

1 AN ACT concerning criminal law.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the
8 Department and no person may be employed by a licensed child
9 care facility who refuses to authorize an investigation as
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section,
12 no applicant may receive a license from the Department and no
13 person may be employed by a child care facility licensed by the
14 Department who has been declared a sexually dangerous person
15 under the Sexually Dangerous Persons Act, or convicted of
16 committing or attempting to commit any of the following
17 offenses stipulated under the Criminal Code of 1961 or the
18 Criminal Code of 2012:

19 (1) murder;

20 (1.1) solicitation of murder;

21 (1.2) solicitation of murder for hire;

22 (1.3) intentional homicide of an unborn child;

23 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) harboring a runaway;
- 14 (3.4) aiding and abetting child abduction;
- 15 (4) aggravated kidnapping;
- 16 (5) child abduction;
- 17 (6) aggravated battery of a child as described in
- 18 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 19 (7) criminal sexual assault;
- 20 (8) aggravated criminal sexual assault;
- 21 (8.1) predatory criminal sexual assault of a child;
- 22 (9) criminal sexual abuse;
- 23 (10) aggravated sexual abuse;
- 24 (11) heinous battery as described in Section 12-4.1 or
- 25 subdivision (a) (2) of Section 12-3.05;
- 26 (12) aggravated battery with a firearm as described in

1 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
2 (e) (4) of Section 12-3.05;

3 (13) tampering with food, drugs, or cosmetics;

4 (14) drug induced infliction of great bodily harm as
5 described in Section 12-4.7 or subdivision (g) (1) of
6 Section 12-3.05;

7 (15) hate crime;

8 (16) stalking;

9 (17) aggravated stalking;

10 (18) threatening public officials;

11 (19) home invasion;

12 (20) vehicular invasion;

13 (21) criminal transmission of HIV;

14 (22) criminal abuse or neglect of an elderly person or
15 person with a disability as described in Section 12-21 or
16 subsection (e) of Section 12-4.4a;

17 (23) child abandonment;

18 (24) endangering the life or health of a child;

19 (25) ritual mutilation;

20 (26) ritualized abuse of a child;

21 (27) an offense in any other jurisdiction the elements
22 of which are similar and bear a substantial relationship
23 to any of the foregoing offenses.

24 (b-1) In addition to the other provisions of this Section,
25 beginning January 1, 2004, no new applicant and, on the date of
26 licensure renewal, no current licensee may operate or receive

1 a license from the Department to operate, no person may be
2 employed by, and no adult person may reside in a child care
3 facility licensed by the Department who has been convicted of
4 committing or attempting to commit any of the following
5 offenses or an offense in any other jurisdiction the elements
6 of which are similar and bear a substantial relationship to
7 any of the following offenses:

8 (I) BODILY HARM

- 9 (1) Felony aggravated assault.
10 (2) Vehicular endangerment.
11 (3) Felony domestic battery.
12 (4) Aggravated battery.
13 (5) Heinous battery.
14 (6) Aggravated battery with a firearm.
15 (7) Aggravated battery of an unborn child.
16 (8) Aggravated battery of a senior citizen.
17 (9) Intimidation.
18 (10) Compelling organization membership of persons.
19 (11) Abuse and criminal neglect of a long term care
20 facility resident.
21 (12) Felony violation of an order of protection.

22 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 1 (1) Felony unlawful possession ~~use~~ of weapons.
- 2 (2) Aggravated discharge of a firearm.
- 3 (3) Reckless discharge of a firearm.
- 4 (4) Unlawful use of metal piercing bullets.
- 5 (5) Unlawful sale or delivery of firearms on the
- 6 premises of any school.
- 7 (6) Disarming a police officer.
- 8 (7) Obstructing justice.
- 9 (8) Concealing or aiding a fugitive.
- 10 (9) Armed violence.
- 11 (10) Felony contributing to the criminal delinquency
- 12 of a juvenile.

13 (III) DRUG OFFENSES

- 14 (1) Possession of more than 30 grams of cannabis.
- 15 (2) Manufacture of more than 10 grams of cannabis.
- 16 (3) Cannabis trafficking.
- 17 (4) Delivery of cannabis on school grounds.
- 18 (5) Unauthorized production of more than 5 cannabis
- 19 sativa plants.
- 20 (6) Calculated criminal cannabis conspiracy.
- 21 (7) Unauthorized manufacture or delivery of controlled
- 22 substances.
- 23 (8) Controlled substance trafficking.
- 24 (9) Manufacture, distribution, or advertisement of

1 look-alike substances.

2 (10) Calculated criminal drug conspiracy.

3 (11) Street gang criminal drug conspiracy.

4 (12) Permitting unlawful use of a building.

5 (13) Delivery of controlled, counterfeit, or
6 look-alike substances to persons under age 18, or at truck
7 stops, rest stops, or safety rest areas, or on school
8 property.

9 (14) Using, engaging, or employing persons under 18 to
10 deliver controlled, counterfeit, or look-alike substances.

11 (15) Delivery of controlled substances.

12 (16) Sale or delivery of drug paraphernalia.

13 (17) Felony possession, sale, or exchange of
14 instruments adapted for use of a controlled substance,
15 methamphetamine, or cannabis by subcutaneous injection.

16 (18) Felony possession of a controlled substance.

17 (19) Any violation of the Methamphetamine Control and
18 Community Protection Act.

19 (b-1.5) In addition to any other provision of this
20 Section, for applicants with access to confidential financial
21 information or who submit documentation to support billing,
22 the Department may, in its discretion, deny or refuse to renew
23 a license to an applicant who has been convicted of committing
24 or attempting to commit any of the following felony offenses:

25 (1) financial institution fraud under Section 17-10.6
26 of the Criminal Code of 1961 or the Criminal Code of 2012;

1 (2) identity theft under Section 16-30 of the Criminal
2 Code of 1961 or the Criminal Code of 2012;

3 (3) financial exploitation of an elderly person or a
4 person with a disability under Section 17-56 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (4) computer tampering under Section 17-51 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (5) aggravated computer tampering under Section 17-52
9 of the Criminal Code of 1961 or the Criminal Code of 2012;

10 (6) computer fraud under Section 17-50 of the Criminal
11 Code of 1961 or the Criminal Code of 2012;

12 (7) deceptive practices under Section 17-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012;

14 (8) forgery under Section 17-3 of the Criminal Code of
15 1961 or the Criminal Code of 2012;

16 (9) State benefits fraud under Section 17-6 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (10) mail fraud and wire fraud under Section 17-24 of
19 the Criminal Code of 1961 or the Criminal Code of 2012;

20 (11) theft under paragraphs (1.1) through (11) of
21 subsection (b) of Section 16-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012.

23 (b-2) Notwithstanding subsection (b-1), the Department may
24 make an exception and, for child care facilities other than
25 foster family homes, issue a new child care facility license
26 to or renew the existing child care facility license of an

1 applicant, a person employed by a child care facility, or an
2 applicant who has an adult residing in a home child care
3 facility who was convicted of an offense described in
4 subsection (b-1), provided that all of the following
5 requirements are met:

6 (1) The relevant criminal offense occurred more than 5
7 years prior to the date of application or renewal, except
8 for drug offenses. The relevant drug offense must have
9 occurred more than 10 years prior to the date of
10 application or renewal, unless the applicant passed a drug
11 test, arranged and paid for by the child care facility, no
12 less than 5 years after the offense.

13 (2) The Department must conduct a background check and
14 assess all convictions and recommendations of the child
15 care facility to determine if hiring or licensing the
16 applicant is in accordance with Department administrative
17 rules and procedures.

18 (3) The applicant meets all other requirements and
19 qualifications to be licensed as the pertinent type of
20 child care facility under this Act and the Department's
21 administrative rules.

22 (c) In addition to the other provisions of this Section,
23 no applicant may receive a license from the Department to
24 operate a foster family home, and no adult person may reside in
25 a foster family home licensed by the Department, who has been
26 convicted of committing or attempting to commit any of the

1 following offenses stipulated under the Criminal Code of 1961,
2 the Criminal Code of 2012, the Cannabis Control Act, the
3 Methamphetamine Control and Community Protection Act, and the
4 Illinois Controlled Substances Act:

5 (I) OFFENSES DIRECTED AGAINST THE PERSON

6 (A) KIDNAPPING AND RELATED OFFENSES

7 (1) Unlawful restraint.

8 (B) BODILY HARM

9 (2) Felony aggravated assault.

10 (3) Vehicular endangerment.

11 (4) Felony domestic battery.

12 (5) Aggravated battery.

13 (6) Heinous battery.

14 (7) Aggravated battery with a firearm.

15 (8) Aggravated battery of an unborn child.

16 (9) Aggravated battery of a senior citizen.

17 (10) Intimidation.

18 (11) Compelling organization membership of persons.

19 (12) Abuse and criminal neglect of a long term care
20 facility resident.

21 (13) Felony violation of an order of protection.

22 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 1 (14) Felony theft.
- 2 (15) Robbery.
- 3 (16) Armed robbery.
- 4 (17) Aggravated robbery.
- 5 (18) Vehicular hijacking.
- 6 (19) Aggravated vehicular hijacking.
- 7 (20) Burglary.
- 8 (21) Possession of burglary tools.
- 9 (22) Residential burglary.
- 10 (23) Criminal fortification of a residence or
11 building.
- 12 (24) Arson.
- 13 (25) Aggravated arson.
- 14 (26) Possession of explosive or explosive incendiary
15 devices.

16 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 17 (27) Felony unlawful possession ~~use~~ of weapons.
- 18 (28) Aggravated discharge of a firearm.
- 19 (29) Reckless discharge of a firearm.
- 20 (30) Unlawful use of metal piercing bullets.
- 21 (31) Unlawful sale or delivery of firearms on the
22 premises of any school.
- 23 (32) Disarming a police officer.

- 1 (33) Obstructing justice.
- 2 (34) Concealing or aiding a fugitive.
- 3 (35) Armed violence.
- 4 (36) Felony contributing to the criminal delinquency
- 5 of a juvenile.

6 (IV) DRUG OFFENSES

- 7 (37) Possession of more than 30 grams of cannabis.
- 8 (38) Manufacture of more than 10 grams of cannabis.
- 9 (39) Cannabis trafficking.
- 10 (40) Delivery of cannabis on school grounds.
- 11 (41) Unauthorized production of more than 5 cannabis
- 12 sativa plants.
- 13 (42) Calculated criminal cannabis conspiracy.
- 14 (43) Unauthorized manufacture or delivery of
- 15 controlled substances.
- 16 (44) Controlled substance trafficking.
- 17 (45) Manufacture, distribution, or advertisement of
- 18 look-alike substances.
- 19 (46) Calculated criminal drug conspiracy.
- 20 (46.5) Streetgang criminal drug conspiracy.
- 21 (47) Permitting unlawful use of a building.
- 22 (48) Delivery of controlled, counterfeit, or
- 23 look-alike substances to persons under age 18, or at truck
- 24 stops, rest stops, or safety rest areas, or on school

1 property.

2 (49) Using, engaging, or employing persons under 18 to
3 deliver controlled, counterfeit, or look-alike substances.

4 (50) Delivery of controlled substances.

5 (51) Sale or delivery of drug paraphernalia.

6 (52) Felony possession, sale, or exchange of
7 instruments adapted for use of a controlled substance,
8 methamphetamine, or cannabis by subcutaneous injection.

9 (53) Any violation of the Methamphetamine Control and
10 Community Protection Act.

11 (d) Notwithstanding subsection (c), the Department may
12 make an exception and issue a new foster family home license or
13 may renew an existing foster family home license of an
14 applicant who was convicted of an offense described in
15 subsection (c), provided all of the following requirements are
16 met:

17 (1) The relevant criminal offense or offenses occurred
18 more than 10 years prior to the date of application or
19 renewal.

20 (2) The applicant had previously disclosed the
21 conviction or convictions to the Department for purposes
22 of a background check.

23 (3) After the disclosure, the Department either placed
24 a child in the home or the foster family home license was
25 issued.

26 (4) During the background check, the Department had

1 assessed and waived the conviction in compliance with the
2 existing statutes and rules in effect at the time of the
3 hire or licensure.

4 (5) The applicant meets all other requirements and
5 qualifications to be licensed as a foster family home
6 under this Act and the Department's administrative rules.

7 (6) The applicant has a history of providing a safe,
8 stable home environment and appears able to continue to
9 provide a safe, stable home environment.

10 (e) In evaluating the exception pursuant to subsections
11 (b-2) and (d), the Department must carefully review any
12 relevant documents to determine whether the applicant, despite
13 the disqualifying convictions, poses a substantial risk to
14 State resources or clients. In making such a determination,
15 the following guidelines shall be used:

16 (1) the age of the applicant when the offense was
17 committed;

18 (2) the circumstances surrounding the offense;

19 (3) the length of time since the conviction;

20 (4) the specific duties and responsibilities
21 necessarily related to the license being applied for and
22 the bearing, if any, that the applicant's conviction
23 history may have on the applicant's fitness to perform
24 these duties and responsibilities;

25 (5) the applicant's employment references;

26 (6) the applicant's character references and any

1 certificates of achievement;

2 (7) an academic transcript showing educational
3 attainment since the disqualifying conviction;

4 (8) a Certificate of Relief from Disabilities or
5 Certificate of Good Conduct; and

6 (9) anything else that speaks to the applicant's
7 character.

8 (Source: P.A. 103-22, eff. 8-8-23.)

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Section 6-206 as follows:

11 (625 ILCS 5/6-206)

12 Sec. 6-206. Discretionary authority to suspend or revoke
13 license or permit; right to a hearing.

14 (a) The Secretary of State is authorized to suspend or
15 revoke the driving privileges of any person without
16 preliminary hearing upon a showing of the person's records or
17 other sufficient evidence that the person:

18 1. Has committed an offense for which mandatory
19 revocation of a driver's license or permit is required
20 upon conviction;

21 2. Has been convicted of not less than 3 offenses
22 against traffic regulations governing the movement of
23 vehicles committed within any 12-month period. No
24 revocation or suspension shall be entered more than 6

1 months after the date of last conviction;

2 3. Has been repeatedly involved as a driver in motor
3 vehicle collisions or has been repeatedly convicted of
4 offenses against laws and ordinances regulating the
5 movement of traffic, to a degree that indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 4. Has by the unlawful operation of a motor vehicle
11 caused or contributed to a crash resulting in injury
12 requiring immediate professional treatment in a medical
13 facility or doctor's office to any person, except that any
14 suspension or revocation imposed by the Secretary of State
15 under the provisions of this subsection shall start no
16 later than 6 months after being convicted of violating a
17 law or ordinance regulating the movement of traffic, which
18 violation is related to the crash, or shall start not more
19 than one year after the date of the crash, whichever date
20 occurs later;

21 5. Has permitted an unlawful or fraudulent use of a
22 driver's license, identification card, or permit;

23 6. Has been lawfully convicted of an offense or
24 offenses in another state, including the authorization
25 contained in Section 6-203.1, which if committed within
26 this State would be grounds for suspension or revocation;

1 7. Has refused or failed to submit to an examination
2 provided for by Section 6-207 or has failed to pass the
3 examination;

4 8. Is ineligible for a driver's license or permit
5 under the provisions of Section 6-103;

6 9. Has made a false statement or knowingly concealed a
7 material fact or has used false information or
8 identification in any application for a license,
9 identification card, or permit;

10 10. Has possessed, displayed, or attempted to
11 fraudulently use any license, identification card, or
12 permit not issued to the person;

13 11. Has operated a motor vehicle upon a highway of
14 this State when the person's driving privilege or
15 privilege to obtain a driver's license or permit was
16 revoked or suspended unless the operation was authorized
17 by a monitoring device driving permit, judicial driving
18 permit issued prior to January 1, 2009, probationary
19 license to drive, or restricted driving permit issued
20 under this Code;

21 12. Has submitted to any portion of the application
22 process for another person or has obtained the services of
23 another person to submit to any portion of the application
24 process for the purpose of obtaining a license,
25 identification card, or permit for some other person;

26 13. Has operated a motor vehicle upon a highway of

1 this State when the person's driver's license or permit
2 was invalid under the provisions of Sections 6-107.1 and
3 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
6 14B of the Illinois Identification Card Act or a similar
7 offense in another state if, at the time of the offense,
8 the person held an Illinois driver's license or
9 identification card;

