forth in this Section rendered against the  
10 defendant. The court shall then cause the defendant to be  
11 brought before it; shall inform the defendant of the  
12 allegations of the statement so filed, and of his or her  
13 right to a hearing before the court on the issue of that  
14 former conviction and of his or her right to counsel at  
15 that hearing; and unless the defendant admits such  
16 conviction, shall hear and determine the issue, and shall  
17 make a written finding thereon. If a sentence has  
18 previously been imposed, the court may vacate that sentence  
19 and impose a new sentence in accordance with this Section.

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

1           facie evidence of that release or discharge.

2           (8) Any claim that a previous conviction offered by the  
3 prosecution is not a former conviction of an offense set  
4 forth in this Section because of the existence of any  
5 exceptions described in this Section, is waived unless duly  
6 raised at the hearing on that conviction, or unless the  
7 prosecution's proof shows the existence of the exceptions  
8 described in this Section.

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

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

26           (1) the first felony was committed after February 1,

1 1978 (the effective date of Public Act 80-1099);

2 (2) the second felony was committed after conviction on  
3 the first; and

4 (3) the third felony was committed after conviction on  
5 the second.

6 (c) Subsection (b) of this Section does not apply to Class  
7 1 or Class 2 felony convictions for a violation of Section 16-1  
8 of the Criminal Code of 2012.

9 A person sentenced as a Class X offender under this  
10 subsection (b) is not eligible to apply for treatment as a  
11 condition of probation as provided by Section 40-10 of the  
12 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS  
13 301/40-10).

14 (Source: P.A. 99-69, eff. 1-1-16.)

15 (730 ILCS 5/5-4.5-110 new)

16 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
17 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

18 (a) DEFINITIONS. For the purposes of this Section:

19 "Firearm" has the meaning ascribed to it in Section 1.1  
20 of the Firearm Owners Identification Card Act.

21 "Qualifying predicate offense" means the following  
22 offenses under the Criminal Code of 2012:

23 (A) aggravated unlawful use of a weapon under  
24 Section 24-1.6 or similar offense under the Criminal  
25 Code of 1961, when the weapon is a firearm;

1           (B) unlawful use or possession of a weapon by a  
2           felon under Section 24-1.1 or similar offense under the  
3           Criminal Code of 1961, when the weapon is a firearm;

4           (C) first degree murder under Section 9-1 or  
5           similar offense under the Criminal Code of 1961;

6           (D) attempted first degree murder with a firearm or  
7           similar offense under the Criminal Code of 1961;

8           (E) aggravated kidnapping with a firearm under  
9           paragraph (6) or (7) of subsection (a) of Section 10-2  
10           or similar offense under the Criminal Code of 1961;

11           (F) aggravated battery with a firearm under  
12           subsection (e) of Section 12-3.05 or similar offense  
13           under the Criminal Code of 1961;

14           (G) aggravated criminal sexual assault under  
15           Section 11-1.30 or similar offense under the Criminal  
16           Code of 1961;

17           (H) predatory criminal sexual assault of a child  
18           under Section 11-1.40 or similar offense under the  
19           Criminal Code of 1961;

20           (I) armed robbery under Section 18-2 or similar  
21           offense under the Criminal Code of 1961;

22           (J) vehicular hijacking under Section 18-3 or  
23           similar offense under the Criminal Code of 1961;

24           (K) aggravated vehicular hijacking under Section  
25           18-4 or similar offense under the Criminal Code of  
26           1961;

1           (L) home invasion with a firearm under paragraph  
2           (3), (4), or (5) of subsection (a) of Section 19-6 or  
3           similar offense under the Criminal Code of 1961;

4           (M) aggravated discharge of a firearm under  
5           Section 24-1.2 or similar offense under the Criminal  
6           Code of 1961;

7           (N) aggravated discharge of a machine gun or a  
8           firearm equipped with a device designed or used for  
9           silencing the report of a firearm under Section  
10          24-1.2-5 or similar offense under the Criminal Code of  
11          1961;

