

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB2864**

Introduced 1/24/2024, by Sen. Javier L. Cervantes

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Criminal Code of 2012. Changes the names of the offenses of unlawful use of weapons, unlawful use of weapons by felons or persons in the custody of the Department of Corrections facilities, aggravated unlawful use of a weapon, being an armed habitual criminal, unlawful use of firearm projectiles, and unlawful use of a firearm in the shape of a wireless telephone to unlawful possession of weapons, unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities, aggravated unlawful possession of a weapon, persistent unlawful possession of a weapon, unlawful possession of firearm projectiles, and unlawful possession of a firearm in the shape of a wireless telephone. Provides that if any person before the effective date of the amendatory Act has been arrested, charged, prosecuted, convicted, or sentenced for unlawful use of weapons, unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities, aggravated unlawful use of a weapon, being an armed habitual criminal, unlawful use of firearm projectiles, or unlawful use of a firearm in the shape of a wireless telephone, the changes of the names and the defendants to unlawful possession of weapons, unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities, aggravated unlawful possession of a weapon, persistent unlawful possession of a weapon, unlawful possession of firearm projectiles, and unlawful possession of a firearm in the shape of a wireless telephone, shall retroactively be made in any criminal background records maintained by the Illinois State Police, law enforcement agencies, clerks of the circuit court, and any other State agencies providing criminal background information to the public under specified timelines. Amends various Acts to make conforming changes. Effective January 1, 2025.

LRB103 37863 RLC 67994 b

1 AN ACT concerning criminal law.

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

4 Section 5. The 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 and by adding Section 24-11 as  
20 follows:

21 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

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

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

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

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

25 (1.5) the United States Department of Homeland  
26 Security, United States Citizenship and Immigration

1 Services, United States Coast Guard, United States Customs  
2 and Border Protection, and United States Immigration and  
3 Customs Enforcement;

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

7 (3) the United States Internal Revenue Service;

8 (4) the United States General Services Administration;

9 (5) the United States Postal Service;

10 (6) (blank); and

11 (7) the United States Department of Defense.

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

13 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

14 Sec. 8-2. Conspiracy.

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

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

25 (1) have not been prosecuted or convicted,



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

5 (c) Sentence.

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

8 (A) a Class X felony shall be sentenced for a Class  
9 1 felony;

10 (B) a Class 1 felony shall be sentenced for a Class  
11 2 felony;

12 (C) a Class 2 felony shall be sentenced for a Class  
13 3 felony;

14 (D) a Class 3 felony shall be sentenced for a Class  
15 4 felony;

16 (E) a Class 4 felony shall be sentenced for a Class  
17 4 felony; and

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

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

24 (A) aggravated insurance fraud conspiracy when the  
25 person is an organizer of the conspiracy (720 ILCS  
26 5/46-4); or

1 (B) aggravated governmental entity insurance fraud  
2 conspiracy when the person is an organizer of the  
3 conspiracy (720 ILCS 5/46-4).

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

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

8 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
9 or aggravated governmental insurance fraud (720 ILCS  
10 5/46-3).

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

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

18 (A) soliciting for a prostitute (720 ILCS  
19 5/11-14.3(a)(1));

20 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
21 5/11-14.3(a)(2)(B));

22 (C) keeping a place of prostitution (720 ILCS  
23 5/11-14.3(a)(1));

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

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

1 (F) unlawful possession ~~use~~ of weapons under  
2 Section 24-1(a) (7) (720 ILCS 5/24-1(a) (7));

3 (G) gambling (720 ILCS 5/28-1);

4 (H) keeping a gambling place (720 ILCS 5/28-3);

5 (I) registration of federal gambling stamps  
6 violation (720 ILCS 5/28-4);

7 (J) look-alike substances violation (720 ILCS  
8 570/404);

9 (K) miscellaneous controlled substance violation  
10 under Section 406(b) (720 ILCS 570/406(b)); or

11 (L) an inchoate offense related to any of the  
12 principal offenses set forth in this item (5).

13 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

14 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

15 Sec. 24-1. Unlawful possession ~~use~~ of weapons.

16 (a) A person commits the offense of unlawful possession  
17 ~~use~~ of weapons when he knowingly:

18 (1) Sells, manufactures, purchases, possesses or  
19 carries any bludgeon, black-jack, slung-shot, sand-club,  
20 sand-bag, metal knuckles or other knuckle weapon  
21 regardless of its composition, throwing star, or any  
22 knife, commonly referred to as a switchblade knife, which  
23 has a blade that opens automatically by hand pressure  
24 applied to a button, spring or other device in the handle  
25 of the knife, or a ballistic knife, which is a device that

1           propels a knifelike blade as a projectile by means of a  
2           coil spring, elastic material or compressed gas; or

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

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

12          (3) Carries on or about his person or in any vehicle, a  
13          tear gas gun projector or bomb or any object containing  
14          noxious liquid gas or substance, other than an object  
15          containing a non-lethal noxious liquid gas or substance  
16          designed solely for personal defense carried by a person  
17          18 years of age or older; or

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

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

1 machine gun can be assembled if such parts are in the  
2 possession or under the control of a person;

3 (ii) any rifle having one or more barrels less  
4 than 16 inches in length or a shotgun having one or  
5 more barrels less than 18 inches in length or any  
6 weapon made from a rifle or shotgun, whether by  
7 alteration, modification, or otherwise, if such a  
8 weapon as modified has an overall length of less than  
9 26 inches; or

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

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

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

1           (9) Carries or possesses in a vehicle or on or about  
2 his or her person any pistol, revolver, stun gun or taser  
3 or firearm or ballistic knife, when he or she is hooded,  
4 robed or masked in such manner as to conceal his or her  
5 identity; or

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

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

20           (ii) are not immediately accessible; or

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

25           (iv) are carried or possessed in accordance with  
26 the Firearm Concealed Carry Act by a person who has

1           been issued a currently valid license under the  
2           Firearm Concealed Carry Act.

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

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



1 (12) (Blank); or

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

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

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

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

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

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

18 (c) Violations in specific places.

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

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

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

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

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

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

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

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

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

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

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

19          (e) Exemptions.

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

24                 (2) The provision of paragraph (1) of subsection (a)  
25                 of this Section prohibiting the sale, manufacture,  
26                 purchase, possession, or carrying of any knife, commonly

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

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

11 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

24 (b) It is unlawful for any person confined in a penal  
25 institution, which is a facility of the Illinois Department of

1 Corrections, to possess any weapon prohibited under Section  
2 24-1 of this Code or any firearm or firearm ammunition,  
3 regardless of the intent with which he possesses it.

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

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

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



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

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

1 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

1 immediately accessible at the time of the offense; or

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

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

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

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

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

26 (E) the person possessing the weapon was engaged

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

6 (F) (blank); or

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

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

14 (I) the person possessing the weapon was under 21  
15 years of age and in possession of a handgun, unless the  
16 person under 21 is engaged in lawful activities under  
17 the Wildlife Code or described in subsection  
18 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

26 (ii) are not immediately accessible; or

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

5 (d) Sentence.