10 15. Has been convicted of violating Section 21-2 of
11 the Criminal Code of 1961 or the Criminal Code of 2012
12 relating to criminal trespass to vehicles if the person
13 exercised actual physical control over the vehicle during
14 the commission of the offense, in which case the
15 suspension shall be for one year;

16 16. Has been convicted of violating Section 11-204 of
17 this Code relating to fleeing from a peace officer;

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the
20 person has not sought a hearing as provided for in Section
21 11-501.1;

22 18. (Blank);

23 19. Has committed a violation of paragraph (a) or (b)
24 of Section 6-101 relating to driving without a driver's
25 license;

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

2 21. Has been convicted of violating Section 11-402 of
3 this Code relating to leaving the scene of a crash
4 resulting in damage to a vehicle in excess of \$1,000, in
5 which case the suspension shall be for one year;

6 22. Has used a motor vehicle in violating paragraph
7 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
8 the Criminal Code of 1961 or the Criminal Code of 2012
9 relating to unlawful possession ~~use~~ of weapons, in which
10 case the suspension shall be for one year;

11 23. Has, as a driver, been convicted of committing a
12 violation of paragraph (a) of Section 11-502 of this Code
13 for a second or subsequent time within one year of a
14 similar violation;

15 24. Has been convicted by a court-martial or punished
16 by non-judicial punishment by military authorities of the
17 United States at a military installation in Illinois or in
18 another state of or for a traffic-related offense that is
19 the same as or similar to an offense specified under
20 Section 6-205 or 6-206 of this Code;

21 25. Has permitted any form of identification to be
22 used by another in the application process in order to
23 obtain or attempt to obtain a license, identification
24 card, or permit;

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. (Blank);

3 28. Has been convicted for a first time of the illegal
4 possession, while operating or in actual physical control,
5 as a driver, of a motor vehicle, of any controlled
6 substance prohibited under the Illinois Controlled
7 Substances Act, any cannabis prohibited under the Cannabis
8 Control Act, or any methamphetamine prohibited under the
9 Methamphetamine Control and Community Protection Act, in
10 which case the person's driving privileges shall be
11 suspended for one year. Any defendant found guilty of this
12 offense while operating a motor vehicle shall have an
13 entry made in the court record by the presiding judge that
14 this offense did occur while the defendant was operating a
15 motor vehicle and order the clerk of the court to report
16 the violation to the Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle:
20 criminal sexual assault, predatory criminal sexual assault
21 of a child, aggravated criminal sexual assault, criminal
22 sexual abuse, aggravated criminal sexual abuse, juvenile
23 pimping, soliciting for a juvenile prostitute, promoting
24 juvenile prostitution as described in subdivision (a)(1),
25 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
26 of 1961 or the Criminal Code of 2012, and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

5 30. Has been convicted a second or subsequent time for
6 any combination of the offenses named in paragraph 29 of
7 this subsection, in which case the person's driving
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 of this Code or Section 5-16c of the Boat
11 Registration and Safety Act or has submitted to a test
12 resulting in an alcohol concentration of 0.08 or more or
13 any amount of a drug, substance, or compound resulting
14 from the unlawful use or consumption of cannabis as listed
15 in the Cannabis Control Act, a controlled substance as
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound as listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, in
20 which case the penalty shall be as prescribed in Section
21 6-208.1;

22 32. Has been convicted of Section 24-1.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 relating to the aggravated discharge of a firearm if the
25 offender was located in a motor vehicle at the time the
26 firearm was discharged, in which case the suspension shall

1 be for 3 years;

2 33. Has as a driver, who was less than 21 years of age
3 on the date of the offense, been convicted a first time of
4 a violation of paragraph (a) of Section 11-502 of this
5 Code or a similar provision of a local ordinance;

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code or a similar provision of a local ordinance;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code or a similar provision of a local ordinance;

10 36. Is under the age of 21 years at the time of arrest
11 and has been convicted of not less than 2 offenses against
12 traffic regulations governing the movement of vehicles
13 committed within any 24-month period. No revocation or
14 suspension shall be entered more than 6 months after the
15 date of last conviction;

16 37. Has committed a violation of subsection (c) of
17 Section 11-907 of this Code that resulted in damage to the
18 property of another or the death or injury of another;

19 38. Has been convicted of a violation of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance and the person was an occupant of a motor
22 vehicle at the time of the violation;

23 39. Has committed a second or subsequent violation of
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of
26 Section 11-908 of this Code;

1 41. Has committed a second or subsequent violation of
2 Section 11-605.1 of this Code, a similar provision of a
3 local ordinance, or a similar violation in any other state
4 within 2 years of the date of the previous violation, in
5 which case the suspension shall be for 90 days;

6 42. Has committed a violation of subsection (a-1) of
7 Section 11-1301.3 of this Code or a similar provision of a
8 local ordinance;

9 43. Has received a disposition of court supervision
10 for a violation of subsection (a), (d), or (e) of Section
11 6-20 of the Liquor Control Act of 1934 or a similar
12 provision of a local ordinance and the person was an
13 occupant of a motor vehicle at the time of the violation,
14 in which case the suspension shall be for a period of 3
15 months;

16 44. Is under the age of 21 years at the time of arrest
17 and has been convicted of an offense against traffic
18 regulations governing the movement of vehicles after
19 having previously had his or her driving privileges
20 suspended or revoked pursuant to subparagraph 36 of this
21 Section;

22 45. Has, in connection with or during the course of a
23 formal hearing conducted under Section 2-118 of this Code:
24 (i) committed perjury; (ii) submitted fraudulent or
25 falsified documents; (iii) submitted documents that have
26 been materially altered; or (iv) submitted, as his or her

1 own, documents that were in fact prepared or composed for
2 another person;

3 46. Has committed a violation of subsection (j) of
4 Section 3-413 of this Code;

5 47. Has committed a violation of subsection (a) of
6 Section 11-502.1 of this Code;

7 48. Has submitted a falsified or altered medical
8 examiner's certificate to the Secretary of State or
9 provided false information to obtain a medical examiner's
10 certificate;

11 49. Has been convicted of a violation of Section
12 11-1002 or 11-1002.5 that resulted in a Type A injury to
13 another, in which case the driving privileges of the
14 person shall be suspended for 12 months;

15 50. Has committed a violation of subsection (b-5) of
16 Section 12-610.2 that resulted in great bodily harm,
17 permanent disability, or disfigurement, in which case the
18 driving privileges of the person shall be suspended for 12
19 months;

20 51. Has committed a violation of Section 10-15 Of the
21 Cannabis Regulation and Tax Act or a similar provision of
22 a local ordinance while in a motor vehicle; or

23 52. Has committed a violation of subsection (b) of
24 Section 10-20 of the Cannabis Regulation and Tax Act or a
25 similar provision of a local ordinance.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license
3 is deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license, or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be,
11 provided that a certified copy of a stay order of a court is
12 filed with the Secretary of State. If the conviction is
13 affirmed on appeal, the date of the conviction shall relate
14 back to the time the original judgment of conviction was
15 entered and the 6-month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or
17 permit of any person as authorized in this Section, the
18 Secretary of State shall immediately notify the person in
19 writing of the revocation or suspension. The notice to be
20 deposited in the United States mail, postage prepaid, to the
21 last known address of the person.

22 2. If the Secretary of State suspends the driver's license
23 of a person under subsection 2 of paragraph (a) of this
24 Section, a person's privilege to operate a vehicle as an
25 occupation shall not be suspended, provided an affidavit is
26 properly completed, the appropriate fee received, and a permit

1 issued prior to the effective date of the suspension, unless 5
2 offenses were committed, at least 2 of which occurred while
3 operating a commercial vehicle in connection with the driver's
4 regular occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must submit
7 the affidavit on forms to be provided by the Secretary of State
8 setting forth the facts of the person's occupation. The
9 affidavit shall also state the number of offenses committed
10 while operating a vehicle in connection with the driver's
11 regular occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as set
18 forth in the notice that was mailed under this Section. If an
19 affidavit is received subsequent to the effective date of this
20 suspension, a permit may be issued for the remainder of the
21 suspension period.

22 The provisions of this subparagraph shall not apply to any
23 driver required to possess a CDL for the purpose of operating a
24 commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section 6-302

1 and upon conviction thereof shall have all driving privileges
2 revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118 of
4 this Code, the Secretary of State shall either rescind or
5 continue an order of revocation or shall substitute an order
6 of suspension; or, good cause appearing therefor, rescind,
7 continue, change, or extend the order of suspension. If the
8 Secretary of State does not rescind the order, the Secretary
9 may upon application, to relieve undue hardship (as defined by
10 the rules of the Secretary of State), issue a restricted
11 driving permit granting the privilege of driving a motor
12 vehicle between the petitioner's residence and petitioner's
13 place of employment or within the scope of the petitioner's
14 employment-related duties, or to allow the petitioner to
15 transport himself or herself, or a family member of the
16 petitioner's household to a medical facility, to receive
17 necessary medical care, to allow the petitioner to transport
18 himself or herself to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or to allow the petitioner to transport himself or
21 herself or a family member of the petitioner's household to
22 classes, as a student, at an accredited educational
23 institution, or to allow the petitioner to transport children,
24 elderly persons, or persons with disabilities who do not hold
25 driving privileges and are living in the petitioner's
26 household to and from daycare. The petitioner must demonstrate

1 that no alternative means of transportation is reasonably
2 available and that the petitioner will not endanger the public
3 safety or welfare.

4 (A) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating
6 Section 11-501 of this Code or a similar provision of a
7 local ordinance or a similar out-of-state offense, or
8 Section 9-3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, where the use of alcohol or other drugs is
10 recited as an element of the offense, or a similar
11 out-of-state offense, or a combination of these offenses,
12 arising out of separate occurrences, that person, if
13 issued a restricted driving permit, may not operate a
14 vehicle unless it has been equipped with an ignition
15 interlock device as defined in Section 1-129.1.

16 (B) If a person's license or permit is revoked or
17 suspended 2 or more times due to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense or Section
21 9-3 of the Criminal Code of 1961 or the Criminal Code
22 of 2012, where the use of alcohol or other drugs is
23 recited as an element of the offense, or a similar
24 out-of-state offense; or

25 (ii) a statutory summary suspension or revocation
26 under Section 11-501.1; or

1 (iii) a suspension under Section 6-203.1;
2 arising out of separate occurrences; that person, if
3 issued a restricted driving permit, may not operate a
4 vehicle unless it has been equipped with an ignition
5 interlock device as defined in Section 1-129.1.

6 (B-5) If a person's license or permit is revoked or
7 suspended due to a conviction for a violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection (d)
9 of Section 11-501 of this Code, or a similar provision of a
10 local ordinance or similar out-of-state offense, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (C) The person issued a permit conditioned upon the
15 use of an ignition interlock device must pay to the
16 Secretary of State DUI Administration Fund an amount not
17 to exceed \$30 per month. The Secretary shall establish by
18 rule the amount and the procedures, terms, and conditions
19 relating to these fees.

20 (D) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against
22 operating a motor vehicle that is not equipped with an
23 ignition interlock device does not apply to the operation
24 of an occupational vehicle owned or leased by that
25 person's employer when used solely for employment
26 purposes. For any person who, within a 5-year period, is

1 convicted of a second or subsequent offense under Section
2 11-501 of this Code, or a similar provision of a local
3 ordinance or similar out-of-state offense, this employment
4 exemption does not apply until either a one-year period
5 has elapsed during which that person had his or her
6 driving privileges revoked or a one-year period has
7 elapsed during which that person had a restricted driving
8 permit which required the use of an ignition interlock
9 device on every motor vehicle owned or operated by that
10 person.

11 (E) In each case the Secretary may issue a restricted
12 driving permit for a period deemed appropriate, except
13 that all permits shall expire no later than 2 years from
14 the date of issuance. A restricted driving permit issued
15 under this Section shall be subject to cancellation,
16 revocation, and suspension by the Secretary of State in
17 like manner and for like cause as a driver's license
18 issued under this Code may be cancelled, revoked, or
19 suspended; except that a conviction upon one or more
20 offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for
22 the revocation, suspension, or cancellation of a
23 restricted driving permit. The Secretary of State may, as
24 a condition to the issuance of a restricted driving
25 permit, require the applicant to participate in a
26 designated driver remedial or rehabilitative program. The

1 Secretary of State is authorized to cancel a restricted
2 driving permit if the permit holder does not successfully
3 complete the program.

4 (F) A person subject to the provisions of paragraph 4
5 of subsection (b) of Section 6-208 of this Code may make
6 application for a restricted driving permit at a hearing
7 conducted under Section 2-118 of this Code after the
8 expiration of 5 years from the effective date of the most
9 recent revocation or after 5 years from the date of
10 release from a period of imprisonment resulting from a
11 conviction of the most recent offense, whichever is later,
12 provided the person, in addition to all other requirements
13 of the Secretary, shows by clear and convincing evidence:

14 (i) a minimum of 3 years of uninterrupted
15 abstinence from alcohol and the unlawful use or
16 consumption of cannabis under the Cannabis Control
17 Act, a controlled substance under the Illinois
18 Controlled Substances Act, an intoxicating compound
19 under the Use of Intoxicating Compounds Act, or
20 methamphetamine under the Methamphetamine Control and
21 Community Protection Act; and

22 (ii) the successful completion of any
23 rehabilitative treatment and involvement in any
24 ongoing rehabilitative activity that may be
25 recommended by a properly licensed service provider
26 according to an assessment of the person's alcohol or

1 drug use under Section 11-501.01 of this Code.

2 In determining whether an applicant is eligible for a
3 restricted driving permit under this subparagraph (F), the
4 Secretary may consider any relevant evidence, including,
5 but not limited to, testimony, affidavits, records, and
6 the results of regular alcohol or drug tests. Persons
7 subject to the provisions of paragraph 4 of subsection (b)
8 of Section 6-208 of this Code and who have been convicted
9 of more than one violation of paragraph (3), paragraph
10 (4), or paragraph (5) of subsection (a) of Section 11-501
11 of this Code shall not be eligible to apply for a
12 restricted driving permit under this subparagraph (F).

13 A restricted driving permit issued under this
14 subparagraph (F) shall provide that the holder may only
15 operate motor vehicles equipped with an ignition interlock
16 device as required under paragraph (2) of subsection (c)
17 of Section 6-205 of this Code and subparagraph (A) of
18 paragraph 3 of subsection (c) of this Section. The
19 Secretary may revoke a restricted driving permit or amend
20 the conditions of a restricted driving permit issued under
21 this subparagraph (F) if the holder operates a vehicle
22 that is not equipped with an ignition interlock device, or
23 for any other reason authorized under this Code.

24 A restricted driving permit issued under this
25 subparagraph (F) shall be revoked, and the holder barred
26 from applying for or being issued a restricted driving

1 permit in the future, if the holder is convicted of a
2 violation of Section 11-501 of this Code, a similar
3 provision of a local ordinance, or a similar offense in
4 another state.

5 (c-3) In the case of a suspension under paragraph 43 of
6 subsection (a), reports received by the Secretary of State
7 under this Section shall, except during the actual time the
8 suspension is in effect, be privileged information and for use
9 only by the courts, police officers, prosecuting authorities,
10 the driver licensing administrator of any other state, the
11 Secretary of State, or the parent or legal guardian of a driver
12 under the age of 18. However, beginning January 1, 2008, if the
13 person is a CDL holder, the suspension shall also be made
14 available to the driver licensing administrator of any other
15 state, the U.S. Department of Transportation, and the affected
16 driver or motor carrier or prospective motor carrier upon
17 request.

18 (c-4) In the case of a suspension under paragraph 43 of
19 subsection (a), the Secretary of State shall notify the person
20 by mail that his or her driving privileges and driver's
21 license will be suspended one month after the date of the
22 mailing of the notice.

23 (c-5) The Secretary of State may, as a condition of the
24 reissuance of a driver's license or permit to an applicant
25 whose driver's license or permit has been suspended before he
26 or she reached the age of 21 years pursuant to any of the

1 provisions of this Section, require the applicant to
2 participate in a driver remedial education course and be
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the
5 Driver License Compact.

6 (e) The Secretary of State shall not issue a restricted
7 driving permit to a person under the age of 16 years whose
8 driving privileges have been suspended or revoked under any
9 provisions of this Code.

10 (f) In accordance with 49 CFR 384, the Secretary of State
11 may not issue a restricted driving permit for the operation of
12 a commercial motor vehicle to a person holding a CDL whose
13 driving privileges have been suspended, revoked, cancelled, or
14 disqualified under any provisions of this Code.

15 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
16 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
17 7-1-23; 103-154, eff. 6-30-23.)

