



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5010

Introduced 2/18/2020, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
720 ILCS 5/9-3.3	from Ch. 38, par. 9-3.3
720 ILCS 5/10-9	
720 ILCS 5/12-3.3	
730 ILCS 5/5-4.5-20	
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 5/5-5-3	
730 ILCS 5/5-5-3.2	
730 ILCS 5/5-5-4	from Ch. 38, par. 1005-5-4
730 ILCS 5/5-8-2 rep.	

Amends the Unified Code of Corrections. Eliminates extended term sentences. Amends the Illinois Vehicle Code and the Criminal Code of 2012 to make conforming changes. Effective immediately.

LRB101 17238 RLC 66642 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-303 as follows:

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

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

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

22 (a-3) A second or subsequent violation of subsection (a) of
23 this Section is a Class 4 felony if committed by a person whose

1 driving or operation of a motor vehicle is the proximate cause
2 of a motor vehicle accident that causes personal injury or
3 death to another. For purposes of this subsection, a personal
4 injury includes any Type A injury as indicated on the traffic
5 accident report completed by a law enforcement officer that
6 requires immediate professional attention in either a doctor's
7 office or a medical facility. A Type A injury includes severe
8 bleeding wounds, distorted extremities, and injuries that
9 require the injured party to be carried from the scene.

10 (a-5) Any person who violates this Section as provided in
11 subsection (a) while his or her driver's license, permit, or
12 privilege is revoked because of a violation of Section 9-3 of
13 the Criminal Code of 1961 or the Criminal Code of 2012,
14 relating to the offense of reckless homicide, or a violation of
15 subparagraph (F) of paragraph (1) of subsection (d) of Section
16 11-501 of this Code, relating to the offense of aggravated
17 driving under the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination thereof
19 when the violation was a proximate cause of a death, or a
20 similar provision of a law of another state, is guilty of a
21 Class 4 felony. The person shall be required to undergo a
22 professional evaluation, as provided in Section 11-501 of this
23 Code, to determine if an alcohol, drug, or intoxicating
24 compound problem exists and the extent of the problem, and to
25 undergo the imposition of treatment as appropriate.

26 (a-7) Any person who violates this Section as provided in

1 subsection (a) while his or her driver's license or privilege
2 to drive is suspended under Section 6-306.5 or 7-702 of this
3 Code shall receive a Uniform Traffic Citation from the law
4 enforcement officer. A person who receives 3 or more Uniform
5 Traffic Citations under this subsection (a-7) without paying
6 any fees associated with the citations shall be guilty of a
7 Class A misdemeanor.

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

15 (b) (Blank).

16 (b-1) Except for a person under subsection (a-7) of this
17 Section, upon receiving a report of the conviction of any
18 violation indicating a person was operating a motor vehicle
19 during the time when the person's driver's license, permit, or
20 privilege was suspended by the Secretary of State or the
21 driver's licensing administrator of another state, except as
22 specifically allowed by a probationary license, judicial
23 driving permit, restricted driving permit, or monitoring
24 device driving permit, the Secretary shall extend the
25 suspension for the same period of time as the originally
26 imposed suspension unless the suspension has already expired,

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

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

15 (b-3) (Blank).

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

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

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

13 (b-6) Upon receiving a report of a first conviction of
14 operating a motor vehicle while the person's driver's license,
15 permit, or privilege was revoked where the revocation was for a
16 violation of Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 relating to the offense of reckless
18 homicide, or a violation of subparagraph (F) of paragraph (1)
19 of subsection (d) of Section 11-501 of this Code, relating to
20 the offense of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof when the violation was a
23 proximate cause of a death, or a similar out-of-state offense,
24 the Secretary shall not issue a driver's license for an
25 additional period of 3 years from the date of such conviction.

26 (c) Except as provided in subsections (c-3) and (c-4), any

1 person convicted of violating this Section shall serve a
2 minimum term of imprisonment of 10 consecutive days or 30 days
3 of community service when the person's driving privilege was
4 revoked or suspended as a result of:

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

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

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

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

18 (c-1) Except as provided in subsections (a-7), (c-5), and
19 (d), any person convicted of a second violation of this Section
20 shall be ordered by the court to serve a minimum of 100 hours
21 of community service. The court may give credit toward the
22 fulfillment of community service hours for participation in
23 activities and treatment as determined by court services.

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

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

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

5 (c-3) Any person convicted of a violation of this Section
6 during a period of summary suspension imposed pursuant to
7 Section 11-501.1 when the person was eligible for a monitoring
8 device driving permit shall be guilty of a Class 4 felony and
9 shall serve a minimum term of imprisonment of 30 days.

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

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

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, relating to the offense of reckless homicide,

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

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

24 (d) Any person convicted of a second violation of this
25 Section shall be guilty of a Class 4 felony and shall serve a
26 minimum term of imprisonment of 30 days or 300 hours of

1 community service, as determined by the court, if:

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

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

23 The court may give credit toward the fulfillment of
24 community service hours for participation in activities and
25 treatment as determined by court services.

26 (d-1) Except as provided in subsections (a-7), (d-2),

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

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

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

16 (2) the prior convictions under this Section occurred
17 while the person's driver's license was suspended or
18 revoked for a violation of Section 11-401 or 11-501 of this
19 Code, a similar out-of-state offense, a similar provision
20 of a local ordinance, or a statutory summary suspension or
21 revocation under Section 11-501.1 of this Code, or for a
22 violation of Section 9-3 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, relating to the offense of
24 reckless homicide, or a violation of subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of this
26 Code, relating to the offense of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof when the violation was a proximate cause of a
4 death, or a similar out-of-state offense.

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

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

21 (2) the prior convictions under this Section occurred
22 while the person's driver's license was suspended or
23 revoked for a violation of Section 9-3 of the Criminal Code
24 of 1961 or the Criminal Code of 2012, relating to the
25 offense of reckless homicide, or a violation of
26 subparagraph (F) of paragraph (1) of subsection (d) of

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

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

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

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

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

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

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

26 (2) the prior convictions under this Section occurred

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

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

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

26 (2) the prior convictions under this Section occurred

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

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

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

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

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

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

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

25 (g) The motor vehicle used in a violation of this Section
26 is subject to seizure and forfeiture as provided in Sections

1 36-1 and 36-2 of the Criminal Code of 2012 if the person's
2 driving privilege was revoked or suspended as a result of:

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

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

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

12 (4) a violation of Section 9-3 of the Criminal Code of
13 1961 or the Criminal Code of 2012 relating to the offense
14 of reckless homicide, or a violation of subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of this
16 Code, relating to the offense of aggravated driving under
17 the influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds, or any combination
19 thereof when the violation was a proximate cause of a
20 death, or a similar provision of a law of another state.