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

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

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

1 Unified Code of Corrections.

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

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

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

11 (720 ILCS 5/24-1.7)

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

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

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

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

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

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

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

11 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

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

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

19 For the purposes of this Section:

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

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

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

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

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

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

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

25 (1) Peace officers.

26 (2) Wardens, superintendents and keepers of prisons,



1 penitentiaries, jails and other institutions for the  
2 detention of persons accused or convicted of an offense.

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

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

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

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

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

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

24 (8) Manufacture, transportation, or sale of armor  
25 piercing bullets, dragon's breath shotgun shells, bolo  
26 shells, or flechette shells to persons specifically

1 authorized under paragraphs (1) through (7) of this  
2 subsection to possess such bullets or shells.

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

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

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

11 (720 ILCS 5/24-3.6)

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

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

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

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

1 (d) Sentence. Unlawful possession ~~use~~ of a firearm in the  
2 shape of a wireless telephone is a Class 4 felony.

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

4 (720 ILCS 5/24-11 new)

5 Sec. 24-11. Unlawful possession of weapons retroactive  
6 name change. If any person before the effective date of this  
7 amendatory Act of the 103rd General Assembly has been  
8 arrested, charged, prosecuted, convicted, or sentenced for  
9 unlawful use of weapons, unlawful use or possession of weapons  
10 by felons or persons in the custody of the Department of  
11 Corrections facilities, aggravated unlawful use of a weapon,  
12 being an armed habitual criminal, unlawful use of firearm  
13 projectiles, or unlawful use of a firearm in the shape of a  
14 wireless telephone, the changes of the names and the  
15 defendants to unlawful possession of weapons, unlawful  
16 possession of weapons by felons or persons in the custody of  
17 the Department of Corrections facilities, aggravated unlawful  
18 possession of a weapon, persistent unlawful possession of a  
19 weapon, unlawful possession of firearm projectiles, and  
20 unlawful possession of a firearm in the shape of a wireless  
21 telephone, shall retroactively be made in any criminal  
22 background records maintained by the Illinois State Police,  
23 law enforcement agencies, clerks of the circuit court, and any  
24 other State agencies providing criminal background information  
25 to the public under the following timelines:

1           (1) records created prior to January 1, 2025, but on  
2           or after January 1, 2018, shall be changed prior to  
3           January 1, 2026;

4           (2) records created prior to January 1, 2018, but on  
5           or after January 1, 2005, shall be changed prior to  
6           January 1, 2027; and

7           (3) records created prior to January 1, 2005 shall be  
8           changed prior to January 1, 2028.

9           (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

16                 (1) an offense prohibited by Section 9-1 (first degree  
17                 murder), Section 9-3 (involuntary manslaughter and  
18                 reckless homicide), Section 10-2 (aggravated kidnaping),  
19                 Section 11-1.20 (criminal sexual assault), Section 11-1.30  
20                 (aggravated criminal sexual assault), Section 11-1.40  
21                 (predatory criminal sexual assault of a child), subsection  
22                 (a) of Section 11-1.50 (criminal sexual abuse), subsection  
23                 (a), (c), or (d) of Section 11-1.60 (aggravated criminal  
24                 sexual abuse), Section 11-6 (indecent solicitation of a  
25                 child), Section 11-14.4 (promoting juvenile prostitution

1           except for keeping a place of juvenile prostitution),  
2           Section 11-20.1 (child pornography), paragraph (a)(1),  
3           (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),  
4           (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05  
5           (aggravated battery), Section 12-7.3 (stalking), Section  
6           12-7.4 (aggravated stalking), Section 16-1 (theft if the  
7           theft is of precious metal or of scrap metal), subdivision  
8           (f)(2) or (f)(3) of Section 16-25 (retail theft), Section  
9           18-2 (armed robbery), Section 19-1 (burglary), Section  
10          19-2 (possession of burglary tools), Section 19-3  
11          (residential burglary), Section 20-1 (arson; residential  
12          arson; place of worship arson), Section 20-2 (possession  
13          of explosives or explosive or incendiary devices),  
14          subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful  
15          possession ~~use~~ of weapons), Section 24-1.2 (aggravated  
16          discharge of a firearm), Section 24-1.2-5 (aggravated  
17          discharge of a machine gun or a firearm equipped with a  
18          device designed or used for silencing the report of a  
19          firearm), Section 24-1.5 (reckless discharge of a  
20          firearm), Section 28-1 (gambling), or Section 29D-15.2  
21          (possession of a deadly substance) of this Code;

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

26                 (3) an offense prohibited by Section 28, 29, or 30 of

1 the Cigarette Use Tax Act if the vessel or watercraft,  
2 vehicle, or aircraft contains more than 10 cartons of such  
3 cigarettes;

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

6 (5) an offense prohibited by Section 11-204.1 of the  
7 Illinois Vehicle Code (aggravated fleeing or attempting to  
8 elude a peace officer);

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

14 (A) during a period in which his or her driving  
15 privileges are revoked or suspended if the revocation  
16 or suspension was for:

17 (i) Section 11-501 (driving under the  
18 influence of alcohol or other drug or drugs,  
19 intoxicating compound or compounds or any  
20 combination thereof),

21 (ii) Section 11-501.1 (statutory summary  
22 suspension or revocation),

23 (iii) paragraph (b) of Section 11-401 (motor  
24 vehicle crashes involving death or personal  
25 injuries), or

26 (iv) reckless homicide as defined in Section

1           9-3 of this Code;

2           (B) has been previously convicted of reckless  
3 homicide or a similar provision of a law of another  
4 state relating to reckless homicide in which the  
5 person was determined to have been under the influence  
6 of alcohol, other drug or drugs, or intoxicating  
7 compound or compounds as an element of the offense or  
8 the person has previously been convicted of committing  
9 a violation of driving under the influence of alcohol  
10 or other drug or drugs, intoxicating compound or  
11 compounds or any combination thereof and was involved  
12 in a motor vehicle crash that resulted in death, great  
13 bodily harm, or permanent disability or disfigurement  
14 to another, when the violation was a proximate cause  
15 of the death or injuries;

16           (C) the person committed a violation of driving  
17 under the influence of alcohol or other drug or drugs,  
18 intoxicating compound or compounds or any combination  
19 thereof under Section 11-501 of the Illinois Vehicle  
20 Code or a similar provision for the third or  
21 subsequent time;

22           (D) he or she did not possess a valid driver's  
23 license or permit or a valid restricted driving permit  
24 or a valid judicial driving permit or a valid  
25 monitoring device driving permit; or

26           (E) he or she knew or should have known that the

1 vehicle he or she was driving was not covered by a  
2 liability insurance policy;

3 (7) an offense described in subsection (g) of Section  
4 6-303 of the Illinois Vehicle Code;

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

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



1 or combination thereof and was involved in an accident  
2 that resulted in death, great bodily harm, or permanent  
3 disability or disfigurement to another, when the violation  
4 was a proximate cause of the death or injuries; or (C) the  
5 person committed a violation of operating a watercraft  
6 under the influence of alcohol, other drug or drugs,  
7 intoxicating compound or compounds, or combination thereof  
8 under Section 5-16 of the Boat Registration and Safety Act  
9 or a similar provision for the third or subsequent time.