18 Section 15. The Juvenile Court Act of 1987 is amended by
19 changing Section 1-7 as follows:

20 (705 ILCS 405/1-7)

21 Sec. 1-7. Confidentiality of juvenile law enforcement and
22 municipal ordinance violation records.

23 (A) All juvenile law enforcement records which have not
24 been expunged are confidential and may never be disclosed to

1 the general public or otherwise made widely available.
2 Juvenile law enforcement records may be obtained only under
3 this Section and Section 1-8 and Part 9 of Article V of this
4 Act, when their use is needed for good cause and with an order
5 from the juvenile court, as required by those not authorized
6 to retain them. Inspection, copying, and disclosure of
7 juvenile law enforcement records maintained by law enforcement
8 agencies or records of municipal ordinance violations
9 maintained by any State, local, or municipal agency that
10 relate to a minor who has been investigated, arrested, or
11 taken into custody before the minor's 18th birthday shall be
12 restricted to the following:

13 (0.05) The minor who is the subject of the juvenile
14 law enforcement record, the minor's parents, guardian, and
15 counsel.

16 (0.10) Judges of the circuit court and members of the
17 staff of the court designated by the judge.

18 (0.15) An administrative adjudication hearing officer
19 or members of the staff designated to assist in the
20 administrative adjudication process.

21 (1) Any local, State, or federal law enforcement
22 officers or designated law enforcement staff of any
23 jurisdiction or agency when necessary for the discharge of
24 their official duties during the investigation or
25 prosecution of a crime or relating to a minor who has been
26 adjudicated delinquent and there has been a previous

1 finding that the act which constitutes the previous
2 offense was committed in furtherance of criminal
3 activities by a criminal street gang, or, when necessary
4 for the discharge of its official duties in connection
5 with a particular investigation of the conduct of a law
6 enforcement officer, an independent agency or its staff
7 created by ordinance and charged by a unit of local
8 government with the duty of investigating the conduct of
9 law enforcement officers. For purposes of this Section,
10 "criminal street gang" has the meaning ascribed to it in
11 Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act.

13 (2) Prosecutors, public defenders, probation officers,
14 social workers, or other individuals assigned by the court
15 to conduct a pre-adjudication or pre-disposition
16 investigation, and individuals responsible for supervising
17 or providing temporary or permanent care and custody for
18 minors under the order of the juvenile court, when
19 essential to performing their responsibilities.

20 (3) Federal, State, or local prosecutors, public
21 defenders, probation officers, and designated staff:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805;

25 (b) when institution of criminal proceedings has
26 been permitted or required under Section 5-805 and the

1 minor is the subject of a proceeding to determine the
2 conditions of pretrial release;

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and the minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation, fitness hearing, or proceedings on an
7 application for probation; or

8 (d) in the course of prosecution or administrative
9 adjudication of a violation of a traffic, boating, or
10 fish and game law, or a county or municipal ordinance.

11 (4) Adult and Juvenile Prisoner Review Board.

12 (5) Authorized military personnel.

13 (5.5) Employees of the federal government authorized
14 by law.

15 (6) Persons engaged in bona fide research, with the
16 permission of the Presiding Judge and the chief executive
17 of the respective law enforcement agency; provided that
18 publication of such research results in no disclosure of a
19 minor's identity and protects the confidentiality of the
20 minor's record.

21 (7) Department of Children and Family Services child
22 protection investigators acting in their official
23 capacity.

24 (8) The appropriate school official only if the agency
25 or officer believes that there is an imminent threat of
26 physical harm to students, school personnel, or others.

1 (A) Inspection and copying shall be limited to
2 juvenile law enforcement records transmitted to the
3 appropriate school official or officials whom the
4 school has determined to have a legitimate educational
5 or safety interest by a local law enforcement agency
6 under a reciprocal reporting system established and
7 maintained between the school district and the local
8 law enforcement agency under Section 10-20.14 of the
9 School Code concerning a minor enrolled in a school
10 within the school district who has been arrested or
11 taken into custody for any of the following offenses:

12 (i) any violation of Article 24 of the
13 Criminal Code of 1961 or the Criminal Code of
14 2012;

15 (ii) a violation of the Illinois Controlled
16 Substances Act;

17 (iii) a violation of the Cannabis Control Act;

18 (iv) a forcible felony as defined in Section
19 2-8 of the Criminal Code of 1961 or the Criminal
20 Code of 2012;

21 (v) a violation of the Methamphetamine Control
22 and Community Protection Act;

23 (vi) a violation of Section 1-2 of the
24 Harassing and Obscene Communications Act;

25 (vii) a violation of the Hazing Act; or

26 (viii) a violation of Section 12-1, 12-2,

1 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
2 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
3 Criminal Code of 1961 or the Criminal Code of
4 2012.

5 The information derived from the juvenile law
6 enforcement records shall be kept separate from and
7 shall not become a part of the official school record
8 of that child and shall not be a public record. The
9 information shall be used solely by the appropriate
10 school official or officials whom the school has
11 determined to have a legitimate educational or safety
12 interest to aid in the proper rehabilitation of the
13 child and to protect the safety of students and
14 employees in the school. If the designated law
15 enforcement and school officials deem it to be in the
16 best interest of the minor, the student may be
17 referred to in-school or community-based social
18 services if those services are available.
19 "Rehabilitation services" may include interventions by
20 school support personnel, evaluation for eligibility
21 for special education, referrals to community-based
22 agencies such as youth services, behavioral healthcare
23 service providers, drug and alcohol prevention or
24 treatment programs, and other interventions as deemed
25 appropriate for the student.

26 (B) Any information provided to appropriate school

1 officials whom the school has determined to have a
2 legitimate educational or safety interest by local law
3 enforcement officials about a minor who is the subject
4 of a current police investigation that is directly
5 related to school safety shall consist of oral
6 information only, and not written juvenile law
7 enforcement records, and shall be used solely by the
8 appropriate school official or officials to protect
9 the safety of students and employees in the school and
10 aid in the proper rehabilitation of the child. The
11 information derived orally from the local law
12 enforcement officials shall be kept separate from and
13 shall not become a part of the official school record
14 of the child and shall not be a public record. This
15 limitation on the use of information about a minor who
16 is the subject of a current police investigation shall
17 in no way limit the use of this information by
18 prosecutors in pursuing criminal charges arising out
19 of the information disclosed during a police
20 investigation of the minor. For purposes of this
21 paragraph, "investigation" means an official
22 systematic inquiry by a law enforcement agency into
23 actual or suspected criminal activity.

24 (9) Mental health professionals on behalf of the
25 Department of Corrections or the Department of Human
26 Services or prosecutors who are evaluating, prosecuting,

1 or investigating a potential or actual petition brought
2 under the Sexually Violent Persons Commitment Act relating
3 to a person who is the subject of juvenile law enforcement
4 records or the respondent to a petition brought under the
5 Sexually Violent Persons Commitment Act who is the subject
6 of the juvenile law enforcement records sought. Any
7 juvenile law enforcement records and any information
8 obtained from those juvenile law enforcement records under
9 this paragraph (9) may be used only in sexually violent
10 persons commitment proceedings.

11 (10) The president of a park district. Inspection and
12 copying shall be limited to juvenile law enforcement
13 records transmitted to the president of the park district
14 by the Illinois State Police under Section 8-23 of the
15 Park District Code or Section 16a-5 of the Chicago Park
16 District Act concerning a person who is seeking employment
17 with that park district and who has been adjudicated a
18 juvenile delinquent for any of the offenses listed in
19 subsection (c) of Section 8-23 of the Park District Code
20 or subsection (c) of Section 16a-5 of the Chicago Park
21 District Act.

22 (11) Persons managing and designated to participate in
23 a court diversion program as designated in subsection (6)
24 of Section 5-105.

25 (12) The Public Access Counselor of the Office of the
26 Attorney General, when reviewing juvenile law enforcement

1 records under its powers and duties under the Freedom of
2 Information Act.

3 (13) Collection agencies, contracted or otherwise
4 engaged by a governmental entity, to collect any debts due
5 and owing to the governmental entity.

6 (B)(1) Except as provided in paragraph (2), no law
7 enforcement officer or other person or agency may knowingly
8 transmit to the Department of Corrections, the Illinois State
9 Police, or the Federal Bureau of Investigation any fingerprint
10 or photograph relating to a minor who has been arrested or
11 taken into custody before the minor's 18th birthday, unless
12 the court in proceedings under this Act authorizes the
13 transmission or enters an order under Section 5-805 permitting
14 or requiring the institution of criminal proceedings.

15 (2) Law enforcement officers or other persons or agencies
16 shall transmit to the Illinois State Police copies of
17 fingerprints and descriptions of all minors who have been
18 arrested or taken into custody before their 18th birthday for
19 the offense of unlawful possession ~~use~~ of weapons under
20 Article 24 of the Criminal Code of 1961 or the Criminal Code of
21 2012, a Class X or Class 1 felony, a forcible felony as defined
22 in Section 2-8 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, or a Class 2 or greater felony under the Cannabis
24 Control Act, the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or
26 Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5

1 of the Criminal Identification Act. Information reported to
2 the Department pursuant to this Section may be maintained with
3 records that the Department files pursuant to Section 2.1 of
4 the Criminal Identification Act. Nothing in this Act prohibits
5 a law enforcement agency from fingerprinting a minor taken
6 into custody or arrested before the minor's 18th birthday for
7 an offense other than those listed in this paragraph (2).

8 (C) The records of law enforcement officers, or of an
9 independent agency created by ordinance and charged by a unit
10 of local government with the duty of investigating the conduct
11 of law enforcement officers, concerning all minors under 18
12 years of age must be maintained separate from the records of
13 arrests and may not be open to public inspection or their
14 contents disclosed to the public. For purposes of obtaining
15 documents under this Section, a civil subpoena is not an order
16 of the court.

17 (1) In cases where the law enforcement, or independent
18 agency, records concern a pending juvenile court case, the
19 party seeking to inspect the records shall provide actual
20 notice to the attorney or guardian ad litem of the minor
21 whose records are sought.

22 (2) In cases where the records concern a juvenile
23 court case that is no longer pending, the party seeking to
24 inspect the records shall provide actual notice to the
25 minor or the minor's parent or legal guardian, and the
26 matter shall be referred to the chief judge presiding over

1 matters pursuant to this Act.

2 (3) In determining whether the records should be
3 available for inspection, the court shall consider the
4 minor's interest in confidentiality and rehabilitation
5 over the moving party's interest in obtaining the
6 information. Any records obtained in violation of this
7 subsection (C) shall not be admissible in any criminal or
8 civil proceeding, or operate to disqualify a minor from
9 subsequently holding public office or securing employment,
10 or operate as a forfeiture of any public benefit, right,
11 privilege, or right to receive any license granted by
12 public authority.

13 (D) Nothing contained in subsection (C) of this Section
14 shall prohibit the inspection or disclosure to victims and
15 witnesses of photographs contained in the records of law
16 enforcement agencies when the inspection and disclosure is
17 conducted in the presence of a law enforcement officer for the
18 purpose of the identification or apprehension of any person
19 subject to the provisions of this Act or for the investigation
20 or prosecution of any crime.

21 (E) Law enforcement officers, and personnel of an
22 independent agency created by ordinance and charged by a unit
23 of local government with the duty of investigating the conduct
24 of law enforcement officers, may not disclose the identity of
25 any minor in releasing information to the general public as to
26 the arrest, investigation or disposition of any case involving

1 a minor.

2 (F) Nothing contained in this Section shall prohibit law
3 enforcement agencies from communicating with each other by
4 letter, memorandum, teletype, or intelligence alert bulletin
5 or other means the identity or other relevant information
6 pertaining to a person under 18 years of age if there are
7 reasonable grounds to believe that the person poses a real and
8 present danger to the safety of the public or law enforcement
9 officers. The information provided under this subsection (F)
10 shall remain confidential and shall not be publicly disclosed,
11 except as otherwise allowed by law.

12 (G) Nothing in this Section shall prohibit the right of a
13 Civil Service Commission or appointing authority of any
14 federal government, state, county or municipality examining
15 the character and fitness of an applicant for employment with
16 a law enforcement agency, correctional institution, or fire
17 department from obtaining and examining the records of any law
18 enforcement agency relating to any record of the applicant
19 having been arrested or taken into custody before the
20 applicant's 18th birthday.

21 (G-5) Information identifying victims and alleged victims
22 of sex offenses shall not be disclosed or open to the public
23 under any circumstances. Nothing in this Section shall
24 prohibit the victim or alleged victim of any sex offense from
25 voluntarily disclosing this identity.

26 (H) The changes made to this Section by Public Act 98-61

1 apply to law enforcement records of a minor who has been
2 arrested or taken into custody on or after January 1, 2014 (the
3 effective date of Public Act 98-61).

4 (H-5) Nothing in this Section shall require any court or
5 adjudicative proceeding for traffic, boating, fish and game
6 law, or municipal and county ordinance violations to be closed
7 to the public.

8 (I) Willful violation of this Section is a Class C
9 misdemeanor and each violation is subject to a fine of \$1,000.
10 This subsection (I) shall not apply to the person who is the
11 subject of the record.

12 (J) A person convicted of violating this Section is liable
13 for damages in the amount of \$1,000 or actual damages,
14 whichever is greater.

15 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;
16 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

17 Section 20. The Criminal Code of 2012 is amended by
18 changing Sections 2-13, 8-2, 24-1, 24-1.1, 24-1.6, 24-1.7,
19 24-2.1, 24-3.6, and 36-1 as follows:

20 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

21 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
22 person who by virtue of his office or public employment is
23 vested by law with a duty to maintain public order or to make
24 arrests for offenses, whether that duty extends to all

1 offenses or is limited to specific offenses, or (ii) any
2 person who, by statute, is granted and authorized to exercise
3 powers similar to those conferred upon any peace officer
4 employed by a law enforcement agency of this State.

5 For purposes of Sections concerning unlawful possession
6 ~~use~~ of weapons, for the purposes of assisting an Illinois
7 peace officer in an arrest, or when the commission of any
8 offense under Illinois law is directly observed by the person,
9 and statutes involving the false personation of a peace
10 officer, false personation of a peace officer while carrying a
11 deadly weapon, false personation of a peace officer in
12 attempting or committing a felony, and false personation of a
13 peace officer in attempting or committing a forcible felony,
14 then officers, agents, or employees of the federal government
15 commissioned by federal statute to make arrests for violations
16 of federal criminal laws shall be considered "peace officers"
17 under this Code, including, but not limited to, all criminal
18 investigators of:

19 (1) the United States Department of Justice, the
20 Federal Bureau of Investigation, and the Drug Enforcement
21 Administration and all United States Marshals or Deputy
22 United States Marshals whose duties involve the
23 enforcement of federal criminal laws;

24 (1.5) the United States Department of Homeland
25 Security, United States Citizenship and Immigration
26 Services, United States Coast Guard, United States Customs

1 and Border Protection, and United States Immigration and
2 Customs Enforcement;

3 (2) the United States Department of the Treasury, the
4 Alcohol and Tobacco Tax and Trade Bureau, and the United
5 States Secret Service;

6 (3) the United States Internal Revenue Service;

7 (4) the United States General Services Administration;

8 (5) the United States Postal Service;

9 (6) (blank); and

10 (7) the United States Department of Defense.

11 (Source: P.A. 102-558, eff. 8-20-21.)

12 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

13 Sec. 8-2. Conspiracy.

14 (a) Elements of the offense. A person commits the offense
15 of conspiracy when, with intent that an offense be committed,
16 he or she agrees with another to the commission of that
17 offense. No person may be convicted of conspiracy to commit an
18 offense unless an act in furtherance of that agreement is
19 alleged and proved to have been committed by him or her or by a
20 co-conspirator.

21 (b) Co-conspirators. It is not a defense to conspiracy
22 that the person or persons with whom the accused is alleged to
23 have conspired:

24 (1) have not been prosecuted or convicted,

25 (2) have been convicted of a different offense,

- 1 (3) are not amenable to justice,
2 (4) have been acquitted, or
3 (5) lacked the capacity to commit an offense.

4 (c) Sentence.

5 (1) Except as otherwise provided in this subsection or
6 Code, a person convicted of conspiracy to commit:

7 (A) a Class X felony shall be sentenced for a Class
8 1 felony;

9 (B) a Class 1 felony shall be sentenced for a Class
10 2 felony;

11 (C) a Class 2 felony shall be sentenced for a Class
12 3 felony;

13 (D) a Class 3 felony shall be sentenced for a Class
14 4 felony;

15 (E) a Class 4 felony shall be sentenced for a Class
16 4 felony; and

17 (F) a misdemeanor may be fined or imprisoned or
18 both not to exceed the maximum provided for the
19 offense that is the object of the conspiracy.

