



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
730 ILCS 5/5-6-4.1	from Ch. 38, par. 1005-6-4.1
730 ILCS 5/5-8-7	from Ch. 38, par. 1005-8-7

Amends the Illinois Vehicle Code and the Unified Code of Corrections. Transfers language regarding penalties for driving under the influence of alcohol, drugs, or intoxicating compounds from the disposition provision of the Unified Code of Corrections to the DUI provision of the Illinois Vehicle Code. Consolidates certain language within both provisions to create new language within the Illinois Vehicle Code provision and to increase the penalties that may be imposed in certain circumstances. Makes corresponding changes in other provisions of the Unified Code of Corrections and in the Clerks of Courts Act. Amends the Illinois Vehicle Code to provide that a person commits aggravated DUI if he or she commits DUI while driving a school bus with persons 18 years of age or younger on board (rather than with children on board).

LRB093 14693 DRH 40235 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to driving offenses.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood or
13 breath is 0.08 or more based on the definition of blood and
14 breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating compound or
17 combination of intoxicating compounds to a degree that
18 renders the person incapable of driving safely;

19 (4) under the influence of any other drug or
20 combination of drugs to a degree that renders the person
21 incapable of safely driving;

22 (5) under the combined influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds to a degree
24 that renders the person incapable of safely driving; or

25 (6) there is any amount of a drug, substance, or
26 compound in the person's breath, blood, or urine resulting
27 from the unlawful use or consumption of cannabis listed in
28 the Cannabis Control Act, a controlled substance listed in
29 the Illinois Controlled Substances Act, or an intoxicating
30 compound listed in the Use of Intoxicating Compounds Act.

31 (b) The fact that any person charged with violating this
32 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof, shall not constitute a defense against any
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection
6 (a) or a similar provision includes any violation of a
7 provision of a local ordinance or a provision of a law of
8 another state that is similar to a violation of subsection
9 (a) of this Section.

10 (2) Any penalty imposed for driving with a license that
11 has been revoked for a previous violation of subsection (a)
12 of this Section shall be in addition to the penalty imposed
13 for any subsequent violation of subsection (a).

14 (b-2) Except as otherwise provided in this Section, any
15 person convicted of violating subsection (a) of this Section is
16 guilty of a Class A misdemeanor.

17 (b-3) In addition to any other criminal or administrative
18 sanction for any second conviction of violating subsection (a)
19 or a similar provision committed within 5 years of a previous
20 violation of subsection (a) or a similar provision, the
21 defendant shall be sentenced to a mandatory minimum of 5 days
22 of imprisonment or assigned a mandatory minimum of 240 hours of
23 community service as may be determined by the court.

24 (b-4) In the case of a third or subsequent violation
25 committed within 5 years of a previous violation of subsection
26 (a) or a similar provision, in addition to any other criminal
27 or administrative sanction, a mandatory minimum term of either
28 10 days of imprisonment or 480 hours of community service shall
29 be imposed.

30 (b-5) The imprisonment or assignment of community service
31 under subsections (b-3) and (b-4) shall not be subject to
32 suspension, nor shall the person be eligible for a reduced
33 sentence.

34 (c) (Blank). Except as provided under paragraphs (c-3),
35 (c-4), and (d) of this Section, every person convicted of
36 violating this Section or a similar provision of a local

1 ~~ordinance, shall be guilty of a Class A misdemeanor and, in~~
2 ~~addition to any other criminal or administrative action, for~~
3 ~~any second conviction of violating this Section or a similar~~
4 ~~provision of a law of another state or local ordinance~~
5 ~~committed within 5 years of a previous violation of this~~
6 ~~Section or a similar provision of a local ordinance shall be~~
7 ~~mandatorily sentenced to a minimum of 5 days of imprisonment or~~
8 ~~assigned to a minimum of 30 days of community service as may be~~
9 ~~determined by the court. Every person convicted of violating~~
10 ~~this Section or a similar provision of a local ordinance shall~~
11 ~~be subject to an additional mandatory minimum fine of \$500 and~~
12 ~~an additional mandatory 5 days of community service in a~~
13 ~~program benefiting children if the person committed a violation~~
14 ~~of paragraph (a) or a similar provision of a local ordinance~~
15 ~~while transporting a person under age 16. Every person~~
16 ~~convicted a second time for violating this Section or a similar~~
17 ~~provision of a local ordinance within 5 years of a previous~~
18 ~~violation of this Section or a similar provision of a law of~~
19 ~~another state or local ordinance shall be subject to an~~
20 ~~additional mandatory minimum fine of \$500 and an additional 10~~
21 ~~days of mandatory community service in a program benefiting~~
22 ~~children if the current offense was committed while~~
23 ~~transporting a person under age 16. The imprisonment or~~
24 ~~assignment under this subsection shall not be subject to~~
25 ~~suspension nor shall the person be eligible for probation in~~
26 ~~order to reduce the sentence or assignment.~~

27 (c-1) (1) A person who violates subsection (a) ~~this Section~~
28 during a period in which his or her driving privileges are
29 revoked or suspended, where the revocation or suspension
30 was for a violation of subsection (a) ~~this Section~~, Section
31 11-501.1, paragraph (b) of Section 11-401, or for reckless
32 homicide as defined in Section 9-3 of the Criminal Code of
33 1961 is guilty of a Class 4 felony.

34 (2) A person who violates subsection (a) ~~this Section~~ a
35 third time, if the third violation occurs during a period
36 in which his or her driving privileges are revoked or

1 suspended where the revocation or suspension was for a
2 violation of subsection (a) ~~this Section~~, Section
3 11-501.1, paragraph (b) of Section 11-401, or for reckless
4 homicide as defined in Section 9-3 of the Criminal Code of
5 1961, is guilty of a Class 3 felony.

6 (2.1) A person who violates subsection (a) a third
7 time, if the third violation occurs during a period in
8 which his or her driving privileges are revoked or
9 suspended where the revocation or suspension was for a
10 violation of subsection (a), Section 11-501.1, subsection
11 (b) of Section 11-401, or for reckless homicide as defined
12 in Section 9-3 of the Criminal Code of 1961, is guilty of a
13 Class 3 felony; and if the person receives a term of
14 probation or conditional discharge, he or she shall be
15 required to serve a mandatory minimum of 10 days of
16 imprisonment or shall be assigned a mandatory minimum of
17 480 hours of community service, as may be determined by the
18 court, as a condition of the probation or conditional
19 discharge. This mandatory minimum term of imprisonment or
20 assignment of community service shall not be suspended or
21 reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an
27 additional mandatory minimum term of 30 consecutive days of
28 imprisonment, 40 days of 24-hour periodic imprisonment, or
29 720 hours of community service, as may be determined by the
30 court. This mandatory term of imprisonment or assignment of
31 community service shall not be suspended or reduced by the
32 court.

33 (3) A person who violates subsection (a) ~~this Section~~ a
34 fourth or subsequent time, if the fourth or subsequent
35 violation occurs during a period in which his or her
36 driving privileges are revoked or suspended where the

1 revocation or suspension was for a violation of subsection
2 (a) this Section, Section 11-501.1, paragraph (b) of
3 Section 11-401, or for reckless homicide as defined in
4 Section 9-3 of the Criminal Code of 1961, is guilty of a
5 Class 2 felony and is not eligible for a sentence of
6 probation or conditional discharge.

7 (c-2) (Blank).