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

18 (c) In addition, when a person discharges a firearm at  
19 another individual from a vehicle with the knowledge and  
20 consent of the owner of the vehicle and with the intent to  
21 cause death or great bodily harm to that individual and as a  
22 result causes death or great bodily harm to that individual,  
23 the vehicle shall be subject to seizure and forfeiture under  
24 the same procedures provided in this Article for the seizure  
25 and forfeiture of vehicles used in violations of clauses (1),  
26 (2), (3), or (4) of subsection (a) of this Section.

1 (d) If the spouse of the owner of a vehicle seized for an  
2 offense described in subsection (g) of Section 6-303 of the  
3 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
4 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
5 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
6 Code makes a showing that the seized vehicle is the only source  
7 of transportation and it is determined that the financial  
8 hardship to the family as a result of the seizure outweighs the  
9 benefit to the State from the seizure, the vehicle may be  
10 forfeited to the spouse or family member and the title to the  
11 vehicle shall be transferred to the spouse or family member  
12 who is properly licensed and who requires the use of the  
13 vehicle for employment or family transportation purposes. A  
14 written declaration of forfeiture of a vehicle under this  
15 Section shall be sufficient cause for the title to be  
16 transferred to the spouse or family member. The provisions of  
17 this paragraph shall apply only to one forfeiture per vehicle.  
18 If the vehicle is the subject of a subsequent forfeiture  
19 proceeding by virtue of a subsequent conviction of either  
20 spouse or the family member, the spouse or family member to  
21 whom the vehicle was forfeited under the first forfeiture  
22 proceeding may not utilize the provisions of this paragraph in  
23 another forfeiture proceeding. If the owner of the vehicle  
24 seized owns more than one vehicle, the procedure set out in  
25 this paragraph may be used for only one vehicle.

26 (e) In addition, property subject to forfeiture under

1 Section 40 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act may be seized and forfeited under this Article.  
3 (Source: P.A. 102-982, eff. 7-1-23.)

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

6 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

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

8 (a) Upon verified petition by the State, the court shall  
9 hold a hearing and may deny a defendant pretrial release only  
10 if:

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

20 (1.5) the defendant's pretrial release poses a real  
21 and present threat to the safety of any person or persons  
22 or the community, based on the specific articulable facts  
23 of the case, and the defendant is charged with a forcible  
24 felony, which as used in this Section, means treason,

1 first degree murder, second degree murder, predatory  
2 criminal sexual assault of a child, aggravated criminal  
3 sexual assault, criminal sexual assault, armed robbery,  
4 aggravated robbery, robbery, burglary where there is use  
5 of force against another person, residential burglary,  
6 home invasion, vehicular invasion, aggravated arson,  
7 arson, aggravated kidnaping, kidnaping, aggravated battery  
8 resulting in great bodily harm or permanent disability or  
9 disfigurement or any other felony which involves the  
10 threat of or infliction of great bodily harm or permanent  
11 disability or disfigurement;

12 (2) the defendant is charged with stalking or  
13 aggravated stalking, and it is alleged that the  
14 defendant's pre-trial release poses a real and present  
15 threat to the safety of a victim of the alleged offense,  
16 and denial of release is necessary to prevent fulfillment  
17 of the threat upon which the charge is based;

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

1 articulable facts of the case;

2 (4) the defendant is charged with domestic battery or  
3 aggravated domestic battery under Section 12-3.2 or 12-3.3  
4 of the Criminal Code of 2012 and it is alleged that the  
5 defendant's pretrial release poses a real and present  
6 threat to the safety of any person or persons or the  
7 community, based on the specific articulable facts of the  
8 case;

9 (5) the defendant is charged with any offense under  
10 Article 11 of the Criminal Code of 2012, except for  
11 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,  
12 11-40, and 11-45 of the Criminal Code of 2012, or similar  
13 provisions of the Criminal Code of 1961 and it is alleged  
14 that the defendant's pretrial release poses a 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;

18 (6) the defendant is charged with any of the following  
19 offenses under the Criminal Code of 2012, and it is  
20 alleged that the defendant's pretrial release poses a real  
21 and present threat to the safety of any person or persons  
22 or the community, based on the specific articulable facts  
23 of the case:

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

26 (B) Section 24-2.5 (aggravated discharge of a

1 machine gun or a firearm equipped with a device  
2 designed or use for silencing the report of a  
3 firearm);

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

6 (D) Section 24-1.7 (persistent unlawful possession  
7 of a weapon~~armed habitual criminal~~);

8 (E) Section 24-2.2 (manufacture, sale or transfer  
9 of bullets or shells represented to be armor piercing  
10 bullets, dragon's breath shotgun shells, bolo shells,  
11 or flechette shells);

12 (F) Section 24-3 (unlawful sale or delivery of  
13 firearms);

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

16 (H) Section 24-34 (unlawful sale of firearms by  
17 liquor license);

18 (I) Section 24-3.5 (unlawful purchase of a  
19 firearm);

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

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

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

23 (M) Section 10-9 (c) (involuntary sexual servitude  
24 of a minor);

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

26 (O) Non-probationable violations: (i) unlawful ~~use~~

1           ~~or~~ possession of weapons by felons or persons in the  
2           Custody of the Department of Corrections facilities  
3           (Section 24-1.1), (ii) aggravated unlawful possession  
4           ~~use~~ of a weapon (Section 24-1.6), or (iii) aggravated  
5           possession of a stolen firearm (Section 24-3.9);

6           (P) Section 9-3 (reckless homicide and involuntary  
7           manslaughter);

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

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

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

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

13           (U) Section 10-3.1 (aggravated unlawful  
14           restraint);

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

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

19           (6.5) the defendant is charged with any of the  
20           following offenses, and it is alleged that the defendant's  
21           pretrial release poses a real and present threat to the  
22           safety of any person or persons or the community, based on  
23           the specific articulable facts of the case:

24           (A) Felony violations of Sections 3.01, 3.02, or  
25           3.03 of the Humane Care for Animals Act (cruel  
26           treatment, aggravated cruelty, and animal torture);

1 (B) Subdivision (d) (1) (B) of Section 11-501 of the  
2 Illinois Vehicle Code (aggravated driving under the  
3 influence while operating a school bus with  
4 passengers);

5 (C) Subdivision (d) (1) (C) of Section 11-501 of the  
6 Illinois Vehicle Code (aggravated driving under the  
7 influence causing great bodily harm);

8 (D) Subdivision (d) (1) (D) of Section 11-501 of the  
9 Illinois Vehicle Code (aggravated driving under the  
10 influence after a previous reckless homicide  
11 conviction);

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

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

19 (7) the defendant is charged with an attempt to commit  
20 any charge listed in paragraphs (1) through (6.5), and it  
21 is alleged that the defendant's pretrial release poses a  
22 real and present threat to the safety of any person or  
23 persons or the community, based on the specific  
24 articulable facts of the case; or

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



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

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

4 (b) If the charged offense is a felony, as part of the  
5 detention hearing, the court shall determine whether there is  
6 probable cause the defendant has committed an offense, unless  
7 a hearing pursuant to Section 109-3 of this Code has already  
8 been held or a grand jury has returned a true bill of  
9 indictment against the defendant. If there is a finding of no  
10 probable cause, the defendant shall be released. No such  
11 finding is necessary if the defendant is charged with a  
12 misdemeanor.

