



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4190

Introduced 10/26/2021, by Rep. Dan Caulkins, Amy Grant, Tim Butler, Amy Elik, Daniel Swanson, et al.

SYNOPSIS AS INTRODUCED:

See Index

Creates the Firearm Crime Charging and Sentencing Accountability and Transparency Act. Provides that in a criminal case, if a defendant is charged with an offense involving the illegal use or possession of a firearm and subsequently enters into a plea agreement in which in the charge will be reduced to a lesser offense or a non-weapons offense in exchange for a plea of guilty, at or before the time of sentencing, the State's Attorney shall file with the court a written statement of his or her reasons in support of the plea agreement, which shall specifically state why the offense or offenses of conviction resulting from the plea agreement do not include the originally charged weapons offense. Provides that in a criminal case in which the original charge is or was for an offense involving the illegal use or possession of a firearm, if a defendant pleads guilty or is found guilty of the original charge or lesser offense or a non-weapons offense, in imposing sentence, the judge shall set forth in a written sentencing order his or her reasons for imposing the sentence or accepting the plea agreement. Amends the Juvenile Court Act of 1987. Provides for adult prosecution of a minor who was at least 16 years of age at the time of the offense who is charged with armed robbery or aggravated vehicular hijacking while armed with a firearm. Amends the Criminal Code of 2012 to provide for enhanced penalties for committing various offenses with a firearm. Makes other changes concerning criminal procedure and law enforcement. Amends various other Acts to make conforming changes. Effective immediately as to specified provisions.

LRB102 21018 RLC 30103 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Firearm Crime Charging and Sentencing Accountability and
6 Transparency Act.

7 Section 5. Plea agreement; State's Attorney. In a criminal
8 case, if a defendant is charged with an offense involving the
9 illegal use or possession of a firearm and subsequently enters
10 into a plea agreement in which in the charge will be reduced to
11 a lesser offense or a non-weapons offense in exchange for a
12 plea of guilty, at or before the time of sentencing, the
13 State's Attorney shall file with the court a written statement
14 of his or her reasons in support of the plea agreement, which
15 shall specifically state why the offense or offenses of
16 conviction resulting from the plea agreement do not include
17 the originally charged weapons offense. The written statement
18 shall be part of the court record in the case and a copy shall
19 be provided to any person upon request.

20 Section 10. Sentencing; judge. In a criminal case in which
21 the original charge is or was for an offense involving the
22 illegal use or possession of a firearm, if a defendant pleads

1 guilty or is found guilty of the original charge or lesser
2 offense or a non-weapons offense, in imposing sentence, the
3 judge shall set forth in a written sentencing order his or her
4 reasons for imposing the sentence or accepting the plea
5 agreement. A copy of the written sentencing order shall be
6 provided to any person upon request.

7 Section 90. The Illinois Criminal Justice Information Act
8 is amended by adding Section 7.10 as follows:

9 (20 ILCS 3930/7.10 new)

10 Sec. 7.10. Crimes concerning the use of a firearm.

11 (a) The Authority shall perform an analysis of criminal
12 justice data to track crimes concerning the use of a firearm as
13 it relates to those criminal acts committed by a convicted
14 felon and the sentences imposed. The analysis shall track
15 crimes concerning the use of a firearm over the past 5 years
16 prior to the effective date of this amendatory Act of the 102nd
17 General Assembly. The Authority shall report, on or before
18 January 1, 2024, the following information in a report to the
19 General Assembly:

20 (1) the number of the people who were arrested for a
21 firearm crime and how many of those people were convicted
22 felons; and

23 (2) the disposition of those cases.

24 (b) This Section is repealed January 1, 2025.

1 Section 95. The Illinois Police Training Act is amended
2 by changing Section 10.22 as follows:

3 (50 ILCS 705/10.22)

4 (Text of Section before amendment by P.A. 101-652)

5 Sec. 10.22. School resource officers.

6 (a) The Board shall develop or approve a course for school
7 resource officers as defined in Section 10-20.68 of the School
8 Code.

9 (b) The school resource officer course shall be developed
10 within one year after January 1, 2019 (the effective date of
11 Public Act 100-984) and shall be created in consultation with
12 organizations demonstrating expertise and or experience in the
13 areas of youth and adolescent developmental issues,
14 educational administrative issues, prevention of child abuse
15 and exploitation, youth mental health treatment, and juvenile
16 advocacy.

17 (c) The Board shall develop a process allowing law
18 enforcement agencies to request a waiver of this training
19 requirement for any specific individual assigned as a school
20 resource officer. Applications for these waivers may be
21 submitted by a local law enforcement agency chief
22 administrator for any officer whose prior training and
23 experience may qualify for a waiver of the training
24 requirement of this subsection (c). The Board may issue a

1 waiver at its discretion, based solely on the prior training
2 and experience of an officer.

3 (d) Upon completion, the employing agency shall be issued
4 a certificate attesting to a specific officer's completion of
5 the school resource officer training. Additionally, a letter
6 of approval shall be issued to the employing agency for any
7 officer who is approved for a training waiver under this
8 subsection (d).

9 (e) The Board may offer the school resource officer course
10 developed under this Section to a qualified retired law
11 enforcement officer, as defined under the federal Law
12 Enforcement Officers Safety Act of 2004, for the purpose of
13 employment at a school or school district and may issue, for
14 such purpose, a certificate or waiver in the same manner as
15 provided under this Section for any other officer.

16 (f) Notwithstanding any other provision of law to the
17 contrary, nothing in this Section prohibits a school resource
18 officer or qualified retired law enforcement officer from
19 carrying a firearm.

20 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

21 (Text of Section after amendment by P.A. 101-652)

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24 resource officers as defined in Section 10-20.68 of the School
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2 within one year after January 1, 2019 (the effective date of
3 Public Act 100-984) and shall be created in consultation with
4 organizations demonstrating expertise and or experience in the
5 areas of youth and adolescent developmental issues,
6 educational administrative issues, prevention of child abuse
7 and exploitation, youth mental health treatment, and juvenile
8 advocacy.

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10 enforcement agencies to request a waiver of this training
11 requirement for any specific individual assigned as a school
12 resource officer. Applications for these waivers may be
13 submitted by a local governmental agency chief administrator
14 for any officer whose prior training and experience may
15 qualify for a waiver of the training requirement of this
16 subsection (c). The Board may issue a waiver at its
17 discretion, based solely on the prior training and experience
18 of an officer.

19 (d) Upon completion, the employing agency shall be issued
20 a certificate attesting to a specific officer's completion of
21 the school resource officer training. Additionally, a letter
22 of approval shall be issued to the employing agency for any
23 officer who is approved for a training waiver under this
24 subsection (d).

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26 developed under this Section to a qualified retired law

1 enforcement officer, as defined under the federal Law
2 Enforcement Officers Safety Act of 2004, for the purpose of
3 employment at a school or school district and may issue, for
4 such purpose, a certificate or waiver in the same manner as
5 provided under this Section for any other officer.

6 (f) Notwithstanding any other provision of law to the
7 contrary, nothing in this Section prohibits a school resource
8 officer or qualified retired law enforcement officer from
9 carrying a firearm.

10 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19;
11 101-652, eff. 1-1-22.)

12 Section 100. The School Code is amended by changing
13 Section 10-20.68 as follows:

14 (105 ILCS 5/10-20.68)

15 Sec. 10-20.68. School resource officer.

16 (a) In this Section, "school resource officer" means a law
17 enforcement officer who has been primarily assigned to a
18 school or school district under an agreement with a local law
19 enforcement agency.

20 (b) Beginning January 1, 2021, any law enforcement agency
21 that provides a school resource officer under this Section
22 shall provide to the school district a certificate of
23 completion, or approved waiver, issued by the Illinois Law
24 Enforcement Training Standards Board under Section 10.22 of

1 the Illinois Police Training Act indicating that the subject
2 officer has completed the requisite course of instruction in
3 the applicable subject areas within one year of assignment, or
4 has prior experience and training which satisfies this
5 requirement.

6 (c) In an effort to defray the related costs, any law
7 enforcement agency that provides a school resource officer
8 should apply for grant funding through the federal Community
9 Oriented Policing Services grant program.

10 (d) Beginning January 1, 2023, a school or school district
11 may employ a qualified retired law enforcement officer, as
12 defined under the federal Law Enforcement Officers Safety Act
13 of 2004, who obtains a certificate of completion or approved
14 waiver under Section 10.22 of the Illinois Police Training Act
15 to carry out the duties of a school resource officer.

16 (e) Notwithstanding any other provision of law to the
17 contrary, nothing in this Section prohibits a school resource
18 officer or qualified retired law enforcement officer from
19 carrying a firearm.

20 (Source: P.A. 100-984, eff. 1-1-19; 101-81, eff. 7-12-19.)

21 Section 105. The Juvenile Court Act of 1987 is amended by
22 changing Sections 5-130, 5-410, and 5-750 as follows:

23 (705 ILCS 405/5-130)

24 Sec. 5-130. Excluded jurisdiction.

1 (1) (a) The definition of delinquent minor under Section
2 5-120 of this Article shall not apply to any minor who at the
3 time of an offense was at least 16 years of age and who is
4 charged with: (i) first degree murder, (ii) aggravated
5 criminal sexual assault, ~~or~~ (iii) aggravated battery with a
6 firearm as described in Section 12-4.2 or subdivision (e) (1),
7 (e) (2), (e) (3), or (e) (4) of Section 12-3.05 where the minor
8 personally discharged a firearm as defined in Section 2-15.5
9 of the Criminal Code of 1961 or the Criminal Code of 2012, (iv)
10 aggravated vehicular hijacking under paragraph (4), (5), or
11 (6) of subsection (a) of Section 18-4 of the Criminal Code of
12 2012, or (v) armed robbery under paragraph (2), (3), or (4) of
13 subsection (a) of Section 18-2 of the Criminal Code of 2012.

14 These charges and all other charges arising out of the
15 same incident shall be prosecuted under the criminal laws of
16 this State.

17 (b) (i) If before trial or plea an information or
18 indictment is filed that does not charge an offense specified
19 in paragraph (a) of this subsection (1) the State's Attorney
20 may proceed on any lesser charge or charges, but only in
21 Juvenile Court under the provisions of this Article. The
22 State's Attorney may proceed on a lesser charge if before
23 trial the minor defendant knowingly and with advice of counsel
24 waives, in writing, his or her right to have the matter proceed
25 in Juvenile Court.

26 (ii) If before trial or plea an information or indictment

1 is filed that includes one or more charges specified in
2 paragraph (a) of this subsection (1) and additional charges
3 that are not specified in that paragraph, all of the charges
4 arising out of the same incident shall be prosecuted under the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (c) (i) If after trial or plea the minor is convicted of any
7 offense covered by paragraph (a) of this subsection (1), then,
8 in sentencing the minor, the court shall sentence the minor
9 under Section 5-4.5-105 of the Unified Code of Corrections.

10 (ii) If after trial or plea the court finds that the minor
11 committed an offense not covered by paragraph (a) of this
12 subsection (1), that finding shall not invalidate the verdict
13 or the prosecution of the minor under the criminal laws of the
14 State; however, unless the State requests a hearing for the
15 purpose of sentencing the minor under Chapter V of the Unified
16 Code of Corrections, the Court must proceed under Sections
17 5-705 and 5-710 of this Article. To request a hearing, the
18 State must file a written motion within 10 days following the
19 entry of a finding or the return of a verdict. Reasonable
20 notice of the motion shall be given to the minor or his or her
21 counsel. If the motion is made by the State, the court shall
22 conduct a hearing to determine if the minor should be
23 sentenced under Chapter V of the Unified Code of Corrections.
24 In making its determination, the court shall consider among
25 other matters: (a) whether there is evidence that the offense
26 was committed in an aggressive and premeditated manner; (b)

1 the age of the minor; (c) the previous history of the minor;
2 (d) whether there are facilities particularly available to the
3 Juvenile Court or the Department of Juvenile Justice for the
4 treatment and rehabilitation of the minor; (e) whether the
5 security of the public requires sentencing under Chapter V of
6 the Unified Code of Corrections; and (f) whether the minor
7 possessed a deadly weapon when committing the offense. The
8 rules of evidence shall be the same as if at trial. If after
9 the hearing the court finds that the minor should be sentenced
10 under Chapter V of the Unified Code of Corrections, then the
11 court shall sentence the minor under Section 5-4.5-105 of the
12 Unified Code of Corrections.

13 (2) (Blank).

14 (3) (Blank).

15 (4) (Blank).

16 (5) (Blank).

17 (6) (Blank).

18 (7) The procedures set out in this Article for the
19 investigation, arrest and prosecution of juvenile offenders
20 shall not apply to minors who are excluded from jurisdiction
21 of the Juvenile Court, except that minors under 18 years of age
22 shall be kept separate from confined adults.

23 (8) Nothing in this Act prohibits or limits the
24 prosecution of any minor for an offense committed on or after
25 his or her 18th birthday even though he or she is at the time
26 of the offense a ward of the court.

1 (9) If an original petition for adjudication of wardship
2 alleges the commission by a minor 13 years of age or over of an
3 act that constitutes a crime under the laws of this State, the
4 minor, with the consent of his or her counsel, may, at any time
5 before commencement of the adjudicatory hearing, file with the
6 court a motion that criminal prosecution be ordered and that
7 the petition be dismissed insofar as the act or acts involved
8 in the criminal proceedings are concerned. If such a motion is
9 filed as herein provided, the court shall enter its order
10 accordingly.