12          (O) unlawful use of firearm projectiles under  
13          Section 24-2.1 or similar offense under the Criminal  
14          Code of 1961;

15          (P) manufacture, sale, or transfer of bullets or  
16          shells represented to be armor piercing bullets,  
17          dragon's breath shotgun shells, bolo shells, or  
18          flechette shells under Section 24-2.2 or similar  
19          offense under the Criminal Code of 1961;

20          (Q) unlawful sale or delivery of firearms under  
21          Section 24-3 or similar offense under the Criminal Code  
22          of 1961;

23          (R) unlawful discharge of firearm projectiles  
24          under Section 24-3.2 or similar offense under the  
25          Criminal Code of 1961;

26          (S) unlawful sale or delivery of firearms on school

1 premises of any school under Section 24-3.3 or similar  
2 offense under the Criminal Code of 1961;

3 (T) unlawful purchase of a firearm under Section  
4 24-3.5 or similar offense under the Criminal Code of  
5 1961;

6 (U) use of a stolen firearm in the commission of an  
7 offense under Section 24-3.7 or similar offense under  
8 the Criminal Code of 1961;

9 (V) possession of a stolen firearm under Section  
10 24-3.8 or similar offense under the Criminal Code of  
11 1961;

12 (W) aggravated possession of a stolen firearm  
13 under Section 24-3.9 or similar offense under the  
14 Criminal Code of 1961;

15 (X) gunrunning under Section 24-3A or similar  
16 offense under the Criminal Code of 1961;

17 (Y) defacing identification marks of firearms  
18 under Section 24-5 or similar offense under the  
19 Criminal Code of 1961; and

20 (Z) armed violence under Section 33A-2 or similar  
21 offense under the Criminal Code of 1961.

22 (b) APPLICABILITY. For an offense committed on or after the  
23 effective date of this amendatory Act of the 100th General  
24 Assembly and before January 1, 2023, when a person is convicted  
25 of unlawful use or possession of a weapon by a felon, when the  
26 weapon is a firearm, or aggravated unlawful use of a weapon,

1 when the weapon is a firearm, after being previously convicted  
2 of a qualifying predicate offense the person shall be subject  
3 to the sentencing guidelines under this Section.

4 (c) SENTENCING GUIDELINES.

5 (1) When a person is convicted of unlawful use or  
6 possession of a weapon by a felon, when the weapon is a  
7 firearm, and that person has been previously convicted of a  
8 qualifying predicate offense, the person shall be  
9 sentenced to a term of imprisonment within the sentencing  
10 range of not less than 7 years and not more than 14 years,  
11 unless the court finds that a departure from the sentencing  
12 guidelines under this paragraph is warranted under  
13 subsection (d) of this Section.

14 (2) When a person is convicted of aggravated unlawful  
15 use of a weapon, when the weapon is a firearm, and that  
16 person has been previously convicted of a qualifying  
17 predicate offense, the person shall be sentenced to a term  
18 of imprisonment within the sentencing range of not less  
19 than 6 years and not more than 7 years, unless the court  
20 finds that a departure from the sentencing guidelines under  
21 this paragraph is warranted under subsection (d) of this  
22 Section.

23 (3) The sentencing guidelines in paragraphs (1) and (2)  
24 of this subsection (c) apply only to offenses committed on  
25 and after the effective date of this amendatory Act of the  
26 100th General Assembly and before January 1, 2023.

1       (d) DEPARTURE FROM SENTENCING GUIDELINES.

2           (1) At the sentencing hearing conducted under Section  
3       5-4-1 of this Code, the court may depart from the  
4       sentencing guidelines provided in subsection (c) of this  
5       Section and impose a sentence otherwise authorized by law  
6       for the offense if the court, after considering any factor  
7       under paragraph (2) of this subsection (d) relevant to the  
8       nature and circumstances of the crime and to the history  
9       and character of the defendant, finds on the record  
10       substantial and compelling justification that the sentence  
11       within the sentencing guidelines would be unduly harsh and  
12       that a sentence otherwise authorized by law would be  
13       consistent with public safety and does not deprecate the  
14       seriousness of the offense.