8 (c-3) (Blank). ~~Every person convicted of violating this~~
9 ~~Section or a similar provision of a local ordinance who had a~~
10 ~~child under age 16 in the vehicle at the time of the offense~~
11 ~~shall have his or her punishment under this Act enhanced by 2~~
12 ~~days of imprisonment for a first offense, 10 days of~~
13 ~~imprisonment for a second offense, 30 days of imprisonment for~~
14 ~~a third offense, and 90 days of imprisonment for a fourth or~~
15 ~~subsequent offense, in addition to the fine and community~~
16 ~~service required under subsection (c) and the possible~~
17 ~~imprisonment required under subsection (d). The imprisonment~~
18 ~~or assignment under this subsection shall not be subject to~~
19 ~~suspension nor shall the person be eligible for probation in~~
20 ~~order to reduce the sentence or assignment.~~

21 (c-4) (Blank). ~~When a person is convicted of violating~~
22 ~~Section 11-501 of this Code or a similar provision of a local~~
23 ~~ordinance, the following penalties apply when his or her blood,~~
24 ~~breath, or urine was .16 or more based on the definition of~~
25 ~~blood, breath, or urine units in Section 11-501.2 or when that~~
26 ~~person is convicted of violating this Section while~~
27 ~~transporting a child under the age of 16:~~

28 ~~(1) A person who is convicted of violating subsection~~
29 ~~(a) of Section 11-501 of this Code a first time, in~~
30 ~~addition to any other penalty that may be imposed under~~
31 ~~subsection (c), is subject to a mandatory minimum of 100~~
32 ~~hours of community service and a minimum fine of \$500.~~

33 ~~(2) A person who is convicted of violating subsection~~
34 ~~(a) of Section 11-501 of this Code a second time within 10~~
35 ~~years, in addition to any other penalty that may be imposed~~
36 ~~under subsection (c), is subject to a mandatory minimum of~~

1 ~~2 days of imprisonment and a minimum fine of \$1,250.~~

2 ~~(3) A person who is convicted of violating subsection~~
3 ~~(a) of Section 11-501 of this Code a third time within 20~~
4 ~~years is guilty of a Class 4 felony and, in addition to any~~
5 ~~other penalty that may be imposed under subsection (c), is~~
6 ~~subject to a mandatory minimum of 90 days of imprisonment~~
7 ~~and a minimum fine of \$2,500.~~

8 ~~(4) A person who is convicted of violating this~~
9 ~~subsection (c 4) a fourth or subsequent time is guilty of a~~
10 ~~Class 2 felony and, in addition to any other penalty that~~
11 ~~may be imposed under subsection (c), is not eligible for a~~
12 ~~sentence of probation or conditional discharge and is~~
13 ~~subject to a minimum fine of \$2,500.~~

14 (c-5) A person who violates subsection (a), if the person
15 was transporting a person under the age of 16 at the time of
16 the violation, is subject to an additional mandatory minimum
17 fine of \$1,000, an additional mandatory minimum 140 hours of
18 community service, which shall include 40 hours of community
19 service in a program benefiting children, and an additional 2
20 days of imprisonment. The imprisonment or assignment of
21 community service under this subsection (c-5) is not subject to
22 suspension, nor is the person eligible for a reduced sentence.

23 (c-6) Except as provided in subsections (c-7) and (c-8) a
24 person who violates subsection (a) a second time, if at the
25 time of the second violation the person was transporting a
26 person under the age of 16, is subject to an additional 10 days
27 of imprisonment, an additional mandatory minimum fine of
28 \$1,000, and an additional mandatory minimum 140 hours of
29 community service, which shall include 40 hours of community
30 service in a program benefiting children. The imprisonment or
31 assignment of community service under this subsection (c-6) is
32 not subject to suspension, nor is the person eligible for a
33 reduced sentence.

34 (c-7) Except as provided in subsection (c-8), any person
35 convicted of violating subsection (c-6) or a similar provision
36 within 10 years of a previous violation of subsection (a) or a

1 similar provision shall receive, in addition to any other
2 penalty imposed, a mandatory minimum 12 days imprisonment, an
3 additional 40 hours of mandatory community service in a program
4 benefiting children, and a mandatory minimum fine of \$1,750.
5 The imprisonment or assignment of community service under this
6 subsection (c-7) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-8) any person convicted of violating subsection (c-6) or
9 a similar provision within 5 years of a previous violation of
10 subsection (a) or a similar provision shall receive, in
11 addition to any other penalty imposed, an additional 80 hours
12 of mandatory community service in a program benefiting
13 children, an additional mandatory minimum 12 days of
14 imprisonment, and a mandatory minimum fine of \$1,750. The
15 imprisonment or assignment of community service under this
16 subsection (c-8) is not subject to suspension, nor is the
17 person eligible for a reduced sentence.

18 (c-9) Any person convicted a third time for violating
19 subsection (a) or a similar provision, if at the time of the
20 third violation the person was transporting a person under the
21 age 16, is guilty of a Class 4 felony and shall receive, in
22 addition to any other penalty imposed, an additional mandatory
23 fine of \$1,000, an additional mandatory 140 hours of community
24 service, which shall include 40 hours in a program benefiting
25 children, and a mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this
27 subsection (c-9) is not subject to suspension, nor is the
28 person eligible for a reduced sentence.

29 (c-10) Any person convicted of violating subsection (c-9)
30 or a similar provision a third time within 20 years of a
31 previous violation of subsection (a) or a similar provision is
32 guilty of a Class 4 felony and shall receive, in addition to
33 any other penalty imposed, an additional mandatory 40 hours of
34 community service in a program benefiting children, an
35 additional mandatory fine of \$3000, and a mandatory minimum 120
36 days of imprisonment. The imprisonment or assignment of

1 community service under this subsection (c-10) is not subject
2 to suspension, nor is the person eligible for a reduced
3 sentence.

4 (c-11) Any person convicted a fourth or subsequent time for
5 violating subsection (a) or a similar provision, if at the time
6 of the fourth or subsequent violation the person was
7 transporting a person under the age of 16, and if the person's
8 3 prior violations of subsection (a) or similar provision
9 occurred while transporting a person under the age of 16 or
10 while the alcohol concentration in his or her blood, breath, or
11 urine was 0.16 or more based on the definition of blood,
12 breath, or urine units in Section 11-501.2, is guilty of a
13 Class 2 felony, is not eligible for probation or conditional
14 discharge, and is subject to a minimum fine of \$3,000.

15 (c-12) Any person convicted of a first violation of
16 subsection (a) or a similar provision, if the alcohol
17 concentration in his or her blood, breath, or urine was 0.16 or
18 more based on the definition of blood, breath, or urine units
19 in Section 11-501.2, shall be subject, in addition to any other
20 penalty that may be imposed, to a mandatory minimum of 100
21 hours of community service and a mandatory minimum fine of
22 \$500.

23 (c-13) Any person convicted of a second violation of
24 subsection (a) or a similar provision, if at the time of the
25 second violation of subsection (a) the alcohol concentration in
26 his or her blood, breath, or urine was 0.16 or more based on
27 the definition of blood, breath, or urine units in Section
28 11-501.2, shall be subject, in addition to any other penalty
29 that may be imposed, to a mandatory minimum of 2 days of
30 imprisonment and a mandatory minimum fine of \$1,250.

31 (c-14) Any person convicted of a third violation of
32 subsection (a) or a similar provision within 20 years of a
33 previous violation of subsection (a) or a similar provision, if
34 at the time of the third violation of subsection (a) or a
35 similar provision the alcohol concentration in his or her
36 blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section
2 11-501.2, is guilty of a Class 4 felony and shall be subject,
3 in addition to any other penalty that may be imposed, to a
4 mandatory minimum of 90 days of imprisonment and a mandatory
5 minimum fine of \$2,500.

6 (c-15) Any person convicted of a fourth or subsequent
7 violation of subsection (a) or a similar provision, if at the
8 time of the fourth or subsequent violation the alcohol
9 concentration in his or her blood, breath, or urine was 0.16 or
10 more based on the definition of blood, breath, or urine units
11 in Section 11-501.2, and if the person's 3 prior violations of
12 subsection (a) or a similar provision occurred while
13 transporting a person under the age of 16 or while the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, is guilty of a Class 2 felony and is not
17 eligible for a sentence of probation or conditional discharge
18 and is subject to a minimum fine of \$2,500.

