

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 Unified Code of Corrections is amended by  
5 changing Sections 5-5-3, 5-6-1, 5-6-2, 5-6-4, and 5-8-4 as  
6 follows:

7 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

8 Sec. 5-5-3. Disposition.

9 (a) Every person convicted of an offense shall be sentenced  
10 as provided in this Section.

11 (b) The following options shall be appropriate  
12 dispositions, alone or in combination, for all felonies and  
13 misdemeanors other than those identified in subsection (c) of  
14 this Section:

15 (1) A period of probation.

16 (2) A term of periodic imprisonment.

17 (3) A term of conditional discharge.

18 (4) A term of imprisonment.

19 (5) An order directing the offender to clean up and  
20 repair the damage, if the offender was convicted under  
21 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
22 (now repealed).

23 (6) A fine.

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

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

28 (9) A term of imprisonment in combination with a term  
29 of probation when the offender has been admitted into a  
30 drug court program under Section 20 of the Drug Court  
31 Treatment Act.

32 Whenever an individual is sentenced for an offense based

1 upon an arrest for a violation of Section 11-501 of the  
2 Illinois Vehicle Code, or a similar provision of a local  
3 ordinance, and the professional evaluation recommends remedial  
4 or rehabilitative treatment or education, neither the  
5 treatment nor the education shall be the sole disposition and  
6 either or both may be imposed only in conjunction with another  
7 disposition. The court shall monitor compliance with any  
8 remedial education or treatment recommendations contained in  
9 the professional evaluation. Programs conducting alcohol or  
10 other drug evaluation or remedial education must be licensed by  
11 the Department of Human Services. However, if the individual is  
12 not a resident of Illinois, the court may accept an alcohol or  
13 other drug evaluation or remedial education program in the  
14 state of such individual's residence. Programs providing  
15 treatment must be licensed under existing applicable  
16 alcoholism and drug treatment licensure standards.

17 In addition to any other fine or penalty required by law,  
18 any individual convicted of a violation of Section 11-501 of  
19 the Illinois Vehicle Code, Section 5-7 of the Snowmobile  
20 Registration and Safety Act, Section 5-16 of the Boat  
21 Registration and Safety Act, or a similar provision of local  
22 ordinance, whose operation of a motor vehicle while in  
23 violation of Section 11-501, Section 5-7, Section 5-16, or such  
24 ordinance proximately caused an incident resulting in an  
25 appropriate emergency response, shall be required to make  
26 restitution to a public agency for the costs of that emergency  
27 response. Such restitution shall not exceed \$1,000 per public  
28 agency for each such emergency response. For the purpose of  
29 this paragraph, emergency response shall mean any incident  
30 requiring a response by: a police officer as defined under  
31 Section 1-162 of the Illinois Vehicle Code; a fireman carried  
32 on the rolls of a regularly constituted fire department; and an  
33 ambulance as defined under Section 3.85 of the Emergency  
34 Medical Services (EMS) Systems Act.

35 Neither a fine nor restitution shall be the sole  
36 disposition for a felony and either or both may be imposed only

1 in conjunction with another disposition.

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

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

14 (A) First degree murder where the death penalty is  
15 not imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the  
19 Illinois Controlled Substances Act, or a violation of  
20 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
21 which relates to more than 5 grams of a substance  
22 containing heroin or cocaine or an analog thereof.

23 (E) A violation of Section 5.1 or 9 of the Cannabis  
24 Control Act.

25 (F) A Class 2 or greater felony if the offender had  
26 been convicted of a Class 2 or greater felony within 10  
27 years of the date on which the offender committed the  
28 offense for which he or she is being sentenced, except  
29 as otherwise provided in Section 40-10 of the  
30 Alcoholism and Other Drug Abuse and Dependency Act.

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

34 (H) Criminal sexual assault.

35 (I) Aggravated battery of a senior citizen.

36 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

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

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

12 (K) Vehicular hijacking.

13 (L) A second or subsequent conviction for the  
14 offense of hate crime when the underlying offense upon  
15 which the hate crime is based is felony aggravated  
16 assault or felony mob action.

17 (M) A second or subsequent conviction for the  
18 offense of institutional vandalism if the damage to the  
19 property exceeds \$300.