13 (c) Timing of petition.

14 (1) A petition may be filed without prior notice to  
15 the defendant at the first appearance before a judge, or  
16 within the 21 calendar days, except as provided in Section  
17 110-6, after arrest and release of the defendant upon  
18 reasonable notice to defendant; provided that while such  
19 petition is pending before the court, the defendant if  
20 previously released shall not be detained.

21 (2) Upon filing, the court shall immediately hold a  
22 hearing on the petition unless a continuance is requested.  
23 If a continuance is requested and granted, the hearing  
24 shall be held within 48 hours of the defendant's first  
25 appearance if the defendant is charged with first degree  
26 murder or a Class X, Class 1, Class 2, or Class 3 felony,

1 and within 24 hours if the defendant is charged with a  
2 Class 4 or misdemeanor offense. The Court may deny or  
3 grant the request for continuance. If the court decides to  
4 grant the continuance, the Court retains the discretion to  
5 detain or release the defendant in the time between the  
6 filing of the petition and the hearing.

7 (d) Contents of petition.

8 (1) The petition shall be verified by the State and  
9 shall state the grounds upon which it contends the  
10 defendant should be denied pretrial release, including the  
11 real and present threat to the safety of any person or  
12 persons or the community, based on the specific  
13 articulable facts or flight risk, as appropriate.

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

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

22 (1) the proof is evident or the presumption great that  
23 the defendant has committed an offense listed in  
24 subsection (a), and

25 (2) for offenses listed in paragraphs (1) through (7)  
26 of subsection (a), the defendant poses a real and present

1 threat to the safety of any person or persons or the  
2 community, based on the specific articulable facts of the  
3 case, by conduct which may include, but is not limited to,  
4 a forcible felony, the obstruction of justice,  
5 intimidation, injury, or abuse as defined by paragraph (1)  
6 of Section 103 of the Illinois Domestic Violence Act of  
7 1986, and

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

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

25 (f) Conduct of the hearings.

26 (1) Prior to the hearing, the State shall tender to

1 the defendant copies of the defendant's criminal history  
2 available, any written or recorded statements, and the  
3 substance of any oral statements made by any person, if  
4 relied upon by the State in its petition, and any police  
5 reports in the prosecutor's possession at the time of the  
6 hearing.

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

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

24 (3.5) A hearing at which pretrial release may be  
25 denied must be conducted in person (and not by way of  
26 two-way audio visual communication) unless the accused

1 waives the right to be present physically in court, the  
2 court determines that the physical health and safety of  
3 any person necessary to the proceedings would be  
4 endangered by appearing in court, or the chief judge of  
5 the circuit orders use of that system due to operational  
6 challenges in conducting the hearing in person. Such  
7 operational challenges must be documented and approved by  
8 the chief judge of the circuit, and a plan to address the  
9 challenges through reasonable efforts must be presented  
10 and approved by the Administrative Office of the Illinois  
11 Courts every 6 months.

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

1           complaining witness at the pretrial detention hearing for  
2           the purpose of impeaching the witness' credibility is  
3           insufficient reason to compel the presence of the witness.  
4           In deciding whether to compel the appearance of a  
5           complaining witness, the court shall be considerate of the  
6           emotional and physical well-being of the witness. The  
7           pre-trial detention hearing is not to be used for purposes  
8           of discovery, and the post arraignment rules of discovery  
9           do not apply. The State shall tender to the defendant,  
10          prior to the hearing, copies, if any, of the defendant's  
11          criminal history, if available, and any written or  
12          recorded statements and the substance of any oral  
13          statements made by any person, if in the State's  
14          Attorney's possession at the time of the hearing.

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

24           (6) The defendant may not move to suppress evidence or  
25          a confession, however, evidence that proof of the charged  
26          crime may have been the result of an unlawful search or

1 seizure, or both, or through improper interrogation, is  
2 relevant in assessing the weight of the evidence against  
3 the defendant.

4 (7) Decisions regarding release, conditions of  
5 release, and detention prior to trial must be  
6 individualized, and no single factor or standard may be  
7 used exclusively to order detention. Risk assessment tools  
8 may not be used as the sole basis to deny pretrial release.

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

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

18 (2) The history and characteristics of the defendant  
19 including:

20 (A) Any evidence of the defendant's prior criminal  
21 history indicative of violent, abusive or assaultive  
22 behavior, or lack of such behavior. Such evidence may  
23 include testimony or documents received in juvenile  
24 proceedings, criminal, quasi-criminal, civil  
25 commitment, domestic relations, or other proceedings.

26 (B) Any evidence of the defendant's psychological,

1 psychiatric or other similar social history which  
2 tends to indicate a violent, abusive, or assaultive  
3 nature, or lack of any such history.

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

7 (4) Any statements made by, or attributed to the  
8 defendant, together with the circumstances surrounding  
9 them.

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

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

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

15 (8) Whether, at the time of the current offense or any  
16 other offense or arrest, the defendant was on probation,  
17 parole, aftercare release, mandatory supervised release or  
18 other release from custody pending trial, sentencing,  
19 appeal or completion of sentence for an offense under  
20 federal or state law.

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

26 (h) Detention order. The court shall, in any order for



1 detention:

2 (1) make a written finding summarizing the court's  
3 reasons for concluding that the defendant should be denied  
4 pretrial release, including why less restrictive  
5 conditions would not avoid a real and present threat to  
6 the safety of any person or persons or the community,  
7 based on the specific articulable facts of the case, or  
8 prevent the defendant's willful flight from prosecution;

9 (2) direct that the defendant be committed to the  
10 custody of the sheriff for confinement in the county jail  
11 pending trial;

12 (3) direct that the defendant be given a reasonable  
13 opportunity for private consultation with counsel, and for  
14 communication with others of his or her choice by  
15 visitation, mail and telephone; and

16 (4) direct that the sheriff deliver the defendant as  
17 required for appearances in connection with court  
18 proceedings.