20 (2) A person convicted of conspiracy to commit any of
21 the following offenses shall be sentenced for a Class X
22 felony:

23 (A) aggravated insurance fraud conspiracy when the
24 person is an organizer of the conspiracy (720 ILCS
25 5/46-4); or

26 (B) aggravated governmental entity insurance fraud

1 conspiracy when the person is an organizer of the
2 conspiracy (720 ILCS 5/46-4).

3 (3) A person convicted of conspiracy to commit any of
4 the following offenses shall be sentenced for a Class 1
5 felony:

6 (A) first degree murder (720 ILCS 5/9-1); or

7 (B) aggravated insurance fraud (720 ILCS 5/46-3)
8 or aggravated governmental insurance fraud (720 ILCS
9 5/46-3).

10 (4) A person convicted of conspiracy to commit
11 insurance fraud (720 ILCS 5/46-3) or governmental entity
12 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
13 Class 2 felony.

14 (5) A person convicted of conspiracy to commit any of
15 the following offenses shall be sentenced for a Class 3
16 felony:

17 (A) soliciting for a prostitute (720 ILCS
18 5/11-14.3(a)(1));

19 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
20 5/11-14.3(a)(2)(B));

21 (C) keeping a place of prostitution (720 ILCS
22 5/11-14.3(a)(1));

23 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

24 (E) unlawful possession ~~use~~ of weapons under
25 Section 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

26 (F) unlawful possession ~~use~~ of weapons under

1 Section 24-1(a) (7) (720 ILCS 5/24-1(a) (7));
2 (G) gambling (720 ILCS 5/28-1);
3 (H) keeping a gambling place (720 ILCS 5/28-3);
4 (I) registration of federal gambling stamps
5 violation (720 ILCS 5/28-4);
6 (J) look-alike substances violation (720 ILCS
7 570/404);
8 (K) miscellaneous controlled substance violation
9 under Section 406(b) (720 ILCS 570/406(b)); or
10 (L) an inchoate offense related to any of the
11 principal offenses set forth in this item (5).
12 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)
14 Sec. 24-1. Unlawful possession ~~use~~ of weapons.
15 (a) A person commits the offense of unlawful possession
16 ~~use~~ of weapons when he knowingly:
17 (1) Sells, manufactures, purchases, possesses or
18 carries any bludgeon, black-jack, slung-shot, sand-club,
19 sand-bag, metal knuckles or other knuckle weapon
20 regardless of its composition, throwing star, or any
21 knife, commonly referred to as a switchblade knife, which
22 has a blade that opens automatically by hand pressure
23 applied to a button, spring or other device in the handle
24 of the knife, or a ballistic knife, which is a device that
25 propels a knifelike blade as a projectile by means of a

1 coil spring, elastic material or compressed gas; or

2 (2) Carries or possesses with intent to use the same
3 unlawfully against another, a dagger, dirk, billy,
4 dangerous knife, razor, stiletto, broken bottle or other
5 piece of glass, stun gun or taser or any other dangerous or
6 deadly weapon or instrument of like character; or

7 (2.5) Carries or possesses with intent to use the same
8 unlawfully against another, any firearm in a church,
9 synagogue, mosque, or other building, structure, or place
10 used for religious worship; or

11 (3) Carries on or about his person or in any vehicle, a
12 tear gas gun projector or bomb or any object containing
13 noxious liquid gas or substance, other than an object
14 containing a non-lethal noxious liquid gas or substance
15 designed solely for personal defense carried by a person
16 18 years of age or older; or

17 (4) Carries or possesses in any vehicle or concealed
18 on or about his person except when on his land or in his
19 own abode, legal dwelling, or fixed place of business, or
20 on the land or in the legal dwelling of another person as
21 an invitee with that person's permission, any pistol,
22 revolver, stun gun or taser or other firearm, except that
23 this subsection (a)(4) does not apply to or affect
24 transportation of weapons that meet one of the following
25 conditions:

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

- 1 (ii) are not immediately accessible; or
- 2 (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person who has been issued a currently valid Firearm
- 5 Owner's Identification Card; or
- 6 (iv) are carried or possessed in accordance with
- 7 the Firearm Concealed Carry Act by a person who has
- 8 been issued a currently valid license under the
- 9 Firearm Concealed Carry Act; or
- 10 (5) Sets a spring gun; or
- 11 (6) Possesses any device or attachment of any kind
- 12 designed, used or intended for use in silencing the report
- 13 of any firearm; or
- 14 (7) Sells, manufactures, purchases, possesses or
- 15 carries:
- 16 (i) a machine gun, which shall be defined for the
- 17 purposes of this subsection as any weapon, which
- 18 shoots, is designed to shoot, or can be readily
- 19 restored to shoot, automatically more than one shot
- 20 without manually reloading by a single function of the
- 21 trigger, including the frame or receiver of any such
- 22 weapon, or sells, manufactures, purchases, possesses,
- 23 or carries any combination of parts designed or
- 24 intended for use in converting any weapon into a
- 25 machine gun, or any combination or parts from which a
- 26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less
3 than 16 inches in length or a shotgun having one or
4 more barrels less than 18 inches in length or any
5 weapon made from a rifle or shotgun, whether by
6 alteration, modification, or otherwise, if such a
7 weapon as modified has an overall length of less than
8 26 inches; or

9 (iii) any bomb, bomb-shell, grenade, bottle or
10 other container containing an explosive substance of
11 over one-quarter ounce for like purposes, such as, but
12 not limited to, black powder bombs and Molotov
13 cocktails or artillery projectiles; or

14 (8) Carries or possesses any firearm, stun gun or
15 taser or other deadly weapon in any place which is
16 licensed to sell intoxicating beverages, or at any public
17 gathering held pursuant to a license issued by any
18 governmental body or any public gathering at which an
19 admission is charged, excluding a place where a showing,
20 demonstration or lecture involving the exhibition of
21 unloaded firearms is conducted.

22 This subsection (a) (8) does not apply to any auction
23 or raffle of a firearm held pursuant to a license or permit
24 issued by a governmental body, nor does it apply to
25 persons engaged in firearm safety training courses; or

26 (9) Carries or possesses in a vehicle or on or about

1 his or her person any pistol, revolver, stun gun or taser
2 or firearm or ballistic knife, when he or she is hooded,
3 robed or masked in such manner as to conceal his or her
4 identity; or

5 (10) Carries or possesses on or about his or her
6 person, upon any public street, alley, or other public
7 lands within the corporate limits of a city, village, or
8 incorporated town, except when an invitee thereon or
9 therein, for the purpose of the display of such weapon or
10 the lawful commerce in weapons, or except when on his land
11 or in his or her own abode, legal dwelling, or fixed place
12 of business, or on the land or in the legal dwelling of
13 another person as an invitee with that person's
14 permission, any pistol, revolver, stun gun, or taser or
15 other firearm, except that this subsection (a)(10) does
16 not apply to or affect transportation of weapons that meet
17 one of the following conditions:

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

19 (ii) are not immediately accessible; or

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

24 (iv) are carried or possessed in accordance with
25 the Firearm Concealed Carry Act by a person who has
26 been issued a currently valid license under the

1 Firearm Concealed Carry Act.

2 A "stun gun or taser", as used in this paragraph (a)
3 means (i) any device which is powered by electrical
4 charging units, such as, batteries, and which fires one or
5 several barbs attached to a length of wire and which, upon
6 hitting a human, can send out a current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning or (ii) any
9 device which is powered by electrical charging units, such
10 as batteries, and which, upon contact with a human or
11 clothing worn by a human, can send out current capable of
12 disrupting the person's nervous system in such a manner as
13 to render him incapable of normal functioning; or

14 (11) Sells, manufactures, delivers, imports,
15 possesses, or purchases any assault weapon attachment or
16 .50 caliber cartridge in violation of Section 24-1.9 or
17 any explosive bullet. For purposes of this paragraph (a)
18 "explosive bullet" means the projectile portion of an
19 ammunition cartridge which contains or carries an
20 explosive charge which will explode upon contact with the
21 flesh of a human or an animal. "Cartridge" means a tubular
22 metal case having a projectile affixed at the front
23 thereof and a cap or primer at the rear end thereof, with
24 the propellant contained in such tube between the
25 projectile and the cap; or

26 (12) (Blank); or

1 (13) Carries or possesses on or about his or her
2 person while in a building occupied by a unit of
3 government, a billy club, other weapon of like character,
4 or other instrument of like character intended for use as
5 a weapon. For the purposes of this Section, "billy club"
6 means a short stick or club commonly carried by police
7 officers which is either telescopic or constructed of a
8 solid piece of wood or other man-made material; or

9 (14) Manufactures, possesses, sells, or offers to
10 sell, purchase, manufacture, import, transfer, or use any
11 device, part, kit, tool, accessory, or combination of
12 parts that is designed to and functions to increase the
13 rate of fire of a semiautomatic firearm above the standard
14 rate of fire for semiautomatic firearms that is not
15 equipped with that device, part, or combination of parts;
16 or

17 (15) Carries or possesses any assault weapon or .50
18 caliber rifle in violation of Section 24-1.9; or

19 (16) Manufactures, sells, delivers, imports, or
20 purchases any assault weapon or .50 caliber rifle in
21 violation of Section 24-1.9.

22 (b) Sentence. A person convicted of a violation of
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
24 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
25 commits a Class A misdemeanor. A person convicted of a
26 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a

1 Class 4 felony; a person convicted of a violation of
2 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
3 24-1(a)(16) commits a Class 3 felony. A person convicted of a
4 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
5 and shall be sentenced to a term of imprisonment of not less
6 than 3 years and not more than 7 years, unless the weapon is
7 possessed in the passenger compartment of a motor vehicle as
8 defined in Section 1-146 of the Illinois Vehicle Code, or on
9 the person, while the weapon is loaded, in which case it shall
10 be a Class X felony. A person convicted of a second or
11 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
12 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
13 felony. A person convicted of a violation of subsection
14 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
15 possession of each weapon or device in violation of this
16 Section constitutes a single and separate violation.

17 (c) Violations in specific places.

18 (1) A person who violates subsection 24-1(a)(6) or
19 24-1(a)(7) in any school, regardless of the time of day or
20 the time of year, in residential property owned, operated
21 or managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or mixed-income
23 development, in a public park, in a courthouse, on the
24 real property comprising any school, regardless of the
25 time of day or the time of year, on residential property
26 owned, operated or managed by a public housing agency or

1 leased by a public housing agency as part of a scattered
2 site or mixed-income development, on the real property
3 comprising any public park, on the real property
4 comprising any courthouse, in any conveyance owned, leased
5 or contracted by a school to transport students to or from
6 school or a school related activity, in any conveyance
7 owned, leased, or contracted by a public transportation
8 agency, or on any public way within 1,000 feet of the real
9 property comprising any school, public park, courthouse,
10 public transportation facility, or residential property
11 owned, operated, or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development commits a Class 2 felony
14 and shall be sentenced to a term of imprisonment of not
15 less than 3 years and not more than 7 years.

16 (1.5) A person who violates subsection 24-1(a)(4),
17 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
18 the time of day or the time of year, in residential
19 property owned, operated, or managed by a public housing
20 agency or leased by a public housing agency as part of a
21 scattered site or mixed-income development, in a public
22 park, in a courthouse, on the real property comprising any
23 school, regardless of the time of day or the time of year,
24 on residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development,

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

13 (2) A person who violates subsection 24-1(a)(1),
14 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
15 time of day or the time of year, in residential property
16 owned, operated or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development, in a public park, in a
19 courthouse, on the real property comprising any school,
20 regardless of the time of day or the time of year, on
21 residential property owned, operated or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development,
24 on the real property comprising any public park, on the
25 real property comprising any courthouse, in any conveyance
26 owned, leased or contracted by a school to transport

1 students to or from school or a school related activity,
2 in any conveyance owned, leased, or contracted by a public
3 transportation agency, or on any public way within 1,000
4 feet of the real property comprising any school, public
5 park, courthouse, public transportation facility, or
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development
9 commits a Class 4 felony. "Courthouse" means any building
10 that is used by the Circuit, Appellate, or Supreme Court
11 of this State for the conduct of official business.

12 (3) Paragraphs (1), (1.5), and (2) of this subsection
13 (c) shall not apply to law enforcement officers or
14 security officers of such school, college, or university
15 or to students carrying or possessing firearms for use in
16 training courses, parades, hunting, target shooting on
17 school ranges, or otherwise with the consent of school
18 authorities and which firearms are transported unloaded
19 enclosed in a suitable case, box, or transportation
20 package.

21 (4) For the purposes of this subsection (c), "school"
22 means any public or private elementary or secondary
23 school, community college, college, or university.

24 (5) For the purposes of this subsection (c), "public
25 transportation agency" means a public or private agency
26 that provides for the transportation or conveyance of

1 persons by means available to the general public, except
2 for transportation by automobiles not used for conveyance
3 of the general public as passengers; and "public
4 transportation facility" means a terminal or other place
5 where one may obtain public transportation.

6 (d) The presence in an automobile other than a public
7 omnibus of any weapon, instrument or substance referred to in
8 subsection (a)(7) is prima facie evidence that it is in the
9 possession of, and is being carried by, all persons occupying
10 such automobile at the time such weapon, instrument or
11 substance is found, except under the following circumstances:
12 (i) if such weapon, instrument or instrumentality is found
13 upon the person of one of the occupants therein; or (ii) if
14 such weapon, instrument or substance is found in an automobile
15 operated for hire by a duly licensed driver in the due, lawful
16 and proper pursuit of his or her trade, then such presumption
17 shall not apply to the driver.

18 (e) Exemptions.

19 (1) Crossbows, Common or Compound bows and Underwater
20 Spearguns are exempted from the definition of ballistic
21 knife as defined in paragraph (1) of subsection (a) of
22 this Section.

23 (2) The provision of paragraph (1) of subsection (a)
24 of this Section prohibiting the sale, manufacture,
25 purchase, possession, or carrying of any knife, commonly
26 referred to as a switchblade knife, which has a blade that

1 opens automatically by hand pressure applied to a button,
2 spring or other device in the handle of the knife, does not
3 apply to a person who possesses a currently valid Firearm
4 Owner's Identification Card previously issued in his or
5 her name by the Illinois State Police or to a person or an
6 entity engaged in the business of selling or manufacturing
7 switchblade knives.

8 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
9 102-1116, eff. 1-10-23.)

10 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

11 Sec. 24-1.1. Unlawful ~~use or~~ possession of weapons by
12 felons or persons in the custody of the Department of
13 Corrections facilities.

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

23 (b) It is unlawful for any person confined in a penal
24 institution, which is a facility of the Illinois Department of
25 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,
2 regardless of the intent with which he possesses it.

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

7 (d) The defense of necessity is not available to a person
8 who is charged with a violation of subsection (b) of this
9 Section.

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

1 provided for in Section 5-4.5-110 of the Unified Code of
2 Corrections. Violation of this Section by a person who is on
3 parole or mandatory supervised release is a Class 2 felony for
4 which the person shall be sentenced to not less than 3 years
5 and not more than 14 years, except as provided for in Section
6 5-4.5-110 of the Unified Code of Corrections. Violation of
7 this Section by a person not confined in a penal institution is
8 a Class X felony when the firearm possessed is a machine gun.
9 Any person who violates this Section while confined in a penal
10 institution, which is a facility of the Illinois Department of
11 Corrections, is guilty of a Class 1 felony, if he possesses any
12 weapon prohibited under Section 24-1 of this Code regardless
13 of the intent with which he possesses it, a Class X felony if
14 he possesses any firearm, firearm ammunition or explosive, and
15 a Class X felony for which the offender shall be sentenced to
16 not less than 12 years and not more than 50 years when the
17 firearm possessed is a machine gun. A violation of this
18 Section while wearing or in possession of body armor as
19 defined in Section 33F-1 is a Class X felony punishable by a
20 term of imprisonment of not less than 10 years and not more
21 than 40 years. The possession of each firearm or firearm
22 ammunition in violation of this Section constitutes a single
23 and separate violation.