20 (N) A Class 3 felony violation of paragraph (1) of  
21 subsection (a) of Section 2 of the Firearm Owners  
22 Identification Card Act.

23 (O) A violation of Section 12-6.1 of the Criminal  
24 Code of 1961.

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

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

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

32 (S) A violation of Section 11-501(c-1)(3) of the  
33 Illinois Vehicle Code.

34 (T) A second or subsequent violation of paragraph  
35 (6.6) of subsection (a), subsection (c-5), or  
36 subsection (d-5) of Section 401 of the Illinois

1           Controlled Substances Act.

2           (3) A minimum term of imprisonment of not less than 5  
3           days or 30 days of community service as may be determined  
4           by the court shall be imposed for a second violation  
5           committed within 5 years of a previous violation of Section  
6           11-501 of the Illinois Vehicle Code or a similar provision  
7           of a local ordinance. In the case of a third or subsequent  
8           violation committed within 5 years of a previous violation  
9           of Section 11-501 of the Illinois Vehicle Code or a similar  
10          provision of a local ordinance, a minimum term of either 10  
11          days of imprisonment or 60 days of community service shall  
12          be imposed.

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

17          (4.1) A minimum term of 30 consecutive days of  
18          imprisonment, 40 days of 24 hour periodic imprisonment or  
19          720 hours of community service, as may be determined by the  
20          court, shall be imposed for a violation of Section 11-501  
21          of the Illinois Vehicle Code during a period in which the  
22          defendant's driving privileges are revoked or suspended,  
23          where the revocation or suspension was for a violation of  
24          Section 11-501 or Section 11-501.1 of that Code.

25          (4.2) Except as provided in paragraph (4.3) of this  
26          subsection (c), a minimum of 100 hours of community service  
27          shall be imposed for a second violation of Section 6-303 of  
28          the Illinois Vehicle Code.

29          (4.3) A minimum term of imprisonment of 30 days or 300  
30          hours of community service, as determined by the court,  
31          shall be imposed for a second violation of subsection (c)  
32          of Section 6-303 of the Illinois Vehicle Code.

33          (4.4) Except as provided in paragraph (4.5) and  
34          paragraph (4.6) of this subsection (c), a minimum term of  
35          imprisonment of 30 days or 300 hours of community service,  
36          as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois  
2 Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall  
4 be imposed for a third violation of subsection (c) of  
5 Section 6-303 of the Illinois Vehicle Code.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section  
16 5-5-6 of this Code.

17 (5.1) In addition to any penalties imposed under  
18 paragraph (5) of this subsection (c), and except as  
19 provided in paragraph (5.2) or (5.3), a person convicted of  
20 violating subsection (c) of Section 11-907 of the Illinois  
21 Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for at least 90 days but  
23 not more than one year, if the violation resulted in damage  
24 to the property of another person.

25 (5.2) In addition to any penalties imposed under  
26 paragraph (5) of this subsection (c), and except as  
27 provided in paragraph (5.3), a person convicted of  
28 violating subsection (c) of Section 11-907 of the Illinois  
29 Vehicle Code shall have his or her driver's license,  
30 permit, or privileges suspended for at least 180 days but  
31 not more than 2 years, if the violation resulted in injury  
32 to another person.

33 (5.3) In addition to any penalties imposed under  
34 paragraph (5) of this subsection (c), a person convicted of  
35 violating subsection (c) of Section 11-907 of the Illinois  
36 Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the  
2 violation resulted in the death of another person.

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

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

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

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

30 (10) When a person is convicted of violating Section  
31 11-501 of the Illinois Vehicle Code or a similar provision  
32 of a local ordinance, the following penalties apply when  
33 his or her blood, breath, or urine was .16 or more based on  
34 the definition of blood, breath, or urine units in Section  
35 11-501.2 or that person is convicted of violating Section  
36 11-501 of the Illinois Vehicle Code while transporting a

1 child under the age of 16:

2 (A) For a first violation of subsection (a) of  
3 Section 11-501, in addition to any other penalty that  
4 may be imposed under subsection (c) of Section 11-501:  
5 a mandatory minimum of 100 hours of community service  
6 and a minimum fine of \$500.