11 (10) If, prior to August 12, 2005 (the effective date of
12 Public Act 94-574), a minor is charged with a violation of
13 Section 401 of the Illinois Controlled Substances Act under
14 the criminal laws of this State, other than a minor charged
15 with a Class X felony violation of the Illinois Controlled
16 Substances Act or the Methamphetamine Control and Community
17 Protection Act, any party including the minor or the court sua
18 sponte may, before trial, move for a hearing for the purpose of
19 trying and sentencing the minor as a delinquent minor. To
20 request a hearing, the party must file a motion prior to trial.
21 Reasonable notice of the motion shall be given to all parties.
22 On its own motion or upon the filing of a motion by one of the
23 parties including the minor, the court shall conduct a hearing
24 to determine whether the minor should be tried and sentenced
25 as a delinquent minor under this Article. In making its
26 determination, the court shall consider among other matters:

- 1 (a) The age of the minor;
- 2 (b) Any previous delinquent or criminal history of the
3 minor;
- 4 (c) Any previous abuse or neglect history of the
5 minor;
- 6 (d) Any mental health or educational history of the
7 minor, or both; and
- 8 (e) Whether there is probable cause to support the
9 charge, whether the minor is charged through
10 accountability, and whether there is evidence the minor
11 possessed a deadly weapon or caused serious bodily harm
12 during the offense.

13 Any material that is relevant and reliable shall be
14 admissible at the hearing. In all cases, the judge shall enter
15 an order permitting prosecution under the criminal laws of
16 Illinois unless the judge makes a finding based on a
17 preponderance of the evidence that the minor would be amenable
18 to the care, treatment, and training programs available
19 through the facilities of the juvenile court based on an
20 evaluation of the factors listed in this subsection (10).

21 (11) The changes made to this Section by Public Act 98-61
22 apply to a minor who has been arrested or taken into custody on
23 or after January 1, 2014 (the effective date of Public Act
24 98-61).

25 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14;
26 99-258, eff. 1-1-16.)

1 (705 ILCS 405/5-410)

2 Sec. 5-410. Non-secure custody or detention.

3 (1) Any minor arrested or taken into custody pursuant to
4 this Act who requires care away from his or her home but who
5 does not require physical restriction shall be given temporary
6 care in a foster family home or other shelter facility
7 designated by the court.

8 (2) (a) Any minor 10 years of age or older arrested
9 pursuant to this Act where there is probable cause to believe
10 that the minor is a delinquent minor and that (i) secure
11 custody is a matter of immediate and urgent necessity for the
12 protection of the minor or of the person or property of
13 another, (ii) the minor is likely to flee the jurisdiction of
14 the court, or (iii) the minor was taken into custody under a
15 warrant, may be kept or detained in an authorized detention
16 facility. A minor under 13 years of age shall not be admitted,
17 kept, or detained in a detention facility unless a local youth
18 service provider, including a provider through the
19 Comprehensive Community Based Youth Services network, has been
20 contacted and has not been able to accept the minor. No minor
21 under 12 years of age shall be detained in a county jail or a
22 municipal lockup for more than 6 hours.

23 (a-5) For a minor arrested or taken into custody for
24 vehicular hijacking or aggravated vehicular hijacking, a
25 previous finding of delinquency for vehicular hijacking or

1 aggravated vehicular hijacking shall be given greater weight
2 in determining whether secured custody of a minor is a matter
3 of immediate and urgent necessity for the protection of the
4 minor or of the person or property of another.

5 (b) The written authorization of the probation officer or
6 detention officer (or other public officer designated by the
7 court in a county having 3,000,000 or more inhabitants)
8 constitutes authority for the superintendent of any juvenile
9 detention home to detain and keep a minor for up to 40 hours,
10 excluding Saturdays, Sundays, and court-designated holidays.
11 These records shall be available to the same persons and
12 pursuant to the same conditions as are law enforcement records
13 as provided in Section 5-905.

14 (b-4) The consultation required by paragraph (b-5) shall
15 not be applicable if the probation officer or detention
16 officer (or other public officer designated by the court in a
17 county having 3,000,000 or more inhabitants) utilizes a
18 scorable detention screening instrument, which has been
19 developed with input by the State's Attorney, to determine
20 whether a minor should be detained, however, paragraph (b-5)
21 shall still be applicable where no such screening instrument
22 is used or where the probation officer, detention officer (or
23 other public officer designated by the court in a county
24 having 3,000,000 or more inhabitants) deviates from the
25 screening instrument.

26 (b-5) Subject to the provisions of paragraph (b-4), if a

1 probation officer or detention officer (or other public
2 officer designated by the court in a county having 3,000,000
3 or more inhabitants) does not intend to detain a minor for an
4 offense which constitutes one of the following offenses he or
5 she shall consult with the State's Attorney's Office prior to
6 the release of the minor: first degree murder, second degree
7 murder, involuntary manslaughter, criminal sexual assault,
8 aggravated criminal sexual assault, aggravated battery with a
9 firearm as described in Section 12-4.2 or subdivision (e) (1),
10 (e) (2), (e) (3), or (e) (4) of Section 12-3.05, aggravated or
11 heinous battery involving permanent disability or
12 disfigurement or great bodily harm, robbery, aggravated
13 robbery, armed robbery, ~~vehicular hijacking, aggravated~~
14 ~~vehicular hijacking,~~ vehicular invasion, arson, aggravated
15 arson, kidnapping, aggravated kidnapping, home invasion,
16 burglary, or residential burglary. Any minor 10 years of age
17 or older arrested or taken into custody under this Act for
18 vehicular hijacking or aggravated vehicular hijacking shall be
19 detained in an authorized detention facility until a detention
20 or shelter care hearing is held to determine if there is
21 probable cause to believe that the minor is a delinquent minor
22 and that: (1) secure custody is a matter of immediate and
23 urgent necessity for the protection of the minor or of the
24 person or property of another; (2) the minor is likely to flee
25 the jurisdiction of the court; or (3) the minor was taken into
26 custody under a warrant. If the court makes that

1 determination, the minor shall continue to be held until the
2 disposition of an adjudicatory hearing under this Article.

3 (c) Except as otherwise provided in paragraph (a), (d), or
4 (e), no minor shall be detained in a county jail or municipal
5 lockup for more than 12 hours, unless the offense is a crime of
6 violence in which case the minor may be detained up to 24
7 hours. For the purpose of this paragraph, "crime of violence"
8 has the meaning ascribed to it in Section 1-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act.

10 (i) The period of detention is deemed to have begun
11 once the minor has been placed in a locked room or cell or
12 handcuffed to a stationary object in a building housing a
13 county jail or municipal lockup. Time spent transporting a
14 minor is not considered to be time in detention or secure
15 custody.

16 (ii) Any minor so confined shall be under periodic
17 supervision and shall not be permitted to come into or
18 remain in contact with adults in custody in the building.

19 (iii) Upon placement in secure custody in a jail or
20 lockup, the minor shall be informed of the purpose of the
21 detention, the time it is expected to last and the fact
22 that it cannot exceed the time specified under this Act.

23 (iv) A log shall be kept which shows the offense which
24 is the basis for the detention, the reasons and
25 circumstances for the decision to detain, and the length
26 of time the minor was in detention.

1 (v) Violation of the time limit on detention in a
2 county jail or municipal lockup shall not, in and of
3 itself, render inadmissible evidence obtained as a result
4 of the violation of this time limit. Minors under 18 years
5 of age shall be kept separate from confined adults and may
6 not at any time be kept in the same cell, room, or yard
7 with adults confined pursuant to criminal law. Persons 18
8 years of age and older who have a petition of delinquency
9 filed against them may be confined in an adult detention
10 facility. In making a determination whether to confine a
11 person 18 years of age or older who has a petition of
12 delinquency filed against the person, these factors, among
13 other matters, shall be considered:

14 (A) the age of the person;

15 (B) any previous delinquent or criminal history of
16 the person;

17 (C) any previous abuse or neglect history of the
18 person; and

19 (D) any mental health or educational history of
20 the person, or both.

21 (d) (i) If a minor 12 years of age or older is confined in
22 a county jail in a county with a population below 3,000,000
23 inhabitants, then the minor's confinement shall be implemented
24 in such a manner that there will be no contact by sight, sound,
25 or otherwise between the minor and adult prisoners. Minors 12
26 years of age or older must be kept separate from confined

1 adults and may not at any time be kept in the same cell, room,
2 or yard with confined adults. This paragraph (d)(i) shall only
3 apply to confinement pending an adjudicatory hearing and shall
4 not exceed 40 hours, excluding Saturdays, Sundays, and
5 court-designated holidays. To accept or hold minors during
6 this time period, county jails shall comply with all
7 monitoring standards adopted by the Department of Corrections
8 and training standards approved by the Illinois Law
9 Enforcement Training Standards Board.

10 (ii) To accept or hold minors, 12 years of age or older,
11 after the time period prescribed in paragraph (d)(i) of this
12 subsection (2) of this Section but not exceeding 7 days
13 including Saturdays, Sundays, and holidays pending an
14 adjudicatory hearing, county jails shall comply with all
15 temporary detention standards adopted by the Department of
16 Corrections and training standards approved by the Illinois
17 Law Enforcement Training Standards Board.

18 (iii) To accept or hold minors 12 years of age or older,
19 after the time period prescribed in paragraphs (d)(i) and
20 (d)(ii) of this subsection (2) of this Section, county jails
21 shall comply with all county juvenile detention standards
22 adopted by the Department of Juvenile Justice.

23 (e) When a minor who is at least 15 years of age is
24 prosecuted under the criminal laws of this State, the court
25 may enter an order directing that the juvenile be confined in
26 the county jail. However, any juvenile confined in the county

1 jail under this provision shall be separated from adults who
2 are confined in the county jail in such a manner that there
3 will be no contact by sight, sound or otherwise between the
4 juvenile and adult prisoners.

5 (f) For purposes of appearing in a physical lineup, the
6 minor may be taken to a county jail or municipal lockup under
7 the direct and constant supervision of a juvenile police
8 officer. During such time as is necessary to conduct a lineup,
9 and while supervised by a juvenile police officer, the sight
10 and sound separation provisions shall not apply.

11 (g) For purposes of processing a minor, the minor may be
12 taken to a county jail or municipal lockup under the direct and
13 constant supervision of a law enforcement officer or
14 correctional officer. During such time as is necessary to
15 process the minor, and while supervised by a law enforcement
16 officer or correctional officer, the sight and sound
17 separation provisions shall not apply.

18 (3) If the probation officer or State's Attorney (or such
19 other public officer designated by the court in a county
20 having 3,000,000 or more inhabitants) determines that the
21 minor may be a delinquent minor as described in subsection (3)
22 of Section 5-105, and should be retained in custody but does
23 not require physical restriction, the minor may be placed in
24 non-secure custody for up to 40 hours pending a detention
25 hearing.

26 (4) Any minor taken into temporary custody, not requiring

1 secure detention, may, however, be detained in the home of his
2 or her parent or guardian subject to such conditions as the
3 court may impose.

4 (5) The changes made to this Section by Public Act 98-61
5 apply to a minor who has been arrested or taken into custody on
6 or after January 1, 2014 (the effective date of Public Act
7 98-61).

8 (Source: P.A. 100-745, eff. 8-10-18; 101-81, eff. 7-12-19.)

9 (705 ILCS 405/5-750)

10 Sec. 5-750. Commitment to the Department of Juvenile
11 Justice.

12 (1) Except as provided in subsection (2) of this Section,
13 when any delinquent has been adjudged a ward of the court under
14 this Act, the court may commit him or her to the Department of
15 Juvenile Justice, if it finds that (a) his or her parents,
16 guardian or legal custodian are unfit or are unable, for some
17 reason other than financial circumstances alone, to care for,
18 protect, train or discipline the minor, or are unwilling to do
19 so, and the best interests of the minor and the public will not
20 be served by placement under Section 5-740, or it is necessary
21 to ensure the protection of the public from the consequences
22 of criminal activity of the delinquent; and (b) commitment to
23 the Department of Juvenile Justice is the least restrictive
24 alternative based on evidence that efforts were made to locate
25 less restrictive alternatives to secure confinement and the

1 reasons why efforts were unsuccessful in locating a less
2 restrictive alternative to secure confinement. Before the
3 court commits a minor to the Department of Juvenile Justice,
4 it shall make a finding that secure confinement is necessary,
5 following a review of the following individualized factors:

6 (A) Age of the minor.

7 (B) Criminal background of the minor.

8 (C) Review of results of any assessments of the minor,
9 including child centered assessments such as the CANS.

10 (D) Educational background of the minor, indicating
11 whether the minor has ever been assessed for a learning
12 disability, and if so what services were provided as well
13 as any disciplinary incidents at school.

14 (E) Physical, mental and emotional health of the
15 minor, indicating whether the minor has ever been
16 diagnosed with a health issue and if so what services were
17 provided and whether the minor was compliant with
18 services.

19 (F) Community based services that have been provided
20 to the minor, and whether the minor was compliant with the
21 services, and the reason the services were unsuccessful.

22 (G) Services within the Department of Juvenile Justice
23 that will meet the individualized needs of the minor.

24 (1.5) Before the court commits a minor to the Department
25 of Juvenile Justice, the court must find reasonable efforts
26 have been made to prevent or eliminate the need for the minor

1 to be removed from the home, or reasonable efforts cannot, at
2 this time, for good cause, prevent or eliminate the need for
3 removal, and removal from home is in the best interests of the
4 minor, the minor's family, and the public.