21 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;
22 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

23 Section 10. The Criminal Code of 2012 is amended by
24 changing Sections 9-3.3, 10-9, and 12-3.3 as follows:

1 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

2 Sec. 9-3.3. Drug-induced homicide.

3 (a) A person commits drug-induced homicide when he or she
4 violates Section 401 of the Illinois Controlled Substances Act
5 or Section 55 of the Methamphetamine Control and Community
6 Protection Act by unlawfully delivering a controlled substance
7 to another, and any person's death is caused by the injection,
8 inhalation, absorption, or ingestion of any amount of that
9 controlled substance.

10 (a-5) A person commits drug-induced homicide when he or she
11 violates the law of another jurisdiction, which if the
12 violation had been committed in this State could be charged
13 under Section 401 of the Illinois Controlled Substances Act or
14 Section 55 of the Methamphetamine Control and Community
15 Protection Act, by unlawfully delivering a controlled
16 substance to another, and any person's death is caused in this
17 State by the injection, inhalation, absorption, or ingestion of
18 any amount of that controlled substance.

19 (b) Sentence. Drug-induced homicide is a Class X felony,
20 except:

21 (1) A person who commits drug-induced homicide by
22 violating subsection (a) or subsection (c) of Section 401
23 of the Illinois Controlled Substances Act or Section 55 of
24 the Methamphetamine Control and Community Protection Act
25 commits a Class X felony for which the defendant shall in
26 addition to a sentence authorized by law, be sentenced to a

1 term of imprisonment of not less than 15 years and not more
2 than 30 years ~~or an extended term of not less than 30 years~~
3 ~~and not more than 60 years.~~

4 (2) A person who commits drug-induced homicide by
5 violating the law of another jurisdiction, which if the
6 violation had been committed in this State could be charged
7 under subsection (a) or subsection (c) of Section 401 of
8 the Illinois Controlled Substances Act or Section 55 of the
9 Methamphetamine Control and Community Protection Act,
10 commits a Class X felony for which the defendant shall, in
11 addition to a sentence authorized by law, be sentenced to a
12 term of imprisonment of not less than 15 years and not more
13 than 30 years ~~or an extended term of not less than 30 years~~
14 ~~and not more than 60 years.~~

15 (Source: P.A. 100-404, eff. 1-1-18.)

16 (720 ILCS 5/10-9)

17 Sec. 10-9. Trafficking in persons, involuntary servitude,
18 and related offenses.

19 (a) Definitions. In this Section:

20 (1) "Intimidation" has the meaning prescribed in Section
21 12-6.

22 (2) "Commercial sexual activity" means any sex act on
23 account of which anything of value is given, promised to, or
24 received by any person.

25 (2.5) "Company" means any sole proprietorship,

1 organization, association, corporation, partnership, joint
2 venture, limited partnership, limited liability partnership,
3 limited liability limited partnership, limited liability
4 company, or other entity or business association, including all
5 wholly owned subsidiaries, majority-owned subsidiaries, parent
6 companies, or affiliates of those entities or business
7 associations, that exist for the purpose of making profit.

8 (3) "Financial harm" includes intimidation that brings
9 about financial loss, criminal usury, or employment contracts
10 that violate the Frauds Act.

11 (4) (Blank).

12 (5) "Labor" means work of economic or financial value.

13 (6) "Maintain" means, in relation to labor or services, to
14 secure continued performance thereof, regardless of any
15 initial agreement on the part of the victim to perform that
16 type of service.

17 (7) "Obtain" means, in relation to labor or services, to
18 secure performance thereof.

19 (7.5) "Serious harm" means any harm, whether physical or
20 nonphysical, including psychological, financial, or
21 reputational harm, that is sufficiently serious, under all the
22 surrounding circumstances, to compel a reasonable person of the
23 same background and in the same circumstances to perform or to
24 continue performing labor or services in order to avoid
25 incurring that harm.

26 (8) "Services" means activities resulting from a

1 relationship between a person and the actor in which the person
2 performs activities under the supervision of or for the benefit
3 of the actor. Commercial sexual activity and sexually-explicit
4 performances are forms of activities that are "services" under
5 this Section. Nothing in this definition may be construed to
6 legitimize or legalize prostitution.

7 (9) "Sexually-explicit performance" means a live,
8 recorded, broadcast (including over the Internet), or public
9 act or show intended to arouse or satisfy the sexual desires or
10 appeal to the prurient interests of patrons.

11 (10) "Trafficking victim" means a person subjected to the
12 practices set forth in subsection (b), (c), or (d).

13 (b) Involuntary servitude. A person commits involuntary
14 servitude when he or she knowingly subjects, attempts to
15 subject, or engages in a conspiracy to subject another person
16 to labor or services obtained or maintained through any of the
17 following means, or any combination of these means:

18 (1) causes or threatens to cause physical harm to any
19 person;

20 (2) physically restrains or threatens to physically
21 restrain another person;

22 (3) abuses or threatens to abuse the law or legal
23 process;

24 (4) knowingly destroys, conceals, removes,
25 confiscates, or possesses any actual or purported passport
26 or other immigration document, or any other actual or

1 purported government identification document, of another
2 person;

3 (5) uses intimidation, or exerts financial control
4 over any person; or

5 (6) uses any scheme, plan, or pattern intended to cause
6 the person to believe that, if the person did not perform
7 the labor or services, that person or another person would
8 suffer serious harm or physical restraint.

9 Sentence. Except as otherwise provided in subsection (e) or
10 (f), a violation of subsection (b) (1) is a Class X felony,
11 (b) (2) is a Class 1 felony, (b) (3) is a Class 2 felony, (b) (4)
12 is a Class 3 felony, (b) (5) and (b) (6) is a Class 4 felony.

13 (c) Involuntary sexual servitude of a minor. A person
14 commits involuntary sexual servitude of a minor when he or she
15 knowingly recruits, entices, harbors, transports, provides, or
16 obtains by any means, or attempts to recruit, entice, harbor,
17 provide, or obtain by any means, another person under 18 years
18 of age, knowing that the minor will engage in commercial sexual
19 activity, a sexually-explicit performance, or the production
20 of pornography, or causes or attempts to cause a minor to
21 engage in one or more of those activities and:

22 (1) there is no overt force or threat and the minor is
23 between the ages of 17 and 18 years;

24 (2) there is no overt force or threat and the minor is
25 under the age of 17 years; or

26 (3) there is overt force or threat.

1 Sentence. Except as otherwise provided in subsection (e) or
2 (f), a violation of subsection (c)(1) is a Class 1 felony,
3 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

4 (d) Trafficking in persons. A person commits trafficking in
5 persons when he or she knowingly: (1) recruits, entices,
6 harbors, transports, provides, or obtains by any means, or
7 attempts to recruit, entice, harbor, transport, provide, or
8 obtain by any means, another person, intending or knowing that
9 the person will be subjected to involuntary servitude; or (2)
10 benefits, financially or by receiving anything of value, from
11 participation in a venture that has engaged in an act of
12 involuntary servitude or involuntary sexual servitude of a
13 minor. A company commits trafficking in persons when the
14 company knowingly benefits, financially or by receiving
15 anything of value, from participation in a venture that has
16 engaged in an act of involuntary servitude or involuntary
17 sexual servitude of a minor.