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

12 (C) For a third violation of subsection (a) of  
13 Section 11-501, in addition to any other penalty that  
14 may be imposed under subsection (c) of Section 11-501  
15 within 20 years: a mandatory minimum of 90 days of  
16 imprisonment and a minimum fine of \$2,500.

17 (D) For a fourth or subsequent violation of  
18 subsection (a) of Section 11-501: ineligibility for a  
19 sentence of probation or conditional discharge and a  
20 minimum fine of \$2,500.

21 (d) In any case in which a sentence originally imposed is  
22 vacated, the case shall be remanded to the trial court. The  
23 trial court shall hold a hearing under Section 5-4-1 of the  
24 Unified Code of Corrections which may include evidence of the  
25 defendant's life, moral character and occupation during the  
26 time since the original sentence was passed. The trial court  
27 shall then impose sentence upon the defendant. The trial court  
28 may impose any sentence which could have been imposed at the  
29 original trial subject to Section 5-5-4 of the Unified Code of  
30 Corrections. If a sentence is vacated on appeal or on  
31 collateral attack due to the failure of the trier of fact at  
32 trial to determine beyond a reasonable doubt the existence of a  
33 fact (other than a prior conviction) necessary to increase the  
34 punishment for the offense beyond the statutory maximum  
35 otherwise applicable, either the defendant may be re-sentenced  
36 to a term within the range otherwise provided or, if the State

1 files notice of its intention to again seek the extended  
2 sentence, the defendant shall be afforded a new trial.

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

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

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

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the  
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the  
25 victim's counseling services, to the extent that the court  
26 finds, after considering the defendant's income and  
27 assets, that the defendant is financially capable of paying  
28 for such services, if the victim was under 18 years of age  
29 at the time the offense was committed and requires  
30 counseling as a result of the offense.

31 Probation may be revoked or modified pursuant to Section  
32 5-6-4; except where the court determines at the hearing that  
33 the defendant violated a condition of his or her probation  
34 restricting contact with the victim or other family members or  
35 commits another offense with the victim or other family  
36 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and  
3 "victim" shall have the meanings ascribed to them in Section  
4 12-12 of the Criminal Code of 1961.

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

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

1 to provide the information to the victim when possible. A  
2 State's Attorney may petition the court to obtain the results  
3 of any HIV test administered under this Section, and the court  
4 shall grant the disclosure if the State's Attorney shows it is  
5 relevant in order to prosecute a charge of criminal  
6 transmission of HIV under Section 12-16.2 of the Criminal Code  
7 of 1961 against the defendant. The court shall order that the  
8 cost of any such test shall be paid by the county and may be  
9 taxed as costs against the convicted defendant.

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

20 (h) Whenever a defendant is convicted of an offense under  
21 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
22 defendant shall undergo medical testing to determine whether  
23 the defendant has been exposed to human immunodeficiency virus  
24 (HIV) or any other identified causative agent of acquired  
25 immunodeficiency syndrome (AIDS). Except as otherwise provided  
26 by law, the results of such test shall be kept strictly  
27 confidential by all medical personnel involved in the testing  
28 and must be personally delivered in a sealed envelope to the  
29 judge of the court in which the conviction was entered for the  
30 judge's inspection in camera. Acting in accordance with the  
31 best interests of the public, the judge shall have the  
32 discretion to determine to whom, if anyone, the results of the  
33 testing may be revealed. The court shall notify the defendant  
34 of a positive test showing an infection with the human  
35 immunodeficiency virus (HIV). The court shall provide  
36 information on the availability of HIV testing and counseling

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

13 (i) All fines and penalties imposed under this Section for  
14 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
15 Vehicle Code, or a similar provision of a local ordinance, and  
16 any violation of the Child Passenger Protection Act, or a  
17 similar provision of a local ordinance, shall be collected and  
18 disbursed by the circuit clerk as provided under Section 27.5  
19 of the Clerks of Courts Act.