5 (2) When a minor of the age of at least 13 years is
6 adjudged delinquent for the offense of: (i) first degree
7 murder; (ii) attempted first degree murder; or (iii) any
8 offense involving the use or discharge of a firearm upon
9 school grounds or any part of a building or grounds used for
10 school purposes, including any conveyance owned, leased, or
11 contracted by a school to transport students to or from school
12 or a school related activity that results in bodily injury or
13 death to any person, the court shall declare the minor a ward
14 of the court and order the minor committed to the Department of
15 Juvenile Justice until the minor's 21st birthday, without the
16 possibility of aftercare release, furlough, or non-emergency
17 authorized absence for a period of 5 years from the date the
18 minor was committed to the Department of Juvenile Justice,
19 except that the time that a minor spent in custody for the
20 instant offense before being committed to the Department of
21 Juvenile Justice shall be considered as time credited towards
22 that 5 year period. Upon release from a Department facility, a
23 minor adjudged delinquent for first degree murder shall be
24 placed on aftercare release until the age of 21, unless sooner
25 discharged from aftercare release or custodianship is
26 otherwise terminated in accordance with this Act or as

1 otherwise provided for by law. Nothing in this subsection (2)
2 shall preclude the State's Attorney from seeking to prosecute
3 a minor as an adult as an alternative to proceeding under this
4 Act.

5 (3) Except as provided in subsection (2), the commitment
6 of a delinquent to the Department of Juvenile Justice shall be
7 for an indeterminate term which shall automatically terminate
8 upon the delinquent attaining the age of 21 years or upon
9 completion of that period for which an adult could be
10 committed for the same act, whichever occurs sooner, unless
11 the delinquent is sooner discharged from aftercare release or
12 custodianship is otherwise terminated in accordance with this
13 Act or as otherwise provided for by law.

14 (3.5) Every delinquent minor committed to the Department
15 of Juvenile Justice under this Act shall be eligible for
16 aftercare release without regard to the length of time the
17 minor has been confined or whether the minor has served any
18 minimum term imposed. Aftercare release shall be administered
19 by the Department of Juvenile Justice, under the direction of
20 the Director. Unless sooner discharged, the Department of
21 Juvenile Justice shall discharge a minor from aftercare
22 release upon completion of the following aftercare release
23 terms:

24 (a) One and a half years from the date a minor is
25 released from a Department facility, if the minor was
26 committed for a Class X felony;

1 (b) One year from the date a minor is released from a
2 Department facility, if the minor was committed for a
3 Class 1 or 2 felony; and

4 (c) Six months from the date a minor is released from a
5 Department facility, if the minor was committed for a
6 Class 3 felony or lesser offense.

7 (4) When the court commits a minor to the Department of
8 Juvenile Justice, it shall order him or her conveyed forthwith
9 to the appropriate reception station or other place designated
10 by the Department of Juvenile Justice, and shall appoint the
11 Director of Juvenile Justice legal custodian of the minor. The
12 clerk of the court shall issue to the Director of Juvenile
13 Justice a certified copy of the order, which constitutes proof
14 of the Director's authority. No other process need issue to
15 warrant the keeping of the minor.

16 (5) If a minor is committed to the Department of Juvenile
17 Justice, the clerk of the court shall forward to the
18 Department:

19 (a) the sentencing order and copies of committing
20 petition;

21 (b) all reports;

22 (c) the court's statement of the basis for ordering
23 the disposition;

24 (d) any sex offender evaluations;

25 (e) any risk assessment or substance abuse treatment
26 eligibility screening and assessment of the minor by an

1 agent designated by the State to provide assessment
2 services for the courts;

3 (f) the number of days, if any, which the minor has
4 been in custody and for which he or she is entitled to
5 credit against the sentence, which information shall be
6 provided to the clerk by the sheriff;

7 (g) any medical or mental health records or summaries
8 of the minor;

9 (h) the municipality where the arrest of the minor
10 occurred, the commission of the offense occurred, and the
11 minor resided at the time of commission;

12 (h-5) a report detailing the minor's criminal history
13 in a manner and form prescribed by the Department of
14 Juvenile Justice;

15 (i) all additional matters which the court directs the
16 clerk to transmit; and

17 (j) all police reports for sex offenses as defined by
18 the Sex Offender Management Board Act.

19 (6) Whenever the Department of Juvenile Justice lawfully
20 discharges from its custody and control a minor committed to
21 it, the Director of Juvenile Justice shall petition the court
22 for an order terminating his or her custodianship. The
23 custodianship shall terminate automatically 30 days after
24 receipt of the petition unless the court orders otherwise.

25 (7) If, while on aftercare release, a minor committed to
26 the Department of Juvenile Justice who resides in this State

1 is charged under the criminal laws of this State, the criminal
2 laws of any other state, or federal law with an offense that
3 could result in a sentence of imprisonment within the
4 Department of Corrections, the penal system of any state, or
5 the federal Bureau of Prisons, the commitment to the
6 Department of Juvenile Justice and all rights and duties
7 created by that commitment are automatically suspended pending
8 final disposition of the criminal charge. If the minor is
9 found guilty of the criminal charge and sentenced to a term of
10 imprisonment in the penitentiary system of the Department of
11 Corrections, the penal system of any state, or the federal
12 Bureau of Prisons, the commitment to the Department of
13 Juvenile Justice shall be automatically terminated. If the
14 criminal charge is dismissed, the minor is found not guilty,
15 or the minor completes a criminal sentence other than
16 imprisonment within the Department of Corrections, the penal
17 system of any state, or the federal Bureau of Prisons, the
18 previously imposed commitment to the Department of Juvenile
19 Justice and the full aftercare release term shall be
20 automatically reinstated unless custodianship is sooner
21 terminated. Nothing in this subsection (7) shall preclude the
22 court from ordering another sentence under Section 5-710 of
23 this Act or from terminating the Department's custodianship
24 while the commitment to the Department is suspended.

25 (Source: P.A. 101-159, eff. 1-1-20; 102-350, eff. 8-13-21.)

1 Section 110. The Criminal Code of 2012 is amended by
2 changing Sections 18-4, 24-1.1, 24-1.2, 24-1.7, 24-3, and
3 24-3.7 as follows:

4 (720 ILCS 5/18-4)

5 Sec. 18-4. Aggravated vehicular hijacking.

6 (a) A person commits aggravated vehicular hijacking when
7 he or she violates Section 18-3; and

8 (1) the person from whose immediate presence the motor
9 vehicle is taken is a person with a physical disability or
10 a person 60 years of age or over; or

11 (2) a person under 16 years of age is a passenger in
12 the motor vehicle at the time of the offense; or

13 (3) he or she carries on or about his or her person, or
14 is otherwise armed with a dangerous weapon, other than a
15 firearm; or

16 (4) he or she carries on or about his or her person or
17 is otherwise armed with a firearm; or

18 (5) he or she, during the commission of the offense,
19 personally discharges a firearm; or

20 (6) he or she, during the commission of the offense,
21 personally discharges a firearm that proximately causes
22 great bodily harm, permanent disability, permanent
23 disfigurement, or death to another person.

24 (b) Sentence. Aggravated vehicular hijacking is a Class X
25 felony for a first offense for which a term of imprisonment of

1 not less than 10 years and not more than 60 years shall be
2 imposed. A second or subsequent offense is a Class X felony for
3 which a term of natural life imprisonment shall be imposed in
4 violation of subsections (a) (1) or (a) (2) is a Class X felony.
5 ~~A violation of subsection (a) (3) is a Class X felony for which~~
6 ~~a term of imprisonment of not less than 7 years shall be~~
7 ~~imposed. A violation of subsection (a) (4) is a Class X felony~~
8 ~~for which 15 years shall be added to the term of imprisonment~~
9 ~~imposed by the court. A violation of subsection (a) (5) is a~~
10 ~~Class X felony for which 20 years shall be added to the term of~~
11 ~~imprisonment imposed by the court. A violation of subsection~~
12 ~~(a) (6) is a Class X felony for which 25 years or up to a term~~
13 ~~of natural life shall be added to the term of imprisonment~~
14 ~~imposed by the court.~~

15 (Source: P.A. 99-143, eff. 7-27-15.)

16 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

17 Sec. 24-1.1. Unlawful use or possession of weapons by
18 felons or persons in the custody of the Department of
19 Corrections facilities.

20 (a) It is unlawful for a person to knowingly possess on or
21 about his person or on his land or in his own abode or fixed
22 place of business any weapon prohibited under Section 24-1 of
23 this Act or any firearm or any firearm ammunition if the person
24 has been convicted of a felony under the laws of this State or
25 any other jurisdiction. This Section shall not apply if the

1 person has been granted relief by the Director of the Illinois
2 State Police under Section 10 of the Firearm Owners
3 Identification Card Act.

4 (b) It is unlawful for any person confined in a penal
5 institution, which is a facility of the Illinois Department of
6 Corrections, to possess any weapon prohibited under Section
7 24-1 of this Code or any firearm or firearm ammunition,
8 regardless of the intent with which he possesses it.

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

13 (d) The defense of necessity is not available to a person
14 who is charged with a violation of subsection (b) of this
15 Section.

16 (e) Sentence. Violation of this Section is a Class X
17 felony for a first offense for which a term of imprisonment of
18 not less than 10 years shall be imposed. A second or subsequent
19 offense is a Class X felony for which a term of natural life
20 imprisonment shall be imposed ~~by a person not confined in a~~
21 ~~penal institution shall be a Class 3 felony for which the~~
22 ~~person shall be sentenced to no less than 2 years and no more~~
23 ~~than 10 years. A second or subsequent violation of this~~
24 ~~Section shall be a Class 2 felony for which the person shall be~~
25 ~~sentenced to a term of imprisonment of not less than 3 years~~
26 ~~and not more than 14 years, except as provided for in Section~~

1 ~~5-4.5-110 of the Unified Code of Corrections. Violation of~~
2 ~~this Section by a person not confined in a penal institution~~
3 ~~who has been convicted of a forcible felony, a felony~~
4 ~~violation of Article 24 of this Code or of the Firearm Owners~~
5 ~~Identification Card Act, stalking or aggravated stalking, or a~~
6 ~~Class 2 or greater felony under the Illinois Controlled~~
7 ~~Substances Act, the Cannabis Control Act, or the~~
8 ~~Methamphetamine Control and Community Protection Act is a~~
9 ~~Class 2 felony for which the person shall be sentenced to not~~
10 ~~less than 3 years and not more than 14 years, except as~~
11 ~~provided for in Section 5-4.5-110 of the Unified Code of~~
12 ~~Corrections. Violation of this Section by a person who is on~~
13 ~~parole or mandatory supervised release is a Class 2 felony for~~
14 ~~which the person shall be sentenced to not less than 3 years~~
15 ~~and not more than 14 years, except as provided for in Section~~
16 ~~5-4.5-110 of the Unified Code of Corrections. Violation of~~
17 ~~this Section by a person not confined in a penal institution is~~
18 ~~a Class X felony when the firearm possessed is a machine gun.~~
19 ~~Any person who violates this Section while confined in a penal~~
20 ~~institution, which is a facility of the Illinois Department of~~
21 ~~Corrections, is guilty of a Class 1 felony, if he possesses any~~
22 ~~weapon prohibited under Section 24-1 of this Code regardless~~
23 ~~of the intent with which he possesses it, a Class X felony if~~
24 ~~he possesses any firearm, firearm ammunition or explosive, and~~
25 ~~a Class X felony for which the offender shall be sentenced to~~
26 ~~not less than 12 years and not more than 50 years when the~~

1 ~~firearm possessed is a machine gun. A violation of this~~
2 ~~Section while wearing or in possession of body armor as~~
3 ~~defined in Section 33F-1 is a Class X felony punishable by a~~
4 ~~term of imprisonment of not less than 10 years and not more~~
5 ~~than 40 years.~~ The possession of each firearm or firearm
6 ammunition in violation of this Section constitutes a single
7 and separate violation.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

10 Sec. 24-1.2. Aggravated discharge of a firearm.

11 (a) A person commits aggravated discharge of a firearm
12 when he or she knowingly or intentionally:

13 (1) Discharges a firearm at or into a building he or
14 she knows or reasonably should know to be occupied and the
15 firearm is discharged from a place or position outside
16 that building;

17 (2) Discharges a firearm in the direction of another
18 person or in the direction of a vehicle he or she knows or
19 reasonably should know to be occupied by a person;

20 (3) Discharges a firearm in the direction of a person
21 he or she knows to be a peace officer, a community policing
22 volunteer, a correctional institution employee, or a
23 fireman while the officer, volunteer, employee or fireman
24 is engaged in the execution of any of his or her official
25 duties, or to prevent the officer, volunteer, employee or

1 fireman from performing his or her official duties, or in
2 retaliation for the officer, volunteer, employee or
3 fireman performing his or her official duties;

4 (4) Discharges a firearm in the direction of a vehicle
5 he or she knows to be occupied by a peace officer, a person
6 summoned or directed by a peace officer, a correctional
7 institution employee or a fireman while the officer,
8 employee or fireman is engaged in the execution of any of
9 his or her official duties, or to prevent the officer,
10 employee or fireman from performing his or her official
11 duties, or in retaliation for the officer, employee or
12 fireman performing his or her official duties;