19 (d) (1) Every person convicted of committing a violation of
20 this Section shall be guilty of aggravated driving under
21 the influence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination
23 thereof if:

24 (A) the person committed a violation of subsection
25 (a) this Section, or a similar provision ~~of a law of~~
26 ~~another state or a local ordinance when the cause of~~
27 ~~action is the same as or substantially similar to this~~
28 ~~Section,~~ for the third or subsequent time;

29 (B) the person committed a violation of subsection
30 ~~paragraph~~ (a) while driving a school bus with persons
31 18 years of age or younger children on board;

32 (C) the person in committing a violation of
33 subsection ~~paragraph~~ (a) was involved in a motor
34 vehicle accident that resulted in great bodily harm or
35 permanent disability or disfigurement to another, when
36 the violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection
2 ~~paragraph~~ (a) for a second time and has been previously
3 convicted of violating Section 9-3 of the Criminal Code
4 of 1961 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 under
9 subparagraph (C) or subparagraph (F) of this paragraph
10 (1);

11 (E) the person, in committing a violation of
12 subsection ~~paragraph~~ (a) while driving at any speed in
13 a school speed zone at a time when a speed limit of 20
14 miles per hour was in effect under subsection (a) of
15 Section 11-605 of this Code, was involved in a motor
16 vehicle accident that resulted in bodily harm, other
17 than great bodily harm or permanent disability or
18 disfigurement, to another person, when the violation
19 of subsection ~~paragraph~~ (a) was a proximate cause of
20 the bodily harm; or

21 (F) the person, in committing a violation of
22 subsection ~~paragraph~~ (a), was involved in a motor
23 vehicle, snowmobile, all-terrain vehicle, or
24 watercraft accident that resulted in the death of
25 another person, when the violation of subsection
26 ~~paragraph~~ (a) was a proximate cause of the death.

27 (2) Except as provided in this paragraph (2), a person
28 convicted of aggravated driving under the influence of
29 alcohol, other drug or drugs, or intoxicating compound or
30 compounds, or any combination thereof is guilty of a Class
31 4 felony. For a violation of subparagraph (C) of paragraph
32 (1) of this subsection (d), the defendant, if sentenced to
33 a term of imprisonment, shall be sentenced to not less than
34 one year nor more than 12 years. Aggravated driving under
35 the influence of alcohol, other drug or drugs, or
36 intoxicating compound or compounds, or any combination

1 thereof as defined in subparagraph (F) of paragraph (1) of
2 this subsection (d) is a Class 2 felony, for which the
3 defendant, if sentenced to a term of imprisonment, shall be
4 sentenced to: (A) a term of imprisonment of not less than 3
5 years and not more than 14 years if the violation resulted
6 in the death of one person; or (B) a term of imprisonment
7 of not less than 6 years and not more than 28 years if the
8 violation resulted in the deaths of 2 or more persons. For
9 any prosecution under this subsection (d), a certified copy
10 of the driving abstract of the defendant shall be admitted
11 as proof of any prior conviction. Any person sentenced
12 under this subsection (d) who receives a term of probation
13 or conditional discharge must serve a minimum term of
14 either 480 hours of community service or 10 days of
15 imprisonment as a condition of the probation or conditional
16 discharge. This mandatory minimum term of imprisonment or
17 assignment of community service may not be suspended or
18 reduced by the court.

19 (e) After a finding of guilt and prior to any final
20 sentencing, or an order for supervision, for an offense based
21 upon an arrest for a violation of this Section or a similar
22 provision of a local ordinance, individuals shall be required
23 to undergo a professional evaluation to determine if an
24 alcohol, drug, or intoxicating compound abuse problem exists
25 and the extent of the problem, and undergo the imposition of
26 treatment as appropriate. Programs conducting these
27 evaluations shall be licensed by the Department of Human
28 Services. The cost of any professional evaluation shall be paid
29 for by the individual required to undergo the professional
30 evaluation.

31 (e-1) Any person who is found guilty of or pleads guilty to
32 violating this Section, including any person receiving a
33 disposition of court supervision for violating this Section,
34 may be required by the Court to attend a victim impact panel
35 offered by, or under contract with, a County State's Attorney's
36 office, a probation and court services department, Mothers

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

5 (f) Every person found guilty of violating this Section,
6 whose operation of a motor vehicle while in violation of this
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the expense
9 of an emergency response as provided under Section 5-5-3 of the
10 Unified Code of Corrections.

11 (g) The Secretary of State shall revoke the driving
12 privileges of any person convicted under this Section or a
13 similar provision of a local ordinance.

14 (h) Blank. ~~Every person sentenced under paragraph (2) or~~
15 ~~(3) of subsection (c-1) of this Section or subsection (d) of~~
16 ~~this Section and who receives a term of probation or~~
17 ~~conditional discharge shall be required to serve a minimum term~~
18 ~~of either 60 days community service or 10 days of imprisonment~~
19 ~~as a condition of the probation or conditional discharge. This~~
20 ~~mandatory minimum term of imprisonment or assignment of~~
21 ~~community service shall not be suspended and shall not be~~
22 ~~subject to reduction by the court.~~

23 (i) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by an
25 individual who has been convicted of a second or subsequent
26 offense of this Section or a similar provision of a local
27 ordinance. The Secretary shall establish by rule and regulation
28 the procedures for certification and use of the interlock
29 system.

30 (j) In addition to any other penalties and liabilities, a
31 person who is found guilty of or pleads guilty to violating
32 subsection (a) this Section, including any person placed on
33 court supervision for violating subsection (a) this Section,
34 shall be fined \$100, payable to the circuit clerk, who shall
35 distribute the money to the law enforcement agency that made
36 the arrest. If the person has been previously convicted of

1 violating subsection (a) ~~this Section~~ or a similar provision of
2 a local ordinance, the fine shall be \$200. In the event that
3 more than one agency is responsible for the arrest, the \$100 or
4 \$200 shall be shared equally. Any moneys received by a law
5 enforcement agency under this subsection (j) shall be used to
6 purchase law enforcement equipment that will assist in the
7 prevention of alcohol related criminal violence throughout the
8 State. This shall include, but is not limited to, in-car video
9 cameras, radar and laser speed detection devices, and alcohol
10 breath testers. Any moneys received by the Department of State
11 Police under this subsection (j) shall be deposited into the
12 State Police DUI Fund and shall be used to purchase law
13 enforcement equipment that will assist in the prevention of
14 alcohol related criminal violence throughout the State.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used to purchase law
20 enforcement equipment to assist in the prevention of alcohol
21 related criminal violence throughout the State.

22 (l) Whenever an individual is sentenced for an offense
23 based upon an arrest for a violation of subsection (a) or a
24 similar provision of a local ordinance, and the professional
25 evaluation recommends remedial or rehabilitative treatment or
26 education, neither the treatment nor the education shall be the
27 sole disposition and either or both may be imposed only in
28 conjunction with another disposition. The court shall monitor
29 compliance with any remedial education or treatment
30 recommendations contained in the professional evaluation.
31 Programs conducting alcohol or other drug evaluation or
32 remedial education must be licensed by the Department of Human
33 Services. If the individual is not a resident of Illinois,
34 however, the court may accept an alcohol or other drug
35 evaluation or remedial education program in the individual's
36 state of residence. Programs providing treatment must be

1 licensed under existing applicable alcoholism and drug
2 treatment licensure standards.

3 (m) In addition to any other fine or penalty required by
4 law, an individual convicted of a violation of subsection (a),
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision, whose operation of a motor vehicle,
8 snowmobile, or watercraft while in violation of subsection (a),
9 Section 5-7 of the Snowmobile Registration and Safety Act,
10 Section 5-16 of the Boat Registration and Safety Act, or a
11 similar provision proximately caused an incident resulting in
12 an appropriate emergency response, shall be required to make
13 restitution to a public agency for the costs of that emergency
14 response. The restitution may not exceed \$1,000 per public
15 agency for each emergency response. As used in this subsection
16 (m), "emergency response" means any incident requiring a
17 response by a police officer, a firefighter carried on the
18 rolls of a regularly constituted fire department, or an
19 ambulance.