20 (j) In cases when prosecution for any violation of Section  
21 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
23 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
24 Code of 1961, any violation of the Illinois Controlled  
25 Substances Act, or any violation of the Cannabis Control Act  
26 results in conviction, a disposition of court supervision, or  
27 an order of probation granted under Section 10 of the Cannabis  
28 Control Act or Section 410 of the Illinois Controlled Substance  
29 Act of a defendant, the court shall determine whether the  
30 defendant is employed by a facility or center as defined under  
31 the Child Care Act of 1969, a public or private elementary or  
32 secondary school, or otherwise works with children under 18  
33 years of age on a daily basis. When a defendant is so employed,  
34 the court shall order the Clerk of the Court to send a copy of  
35 the judgment of conviction or order of supervision or probation  
36 to the defendant's employer by certified mail. If the employer

1 of the defendant is a school, the Clerk of the Court shall  
2 direct the mailing of a copy of the judgment of conviction or  
3 order of supervision or probation to the appropriate regional  
4 superintendent of schools. The regional superintendent of  
5 schools shall notify the State Board of Education of any  
6 notification under this subsection.

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

1 otherwise mentally incapable of completing the educational or  
2 vocational program.

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

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

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

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

20 Otherwise, the defendant shall be sentenced as  
21 provided in this Chapter V.

22 (B) If the defendant has already been sentenced for a  
23 felony or misdemeanor offense, or has been placed on  
24 probation under Section 10 of the Cannabis Control Act or  
25 Section 410 of the Illinois Controlled Substances Act, the  
26 court may, upon motion of the State's Attorney to suspend  
27 the sentence imposed, commit the defendant to the custody  
28 of the Attorney General of the United States or his or her  
29 designated agent when:

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

33 (2) the deportation of the defendant would not  
34 deprecate the seriousness of the defendant's conduct  
35 and would not be inconsistent with the ends of justice.

36 (C) This subsection (l) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of  
2 subsection (a) of Section 3-6-3.

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

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

19 (n) The court may sentence a person convicted of a  
20 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
21 Code of 1961 (i) to an impact incarceration program if the  
22 person is otherwise eligible for that program under Section  
23 5-8-1.1, (ii) to community service, or (iii) if the person is  
24 an addict or alcoholic, as defined in the Alcoholism and Other  
25 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
26 program licensed under that Act.

27 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;  
28 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.  
29 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,  
30 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
31 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
32 eff. 1-1-04; revised 10-9-03.)

33 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

34 Sec. 5-6-1. Sentences of Probation and of Conditional  
35 Discharge and Disposition of Supervision. The General Assembly

1 finds that in order to protect the public, the criminal justice  
2 system must compel compliance with the conditions of probation  
3 by responding to violations with swift, certain and fair  
4 punishments and intermediate sanctions. The Chief Judge of each  
5 circuit shall adopt a system of structured, intermediate  
6 sanctions for violations of the terms and conditions of a  
7 sentence of probation, conditional discharge or disposition of  
8 supervision.

9 (a) Except where specifically prohibited by other  
10 provisions of this Code, the court shall impose a sentence of  
11 probation or conditional discharge upon an offender unless,  
12 having regard to the nature and circumstance of the offense,  
13 and to the history, character and condition of the offender,  
14 the court is of the opinion that:

15 (1) his imprisonment or periodic imprisonment is  
16 necessary for the protection of the public; or

17 (2) probation or conditional discharge would deprecate  
18 the seriousness of the offender's conduct and would be  
19 inconsistent with the ends of justice; ~~or~~

20 (3) a combination of imprisonment with concurrent or  
21 consecutive probation when an offender has been admitted  
22 into a drug court program under Section 20 of the Drug  
23 Court Treatment Act is necessary for the protection of the  
24 public and for the rehabilitation of the offender.

25 The court shall impose as a condition of a sentence of  
26 probation, conditional discharge, or supervision, that the  
27 probation agency may invoke any sanction from the list of  
28 intermediate sanctions adopted by the chief judge of the  
29 circuit court for violations of the terms and conditions of the  
30 sentence of probation, conditional discharge, or supervision,  
31 subject to the provisions of Section 5-6-4 of this Act.

32 (b) The court may impose a sentence of conditional  
33 discharge for an offense if the court is of the opinion that  
34 neither a sentence of imprisonment nor of periodic imprisonment  
35 nor of probation supervision is appropriate.