19 (i) Detention. If the court enters an order for the  
20 detention of the defendant pursuant to subsection (e) of this  
21 Section, the defendant shall be brought to trial on the  
22 offense for which he is detained within 90 days after the date  
23 on which the order for detention was entered. If the defendant  
24 is not brought to trial within the 90-day period required by  
25 the preceding sentence, he shall not be denied pretrial  
26 release. In computing the 90-day period, the court shall omit

1 any period of delay resulting from a continuance granted at  
2 the request of the defendant and any period of delay resulting  
3 from a continuance granted at the request of the State with  
4 good cause shown pursuant to Section 103-5.

5 (i-5) At each subsequent appearance of the defendant  
6 before the court, the judge must find that continued detention  
7 is necessary to avoid a real and present threat to the safety  
8 of any person or persons or the community, based on the  
9 specific articulable facts of the case, or to prevent the  
10 defendant's willful flight from prosecution.

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

14 (k) Appeal. The State may appeal any order entered under  
15 this Section denying any motion for denial of pretrial  
16 release.

17 (l) Presumption of innocence. Nothing in this Section  
18 shall be construed as modifying or limiting in any way the  
19 defendant's presumption of innocence in further criminal  
20 proceedings.

21 (m) Interest of victims.

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

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

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

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

8           (730 ILCS 5/3-6-3)

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

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

18          (1.5) As otherwise provided by law, sentence credit may be  
19 awarded for the following:

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

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

1 Department; or

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

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

24 (i) that a prisoner who is serving a term of  
25 imprisonment for first degree murder or for the offense of  
26 terrorism shall receive no sentence credit and shall serve

1 the entire sentence imposed by the court;

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

20 (iii) that a prisoner serving a sentence for home  
21 invasion, armed robbery, aggravated vehicular hijacking,  
22 aggravated discharge of a firearm, or armed violence with  
23 a category I weapon or category II weapon, when the court  
24 has made and entered a finding, pursuant to subsection  
25 (c-1) of Section 5-4-1 of this Code, that the conduct  
26 leading to conviction for the enumerated offense resulted

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

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

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

1 conspiracy when the substance containing the controlled  
2 substance or methamphetamine is 100 grams or more shall  
3 receive no more than 7.5 days sentence credit for each  
4 month of his or her sentence of imprisonment;

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

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

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

1 and other than the offense of aggravated driving under the  
2 influence of alcohol, other drug or drugs, or intoxicating  
3 compound or compounds, or any combination thereof as defined  
4 in subparagraph (C) of paragraph (1) of subsection (d) of  
5 Section 11-501 of the Illinois Vehicle Code committed on or  
6 after January 1, 2011 (the effective date of Public Act  
7 96-1230), the rules and regulations shall provide that a  
8 prisoner who is serving a term of imprisonment shall receive  
9 one day of sentence credit for each day of his or her sentence  
10 of imprisonment or recommitment under Section 3-3-9. Each day  
11 of sentence credit shall reduce by one day the prisoner's  
12 period of imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life  
14 imprisonment shall receive no sentence credit.

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

25 (2.4) Except as provided in paragraph (4.7) of this  
26 subsection (a), the rules and regulations on sentence credit



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

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

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

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

3 (3) In addition to the sentence credits earned under  
4 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
5 subsection (a), the rules and regulations shall also provide  
6 that the Director of Corrections or the Director of Juvenile  
7 Justice may award up to 180 days of earned sentence credit for  
8 prisoners serving a sentence of incarceration of less than 5  
9 years, and up to 365 days of earned sentence credit for  
10 prisoners serving a sentence of 5 years or longer. The  
11 Director may grant this credit for good conduct in specific  
12 instances as either Director deems proper for eligible persons  
13 in the custody of each Director's respective Department. The  
14 good conduct may include, but is not limited to, compliance  
15 with the rules and regulations of the Department, service to  
16 the Department, service to a community, or service to the  
17 State.

18 Eligible inmates for an award of earned sentence credit  
19 under this paragraph (3) may be selected to receive the credit  
20 at either Director's or his or her designee's sole discretion.  
21 Eligibility for the additional earned sentence credit under  
22 this paragraph (3) may be based on, but is not limited to,  
23 participation in programming offered by the Department as  
24 appropriate for the prisoner based on the results of any  
25 available risk/needs assessment or other relevant assessments  
26 or evaluations administered by the Department using a

1 validated instrument, the circumstances of the crime,  
2 demonstrated commitment to rehabilitation by a prisoner with a  
3 history of conviction for a forcible felony enumerated in  
4 Section 2-8 of the Criminal Code of 2012, the inmate's  
5 behavior and improvements in disciplinary history while  
6 incarcerated, and the inmate's commitment to rehabilitation,  
7 including participation in programming offered by the  
8 Department.

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

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

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

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

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

26 The Director of Corrections or the Director of Juvenile

1 Justice shall determine the form and content of the written  
2 determination required in this subsection.

3 (3.5) The Department shall provide annual written reports  
4 to the Governor and the General Assembly on the award of earned  
5 sentence credit no later than February 1 of each year. The  
6 Department must publish both reports on its website within 48  
7 hours of transmitting the reports to the Governor and the  
8 General Assembly. The reports must include:

9 (A) the number of inmates awarded earned sentence  
10 credit;

11 (B) the average amount of earned sentence credit  
12 awarded;

13 (C) the holding offenses of inmates awarded earned  
14 sentence credit; and

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

16 (4) (A) Except as provided in paragraph (4.7) of this  
17 subsection (a), the rules and regulations shall also provide  
18 that any prisoner who is engaged full-time in substance abuse  
19 programs, correctional industry assignments, educational  
20 programs, work-release programs or activities in accordance  
21 with Article 13 of Chapter III of this Code, behavior  
22 modification programs, life skills courses, or re-entry  
23 planning provided by the Department under this paragraph (4)  
24 and satisfactorily completes the assigned program as  
25 determined by the standards of the Department, shall receive  
26 one day of sentence credit for each day in which that prisoner

1 is engaged in the activities described in this paragraph. The  
2 rules and regulations shall also provide that sentence credit  
3 may be provided to an inmate who was held in pre-trial  
4 detention prior to his or her current commitment to the  
5 Department of Corrections and successfully completed a  
6 full-time, 60-day or longer substance abuse program,  
7 educational program, behavior modification program, life  
8 skills course, or re-entry planning provided by the county  
9 department of corrections or county jail. Calculation of this  
10 county program credit shall be done at sentencing as provided  
11 in Section 5-4.5-100 of this Code and shall be included in the  
12 sentencing order. The rules and regulations shall also provide  
13 that sentence credit may be provided to an inmate who is in  
14 compliance with programming requirements in an adult  
15 transition center.