20 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
21 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
22 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
23 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

24 Section 10. The Clerks of Courts Act is amended by changing
25 Sections 27.5 and 27.6 as follows:

26 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

27 Sec. 27.5. (a) All fees, fines, costs, additional
28 penalties, bail balances assessed or forfeited, and any other
29 amount paid by a person to the circuit clerk that equals an
30 amount less than \$55, except restitution under Section 5-5-6 of
31 the Unified Code of Corrections, reimbursement for the costs of
32 an emergency response as provided under Section 11-501 of the
33 Illinois Vehicle Code ~~5-5-3 of the Unified Code of Corrections,~~
34 any fees collected for attending a traffic safety program under

1 paragraph (c) of Supreme Court Rule 529, any fee collected on
2 behalf of a State's Attorney under Section 4-2002 of the
3 Counties Code or a sheriff under Section 4-5001 of the Counties
4 Code, or any cost imposed under Section 124A-5 of the Code of
5 Criminal Procedure of 1963, for convictions, orders of
6 supervision, or any other disposition for a violation of
7 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
8 similar provision of a local ordinance, and any violation of
9 the Child Passenger Protection Act, or a similar provision of a
10 local ordinance, and except as provided in subsection (b) shall
11 be disbursed within 60 days after receipt by the circuit clerk
12 as follows: 47% shall be disbursed to the entity authorized by
13 law to receive the fine imposed in the case; 12% shall be
14 disbursed to the State Treasurer; and 41% shall be disbursed to
15 the county's general corporate fund. Of the 12% disbursed to
16 the State Treasurer, 1/6 shall be deposited by the State
17 Treasurer into the Violent Crime Victims Assistance Fund, 1/2
18 shall be deposited into the Traffic and Criminal Conviction
19 Surcharge Fund, and 1/3 shall be deposited into the Drivers
20 Education Fund. For fiscal years 1992 and 1993, amounts
21 deposited into the Violent Crime Victims Assistance Fund, the
22 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
23 Education Fund shall not exceed 110% of the amounts deposited
24 into those funds in fiscal year 1991. Any amount that exceeds
25 the 110% limit shall be distributed as follows: 50% shall be
26 disbursed to the county's general corporate fund and 50% shall
27 be disbursed to the entity authorized by law to receive the
28 fine imposed in the case. Not later than March 1 of each year
29 the circuit clerk shall submit a report of the amount of funds
30 remitted to the State Treasurer under this Section during the
31 preceding year based upon independent verification of fines and
32 fees. All counties shall be subject to this Section, except
33 that counties with a population under 2,000,000 may, by
34 ordinance, elect not to be subject to this Section. For
35 offenses subject to this Section, judges shall impose one total
36 sum of money payable for violations. The circuit clerk may add

1 on no additional amounts except for amounts that are required
2 by Sections 27.3a and 27.3c of this Act, unless those amounts
3 are specifically waived by the judge. With respect to money
4 collected by the circuit clerk as a result of forfeiture of
5 bail, ex parte judgment or guilty plea pursuant to Supreme
6 Court Rule 529, the circuit clerk shall first deduct and pay
7 amounts required by Sections 27.3a and 27.3c of this Act. This
8 Section is a denial and limitation of home rule powers and
9 functions under subsection (h) of Section 6 of Article VII of
10 the Illinois Constitution.

11 (b) The following amounts must be remitted to the State
12 Treasurer for deposit into the Illinois Animal Abuse Fund:

13 (1) 50% of the amounts collected for felony offenses
14 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
15 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
16 Animals Act and Section 26-5 of the Criminal Code of 1961;

17 (2) 20% of the amounts collected for Class A and Class
18 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
19 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
20 for Animals Act and Section 26-5 of the Criminal Code of
21 1961; and

22 (3) 50% of the amounts collected for Class C
23 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
24 for Animals Act and Section 26-5 of the Criminal Code of
25 1961.

26 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

27 (705 ILCS 105/27.6)

28 Sec. 27.6. (a) All fees, fines, costs, additional
29 penalties, bail balances assessed or forfeited, and any other
30 amount paid by a person to the circuit clerk equalling an
31 amount of \$55 or more, except the additional fee required by
32 subsections (b) and (c), restitution under Section 5-5-6 of the
33 Unified Code of Corrections, reimbursement for the costs of an
34 emergency response as provided under Section 11-501 of the
35 Illinois Vehicle Code ~~5-5-3 of the Unified Code of Corrections,~~

1 any fees collected for attending a traffic safety program under
2 paragraph (c) of Supreme Court Rule 529, any fee collected on
3 behalf of a State's Attorney under Section 4-2002 of the
4 Counties Code or a sheriff under Section 4-5001 of the Counties
5 Code, or any cost imposed under Section 124A-5 of the Code of
6 Criminal Procedure of 1963, for convictions, orders of
7 supervision, or any other disposition for a violation of
8 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
9 similar provision of a local ordinance, and any violation of
10 the Child Passenger Protection Act, or a similar provision of a
11 local ordinance, and except as provided in subsection (d) shall
12 be disbursed within 60 days after receipt by the circuit clerk
13 as follows: 44.5% shall be disbursed to the entity authorized
14 by law to receive the fine imposed in the case; 16.825% shall
15 be disbursed to the State Treasurer; and 38.675% shall be
16 disbursed to the county's general corporate fund. Of the
17 16.825% disbursed to the State Treasurer, 2/17 shall be
18 deposited by the State Treasurer into the Violent Crime Victims
19 Assistance Fund, 5.052/17 shall be deposited into the Traffic
20 and Criminal Conviction Surcharge Fund, 3/17 shall be deposited
21 into the Drivers Education Fund, and 6.948/17 shall be
22 deposited into the Trauma Center Fund. Of the 6.948/17
23 deposited into the Trauma Center Fund from the 16.825%
24 disbursed to the State Treasurer, 50% shall be disbursed to the
25 Department of Public Health and 50% shall be disbursed to the
26 Department of Public Aid. For fiscal year 1993, amounts
27 deposited into the Violent Crime Victims Assistance Fund, the
28 Traffic and Criminal Conviction Surcharge Fund, or the Drivers
29 Education Fund shall not exceed 110% of the amounts deposited
30 into those funds in fiscal year 1991. Any amount that exceeds
31 the 110% limit shall be distributed as follows: 50% shall be
32 disbursed to the county's general corporate fund and 50% shall
33 be disbursed to the entity authorized by law to receive the
34 fine imposed in the case. Not later than March 1 of each year
35 the circuit clerk shall submit a report of the amount of funds
36 remitted to the State Treasurer under this Section during the

1 preceding year based upon independent verification of fines and
2 fees. All counties shall be subject to this Section, except
3 that counties with a population under 2,000,000 may, by
4 ordinance, elect not to be subject to this Section. For
5 offenses subject to this Section, judges shall impose one total
6 sum of money payable for violations. The circuit clerk may add
7 on no additional amounts except for amounts that are required
8 by Sections 27.3a and 27.3c of this Act, unless those amounts
9 are specifically waived by the judge. With respect to money
10 collected by the circuit clerk as a result of forfeiture of
11 bail, ex parte judgment or guilty plea pursuant to Supreme
12 Court Rule 529, the circuit clerk shall first deduct and pay
13 amounts required by Sections 27.3a and 27.3c of this Act. This
14 Section is a denial and limitation of home rule powers and
15 functions under subsection (h) of Section 6 of Article VII of
16 the Illinois Constitution.

17 (b) In addition to any other fines and court costs assessed
18 by the courts, any person convicted or receiving an order of
19 supervision for driving under the influence of alcohol or drugs
20 shall pay an additional fee of \$100 to the clerk of the circuit
21 court. This amount, less 2 1/2% that shall be used to defray
22 administrative costs incurred by the clerk, shall be remitted
23 by the clerk to the Treasurer within 60 days after receipt for
24 deposit into the Trauma Center Fund. This additional fee of
25 \$100 shall not be considered a part of the fine for purposes of
26 any reduction in the fine for time served either before or
27 after sentencing. Not later than March 1 of each year the
28 Circuit Clerk shall submit a report of the amount of funds
29 remitted to the State Treasurer under this subsection during
30 the preceding calendar year.