36 (c) The court may, upon a plea of guilty or a stipulation

1 by the defendant of the facts supporting the charge or a  
2 finding of guilt, defer further proceedings and the imposition  
3 of a sentence, and enter an order for supervision of the  
4 defendant, if the defendant is not charged with: (i) a Class A  
5 misdemeanor, as defined by the following provisions of the  
6 Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1;  
7 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph  
8 (1) through (5), (8), (10), and (11) of subsection (a) of  
9 Section 24-1; (ii) a Class A misdemeanor violation of Section  
10 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or  
11 (iii) felony. If the defendant is not barred from receiving an  
12 order for supervision as provided in this subsection, the court  
13 may enter an order for supervision after considering the  
14 circumstances of the offense, and the history, character and  
15 condition of the offender, if the court is of the opinion that:

16 (1) the offender is not likely to commit further  
17 crimes;

18 (2) the defendant and the public would be best served  
19 if the defendant were not to receive a criminal record; and

20 (3) in the best interests of justice an order of  
21 supervision is more appropriate than a sentence otherwise  
22 permitted under this Code.

23 (d) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 11-501 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance when  
26 the defendant has previously been:

27 (1) convicted for a violation of Section 11-501 of the  
28 Illinois Vehicle Code or a similar provision of a local  
29 ordinance or any similar law or ordinance of another state;  
30 or

31 (2) assigned supervision for a violation of Section  
32 11-501 of the Illinois Vehicle Code or a similar provision  
33 of a local ordinance or any similar law or ordinance of  
34 another state; or

35 (3) pleaded guilty to or stipulated to the facts  
36 supporting a charge or a finding of guilty to a violation

1 of Section 11-503 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance or any similar law or  
3 ordinance of another state, and the plea or stipulation was  
4 the result of a plea agreement.

5 The court shall consider the statement of the prosecuting  
6 authority with regard to the standards set forth in this  
7 Section.

8 (e) The provisions of paragraph (c) shall not apply to a  
9 defendant charged with violating Section 16A-3 of the Criminal  
10 Code of 1961 if said defendant has within the last 5 years  
11 been:

12 (1) convicted for a violation of Section 16A-3 of the  
13 Criminal Code of 1961; or

14 (2) assigned supervision for a violation of Section  
15 16A-3 of the Criminal Code of 1961.

16 The court shall consider the statement of the prosecuting  
17 authority with regard to the standards set forth in this  
18 Section.

19 (f) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Sections 15-111, 15-112,  
21 15-301, paragraph (b) of Section 6-104, Section 11-605, or  
22 Section 11-1414 of the Illinois Vehicle Code or a similar  
23 provision of a local ordinance.

24 (g) Except as otherwise provided in paragraph (i) of this  
25 Section, the provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 3-707, 3-708, 3-710,  
27 or 5-401.3 of the Illinois Vehicle Code or a similar provision  
28 of a local ordinance if the defendant has within the last 5  
29 years been:

30 (1) convicted for a violation of Section 3-707, 3-708,  
31 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
32 provision of a local ordinance; or

33 (2) assigned supervision for a violation of Section  
34 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
35 Code or a similar provision of a local ordinance.

36 The court shall consider the statement of the prosecuting

1 authority with regard to the standards set forth in this  
2 Section.

3 (h) The provisions of paragraph (c) shall not apply to a  
4 defendant under the age of 21 years charged with violating a  
5 serious traffic offense as defined in Section 1-187.001 of the  
6 Illinois Vehicle Code:

7 (1) unless the defendant, upon payment of the fines,  
8 penalties, and costs provided by law, agrees to attend and  
9 successfully complete a traffic safety program approved by  
10 the court under standards set by the Conference of Chief  
11 Circuit Judges. The accused shall be responsible for  
12 payment of any traffic safety program fees. If the accused  
13 fails to file a certificate of successful completion on or  
14 before the termination date of the supervision order, the  
15 supervision shall be summarily revoked and conviction  
16 entered. The provisions of Supreme Court Rule 402 relating  
17 to pleas of guilty do not apply in cases when a defendant  
18 enters a guilty plea under this provision; or

19 (2) if the defendant has previously been sentenced  
20 under the provisions of paragraph (c) on or after January  
21 1, 1998 for any serious traffic offense as defined in  
22 Section 1-187.001 of the Illinois Vehicle Code.