15           (2) In deciding whether to depart from the sentencing  
16       guidelines under this paragraph, the court shall consider:

17           (A) the age, immaturity, or limited mental  
18       capacity of the defendant at the time of commission of  
19       the qualifying predicate or current offense, including  
20       whether the defendant was suffering from a mental or  
21       physical condition insufficient to constitute a  
22       defense but significantly reduced the defendant's  
23       culpability;

24           (B) the nature and circumstances of the qualifying  
25       predicate offense;

26           (C) the time elapsed since the qualifying

1           predicate offense;

2           (D) the nature and circumstances of the current  
3           offense;

4           (E) the defendant's prior criminal history;

5           (F) whether the defendant committed the qualifying  
6           predicate or current offense under specific and  
7           credible duress, coercion, threat, or compulsion;

8           (G) whether the defendant aided in the  
9           apprehension of another felon or testified truthfully  
10          on behalf of another prosecution of a felony; and

11          (H) whether departure is in the interest of the  
12          person's rehabilitation, including employment or  
13          educational or vocational training, after taking into  
14          account any past rehabilitation efforts or  
15          dispositions of probation or supervision, and the  
16          defendant's cooperation or response to rehabilitation.

17          (3) When departing from the sentencing guidelines  
18          under this Section, the court shall specify on the record,  
19          the particular evidence, information, factor or factors,  
20          or other reasons which led to the departure from the  
21          sentencing guidelines. When departing from the sentencing  
22          range in accordance with this subsection (d), the court  
23          shall indicate on the sentencing order which departure  
24          factor or factors outlined in paragraph (2) of this  
25          subsection (d) led to the sentence imposed. The sentencing  
26          order shall be filed with the clerk of the court and shall

1 be a public record.

2 (e) This Section is repealed on January 1, 2023.

3 (730 ILCS 5/5-6-3.3)

4 Sec. 5-6-3.3. Offender Initiative Program.

5 (a) Statement of purpose. The General Assembly seeks to  
6 continue other successful programs that promote public safety,  
7 conserve valuable resources, and reduce recidivism by  
8 defendants who can lead productive lives by creating the  
9 Offender Initiative Program.

10 (a-1) Whenever any person who has not previously been  
11 convicted of, ~~or placed on probation or conditional discharge~~  
12 ~~for~~, any felony offense under the laws of this State, the laws  
13 of any other state, or the laws of the United States, is  
14 arrested for and charged with a probationable felony offense of  
15 theft, retail theft, forgery, possession of a stolen motor  
16 vehicle, burglary, possession of burglary tools, deceptive  
17 practices, disorderly conduct, criminal damage or trespass to  
18 property under Article 21 of the Criminal Code of 2012,  
19 criminal trespass to a residence, obstructing justice, or an  
20 offense involving fraudulent identification, or possession of  
21 cannabis, possession of a controlled substance, or possession  
22 of methamphetamine, the court, with the consent of the  
23 defendant and the State's Attorney, may continue this matter to  
24 allow a defendant to participate and complete the Offender  
25 Initiative Program.

1 (a-2) Exemptions. A defendant shall not be eligible for  
2 this Program if the offense he or she has been arrested for and  
3 charged with is a violent offense. For purposes of this  
4 Program, a "violent offense" is any offense where bodily harm  
5 was inflicted or where force was used against any person or  
6 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 Program 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 in the Program, after both  
16 the defendant and State's Attorney waive preliminary hearing  
17 pursuant to Section 109-3 of the Code of Criminal Procedure of  
18 1963, the court shall enter an order specifying that the  
19 proceedings shall be suspended while the defendant is  
20 participating in a Program of not less 12 months.

21 (c) The conditions of the Program 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 pursuant to Section 5-5-6 of this Code;

3           (4) obtain employment or perform not less than 30 hours  
4 of community service, provided community service is  
5 available in the county and is funded and approved by the  
6 county board; and

7           (5) attend educational courses designed to prepare the  
8 defendant for obtaining a high school diploma or to work  
9 toward passing high school equivalency testing or to work  
10 toward completing a vocational training program.

