



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3120

by Rep. Lamont J. Robinson, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

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

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

LRB101 08963 HLH 54054 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

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

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

10 Section 10. Definitions. In this Act:

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

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

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

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

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

1 compensation

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

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

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

6 (3) eligibility for health insurance; and

7 (4) eligibility for a 401K.

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

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

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

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

18 "Department" means the Department of Employment Security.

19 "Director" means the Director of Employment Security.

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

24 "Incentive period" means the period from July 1, 2019  
25 through June 30, 2024.

26 "Noncompliance date" means, in the case of an applicant

1 that is not complying with the requirements of the provisions  
2 of this Act, the day following the last date upon which the  
3 taxpayer was in compliance with the requirements of the  
4 provisions of this Act, as determined by the Director, pursuant  
5 to Section 55 of this Act.

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

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

10 (2) was formerly incarcerated between January 1, 2009  
11 and December 31, 2019;

12 (3) is registered for the pilot program described in  
13 Section 20; and

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

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

21 (1) the position was under union contract;

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

24 (3) the participant is a related member of the  
25 applicant that has more than 50 total employees.

26 "Professional Employer Organization" (PEO) shall have the

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

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

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

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

24 (3) enter into agreements and memoranda of  
25 understanding for participation of and engage in

1 cooperation with agencies of the federal government, units  
2 of local government, universities, research foundations or  
3 institutions, regional economic development corporations,  
4 or other organizations for the purposes of this Act;

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

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

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

24 (7) require applicants, upon written request, to issue  
25 any necessary authorization to the appropriate federal,  
26 State, or local authority or any other person for the

1 release to the Department of information requested by the  
2 Department, with the information requested to include, but  
3 not limited to, financial reports, returns, or records  
4 relating to the applicant or to the amount of credit  
5 allowable under this Act;

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

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

23 Section 20. Pilot Program.

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

1           A maximum of 10,000 participants shall be newly  
2 released from prison.

3           A maximum of 10,000 participants shall be released from  
4 prison between January 1, 2009 and December 31, 2019.

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

7           (1) Eligible individuals shall register as  
8 participants with the Department by May 31, 2020.

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

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

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

18           (B) The confirmation letter shall state the  
19 identifying number assigned to the individual.

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

22           (1) Each applicant shall, on a quarterly basis starting  
23 from receipt of the certificate of eligibility for the tax  
24 credit, submit an annual report of employment of  
25 participants to remain in good standing to receive the tax  
26 credit.



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

3           Section 25. Certificate of eligibility for tax credit.

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

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

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

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

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

23                (3) the maximum amount of the credit potentially  
24                allowable on certificates of eligibility issued for  
25                applications received prior to the application for which

1 the certificate of eligibility is issued.

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

7 Section 30. Tax credit.

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

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

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

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

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

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

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

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

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

25           (1) the type of service provided;

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

7           Section 40. Maximum amount of credits allowed. To the  
8           extent authorized by Section 30 of this Act, for taxable years  
9           beginning on or after January 1, 2020 through December 31,  
10          2025, the Department shall limit the monetary amount of credits  
11          awarded under this Act to no more than \$1,500,000,000. If  
12          applications for a greater amount are received, credits shall  
13          be allowed on a first-come-first-served basis, based on the  
14          date on which each properly completed application for a  
15          certificate of eligibility is received by the Department. If  
16          more than one certificate of eligibility is received on the  
17          same day, the credits will be awarded based on the time of  
18          submission for that particular day.

19          Section 45. Application for award of tax credit; tax credit  
20          certificate.

21          (a) On or after the conclusion of the 24-month period after  
22          a participant has been hired, an applicant shall file with the  
23          Department an application for award of a credit. The  
24          application shall include the following:

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

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

9           (3) the number of participants hired by the applicant  
10 during the incentive period;

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

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

20           (6) any other information the Department determines to  
21 be appropriate.

22           (b) Although an application may be filed at any time after  
23 the conclusion of the 24-month period, an application filed  
24 more than 90 days after the earliest date on which it could  
25 have been filed shall not be awarded any credit if, prior to  
26 the date it is filed, the Department has received applications

1 under this Section for credits totaling more than  
2 \$1,500,000,000.