13 (5) Discharges a firearm in the direction of a person
14 he or she knows to be emergency medical services personnel
15 who is engaged in the execution of any of his or her
16 official duties, or to prevent the emergency medical
17 services personnel from performing his or her official
18 duties, or in retaliation for the emergency medical
19 services personnel performing his or her official duties;

20 (6) Discharges a firearm in the direction of a vehicle
21 he or she knows to be occupied by emergency medical
22 services personnel while the emergency medical services
23 personnel is engaged in the execution of any of his or her
24 official duties, or to prevent the emergency medical
25 services personnel from performing his or her official
26 duties, or in retaliation for the emergency medical

1 services personnel performing his or her official duties;

2 (7) Discharges a firearm in the direction of a person
3 he or she knows to be a teacher or other person employed in
4 any school and the teacher or other employee is upon the
5 grounds of a school or grounds adjacent to a school, or is
6 in any part of a building used for school purposes;

7 (8) Discharges a firearm in the direction of a person
8 he or she knows to be an emergency management worker while
9 the emergency management worker is engaged in the
10 execution of any of his or her official duties, or to
11 prevent the emergency management worker from performing
12 his or her official duties, or in retaliation for the
13 emergency management worker performing his or her official
14 duties; ~~or~~

15 (9) Discharges a firearm in the direction of a vehicle
16 he or she knows to be occupied by an emergency management
17 worker while the emergency management worker is engaged in
18 the execution of any of his or her official duties, or to
19 prevent the emergency management worker from performing
20 his or her official duties, or in retaliation for the
21 emergency management worker performing his or her official
22 duties; ~~or~~

23 (10) discharges a firearm in the direction of a person
24 he or she knows to be a person under 18 years old;

25 (11) discharges a firearm in the direction of a person
26 he or she knows to be a veteran;

1 (12) discharges a firearm in the direction of a person
2 he or she knows to be 60 years of age or older;

3 (13) discharges a firearm in the direction of a person
4 he or she knows to be pregnant or has a physical
5 disability;

6 (14) discharges a firearm in the direction of a person
7 he or she knows to be gathering for worship;

8 (15) discharges a firearm in the direction of a person
9 he or she knows to be boarding or riding public transit;

10 (16) discharges a firearm in the direction of a person
11 he or she knows to be a student at an institution of higher
12 education;

13 (17) discharges a firearm in the direction of a person
14 who is in a public roadway, park, public housing, school,
15 building under the control of the State or a unit of local
16 government, church, hospital, nursing home, or any bus,
17 train, or form of transportation paid for in whole or in
18 part with public funds, or any building, real property, or
19 parking area under the control of a public transportation
20 facility paid for in whole or in part with public funds; or

21 (18) discharges a firearm during the commission or
22 attempted commission of vehicular hijacking.

23 (b) A violation of subsection (a) (1) or subsection (a) (2)
24 of this Section is a Class 1 felony. A violation of subsection
25 (a) (1) or (a) (2) of this Section committed in a school, on the
26 real property comprising a school, within 1,000 feet of the

1 real property comprising a school, at a school related
2 activity or on or within 1,000 feet of any conveyance owned,
3 leased, or contracted by a school to transport students to or
4 from school or a school related activity, regardless of the
5 time of day or time of year that the offense was committed is a
6 Class X felony. A violation of subsection (a)(3), (a)(4),
7 (a)(5), (a)(6), (a)(7), (a)(8), ~~or~~ (a)(9), (a)(10), (a)(11),
8 (a)(12), (a)(13), (a)(14), (a)(15), (a)(16), (a)(17), or
9 (a)(18) of this Section is a Class X felony for which the
10 sentence shall be a term of imprisonment of no less than 10
11 years and not more than 45 years.

12 (c) For purposes of this Section:

13 "Emergency medical services personnel" has the meaning
14 specified in Section 3.5 of the Emergency Medical Services
15 (EMS) Systems Act and shall include all ambulance crew
16 members, including drivers or pilots.

17 "School" means a public or private elementary or secondary
18 school, community college, college, or university.

19 "School related activity" means any sporting, social,
20 academic, or other activity for which students' attendance or
21 participation is sponsored, organized, or funded in whole or
22 in part by a school or school district.

23 (Source: P.A. 99-816, eff. 8-15-16.)

24 (720 ILCS 5/24-1.7)

25 Sec. 24-1.7. Armed habitual criminal.

1 (a) A person commits the offense of being an armed
2 habitual criminal if he or she receives, sells, possesses, or
3 transfers any firearm after having been convicted a total of 2
4 or more times of any combination of the following offenses:

5 (1) a forcible felony as defined in Section 2-8 of
6 this Code;

7 (2) unlawful use of a weapon by a felon; aggravated
8 unlawful use of a weapon; aggravated discharge of a
9 firearm; vehicular hijacking; aggravated vehicular
10 hijacking; aggravated battery of a child as described in
11 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
12 intimidation; aggravated intimidation; gunrunning; home
13 invasion; or aggravated battery with a firearm as
14 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
15 (e)(3), or (e)(4) of Section 12-3.05; or

16 (3) any violation of the Illinois Controlled
17 Substances Act or the Cannabis Control Act that is
18 punishable as a Class 3 felony or higher.

19 (b) Sentence. Being an armed habitual criminal is a Class
20 X felony for a first offense for which a term of imprisonment
21 of not less than 10 years and not more than 30 years shall be
22 imposed. A second or subsequent offense is a Class X felony for
23 which a term of natural life imprisonment shall be imposed.

24 (Source: P.A. 96-1551, eff. 7-1-11.)

25 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

1 Sec. 24-3. Unlawful sale or delivery of firearms.

2 (A) A person commits the offense of unlawful sale or
3 delivery of firearms when he or she knowingly does any of the
4 following:

5 (a) Sells or gives any firearm of a size which may be
6 concealed upon the person to any person under 18 years of
7 age.

8 (b) Sells or gives any firearm to a person under 21
9 years of age who has been convicted of a misdemeanor other
10 than a traffic offense or adjudged delinquent.

11 (c) Sells or gives any firearm to any narcotic addict.

12 (d) Sells or gives any firearm to any person who has
13 been convicted of a felony under the laws of this or any
14 other jurisdiction.

15 (e) Sells or gives any firearm to any person who has
16 been a patient in a mental institution within the past 5
17 years. In this subsection (e):

18 "Mental institution" means any hospital,
19 institution, clinic, evaluation facility, mental
20 health center, or part thereof, which is used
21 primarily for the care or treatment of persons with
22 mental illness.

23 "Patient in a mental institution" means the person
24 was admitted, either voluntarily or involuntarily, to
25 a mental institution for mental health treatment,
26 unless the treatment was voluntary and solely for an

1 alcohol abuse disorder and no other secondary
2 substance abuse disorder or mental illness.

3 (f) Sells or gives any firearms to any person who is a
4 person with an intellectual disability.

5 (g) Delivers any firearm, incidental to a sale,
6 without withholding delivery of the firearm for at least
7 72 hours after application for its purchase has been made,
8 or delivers a stun gun or taser, incidental to a sale,
9 without withholding delivery of the stun gun or taser for
10 at least 24 hours after application for its purchase has
11 been made. However, this paragraph (g) does not apply to:

12 (1) the sale of a firearm to a law enforcement officer if
13 the seller of the firearm knows that the person to whom he
14 or she is selling the firearm is a law enforcement officer
15 or the sale of a firearm to a person who desires to
16 purchase a firearm for use in promoting the public
17 interest incident to his or her employment as a bank
18 guard, armed truck guard, or other similar employment; (2)
19 a mail order sale of a firearm from a federally licensed
20 firearms dealer to a nonresident of Illinois under which
21 the firearm is mailed to a federally licensed firearms
22 dealer outside the boundaries of Illinois; (3) (blank);
23 (4) the sale of a firearm to a dealer licensed as a federal
24 firearms dealer under Section 923 of the federal Gun
25 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
26 sale of any rifle, shotgun, or other long gun to a resident

1 registered competitor or attendee or non-resident
2 registered competitor or attendee by any dealer licensed
3 as a federal firearms dealer under Section 923 of the
4 federal Gun Control Act of 1968 at competitive shooting
5 events held at the World Shooting Complex sanctioned by a
6 national governing body. For purposes of transfers or
7 sales under subparagraph (5) of this paragraph (g), the
8 Department of Natural Resources shall give notice to the
9 Department of State Police at least 30 calendar days prior
10 to any competitive shooting events at the World Shooting
11 Complex sanctioned by a national governing body. The
12 notification shall be made on a form prescribed by the
13 Department of State Police. The sanctioning body shall
14 provide a list of all registered competitors and attendees
15 at least 24 hours before the events to the Department of
16 State Police. Any changes to the list of registered
17 competitors and attendees shall be forwarded to the
18 Department of State Police as soon as practicable. The
19 Department of State Police must destroy the list of
20 registered competitors and attendees no later than 30 days
21 after the date of the event. Nothing in this paragraph (g)
22 relieves a federally licensed firearm dealer from the
23 requirements of conducting a NICS background check through
24 the Illinois Point of Contact under 18 U.S.C. 922(t). For
25 purposes of this paragraph (g), "application" means when
26 the buyer and seller reach an agreement to purchase a

1 firearm. For purposes of this paragraph (g), "national
2 governing body" means a group of persons who adopt rules
3 and formulate policy on behalf of a national firearm
4 sporting organization.

5 (h) While holding any license as a dealer, importer,
6 manufacturer or pawnbroker under the federal Gun Control
7 Act of 1968, manufactures, sells or delivers to any
8 unlicensed person a handgun having a barrel, slide, frame
9 or receiver which is a die casting of zinc alloy or any
10 other nonhomogeneous metal which will melt or deform at a
11 temperature of less than 800 degrees Fahrenheit. For
12 purposes of this paragraph, (1) "firearm" is defined as in
13 the Firearm Owners Identification Card Act; and (2)
14 "handgun" is defined as a firearm designed to be held and
15 fired by the use of a single hand, and includes a
16 combination of parts from which such a firearm can be
17 assembled.

18 (i) Sells or gives a firearm of any size to any person
19 under 18 years of age who does not possess a valid Firearm
20 Owner's Identification Card.

21 (j) Sells or gives a firearm while engaged in the
22 business of selling firearms at wholesale or retail
23 without being licensed as a federal firearms dealer under
24 Section 923 of the federal Gun Control Act of 1968 (18
25 U.S.C. 923). In this paragraph (j):

26 A person "engaged in the business" means a person who

1 devotes time, attention, and labor to engaging in the
2 activity as a regular course of trade or business with the
3 principal objective of livelihood and profit, but does not
4 include a person who makes occasional repairs of firearms
5 or who occasionally fits special barrels, stocks, or
6 trigger mechanisms to firearms.

7 "With the principal objective of livelihood and
8 profit" means that the intent underlying the sale or
9 disposition of firearms is predominantly one of obtaining
10 livelihood and pecuniary gain, as opposed to other
11 intents, such as improving or liquidating a personal
12 firearms collection; however, proof of profit shall not be
13 required as to a person who engages in the regular and
14 repetitive purchase and disposition of firearms for
15 criminal purposes or terrorism.

16 (k) Sells or transfers ownership of a firearm to a
17 person who does not display to the seller or transferor of
18 the firearm either: (1) a currently valid Firearm Owner's
19 Identification Card that has previously been issued in the
20 transferee's name by the Department of State Police under
21 the provisions of the Firearm Owners Identification Card
22 Act; or (2) a currently valid license to carry a concealed
23 firearm that has previously been issued in the
24 transferee's name by the Department of State Police under
25 the Firearm Concealed Carry Act. This paragraph (k) does
26 not apply to the transfer of a firearm to a person who is

1 exempt from the requirement of possessing a Firearm
2 Owner's Identification Card under Section 2 of the Firearm
3 Owners Identification Card Act. For the purposes of this
4 Section, a currently valid Firearm Owner's Identification
5 Card means (i) a Firearm Owner's Identification Card that
6 has not expired or (ii) an approval number issued in
7 accordance with subsection (a-10) of subsection 3 or
8 Section 3.1 of the Firearm Owners Identification Card Act
9 shall be proof that the Firearm Owner's Identification
10 Card was valid.

11 (1) In addition to the other requirements of this
12 paragraph (k), all persons who are not federally
13 licensed firearms dealers must also have complied with
14 subsection (a-10) of Section 3 of the Firearm Owners
15 Identification Card Act by determining the validity of
16 a purchaser's Firearm Owner's Identification Card.

17 (2) All sellers or transferors who have complied
18 with the requirements of subparagraph (1) of this
19 paragraph (k) shall not be liable for damages in any
20 civil action arising from the use or misuse by the
21 transferee of the firearm transferred, except for
22 willful or wanton misconduct on the part of the seller
23 or transferor.

24 (1) Not being entitled to the possession of a firearm,
25 delivers the firearm, knowing it to have been stolen or
26 converted. It may be inferred that a person who possesses

1 a firearm with knowledge that its serial number has been
2 removed or altered has knowledge that the firearm is
3 stolen or converted.

4 (B) Paragraph (h) of subsection (A) does not include
5 firearms sold within 6 months after enactment of Public Act
6 78-355 (approved August 21, 1973, effective October 1, 1973),
7 nor is any firearm legally owned or possessed by any citizen or
8 purchased by any citizen within 6 months after the enactment
9 of Public Act 78-355 subject to confiscation or seizure under
10 the provisions of that Public Act. Nothing in Public Act
11 78-355 shall be construed to prohibit the gift or trade of any
12 firearm if that firearm was legally held or acquired within 6
13 months after the enactment of that Public Act.