18 Sentence. Except as otherwise provided in subsection (e) or
19 (f), a violation of this subsection by a person is a Class 1
20 felony. A violation of this subsection by a company is a
21 business offense for which a fine of up to \$100,000 may be
22 imposed.

23 (e) Aggravating factors. A violation of this Section
24 involving kidnapping or an attempt to kidnap, aggravated
25 criminal sexual assault or an attempt to commit aggravated
26 criminal sexual assault, or an attempt to commit first degree

1 murder is a Class X felony.

2 (f) Sentencing considerations.

3 (1) Bodily injury. ~~If, pursuant to a violation of this~~
4 ~~Section, a victim suffered bodily injury, the defendant may~~
5 ~~be sentenced to an extended term sentence under Section~~
6 ~~5-8-2 of the Unified Code of Corrections.~~ The sentencing
7 court must take into account the time in which the victim
8 was held in servitude, with increased penalties for cases
9 in which the victim was held for between 180 days and one
10 year, and increased penalties for cases in which the victim
11 was held for more than one year.

12 (2) Number of victims. In determining sentences within
13 statutory maximums, the sentencing court should take into
14 account the number of victims, and may provide for
15 substantially increased sentences in cases involving more
16 than 10 victims.

17 (g) Restitution. Restitution is mandatory under this
18 Section. In addition to any other amount of loss identified,
19 the court shall order restitution including the greater of (1)
20 the gross income or value to the defendant of the victim's
21 labor or services or (2) the value of the victim's labor as
22 guaranteed under the Minimum Wage Law and overtime provisions
23 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
24 whichever is greater.

25 (g-5) Fine distribution. If the court imposes a fine under
26 subsection (b), (c), or (d) of this Section, it shall be

1 collected and distributed to the Specialized Services for
2 Survivors of Human Trafficking Fund in accordance with Section
3 5-9-1.21 of the Unified Code of Corrections.

4 (h) Trafficking victim services. Subject to the
5 availability of funds, the Department of Human Services may
6 provide or fund emergency services and assistance to
7 individuals who are victims of one or more offenses defined in
8 this Section.

9 (i) Certification. The Attorney General, a State's
10 Attorney, or any law enforcement official shall certify in
11 writing to the United States Department of Justice or other
12 federal agency, such as the United States Department of
13 Homeland Security, that an investigation or prosecution under
14 this Section has begun and the individual who is a likely
15 victim of a crime described in this Section is willing to
16 cooperate or is cooperating with the investigation to enable
17 the individual, if eligible under federal law, to qualify for
18 an appropriate special immigrant visa and to access available
19 federal benefits. Cooperation with law enforcement shall not be
20 required of victims of a crime described in this Section who
21 are under 18 years of age. This certification shall be made
22 available to the victim and his or her designated legal
23 representative.

24 (j) A person who commits involuntary servitude,
25 involuntary sexual servitude of a minor, or trafficking in
26 persons under subsection (b), (c), or (d) of this Section is

1 subject to the property forfeiture provisions set forth in
2 Article 124B of the Code of Criminal Procedure of 1963.

3 (Source: P.A. 101-18, eff. 1-1-20.)

4 (720 ILCS 5/12-3.3)

5 Sec. 12-3.3. Aggravated domestic battery.

6 (a) A person who, in committing a domestic battery,
7 knowingly causes great bodily harm, or permanent disability or
8 disfigurement commits aggravated domestic battery.

9 (a-5) A person who, in committing a domestic battery,
10 strangles another individual commits aggravated domestic
11 battery. For the purposes of this subsection (a-5), "strangle"
12 means intentionally impeding the normal breathing or
13 circulation of the blood of an individual by applying pressure
14 on the throat or neck of that individual or by blocking the
15 nose or mouth of that individual.

16 (b) Sentence. Aggravated domestic battery is a Class 2
17 felony. Any order of probation or conditional discharge entered
18 following a conviction for an offense under this Section must
19 include, in addition to any other condition of probation or
20 conditional discharge, a condition that the offender serve a
21 mandatory term of imprisonment of not less than 60 consecutive
22 days. A person convicted of a second or subsequent violation of
23 this Section must be sentenced to a mandatory term of
24 imprisonment of not less than 3 years and not more than 7 years
25 ~~or an extended term of imprisonment of not less than 7 years~~

1 ~~and not more than 14 years.~~

2 (c) Upon conviction of aggravated domestic battery, the
3 court shall advise the defendant orally or in writing,
4 substantially as follows: "An individual convicted of
5 aggravated domestic battery may be subject to federal criminal
6 penalties for possessing, transporting, shipping, or receiving
7 any firearm or ammunition in violation of the federal Gun
8 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation
9 shall be made in the court file that the admonition was given.
10 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
11 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11.)

12 Section 15. The Unified Code of Corrections is amended by
13 changing Sections 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35,
14 5-4.5-40, 5-4.5-45, 5-5-3, 5-5-3.2, and 5-5-4 as follows:

15 (730 ILCS 5/5-4.5-20)

16 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
17 degree murder:

18 (a) TERM. The defendant shall be sentenced to imprisonment
19 or, if appropriate, death under Section 9-1 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/9-1)~~.
21 Imprisonment shall be for a determinate term, subject to
22 Section 5-4.5-115 of this Code, of (1) not less than 20 years
23 and not more than 60 years; (2) (blank) ~~not less than 60 years~~
24 ~~and not more than 100 years when an extended term is imposed~~

1 ~~under Section 5-8-2 (730 ILCS 5/5-8-2);~~ or (3) natural life as
2 provided in Section 5-8-1 ~~(730 ILCS 5/5-8-1).~~

3 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
4 shall not be imposed.

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

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

10 (e) FINE. Fines may be imposed as provided in Section
11 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b)).~~

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

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

17 (h) DRUG COURT. Drug court is not an authorized
18 disposition.

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

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

24 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
25 monitoring and home detention are not authorized dispositions,
26 except in limited circumstances as provided in Section 5-8A-3

1 ~~(730 ILCS 5/5-8A-3).~~

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

6 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
7 101-288, eff. 1-1-20.)

8 (730 ILCS 5/5-4.5-25)

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

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence, subject to Section 5-4.5-115 of this
13 Code, of not less than 6 years and not more than 30 years. ~~The~~
14 ~~sentence of imprisonment for an extended term Class X felony,~~
15 ~~as provided in Section 5-8-2 (730 ILCS 5/5-8-2), subject to~~
16 ~~Section 5-4.5-115 of this Code, shall be not less than 30 years~~
17 ~~and not more than 60 years.~~

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program
21 or the county impact incarceration program is not an authorized
22 disposition.

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

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 no credit for time spent in home
12 detention prior to judgment.

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

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

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

22 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
23 101-288, eff. 1-1-20.)