11           (d) The court may, in addition to other conditions, require  
12 that the defendant:

13           (1) undergo medical or psychiatric treatment, or  
14 treatment or rehabilitation approved by the Illinois  
15 Department of Human Services;

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

23           (3) submit to periodic drug testing at a time, manner,  
24 and frequency as ordered by the court;

25           (4) pay fines, fees and costs; and

26           (5) in addition, if a minor:

1 (i) reside with his or her parents or in a foster  
2 home;

3 (ii) attend school;

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

5 or

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

8 (e) When the State's Attorney makes a factually specific  
9 offer of proof that the defendant has failed to successfully  
10 complete the Program or has violated any of the conditions of  
11 the Program, the court shall enter an order that the defendant  
12 has not successfully completed the Program and continue the  
13 case for arraignment pursuant to Section 113-1 of the Code of  
14 Criminal Procedure of 1963 for further proceedings as if the  
15 defendant had not participated in the Program.

16 (f) Upon fulfillment of the terms and conditions of the  
17 Program, the State's Attorney shall dismiss the case or the  
18 court shall discharge the person and dismiss the proceedings  
19 against the person.

20 (g) A person may only have ~~There may be only~~ one discharge  
21 and dismissal under this Section within a 4-year period ~~with~~  
22 ~~respect to any person.~~

23 (h) Notwithstanding subsection (a-1), if the court finds  
24 that the defendant suffers from a substance abuse problem, then  
25 before the person participates in the Program under this  
26 Section, the court may refer the person to the drug court

1 established in that judicial circuit pursuant to Section 15 of  
2 the Drug Court Treatment Act. The drug court team shall  
3 evaluate the person's likelihood of successfully fulfilling  
4 the terms and conditions of the Program under this Section and  
5 shall report the results of its evaluation to the court. If the  
6 drug court team finds that the person suffers from a substance  
7 abuse problem that makes him or her substantially unlikely to  
8 successfully fulfill the terms and conditions of the Program,  
9 then the drug court shall set forth its findings in the form of  
10 a written order, and the person shall be ineligible to  
11 participate in the Program under this Section, but shall ~~may~~ be  
12 considered for the drug court program.

13 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

14 (730 ILCS 5/5-6-3.4)

15 Sec. 5-6-3.4. Second Chance Probation.

16 (a) Whenever any person who has not previously been  
17 convicted of, ~~or placed on probation or conditional discharge~~  
18 ~~for~~, any felony offense under the laws of this State, the laws  
19 of any other state, or the laws of the United States, ~~including~~  
20 ~~probation under Section 410 of the Illinois Controlled~~  
21 ~~Substances Act, Section 70 of the Methamphetamine Control and~~  
22 ~~Community Protection Act, Section 10 of the Cannabis Control~~  
23 ~~Act, subsection (c) of Section 11-14 of the Criminal Code of~~  
24 ~~2012, Treatment Alternatives for Criminal Justice Clients~~  
25 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~

1 ~~and Dependency Act, or prior successful completion of the~~  
2 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~  
3 and pleads guilty to, or is found guilty of, a probationable  
4 ~~felony offense of possession of less than 15 grams of a~~  
5 controlled substance ~~that is punishable as a Class 4 felony;~~  
6 possession of less than 15 grams of methamphetamine ~~that is~~  
7 ~~punishable as a Class 4 felony;~~ or a probationable felony  
8 offense of possession of cannabis, theft, retail theft,  
9 forgery, deceptive practices, possession of a stolen motor  
10 vehicle, burglary, possession of burglary tools, disorderly  
11 conduct, criminal damage or trespass to property under Article  
12 21 of the Criminal Code of 2012, criminal trespass to a  
13 residence, an offense involving fraudulent identification, or  
14 obstructing justice; ~~theft that is punishable as a Class 3~~  
15 ~~felony based on the value of the property or punishable as a~~  
16 ~~Class 4 felony if the theft was committed in a school or place~~  
17 ~~of worship or if the theft was of governmental property;~~ retail  
18 ~~theft that is punishable as a Class 3 felony based on the value~~  
19 ~~of the property;~~ criminal damage to property that is punishable  
20 as a Class 4 felony; criminal damage to government supported  
21 property that is punishable as a Class 4 felony; or possession  
22 of cannabis ~~which is punishable as a Class 4 felony,~~ the court,  
23 with the consent of the defendant and the State's Attorney,  
24 may, without entering a judgment, sentence the defendant to  
25 probation under 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           (d) The court may, in addition to other conditions, require  
15 that the defendant:

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

20           (2) undergo medical or psychiatric treatment, or  
21 treatment or rehabilitation approved by the Illinois  
22 Department of Human Services;

23           (3) attend or reside in a facility established for the  
24 instruction or residence of defendants on probation;

25           (4) support his or her dependents; or

26           (5) refrain from having in his or her body the presence

1 of any illicit drug prohibited by the Methamphetamine  
2 Control and Community Protection Act, the Cannabis Control  
3 Act, or the Illinois Controlled Substances Act, unless  
4 prescribed by a physician, and submit samples of his or her  
5 blood or urine or both for tests to determine the presence  
6 of any illicit drug.

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

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

13 (g) A disposition of probation is considered to be a  
14 conviction for the purposes of imposing the conditions of  
15 probation and for appeal; however, a discharge and dismissal  
16 under this Section is not a conviction for purposes of this  
17 Code or for purposes of disqualifications or disabilities  
18 imposed by law upon conviction of a crime.

19 (h) A person may only have ~~There may be only~~ one discharge  
20 and dismissal under this Section within a 4-year period,  
21 ~~Section 410 of the Illinois Controlled Substances Act, Section~~  
22 ~~70 of the Methamphetamine Control and Community Protection Act,~~  
23 ~~Section 10 of the Cannabis Control Act, Treatment Alternatives~~  
24 ~~for Criminal Justice Clients (TASC) under Article 40 of the~~  
25 ~~Alcoholism and Other Drug Abuse and Dependency Act, the~~  
26 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~

1 ~~and subsection (c) of Section 11-14 of the Criminal Code of~~  
2 ~~2012 with respect to any person.~~

3 (i) If a person is convicted of any offense which occurred  
4 within 5 years subsequent to a discharge and dismissal under  
5 this Section, the discharge and dismissal under this Section  
6 shall be admissible in the sentencing proceeding for that  
7 conviction as evidence in aggravation.

8 (j) Notwithstanding subsection (a), if the court finds that  
9 the defendant suffers from a substance abuse problem, then  
10 before the person is placed on probation under this Section,  
11 the court may refer the person to the drug court established in  
12 that judicial circuit pursuant to Section 15 of the Drug Court  
13 Treatment Act. The drug court team shall evaluate the person's  
14 likelihood of successfully fulfilling the terms and conditions  
15 of probation under this Section and shall report the results of  
16 its evaluation to the court. If the drug court team finds that  
17 the person suffers from a substance abuse problem that makes  
18 him or her substantially unlikely to successfully fulfill the  
19 terms and conditions of probation under this Section, then the  
20 drug court shall set forth its findings in the form of a  
21 written order, and the person shall be ineligible to be placed  
22 on probation under this Section, but shall ~~may~~ be considered  
23 for the drug court program.

24 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,  
25 eff. 9-9-15.)

1 (730 ILCS 5/5-6-3.6 new)

2 Sec. 5-6-3.6. First Time Weapon Offender Program.

3 (a) The General Assembly has sought to promote public  
4 safety, reduce recidivism, and conserve valuable resources of  
5 the criminal justice system through the creation of diversion  
6 programs for non-violent offenders. This amendatory Act of the  
7 100th General Assembly establishes a pilot program for  
8 first-time, non-violent offenders charged with certain weapons  
9 offenses. The General Assembly recognizes some persons,  
10 particularly young adults in areas of high crime or poverty,  
11 may have experienced trauma that contributes to poor decision  
12 making skills, and the creation of a diversionary program poses  
13 a greater benefit to the community and the person than  
14 incarceration. Under this program, a court, with the consent of  
15 the defendant and the State's Attorney, may sentence a  
16 defendant charged with an unlawful use of weapons offense under  
17 Section 24-1 of the Criminal Code of 2012 or aggravated  
18 unlawful use of a weapon offense under Section 24-1.6 of the  
19 Criminal Code of 2012, if punishable as a Class 4 felony or  
20 lower, to a First Time Weapon Offender Program.