14 (C) Sentence.

15 (1) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (c), (e), (f), (g),
17 or (h) of subsection (A) commits a Class 4 felony.

18 (2) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (b) or (i) of
20 subsection (A) commits a Class 3 felony.

21 (3) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (a) of subsection
23 (A) commits a Class 2 felony.

24 (4) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a), (b), or (i) of
26 subsection (A) in any school, on the real property

1 comprising a school, within 1,000 feet of the real
2 property comprising a school, at a school related
3 activity, or on or within 1,000 feet of any conveyance
4 owned, leased, or contracted by a school or school
5 district to transport students to or from school or a
6 school related activity, regardless of the time of day or
7 time of year at which the offense was committed, commits a
8 Class 1 felony. Any person convicted of a second or
9 subsequent violation of unlawful sale or delivery of
10 firearms in violation of paragraph (a), (b), or (i) of
11 subsection (A) in any school, on the real property
12 comprising a school, within 1,000 feet of the real
13 property comprising a school, at a school related
14 activity, or on or within 1,000 feet of any conveyance
15 owned, leased, or contracted by a school or school
16 district to transport students to or from school or a
17 school related activity, regardless of the time of day or
18 time of year at which the offense was committed, commits a
19 Class 1 felony for which the sentence shall be a term of
20 imprisonment of no less than 5 years and no more than 15
21 years.

22 (5) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (a) or (i) of
24 subsection (A) in residential property owned, operated, or
25 managed by a public housing agency or leased by a public
26 housing agency as part of a scattered site or mixed-income

1 development, in a public park, in a courthouse, on
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development,
5 on the real property comprising any public park, on the
6 real property comprising any courthouse, or on any public
7 way within 1,000 feet of the real property comprising any
8 public park, courthouse, or residential property owned,
9 operated, or managed by a public housing agency or leased
10 by a public housing agency as part of a scattered site or
11 mixed-income development commits a Class 2 felony.

12 (6) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (j) of subsection
14 (A) commits a Class A misdemeanor. A second or subsequent
15 violation is a Class 4 felony.

16 (7) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (k) of subsection
18 (A) commits a Class 4 felony, except that a violation of
19 subparagraph (1) of paragraph (k) of subsection (A) shall
20 not be punishable as a crime or petty offense. A third or
21 subsequent conviction for a violation of paragraph (k) of
22 subsection (A) is a Class 1 felony.

23 (8) A person 18 years of age or older convicted of
24 unlawful sale or delivery of firearms in violation of
25 paragraph (a) or (i) of subsection (A), when the firearm
26 that was sold or given to another person under 18 years of

1 age was used in the commission of or attempt to commit a
2 forcible felony, shall be fined or imprisoned, or both,
3 not to exceed the maximum provided for the most serious
4 forcible felony so committed or attempted by the person
5 under 18 years of age who was sold or given the firearm.

6 (9) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (d) of subsection
8 (A) commits a Class X felony for which he or she shall be
9 sentenced to a term of imprisonment of not less than 10
10 years and not more than 30 years ~~3 felony~~.

11 (10) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (l) of subsection
13 (A) commits a Class 2 felony if the delivery is of one
14 firearm. Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (l) of subsection
16 (A) commits a Class 1 felony if the delivery is of not less
17 than 2 and not more than 5 firearms at the same time or
18 within a one year period. Any person convicted of unlawful
19 sale or delivery of firearms in violation of paragraph (l)
20 of subsection (A) commits a Class X felony for which he or
21 she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years if the
23 delivery is of not less than 6 and not more than 10
24 firearms at the same time or within a 2 year period. Any
25 person convicted of unlawful sale or delivery of firearms
26 in violation of paragraph (l) of subsection (A) commits a

1 Class X felony for which he or she shall be sentenced to a
2 term of imprisonment of not less than 6 years and not more
3 than 40 years if the delivery is of not less than 11 and
4 not more than 20 firearms at the same time or within a 3
5 year period. Any person convicted of unlawful sale or
6 delivery of firearms in violation of paragraph (l) of
7 subsection (A) commits a Class X felony for which he or she
8 shall be sentenced to a term of imprisonment of not less
9 than 6 years and not more than 50 years if the delivery is
10 of not less than 21 and not more than 30 firearms at the
11 same time or within a 4 year period. Any person convicted
12 of unlawful sale or delivery of firearms in violation of
13 paragraph (l) of subsection (A) commits a Class X felony
14 for which he or she shall be sentenced to a term of
15 imprisonment of not less than 6 years and not more than 60
16 years if the delivery is of 31 or more firearms at the same
17 time or within a 5 year period.

18 (D) For purposes of this Section:

19 "School" means a public or private elementary or secondary
20 school, community college, college, or university.

21 "School related activity" means any sporting, social,
22 academic, or other activity for which students' attendance or
23 participation is sponsored, organized, or funded in whole or
24 in part by a school or school district.

25 (E) A prosecution for a violation of paragraph (k) of
26 subsection (A) of this Section may be commenced within 6 years

1 after the commission of the offense. A prosecution for a
2 violation of this Section other than paragraph (g) of
3 subsection (A) of this Section may be commenced within 5 years
4 after the commission of the offense defined in the particular
5 paragraph.

6 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
7 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

8 (720 ILCS 5/24-3.7)

9 Sec. 24-3.7. Use of a stolen or illegally acquired firearm
10 in the commission of an offense.

11 (a) A person commits ~~the offense of~~ use of a stolen or
12 illegally acquired firearm in the commission of an offense
13 when he or she knowingly uses a stolen or illegally acquired
14 firearm in the commission of any offense and the person knows
15 that the firearm was stolen or illegally acquired.

16 (b) Sentence. Use of a stolen or illegally acquired
17 firearm in the commission of an offense is a Class X felony for
18 a first offense for which a term of imprisonment of not less
19 than 10 years shall be imposed. A second or subsequent offense
20 is a Class X felony for which a term of natural life
21 imprisonment shall be imposed ~~2 felony~~.

22 (c) "Illegally acquired firearm" means a firearm acquired
23 in violation of Section 24-3.

24 (Source: P.A. 96-190, eff. 1-1-10.)

1 Section 115. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 102-7.1 and 110-19 and by adding
3 Section 110-4.5 as follows:

4 (725 ILCS 5/102-7.1)

5 Sec. 102-7.1. "Category A offense". "Category A offense"
6 means a Class 1 felony, Class 2 felony, Class X felony, first
7 degree murder, a violation of Section 11-204 or 11-204.1 of
8 the Illinois Vehicle Code, a second or subsequent violation of
9 Section 11-501 of the Illinois Vehicle Code, a violation of
10 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
11 a violation of Section 11-401 of the Illinois Vehicle Code if
12 the accident results in injury and the person failed to report
13 the accident within 30 minutes, a violation of Section 9-3,
14 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
15 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
16 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
17 24-3, 25-1, 26.5-2, 31-6, 32-10, or 48-1 of the Criminal Code
18 of 2012, a second or subsequent violation of 12-3.2 or 12-3.4
19 of the Criminal Code of 2012, a violation of paragraph (5) or
20 (6) of subsection (b) of Section 10-9 of the Criminal Code of
21 2012, a violation of subsection (b) or (c) or paragraph (1) or
22 (2) of subsection (a) of Section 11-1.50 of the Criminal Code
23 of 2012, a violation of Section 12-7 of the Criminal Code of
24 2012 if the defendant inflicts bodily harm on the victim to
25 obtain a confession, statement, or information, a violation of

1 Section 12-7.5 of the Criminal Code of 2012 if the action
2 results in bodily harm, a violation of paragraph (3) of
3 subsection (b) of Section 17-2 of the Criminal Code of 2012, a
4 violation of subdivision (a)(7)(ii) of Section 24-1 of the
5 Criminal Code of 2012, a violation of paragraph (6) of
6 subsection (a) of Section 24-1 of the Criminal Code of 2012, a
7 first violation of Section 24-1.6 of the Criminal Code of 2012
8 by a person 18 years of age or older where the factors listed
9 in both items (A) and (C) or both items (A-5) and (C) of
10 paragraph (3) of subsection (a) of Section 24-1.6 of the
11 Criminal Code of 2012 are present, a Class 3 felony violation
12 of paragraph (1) of subsection (a) of Section 2 of the Firearm
13 Owners Identification Card Act, or a violation of Section 10
14 of the Sex Offender Registration Act.

15 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

16 (725 ILCS 5/110-4.5 new)

17 Sec. 110-4.5. Denial of bail and pretrial release; firearm
18 offenses. Notwithstanding any other provision of this Code to
19 the contrary, the denial of bail or pretrial release is
20 required if the person is a felon who is charged with a firearm
21 offense.

22 (725 ILCS 5/110-19 new)

23 Sec. 110-19. Bail reform opt out. Notwithstanding any
24 other provision of law to the contrary, a county with a

1 population of less than 3,000,000 does not have to comply with
2 the changes made by Public Act 100-1 and the changes made to
3 Article 110 of this Code by Public Acts 101-652 and 102-28 if
4 the county board adopts a resolution for that purpose on or
5 after the effective date of this amendatory Act of the 102nd
6 General Assembly.

7 Section 120. The Unified Code of Corrections is amended by
8 changing Sections 3-6-3, 5-4.5-110, 5-5-3, and 5-8-4 as
9 follows:

10 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

16 (1.5) As otherwise provided by law, sentence credit may be
17 awarded for the following:

18 (A) successful completion of programming while in
19 custody of the Department or while in custody prior to
20 sentencing;

21 (B) compliance with the rules and regulations of the
22 Department; or

23 (C) service to the institution, service to a
24 community, or service to the State.

1 (2) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide, with respect to offenses listed in clause (i),
4 (ii), or (iii) of this paragraph (2) committed on or after June
5 19, 1998 or with respect to the offense listed in clause (iv)
6 of this paragraph (2) committed on or after June 23, 2005 (the
7 effective date of Public Act 94-71) or with respect to offense
8 listed in clause (vi) committed on or after June 1, 2008 (the
9 effective date of Public Act 95-625) or with respect to the
10 offense of being an armed habitual criminal committed on or
11 after August 2, 2005 (the effective date of Public Act 94-398)
12 or with respect to the offenses listed in clause (v) of this
13 paragraph (2) committed on or after August 13, 2007 (the
14 effective date of Public Act 95-134) or with respect to the
15 offense of aggravated domestic battery committed on or after
16 July 23, 2010 (the effective date of Public Act 96-1224) or
17 with respect to the offense of attempt to commit terrorism
18 committed on or after January 1, 2013 (the effective date of
19 Public Act 97-990) or with respect to the offense of
20 aggravated battery under paragraph (4) of subsection (d) of
21 Section 12-3.05 of the Criminal Code of 2012 in which the
22 victim was a peace officer committed on or after the effective
23 date of this amendatory Act of the 102nd General Assembly or
24 with respect to the offense of bringing contraband into a
25 penal institution as described in subsection (a) of Section
26 31A-1.1 of the Criminal Code of 2012 committed on or after the

1 effective date of this amendatory Act of the 102nd General
2 Assembly, the following:

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

7 (ii) that a prisoner serving a sentence for attempt to
8 commit terrorism, attempt to commit first degree murder,
9 solicitation of murder, solicitation of murder for hire,
10 intentional homicide of an unborn child, predatory
11 criminal sexual assault of a child, aggravated criminal
12 sexual assault, criminal sexual assault, aggravated
13 kidnapping, aggravated battery with a firearm as described
14 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
15 or (e) (4) of Section 12-3.05, heinous battery as described
16 in Section 12-4.1 or subdivision (a) (2) of Section
17 12-3.05, being an armed habitual criminal, aggravated
18 battery of a senior citizen as described in Section 12-4.6
19 or subdivision (a) (4) of Section 12-3.05, or aggravated
20 battery of a child as described in Section 12-4.3 or
21 subdivision (b) (1) of Section 12-3.05 shall receive no
22 more than 4.5 days of sentence credit for each month of his
23 or her sentence of imprisonment;

24 (iii) that a prisoner serving a sentence for home
25 invasion, armed robbery, aggravated vehicular hijacking,
26 aggravated discharge of a firearm, or armed violence with

1 a category I weapon or category II weapon, when the court
2 has made and entered a finding, pursuant to subsection
3 (c-1) of Section 5-4-1 of this Code, that the conduct
4 leading to conviction for the enumerated offense resulted
5 in great bodily harm to a victim, shall receive no more
6 than 4.5 days of sentence credit for each month of his or
7 her sentence of imprisonment;

8 (iv) that a prisoner serving a sentence for aggravated
9 discharge of a firearm, whether or not the conduct leading
10 to conviction for the offense resulted in great bodily
11 harm to the victim, shall receive no more than 4.5 days of
12 sentence credit for each month of his or her sentence of
13 imprisonment;

14 (v) that a person serving a sentence for gunrunning,
15 narcotics racketeering, controlled substance trafficking,
16 methamphetamine trafficking, drug-induced homicide,
17 aggravated methamphetamine-related child endangerment,
18 money laundering pursuant to clause (c) (4) or (5) of
19 Section 29B-1 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, or a Class X felony conviction for delivery
21 of a controlled substance, possession of a controlled
22 substance with intent to manufacture or deliver,
23 calculated criminal drug conspiracy, criminal drug
24 conspiracy, street gang criminal drug conspiracy,
25 participation in methamphetamine manufacturing,
26 aggravated participation in methamphetamine

1 manufacturing, delivery of methamphetamine, possession
2 with intent to deliver methamphetamine, aggravated
3 delivery of methamphetamine, aggravated possession with
4 intent to deliver methamphetamine, methamphetamine
5 conspiracy when the substance containing the controlled
6 substance or methamphetamine is 100 grams or more shall
7 receive no more than 7.5 days sentence credit for each
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a second
10 or subsequent offense of luring a minor shall receive no
11 more than 4.5 days of sentence credit for each month of his
12 or her sentence of imprisonment; ~~and~~

13 (vii) that a prisoner serving a sentence for
14 aggravated domestic battery shall receive no more than 4.5
15 days of sentence credit for each month of his or her
16 sentence of imprisonment; ~~and~~

17 (viii) that a prisoner serving a sentence for
18 aggravated battery under paragraph (4) of subsection (d)
19 of Section 12-3.05 of the Criminal Code of 2012 in which
20 the victim was a peace officer shall receive no more than
21 4.5 days of sentence credit for each month of his or her
22 sentence of imprisonment; and

23 (ix) that a prisoner serving a sentence for bringing
24 contraband into a penal institution as described in
25 subsection (a) of Section 31A-1.1 of the Criminal Code of
26 2012 committed on or after the effective date of this

1 amendatory Act of the 102nd General Assembly shall receive
2 no more than 4.5 days of sentence credit for each month of
3 his or her sentence of imprisonment.