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

6 (1) the name and taxpayer identification number of the  
7 applicant;

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

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

10 (4) any other information the Department determines to  
11 be appropriate.

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

19 Section 55. Noncompliance. If the Director determines that  
20 an applicant who has received a credit under this Act is not  
21 complying with the requirements of the provisions of this Act,  
22 the Director shall provide notice to the applicant of the  
23 alleged noncompliance, and allow the taxpayer a hearing under  
24 the provisions of the Illinois Administrative Procedure Act.

1 If, after such notice and any hearing, the Director determines  
2 that noncompliance exists, the Director shall issue to the  
3 Department of Revenue notice to that effect stating the  
4 noncompliance date.

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

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

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

16 A person currently serving a sentence for a conviction,  
17 whether by trial or plea, of a felony or felonies who would  
18 have been guilty of a misdemeanor or lesser felony  
19 classification under this Act had the Act been in effect at the  
20 time of the offense may petition the trial court that entered  
21 the judgment of conviction in his or her case to request  
22 resentencing in accordance with this Act. A person who is  
23 resentenced shall be given credit for time served. Under no

1 circumstances may resentencing result in the imposition of a  
2 term longer than the original sentence.

3 Section 75. Repeal. This Act is repealed December 31, 2027.

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

8 (730 ILCS 5/5-4.5-15)

9 Sec. 5-4.5-15. DISPOSITIONS.

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

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) A fine.

20 (6) Restitution to the victim.

21 (7) Participation in an impact incarceration program.

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



1 drug court program.

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

9 (b) FINE; RESTITUTION; ~~NOT SOLE DISPOSITION.~~ A ~~Neither a~~  
10 fine nor restitution may ~~shall~~ be the sole disposition for a  
11 Class 4 felony, and either or both may be imposed only in  
12 conjunction with another disposition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
21 imprisonment shall be for a definite term of from 3 to 4 years,  
22 except as otherwise provided in Section 5-5-3 or 5-7-1 ~~(730~~  
23 ~~ILCS 5/5-5-3 or 5/5-7-1)~~.

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

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

3 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
4 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the  
5 period of probation or conditional discharge shall not exceed 4  
6 years. The court shall specify the conditions of probation or  
7 conditional discharge as set forth in Section 5-6-3 ~~(730 ILCS~~  
8 ~~5/5-6-3)~~. In no case shall an offender be eligible for a  
9 disposition of probation or conditional discharge for a Class 1  
10 felony committed while he or she was serving a term of  
11 probation or conditional discharge for a felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 incarceration program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (Text of Section before amendment by P.A. 100-987 and

1 100-1161)

2 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
3 as otherwise provided, for all felonies:

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

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

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

1 mitigating or aggravating factors that the judge sets forth on  
2 the record that are consistent with the purposes and principles  
3 of sentencing set out in this Code.

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

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

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

25 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
26 OTHER-STATE SENTENCE. A defendant who has a previous and

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

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

1 must return to serve the unexpired prior sentence imposed by  
2 the Illinois circuit court, may apply to the Illinois circuit  
3 court that imposed sentence to have his or her sentence  
4 reduced.

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

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

16 (Text of Section after amendment by P.A. 100-987 and  
17 100-1161)

18 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except  
19 as otherwise provided, for all felonies:

20 (a) NO SUPERVISION. The court, upon a plea of guilty or a  
21 stipulation by the defendant of the facts supporting the charge  
22 or a finding of guilt, may not defer further proceedings and  
23 the imposition of a sentence and may not enter an order for  
24 supervision of the defendant.

25 (b) FELONY FINES. Unless otherwise specified by law, the

1 minimum fine is \$75. An offender may be sentenced to pay a fine  
2 not to exceed, for each offense, \$25,000 or the amount  
3 specified in the offense, whichever is greater, or if the  
4 offender is a corporation, \$50,000 or the amount specified in  
5 the offense, whichever is greater. A fine may be imposed in  
6 addition to a sentence of conditional discharge, probation,  
7 periodic imprisonment, or imprisonment. See Article 9 of  
8 Chapter V ~~(730 ILCS 5/Ch. V, Art. 9)~~ for imposition of  
9 additional amounts and determination of amounts and payment.  
10 The court shall consider the offender's financial  
11 circumstances and ability to pay before and after imprisonment  
12 before assessing any fine. If the court finds that the fine  
13 would impose an undue burden on the victim, the court may  
14 reduce or waive the fine.