24 (730 ILCS 5/5-4.5-30)

25 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1

1 felony:

2 (a) TERM. The sentence of imprisonment, other than for
3 second degree murder, shall be a determinate sentence of not
4 less than 4 years and not more than 15 years, subject to
5 Section 5-4.5-115 of this Code. The sentence of imprisonment
6 for second degree murder shall be a determinate sentence of not
7 less than 4 years and not more than 20 years, subject to
8 Section 5-4.5-115 of this Code. ~~The sentence of imprisonment~~
9 ~~for an extended term Class 1 felony, as provided in Section~~
10 ~~5-8-2 (730 ILCS 5/5-8-2), subject to Section 5-4.5-115 of this~~
11 ~~Code, shall be a term not less than 15 years and not more than~~
12 ~~30 years.~~

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

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

21 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
22 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2), the~~
23 period of probation or conditional discharge shall not exceed 4
24 years. The court shall specify the conditions of probation or
25 conditional discharge as set forth in Section 5-6-3 ~~(730 ILCS~~
26 ~~5/5-6-3).~~ In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a Class 1
2 felony committed while he or she was serving a term of
3 probation or conditional discharge for a felony.

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 2 years upon release from imprisonment.

1 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
2 101-288, eff. 1-1-20.)

3 (730 ILCS 5/5-4.5-35)

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

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence of not less than 3 years and not more than
8 7 years. ~~The sentence of imprisonment for an extended term~~
9 ~~Class 2 felony, as provided in Section 5-8-2 (730 ILCS~~
10 ~~5/5-8-2), shall be a term not less than 7 years and not more~~
11 ~~than 14 years.~~

12 (b) PERIODIC IMPRISONMENT. A sentence of periodic
13 imprisonment shall be for a definite term of from 18 to 30
14 months, except as otherwise provided in Section 5-5-3 or 5-7-1
15 ~~(730 ILCS 5/5-5-3 or 5/5-7-1).~~

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

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
21 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2), the~~
22 ~~period of probation or conditional discharge shall not exceed 4~~
23 ~~years. The court shall specify the conditions of probation or~~
24 ~~conditional discharge as set forth in Section 5-6-3 (730 ILCS~~
25 ~~5/5-6-3).~~

1 (e) FINE. Fines may be imposed as provided in Section
2 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

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

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

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

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

14 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
15 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act
16 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

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

20 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
21 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
22 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
23 be 2 years upon release from imprisonment.

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

25 (730 ILCS 5/5-4.5-40)

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

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

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

13 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
14 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
15 the impact incarceration program or the county impact
16 incarceration program.

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

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

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

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

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

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

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
11 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act
12 ~~(730 ILCS 130/)~~ for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
14 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
18 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
19 be one year upon release from imprisonment.

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

21 (730 ILCS 5/5-4.5-45)

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

24 (a) TERM. The sentence of imprisonment shall be a
25 determinate sentence of not less than one year and not more

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

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

9 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
10 ~~(730 ILCS 5/5-8-1.1 and 5/5-8-1.2)~~ concerning eligibility for
11 the impact incarceration program or the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-5-3 or 5-6-2 ~~(730 ILCS 5/5-5-3 or 5/5-6-2)~~, the
15 period of probation or conditional discharge shall not exceed
16 30 months. The court shall specify the conditions of probation
17 or conditional discharge as set forth in Section 5-6-3 ~~(730~~
18 ~~ILCS 5/5-6-3).~~

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

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

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

26 (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act ~~(730 ILCS 166/20)~~ concerning eligibility for a drug court
2 program.

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

6 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code ~~(730~~
7 ~~ILCS 5/3-6-3)~~ or the County Jail Good Behavior Allowance Act
8 (730 ILCS 130/) for rules and regulations for sentence credit.

9 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
10 5-8A-3 ~~(730 ILCS 5/5-8A-3)~~ concerning eligibility for
11 electronic monitoring and home detention.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 or 5-8-1 ~~(730 ILCS 5/3-3-8 or~~
14 ~~5/5-8-1)~~, the parole or mandatory supervised release term shall
15 be one year upon release from imprisonment.

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

17 (730 ILCS 5/5-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

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

1 for the following offenses, and may order a fine or restitution
2 or both in conjunction with such term of imprisonment:

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

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

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

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

16 (E) (Blank).

17 (F) A Class 1 or greater felony if the offender had
18 been convicted of a Class 1 or greater felony, including
19 any state or federal conviction for an offense that
20 contained, at the time it was committed, the same elements
21 as an offense now (the date of the offense committed after
22 the prior Class 1 or greater felony) classified as a Class
23 1 or greater felony, within 10 years of the date on which
24 the offender committed the offense for which he or she is
25 being sentenced, except as otherwise provided in Section
26 40-10 of the Substance Use Disorder Act.

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

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

15 (G) Residential burglary, except as otherwise provided
16 in Section 40-10 of the Substance Use Disorder Act.

17 (H) Criminal sexual assault.

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

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

23 Before July 1, 1994, for the purposes of this
24 paragraph, "organized gang" means an association of 5 or
25 more persons, with an established hierarchy, that
26 encourages members of the association to perpetrate crimes

1 or provides support to the members of the association who
2 do commit crimes.

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

7 (K) Vehicular hijacking.

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

12 (M) A second or subsequent conviction for the offense
13 of institutional vandalism if the damage to the property
14 exceeds \$300.

15 (N) A Class 3 felony violation of paragraph (1) of
16 subsection (a) of Section 2 of the Firearm Owners
17 Identification Card Act.

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

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

23 (Q) A violation of subsection (b) or (b-5) of Section
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

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

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

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

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

4 (Y) A conviction for unlawful possession of a firearm
5 by a street gang member when the firearm was loaded or
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge for a
9 felony.

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

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

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

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

23 (EE) A conviction for a violation of paragraph (2) of
24 subsection (a) of Section 24-3B of the Criminal Code of
25 2012.

26 (3) (Blank).

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

5 (4.1) (Blank).

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

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court, shall
12 be imposed for a second violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6), and
15 (4.9) of this subsection (c), a minimum term of imprisonment of
16 30 days or 300 hours of community service, as determined by the
17 court, shall be imposed for a third or subsequent violation of
18 Section 6-303 of the Illinois Vehicle Code. The court may give
19 credit toward the fulfillment of community service hours for
20 participation in activities and treatment as determined by
21 court services.

22 (4.5) A minimum term of imprisonment of 30 days shall be
23 imposed for a third violation of subsection (c) of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30
4 consecutive days, or 300 hours of community service, shall be
5 imposed for a violation of subsection (a-5) of Section 6-303 of
6 the Illinois Vehicle Code, as provided in subsection (b-5) of
7 that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a
9 second violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (c-5) of that
11 Section. The person's driving privileges shall be revoked for a
12 period of not less than 5 years from the date of his or her
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and
15 not more than 15 years shall be imposed for a third violation
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
17 Code, as provided in subsection (d-2.5) of that Section. The
18 person's driving privileges shall be revoked for the remainder
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony
21 shall be imposed, ~~and the person shall be eligible for an~~
22 ~~extended term sentence,~~ for a fourth or subsequent violation of
23 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
24 as provided in subsection (d-3.5) of that Section. The person's
25 driving privileges shall be revoked for the remainder of his or
26 her life.