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

23 (i) documentation provided by the Department that the  
24 inmate engaged in any full-time substance abuse programs,  
25 correctional industry assignments, educational programs,  
26 behavior modification programs, life skills courses, or

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

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

16 (C) If the inmate can provide documentation that he or she  
17 is entitled to sentence credit under subparagraph (B) in  
18 excess of 45 days of participation in those programs, the  
19 inmate shall receive 90 days of sentence credit. If the inmate  
20 cannot provide documentation of more than 45 days of  
21 participation in those programs, the inmate shall receive 45  
22 days of sentence credit. In the event of a disagreement  
23 between the Department and the inmate as to the amount of  
24 credit accumulated under subparagraph (B), if the Department  
25 provides documented proof of a lesser amount of days of  
26 participation in those programs, that proof shall control. If

1 the Department provides no documentary proof, the inmate's  
2 proof as set forth in clause (ii) of subparagraph (B) shall  
3 control as to the amount of sentence credit provided.

4 (D) If the inmate has been convicted of a sex offense as  
5 defined in Section 2 of the Sex Offender Registration Act,  
6 sentencing credits under subparagraph (B) of this paragraph  
7 (4) shall be awarded by the Department only if the conditions  
8 set forth in paragraph (4.6) of subsection (a) are satisfied.  
9 No inmate serving a term of natural life imprisonment shall  
10 receive sentence credit under subparagraph (B) of this  
11 paragraph (4).

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

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

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

25           (4.1) Except as provided in paragraph (4.7) of this  
26 subsection (a), the rules and regulations shall also provide



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

1 paragraph (4.1) shall be in addition to, and shall not affect,  
2 the award of sentence credit under any other paragraph of this  
3 Section, but shall also be under the guidelines and  
4 restrictions set forth in paragraph (4) of subsection (a) of  
5 this Section. The sentence credit provided for in this  
6 paragraph (4.1) shall be available only to those prisoners who  
7 have not previously earned an associate degree prior to the  
8 current commitment to the Department of Corrections. If, after  
9 an award of the associate degree sentence credit has been made  
10 and the Department determines that the prisoner was not  
11 eligible, then the award shall be revoked. The Department may  
12 also award 120 days of sentence credit to any committed person  
13 who earned an associate degree while he or she was held in  
14 pre-trial detention prior to the current commitment to the  
15 Department of Corrections.

16 Except as provided in paragraph (4.7) of this subsection  
17 (a), the rules and regulations shall provide that an  
18 additional 180 days of sentence credit shall be awarded to any  
19 prisoner who obtains a bachelor's degree while the prisoner is  
20 committed to the Department of Corrections. The sentence  
21 credit awarded under this paragraph (4.1) shall be in addition  
22 to, and shall not affect, the award of sentence credit under  
23 any other paragraph of this Section, but shall also be under  
24 the guidelines and restrictions set forth in paragraph (4) of  
25 this subsection (a). The sentence credit provided for in this  
26 paragraph shall be available only to those prisoners who have

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

1 days of sentence credit to any committed person who earned a  
2 master's or professional degree while he or she was held in  
3 pre-trial detention prior to the current commitment to the  
4 Department of Corrections.

5 (4.2) (A) The rules and regulations shall also provide that  
6 any prisoner engaged in self-improvement programs, volunteer  
7 work, or work assignments that are not otherwise eligible  
8 activities under paragraph (4), shall receive up to 0.5 days  
9 of sentence credit for each day in which the prisoner is  
10 engaged in activities described in this paragraph.

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

15 (4.5) The rules and regulations on sentence credit shall  
16 also provide that when the court's sentencing order recommends  
17 a prisoner for substance abuse treatment and the crime was  
18 committed on or after September 1, 2003 (the effective date of  
19 Public Act 93-354), the prisoner shall receive no sentence  
20 credit awarded under clause (3) of this subsection (a) unless  
21 he or she participates in and completes a substance abuse  
22 treatment program. The Director of Corrections may waive the  
23 requirement to participate in or complete a substance abuse  
24 treatment program in specific instances if the prisoner is not  
25 a good candidate for a substance abuse treatment program for  
26 medical, programming, or operational reasons. Availability of

1 substance abuse treatment shall be subject to the limits of  
2 fiscal resources appropriated by the General Assembly for  
3 these purposes. If treatment is not available and the  
4 requirement to participate and complete the treatment has not  
5 been waived by the Director, the prisoner shall be placed on a  
6 waiting list under criteria established by the Department. The  
7 Director may allow a prisoner placed on a waiting list to  
8 participate in and complete a substance abuse education class  
9 or attend substance abuse self-help meetings in lieu of a  
10 substance abuse treatment program. A prisoner on a waiting  
11 list who is not placed in a substance abuse program prior to  
12 release may be eligible for a waiver and receive sentence  
13 credit under clause (3) of this subsection (a) at the  
14 discretion of the Director.

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

26 (4.7) On or after January 1, 2018 (the effective date of

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

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

11 (ii) 60% of his or her sentence if the prisoner is  
12 required to serve 75% of his or her sentence, except if the  
13 prisoner is serving a sentence for gunrunning his or her  
14 sentence shall not be reduced to less than 75%.

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

17 (5) Whenever the Department is to release any inmate  
18 earlier than it otherwise would because of a grant of earned  
19 sentence credit under paragraph (3) of subsection (a) of this  
20 Section given at any time during the term, the Department  
21 shall give reasonable notice of the impending release not less  
22 than 14 days prior to the date of the release to the State's  
23 Attorney of the county where the prosecution of the inmate  
24 took place, and if applicable, the State's Attorney of the  
25 county into which the inmate will be released. The Department  
26 must also make identification information and a recent photo

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

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

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

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

21           (3) The Director of Corrections or the Director of  
22 Juvenile Justice, in appropriate cases, may restore sentence  
23 credits which have been revoked, suspended, or reduced. The  
24 Department shall prescribe rules and regulations governing the  
25 restoration of sentence credits. These rules and regulations  
26 shall provide for the automatic restoration of sentence



1 credits following a period in which the prisoner maintains a  
2 record without a disciplinary violation.

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

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

22 For purposes of this subsection (d):

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

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

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

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

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

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

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

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

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

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

15 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;  
16 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.  
17 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised  
18 12-15-23.)

19 (730 ILCS 5/5-5-3.2)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term  
21 sentencing.