21 (b) A defendant is not eligible for this Program if:

22 (1) the offense was committed during the commission of  
23 a violent offense as defined in subsection (h) of this  
24 Section;

25 (2) he or she has previously been convicted or placed  
26 on probation or conditional discharge for any violent

1 offense under the laws of this State, the laws of any other  
2 state, or the laws of the United States;

3 (3) he or she had a prior successful completion of the  
4 First Time Weapon Offender Program under this Section;

5 (4) he or she has previously been adjudicated a  
6 delinquent minor for the commission of a violent offense;

7 (5) he or she is 21 years of age or older; or

8 (6) he or she has an existing order of protection  
9 issued against him or her.

10 (b-5) In considering whether a defendant shall be sentenced  
11 to the First Time Weapon Offender Program, the court shall  
12 consider the following:

13 (1) the age, immaturity, or limited mental capacity of  
14 the defendant;

15 (2) the nature and circumstances of the offense;

16 (3) whether participation in the Program is in the  
17 interest of the defendant's rehabilitation, including any  
18 employment or involvement in community, educational,  
19 training, or vocational programs;

20 (4) whether the defendant suffers from trauma, as  
21 supported by documentation or evaluation by a licensed  
22 professional; and

23 (5) the potential risk to public safety.

24 (c) For an offense committed on or after the effective date  
25 of this amendatory Act of the 100th General Assembly and before  
26 January 1, 2023, whenever an eligible person pleads guilty to

1 an unlawful use of weapons offense under Section 24-1 of the  
2 Criminal Code of 2012 or aggravated unlawful use of a weapon  
3 offense under Section 24-1.6 of the Criminal Code of 2012,  
4 which is punishable as a Class 4 felony or lower, the court,  
5 with the consent of the defendant and the State's Attorney,  
6 may, without entering a judgment, sentence the defendant to  
7 complete the First Time Weapon Offender Program. When a  
8 defendant is placed in the Program, the court shall defer  
9 further proceedings in the case until the conclusion of the  
10 period or until the filing of a petition alleging violation of  
11 a term or condition of the Program. Upon violation of a term or  
12 condition of the Program, the court may enter a judgment on its  
13 original finding of guilt and proceed as otherwise provided by  
14 law. Upon fulfillment of the terms and conditions of the  
15 Program, the court shall discharge the person and dismiss the  
16 proceedings against the person.

17 (d) The Program shall be at least 18 months and not to  
18 exceed 24 months, as determined by the court at the  
19 recommendation of the program administrator and the State's  
20 Attorney.

21 (e) The conditions of the Program 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) obtain or attempt to obtain employment;

2           (4) attend educational courses designed to prepare the  
3 defendant for obtaining a high school diploma or to work  
4 toward passing high school equivalency testing or to work  
5 toward completing a vocational training program;

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

13           (6) perform a minimum of 50 hours of community service;

14           (7) attend and participate in any Program activities  
15 deemed required by the Program administrator, including  
16 but not limited to: counseling sessions, in-person and over  
17 the phone check-ins, and educational classes; and

18           (8) pay all fines, assessments, fees, and costs.

19           (f) The Program may, in addition to other conditions,  
20 require that the defendant:

21           (1) wear an ankle bracelet with GPS tracking;

22           (2) undergo medical or psychiatric treatment, or  
23 treatment or rehabilitation approved by the Department of  
24 Human Services; and

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

1       (g) There may be only one discharge and dismissal under  
2 this Section. If a person is convicted of any offense which  
3 occurred within 5 years subsequent to a discharge and dismissal  
4 under this Section, the discharge and dismissal under this  
5 Section shall be admissible in the sentencing proceeding for  
6 that conviction as evidence in aggravation.