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

3 (A) a period of conditional discharge;

4 (B) a fine;

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

7 (5.1) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.2) or (5.3), a person
9 convicted of violating subsection (c) of Section 11-907 of the
10 Illinois Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for at least 90 days but not
12 more than one year, if the violation resulted in damage to the
13 property of another person.

14 (5.2) In addition to any other penalties imposed, and
15 except as provided in paragraph (5.3), a person convicted of
16 violating subsection (c) of Section 11-907 of the Illinois
17 Vehicle Code shall have his or her driver's license, permit, or
18 privileges suspended for at least 180 days but not more than 2
19 years, if the violation resulted in injury to another person.

20 (5.3) In addition to any other penalties imposed, a person
21 convicted of violating subsection (c) of Section 11-907 of the
22 Illinois Vehicle Code shall have his or her driver's license,
23 permit, or privileges suspended for 2 years, if the violation
24 resulted in the death of another person.

25 (5.4) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code shall have his or her driver's license, permit, or
2 privileges suspended for 3 months and until he or she has paid
3 a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a person
5 convicted of violating Section 3-707 of the Illinois Vehicle
6 Code during a period in which his or her driver's license,
7 permit, or privileges were suspended for a previous violation
8 of that Section shall have his or her driver's license, permit,
9 or privileges suspended for an additional 6 months after the
10 expiration of the original 3-month suspension and until he or
11 she has paid a reinstatement fee of \$100.

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

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

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

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

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

23 (d) In any case in which a sentence originally imposed is
24 vacated, the case shall be remanded to the trial court. The
25 trial court shall hold a hearing under Section 5-4-1 of this
26 Code which may include evidence of the defendant's life, moral

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

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

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

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

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

7 and

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

10 (2) the court orders the defendant to pay for the
11 victim's counseling services, to the extent that the court
12 finds, after considering the defendant's income and
13 assets, that the defendant is financially capable of paying
14 for such services, if the victim was under 18 years of age
15 at the time the offense was committed and requires
16 counseling as a result of the offense.

17 Probation may be revoked or modified pursuant to Section
18 5-6-4; except where the court determines at the hearing that
19 the defendant violated a condition of his or her probation
20 restricting contact with the victim or other family members or
21 commits another offense with the victim or other family
22 members, the court shall revoke the defendant's probation and
23 impose a term of imprisonment.

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the defendant shall undergo medical
9 testing to determine whether the defendant has any sexually
10 transmissible disease, including a test for infection with
11 human immunodeficiency virus (HIV) or any other identified
12 causative agent of acquired immunodeficiency syndrome (AIDS).
13 Any such medical test shall be performed only by appropriately
14 licensed medical practitioners and may include an analysis of
15 any bodily fluids as well as an examination of the defendant's
16 person. Except as otherwise provided by law, the results of
17 such test shall be kept strictly confidential by all medical
18 personnel involved in the testing and must be personally
19 delivered in a sealed envelope to the judge of the court in
20 which the conviction was entered for the judge's inspection in
21 camera. Acting in accordance with the best interests of the
22 victim and the public, the judge shall have the discretion to
23 determine to whom, if anyone, the results of the testing may be
24 revealed. The court shall notify the defendant of the test
25 results. The court shall also notify the victim if requested by
26 the victim, and if the victim is under the age of 15 and if

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

17 (g-5) When an inmate is tested for an airborne communicable
18 disease, as determined by the Illinois Department of Public
19 Health including but not limited to tuberculosis, the results
20 of the test shall be personally delivered by the warden or his
21 or her designee in a sealed envelope to the judge of the court
22 in which the inmate must appear for the judge's inspection in
23 camera if requested by the judge. Acting in accordance with the
24 best interests of those in the courtroom, the judge shall have
25 the discretion to determine what if any precautions need to be
26 taken to prevent transmission of the disease in the courtroom.

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-5.01 or
26 12-16.2 of the Criminal Code of 1961 or the Criminal Code of

1 2012 against the defendant. The court shall order that the cost
2 of any such test shall be paid by the county and may be taxed as
3 costs against the convicted defendant.

4 (i) All fines and penalties imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance, and
7 any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under the Criminal
10 and Traffic Assessment Act.

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substances Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing high school equivalency
20 testing or to work toward completing a vocational training
21 program offered by the Department of Corrections. If a
22 defendant fails to complete the educational training required
23 by his or her sentence during the term of incarceration, the
24 Prisoner Review Board shall, as a condition of mandatory
25 supervised release, require the defendant, at his or her own
26 expense, to pursue a course of study toward a high school

1 diploma or passage of high school equivalency testing. The
2 Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed high school
14 equivalency testing. This subsection (j-5) does not apply to a
15 defendant who is determined by the court to be a person with a
16 developmental disability or otherwise mentally incapable of
17 completing the educational or vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by the
21 Immigration and Nationality Act, is convicted of any felony or
22 misdemeanor offense, the court after sentencing the defendant
23 may, upon motion of the State's Attorney, hold sentence in
24 abeyance and remand the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent to be deported when:

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

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

7 Otherwise, the defendant shall be sentenced as provided in
8 this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act, the
14 court may, upon motion of the State's Attorney to suspend the
15 sentence imposed, commit the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

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

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of the
3 United States, the defendant shall be recommitted to the
4 custody of the county from which he or she was sentenced.
5 Thereafter, the defendant shall be brought before the
6 sentencing court, which may impose any sentence that was
7 available under Section 5-5-3 at the time of initial
8 sentencing. In addition, the defendant shall not be eligible
9 for additional earned sentence credit as provided under Section
10 3-6-3.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person has a substance use disorder, as defined
24 in the Substance Use Disorder Act, to a treatment program
25 licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions of
4 license renewal established by the Secretary of State.

5 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
6 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

7 (730 ILCS 5/5-5-3.2)

8 Sec. 5-5-3.2. Factors in aggravation ~~and extended term~~
9 sentencing.

10 (a) The following factors shall be accorded weight in favor
11 of imposing a term of imprisonment or may be considered by the
12 court as reasons to impose a more severe sentence under Section
13 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency or
19 criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular offense
22 committed or to bring the offenders committing it to
23 justice;

24 (5) the defendant held public office at the time of the
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who has a physical disability or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" has the meaning ascribed to it in paragraph
23 (0-1) of Section 1-103 of the Illinois Human Rights Act;