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

24 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a  
25 sentence may be made, or the court may reduce a sentence  
26 without motion, within 30 days after the sentence is imposed. A

1 defendant's challenge to the correctness of a sentence or to  
2 any aspect of the sentencing hearing shall be made by a written  
3 motion filed with the circuit court clerk within 30 days  
4 following the imposition of sentence. A motion not filed within  
5 that 30-day period is not timely. The court may not increase a  
6 sentence once it is imposed. A notice of motion must be filed  
7 with the motion. The notice of motion shall set the motion on  
8 the court's calendar on a date certain within a reasonable time  
9 after the date of filing.

10 If a motion filed pursuant to this subsection is timely  
11 filed, the proponent of the motion shall exercise due diligence  
12 in seeking a determination on the motion and the court shall  
13 thereafter decide the motion within a reasonable time.

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

19 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR  
20 OTHER-STATE SENTENCE. A defendant who has a previous and  
21 unexpired sentence of imprisonment imposed by another state or  
22 by any district court of the United States and who, after  
23 sentence for a crime in Illinois, must return to serve the  
24 unexpired prior sentence may have his or her sentence by the  
25 Illinois court ordered to be concurrent with the prior  
26 other-state or federal sentence. The court may order that any



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

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

25 The circuit court may order that any time served on the  
26 sentence imposed by the other state or district court of the

1 United States be credited on his or her Illinois sentence. The  
2 application for reduction of a sentence under this subsection  
3 shall be made within 30 days after the defendant has completed  
4 the sentence imposed by the other state or district court of  
5 the United States.

6 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a  
7 sentence or disposition that requires the defendant to be  
8 implanted or injected with or to use any form of birth control.  
9 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

10 (730 ILCS 5/5-4.5-85)

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

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

17 (b) MISDEMEANOR. The particular classification of each  
18 misdemeanor is specified in the law or ordinance defining the  
19 misdemeanor.

20 (1) Any offense not so classified that provides a  
21 sentence to a term of imprisonment of less than one year  
22 ~~but in excess of 6 months~~ is a Class A misdemeanor.

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

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

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

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

8           (730 ILCS 5/5-4.5-95)

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

10          (a) HABITUAL CRIMINALS.

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

20               (2) The 2 prior convictions need not have been for the  
21               same offense.

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

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

3           (A) The third offense was committed after July 3,  
4 1980.

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

9           (C) The third offense was committed after  
10 conviction on the second offense.

11           (D) The second offense was committed after  
12 conviction on the first offense.

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

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

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

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

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

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

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

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

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

18 ~~(2) the second felony was committed after conviction on~~  
19 ~~the first; and~~

20 ~~(3) the third felony was committed after conviction on~~  
21 ~~the second.~~

22 (c) (Blank). ~~Subsection (b) of this Section does not apply~~  
23 ~~to Class 1 or Class 2 felony convictions for a violation of~~  
24 ~~Section 16-1 of the Criminal Code of 2012.~~

25 ~~A person sentenced as a Class X offender under this~~  
26 ~~subsection (b) is not eligible to apply for treatment as a~~

1 ~~condition of probation as provided by Section 40-10 of the~~  
2 ~~Substance Use Disorder Act (20 ILCS 301/40-10).~~

3 (Source: P.A. 99-69, eff. 1-1-16; 100-3, eff. 1-1-18; 100-759,  
4 eff. 1-1-19.)

5 Section 995. No acceleration or delay. Where this Act makes  
6 changes in a statute that is represented in this Act by text  
7 that is not yet or no longer in effect (for example, a Section  
8 represented by multiple versions), the use of that text does  
9 not accelerate or delay the taking effect of (i) the changes  
10 made by this Act or (ii) provisions derived from any other  
11 Public Act.

12 Section 999. Effective date. This Act takes effect upon  
13 becoming law.