7       (h) For purposes of this Section, "violent offense" means  
8 any offense in which bodily harm was inflicted or force was  
9 used against any person or threatened against any person; any  
10 offense involving the possession of a firearm or dangerous  
11 weapon; any offense involving sexual conduct, sexual  
12 penetration, or sexual exploitation; violation of an order of  
13 protection, stalking, hate crime, domestic battery, or any  
14 offense of domestic violence.

15       (i) This Section is repealed on January 1, 2023.

16       (730 ILCS 5/5-8-8)

17       (Section scheduled to be repealed on December 31, 2020)

18       Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

19       (a) Creation. There is created under the jurisdiction of  
20 the Governor the Illinois Sentencing Policy Advisory Council,  
21 hereinafter referred to as the Council.

22       (b) Purposes and goals. The purpose of the Council is to  
23 review sentencing policies and practices and examine how these  
24 policies and practices impact the criminal justice system as a  
25 whole in the State of Illinois. In carrying out its duties, the

1 Council shall be mindful of and aim to achieve the purposes of  
2 sentencing in Illinois, which are set out in Section 1-1-2 of  
3 this Code:

4 (1) prescribe sanctions proportionate to the  
5 seriousness of the offenses and permit the recognition of  
6 differences in rehabilitation possibilities among  
7 individual offenders;

8 (2) forbid and prevent the commission of offenses;

9 (3) prevent arbitrary or oppressive treatment of  
10 persons adjudicated offenders or delinquents; and

11 (4) restore offenders to useful citizenship.

12 (c) Council composition.

13 (1) The Council shall consist of the following members:

14 (A) the President of the Senate, or his or her  
15 designee;

16 (B) the Minority Leader of the Senate, or his or  
17 her designee;

18 (C) the Speaker of the House, or his or her  
19 designee;

20 (D) the Minority Leader of the House, or his or her  
21 designee;

22 (E) the Governor, or his or her designee;

23 (F) the Attorney General, or his or her designee;

24 (G) two retired judges, who may have been circuit,  
25 appellate, or supreme court judges; retired judges  
26 shall be selected by the members of the Council

1 designated in clauses (c) (1) (A) through (L);  
2 (G-5) (blank);  
3 (H) the Cook County State's Attorney, or his or her  
4 designee;  
5 (I) the Cook County Public Defender, or his or her  
6 designee;  
7 (J) a State's Attorney not from Cook County,  
8 appointed by the State's Attorney's Appellate  
9 Prosecutor;  
10 (K) the State Appellate Defender, or his or her  
11 designee;  
12 (L) the Director of the Administrative Office of  
13 the Illinois Courts, or his or her designee;  
14 (M) a victim of a violent felony or a  
15 representative of a crime victims' organization,  
16 selected by the members of the Council designated in  
17 clauses (c) (1) (A) through (L);  
18 (N) a representative of a community-based  
19 organization, selected by the members of the Council  
20 designated in clauses (c) (1) (A) through (L);  
21 (O) a criminal justice academic researcher, to be  
22 selected by the members of the Council designated in  
23 clauses (c) (1) (A) through (L);  
24 (P) a representative of law enforcement from a unit  
25 of local government to be selected by the members of  
26 the Council designated in clauses (c) (1) (A) through

1 (L);

2 (Q) a sheriff selected by the members of the  
3 Council designated in clauses (c)(1)(A) through (L);  
4 and

5 (R) ex-officio members shall include:

6 (i) the Director of Corrections, or his or her  
7 designee;

8 (ii) the Chair of the Prisoner Review Board, or  
9 his or her designee;

10 (iii) the Director of the Illinois State  
11 Police, or his or her designee; and

12 (iv) the Director of the Illinois Criminal  
13 Justice Information Authority, or his or her  
14 designee.

15 (1.5) The Chair and Vice Chair shall be elected from  
16 among its members by a majority of the members of the  
17 Council.