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

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

3           (2) the defendant received compensation for committing  
4 the offense;

5           (3) the defendant has a history of prior delinquency  
6 or criminal activity;

7           (4) the defendant, by the duties of his office or by  
8 his position, was obliged to prevent the particular  
9 offense committed or to bring the offenders committing it  
10 to justice;

11           (5) the defendant held public office at the time of  
12 the offense, and the offense related to the conduct of  
13 that office;

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

17           (7) the sentence is necessary to deter others from  
18 committing the same crime;

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

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

24           (10) by reason of another individual's actual or  
25 perceived race, color, creed, religion, ancestry, gender,  
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense  
2 against (i) the person or property of that individual;  
3 (ii) the person or property of a person who has an  
4 association with, is married to, or has a friendship with  
5 the other individual; or (iii) the person or property of a  
6 relative (by blood or marriage) of a person described in  
7 clause (i) or (ii). For the purposes of this Section,  
8 "sexual orientation" has the meaning ascribed to it in  
9 paragraph (O-1) of Section 1-103 of the Illinois Human  
10 Rights Act;

11 (11) the offense took place in a place of worship or on  
12 the grounds of a place of worship, immediately prior to,  
13 during or immediately following worship services. For  
14 purposes of this subparagraph, "place of worship" shall  
15 mean any church, synagogue or other building, structure or  
16 place used primarily for religious worship;

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

24 (13) the defendant committed or attempted to commit a  
25 felony while he was wearing a bulletproof vest. For the  
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the  
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or  
4 supervision such as, but not limited to, family member as  
5 defined in Section 11-0.1 of the Criminal Code of 2012,  
6 teacher, scout leader, baby sitter, or day care worker, in  
7 relation to a victim under 18 years of age, and the  
8 defendant committed an offense in violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
10 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012 against that victim;

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

20 (16) the defendant committed an offense in violation  
21 of one of the following Sections while in a school,  
22 regardless of the time of day or time of year; on any  
23 conveyance owned, leased, or contracted by a school to  
24 transport students to or from school or a school related  
25 activity; on the real property of a school; or on a public  
26 way within 1,000 feet of the real property comprising any

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

8 (16.5) the defendant committed an offense in violation  
9 of one of the following Sections while in a day care  
10 center, regardless of the time of day or time of year; on  
11 the real property of a day care center, regardless of the  
12 time of day or time of year; or on a public way within  
13 1,000 feet of the real property comprising any day care  
14 center, regardless of the time of day or time of year:  
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of  
23 any person's activity as a community policing volunteer or  
24 to prevent any person from engaging in activity as a  
25 community policing volunteer. For the purpose of this  
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of  
2 2012;

3 (18) the defendant committed the offense in a nursing  
4 home or on the real property comprising a nursing home.  
5 For the purposes of this paragraph (18), "nursing home"  
6 means a skilled nursing or intermediate long term care  
7 facility that is subject to license by the Illinois  
8 Department of Public Health under the Nursing Home Care  
9 Act, the Specialized Mental Health Rehabilitation Act of  
10 2013, the ID/DD Community Care Act, or the MC/DD Act;

11 (19) the defendant was a federally licensed firearm  
12 dealer and was previously convicted of a violation of  
13 subsection (a) of Section 3 of the Firearm Owners  
14 Identification Card Act and has now committed either a  
15 felony violation of the Firearm Owners Identification Card  
16 Act or an act of armed violence while armed with a firearm;

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



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

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

15           (23) the defendant committed the offense against a  
16 person who was elderly or infirm or who was a person with a  
17 disability by taking advantage of a family or fiduciary  
18 relationship with the elderly or infirm person or person  
19 with a disability;

20           (24) the defendant committed any offense under Section  
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 and possessed 100 or more images;

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

26           (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically  
2 including paragraph (1), (2), (3), (4), (5), or (7) of  
3 subsection (a) of Section 11-20.1 of the Criminal Code of  
4 1961 or the Criminal Code of 2012 where a child engaged in,  
5 solicited for, depicted in, or posed in any act of sexual  
6 penetration or bound, fettered, or subject to sadistic,  
7 masochistic, or sadomasochistic abuse in a sexual context  
8 and specifically including paragraph (1), (2), (3), (4),  
9 (5), or (7) of subsection (a) of Section 11-20.1B or  
10 Section 11-20.3 of the Criminal Code of 1961 where a child  
11 engaged in, solicited for, depicted in, or posed in any  
12 act of sexual penetration or bound, fettered, or subject  
13 to sadistic, masochistic, or sadomasochistic abuse in a  
14 sexual context;

15 (27) the defendant committed the offense of first  
16 degree murder, assault, aggravated assault, battery,  
17 aggravated battery, robbery, armed robbery, or aggravated  
18 robbery against a person who was a veteran and the  
19 defendant knew, or reasonably should have known, that the  
20 person was a veteran performing duties as a representative  
21 of a veterans' organization. For the purposes of this  
22 paragraph (27), "veteran" means an Illinois resident who  
23 has served as a member of the United States Armed Forces, a  
24 member of the Illinois National Guard, or a member of the  
25 United States Reserve Forces; and "veterans' organization"  
26 means an organization comprised of members of which

1 substantially all are individuals who are veterans or  
2 spouses, widows, or widowers of veterans, the primary  
3 purpose of which is to promote the welfare of its members  
4 and to provide assistance to the general public in such a  
5 way as to confer a public benefit;

6 (28) the defendant committed the offense of assault,  
7 aggravated assault, battery, aggravated battery, robbery,  
8 armed robbery, or aggravated robbery against a person that  
9 the defendant knew or reasonably should have known was a  
10 letter carrier or postal worker while that person was  
11 performing his or her duties delivering mail for the  
12 United States Postal Service;

13 (29) the defendant committed the offense of criminal  
14 sexual assault, aggravated criminal sexual assault,  
15 criminal sexual abuse, or aggravated criminal sexual abuse  
16 against a victim with an intellectual disability, and the  
17 defendant holds a position of trust, authority, or  
18 supervision in relation to the victim;

19 (30) the defendant committed the offense of promoting  
20 juvenile prostitution, patronizing a prostitute, or  
21 patronizing a minor engaged in prostitution and at the  
22 time of the commission of the offense knew that the  
23 prostitute or minor engaged in prostitution was in the  
24 custody or guardianship of the Department of Children and  
25 Family Services;

26 (31) the defendant (i) committed the offense of

1 driving while under the influence of alcohol, other drug  
2 or drugs, intoxicating compound or compounds or any  
3 combination thereof in violation of Section 11-501 of the  
4 Illinois Vehicle Code or a similar provision of a local  
5 ordinance and (ii) the defendant during the commission of  
6 the offense was driving his or her vehicle upon a roadway  
7 designated for one-way traffic in the opposite direction  
8 of the direction indicated by official traffic control  
9 devices;

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

13 (33) the defendant was found guilty of an  
14 administrative infraction related to an act or acts of  
15 public indecency or sexual misconduct in the penal  
16 institution. In this paragraph (33), "penal institution"  
17 has the same meaning as in Section 2-14 of the Criminal  
18 Code of 2012; or

19 (34) the defendant committed the offense of leaving  
20 the scene of a crash in violation of subsection (b) of  
21 Section 11-401 of the Illinois Vehicle Code and the crash  
22 resulted in the death of a person and at the time of the  
23 offense, the defendant was: (i) driving under the  
24 influence of alcohol, other drug or drugs, intoxicating  
25 compound or compounds or any combination thereof as  
26 defined by Section 11-501 of the Illinois Vehicle Code; or

1 (ii) operating the motor vehicle while using an electronic  
2 communication device as defined in Section 12-610.2 of the  
3 Illinois Vehicle Code.

4 For the purposes of this Section:

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

7 "Day care center" means a public or private State  
8 certified and licensed day care center as defined in Section  
9 2.09 of the Child Care Act of 1969 that displays a sign in  
10 plain view stating that the property is a day care center.