24 (11) the offense took place in a place of worship or on
25 the grounds of a place of worship, immediately prior to,
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall
2 mean any church, synagogue or other building, structure or
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed
5 while he was released on bail or his own recognizance
6 pending trial for a prior felony and was convicted of such
7 prior felony, or the defendant was convicted of a felony
8 committed while he was serving a period of probation,
9 conditional discharge, or mandatory supervised release
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a
12 felony while he was wearing a bulletproof vest. For the
13 purposes of this paragraph (13), a bulletproof vest is any
14 device which is designed for the purpose of protecting the
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or
17 supervision such as, but not limited to, family member as
18 defined in Section 11-0.1 of the Criminal Code of 2012,
19 teacher, scout leader, baby sitter, or day care worker, in
20 relation to a victim under 18 years of age, and the
21 defendant committed an offense in violation of Section
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
23 11-14.4 except for an offense that involves keeping a place
24 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
25 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
26 or 12-16 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 against that victim;

2 (15) the defendant committed an offense related to the
3 activities of an organized gang. For the purposes of this
4 factor, "organized gang" has the meaning ascribed to it in
5 Section 10 of the Streetgang Terrorism Omnibus Prevention
6 Act;

7 (16) the defendant committed an offense in violation of
8 one of the following Sections while in a school, regardless
9 of the time of day or time of year; on any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related activity; on
12 the real property of a school; or on a public way within
13 1,000 feet of the real property comprising any school:
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
20 Criminal Code of 2012;

21 (16.5) the defendant committed an offense in violation
22 of one of the following Sections while in a day care
23 center, regardless of the time of day or time of year; on
24 the real property of a day care center, regardless of the
25 time of day or time of year; or on a public way within
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
8 Criminal Code of 2012;

9 (17) the defendant committed the offense by reason of
10 any person's activity as a community policing volunteer or
11 to prevent any person from engaging in activity as a
12 community policing volunteer. For the purpose of this
13 Section, "community policing volunteer" has the meaning
14 ascribed to it in Section 2-3.5 of the Criminal Code of
15 2012;

16 (18) the defendant committed the offense in a nursing
17 home or on the real property comprising a nursing home. For
18 the purposes of this paragraph (18), "nursing home" means a
19 skilled nursing or intermediate long term care facility
20 that is subject to license by the Illinois Department of
21 Public Health under the Nursing Home Care Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, the
23 ID/DD Community Care Act, or the MC/DD Act;

24 (19) the defendant was a federally licensed firearm
25 dealer and was previously convicted of a violation of
26 subsection (a) of Section 3 of the Firearm Owners

1 Identification Card Act and has now committed either a
2 felony violation of the Firearm Owners Identification Card
3 Act or an act of armed violence while armed with a firearm;

4 (20) the defendant (i) committed the offense of
5 reckless homicide under Section 9-3 of the Criminal Code of
6 1961 or the Criminal Code of 2012 or the offense of driving
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds or any combination
9 thereof under Section 11-501 of the Illinois Vehicle Code
10 or a similar provision of a local ordinance and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (21) the defendant (i) committed the offense of
15 reckless driving or aggravated reckless driving under
16 Section 11-503 of the Illinois Vehicle Code and (ii) was
17 operating a motor vehicle in excess of 20 miles per hour
18 over the posted speed limit as provided in Article VI of
19 Chapter 11 of the Illinois Vehicle Code;

20 (22) the defendant committed the offense against a
21 person that the defendant knew, or reasonably should have
22 known, was a member of the Armed Forces of the United
23 States serving on active duty. For purposes of this clause
24 (22), the term "Armed Forces" means any of the Armed Forces
25 of the United States, including a member of any reserve
26 component thereof or National Guard unit called to active

1 duty;

2 (23) the defendant committed the offense against a
3 person who was elderly or infirm or who was a person with a
4 disability by taking advantage of a family or fiduciary
5 relationship with the elderly or infirm person or person
6 with a disability;

7 (24) the defendant committed any offense under Section
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012 and possessed 100 or more images;

10 (25) the defendant committed the offense while the
11 defendant or the victim was in a train, bus, or other
12 vehicle used for public transportation;

13 (26) the defendant committed the offense of child
14 pornography or aggravated child pornography, specifically
15 including paragraph (1), (2), (3), (4), (5), or (7) of
16 subsection (a) of Section 11-20.1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 where a child engaged in,
18 solicited for, depicted in, or posed in any act of sexual
19 penetration or bound, fettered, or subject to sadistic,
20 masochistic, or sadomasochistic abuse in a sexual context
21 and specifically including paragraph (1), (2), (3), (4),
22 (5), or (7) of subsection (a) of Section 11-20.1B or
23 Section 11-20.3 of the Criminal Code of 1961 where a child
24 engaged in, solicited for, depicted in, or posed in any act
25 of sexual penetration or bound, fettered, or subject to
26 sadistic, masochistic, or sadomasochistic abuse in a

1 sexual context;

2 (27) the defendant committed the offense of first
3 degree murder, assault, aggravated assault, battery,
4 aggravated battery, robbery, armed robbery, or aggravated
5 robbery against a person who was a veteran and the
6 defendant knew, or reasonably should have known, that the
7 person was a veteran performing duties as a representative
8 of a veterans' organization. For the purposes of this
9 paragraph (27), "veteran" means an Illinois resident who
10 has served as a member of the United States Armed Forces, a
11 member of the Illinois National Guard, or a member of the
12 United States Reserve Forces; and "veterans' organization"
13 means an organization comprised of members of which
14 substantially all are individuals who are veterans or
15 spouses, widows, or widowers of veterans, the primary
16 purpose of which is to promote the welfare of its members
17 and to provide assistance to the general public in such a
18 way as to confer a public benefit;

19 (28) the defendant committed the offense of assault,
20 aggravated assault, battery, aggravated battery, robbery,
21 armed robbery, or aggravated robbery against a person that
22 the defendant knew or reasonably should have known was a
23 letter carrier or postal worker while that person was
24 performing his or her duties delivering mail for the United
25 States Postal Service;

26 (29) the defendant committed the offense of criminal

1 sexual assault, aggravated criminal sexual assault,
2 criminal sexual abuse, or aggravated criminal sexual abuse
3 against a victim with an intellectual disability, and the
4 defendant holds a position of trust, authority, or
5 supervision in relation to the victim;

6 (30) the defendant committed the offense of promoting
7 juvenile prostitution, patronizing a prostitute, or
8 patronizing a minor engaged in prostitution and at the time
9 of the commission of the offense knew that the prostitute
10 or minor engaged in prostitution was in the custody or
11 guardianship of the Department of Children and Family
12 Services;

13 (31) the defendant (i) committed the offense of driving
14 while under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds or any combination
16 thereof in violation of Section 11-501 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance
18 and (ii) the defendant during the commission of the offense
19 was driving his or her vehicle upon a roadway designated
20 for one-way traffic in the opposite direction of the
21 direction indicated by official traffic control devices;

22 ~~or~~

23 (32) the defendant committed the offense of reckless
24 homicide while committing a violation of Section 11-907 of
25 the Illinois Vehicle Code; ~~and~~

26 (33) ~~(32)~~ the defendant was found guilty of an

1 administrative infraction related to an act or acts of
2 public indecency or sexual misconduct in the penal
3 institution. In this paragraph (33) ~~(32)~~, "penal
4 institution" has the same meaning as in Section 2-14 of the
5 Criminal Code of 2012; or.