4 (2.1) For all offenses, other than those enumerated in
5 subdivision (a)(2)(i), (ii), or (iii) committed on or after
6 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
7 June 23, 2005 (the effective date of Public Act 94-71) or
8 subdivision (a)(2)(v) committed on or after August 13, 2007
9 (the effective date of Public Act 95-134) or subdivision
10 (a)(2)(vi) committed on or after June 1, 2008 (the effective
11 date of Public Act 95-625) or subdivision (a)(2)(vii)
12 committed on or after July 23, 2010 (the effective date of
13 Public Act 96-1224)or subdivision (a)(2)(viii) committed on or
14 after the effective date of this amendatory Act of the 102nd
15 General Assembly or subdivision (a)(2)(ix) committed on or
16 after the effective date of this amendatory Act of the 102nd
17 General Assembly, and other than the offense of aggravated
18 driving under the influence of alcohol, other drug or drugs,
19 or intoxicating compound or compounds, or any combination
20 thereof as defined in subparagraph (F) of paragraph (1) of
21 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
22 and other than the offense of aggravated driving under the
23 influence of alcohol, other drug or drugs, or intoxicating
24 compound or compounds, or any combination thereof as defined
25 in subparagraph (C) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code committed on or

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

8 (2.2) A prisoner serving a term of natural life
9 imprisonment or a prisoner who has been sentenced to death
10 shall receive no sentence credit.

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

21 (2.4) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide with respect to the offenses of aggravated
24 battery with a machine gun or a firearm equipped with any
25 device or attachment designed or used for silencing the report
26 of a firearm or aggravated discharge of a machine gun or a

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

7 (2.5) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide that a prisoner who is serving a sentence for
10 aggravated arson committed on or after July 27, 2001 (the
11 effective date of Public Act 92-176) shall receive no more
12 than 4.5 days of sentence credit for each month of his or her
13 sentence of imprisonment.

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

25 (3) In addition to the sentence credits earned under
26 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this

1 subsection (a), the rules and regulations shall also provide
2 that the Director may award up to 180 days of earned sentence
3 credit for prisoners serving a sentence of incarceration of
4 less than 5 years, and up to 365 days of earned sentence credit
5 for prisoners serving a sentence of 5 years or longer. The
6 Director may grant this credit for good conduct in specific
7 instances as the Director deems proper. The good conduct may
8 include, but is not limited to, compliance with the rules and
9 regulations of the Department, service to the Department,
10 service to a community, or service to the State.

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

1 Department.

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

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

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

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

15 (C) has met the eligibility criteria established by
16 rule for earned sentence credit.

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

19 (3.5) The Department shall provide annual written reports
20 to the Governor and the General Assembly on the award of earned
21 sentence credit no later than February 1 of each year. The
22 Department must publish both reports on its website within 48
23 hours of transmitting the reports to the Governor and the
24 General Assembly. The reports must include:

25 (A) the number of inmates awarded earned sentence
26 credit;

1 (B) the average amount of earned sentence credit
2 awarded;

3 (C) the holding offenses of inmates awarded earned
4 sentence credit; and

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

6 (4) (A) Except as provided in paragraph (4.7) of this
7 subsection (a), the rules and regulations shall also provide
8 that any prisoner who is engaged full-time in substance abuse
9 programs, correctional industry assignments, educational
10 programs, work-release programs or activities in accordance
11 with Article 13 of Chapter III of this Code, behavior
12 modification programs, life skills courses, or re-entry
13 planning provided by the Department under this paragraph (4)
14 and satisfactorily completes the assigned program as
15 determined by the standards of the Department, shall receive
16 one day of sentence credit for each day in which that prisoner
17 is engaged in the activities described in this paragraph. The
18 rules and regulations shall also provide that sentence credit
19 may be provided to an inmate who was held in pre-trial
20 detention prior to his or her current commitment to the
21 Department of Corrections and successfully completed a
22 full-time, 60-day or longer substance abuse program,
23 educational program, behavior modification program, life
24 skills course, or re-entry planning provided by the county
25 department of corrections or county jail. Calculation of this
26 county program credit shall be done at sentencing as provided

1 in Section 5-4.5-100 of this Code and shall be included in the
2 sentencing order. The rules and regulations shall also provide
3 that sentence credit may be provided to an inmate who is in
4 compliance with programming requirements in an adult
5 transition center.

6 (B) The Department shall award sentence credit under this
7 paragraph (4) accumulated prior to January 1, 2020 (the
8 effective date of Public Act 101-440) in an amount specified
9 in subparagraph (C) of this paragraph (4) to an inmate serving
10 a sentence for an offense committed prior to June 19, 1998, if
11 the Department determines that the inmate is entitled to this
12 sentence credit, based upon:

13 (i) documentation provided by the Department that the
14 inmate engaged in any full-time substance abuse programs,
15 correctional industry assignments, educational programs,
16 behavior modification programs, life skills courses, or
17 re-entry planning provided by the Department under this
18 paragraph (4) and satisfactorily completed the assigned
19 program as determined by the standards of the Department
20 during the inmate's current term of incarceration; or

21 (ii) the inmate's own testimony in the form of an
22 affidavit or documentation, or a third party's
23 documentation or testimony in the form of an affidavit
24 that the inmate likely engaged in any full-time substance
25 abuse programs, correctional industry assignments,
26 educational programs, behavior modification programs, life

1 skills courses, or re-entry planning provided by the
2 Department under paragraph (4) and satisfactorily
3 completed the assigned program as determined by the
4 standards of the Department during the inmate's current
5 term of incarceration.

6 (C) If the inmate can provide documentation that he or she
7 is entitled to sentence credit under subparagraph (B) in
8 excess of 45 days of participation in those programs, the
9 inmate shall receive 90 days of sentence credit. If the inmate
10 cannot provide documentation of more than 45 days of
11 participation in those programs, the inmate shall receive 45
12 days of sentence credit. In the event of a disagreement
13 between the Department and the inmate as to the amount of
14 credit accumulated under subparagraph (B), if the Department
15 provides documented proof of a lesser amount of days of
16 participation in those programs, that proof shall control. If
17 the Department provides no documentary proof, the inmate's
18 proof as set forth in clause (ii) of subparagraph (B) shall
19 control as to the amount of sentence credit provided.

20 (D) If the inmate has been convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act,
22 sentencing credits under subparagraph (B) of this paragraph
23 (4) shall be awarded by the Department only if the conditions
24 set forth in paragraph (4.6) of subsection (a) are satisfied.
25 No inmate serving a term of natural life imprisonment shall
26 receive sentence credit under subparagraph (B) of this

1 paragraph (4).

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

12 Availability of these programs shall be subject to the
13 limits of fiscal resources appropriated by the General
14 Assembly for these purposes. Eligible inmates who are denied
15 immediate admission shall be placed on a waiting list under
16 criteria established by the Department. The rules and
17 regulations shall provide that a prisoner who has been placed
18 on a waiting list but is transferred for non-disciplinary
19 reasons before beginning a program shall receive priority
20 placement on the waitlist for appropriate programs at the new
21 facility. The inability of any inmate to become engaged in any
22 such programs by reason of insufficient program resources or
23 for any other reason established under the rules and
24 regulations of the Department shall not be deemed a cause of
25 action under which the Department or any employee or agent of
26 the Department shall be liable for damages to the inmate. The

1 rules and regulations shall provide that a prisoner who begins
2 an educational, vocational, substance abuse, work-release
3 programs or activities in accordance with Article 13 of
4 Chapter III of this Code, behavior modification program, life
5 skills course, re-entry planning, or correctional industry
6 programs but is unable to complete the program due to illness,
7 disability, transfer, lockdown, or another reason outside of
8 the prisoner's control shall receive prorated sentence credits
9 for the days in which the prisoner did participate.

10 (4.1) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations shall also provide
12 that an additional 90 days of sentence credit shall be awarded
13 to any prisoner who passes high school equivalency testing
14 while the prisoner is committed to the Department of
15 Corrections. The sentence credit awarded under this paragraph
16 (4.1) shall be in addition to, and shall not affect, the award
17 of sentence credit under any other paragraph of this Section,
18 but shall also be pursuant to the guidelines and restrictions
19 set forth in paragraph (4) of subsection (a) of this Section.
20 The sentence credit provided for in this paragraph shall be
21 available only to those prisoners who have not previously
22 earned a high school diploma or a high school equivalency
23 certificate. If, after an award of the high school equivalency
24 testing sentence credit has been made, the Department
25 determines that the prisoner was not eligible, then the award
26 shall be revoked. The Department may also award 90 days of

1 sentence credit to any committed person who passed high school
2 equivalency testing while he or she was held in pre-trial
3 detention prior to the current commitment to the Department of
4 Corrections. Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations shall provide that
6 an additional 120 days of sentence credit shall be awarded to
7 any prisoner who obtains an associate degree while the
8 prisoner is committed to the Department of Corrections,
9 regardless of the date that the associate degree was obtained,
10 including if prior to July 1, 2021 (the effective date of
11 Public Act 101-652). The sentence credit awarded under this
12 paragraph (4.1) shall be in addition to, and shall not affect,
13 the award of sentence credit under any other paragraph of this
14 Section, but shall also be under the guidelines and
15 restrictions set forth in paragraph (4) of subsection (a) of
16 this Section. The sentence credit provided for in this
17 paragraph (4.1) shall be available only to those prisoners who
18 have not previously earned an associate degree prior to the
19 current commitment to the Department of Corrections. If, after
20 an award of the associate degree sentence credit has been made
21 and the Department determines that the prisoner was not
22 eligible, then the award shall be revoked. The Department may
23 also award 120 days of sentence credit to any committed person
24 who earned an associate degree while he or she was held in
25 pre-trial detention prior to the current commitment to the
26 Department of Corrections.

1 Except as provided in paragraph (4.7) of this subsection
2 (a), the rules and regulations shall provide that an
3 additional 180 days of sentence credit shall be awarded to any
4 prisoner who obtains a bachelor's degree while the prisoner is
5 committed to the Department of Corrections. The sentence
6 credit awarded under this paragraph (4.1) shall be in addition
7 to, and shall not affect, the award of sentence credit under
8 any other paragraph of this Section, but shall also be under
9 the guidelines and restrictions set forth in paragraph (4) of
10 this subsection (a). The sentence credit provided for in this
11 paragraph shall be available only to those prisoners who have
12 not earned a bachelor's degree prior to the current commitment
13 to the Department of Corrections. If, after an award of the
14 bachelor's degree sentence credit has been made, the
15 Department determines that the prisoner was not eligible, then
16 the award shall be revoked. The Department may also award 180
17 days of sentence credit to any committed person who earned a
18 bachelor's degree while he or she was held in pre-trial
19 detention prior to the current commitment to the Department of
20 Corrections.

21 Except as provided in paragraph (4.7) of this subsection
22 (a), the rules and regulations shall provide that an
23 additional 180 days of sentence credit shall be awarded to any
24 prisoner who obtains a master's or professional degree while
25 the prisoner is committed to the Department of Corrections.
26 The sentence credit awarded under this paragraph (4.1) shall

1 be in addition to, and shall not affect, the award of sentence
2 credit under any other paragraph of this Section, but shall
3 also be under the guidelines and restrictions set forth in
4 paragraph (4) of this subsection (a). The sentence credit
5 provided for in this paragraph shall be available only to
6 those prisoners who have not previously earned a master's or
7 professional degree prior to the current commitment to the
8 Department of Corrections. If, after an award of the master's
9 or professional degree sentence credit has been made, the
10 Department determines that the prisoner was not eligible, then
11 the award shall be revoked. The Department may also award 180
12 days of sentence credit to any committed person who earned a
13 master's or professional degree while he or she was held in
14 pre-trial detention prior to the current commitment to the
15 Department of Corrections.

16 (4.2) The rules and regulations shall also provide that
17 any prisoner engaged in self-improvement programs, volunteer
18 work, or work assignments that are not otherwise eligible
19 activities under paragraph (4), shall receive up to 0.5 days
20 of sentence credit for each day in which the prisoner is
21 engaged in activities described in this paragraph.