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

25 (720 ILCS 5/24-1.6)

1 Sec. 24-1.6. Aggravated unlawful possession ~~use~~ of a
2 weapon.

3 (a) A person commits the offense of aggravated unlawful
4 possession ~~use~~ of a weapon when he or she knowingly:

5 (1) Carries on or about his or her person or in any
6 vehicle or concealed on or about his or her person except
7 when on his or her land or in his or her abode, legal
8 dwelling, or fixed place of business, or on the land or in
9 the legal dwelling of another person as an invitee with
10 that person's permission, any pistol, revolver, stun gun
11 or taser or other firearm; or

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

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

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

1 (A-5) the pistol, revolver, or handgun possessed
2 was uncased, loaded, and immediately accessible at the
3 time of the offense and the person possessing the
4 pistol, revolver, or handgun has not been issued a
5 currently valid license under the Firearm Concealed
6 Carry Act; or

7 (B) the firearm, other than a pistol, revolver, or
8 handgun, possessed was uncased, unloaded, and the
9 ammunition for the weapon was immediately accessible
10 at the time of the offense; or

11 (B-5) the pistol, revolver, or handgun possessed
12 was uncased, unloaded, and the ammunition for the
13 weapon was immediately accessible at the time of the
14 offense and the person possessing the pistol,
15 revolver, or handgun has not been issued a currently
16 valid license under the Firearm Concealed Carry Act;
17 or

18 (C) the person possessing the firearm has not been
19 issued a currently valid Firearm Owner's
20 Identification Card; or

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

25 (E) the person possessing the weapon was engaged
26 in a misdemeanor violation of the Cannabis Control

1 Act, in a misdemeanor violation of the Illinois
2 Controlled Substances Act, or in a misdemeanor
3 violation of the Methamphetamine Control and Community
4 Protection Act; or

5 (F) (blank); or

6 (G) the person possessing the weapon had an order
7 of protection issued against him or her within the
8 previous 2 years; or

9 (H) the person possessing the weapon was engaged
10 in the commission or attempted commission of a
11 misdemeanor involving the use or threat of violence
12 against the person or property of another; or

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun, unless the
15 person under 21 is engaged in lawful activities under
16 the Wildlife Code or described in subsection
17 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a person
2 who has been issued a currently valid Firearm Owner's
3 Identification Card.

4 (d) Sentence.

5 (1) Aggravated unlawful possession ~~use~~ of a weapon is
6 a Class 4 felony; a second or subsequent offense is a Class
7 2 felony for which the person shall be sentenced to a term
8 of imprisonment of not less than 3 years and not more than
9 7 years, except as provided for in Section 5-4.5-110 of
10 the Unified Code of Corrections.

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

20 (3) Aggravated unlawful possession ~~use~~ of a weapon by
21 a person who has been previously convicted of a felony in
22 this State or another jurisdiction is a Class 2 felony for
23 which the person shall be sentenced to a term of
24 imprisonment of not less than 3 years and not more than 7
25 years, except as provided for in Section 5-4.5-110 of the
26 Unified Code of Corrections.

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

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

9 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

10 (720 ILCS 5/24-1.7)

11 Sec. 24-1.7. Persistent unlawful possession of a weapon
12 ~~Armed habitual criminal.~~

13 (a) A person commits the offense of persistent unlawful
14 possession of a weapon ~~being an armed habitual criminal~~ if he
15 or she receives, sells, possesses, or transfers any firearm
16 after having been convicted a total of 2 or more times of any
17 combination of the following offenses:

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

20 (2) unlawful possession ~~use~~ of a weapon by a felon;
21 aggravated unlawful possession ~~use~~ of a weapon; aggravated
22 discharge of a firearm; vehicular hijacking; aggravated
23 vehicular hijacking; aggravated battery of a child as
24 described in Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05; intimidation; aggravated intimidation;

1 gunrunning; home invasion; or aggravated battery with a
2 firearm as described in Section 12-4.2 or subdivision
3 (e) (1), (e) (2), (e) (3), or (e) (4) of Section 12-3.05; or
4 (3) any violation of the Illinois Controlled
5 Substances Act or the Cannabis Control Act that is
6 punishable as a Class 3 felony or higher.

7 (b) Sentence. Persistent unlawful possession of a weapon
8 ~~Being an armed habitual criminal~~ is a Class X felony.

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

10 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

11 Sec. 24-2.1. Unlawful possession ~~use~~ of firearm
12 projectiles.

13 (a) A person commits the offense of unlawful possession
14 ~~use~~ of firearm projectiles when he or she knowingly
15 manufactures, sells, purchases, possesses, or carries any
16 armor piercing bullet, dragon's breath shotgun shell, bolo
17 shell, or flechette shell.

18 For the purposes of this Section:

19 "Armor piercing bullet" means any handgun bullet or
20 handgun ammunition with projectiles or projectile cores
21 constructed entirely (excluding the presence of traces of
22 other substances) from tungsten alloys, steel, iron, brass,
23 bronze, beryllium copper or depleted uranium, or fully
24 jacketed bullets larger than 22 caliber designed and intended
25 for use in a handgun and whose jacket has a weight of more than

1 25% of the total weight of the projectile, and excluding those
2 handgun projectiles whose cores are composed of soft materials
3 such as lead or lead alloys, zinc or zinc alloys, frangible
4 projectiles designed primarily for sporting purposes, and any
5 other projectiles or projectile cores that the U. S. Secretary
6 of the Treasury finds to be primarily intended to be used for
7 sporting purposes or industrial purposes or that otherwise
8 does not constitute "armor piercing ammunition" as that term
9 is defined by federal law.

10 The definition contained herein shall not be construed to
11 include shotgun shells.

12 "Dragon's breath shotgun shell" means any shotgun shell
13 that contains exothermic pyrophoric mesh metal as the
14 projectile and is designed for the purpose of throwing or
15 spewing a flame or fireball to simulate a flame-thrower.

16 "Bolo shell" means any shell that can be fired in a firearm
17 and expels as projectiles 2 or more metal balls connected by
18 solid metal wire.

19 "Flechette shell" means any shell that can be fired in a
20 firearm and expels 2 or more pieces of fin-stabilized solid
21 metal wire or 2 or more solid dart-type projectiles.

22 (b) Exemptions. This Section does not apply to or affect
23 any of the following:

24 (1) Peace officers.

25 (2) Wardens, superintendents and keepers of prisons,
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense.

2 (3) Members of the Armed Services or Reserve Forces of
3 the United States or the Illinois National Guard while in
4 the performance of their official duties.

5 (4) Federal officials required to carry firearms,
6 while engaged in the performance of their official duties.

7 (5) United States Marshals, while engaged in the
8 performance of their official duties.

9 (6) Persons licensed under federal law to manufacture,
10 import, or sell firearms and firearm ammunition, and
11 actually engaged in any such business, but only with
12 respect to activities which are within the lawful scope of
13 such business, such as the manufacture, transportation, or
14 testing of such bullets or ammunition.

15 This exemption does not authorize the general private
16 possession of any armor piercing bullet, dragon's breath
17 shotgun shell, bolo shell, or flechette shell, but only
18 such possession and activities which are within the lawful
19 scope of a licensed business described in this paragraph.

20 (7) Laboratories having a department of forensic
21 ballistics or specializing in the development of
22 ammunition or explosive ordnance.

23 (8) Manufacture, transportation, or sale of armor
24 piercing bullets, dragon's breath shotgun shells, bolo
25 shells, or flechette shells to persons specifically
26 authorized under paragraphs (1) through (7) of this

1 subsection to possess such bullets or shells.

2 (c) An information or indictment based upon a violation of
3 this Section need not negate any exemption herein contained.
4 The defendant shall have the burden of proving such an
5 exemption.

6 (d) Sentence. A person convicted of unlawful possession
7 ~~use~~ of armor piercing bullets shall be guilty of a Class 3
8 felony.

9 (Source: P.A. 92-423, eff. 1-1-02.)

10 (720 ILCS 5/24-3.6)

11 Sec. 24-3.6. Unlawful possession ~~use~~ of a firearm in the
12 shape of a wireless telephone.

13 (a) For the purposes of this Section, "wireless telephone"
14 means a device that is capable of transmitting or receiving
15 telephonic communications without a wire connecting the device
16 to the telephone network.

17 (b) A person commits the offense of unlawful possession
18 ~~use~~ of a firearm in the shape of a wireless telephone when he
19 or she manufactures, sells, transfers, purchases, possesses,
20 or carries a firearm shaped or designed to appear as a wireless
21 telephone.

22 (c) This Section does not apply to or affect the sale to or
23 possession of a firearm in the shape of a wireless telephone by
24 a peace officer.

25 (d) Sentence. Unlawful possession ~~use~~ of a firearm in the

1 shape of a wireless telephone is a Class 4 felony.

2 (Source: P.A. 92-155, eff. 1-1-02.)

3 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

4 Sec. 36-1. Property subject to forfeiture.

5 (a) Any vessel or watercraft, vehicle, or aircraft is
6 subject to forfeiture under this Article if the vessel or
7 watercraft, vehicle, or aircraft is used with the knowledge
8 and consent of the owner in the commission of or in the attempt
9 to commit as defined in Section 8-4 of this Code:

10 (1) an offense prohibited by Section 9-1 (first degree
11 murder), Section 9-3 (involuntary manslaughter and
12 reckless homicide), Section 10-2 (aggravated kidnaping),
13 Section 11-1.20 (criminal sexual assault), Section 11-1.30
14 (aggravated criminal sexual assault), Section 11-1.40
15 (predatory criminal sexual assault of a child), subsection
16 (a) of Section 11-1.50 (criminal sexual abuse), subsection
17 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
18 sexual abuse), Section 11-6 (indecent solicitation of a
19 child), Section 11-14.4 (promoting juvenile prostitution
20 except for keeping a place of juvenile prostitution),
21 Section 11-20.1 (child pornography), paragraph (a)(1),
22 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
23 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
24 (aggravated battery), Section 12-7.3 (stalking), Section
25 12-7.4 (aggravated stalking), Section 16-1 (theft if the

1 theft is of precious metal or of scrap metal), subdivision
2 (f) (2) or (f) (3) of Section 16-25 (retail theft), Section
3 18-2 (armed robbery), Section 19-1 (burglary), Section
4 19-2 (possession of burglary tools), Section 19-3
5 (residential burglary), Section 20-1 (arson; residential
6 arson; place of worship arson), Section 20-2 (possession
7 of explosives or explosive or incendiary devices),
8 subdivision (a) (6) or (a) (7) of Section 24-1 (unlawful
9 possession ~~use~~ of weapons), Section 24-1.2 (aggravated
10 discharge of a firearm), Section 24-1.2-5 (aggravated
11 discharge of a machine gun or a firearm equipped with a
12 device designed or used for silencing the report of a
13 firearm), Section 24-1.5 (reckless discharge of a
14 firearm), Section 28-1 (gambling), or Section 29D-15.2
15 (possession of a deadly substance) of this Code;

16 (2) an offense prohibited by Section 21, 22, 23, 24 or
17 26 of the Cigarette Tax Act if the vessel or watercraft,
18 vehicle, or aircraft contains more than 10 cartons of such
19 cigarettes;

20 (3) an offense prohibited by Section 28, 29, or 30 of
21 the Cigarette Use Tax Act if the vessel or watercraft,
22 vehicle, or aircraft contains more than 10 cartons of such
23 cigarettes;

24 (4) an offense prohibited by Section 44 of the
25 Environmental Protection Act;

26 (5) an offense prohibited by Section 11-204.1 of the

1 Illinois Vehicle Code (aggravated fleeing or attempting to
2 elude a peace officer);

3 (6) an offense prohibited by Section 11-501 of the
4 Illinois Vehicle Code (driving while under the influence
5 of alcohol or other drug or drugs, intoxicating compound
6 or compounds or any combination thereof) or a similar
7 provision of a local ordinance, and:

8 (A) during a period in which his or her driving
9 privileges are revoked or suspended if the revocation
10 or suspension was for:

11 (i) Section 11-501 (driving under the
12 influence of alcohol or other drug or drugs,
13 intoxicating compound or compounds or any
14 combination thereof),

15 (ii) Section 11-501.1 (statutory summary
16 suspension or revocation),

17 (iii) paragraph (b) of Section 11-401 (motor
18 vehicle crashes involving death or personal
19 injuries), or

20 (iv) reckless homicide as defined in Section
21 9-3 of this Code;

22 (B) has been previously convicted of reckless
23 homicide or a similar provision of a law of another
24 state relating to reckless homicide in which the
25 person was determined to have been under the influence
26 of alcohol, other drug or drugs, or intoxicating

1 compound or compounds as an element of the offense or
2 the person has previously been convicted of committing
3 a violation of driving under the influence of alcohol
4 or other drug or drugs, intoxicating compound or
5 compounds or any combination thereof and was involved
6 in a motor vehicle crash that resulted in death, great
7 bodily harm, or permanent disability or disfigurement
8 to another, when the violation was a proximate cause
9 of the death or injuries;

10 (C) the person committed a violation of driving
11 under the influence of alcohol or other drug or drugs,
12 intoxicating compound or compounds or any combination
13 thereof under Section 11-501 of the Illinois Vehicle
14 Code or a similar provision for the third or
15 subsequent time;

16 (D) he or she did not possess a valid driver's
17 license or permit or a valid restricted driving permit
18 or a valid judicial driving permit or a valid
19 monitoring device driving permit; or

20 (E) he or she knew or should have known that the
21 vehicle he or she was driving was not covered by a
22 liability insurance policy;

23 (7) an offense described in subsection (g) of Section
24 6-303 of the Illinois Vehicle Code;

25 (8) an offense described in subsection (e) of Section
26 6-101 of the Illinois Vehicle Code; or

1 (9) (A) operating a watercraft under the influence of
2 alcohol, other drug or drugs, intoxicating compound or
3 compounds, or combination thereof under Section 5-16 of
4 the Boat Registration and Safety Act during a period in
5 which his or her privileges to operate a watercraft are
6 revoked or suspended and the revocation or suspension was
7 for operating a watercraft under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds,
9 or combination thereof; (B) operating a watercraft under
10 the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or combination thereof
12 and has been previously convicted of reckless homicide or
13 a similar provision of a law in another state relating to
14 reckless homicide in which the person was determined to
15 have been under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or combination
17 thereof as an element of the offense or the person has
18 previously been convicted of committing a violation of
19 operating a watercraft under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds,
21 or combination thereof and was involved in an accident
22 that resulted in death, great bodily harm, or permanent
23 disability or disfigurement to another, when the violation
24 was a proximate cause of the death or injuries; or (C) the
25 person committed a violation of operating a watercraft
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or combination thereof
2 under Section 5-16 of the Boat Registration and Safety Act
3 or a similar provision for the third or subsequent time.

4 (b) In addition, any mobile or portable equipment used in
5 the commission of an act which is in violation of Section 7g of
6 the Metropolitan Water Reclamation District Act shall be
7 subject to seizure and forfeiture under the same procedures
8 provided in this Article for the seizure and forfeiture of
9 vessels or watercraft, vehicles, and aircraft, and any such
10 equipment shall be deemed a vessel or watercraft, vehicle, or
11 aircraft for purposes of this Article.

12 (c) In addition, when a person discharges a firearm at
13 another individual from a vehicle with the knowledge and
14 consent of the owner of the vehicle and with the intent to
15 cause death or great bodily harm to that individual and as a
16 result causes death or great bodily harm to that individual,
17 the vehicle shall be subject to seizure and forfeiture under
18 the same procedures provided in this Article for the seizure
19 and forfeiture of vehicles used in violations of clauses (1),
20 (2), (3), or (4) of subsection (a) of this Section.

21 (d) If the spouse of the owner of a vehicle seized for an
22 offense described in subsection (g) of Section 6-303 of the
23 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
24 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
25 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
26 Code makes a showing that the seized vehicle is the only source

1 of transportation and it is determined that the financial
2 hardship to the family as a result of the seizure outweighs the
3 benefit to the State from the seizure, the vehicle may be
4 forfeited to the spouse or family member and the title to the
5 vehicle shall be transferred to the spouse or family member
6 who is properly licensed and who requires the use of the
7 vehicle for employment or family transportation purposes. A
8 written declaration of forfeiture of a vehicle under this
9 Section shall be sufficient cause for the title to be
10 transferred to the spouse or family member. The provisions of
11 this paragraph shall apply only to one forfeiture per vehicle.
12 If the vehicle is the subject of a subsequent forfeiture
13 proceeding by virtue of a subsequent conviction of either
14 spouse or the family member, the spouse or family member to
15 whom the vehicle was forfeited under the first forfeiture
16 proceeding may not utilize the provisions of this paragraph in
17 another forfeiture proceeding. If the owner of the vehicle
18 seized owns more than one vehicle, the procedure set out in
19 this paragraph may be used for only one vehicle.