6 (34) ~~(32)~~ the defendant committed the offense of
7 leaving the scene of an accident in violation of subsection
8 (b) of Section 11-401 of the Illinois Vehicle Code and the
9 accident resulted in the death of a person and at the time
10 of the offense, the defendant was: (i) driving under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds or any combination thereof as defined
13 by Section 11-501 of the Illinois Vehicle Code; or (ii)
14 operating the motor vehicle while using an electronic
15 communication device as defined in Section 12-610.2 of the
16 Illinois Vehicle Code.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified
21 and licensed day care center as defined in Section 2.09 of the
22 Child Care Act of 1969 that displays a sign in plain view
23 stating that the property is a day care center.

24 "Intellectual disability" means significantly subaverage
25 intellectual functioning which exists concurrently with
26 impairment in adaptive behavior.

1 "Public transportation" means the transportation or
2 conveyance of persons by means available to the general public,
3 and includes paratransit services.

4 "Traffic control devices" means all signs, signals,
5 markings, and devices that conform to the Illinois Manual on
6 Uniform Traffic Control Devices, placed or erected by authority
7 of a public body or official having jurisdiction, for the
8 purpose of regulating, warning, or guiding traffic.

9 (b) (Blank). ~~The following factors, related to all~~
10 ~~felonies, may be considered by the court as reasons to impose~~
11 ~~an extended term sentence under Section 5-8-2 upon any~~
12 ~~offender:~~

13 ~~(1) When a defendant is convicted of any felony, after~~
14 ~~having been previously convicted in Illinois or any other~~
15 ~~jurisdiction of the same or similar class felony or greater~~
16 ~~class felony, when such conviction has occurred within 10~~
17 ~~years after the previous conviction, excluding time spent~~
18 ~~in custody, and such charges are separately brought and~~
19 ~~tried and arise out of different series of acts; or~~

20 ~~(2) When a defendant is convicted of any felony and the~~
21 ~~court finds that the offense was accompanied by~~
22 ~~exceptionally brutal or heinous behavior indicative of~~
23 ~~wanton cruelty; or~~

24 ~~(3) When a defendant is convicted of any felony~~
25 ~~committed against:~~

26 ~~(i) a person under 12 years of age at the time of~~

1 ~~the offense or such person's property;~~

2 ~~(ii) a person 60 years of age or older at the time~~
3 ~~of the offense or such person's property; or~~

4 ~~(iii) a person who had a physical disability at the~~
5 ~~time of the offense or such person's property; or~~

6 ~~(4) When a defendant is convicted of any felony and the~~
7 ~~offense involved any of the following types of specific~~
8 ~~misconduct committed as part of a ceremony, rite,~~
9 ~~initiation, observance, performance, practice or activity~~
10 ~~of any actual or ostensible religious, fraternal, or social~~
11 ~~group:~~

12 ~~(i) the brutalizing or torturing of humans or~~
13 ~~animals;~~

14 ~~(ii) the theft of human corpses;~~

15 ~~(iii) the kidnapping of humans;~~

16 ~~(iv) the desecration of any cemetery, religious,~~
17 ~~fraternal, business, governmental, educational, or~~
18 ~~other building or property; or~~

19 ~~(v) ritualized abuse of a child; or~~

20 ~~(5) When a defendant is convicted of a felony other~~
21 ~~than conspiracy and the court finds that the felony was~~
22 ~~committed under an agreement with 2 or more other persons~~
23 ~~to commit that offense and the defendant, with respect to~~
24 ~~the other individuals, occupied a position of organizer,~~
25 ~~supervisor, financier, or any other position of management~~
26 ~~or leadership, and the court further finds that the felony~~

1 ~~committed was related to or in furtherance of the criminal~~
2 ~~activities of an organized gang or was motivated by the~~
3 ~~defendant's leadership in an organized gang; or~~

4 ~~(6) When a defendant is convicted of an offense~~
5 ~~committed while using a firearm with a laser sight attached~~
6 ~~to it. For purposes of this paragraph, "laser sight" has~~
7 ~~the meaning ascribed to it in Section 26-7 of the Criminal~~
8 ~~Code of 2012; or~~

9 ~~(7) When a defendant who was at least 17 years of age~~
10 ~~at the time of the commission of the offense is convicted~~
11 ~~of a felony and has been previously adjudicated a~~
12 ~~delinquent minor under the Juvenile Court Act of 1987 for~~
13 ~~an act that if committed by an adult would be a Class X or~~
14 ~~Class 1 felony when the conviction has occurred within 10~~
15 ~~years after the previous adjudication, excluding time~~
16 ~~spent in custody; or~~

17 ~~(8) When a defendant commits any felony and the~~
18 ~~defendant used, possessed, exercised control over, or~~
19 ~~otherwise directed an animal to assault a law enforcement~~
20 ~~officer engaged in the execution of his or her official~~
21 ~~duties or in furtherance of the criminal activities of an~~
22 ~~organized gang in which the defendant is engaged; or~~

23 ~~(9) When a defendant commits any felony and the~~
24 ~~defendant knowingly video or audio records the offense with~~
25 ~~the intent to disseminate the recording.~~

26 (c) (Blank). The following factors may be considered by the

1 ~~court as reasons to impose an extended term sentence under~~
2 ~~Section 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the~~
3 ~~listed offenses:~~

4 ~~(1) When a defendant is convicted of first degree~~
5 ~~murder, after having been previously convicted in Illinois~~
6 ~~of any offense listed under paragraph (c) (2) of Section~~
7 ~~5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred~~
8 ~~within 10 years after the previous conviction, excluding~~
9 ~~time spent in custody, and the charges are separately~~
10 ~~brought and tried and arise out of different series of~~
11 ~~acts.~~

12 ~~(1.5) When a defendant is convicted of first degree~~
13 ~~murder, after having been previously convicted of domestic~~
14 ~~battery (720 ILCS 5/12-3.2) or aggravated domestic battery~~
15 ~~(720 ILCS 5/12-3.3) committed on the same victim or after~~
16 ~~having been previously convicted of violation of an order~~
17 ~~of protection (720 ILCS 5/12-30) in which the same victim~~
18 ~~was the protected person.~~

19 ~~(2) When a defendant is convicted of voluntary~~
20 ~~manslaughter, second degree murder, involuntary~~
21 ~~manslaughter, or reckless homicide in which the defendant~~
22 ~~has been convicted of causing the death of more than one~~
23 ~~individual.~~

24 ~~(3) When a defendant is convicted of aggravated~~
25 ~~criminal sexual assault or criminal sexual assault, when~~
26 ~~there is a finding that aggravated criminal sexual assault~~

1 ~~or criminal sexual assault was also committed on the same~~
2 ~~victim by one or more other individuals, and the defendant~~
3 ~~voluntarily participated in the crime with the knowledge of~~
4 ~~the participation of the others in the crime, and the~~
5 ~~commission of the crime was part of a single course of~~
6 ~~conduct during which there was no substantial change in the~~
7 ~~nature of the criminal objective.~~