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

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

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

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

6 (4.7) On or after January 1, 2018 (the effective date of
7 Public Act 100-3), sentence credit under paragraph (3), (4),
8 or (4.1) of this subsection (a) may be awarded to a prisoner
9 who is serving a sentence for an offense described in
10 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
11 on or after January 1, 2018 (the effective date of Public Act
12 100-3); provided, the award of the credits under this
13 paragraph (4.7) shall not reduce the sentence of the prisoner
14 to less than the following amounts:

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

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

21 (iii) 100% of his or her sentence if the prisoner is
22 required to serve 100% of his or her sentence.

23 (4.8) On or after the effective date of this amendatory
24 Act of the 102nd General Assembly, sentence credit under
25 paragraph (3), (4), (4.1), (4.2), or (4.7) of this subsection
26 (a) may not be awarded to a prisoner who is serving a sentence

1 for bringing contraband into a penal institution as described
2 in subsection (a) of Section 31A-1.1 of the Criminal Code of
3 2012.

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

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of sentence credit.

3 (c) (1) The Department shall prescribe rules and
4 regulations for revoking sentence credit, including revoking
5 sentence credit awarded under paragraph (3) of subsection (a)
6 of this Section. The Department shall prescribe rules and
7 regulations establishing and requiring the use of a sanctions
8 matrix for revoking sentence credit. The Department shall
9 prescribe rules and regulations for suspending or reducing the
10 rate of accumulation of sentence credit for specific rule
11 violations, during imprisonment. These rules and regulations
12 shall provide that no inmate may be penalized more than one
13 year of sentence credit for any one infraction.

14 (2) When the Department seeks to revoke, suspend, or
15 reduce the rate of accumulation of any sentence credits for an
16 alleged infraction of its rules, it shall bring charges
17 therefor against the prisoner sought to be so deprived of
18 sentence credits before the Prisoner Review Board as provided
19 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days, whether from one
21 infraction or cumulatively from multiple infractions arising
22 out of a single event, or when, during any 12-month period, the
23 cumulative amount of credit revoked exceeds 30 days except
24 where the infraction is committed or discovered within 60 days
25 of scheduled release. In those cases, the Department of
26 Corrections may revoke up to 30 days of sentence credit. The

1 Board may subsequently approve the revocation of additional
2 sentence credit, if the Department seeks to revoke sentence
3 credit in excess of 30 days. However, the Board shall not be
4 empowered to review the Department's decision with respect to
5 the loss of 30 days of sentence credit within any calendar year
6 for any prisoner or to increase any penalty beyond the length
7 requested by the Department.

8 (3) The Director of the Department of Corrections, in
9 appropriate cases, may restore sentence credits which have
10 been revoked, suspended, or reduced. The Department shall
11 prescribe rules and regulations governing the restoration of
12 sentence credits. These rules and regulations shall provide
13 for the automatic restoration of sentence credits following a
14 period in which the prisoner maintains a record without a
15 disciplinary violation.

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

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

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

9 For purposes of this subsection (d):

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

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

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

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

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

1 after a reasonable opportunity for further
2 investigation or discovery; or

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

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

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

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

1 in Section 5-8A-7 of this Code.

2 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
3 102-28, eff. 6-25-21; 102-558, eff. 8-20-21.)

4 (730 ILCS 5/5-4.5-110)

5 (Section scheduled to be repealed on January 1, 2023)

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

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

9 "Firearm" has the meaning ascribed to it in Section
10 1.1 of the Firearm Owners Identification Card Act.

11 "Qualifying predicate offense" means the following
12 offenses under the Criminal Code of 2012:

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

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

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

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

24 (E) aggravated kidnapping with a firearm under
25 paragraph (6) or (7) of subsection (a) of Section 10-2

1 or similar offense under the Criminal Code of 1961;

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

5 (G) aggravated criminal sexual assault under
6 Section 11-1.30 or similar offense under the Criminal
7 Code of 1961;

8 (H) predatory criminal sexual assault of a child
9 under Section 11-1.40 or similar offense under the
10 Criminal Code of 1961;

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

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

15 (K) aggravated vehicular hijacking under Section
16 18-4 or similar offense under the Criminal Code of
17 1961;

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

21 (M) aggravated discharge of a firearm under
22 Section 24-1.2 or similar offense under the Criminal
23 Code of 1961;

24 (N) aggravated discharge of a machine gun or a
25 firearm equipped with a device designed or used for
26 silencing the report of a firearm under Section

1 24-1.2-5 or similar offense under the Criminal Code of
2 1961;

3 (O) unlawful use of firearm projectiles under
4 Section 24-2.1 or similar offense under the Criminal
5 Code of 1961;

6 (P) manufacture, sale, or transfer of bullets or
7 shells represented to be armor piercing bullets,
8 dragon's breath shotgun shells, bolo shells, or
9 flechette shells under Section 24-2.2 or similar
10 offense under the Criminal Code of 1961;

11 (Q) unlawful sale or delivery of firearms under
12 Section 24-3 or similar offense under the Criminal
13 Code of 1961;

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

17 (S) unlawful sale or delivery of firearms on
18 school premises of any school under Section 24-3.3 or
19 similar offense under the Criminal Code of 1961;

20 (T) unlawful purchase of a firearm under Section
21 24-3.5 or similar offense under the Criminal Code of
22 1961;

23 (U) use of a stolen or illegally acquired firearm
24 in the commission of an offense under Section 24-3.7
25 or similar offense under the Criminal Code of 1961;

26 (V) possession of a stolen firearm under Section

1 24-3.8 or similar offense under the Criminal Code of
2 1961;

3 (W) aggravated possession of a stolen firearm
4 under Section 24-3.9 or similar offense under the
5 Criminal Code of 1961;

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

8 (Y) defacing identification marks of firearms
9 under Section 24-5 or similar offense under the
10 Criminal Code of 1961; and

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

13 (b) APPLICABILITY. For an offense committed on or after
14 the effective date of this amendatory Act of the 100th General
15 Assembly and before January 1, 2023, when a person is
16 convicted of unlawful use or possession of a weapon by a felon,
17 when the weapon is a firearm, or aggravated unlawful use of a
18 weapon, when the weapon is a firearm, after being previously
19 convicted of a qualifying predicate offense the person shall
20 be subject to the sentencing guidelines under this Section.

21 (c) SENTENCING GUIDELINES.

22 (1) When a person is convicted of unlawful use or
23 possession of a weapon by a felon, when the weapon is a
24 firearm, and that person has been previously convicted of
25 a qualifying predicate offense, the person shall be
26 sentenced to a term of imprisonment within the sentencing

1 range of not less than 7 years and not more than 14 years,
2 unless the court finds that a departure from the
3 sentencing guidelines under this paragraph is warranted
4 under subsection (d) of this Section.

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

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

19 (d) DEPARTURE FROM SENTENCING GUIDELINES.

20 (1) At the sentencing hearing conducted under Section
21 5-4-1 of this Code, the court may depart from the
22 sentencing guidelines provided in subsection (c) of this
23 Section and impose a sentence otherwise authorized by law
24 for the offense if the court, after considering any factor
25 under paragraph (2) of this subsection (d) relevant to the
26 nature and circumstances of the crime and to the history

1 and character of the defendant, finds on the record
2 substantial and compelling justification that the sentence
3 within the sentencing guidelines would be unduly harsh and
4 that a sentence otherwise authorized by law would be
5 consistent with public safety and does not deprecate the
6 seriousness of the offense.

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

9 (A) the age, immaturity, or limited mental
10 capacity of the defendant at the time of commission of
11 the qualifying predicate or current offense, including
12 whether the defendant was suffering from a mental or
13 physical condition insufficient to constitute a
14 defense but significantly reduced the defendant's
15 culpability;

16 (B) the nature and circumstances of the qualifying
17 predicate offense;

18 (C) the time elapsed since the qualifying
19 predicate offense;

20 (D) the nature and circumstances of the current
21 offense;

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

23 (F) whether the defendant committed the qualifying
24 predicate or current offense under specific and
25 credible duress, coercion, threat, or compulsion;

26 (G) whether the defendant aided in the

1 apprehension of another felon or testified truthfully
2 on behalf of another prosecution of a felony; and

3 (H) whether departure is in the interest of the
4 person's rehabilitation, including employment or
5 educational or vocational training, after taking into
6 account any past rehabilitation efforts or
7 dispositions of probation or supervision, and the
8 defendant's cooperation or response to rehabilitation.

9 (3) When departing from the sentencing guidelines
10 under this Section, the court shall specify on the record,
11 the particular evidence, information, factor or factors,
12 or other reasons which led to the departure from the
13 sentencing guidelines. When departing from the sentencing
14 range in accordance with this subsection (d), the court
15 shall indicate on the sentencing order which departure
16 factor or factors outlined in paragraph (2) of this
17 subsection (d) led to the sentence imposed. The sentencing
18 order shall be filed with the clerk of the court and shall
19 be a public record.

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

21 (Source: P.A. 100-3, eff. 1-1-18.)

22 (730 ILCS 5/5-5-3)

23 Sec. 5-5-3. Disposition.

24 (a) (Blank).

25 (b) (Blank).

1 (c) (1) (Blank).

2 (2) A period of probation, a term of periodic imprisonment
3 or conditional discharge shall not be imposed for the
4 following offenses. The court shall sentence the offender to
5 not less than the minimum term of imprisonment set forth in
6 this Code for the following offenses, and may order a fine or
7 restitution or both in conjunction with such term of
8 imprisonment:

9 (A) First degree murder where the death penalty is not
10 imposed.

11 (B) Attempted first degree murder.

12 (C) A Class X felony.

13 (D) A violation of Section 401.1 or 407 of the
14 Illinois Controlled Substances Act, or a violation of
15 subdivision (c)(1.5) of Section 401 of that Act which
16 relates to more than 5 grams of a substance containing
17 fentanyl or an analog thereof.

18 (D-5) A violation of subdivision (c)(1) of Section 401
19 of the Illinois Controlled Substances Act which relates to
20 3 or more grams of a substance containing heroin or an
21 analog thereof.

22 (E) (Blank).

23 (F) A Class 1 or greater felony if the offender had
24 been convicted of a Class 1 or greater felony, including
25 any state or federal conviction for an offense that
26 contained, at the time it was committed, the same elements

1 as an offense now (the date of the offense committed after
2 the prior Class 1 or greater felony) classified as a Class
3 1 or greater felony, within 10 years of the date on which
4 the offender committed the offense for which he or she is
5 being sentenced, except as otherwise provided in Section
6 40-10 of the Substance Use Disorder Act.

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

18 (F-5) A violation of Section 18-4, 24-1, 24-1.1,
19 24-1.2, ~~or~~ 24-1.6, 24-1.7, 24-1.8, or 24-3.7 or paragraph
20 (d) of subsection (A) of Section 24-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 for which
22 imprisonment is prescribed in those Sections.

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

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as

1 described in Section 12-4.6 or subdivision (a)(4) of
2 Section 12-3.05 of the Criminal Code of 1961 or the
3 Criminal Code of 2012.

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

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

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

16 (K) Vehicular hijacking.

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

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

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

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

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

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

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

11 (S) (Blank).

12 (T) (Blank).

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

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

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

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

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

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

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

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

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

23 (CC) Knowingly selling, offering for sale, holding for
24 sale, or using 2,000 or more counterfeit items or
25 counterfeit items having a retail value in the aggregate
26 of \$500,000 or more.

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

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

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
16 this subsection (c), a minimum of 100 hours of community
17 service shall be imposed for a second violation of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300
20 hours of community service, as determined by the court, shall
21 be imposed for a second violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraphs (4.5), (4.6), and
24 (4.9) of this subsection (c), a minimum term of imprisonment
25 of 30 days or 300 hours of community service, as determined by
26 the court, shall be imposed for a third or subsequent

1 violation of Section 6-303 of the Illinois Vehicle Code. The
2 court may give credit toward the fulfillment of community
3 service hours for participation in activities and treatment as
4 determined by court services.

5 (4.5) A minimum term of imprisonment of 30 days shall be
6 imposed for a third violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this
9 subsection (c), a minimum term of imprisonment of 180 days
10 shall be imposed for a fourth or subsequent violation of
11 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

12 (4.7) A minimum term of imprisonment of not less than 30
13 consecutive days, or 300 hours of community service, shall be
14 imposed for a violation of subsection (a-5) of Section 6-303
15 of the Illinois Vehicle Code, as provided in subsection (b-5)
16 of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for a
18 second violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (c-5) of that
20 Section. The person's driving privileges shall be revoked for
21 a period of not less than 5 years from the date of his or her
22 release from prison.

23 (4.9) A mandatory prison sentence of not less than 4 and
24 not more than 15 years shall be imposed for a third violation
25 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
26 Code, as provided in subsection (d-2.5) of that Section. The

1 person's driving privileges shall be revoked for the remainder
2 of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony
4 shall be imposed, and the person shall be eligible for an
5 extended term sentence, for a fourth or subsequent violation
6 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
7 Code, as provided in subsection (d-3.5) of that Section. The
8 person's driving privileges shall be revoked for the remainder
9 of his or her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

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

23 (5.2) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.3), a person convicted of
25 violating subsection (c) of Section 11-907 of the Illinois
26 Vehicle Code shall have his or her driver's license, permit,

1 or privileges suspended for at least 180 days but not more than
2 2 years, if the violation resulted in injury to another
3 person.