20 (e) In addition, property subject to forfeiture under
21 Section 40 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act may be seized and forfeited under this Article.
23 (Source: P.A. 102-982, eff. 7-1-23.)

24 Section 25. The Code of Criminal Procedure of 1963 is
25 amended by changing Section 110-6.1 as follows:

1 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

2 Sec. 110-6.1. Denial of pretrial release.

3 (a) Upon verified petition by the State, the court shall
4 hold a hearing and may deny a defendant pretrial release only
5 if:

6 (1) the defendant is charged with a felony offense
7 other than a forcible felony for which, based on the
8 charge or the defendant's criminal history, a sentence of
9 imprisonment, without probation, periodic imprisonment or
10 conditional discharge, is required by law upon conviction,
11 and it is alleged that the defendant's pretrial release
12 poses a real and present threat to the safety of any person
13 or persons or the community, based on the specific
14 articulable facts of the case;

15 (1.5) the defendant's pretrial release poses a real
16 and present threat to the safety of any person or persons
17 or the community, based on the specific articulable facts
18 of the case, and the defendant is charged with a forcible
19 felony, which as used in this Section, means treason,
20 first degree murder, second degree murder, predatory
21 criminal sexual assault of a child, aggravated criminal
22 sexual assault, criminal sexual assault, armed robbery,
23 aggravated robbery, robbery, burglary where there is use
24 of force against another person, residential burglary,
25 home invasion, vehicular invasion, aggravated arson,

1 arson, aggravated kidnaping, kidnaping, aggravated battery
2 resulting in great bodily harm or permanent disability or
3 disfigurement or any other felony which involves the
4 threat of or infliction of great bodily harm or permanent
5 disability or disfigurement;

6 (2) the defendant is charged with stalking or
7 aggravated stalking, and it is alleged that the
8 defendant's pre-trial release poses a real and present
9 threat to the safety of a victim of the alleged offense,
10 and denial of release is necessary to prevent fulfillment
11 of the threat upon which the charge is based;

12 (3) the defendant is charged with a violation of an
13 order of protection issued under Section 112A-14 of this
14 Code or Section 214 of the Illinois Domestic Violence Act
15 of 1986, a stalking no contact order under Section 80 of
16 the Stalking No Contact Order Act, or of a civil no contact
17 order under Section 213 of the Civil No Contact Order Act,
18 and it is alleged that the defendant's pretrial release
19 poses a real and present threat to the safety of any person
20 or persons or the community, based on the specific
21 articulable facts of the case;

22 (4) the defendant is charged with domestic battery or
23 aggravated domestic battery under Section 12-3.2 or 12-3.3
24 of the Criminal Code of 2012 and it is alleged that the
25 defendant's pretrial release poses a real and present
26 threat to the safety of any person or persons or the

1 community, based on the specific articulable facts of the
2 case;

3 (5) the defendant is charged with any offense under
4 Article 11 of the Criminal Code of 2012, except for
5 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
6 11-40, and 11-45 of the Criminal Code of 2012, or similar
7 provisions of the Criminal Code of 1961 and it is alleged
8 that the defendant's pretrial release poses a real and
9 present threat to the safety of any person or persons or
10 the community, based on the specific articulable facts of
11 the case;

12 (6) the defendant is charged with any of the following
13 offenses under the Criminal Code of 2012, and it is
14 alleged that the defendant's pretrial release poses a real
15 and present threat to the safety of any person or persons
16 or the community, based on the specific articulable facts
17 of the case:

18 (A) Section 24-1.2 (aggravated discharge of a
19 firearm);

20 (B) Section 24-2.5 (aggravated discharge of a
21 machine gun or a firearm equipped with a device
22 designed or use for silencing the report of a
23 firearm);

24 (C) Section 24-1.5 (reckless discharge of a
25 firearm);

26 (D) Section 24-1.7 (persistent unlawful possession

1 of a weapon~~armed habitual criminal~~);

2 (E) Section 24-2.2 (manufacture, sale or transfer
3 of bullets or shells represented to be armor piercing
4 bullets, dragon's breath shotgun shells, bolo shells,
5 or flechette shells);

6 (F) Section 24-3 (unlawful sale or delivery of
7 firearms);

8 (G) Section 24-3.3 (unlawful sale or delivery of
9 firearms on the premises of any school);

10 (H) Section 24-34 (unlawful sale of firearms by
11 liquor license);

12 (I) Section 24-3.5 (unlawful purchase of a
13 firearm);

14 (J) Section 24-3A (gunrunning);

15 (K) Section 24-3B (firearms trafficking);

16 (L) Section 10-9 (b) (involuntary servitude);

17 (M) Section 10-9 (c) (involuntary sexual servitude
18 of a minor);

19 (N) Section 10-9(d) (trafficking in persons);

20 (O) Non-probationable violations: (i) unlawful ~~use~~
21 ~~or~~ possession of weapons by felons or persons in the
22 Custody of the Department of Corrections facilities
23 (Section 24-1.1), (ii) aggravated unlawful possession
24 ~~use~~ of a weapon (Section 24-1.6), or (iii) aggravated
25 possession of a stolen firearm (Section 24-3.9);

26 (P) Section 9-3 (reckless homicide and involuntary

1 manslaughter);

2 (Q) Section 19-3 (residential burglary);

3 (R) Section 10-5 (child abduction);

4 (S) Felony violations of Section 12C-5 (child
5 endangerment);

6 (T) Section 12-7.1 (hate crime);

7 (U) Section 10-3.1 (aggravated unlawful
8 restraint);

9 (V) Section 12-9 (threatening a public official);

10 (W) Subdivision (f)(1) of Section 12-3.05
11 (aggravated battery with a deadly weapon other than by
12 discharge of a firearm);

13 (6.5) the defendant is charged with any of the
14 following offenses, and it is alleged that the defendant's
15 pretrial release poses a real and present threat to the
16 safety of any person or persons or the community, based on
17 the specific articulable facts of the case:

18 (A) Felony violations of Sections 3.01, 3.02, or
19 3.03 of the Humane Care for Animals Act (cruel
20 treatment, aggravated cruelty, and animal torture);

21 (B) Subdivision (d)(1)(B) of Section 11-501 of the
22 Illinois Vehicle Code (aggravated driving under the
23 influence while operating a school bus with
24 passengers);

25 (C) Subdivision (d)(1)(C) of Section 11-501 of the
26 Illinois Vehicle Code (aggravated driving under the

1 influence causing great bodily harm);

2 (D) Subdivision (d) (1) (D) of Section 11-501 of the
3 Illinois Vehicle Code (aggravated driving under the
4 influence after a previous reckless homicide
5 conviction);

6 (E) Subdivision (d) (1) (F) of Section 11-501 of the
7 Illinois Vehicle Code (aggravated driving under the
8 influence leading to death); or

9 (F) Subdivision (d) (1) (J) of Section 11-501 of the
10 Illinois Vehicle Code (aggravated driving under the
11 influence that resulted in bodily harm to a child
12 under the age of 16);

13 (7) the defendant is charged with an attempt to commit
14 any charge listed in paragraphs (1) through (6.5), and it
15 is alleged that the defendant's pretrial release poses a
16 real and present threat to the safety of any person or
17 persons or the community, based on the specific
18 articulable facts of the case; or

19 (8) the person has a high likelihood of willful flight
20 to avoid prosecution and is charged with:

21 (A) Any felony described in subdivisions (a) (1)
22 through (a) (7) of this Section; or

23 (B) A felony offense other than a Class 4 offense.

24 (b) If the charged offense is a felony, as part of the
25 detention hearing, the court shall determine whether there is
26 probable cause the defendant has committed an offense, unless

1 a hearing pursuant to Section 109-3 of this Code has already
2 been held or a grand jury has returned a true bill of
3 indictment against the defendant. If there is a finding of no
4 probable cause, the defendant shall be released. No such
5 finding is necessary if the defendant is charged with a
6 misdemeanor.

7 (c) Timing of petition.

8 (1) A petition may be filed without prior notice to
9 the defendant at the first appearance before a judge, or
10 within the 21 calendar days, except as provided in Section
11 110-6, after arrest and release of the defendant upon
12 reasonable notice to defendant; provided that while such
13 petition is pending before the court, the defendant if
14 previously released shall not be detained.

15 (2) Upon filing, the court shall immediately hold a
16 hearing on the petition unless a continuance is requested.
17 If a continuance is requested and granted, the hearing
18 shall be held within 48 hours of the defendant's first
19 appearance if the defendant is charged with first degree
20 murder or a Class X, Class 1, Class 2, or Class 3 felony,
21 and within 24 hours if the defendant is charged with a
22 Class 4 or misdemeanor offense. The Court may deny or
23 grant the request for continuance. If the court decides to
24 grant the continuance, the Court retains the discretion to
25 detain or release the defendant in the time between the
26 filing of the petition and the hearing.

1 (d) Contents of petition.

2 (1) The petition shall be verified by the State and
3 shall state the grounds upon which it contends the
4 defendant should be denied pretrial release, including the
5 real and present threat to the safety of any person or
6 persons or the community, based on the specific
7 articulable facts or flight risk, as appropriate.

8 (2) If the State seeks to file a second or subsequent
9 petition under this Section, the State shall be required
10 to present a verified application setting forth in detail
11 any new facts not known or obtainable at the time of the
12 filing of the previous petition.

13 (e) Eligibility: All defendants shall be presumed eligible
14 for pretrial release, and the State shall bear the burden of
15 proving by clear and convincing evidence that:

16 (1) the proof is evident or the presumption great that
17 the defendant has committed an offense listed in
18 subsection (a), and

19 (2) for offenses listed in paragraphs (1) through (7)
20 of subsection (a), the defendant poses a real and present
21 threat to the safety of any person or persons or the
22 community, based on the specific articulable facts of the
23 case, by conduct which may include, but is not limited to,
24 a forcible felony, the obstruction of justice,
25 intimidation, injury, or abuse as defined by paragraph (1)
26 of Section 103 of the Illinois Domestic Violence Act of

1 1986, and

2 (3) no condition or combination of conditions set
3 forth in subsection (b) of Section 110-10 of this Article
4 can mitigate (i) the real and present threat to the safety
5 of any person or persons or the community, based on the
6 specific articulable facts of the case, for offenses
7 listed in paragraphs (1) through (7) of subsection (a), or
8 (ii) the defendant's willful flight for offenses listed in
9 paragraph (8) of subsection (a), and

10 (4) for offenses under subsection (b) of Section 407
11 of the Illinois Controlled Substances Act that are subject
12 to paragraph (1) of subsection (a), no condition or
13 combination of conditions set forth in subsection (b) of
14 Section 110-10 of this Article can mitigate the real and
15 present threat to the safety of any person or persons or
16 the community, based on the specific articulable facts of
17 the case, and the defendant poses a serious risk to not
18 appear in court as required.

19 (f) Conduct of the hearings.

20 (1) Prior to the hearing, the State shall tender to
21 the defendant copies of the defendant's criminal history
22 available, any written or recorded statements, and the
23 substance of any oral statements made by any person, if
24 relied upon by the State in its petition, and any police
25 reports in the prosecutor's possession at the time of the
26 hearing.

1 (2) The State or defendant may present evidence at the
2 hearing by way of proffer based upon reliable information.

3 (3) The defendant has the right to be represented by
4 counsel, and if he or she is indigent, to have counsel
5 appointed for him or her. The defendant shall have the
6 opportunity to testify, to present witnesses on his or her
7 own behalf, and to cross-examine any witnesses that are
8 called by the State. Defense counsel shall be given
9 adequate opportunity to confer with the defendant before
10 any hearing at which conditions of release or the
11 detention of the defendant are to be considered, with an
12 accommodation for a physical condition made to facilitate
13 attorney/client consultation. If defense counsel needs to
14 confer or consult with the defendant during any hearing
15 conducted via a two-way audio-visual communication system,
16 such consultation shall not be recorded and shall be
17 undertaken consistent with constitutional protections.

18 (3.5) A hearing at which pretrial release may be
19 denied must be conducted in person (and not by way of
20 two-way audio visual communication) unless the accused
21 waives the right to be present physically in court, the
22 court determines that the physical health and safety of
23 any person necessary to the proceedings would be
24 endangered by appearing in court, or the chief judge of
25 the circuit orders use of that system due to operational
26 challenges in conducting the hearing in person. Such

1 operational challenges must be documented and approved by
2 the chief judge of the circuit, and a plan to address the
3 challenges through reasonable efforts must be presented
4 and approved by the Administrative Office of the Illinois
5 Courts every 6 months.

6 (4) If the defense seeks to compel the complaining
7 witness to testify as a witness in its favor, it shall
8 petition the court for permission. When the ends of
9 justice so require, the court may exercise its discretion
10 and compel the appearance of a complaining witness. The
11 court shall state on the record reasons for granting a
12 defense request to compel the presence of a complaining
13 witness only on the issue of the defendant's pretrial
14 detention. In making a determination under this Section,
15 the court shall state on the record the reason for
16 granting a defense request to compel the presence of a
17 complaining witness, and only grant the request if the
18 court finds by clear and convincing evidence that the
19 defendant will be materially prejudiced if the complaining
20 witness does not appear. Cross-examination of a
21 complaining witness at the pretrial detention hearing for
22 the purpose of impeaching the witness' credibility is
23 insufficient reason to compel the presence of the witness.
24 In deciding whether to compel the appearance of a
25 complaining witness, the court shall be considerate of the
26 emotional and physical well-being of the witness. The

1 pre-trial detention hearing is not to be used for purposes
2 of discovery, and the post arraignment rules of discovery
3 do not apply. The State shall tender to the defendant,
4 prior to the hearing, copies, if any, of the defendant's
5 criminal history, if available, and any written or
6 recorded statements and the substance of any oral
7 statements made by any person, if in the State's
8 Attorney's possession at the time of the hearing.

9 (5) The rules concerning the admissibility of evidence
10 in criminal trials do not apply to the presentation and
11 consideration of information at the hearing. At the trial
12 concerning the offense for which the hearing was conducted
13 neither the finding of the court nor any transcript or
14 other record of the hearing shall be admissible in the
15 State's case-in-chief, but shall be admissible for
16 impeachment, or as provided in Section 115-10.1 of this
17 Code, or in a perjury proceeding.

18 (6) The defendant may not move to suppress evidence or
19 a confession, however, evidence that proof of the charged
20 crime may have been the result of an unlawful search or
21 seizure, or both, or through improper interrogation, is
22 relevant in assessing the weight of the evidence against
23 the defendant.

24 (7) Decisions regarding release, conditions of
25 release, and detention prior to trial must be
26 individualized, and no single factor or standard may be

1 used exclusively to order detention. Risk assessment tools
2 may not be used as the sole basis to deny pretrial release.

3 (g) Factors to be considered in making a determination of
4 dangerousness. The court may, in determining whether the
5 defendant poses a real and present threat to the safety of any
6 person or persons or the community, based on the specific
7 articulable facts of the case, consider, but shall not be
8 limited to, evidence or testimony concerning:

9 (1) The nature and circumstances of any offense
10 charged, including whether the offense is a crime of
11 violence, involving a weapon, or a sex offense.

12 (2) The history and characteristics of the defendant
13 including:

14 (A) Any evidence of the defendant's prior criminal
15 history indicative of violent, abusive or assaultive
16 behavior, or lack of such behavior. Such evidence may
17 include testimony or documents received in juvenile
18 proceedings, criminal, quasi-criminal, civil
19 commitment, domestic relations, or other proceedings.

20 (B) Any evidence of the defendant's psychological,
21 psychiatric or other similar social history which
22 tends to indicate a violent, abusive, or assaultive
23 nature, or lack of any such history.

24 (3) The identity of any person or persons to whose
25 safety the defendant is believed to pose a threat, and the
26 nature of the threat.

1 (4) Any statements made by, or attributed to the
2 defendant, together with the circumstances surrounding
3 them.

4 (5) The age and physical condition of the defendant.

5 (6) The age and physical condition of any victim or
6 complaining witness.

7 (7) Whether the defendant is known to possess or have
8 access to any weapon or weapons.

9 (8) Whether, at the time of the current offense or any
10 other offense or arrest, the defendant was on probation,
11 parole, aftercare release, mandatory supervised release or
12 other release from custody pending trial, sentencing,
13 appeal or completion of sentence for an offense under
14 federal or state law.