18 (2) Members of the Council who serve because of their  
19 public office or position, or those who are designated as  
20 members by such officials, shall serve only as long as they  
21 hold such office or position.

22 (3) Council members shall serve without compensation  
23 but shall be reimbursed for travel and per diem expenses  
24 incurred in their work for the Council.

25 (4) The Council may exercise any power, perform any  
26 function, take any action, or do anything in furtherance of

1 its purposes and goals upon the appointment of a quorum of  
2 its members. The term of office of each member of the  
3 Council ends on the date of repeal of this amendatory Act  
4 of the 96th General Assembly.

5 (d) Duties. The Council shall perform, as resources permit,  
6 duties including:

7 (1) Collect and analyze information including  
8 sentencing data, crime trends, and existing correctional  
9 resources to support legislative and executive action  
10 affecting the use of correctional resources on the State  
11 and local levels.

12 (2) Prepare criminal justice population projections  
13 annually, including correctional and community-based  
14 supervision populations.

15 (3) Analyze data relevant to proposed sentencing  
16 legislation and its effect on current policies or  
17 practices, and provide information to support  
18 evidence-based sentencing.

19 (4) Ensure that adequate resources and facilities are  
20 available for carrying out sentences imposed on offenders  
21 and that rational priorities are established for the use of  
22 those resources. To do so, the Council shall prepare  
23 criminal justice resource statements, identifying the  
24 fiscal and practical effects of proposed criminal  
25 sentencing legislation, including, but not limited to, the  
26 correctional population, court processes, and county or

1 local government resources.

2 (4.5) Study and conduct a thorough analysis of  
3 sentencing under Section 5-4.5-110 of this Code. The  
4 Sentencing Policy Advisory Council shall provide annual  
5 reports to the Governor and General Assembly, including the  
6 total number of persons sentenced under Section 5-4.5-110  
7 of this Code, the total number of departures from sentences  
8 under Section 5-4.5-110 of this Code, and an analysis of  
9 trends in sentencing and departures. On or before December  
10 31, 2022, the Sentencing Policy Advisory Council shall  
11 provide a report to the Governor and General Assembly on  
12 the effectiveness of sentencing under Section 5-4.5-110 of  
13 this Code, including recommendations on whether sentencing  
14 under Section 5-4.5-110 of this Code should be adjusted or  
15 continued.

16 (5) Perform such other studies or tasks pertaining to  
17 sentencing policies as may be requested by the Governor or  
18 the Illinois General Assembly.

19 (6) Perform such other functions as may be required by  
20 law or as are necessary to carry out the purposes and goals  
21 of the Council prescribed in subsection (b).

22 (7) Publish a report on the trends in sentencing for  
23 offenders described in subsection (b-1) of Section 5-4-1 of  
24 this Code, the impact of the trends on the prison and  
25 probation populations, and any changes in the racial  
26 composition of the prison and probation populations that

1 can be attributed to the changes made by adding subsection  
2 (b-1) of Section 5-4-1 to this Code by Public Act 99-861  
3 ~~this amendatory Act of the 99th General Assembly.~~

4 (e) Authority.

5 (1) The Council shall have the power to perform the  
6 functions necessary to carry out its duties, purposes and  
7 goals under this Act. In so doing, the Council shall  
8 utilize information and analysis developed by the Illinois  
9 Criminal Justice Information Authority, the Administrative  
10 Office of the Illinois Courts, and the Illinois Department  
11 of Corrections.

12 (2) Upon request from the Council, each executive  
13 agency and department of State and local government shall  
14 provide information and records to the Council in the  
15 execution of its duties.

16 (f) Report. The Council shall report in writing annually to  
17 the General Assembly, the Illinois Supreme Court, and the  
18 Governor.

19 (g) This Section is repealed on December 31, 2020.

20 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;  
21 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

22 Section 95. No acceleration or delay. Where this Act makes  
23 changes in a statute that is represented in this Act by text  
24 that is not yet or no longer in effect (for example, a Section  
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.