31 (b-1) In addition to any other fines and court costs
32 assessed by the courts, any person convicted or receiving an
33 order of supervision for driving under the influence of alcohol
34 or drugs shall pay an additional fee of \$5 to the clerk of the
35 circuit court. This amount, less 2 1/2% that shall be used to
36 defray administrative costs incurred by the clerk, shall be

1 remitted by the clerk to the Treasurer within 60 days after
2 receipt for deposit into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund. This additional fee of \$5 shall not be
4 considered a part of the fine for purposes of any reduction in
5 the fine for time served either before or after sentencing. Not
6 later than March 1 of each year the Circuit Clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this subsection during the preceding calendar year.

9 (c) In addition to any other fines and court costs assessed
10 by the courts, any person convicted for a violation of Sections
11 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
12 person sentenced for a violation of the Cannabis Control Act or
13 the Controlled Substance Act shall pay an additional fee of
14 \$100 to the clerk of the circuit court. This amount, less 2
15 1/2% that shall be used to defray administrative costs incurred
16 by the clerk, shall be remitted by the clerk to the Treasurer
17 within 60 days after receipt for deposit into the Trauma Center
18 Fund. This additional fee of \$100 shall not be considered a
19 part of the fine for purposes of any reduction in the fine for
20 time served either before or after sentencing. Not later than
21 March 1 of each year the Circuit Clerk shall submit a report of
22 the amount of funds remitted to the State Treasurer under this
23 subsection during the preceding calendar year.

24 (c-1) In addition to any other fines and court costs
25 assessed by the courts, any person sentenced for a violation of
26 the Cannabis Control Act or the Illinois Controlled Substances
27 Act shall pay an additional fee of \$5 to the clerk of the
28 circuit court. This amount, less 2 1/2% that shall be used to
29 defray administrative costs incurred by the clerk, shall be
30 remitted by the clerk to the Treasurer within 60 days after
31 receipt for deposit into the Spinal Cord Injury Paralysis Cure
32 Research Trust Fund. This additional fee of \$5 shall not be
33 considered a part of the fine for purposes of any reduction in
34 the fine for time served either before or after sentencing. Not
35 later than March 1 of each year the Circuit Clerk shall submit
36 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

2 (d) The following amounts must be remitted to the State
3 Treasurer for deposit into the Illinois Animal Abuse Fund:

4 (1) 50% of the amounts collected for felony offenses
5 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
6 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
7 Animals Act and Section 26-5 of the Criminal Code of 1961;

8 (2) 20% of the amounts collected for Class A and Class
9 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
10 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
11 for Animals Act and Section 26-5 of the Criminal Code of
12 1961; and

13 (3) 50% of the amounts collected for Class C
14 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
15 for Animals Act and Section 26-5 of the Criminal Code of
16 1961.

17 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
18 eff. 7-11-02; 92-651, eff. 7-11-02.)

19 Section 15. The Unified Code of Corrections is amended by
20 changing Sections 5-5-3, 5-6-4, 5-6-4.1, and 5-8-7 as follows:

21 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22 Sec. 5-5-3. Disposition.

23 (a) Except as provided in Section 11-501 of the Illinois
24 Vehicle Code, every person convicted of an offense shall be
25 sentenced as provided in this Section.

26 (b) The following options shall be appropriate
27 dispositions, alone or in combination, for all felonies and
28 misdemeanors other than those identified in subsection (c) of
29 this Section:

30 (1) A period of probation.

31 (2) A term of periodic imprisonment.

32 (3) A term of conditional discharge.

33 (4) A term of imprisonment.

34 (5) An order directing the offender to clean up and

1 repair the damage, if the offender was convicted under
2 paragraph (h) of Section 21-1 of the Criminal Code of 1961
3 (now repealed).

4 (6) A fine.

5 (7) An order directing the offender to make restitution
6 to the victim under Section 5-5-6 of this Code.

7 (8) A sentence of participation in a county impact
8 incarceration program under Section 5-8-1.2 of this Code.

9 ~~Whenever an individual is sentenced for an offense based~~
10 ~~upon an arrest for a violation of Section 11 501 of the~~
11 ~~Illinois Vehicle Code, or a similar provision of a local~~
12 ~~ordinance, and the professional evaluation recommends remedial~~
13 ~~or rehabilitative treatment or education, neither the~~
14 ~~treatment nor the education shall be the sole disposition and~~
15 ~~either or both may be imposed only in conjunction with another~~
16 ~~disposition. The court shall monitor compliance with any~~
17 ~~remedial education or treatment recommendations contained in~~
18 ~~the professional evaluation. Programs conducting alcohol or~~
19 ~~other drug evaluation or remedial education must be licensed by~~
20 ~~the Department of Human Services. However, if the individual is~~
21 ~~not a resident of Illinois, the court may accept an alcohol or~~
22 ~~other drug evaluation or remedial education program in the~~
23 ~~state of such individual's residence. Programs providing~~
24 ~~treatment must be licensed under existing applicable~~
25 ~~alcoholism and drug treatment licensure standards.~~

26 ~~In addition to any other fine or penalty required by law,~~
27 ~~any individual convicted of a violation of Section 11 501 of~~
28 ~~the Illinois Vehicle Code, Section 5 7 of the Snowmobile~~
29 ~~Registration and Safety Act, Section 5 16 of the Boat~~
30 ~~Registration and Safety Act, or a similar provision of local~~
31 ~~ordinance, whose operation of a motor vehicle while in~~
32 ~~violation of Section 11 501, Section 5 7, Section 5 16, or such~~
33 ~~ordinance proximately caused an incident resulting in an~~
34 ~~appropriate emergency response, shall be required to make~~
35 ~~restitution to a public agency for the costs of that emergency~~
36 ~~response. Such restitution shall not exceed \$1,000 per public~~

1 ~~agency for each such emergency response. For the purpose of~~
2 ~~this paragraph, emergency response shall mean any incident~~
3 ~~requiring a response by: a police officer as defined under~~
4 ~~Section 1-162 of the Illinois Vehicle Code; a fireman carried~~
5 ~~on the rolls of a regularly constituted fire department; and an~~
6 ~~ambulance as defined under Section 3.85 of the Emergency~~
7 ~~Medical Services (EMS) Systems Act.~~

8 Neither a fine nor restitution shall be the sole
9 disposition for a felony and either or both may be imposed only
10 in conjunction with another disposition.

11 (c) (1) When a defendant is found guilty of first degree
12 murder the State may either seek a sentence of imprisonment
13 under Section 5-8-1 of this Code, or where appropriate seek
14 a sentence of death under Section 9-1 of the Criminal Code
15 of 1961.

16 (2) A period of probation, a term of periodic
17 imprisonment or conditional discharge shall not be imposed
18 for the following offenses. The court shall sentence the
19 offender to not less than the minimum term of imprisonment
20 set forth in this Code for the following offenses, and may
21 order a fine or restitution or both in conjunction with
22 such term of imprisonment:

23 (A) First degree murder where the death penalty is
24 not imposed.

25 (B) Attempted first degree murder.

26 (C) A Class X felony.

27 (D) A violation of Section 401.1 or 407 of the
28 Illinois Controlled Substances Act, or a violation of
29 subdivision (c) (1) or (c) (2) of Section 401 of that Act
30 which relates to more than 5 grams of a substance
31 containing heroin or cocaine or an analog thereof.

32 (E) A violation of Section 5.1 or 9 of the Cannabis
33 Control Act.

34 (F) A Class 2 or greater felony if the offender had
35 been convicted of a Class 2 or greater felony within 10
36 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except
2 as otherwise provided in Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

4 (G) Residential burglary, except as otherwise
5 provided in Section 40-10 of the Alcoholism and Other
6 Drug Abuse and Dependency Act.

7 (H) Criminal sexual assault.

8 (I) Aggravated battery of a senior citizen.

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

11 Before July 1, 1994, for the purposes of this
12 paragraph, "organized gang" means an association of 5
13 or more persons, with an established hierarchy, that
14 encourages members of the association to perpetrate
15 crimes or provides support to the members of the
16 association who do commit crimes.

17 Beginning July 1, 1994, for the purposes of this
18 paragraph, "organized gang" has the meaning ascribed
19 to it in Section 10 of the Illinois Streetgang
20 Terrorism Omnibus Prevention Act.