8 ~~(4) If the victim was under 18 years of age at the time~~
9 ~~of the commission of the offense, when a defendant is~~
10 ~~convicted of aggravated criminal sexual assault or~~
11 ~~predatory criminal sexual assault of a child under~~
12 ~~subsection (a)(1) of Section 11-1.40 or subsection (a)(1)~~
13 ~~of Section 12-14.1 of the Criminal Code of 1961 or the~~
14 ~~Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).~~

15 ~~(5) When a defendant is convicted of a felony violation~~
16 ~~of Section 24-1 of the Criminal Code of 1961 or the~~
17 ~~Criminal Code of 2012 (720 ILCS 5/24-1) and there is a~~
18 ~~finding that the defendant is a member of an organized~~
19 ~~gang.~~

20 ~~(6) When a defendant was convicted of unlawful use of~~
21 ~~weapons under Section 24-1 of the Criminal Code of 1961 or~~
22 ~~the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing~~
23 ~~a weapon that is not readily distinguishable as one of the~~
24 ~~weapons enumerated in Section 24-1 of the Criminal Code of~~
25 ~~1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).~~

26 ~~(7) When a defendant is convicted of an offense~~

1 ~~involving the illegal manufacture of a controlled~~
2 ~~substance under Section 401 of the Illinois Controlled~~
3 ~~Substances Act (720 ILCS 570/401), the illegal manufacture~~
4 ~~of methamphetamine under Section 25 of the Methamphetamine~~
5 ~~Control and Community Protection Act (720 ILCS 646/25), or~~
6 ~~the illegal possession of explosives and an emergency~~
7 ~~response officer in the performance of his or her duties is~~
8 ~~killed or injured at the scene of the offense while~~
9 ~~responding to the emergency caused by the commission of the~~
10 ~~offense. In this paragraph, "emergency" means a situation~~
11 ~~in which a person's life, health, or safety is in jeopardy;~~
12 ~~and "emergency response officer" means a peace officer,~~
13 ~~community policing volunteer, fireman, emergency medical~~
14 ~~technician ambulance, _____ emergency _____ medical~~
15 ~~technician intermediate, _____ emergency _____ medical~~
16 ~~technician paramedic, ambulance driver, other medical~~
17 ~~assistance or first aid personnel, or hospital emergency~~
18 ~~room personnel.~~

19 ~~(8) When the defendant is convicted of attempted mob~~
20 ~~action, solicitation to commit mob action, or conspiracy to~~
21 ~~commit mob action under Section 8-1, 8-2, or 8-4 of the~~
22 ~~Criminal Code of 2012, where the criminal object is a~~
23 ~~violation of Section 25-1 of the Criminal Code of 2012, and~~
24 ~~an electronic communication is used in the commission of~~
25 ~~the offense. For the purposes of this paragraph (8),~~
26 ~~"electronic communication" shall have the meaning provided~~

1 ~~in Section 26.5-0.1 of the Criminal Code of 2012.~~

2 (d) (Blank). ~~For the purposes of this Section, "organized~~
3 ~~gang" has the meaning ascribed to it in Section 10 of the~~
4 ~~Illinois Streetgang Terrorism Omnibus Prevention Act.~~

5 (e) (Blank). ~~The court may impose an extended term sentence~~
6 ~~under Article 4.5 of Chapter V upon an offender who has been~~
7 ~~convicted of a felony violation of Section 11-1.20, 11-1.30,~~
8 ~~11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or~~
9 ~~12-16 of the Criminal Code of 1961 or the Criminal Code of 2012~~
10 ~~when the victim of the offense is under 18 years of age at the~~
11 ~~time of the commission of the offense and, during the~~
12 ~~commission of the offense, the victim was under the influence~~
13 ~~of alcohol, regardless of whether or not the alcohol was~~
14 ~~supplied by the offender; and the offender, at the time of the~~
15 ~~commission of the offense, knew or should have known that the~~
16 ~~victim had consumed alcohol.~~

17 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
18 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

19 (730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)

20 Sec. 5-5-4. Resentences.

21 (a) Where a conviction or sentence has been set aside on
22 direct review or on collateral attack, the court shall not
23 impose a new sentence for the same offense or for a different
24 offense based on the same conduct which is more severe than the
25 prior sentence less the portion of the prior sentence

1 previously satisfied unless the more severe sentence is based
2 upon conduct on the part of the defendant occurring after the
3 original sentencing. If a sentence is vacated on appeal or on
4 collateral attack due to the failure of the trier of fact at
5 trial to determine beyond a reasonable doubt the existence of a
6 fact (other than a prior conviction) necessary to increase the
7 punishment for the offense beyond the statutory maximum
8 otherwise applicable, either the defendant may be re-sentenced
9 to a term within the range otherwise provided ~~or, if the State~~
10 ~~files notice of its intention to again seek the extended~~
11 ~~sentence,~~ the defendant shall be afforded a new trial.

12 (b) If a conviction or sentence has been set aside on
13 direct review or on collateral attack and the court determines
14 by clear and convincing evidence that the defendant was
15 factually innocent of the charge, the court shall enter an
16 order expunging the record of arrest from the official records
17 of the arresting authority and order that the records of the
18 clerk of the circuit court and Department of State Police be
19 sealed until further order of the court upon good cause shown
20 or as otherwise provided herein, and the name of the defendant
21 obliterated from the official index requested to be kept by the
22 circuit court clerk under Section 16 of the Clerks of Courts
23 Act in connection with the arrest and conviction for the
24 offense but the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order. The court
26 shall enter the expungement order regardless of whether the

1 defendant has prior criminal convictions.

2 All records sealed by the Department of State Police may be
3 disseminated by the Department only as required by law or to
4 the arresting authority, the State's Attorney, the court upon a
5 later arrest for the same or similar offense, or for the
6 purpose of sentencing for any subsequent felony. Upon
7 conviction for any subsequent offense, the Department of
8 Corrections shall have access to all sealed records of the
9 Department pertaining to that individual.

10 Upon entry of the order of expungement, the clerk of the
11 circuit court shall promptly mail a copy of the order to the
12 person whose records were expunged and sealed.

13 (c) If a conviction has been vacated as a result of a claim
14 of actual innocence based on newly discovered evidence made
15 under Section 122-1 of the Code of Criminal Procedure of 1963
16 or Section 2-1401 of the Code of Civil Procedure, and the
17 provisions of paragraphs (1) and (2) of subsection (g) of
18 Section 2-702 of the Code of Civil Procedure are otherwise
19 satisfied, the court shall enter an order for a certificate of
20 innocence and an order expunging the conviction for which the
21 petitioner has been determined to be innocent as provided in
22 subsection (h) of Section 2-702 of the Code of Civil Procedure.

23 (Source: P.A. 98-133, eff. 1-1-14.)

24 (730 ILCS 5/5-8-2 rep.)

25 Section 20. The Unified Code of Corrections is amended by

1 repealing Section 5-8-2.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.