15 (9) Any other factors, including those listed in
16 Section 110-5 of this Article deemed by the court to have a
17 reasonable bearing upon the defendant's propensity or
18 reputation for violent, abusive, or assaultive behavior,
19 or lack of such behavior.

20 (h) Detention order. The court shall, in any order for
21 detention:

22 (1) make a written finding summarizing the court's
23 reasons for concluding that the defendant should be denied
24 pretrial release, including why less restrictive
25 conditions would not avoid a real and present threat to
26 the safety of any person or persons or the community,

1 based on the specific articulable facts of the case, or
2 prevent the defendant's willful flight from prosecution;

3 (2) direct that the defendant be committed to the
4 custody of the sheriff for confinement in the county jail
5 pending trial;

6 (3) direct that the defendant be given a reasonable
7 opportunity for private consultation with counsel, and for
8 communication with others of his or her choice by
9 visitation, mail and telephone; and

10 (4) direct that the sheriff deliver the defendant as
11 required for appearances in connection with court
12 proceedings.

13 (i) Detention. If the court enters an order for the
14 detention of the defendant pursuant to subsection (e) of this
15 Section, the defendant shall be brought to trial on the
16 offense for which he is detained within 90 days after the date
17 on which the order for detention was entered. If the defendant
18 is not brought to trial within the 90-day period required by
19 the preceding sentence, he shall not be denied pretrial
20 release. In computing the 90-day period, the court shall omit
21 any period of delay resulting from a continuance granted at
22 the request of the defendant and any period of delay resulting
23 from a continuance granted at the request of the State with
24 good cause shown pursuant to Section 103-5.

25 (i-5) At each subsequent appearance of the defendant
26 before the court, the judge must find that continued detention

1 is necessary to avoid a real and present threat to the safety
2 of any person or persons or the community, based on the
3 specific articulable facts of the case, or to prevent the
4 defendant's willful flight from prosecution.

5 (j) Rights of the defendant. The defendant shall be
6 entitled to appeal any order entered under this Section
7 denying his or her pretrial release.

8 (k) Appeal. The State may appeal any order entered under
9 this Section denying any motion for denial of pretrial
10 release.

11 (l) Presumption of innocence. Nothing in this Section
12 shall be construed as modifying or limiting in any way the
13 defendant's presumption of innocence in further criminal
14 proceedings.

15 (m) Interest of victims.

16 (1) Crime victims shall be given notice by the State's
17 Attorney's office of this hearing as required in paragraph (1)
18 of subsection (b) of Section 4.5 of the Rights of Crime Victims
19 and Witnesses Act and shall be informed of their opportunity
20 at this hearing to obtain a protective order.

21 (2) If the defendant is denied pretrial release, the court
22 may impose a no contact provision with the victim or other
23 interested party that shall be enforced while the defendant
24 remains in custody.

25 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

1 Section 30. The Unified Code of Corrections is amended by
2 changing Sections 3-6-3, 5-5-3.2, and 5-6-3.6 as follows:

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

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

5 (a) (1) The Department of Corrections shall prescribe rules
6 and regulations for awarding and revoking sentence credit for
7 persons committed to the Department of Corrections and the
8 Department of Juvenile Justice shall prescribe rules and
9 regulations for awarding and revoking sentence credit for
10 persons committed to the Department of Juvenile Justice under
11 Section 5-8-6 of the Unified Code of Corrections, which shall
12 be subject to review by the Prisoner Review Board.

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

15 (A) successful completion of programming while in
16 custody of the Department of Corrections or the Department
17 of Juvenile Justice or while in custody prior to
18 sentencing;

19 (B) compliance with the rules and regulations of the
20 Department; or

21 (C) service to the institution, service to a
22 community, or service to the State.

23 (2) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide, with respect to offenses listed in clause (i),

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

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

22 (ii) that a prisoner serving a sentence for attempt to
23 commit terrorism, attempt to commit first degree murder,
24 solicitation of murder, solicitation of murder for hire,
25 intentional homicide of an unborn child, predatory
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, criminal sexual assault, aggravated
2 kidnapping, aggravated battery with a firearm as described
3 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
4 or (e) (4) of Section 12-3.05, heinous battery as described
5 in Section 12-4.1 or subdivision (a) (2) of Section
6 12-3.05, persistent unlawful possession of a weapon ~~being~~
7 ~~an armed habitual criminal~~, aggravated battery of a senior
8 citizen as described in Section 12-4.6 or subdivision
9 (a) (4) of Section 12-3.05, or aggravated battery of a
10 child as described in Section 12-4.3 or subdivision (b) (1)
11 of Section 12-3.05 shall receive no more than 4.5 days of
12 sentence credit for each month of his or her sentence of
13 imprisonment;

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

24 (iv) that a prisoner serving a sentence for aggravated
25 discharge of a firearm, whether or not the conduct leading
26 to conviction for the offense resulted in great bodily

1 harm to the victim, shall receive no more than 4.5 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment;

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

25 (vi) that a prisoner serving a sentence for a second
26 or subsequent offense of luring a minor shall receive no

1 more than 4.5 days of sentence credit for each month of his
2 or her sentence of imprisonment; and

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

7 (2.1) For all offenses, other than those enumerated in
8 subdivision (a)(2)(i), (ii), or (iii) committed on or after
9 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
10 June 23, 2005 (the effective date of Public Act 94-71) or
11 subdivision (a)(2)(v) committed on or after August 13, 2007
12 (the effective date of Public Act 95-134) or subdivision
13 (a)(2)(vi) committed on or after June 1, 2008 (the effective
14 date of Public Act 95-625) or subdivision (a)(2)(vii)
15 committed on or after July 23, 2010 (the effective date of
16 Public Act 96-1224), and other than the offense of aggravated
17 driving under the influence of alcohol, other drug or drugs,
18 or intoxicating compound or compounds, or any combination
19 thereof as defined in subparagraph (F) of paragraph (1) of
20 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
21 and other than the offense of aggravated driving under the
22 influence of alcohol, other drug or drugs, or intoxicating
23 compound or compounds, or any combination thereof as defined
24 in subparagraph (C) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code committed on or
26 after January 1, 2011 (the effective date of Public Act

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

7 (2.2) A prisoner serving a term of natural life
8 imprisonment shall receive no sentence credit.

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

19 (2.4) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide with respect to the offenses of aggravated
22 battery with a machine gun or a firearm equipped with any
23 device or attachment designed or used for silencing the report
24 of a firearm or aggravated discharge of a machine gun or a
25 firearm equipped with any device or attachment designed or
26 used for silencing the report of a firearm, committed on or

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

5 (2.5) Except as provided in paragraph (4.7) of this
6 subsection (a), the rules and regulations on sentence credit
7 shall provide that a prisoner who is serving a sentence for
8 aggravated arson committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176) shall receive no more
10 than 4.5 days of sentence credit for each month of his or her
11 sentence of imprisonment.

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

23 (3) In addition to the sentence credits earned under
24 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
25 subsection (a), the rules and regulations shall also provide
26 that the Director of Corrections or the Director of Juvenile

1 Justice may award up to 180 days of earned sentence credit for
2 prisoners serving a sentence of incarceration of less than 5
3 years, and up to 365 days of earned sentence credit for
4 prisoners serving a sentence of 5 years or longer. The
5 Director may grant this credit for good conduct in specific
6 instances as either Director deems proper for eligible persons
7 in the custody of each Director's respective Department. The
8 good conduct may include, but is not limited to, compliance
9 with the rules and regulations of the Department, service to
10 the Department, service to a community, or service to the
11 State.

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

1 including participation in programming offered by the
2 Department.

3 The Director of Corrections or the Director of Juvenile
4 Justice shall not award sentence credit under this paragraph
5 (3) to an inmate unless the inmate has served a minimum of 60
6 days of the sentence, including time served in a county jail;
7 except nothing in this paragraph shall be construed to permit
8 either Director to extend an inmate's sentence beyond that
9 which was imposed by the court. Prior to awarding credit under
10 this paragraph (3), each Director shall make a written
11 determination that the inmate:

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

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

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

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

20 The Director of Corrections or the Director of Juvenile
21 Justice shall determine the form and content of the written
22 determination required in this subsection.

23 (3.5) The Department shall provide annual written reports
24 to the Governor and the General Assembly on the award of earned
25 sentence credit no later than February 1 of each year. The
26 Department must publish both reports on its website within 48

1 hours of transmitting the reports to the Governor and the
2 General Assembly. The reports must include:

3 (A) the number of inmates awarded earned sentence
4 credit;

5 (B) the average amount of earned sentence credit
6 awarded;

7 (C) the holding offenses of inmates awarded earned
8 sentence credit; and

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

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

1 educational program, behavior modification program, life
2 skills course, or re-entry planning provided by the county
3 department of corrections or county jail. Calculation of this
4 county program credit shall be done at sentencing as provided
5 in Section 5-4.5-100 of this Code and shall be included in the
6 sentencing order. The rules and regulations shall also provide
7 that sentence credit may be provided to an inmate who is in
8 compliance with programming requirements in an adult
9 transition center.

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

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

25 (ii) the inmate's own testimony in the form of an
26 affidavit or documentation, or a third party's

1 documentation or testimony in the form of an affidavit
2 that the inmate likely engaged in any full-time substance
3 abuse programs, correctional industry assignments,
4 educational programs, behavior modification programs, life
5 skills courses, or re-entry planning provided by the
6 Department under paragraph (4) and satisfactorily
7 completed the assigned program as determined by the
8 standards of the Department during the inmate's current
9 term of incarceration.

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

24 (D) If the inmate has been convicted of a sex offense as
25 defined in Section 2 of the Sex Offender Registration Act,
26 sentencing credits under subparagraph (B) of this paragraph

1 (4) shall be awarded by the Department only if the conditions
2 set forth in paragraph (4.6) of subsection (a) are satisfied.
3 No inmate serving a term of natural life imprisonment shall
4 receive sentence credit under subparagraph (B) of this
5 paragraph (4).

6 (E) The rules and regulations shall provide for the
7 recalculation of program credits awarded pursuant to this
8 paragraph (4) prior to July 1, 2021 (the effective date of
9 Public Act 101-652) at the rate set for such credits on and
10 after July 1, 2021.

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

21 Availability of these programs shall be subject to the
22 limits of fiscal resources appropriated by the General
23 Assembly for these purposes. Eligible inmates who are denied
24 immediate admission shall be placed on a waiting list under
25 criteria established by the Department. The rules and
26 regulations shall provide that a prisoner who has been placed

1 on a waiting list but is transferred for non-disciplinary
2 reasons before beginning a program shall receive priority
3 placement on the waitlist for appropriate programs at the new
4 facility. The inability of any inmate to become engaged in any
5 such programs by reason of insufficient program resources or
6 for any other reason established under the rules and
7 regulations of the Department shall not be deemed a cause of
8 action under which the Department or any employee or agent of
9 the Department shall be liable for damages to the inmate. The
10 rules and regulations shall provide that a prisoner who begins
11 an educational, vocational, substance abuse, work-release
12 programs or activities in accordance with Article 13 of
13 Chapter III of this Code, behavior modification program, life
14 skills course, re-entry planning, or correctional industry
15 programs but is unable to complete the program due to illness,
16 disability, transfer, lockdown, or another reason outside of
17 the prisoner's control shall receive prorated sentence credits
18 for the days in which the prisoner did participate.

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

1 but shall also be pursuant to the guidelines and restrictions
2 set forth in paragraph (4) of subsection (a) of this Section.
3 The sentence credit provided for in this paragraph shall be
4 available only to those prisoners who have not previously
5 earned a high school diploma or a State of Illinois High School
6 Diploma. If, after an award of the high school equivalency
7 testing sentence credit has been made, the Department
8 determines that the prisoner was not eligible, then the award
9 shall be revoked. The Department may also award 90 days of
10 sentence credit to any committed person who passed high school
11 equivalency testing while he or she was held in pre-trial
12 detention prior to the current commitment to the Department of
13 Corrections. Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations shall provide that
15 an additional 120 days of sentence credit shall be awarded to
16 any prisoner who obtains an associate degree while the
17 prisoner is committed to the Department of Corrections,
18 regardless of the date that the associate degree was obtained,
19 including if prior to July 1, 2021 (the effective date of
20 Public Act 101-652). The sentence credit awarded under this
21 paragraph (4.1) shall be in addition to, and shall not affect,
22 the award of sentence credit under any other paragraph of this
23 Section, but shall also be under the guidelines and
24 restrictions set forth in paragraph (4) of subsection (a) of
25 this Section. The sentence credit provided for in this
26 paragraph (4.1) shall be available only to those prisoners who

1 have not previously earned an associate degree prior to the
2 current commitment to the Department of Corrections. If, after
3 an award of the associate degree sentence credit has been made
4 and the Department determines that the prisoner was not
5 eligible, then the award shall be revoked. The Department may
6 also award 120 days of sentence credit to any committed person
7 who earned an associate degree while he or she was held in
8 pre-trial detention prior to the current commitment to the
9 Department of Corrections.

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

1 bachelor's degree while he or she was held in pre-trial
2 detention prior to the current commitment to the Department of
3 Corrections.

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

25 (4.2) (A) The rules and regulations shall also provide that
26 any prisoner engaged in self-improvement programs, volunteer

1 work, or work assignments that are not otherwise eligible
2 activities under paragraph (4), shall receive up to 0.5 days
3 of sentence credit for each day in which the prisoner is
4 engaged in activities described in this paragraph.

5 (B) The rules and regulations shall provide for the award
6 of sentence credit under this paragraph (4.2) for qualifying
7 days of engagement in eligible activities occurring prior to
8 July 1, 2021 (the effective date of Public Act 101-652).

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

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

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

20 (4.7) On or after January 1, 2018 (the effective date of
21 Public Act 100-3), sentence credit under paragraph (3), (4),
22 or (4.1) of this subsection (a) may be awarded to a prisoner
23 who is serving a sentence for an offense described in
24 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
25 on or after January 1, 2018 (the effective date of Public Act
26 100-3); provided, the award of the credits under this

1 paragraph (4.7) shall not reduce the sentence of the prisoner
2 to less than the following amounts:

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

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

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

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

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

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

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

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

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

15 (3) The Director of Corrections or the Director of
16 Juvenile Justice, in appropriate cases, may restore sentence
17 credits which have been revoked, suspended, or reduced. The
18 Department shall prescribe rules and regulations governing the
19 restoration of sentence credits. These rules and regulations
20 shall provide for the automatic restoration of sentence
21 credits following a period in which the prisoner maintains a
22 record without a disciplinary violation.

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of sentence credit.

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

16 For purposes of this subsection (d):

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

21 (A) it lacks an arguable basis either in law or in
22 fact;

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

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

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

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

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

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

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

9 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
10 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
11 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised
12 12-15-23.)