21 (K) Vehicular hijacking.

22 (L) A second or subsequent conviction for the
23 offense of hate crime when the underlying offense upon
24 which the hate crime is based is felony aggravated
25 assault or felony mob action.

26 (M) A second or subsequent conviction for the
27 offense of institutional vandalism if the damage to the
28 property exceeds \$300.

29 (N) A Class 3 felony violation of paragraph (1) of
30 subsection (a) of Section 2 of the Firearm Owners
31 Identification Card Act.

32 (O) A violation of Section 12-6.1 of the Criminal
33 Code of 1961.

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

1 (Q) A violation of Section 20-1.2 or 20-1.3 of the
2 Criminal Code of 1961.

3 (R) A violation of Section 24-3A of the Criminal
4 Code of 1961.

5 (S) (Blank). ~~A violation of Section 11-501(c-1)(3)~~
6 ~~of the Illinois Vehicle Code.~~

7 (T) A second or subsequent violation of paragraph
8 (6.6) of subsection (a), subsection (c-5), or
9 subsection (d-5) of Section 401 of the Illinois
10 Controlled Substances Act.

11 (3) (Blank). ~~A minimum term of imprisonment of not less~~
12 ~~than 5 days or 30 days of community service as may be~~
13 ~~determined by the court shall be imposed for a second~~
14 ~~violation committed within 5 years of a previous violation~~
15 ~~of Section 11-501 of the Illinois Vehicle Code or a similar~~
16 ~~provision of a local ordinance. In the case of a third or~~
17 ~~subsequent violation committed within 5 years of a previous~~
18 ~~violation of Section 11-501 of the Illinois Vehicle Code or~~
19 ~~a similar provision of a local ordinance, a minimum term of~~
20 ~~either 10 days of imprisonment or 60 days of community~~
21 ~~service shall be imposed.~~

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

26 (4.1) (Blank). ~~A minimum term of 30 consecutive days of~~
27 ~~imprisonment, 40 days of 24 hour periodic imprisonment or~~
28 ~~720 hours of community service, as may be determined by the~~
29 ~~court, shall be imposed for a violation of Section 11-501~~
30 ~~of the Illinois Vehicle Code during a period in which the~~
31 ~~defendant's driving privileges are revoked or suspended,~~
32 ~~where the revocation or suspension was for a violation of~~
33 ~~Section 11-501 or Section 11-501.1 of that Code.~~

34 (4.2) Except as provided in paragraph (4.3) of this
35 subsection (c), a minimum of 100 hours of community service
36 shall be imposed for a second violation of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court,
4 shall be imposed for a second violation of subsection (c)
5 of Section 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraph (4.5) and
7 paragraph (4.6) of this subsection (c), a minimum term of
8 imprisonment of 30 days or 300 hours of community service,
9 as determined by the court, shall be imposed for a third or
10 subsequent violation of Section 6-303 of the Illinois
11 Vehicle Code.

12 (4.5) A minimum term of imprisonment of 30 days shall
13 be imposed for a third violation of subsection (c) of
14 Section 6-303 of the Illinois Vehicle Code.

15 (4.6) A minimum term of imprisonment of 180 days shall
16 be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle
18 Code.

19 (5) The court may sentence an offender convicted of a
20 business offense or a petty offense or a corporation or
21 unincorporated association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

26 (5.1) In addition to any penalties imposed under
27 paragraph (5) of this subsection (c), and except as
28 provided in paragraph (5.2) or (5.3), a person convicted of
29 violating subsection (c) of Section 11-907 of the Illinois
30 Vehicle Code shall have his or her driver's license,
31 permit, or privileges suspended for at least 90 days but
32 not more than one year, if the violation resulted in damage
33 to the property of another person.

34 (5.2) In addition to any penalties imposed under
35 paragraph (5) of this subsection (c), and except as
36 provided in paragraph (5.3), a person convicted of

1 violating subsection (c) of Section 11-907 of the Illinois
2 Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for at least 180 days but
4 not more than 2 years, if the violation resulted in injury
5 to another person.

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

12 (6) In no case shall an offender be eligible for a
13 disposition of probation or conditional discharge for a
14 Class 1 felony committed while he was serving a term of
15 probation or conditional discharge for a felony.

16 (7) When a defendant is adjudged a habitual criminal
17 under Article 33B of the Criminal Code of 1961, the court
18 shall sentence the defendant to a term of natural life
19 imprisonment.

20 (8) When a defendant, over the age of 21 years, is
21 convicted of a Class 1 or Class 2 felony, after having
22 twice been convicted in any state or federal court of an
23 offense that contains the same elements as an offense now
24 classified in Illinois as a Class 2 or greater Class felony
25 and such charges are separately brought and tried and arise
26 out of different series of acts, such defendant shall be
27 sentenced as a Class X offender. This paragraph shall not
28 apply unless (1) the first felony was committed after the
29 effective date of this amendatory Act of 1977; and (2) the
30 second felony was committed after conviction on the first;
31 and (3) the third felony was committed after conviction on
32 the second. A person sentenced as a Class X offender under
33 this paragraph is not eligible to apply for treatment as a
34 condition of probation as provided by Section 40-10 of the
35 Alcoholism and Other Drug Abuse and Dependency Act.

36 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to
2 a term of natural life imprisonment.

3 (10) (Blank). ~~When a person is convicted of violating~~
4 ~~Section 11-501 of the Illinois Vehicle Code or a similar~~
5 ~~provision of a local ordinance, the following penalties~~
6 ~~apply when his or her blood, breath, or urine was .16 or~~
7 ~~more based on the definition of blood, breath, or urine~~
8 ~~units in Section 11-501.2 or that person is convicted of~~
9 ~~violating Section 11-501 of the Illinois Vehicle Code while~~
10 ~~transporting a child under the age of 16:~~

11 ~~(A) For a first violation of subsection (a) of~~
12 ~~Section 11-501, in addition to any other penalty that~~
13 ~~may be imposed under subsection (c) of Section 11-501:~~
14 ~~a mandatory minimum of 100 hours of community service~~
15 ~~and a minimum fine of \$500.~~

16 ~~(B) For a second violation of subsection (a) of~~
17 ~~Section 11-501, in addition to any other penalty that~~
18 ~~may be imposed under subsection (c) of Section 11-501~~
19 ~~within 10 years: a mandatory minimum of 2 days of~~
20 ~~imprisonment and a minimum fine of \$1,250.~~

21 ~~(C) For a third violation of subsection (a) of~~
22 ~~Section 11-501, in addition to any other penalty that~~
23 ~~may be imposed under subsection (c) of Section 11-501~~
24 ~~within 20 years: a mandatory minimum of 90 days of~~
25 ~~imprisonment and a minimum fine of \$2,500.~~

26 ~~(D) For a fourth or subsequent violation of~~
27 ~~subsection (a) of Section 11-501: ineligibility for a~~
28 ~~sentence of probation or conditional discharge and a~~
29 ~~minimum fine of \$2,500.~~

30 (d) In any case in which a sentence originally imposed is
31 vacated, the case shall be remanded to the trial court. The
32 trial court shall hold a hearing under Section 5-4-1 of the
33 Unified Code of Corrections which may include evidence of the
34 defendant's life, moral character and occupation during the
35 time since the original sentence was passed. The trial court
36 shall then impose sentence upon the defendant. The trial court

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

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

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

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

27 (iii) continued financial support of the
28 family;

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

30 and

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

33 (2) the court orders the defendant to pay for the
34 victim's counseling services, to the extent that the court
35 finds, after considering the defendant's income and
36 assets, that the defendant is financially capable of paying

1 for such services, if the victim was under 18 years of age
2 at the time the offense was committed and requires
3 counseling as a result of the offense.

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

11 For the purposes of this Section, "family member" and
12 "victim" shall have the meanings ascribed to them in Section
13 12-12 of the Criminal Code of 1961.

14 (f) This Article shall not deprive a court in other
15 proceedings to order a forfeiture of property, to suspend or
16 cancel a license, to remove a person from office, or to impose
17 any other civil penalty.