11 "Intellectual disability" means significantly subaverage  
12 intellectual functioning which exists concurrently with  
13 impairment in adaptive behavior.

14 "Public transportation" means the transportation or  
15 conveyance of persons by means available to the general  
16 public, and includes paratransit services.

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

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

25 (1) When a defendant is convicted of any felony, after  
26 having been previously convicted in Illinois or any other

1 jurisdiction of the same or similar class felony or  
2 greater class felony, when such conviction has occurred  
3 within 10 years after the previous conviction, excluding  
4 time spent in custody, and such charges are separately  
5 brought and tried and arise out of different series of  
6 acts; or

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

11 (3) When a defendant is convicted of any felony  
12 committed against:

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

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

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

19 (4) When a defendant is convicted of any felony and  
20 the offense involved any of the following types of  
21 specific misconduct committed as part of a ceremony, rite,  
22 initiation, observance, performance, practice or activity  
23 of any actual or ostensible religious, fraternal, or  
24 social group:

25 (i) the brutalizing or torturing of humans or  
26 animals;

1           (ii) the theft of human corpses;  
2           (iii) the kidnapping of humans;  
3           (iv) the desecration of any cemetery, religious,  
4           fraternal, business, governmental, educational, or  
5           other building or property; or

6           (v) ritualized abuse of a child; or

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

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

22          (7) When a defendant who was at least 17 years of age  
23          at the time of the commission of the offense is convicted  
24          of a felony and has been previously adjudicated a  
25          delinquent minor under the Juvenile Court Act of 1987 for  
26          an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10  
2 years after the previous adjudication, excluding time  
3 spent in custody; or

4 (8) When a defendant commits any felony and the  
5 defendant used, possessed, exercised control over, or  
6 otherwise directed an animal to assault a law enforcement  
7 officer engaged in the execution of his or her official  
8 duties or in furtherance of the criminal activities of an  
9 organized gang in which the defendant is engaged; or

10 (9) When a defendant commits any felony and the  
11 defendant knowingly video or audio records the offense  
12 with the intent to disseminate the recording.

13 (c) The following factors may be considered by the court  
14 as reasons to impose an extended term sentence under Section  
15 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
16 offenses:

17 (1) When a defendant is convicted of first degree  
18 murder, after having been previously convicted in Illinois  
19 of any offense listed under paragraph (c)(2) of Section  
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
21 occurred within 10 years after the previous conviction,  
22 excluding time spent in custody, and the charges are  
23 separately brought and tried and arise out of different  
24 series of acts.

25 (1.5) When a defendant is convicted of first degree  
26 murder, after having been previously convicted of domestic



1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
2 (720 ILCS 5/12-3.3) committed on the same victim or after  
3 having been previously convicted of violation of an order  
4 of protection (720 ILCS 5/12-30) in which the same victim  
5 was the protected person.

6 (2) When a defendant is convicted of voluntary  
7 manslaughter, second degree murder, involuntary  
8 manslaughter, or reckless homicide in which the defendant  
9 has been convicted of causing the death of more than one  
10 individual.

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

21 (4) If the victim was under 18 years of age at the time  
22 of the commission of the offense, when a defendant is  
23 convicted of aggravated criminal sexual assault or  
24 predatory criminal sexual assault of a child under  
25 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
26 of Section 12-14.1 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

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

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

14 (7) When a defendant is convicted of an offense  
15 involving the illegal manufacture of a controlled  
16 substance under Section 401 of the Illinois Controlled  
17 Substances Act (720 ILCS 570/401), the illegal manufacture  
18 of methamphetamine under Section 25 of the Methamphetamine  
19 Control and Community Protection Act (720 ILCS 646/25), or  
20 the illegal possession of explosives and an emergency  
21 response officer in the performance of his or her duties  
22 is killed or injured at the scene of the offense while  
23 responding to the emergency caused by the commission of  
24 the offense. In this paragraph, "emergency" means a  
25 situation in which a person's life, health, or safety is  
26 in jeopardy; and "emergency response officer" means a

1 peace officer, community policing volunteer, fireman,  
2 emergency medical technician-ambulance, emergency medical  
3 technician-intermediate, emergency medical  
4 technician-paramedic, ambulance driver, other medical  
5 assistance or first aid personnel, or hospital emergency  
6 room personnel.

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

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

19 (e) The court may impose an extended term sentence under  
20 Article 4.5 of Chapter V upon an offender who has been  
21 convicted of a felony violation of Section 11-1.20, 11-1.30,  
22 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
23 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
24 when the victim of the offense is under 18 years of age at the  
25 time of the commission of the offense and, during the  
26 commission of the offense, the victim was under the influence

1 of alcohol, regardless of whether or not the alcohol was  
2 supplied by the offender; and the offender, at the time of the  
3 commission of the offense, knew or should have known that the  
4 victim had consumed alcohol.

5 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
6 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
7 8-20-21; 102-982, eff. 7-1-23.)

8 (730 ILCS 5/5-6-3.6)

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

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

1 Section 24-1.6 of the Criminal Code of 2012, if punishable as a  
2 Class 4 felony or lower, to a First Time Weapon Offense  
3 Program.

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

5 (1) the offense was committed during the commission of  
6 a violent offense as defined in subsection (h) of this  
7 Section;

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

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

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

16 (5) (blank); or

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

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

22 (1) the age, immaturity, or limited mental capacity of  
23 the defendant;

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

25 (3) whether participation in the Program is in the  
26 interest of the defendant's rehabilitation, including any

1 employment or involvement in community, educational,  
2 training, or vocational programs;

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

6 (5) the potential risk to public safety.

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

26 (d) The Program shall be at least 6 months and not to

1 exceed 24 months, as determined by the court at the  
2 recommendation of the Program administrator and the State's  
3 Attorney. The Program administrator may be appointed by the  
4 Chief Judge of each Judicial Circuit.

5 (e) The conditions of the Program shall be that the  
6 defendant:

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

9 (2) refrain from possessing a firearm or other  
10 dangerous weapon;

11 (3) (blank);

12 (4) (blank);

13 (5) (blank);

14 (6) (blank);

15 (7) attend and participate in any Program activities  
16 deemed required by the Program administrator, such as:  
17 counseling sessions, in-person and over the phone  
18 check-ins, and educational classes; and

19 (8) (blank).

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

22 (1) obtain or attempt to obtain employment;

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

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

8           (4) perform community service;

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

10          (6) comply with such other reasonable conditions as  
11          the court may impose.

12          (g) There may be only one discharge and dismissal under  
13          this Section. If a person is convicted of any offense which  
14          occurred within 5 years subsequent to a discharge and  
15          dismissal under this Section, the discharge and dismissal  
16          under this Section shall be admissible in the sentencing  
17          proceeding for that conviction as evidence in aggravation.

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

26          (i) (Blank).



1 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;  
2 103-370, eff. 7-28-23.)

3 Section 99. Effective date. This Act takes effect January  
4 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	