13 (730 ILCS 5/5-5-3.2)

14 Sec. 5-5-3.2. Factors in aggravation and extended-term
15 sentencing.

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

20 (1) the defendant's conduct caused or threatened
21 serious harm;

22 (2) the defendant received compensation for committing
23 the offense;

24 (3) the defendant has a history of prior delinquency
25 or criminal activity;

1 (4) the defendant, by the duties of his office or by
2 his position, was obliged to prevent the particular
3 offense committed or to bring the offenders committing it
4 to justice;

5 (5) the defendant held public office at the time of
6 the offense, and the offense related to the conduct of
7 that office;

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

11 (7) the sentence is necessary to deter others from
12 committing the same crime;

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

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

18 (10) by reason of another individual's actual or
19 perceived race, color, creed, religion, ancestry, gender,
20 sexual orientation, physical or mental disability, or
21 national origin, the defendant committed the offense
22 against (i) the person or property of that individual;
23 (ii) the person or property of a person who has an
24 association with, is married to, or has a friendship with
25 the other individual; or (iii) the person or property of a
26 relative (by blood or marriage) of a person described in

1 clause (i) or (ii). For the purposes of this Section,
2 "sexual orientation" has the meaning ascribed to it in
3 paragraph (O-1) of Section 1-103 of the Illinois Human
4 Rights Act;

5 (11) the offense took place in a place of worship or on
6 the grounds of a place of worship, immediately prior to,
7 during or immediately following worship services. For
8 purposes of this subparagraph, "place of worship" shall
9 mean any church, synagogue or other building, structure or
10 place used primarily for religious worship;

11 (12) the defendant was convicted of a felony committed
12 while he was on pretrial release or his own recognizance
13 pending trial for a prior felony and was convicted of such
14 prior felony, or the defendant was convicted of a felony
15 committed while he was serving a period of probation,
16 conditional discharge, or mandatory supervised release
17 under subsection (d) of Section 5-8-1 for a prior felony;

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

23 (14) the defendant held a position of trust or
24 supervision such as, but not limited to, family member as
25 defined in Section 11-0.1 of the Criminal Code of 2012,
26 teacher, scout leader, baby sitter, or day care worker, in

1 relation to a victim under 18 years of age, and the
2 defendant committed an offense in violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
4 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
6 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
7 or 12-16 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 against that victim;

9 (15) the defendant committed an offense related to the
10 activities of an organized gang. For the purposes of this
11 factor, "organized gang" has the meaning ascribed to it in
12 Section 10 of the Streetgang Terrorism Omnibus Prevention
13 Act;

14 (16) the defendant committed an offense in violation
15 of one of the following Sections while in a school,
16 regardless of the time of day or time of year; on any
17 conveyance owned, leased, or contracted by a school to
18 transport students to or from school or a school related
19 activity; on the real property of a school; or on a public
20 way within 1,000 feet of the real property comprising any
21 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
22 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
23 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
24 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
25 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
26 for subdivision (a)(4) or (g)(1), of the Criminal Code of

1 1961 or the Criminal Code of 2012;

2 (16.5) the defendant committed an offense in violation
3 of one of the following Sections while in a day care
4 center, regardless of the time of day or time of year; on
5 the real property of a day care center, regardless of the
6 time of day or time of year; or on a public way within
7 1,000 feet of the real property comprising any day care
8 center, regardless of the time of day or time of year:
9 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
10 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision
14 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (17) the defendant committed the offense by reason of
17 any person's activity as a community policing volunteer or
18 to prevent any person from engaging in activity as a
19 community policing volunteer. For the purpose of this
20 Section, "community policing volunteer" has the meaning
21 ascribed to it in Section 2-3.5 of the Criminal Code of
22 2012;

23 (18) the defendant committed the offense in a nursing
24 home or on the real property comprising a nursing home.
25 For the purposes of this paragraph (18), "nursing home"
26 means a skilled nursing or intermediate long term care

1 facility that is subject to license by the Illinois
2 Department of Public Health under the Nursing Home Care
3 Act, the Specialized Mental Health Rehabilitation Act of
4 2013, the ID/DD Community Care Act, or the MC/DD Act;

5 (19) the defendant was a federally licensed firearm
6 dealer and was previously convicted of a violation of
7 subsection (a) of Section 3 of the Firearm Owners
8 Identification Card Act and has now committed either a
9 felony violation of the Firearm Owners Identification Card
10 Act or an act of armed violence while armed with a firearm;

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

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

1 (22) the defendant committed the offense against a
2 person that the defendant knew, or reasonably should have
3 known, was a member of the Armed Forces of the United
4 States serving on active duty. For purposes of this clause
5 (22), the term "Armed Forces" means any of the Armed
6 Forces of the United States, including a member of any
7 reserve component thereof or National Guard unit called to
8 active duty;

9 (23) the defendant committed the offense against a
10 person who was elderly or infirm or who was a person with a
11 disability by taking advantage of a family or fiduciary
12 relationship with the elderly or infirm person or person
13 with a disability;

14 (24) the defendant committed any offense under Section
15 11-20.1 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 and possessed 100 or more images;

17 (25) the defendant committed the offense while the
18 defendant or the victim was in a train, bus, or other
19 vehicle used for public transportation;

20 (26) the defendant committed the offense of child
21 pornography or aggravated child pornography, specifically
22 including paragraph (1), (2), (3), (4), (5), or (7) of
23 subsection (a) of Section 11-20.1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 where a child engaged in,
25 solicited for, depicted in, or posed in any act of sexual
26 penetration or bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in a sexual context
2 and specifically including paragraph (1), (2), (3), (4),
3 (5), or (7) of subsection (a) of Section 11-20.1B or
4 Section 11-20.3 of the Criminal Code of 1961 where a child
5 engaged in, solicited for, depicted in, or posed in any
6 act of sexual penetration or bound, fettered, or subject
7 to sadistic, masochistic, or sadomasochistic abuse in a
8 sexual context;

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

26 (28) the defendant committed the offense of assault,

1 aggravated assault, battery, aggravated battery, robbery,
2 armed robbery, or aggravated robbery against a person that
3 the defendant knew or reasonably should have known was a
4 letter carrier or postal worker while that person was
5 performing his or her duties delivering mail for the
6 United States Postal Service;

7 (29) the defendant committed the offense of criminal
8 sexual assault, aggravated criminal sexual assault,
9 criminal sexual abuse, or aggravated criminal sexual abuse
10 against a victim with an intellectual disability, and the
11 defendant holds a position of trust, authority, or
12 supervision in relation to the victim;

13 (30) the defendant committed the offense of promoting
14 juvenile prostitution, patronizing a prostitute, or
15 patronizing a minor engaged in prostitution and at the
16 time of the commission of the offense knew that the
17 prostitute or minor engaged in prostitution was in the
18 custody or guardianship of the Department of Children and
19 Family Services;

20 (31) the defendant (i) committed the offense of
21 driving while under the influence of alcohol, other drug
22 or drugs, intoxicating compound or compounds or any
23 combination thereof in violation of Section 11-501 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance and (ii) the defendant during the commission of
26 the offense was driving his or her vehicle upon a roadway

1 designated for one-way traffic in the opposite direction
2 of the direction indicated by official traffic control
3 devices;

4 (32) the defendant committed the offense of reckless
5 homicide while committing a violation of Section 11-907 of
6 the Illinois Vehicle Code;

7 (33) the defendant was found guilty of an
8 administrative infraction related to an act or acts of
9 public indecency or sexual misconduct in the penal
10 institution. In this paragraph (33), "penal institution"
11 has the same meaning as in Section 2-14 of the Criminal
12 Code of 2012; or

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

24 For the purposes of this Section:

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

1 "Day care center" means a public or private State
2 certified and licensed day care center as defined in Section
3 2.09 of the Child Care Act of 1969 that displays a sign in
4 plain view stating that the property is a day care center.

5 "Intellectual disability" means significantly subaverage
6 intellectual functioning which exists concurrently with
7 impairment in adaptive behavior.

8 "Public transportation" means the transportation or
9 conveyance of persons by means available to the general
10 public, and includes paratransit services.

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

16 (b) The following factors, related to all felonies, may be
17 considered by the court as reasons to impose an extended term
18 sentence under Section 5-8-2 upon any offender:

19 (1) When a defendant is convicted of any felony, after
20 having been previously convicted in Illinois or any other
21 jurisdiction of the same or similar class felony or
22 greater class felony, when such conviction has occurred
23 within 10 years after the previous conviction, excluding
24 time spent in custody, and such charges are separately
25 brought and tried and arise out of different series of
26 acts; or

1 (2) When a defendant is convicted of any felony and
2 the court finds that the offense was accompanied by
3 exceptionally brutal or heinous behavior indicative of
4 wanton cruelty; or

5 (3) When a defendant is convicted of any felony
6 committed against:

7 (i) a person under 12 years of age at the time of
8 the offense or such person's property;

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

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

13 (4) When a defendant is convicted of any felony and
14 the offense involved any of the following types of
15 specific misconduct committed as part of a ceremony, rite,
16 initiation, observance, performance, practice or activity
17 of any actual or ostensible religious, fraternal, or
18 social group:

19 (i) the brutalizing or torturing of humans or
20 animals;

21 (ii) the theft of human corpses;

22 (iii) the kidnapping of humans;

23 (iv) the desecration of any cemetery, religious,
24 fraternal, business, governmental, educational, or
25 other building or property; or

26 (v) ritualized abuse of a child; or

1 (5) When a defendant is convicted of a felony other
2 than conspiracy and the court finds that the felony was
3 committed under an agreement with 2 or more other persons
4 to commit that offense and the defendant, with respect to
5 the other individuals, occupied a position of organizer,
6 supervisor, financier, or any other position of management
7 or leadership, and the court further finds that the felony
8 committed was related to or in furtherance of the criminal
9 activities of an organized gang or was motivated by the
10 defendant's leadership in an organized gang; or

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

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

24 (8) When a defendant commits any felony and the
25 defendant used, possessed, exercised control over, or
26 otherwise directed an animal to assault a law enforcement

1 officer engaged in the execution of his or her official
2 duties or in furtherance of the criminal activities of an
3 organized gang in which the defendant is engaged; or

4 (9) When a defendant commits any felony and the
5 defendant knowingly video or audio records the offense
6 with the intent to disseminate the recording.

7 (c) The following factors may be considered by the court
8 as reasons to impose an extended term sentence under Section
9 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
10 offenses:

11 (1) When a defendant is convicted of first degree
12 murder, after having been previously convicted in Illinois
13 of any offense listed under paragraph (c)(2) of Section
14 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
15 occurred within 10 years after the previous conviction,
16 excluding time spent in custody, and the charges are
17 separately brought and tried and arise out of different
18 series of acts.

19 (1.5) When a defendant is convicted of first degree
20 murder, after having been previously convicted of domestic
21 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
22 (720 ILCS 5/12-3.3) committed on the same victim or after
23 having been previously convicted of violation of an order
24 of protection (720 ILCS 5/12-30) in which the same victim
25 was the protected person.

26 (2) When a defendant is convicted of voluntary

1 manslaughter, second degree murder, involuntary
2 manslaughter, or reckless homicide in which the defendant
3 has been convicted of causing the death of more than one
4 individual.

5 (3) When a defendant is convicted of aggravated
6 criminal sexual assault or criminal sexual assault, when
7 there is a finding that aggravated criminal sexual assault
8 or criminal sexual assault was also committed on the same
9 victim by one or more other individuals, and the defendant
10 voluntarily participated in the crime with the knowledge
11 of the participation of the others in the crime, and the
12 commission of the crime was part of a single course of
13 conduct during which there was no substantial change in
14 the nature of the criminal objective.

15 (4) If the victim was under 18 years of age at the time
16 of the commission of the offense, when a defendant is
17 convicted of aggravated criminal sexual assault or
18 predatory criminal sexual assault of a child under
19 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
20 of Section 12-14.1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

22 (5) When a defendant is convicted of a felony
23 violation of Section 24-1 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
25 finding that the defendant is a member of an organized
26 gang.

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

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

1 (8) When the defendant is convicted of attempted mob
2 action, solicitation to commit mob action, or conspiracy
3 to commit mob action under Section 8-1, 8-2, or 8-4 of the
4 Criminal Code of 2012, where the criminal object is a
5 violation of Section 25-1 of the Criminal Code of 2012,
6 and an electronic communication is used in the commission
7 of the offense. For the purposes of this paragraph (8),
8 "electronic communication" shall have the meaning provided
9 in Section 26.5-0.1 of the Criminal Code of 2012.

10 (d) For the purposes of this Section, "organized gang" has
11 the meaning ascribed to it in Section 10 of the Illinois
12 Streetgang Terrorism Omnibus Prevention Act.

13 (e) The court may impose an extended term sentence under
14 Article 4.5 of Chapter V upon an offender who has been
15 convicted of a felony violation of Section 11-1.20, 11-1.30,
16 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
17 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
18 when the victim of the offense is under 18 years of age at the
19 time of the commission of the offense and, during the
20 commission of the offense, the victim was under the influence
21 of alcohol, regardless of whether or not the alcohol was
22 supplied by the offender; and the offender, at the time of the
23 commission of the offense, knew or should have known that the
24 victim had consumed alcohol.

25 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
26 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.

1 8-20-21; 102-982, eff. 7-1-23.)

2 (730 ILCS 5/5-6-3.6)

3 Sec. 5-6-3.6. First Time Weapon Offense Program.

4 (a) The General Assembly has sought to promote public
5 safety, reduce recidivism, and conserve valuable resources of
6 the criminal justice system through the creation of diversion
7 programs for non-violent offenders. This amendatory Act of the
8 103rd General Assembly establishes a program for first-time,
9 non-violent offenders charged with certain weapons possession
10 offenses. The General Assembly recognizes some persons,
11 particularly in areas of high crime or poverty, may have
12 experienced trauma that contributes to poor decision making
13 skills, and the creation of a diversionary program poses a
14 greater benefit to the community and the person than
15 incarceration. Under this program, a court, with the consent
16 of the defendant and the State's Attorney, may sentence a
17 defendant charged with an unlawful possession ~~use~~ of weapons
18 offense under Section 24-1 of the Criminal Code of 2012 or
19 aggravated unlawful possession ~~use~~ of a weapon offense under
20 Section 24-1.6 of the Criminal Code of 2012, if punishable as a
21 Class 4 felony or lower, to a First Time Weapon Offense
22 Program.

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

24 (1) the offense was committed during the commission of
25 a violent offense as defined in subsection (h) of this

1 Section;

2 (2) he or she has previously been convicted or placed
3 on probation or conditional discharge for any violent
4 offense under the laws of this State, the laws of any other
5 state, or the laws of the United States;

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

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

10 (5) (blank); or

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

13 (b-5) In considering whether a defendant shall be
14 sentenced to the First Time Weapon Offense Program, the court
15 shall consider the following:

16 (1) the age, immaturity, or limited mental capacity of
17 the defendant;

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

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

23 (4) whether the defendant suffers from trauma, as
24 supported by documentation or evaluation by a licensed
25 professional; and

26 (5) the potential risk to public safety.

1 (c) For an offense committed on or after January 1, 2018
2 (the effective date of Public Act 100-3) whenever an eligible
3 person pleads guilty to an unlawful possession ~~use~~ of weapons
4 offense under Section 24-1 of the Criminal Code of 2012 or
5 aggravated unlawful possession ~~use~~ of a weapon offense under
6 Section 24-1.6 of the Criminal Code of 2012, which is
7 punishable as a Class 4 felony or lower, the court, with the
8 consent of the defendant and the State's Attorney, may,
9 without entering a judgment, sentence the defendant to
10 complete the First Time Weapon Offense Program. When a
11 defendant is placed in the Program, the court shall defer
12 further proceedings in the case until the conclusion of the
13 period or until the filing of a petition alleging violation of
14 a term or condition of the Program. Upon violation of a term or
15 condition of the Program, the court may enter a judgment on its
16 original finding of guilt and proceed as otherwise provided by
17 law. Upon fulfillment of the terms and conditions of the
18 Program, the court shall discharge the person and dismiss the
19 proceedings against the person.

20 (d) The Program shall be at least 6 months and not to
21 exceed 24 months, as determined by the court at the
22 recommendation of the Program administrator and the State's
23 Attorney. The Program administrator may be appointed by the
24 Chief Judge of each Judicial Circuit.

25 (e) The conditions of the Program shall be that the
26 defendant:

1 (1) not violate any criminal statute of this State or
2 any other jurisdiction;

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

5 (3) (blank);

6 (4) (blank);

7 (5) (blank);

8 (6) (blank);

9 (7) attend and participate in any Program activities
10 deemed required by the Program administrator, such as:
11 counseling sessions, in-person and over the phone
12 check-ins, and educational classes; and

13 (8) (blank).

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

16 (1) obtain or attempt to obtain employment;

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

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

1 illicit drug;

2 (4) perform community service;

3 (5) pay all fines, assessments, fees, and costs; and

4 (6) comply with such other reasonable conditions as
5 the court may impose.

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

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

20 (i) (Blank).

21 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
22 103-370, eff. 7-28-23.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2025.

1 INDEX

2 Statutes amended in order of appearance

3	225 ILCS 10/4.2	from Ch. 23, par. 2214.2
4	625 ILCS 5/6-206	
5	705 ILCS 405/1-7	
6	720 ILCS 5/2-13	from Ch. 38, par. 2-13
7	720 ILCS 5/8-2	from Ch. 38, par. 8-2
8	720 ILCS 5/24-1	from Ch. 38, par. 24-1
9	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
10	720 ILCS 5/24-1.6	
11	720 ILCS 5/24-1.7	
12	720 ILCS 5/24-2.1	from Ch. 38, par. 24-2.1
13	720 ILCS 5/24-3.6	
14	720 ILCS 5/24-11 new	
15	720 ILCS 5/36-1	from Ch. 38, par. 36-1
16	725 ILCS 5/110-6.1	from Ch. 38, par. 110-6.1
17	730 ILCS 5/3-6-3	
18	730 ILCS 5/5-5-3.2	
19	730 ILCS 5/5-6-3.6	