18 (g) Whenever a defendant is convicted of an offense under
19 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
20 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
21 of the Criminal Code of 1961, the defendant shall undergo
22 medical testing to determine whether the defendant has any
23 sexually transmissible disease, including a test for infection
24 with human immunodeficiency virus (HIV) or any other identified
25 causative agent of acquired immunodeficiency syndrome (AIDS).
26 Any such medical test shall be performed only by appropriately
27 licensed medical practitioners and may include an analysis of
28 any bodily fluids as well as an examination of the defendant's
29 person. Except as otherwise provided by law, the results of
30 such test shall be kept strictly confidential by all medical
31 personnel involved in the testing and must be personally
32 delivered in a sealed envelope to the judge of the court in
33 which the conviction was entered for the judge's inspection in
34 camera. Acting in accordance with the best interests of the
35 victim and the public, the judge shall have the discretion to
36 determine to whom, if anyone, the results of the testing may be

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

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

29 (h) Whenever a defendant is convicted of an offense under
30 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
31 defendant shall undergo medical testing to determine whether
32 the defendant has been exposed to human immunodeficiency virus
33 (HIV) or any other identified causative agent of acquired
34 immunodeficiency syndrome (AIDS). Except as otherwise provided
35 by law, the results of such test shall be kept strictly
36 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the
2 judge of the court in which the conviction was entered for the
3 judge's inspection in camera. Acting in accordance with the
4 best interests of the public, the judge shall have the
5 discretion to determine to whom, if anyone, the results of the
6 testing may be revealed. The court shall notify the defendant
7 of a positive test showing an infection with the human
8 immunodeficiency virus (HIV). The court shall provide
9 information on the availability of HIV testing and counseling
10 at Department of Public Health facilities to all parties to
11 whom the results of the testing are revealed and shall direct
12 the State's Attorney to provide the information to the victim
13 when possible. A State's Attorney may petition the court to
14 obtain the results of any HIV test administered under this
15 Section, and the court shall grant the disclosure if the
16 State's Attorney shows it is relevant in order to prosecute a
17 charge of criminal transmission of HIV under Section 12-16.2 of
18 the Criminal Code of 1961 against the defendant. The court
19 shall order that the cost of any such test shall be paid by the
20 county and may be taxed as costs against the convicted
21 defendant.

22 (i) All fines and penalties imposed under this Section for
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and
25 any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected and
27 disbursed by the circuit clerk as provided under Section 27.5
28 of the Clerks of Courts Act.

29 (j) In cases when prosecution for any violation of Section
30 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
31 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
32 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
33 Code of 1961, any violation of the Illinois Controlled
34 Substances Act, or any violation of the Cannabis Control Act
35 results in conviction, a disposition of court supervision, or
36 an order of probation granted under Section 10 of the Cannabis

1 Control Act or Section 410 of the Illinois Controlled Substance
2 Act of a defendant, the court shall determine whether the
3 defendant is employed by a facility or center as defined under
4 the Child Care Act of 1969, a public or private elementary or
5 secondary school, or otherwise works with children under 18
6 years of age on a daily basis. When a defendant is so employed,
7 the court shall order the Clerk of the Court to send a copy of
8 the judgment of conviction or order of supervision or probation
9 to the defendant's employer by certified mail. If the employer
10 of the defendant is a school, the Clerk of the Court shall
11 direct the mailing of a copy of the judgment of conviction or
12 order of supervision or probation to the appropriate regional
13 superintendent of schools. The regional superintendent of
14 schools shall notify the State Board of Education of any
15 notification under this subsection.

16 (j-5) A defendant at least 17 years of age who is convicted
17 of a felony and who has not been previously convicted of a
18 misdemeanor or felony and who is sentenced to a term of
19 imprisonment in the Illinois Department of Corrections shall as
20 a condition of his or her sentence be required by the court to
21 attend educational courses designed to prepare the defendant
22 for a high school diploma and to work toward a high school
23 diploma or to work toward passing the high school level Test of
24 General Educational Development (GED) or to work toward
25 completing a vocational training program offered by the
26 Department of Corrections. If a defendant fails to complete the
27 educational training required by his or her sentence during the
28 term of incarceration, the Prisoner Review Board shall, as a
29 condition of mandatory supervised release, require the
30 defendant, at his or her own expense, to pursue a course of
31 study toward a high school diploma or passage of the GED test.
32 The Prisoner Review Board shall revoke the mandatory supervised
33 release of a defendant who wilfully fails to comply with this
34 subsection (j-5) upon his or her release from confinement in a
35 penal institution while serving a mandatory supervised release
36 term; however, the inability of the defendant after making a

1 good faith effort to obtain financial aid or pay for the
2 educational training shall not be deemed a wilful failure to
3 comply. The Prisoner Review Board shall recommit the defendant
4 whose mandatory supervised release term has been revoked under
5 this subsection (j-5) as provided in Section 3-3-9. This
6 subsection (j-5) does not apply to a defendant who has a high
7 school diploma or has successfully passed the GED test. This
8 subsection (j-5) does not apply to a defendant who is
9 determined by the court to be developmentally disabled or
10 otherwise mentally incapable of completing the educational or
11 vocational program.

12 (k) A court may not impose a sentence or disposition for a
13 felony or misdemeanor that requires the defendant to be
14 implanted or injected with or to use any form of birth control.

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

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

26 (2) the deportation of the defendant would not
27 deprecate the seriousness of the defendant's conduct
28 and would not be inconsistent with the ends of justice.

29 Otherwise, the defendant shall be sentenced as
30 provided in this Chapter V.

31 (B) If the defendant has already been sentenced for a
32 felony or misdemeanor offense, or has been placed on
33 probation under Section 10 of the Cannabis Control Act or
34 Section 410 of the Illinois Controlled Substances Act, the
35 court may, upon motion of the State's Attorney to suspend
36 the sentence imposed, commit the defendant to the custody

1 of the Attorney General of the United States or his or her
2 designated agent when:

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

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

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

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

22 (m) A person convicted of criminal defacement of property
23 under Section 21-1.3 of the Criminal Code of 1961, in which the
24 property damage exceeds \$300 and the property damaged is a
25 school building, shall be ordered to perform community service
26 that may include cleanup, removal, or painting over the
27 defacement.

28 (n) The court may sentence a person convicted of a
29 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
30 Code of 1961 (i) to an impact incarceration program if the
31 person is otherwise eligible for that program under Section
32 5-8-1.1, (ii) to community service, or (iii) if the person is
33 an addict or alcoholic, as defined in the Alcoholism and Other
34 Drug Abuse and Dependency Act, to a substance or alcohol abuse
35 program licensed under that Act.

36 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;

1 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.
2 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,
3 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
4 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
5 eff. 1-1-04; revised 10-9-03.)

6 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

7 Sec. 5-6-4. Violation, Modification or Revocation of
8 Probation, of Conditional Discharge or Supervision or of a
9 sentence of county impact incarceration - Hearing.

10 (a) Except in cases where conditional discharge or
11 supervision was imposed for a petty offense as defined in
12 Section 5-1-17, when a petition is filed charging a violation
13 of a condition, the court may:

14 (1) in the case of probation violations, order the
15 issuance of a notice to the offender to be present by the
16 County Probation Department or such other agency
17 designated by the court to handle probation matters; and in
18 the case of conditional discharge or supervision
19 violations, such notice to the offender shall be issued by
20 the Circuit Court Clerk; and in the case of a violation of
21 a sentence of county impact incarceration, such notice
22 shall be issued by the Sheriff;

23 (2) order a summons to the offender to be present for
24 hearing; or

25 (3) order a warrant for the offender's arrest where
26 there is danger of his fleeing the jurisdiction or causing
27 serious harm to others or when the offender fails to answer
28 a summons or notice from the clerk of the court or Sheriff.

29 Personal service of the petition for violation of probation
30 or the issuance of such warrant, summons or notice shall toll
31 the period of probation, conditional discharge, supervision,
32 or sentence of county impact incarceration until the final
33 determination of the charge, and the term of probation,
34 conditional discharge, supervision, or sentence of county
35 impact incarceration shall not run until the hearing and

1 disposition of the petition for violation.