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

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

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

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

1 term of natural life imprisonment.

2 (10) (Blank).

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

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

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

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

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

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

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

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

8 (A) the defendant is willing to undergo a court
9 approved counseling program for a minimum duration of
10 2 years; or

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

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

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

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

19 and

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

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

1 of age at the time the offense was committed and requires
2 counseling as a result of the offense.

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

10 For the purposes of this Section, "family member" and
11 "victim" shall have the meanings ascribed to them in Section
12 11-0.1 of the Criminal Code of 2012.

13 (f) (Blank).

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

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

1 shall be paid by the county and may be taxed as costs against
2 the convicted defendant.

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

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

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

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

24 (j) In cases when prosecution for any violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
26 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
3 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, any violation of the Illinois Controlled
5 Substances Act, any violation of the Cannabis Control Act, or
6 any violation of the Methamphetamine Control and Community
7 Protection Act results in conviction, a disposition of court
8 supervision, or an order of probation granted under Section 10
9 of the Cannabis Control Act, Section 410 of the Illinois
10 Controlled Substances Act, or Section 70 of the
11 Methamphetamine Control and Community Protection Act of a
12 defendant, the court shall determine whether the defendant is
13 employed by a facility or center as defined under the Child
14 Care Act of 1969, a public or private elementary or secondary
15 school, or otherwise works with children under 18 years of age
16 on a daily basis. When a defendant is so employed, the court
17 shall order the Clerk of the Court to send a copy of the
18 judgment of conviction or order of supervision or probation to
19 the defendant's employer by certified mail. If the employer of
20 the defendant is a school, the Clerk of the Court shall direct
21 the mailing of a copy of the judgment of conviction or order of
22 supervision or probation to the appropriate regional
23 superintendent of schools. The regional superintendent of
24 schools shall notify the State Board of Education of any
25 notification under this subsection.

26 (j-5) A defendant at least 17 years of age who is convicted

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

1 defendant who has a high school diploma or has successfully
2 passed high school equivalency testing. This subsection (j-5)
3 does not apply to a defendant who is determined by the court to
4 be a person with a developmental disability or otherwise
5 mentally incapable of completing the educational or vocational
6 program.

7 (k) (Blank).

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

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

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

22 Otherwise, the defendant shall be sentenced as provided in
23 this Chapter V.

24 (B) If the defendant has already been sentenced for a
25 felony or misdemeanor offense, or has been placed on probation
26 under Section 10 of the Cannabis Control Act, Section 410 of

1 the Illinois Controlled Substances Act, or Section 70 of the
2 Methamphetamine Control and Community Protection Act, the
3 court may, upon motion of the State's Attorney to suspend the
4 sentence imposed, commit the defendant to the custody of the
5 Attorney General of the United States or his or her designated
6 agent when:

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

10 (2) the deportation of the defendant would not
11 deprecate the seriousness of the defendant's conduct and
12 would not be inconsistent with the ends of justice.

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

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

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, in which the property damage exceeds
3 \$300 and the property damaged is a school building, shall be
4 ordered to perform community service that may include cleanup,
5 removal, or painting over the defacement.

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

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

20 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
21 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

22 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

23 Sec. 5-8-4. Concurrent and consecutive terms of
24 imprisonment.

25 (a) Concurrent terms; multiple or additional sentences.

1 When an Illinois court (i) imposes multiple sentences of
2 imprisonment on a defendant at the same time or (ii) imposes a
3 sentence of imprisonment on a defendant who is already subject
4 to a sentence of imprisonment imposed by an Illinois court, a
5 court of another state, or a federal court, then the sentences
6 shall run concurrently unless otherwise determined by the
7 Illinois court under this Section.

8 (b) Concurrent terms; misdemeanor and felony. A defendant
9 serving a sentence for a misdemeanor who is convicted of a
10 felony and sentenced to imprisonment shall be transferred to
11 the Department of Corrections, and the misdemeanor sentence
12 shall be merged in and run concurrently with the felony
13 sentence.

14 (c) Consecutive terms; permissive. The court may impose
15 consecutive sentences in any of the following circumstances:

16 (1) If, having regard to the nature and circumstances
17 of the offense and the history and character of the
18 defendant, it is the opinion of the court that consecutive
19 sentences are required to protect the public from further
20 criminal conduct by the defendant, the basis for which the
21 court shall set forth in the record.

22 (2) If one of the offenses for which a defendant was
23 convicted was a violation of Section 32-5.2 (aggravated
24 false personation of a peace officer) of the Criminal Code
25 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
26 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
2 offense was committed in attempting or committing a
3 forcible felony.

4 (d) Consecutive terms; mandatory. The court shall impose
5 consecutive sentences in each of the following circumstances:

6 (1) One of the offenses for which the defendant was
7 convicted was first degree murder or a Class X or Class 1
8 felony and the defendant inflicted severe bodily injury.

9 (2) The defendant was convicted of a violation of
10 Section 11-1.20 or 12-13 (criminal sexual assault),
11 11-1.30 or 12-14 (aggravated criminal sexual assault), or
12 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
13 child) of the Criminal Code of 1961 or the Criminal Code of
14 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
15 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
16 5/12-14.1).

17 (2.5) The defendant was convicted of a violation of
18 paragraph (1), (2), (3), (4), (5), or (7) of subsection
19 (a) of Section 11-20.1 (child pornography) or of paragraph
20 (1), (2), (3), (4), (5), or (7) of subsection (a) of
21 Section 11-20.1B or 11-20.3 (aggravated child pornography)
22 of the Criminal Code of 1961 or the Criminal Code of 2012;
23 or the defendant was convicted of a violation of paragraph
24 (6) of subsection (a) of Section 11-20.1 (child
25 pornography) or of paragraph (6) of subsection (a) of
26 Section 11-20.1B or 11-20.3 (aggravated child pornography)

1 of the Criminal Code of 1961 or the Criminal Code of 2012,
2 when the child depicted is under the age of 13.

3 (3) The defendant was convicted of armed violence
4 based upon the predicate offense of any of the following:
5 solicitation of murder, solicitation of murder for hire,
6 heinous battery as described in Section 12-4.1 or
7 subdivision (a)(2) of Section 12-3.05, aggravated battery
8 of a senior citizen as described in Section 12-4.6 or
9 subdivision (a)(4) of Section 12-3.05, criminal sexual
10 assault, a violation of subsection (g) of Section 5 of the
11 Cannabis Control Act (720 ILCS 550/5), cannabis
12 trafficking, a violation of subsection (a) of Section 401
13 of the Illinois Controlled Substances Act (720 ILCS
14 570/401), controlled substance trafficking involving a
15 Class X felony amount of controlled substance under
16 Section 401 of the Illinois Controlled Substances Act (720
17 ILCS 570/401), a violation of the Methamphetamine Control
18 and Community Protection Act (720 ILCS 646/), calculated
19 criminal drug conspiracy, or streetgang criminal drug
20 conspiracy.

21 (4) The defendant was convicted of the offense of
22 leaving the scene of a motor vehicle accident involving
23 death or personal injuries under Section 11-401 of the
24 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
25 aggravated driving under the influence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof under Section 11-501 of the
2 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
3 homicide under Section 9-3 of the Criminal Code of 1961 or
4 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
5 offense described in item (A) and an offense described in
6 item (B).

7 (5) The defendant was convicted of a violation of
8 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
9 death) or Section 12-20.5 (dismembering a human body) of
10 the Criminal Code of 1961 or the Criminal Code of 2012 (720
11 ILCS 5/9-3.1 or 5/12-20.5).

12 (5.5) The defendant was convicted of a violation of
13 Section 24-3.7 (use of a stolen or illegally acquired
14 firearm in the commission of an offense) of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

16 (6) If the defendant was in the custody of the
17 Department of Corrections at the time of the commission of
18 the offense, the sentence shall be served consecutive to
19 the sentence under which the defendant is held by the
20 Department of Corrections. If, however, the defendant is
21 sentenced to punishment by death, the sentence shall be
22 executed at such time as the court may fix without regard
23 to the sentence under which the defendant may be held by
24 the Department.

25 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
26 for escape or attempted escape shall be served consecutive

1 to the terms under which the offender is held by the
2 Department of Corrections.

3 (8) If a person charged with a felony commits a
4 separate felony while on pretrial release or in pretrial
5 detention in a county jail facility or county detention
6 facility, then the sentences imposed upon conviction of
7 these felonies shall be served consecutively regardless of
8 the order in which the judgments of conviction are
9 entered.

10 (8.5) If a person commits a battery against a county
11 correctional officer or sheriff's employee while serving a
12 sentence or in pretrial detention in a county jail
13 facility, then the sentence imposed upon conviction of the
14 battery shall be served consecutively with the sentence
15 imposed upon conviction of the earlier misdemeanor or
16 felony, regardless of the order in which the judgments of
17 conviction are entered.

18 (9) If a person admitted to bail following conviction
19 of a felony commits a separate felony while free on bond or
20 if a person detained in a county jail facility or county
21 detention facility following conviction of a felony
22 commits a separate felony while in detention, then any
23 sentence following conviction of the separate felony shall
24 be consecutive to that of the original sentence for which
25 the defendant was on bond or detained.

26 (10) If a person is found to be in possession of an

1 item of contraband, as defined in Section 31A-0.1 of the
2 Criminal Code of 2012, while serving a sentence in a
3 county jail or while in pre-trial detention in a county
4 jail, the sentence imposed upon conviction for the offense
5 of possessing contraband in a penal institution shall be
6 served consecutively to the sentence imposed for the
7 offense in which the person is serving sentence in the
8 county jail or serving pretrial detention, regardless of
9 the order in which the judgments of conviction are
10 entered.

11 (11) If a person is sentenced for a violation of bail
12 bond under Section 32-10 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, any sentence imposed for that
14 violation shall be served consecutive to the sentence
15 imposed for the charge for which bail had been granted and
16 with respect to which the defendant has been convicted.

17 (e) Consecutive terms; subsequent non-Illinois term. If an
18 Illinois court has imposed a sentence of imprisonment on a
19 defendant and the defendant is subsequently sentenced to a
20 term of imprisonment by a court of another state or a federal
21 court, then the Illinois sentence shall run consecutively to
22 the sentence imposed by the court of the other state or the
23 federal court. That same Illinois court, however, may order
24 that the Illinois sentence run concurrently with the sentence
25 imposed by the court of the other state or the federal court,
26 but only if the defendant applies to that same Illinois court

1 within 30 days after the sentence imposed by the court of the
2 other state or the federal court is finalized.

3 (f) Consecutive terms; aggregate maximums and minimums.
4 The aggregate maximum and aggregate minimum of consecutive
5 sentences shall be determined as follows:

6 (1) For sentences imposed under law in effect prior to
7 February 1, 1978, the aggregate maximum of consecutive
8 sentences shall not exceed the maximum term authorized
9 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
10 Chapter V for the 2 most serious felonies involved. The
11 aggregate minimum period of consecutive sentences shall
12 not exceed the highest minimum term authorized under
13 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
14 V for the 2 most serious felonies involved. When sentenced
15 only for misdemeanors, a defendant shall not be
16 consecutively sentenced to more than the maximum for one
17 Class A misdemeanor.

18 (2) For sentences imposed under the law in effect on
19 or after February 1, 1978, the aggregate of consecutive
20 sentences for offenses that were committed as part of a
21 single course of conduct during which there was no
22 substantial change in the nature of the criminal objective
23 shall not exceed the sum of the maximum terms authorized
24 under Article 4.5 of Chapter V for the 2 most serious
25 felonies involved, but no such limitation shall apply for
26 offenses that were not committed as part of a single

1 course of conduct during which there was no substantial
2 change in the nature of the criminal objective. When
3 sentenced only for misdemeanors, a defendant shall not be
4 consecutively sentenced to more than the maximum for one
5 Class A misdemeanor.

6 (g) Consecutive terms; manner served. In determining the
7 manner in which consecutive sentences of imprisonment, one or
8 more of which is for a felony, will be served, the Department
9 of Corrections shall treat the defendant as though he or she
10 had been committed for a single term subject to each of the
11 following:

12 (1) The maximum period of a term of imprisonment shall
13 consist of the aggregate of the maximums of the imposed
14 indeterminate terms, if any, plus the aggregate of the
15 imposed determinate sentences for felonies, plus the
16 aggregate of the imposed determinate sentences for
17 misdemeanors, subject to subsection (f) of this Section.

18 (2) The parole or mandatory supervised release term
19 shall be as provided in paragraph (e) of Section 5-4.5-50
20 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
21 involved.

22 (3) The minimum period of imprisonment shall be the
23 aggregate of the minimum and determinate periods of
24 imprisonment imposed by the court, subject to subsection
25 (f) of this Section.

26 (4) The defendant shall be awarded credit against the

1 aggregate maximum term and the aggregate minimum term of
2 imprisonment for all time served in an institution since
3 the commission of the offense or offenses and as a
4 consequence thereof at the rate specified in Section 3-6-3
5 (730 ILCS 5/3-6-3).

6 (h) Notwithstanding any other provisions of this Section,
7 all sentences imposed by an Illinois court under this Code
8 shall run concurrent to any and all sentences imposed under
9 the Juvenile Court Act of 1987.

10 (Source: P.A. 102-350, eff. 8-13-21.)

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

18 Section 999. Effective date. This Section and Sections 95
19 and 100 take effect upon becoming law.

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705 ILCS 405/5-130

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