2 (b) The court shall conduct a hearing of the alleged
3 violation. The court shall admit the offender to bail pending
4 the hearing unless the alleged violation is itself a criminal
5 offense in which case the offender shall be admitted to bail on
6 such terms as are provided in the Code of Criminal Procedure of
7 1963, as amended. In any case where an offender remains
8 incarcerated only as a result of his alleged violation of the
9 court's earlier order of probation, supervision, conditional
10 discharge, or county impact incarceration such hearing shall be
11 held within 14 days of the onset of said incarceration, unless
12 the alleged violation is the commission of another offense by
13 the offender during the period of probation, supervision or
14 conditional discharge in which case such hearing shall be held
15 within the time limits described in Section 103-5 of the Code
16 of Criminal Procedure of 1963, as amended.

17 (c) The State has the burden of going forward with the
18 evidence and proving the violation by the preponderance of the
19 evidence. The evidence shall be presented in open court with
20 the right of confrontation, cross-examination, and
21 representation by counsel.

22 (d) Probation, conditional discharge, periodic
23 imprisonment and supervision shall not be revoked for failure
24 to comply with conditions of a sentence or supervision, which
25 imposes financial obligations upon the offender unless such
26 failure is due to his willful refusal to pay.

27 (e) If the court finds that the offender has violated a
28 condition at any time prior to the expiration or termination of
29 the period, it may continue him on the existing sentence, with
30 or without modifying or enlarging the conditions, or may impose
31 any other sentence that was available under Section 5-5-3 of
32 this Code or Section 11-501 of the Illinois Vehicle Code at the
33 time of initial sentencing. If the court finds that the person
34 has failed to successfully complete his or her sentence to a
35 county impact incarceration program, the court may impose any
36 other sentence that was available under Section 5-5-3 of this

1 Code or Section 11-501 of the Illinois Vehicle Code at the time
2 of initial sentencing, except for a sentence of probation or
3 conditional discharge.

4 (f) The conditions of probation, of conditional discharge,
5 of supervision, or of a sentence of county impact incarceration
6 may be modified by the court on motion of the supervising
7 agency or on its own motion or at the request of the offender
8 after notice and a hearing.

9 (g) A judgment revoking supervision, probation,
10 conditional discharge, or a sentence of county impact
11 incarceration is a final appealable order.

12 (h) Resentencing after revocation of probation,
13 conditional discharge, supervision, or a sentence of county
14 impact incarceration shall be under Article 4. Time served on
15 probation, conditional discharge or supervision shall not be
16 credited by the court against a sentence of imprisonment or
17 periodic imprisonment unless the court orders otherwise.

18 (i) Instead of filing a violation of probation, conditional
19 discharge, supervision, or a sentence of county impact
20 incarceration, an agent or employee of the supervising agency
21 with the concurrence of his or her supervisor may serve on the
22 defendant a Notice of Intermediate Sanctions. The Notice shall
23 contain the technical violation or violations involved, the
24 date or dates of the violation or violations, and the
25 intermediate sanctions to be imposed. Upon receipt of the
26 Notice, the defendant shall immediately accept or reject the
27 intermediate sanctions. If the sanctions are accepted, they
28 shall be imposed immediately. If the intermediate sanctions are
29 rejected or the defendant does not respond to the Notice, a
30 violation of probation, conditional discharge, supervision, or
31 a sentence of county impact incarceration shall be immediately
32 filed with the court. The State's Attorney and the sentencing
33 court shall be notified of the Notice of Sanctions. Upon
34 successful completion of the intermediate sanctions, a court
35 may not revoke probation, conditional discharge, supervision,
36 or a sentence of county impact incarceration or impose

1 additional sanctions for the same violation. A notice of
2 intermediate sanctions may not be issued for any violation of
3 probation, conditional discharge, supervision, or a sentence
4 of county impact incarceration which could warrant an
5 additional, separate felony charge. The intermediate sanctions
6 shall include a term of home detention as provided in Article
7 8A of Chapter V of this Code for multiple or repeat violations
8 of the terms and conditions of a sentence of probation,
9 conditional discharge, or supervision.

10 (Source: P.A. 89-198, eff. 7-21-95; 89-587, eff. 7-31-96;
11 89-647, eff. 1-1-97; 90-14, eff. 7-1-97.)

12 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

13 Sec. 5-6-4.1. Violation, Modification or Revocation of
14 Conditional Discharge or Supervision - Hearing.) (a) In cases
15 where a defendant was placed upon supervision or conditional
16 discharge for the commission of a petty offense, upon the oral
17 or written motion of the State, or on the court's own motion,
18 which charges that a violation of a condition of that
19 conditional discharge or supervision has occurred, the court
20 may:

21 (1) Conduct a hearing instanter if the offender is present
22 in court;

23 (2) Order the issuance by the court clerk of a notice to
24 the offender to be present for a hearing for violation;

25 (3) Order summons to the offender to be present; or

26 (4) Order a warrant for the offender's arrest.

27 The oral motion, if the defendant is present, or the
28 issuance of such warrant, summons or notice shall toll the
29 period of conditional discharge or supervision until the final
30 determination of the charge, and the term of conditional
31 discharge or supervision shall not run until the hearing and
32 disposition of the petition for violation.

33 (b) The Court shall admit the offender to bail pending the
34 hearing.

35 (c) The State has the burden of going forward with the

1 evidence and proving the violation by the preponderance of the
2 evidence. The evidence shall be presented in open court with
3 the right of confrontation, cross-examination, and
4 representation by counsel.

5 (d) Conditional discharge or supervision shall not be
6 revoked for failure to comply with the conditions of the
7 discharge or supervision which imposed financial obligations
8 upon the offender unless such failure is due to his wilful
9 refusal to pay.

10 (e) If the court finds that the offender has violated a
11 condition at any time prior to the expiration or termination of
12 the period, it may continue him on the existing sentence or
13 supervision with or without modifying or enlarging the
14 conditions, or may impose any other sentence that was available
15 under Section 5-5-3 of this Code or Section 11-501 of the
16 Illinois Vehicle Code at the time of initial sentencing.

17 (f) The conditions of conditional discharge and of
18 supervision may be modified by the court on motion of the
19 probation officer or on its own motion or at the request of the
20 offender after notice to the defendant and a hearing.

21 (g) A judgment revoking supervision is a final appealable
22 order.

23 (h) Resentencing after revocation of conditional discharge
24 or of supervision shall be under Article 4. Time served on
25 conditional discharge or supervision shall be credited by the
26 court against a sentence of imprisonment or periodic
27 imprisonment unless the court orders otherwise.

28 (Source: P.A. 81-815.)

29 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

30 Sec. 5-8-7. Calculation of Term of Imprisonment.

31 (a) A sentence of imprisonment shall commence on the date
32 on which the offender is received by the Department or the
33 institution at which the sentence is to be served.

34 (b) The offender shall be given credit on the determinate
35 sentence or maximum term and the minimum period of imprisonment

1 for time spent in custody as a result of the offense for which
2 the sentence was imposed, at the rate specified in Section
3 3-6-3 of this Code. Except when prohibited by subsection (d),
4 the trial court may give credit to the defendant for time spent
5 in home detention, or when the defendant has been confined for
6 psychiatric or substance abuse treatment prior to judgment, if
7 the court finds that the detention or confinement was
8 custodial.

9 (c) An offender arrested on one charge and prosecuted on
10 another charge for conduct which occurred prior to his arrest
11 shall be given credit on the determinate sentence or maximum
12 term and the minimum term of imprisonment for time spent in
13 custody under the former charge not credited against another
14 sentence.

15 (d) An offender sentenced to a term of imprisonment for an
16 offense listed in paragraph (2) of subsection (c) of Section
17 5-5-3 of this Code or in paragraph (3) of subsection (c-1) of
18 Section 11-501 of the Illinois Vehicle Code shall not receive
19 credit for time spent in home detention prior to judgment.

20 (Source: P.A. 88-119; 89-647, eff. 1-1-97.)