23 (i) The provisions of paragraph (c) shall not apply to a  
24 defendant charged with violating Section 3-707 of the Illinois  
25 Vehicle Code or a similar provision of a local ordinance if the  
26 defendant has been assigned supervision for a violation of  
27 Section 3-707 of the Illinois Vehicle Code or a similar  
28 provision of a local ordinance.

29 (j) The provisions of paragraph (c) shall not apply to a  
30 defendant charged with violating Section 6-303 of the Illinois  
31 Vehicle Code or a similar provision of a local ordinance when  
32 the revocation or suspension was for a violation of Section  
33 11-501 or a similar provision of a local ordinance, a violation  
34 of Section 11-501.1 or paragraph (b) of Section 11-401 of the  
35 Illinois Vehicle Code, or a violation of Section 9-3 of the  
36 Criminal Code of 1961 if the defendant has within the last 10

1 years been:

2 (1) convicted for a violation of Section 6-303 of the  
3 Illinois Vehicle Code or a similar provision of a local  
4 ordinance; or

5 (2) assigned supervision for a violation of Section  
6 6-303 of the Illinois Vehicle Code or a similar provision  
7 of a local ordinance.

8 (Source: P.A. 93-388, eff. 7-25-03.)

9 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

10 Sec. 5-6-2. Incidents of Probation and of Conditional  
11 Discharge.

12 (a) When an offender is sentenced to probation or  
13 conditional discharge, the court shall impose a period under  
14 paragraph (b) of this Section, and shall specify the conditions  
15 under Section 5-6-3.

16 (b) Unless terminated sooner as provided in paragraph (c)  
17 of this Section or extended pursuant to paragraph (e) of this  
18 Section, the period of probation or conditional discharge shall  
19 be as follows:

20 (1) for a Class 1 or Class 2 felony, not to exceed 4  
21 years;

22 (2) for a Class 3 or Class 4 felony, not to exceed 30  
23 months;

24 (3) for a misdemeanor, not to exceed 2 years;

25 (4) for a petty offense, not to exceed 6 months.

26 Multiple terms of probation imposed at the same time shall  
27 run concurrently.

28 (c) The court may at any time terminate probation or  
29 conditional discharge if warranted by the conduct of the  
30 offender and the ends of justice, as provided in Section 5-6-4.

31 (d) Upon the expiration or termination of the period of  
32 probation or of conditional discharge, the court shall enter an  
33 order discharging the offender.

34 (e) The court may extend any period of probation or  
35 conditional discharge beyond the limits set forth in paragraph

1 (b) of this Section upon a violation of a condition of the  
2 probation or conditional discharge, for the payment of an  
3 assessment required by Section 10.3 of the Cannabis Control Act  
4 or Section 411.2 of the Illinois Controlled Substances Act, or  
5 for the payment of restitution as provided by an order of  
6 restitution under Section 5-5-6 of this Code.

7 (f) The court may impose a term of probation that is  
8 concurrent or consecutive to a term of imprisonment so long as  
9 the maximum term imposed does not exceed the maximum term  
10 provided under Article 8 of this Chapter. The court may provide  
11 that probation may commence while an offender is on mandatory  
12 supervised release, participating in a day release program, or  
13 being monitored by an electronic monitoring device.

14 (Source: P.A. 91-153, eff. 1-1-00.)

15 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

16 Sec. 5-6-4. Violation, Modification or Revocation of  
17 Probation, of Conditional Discharge or Supervision or of a  
18 sentence of county impact incarceration - Hearing.

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

23 (1) in the case of probation violations, order the  
24 issuance of a notice to the offender to be present by the  
25 County Probation Department or such other agency  
26 designated by the court to handle probation matters; and in  
27 the case of conditional discharge or supervision  
28 violations, such notice to the offender shall be issued by  
29 the Circuit Court Clerk; and in the case of a violation of  
30 a sentence of county impact incarceration, such notice  
31 shall be issued by the Sheriff;

32 (2) order a summons to the offender to be present for  
33 hearing; or

34 (3) order a warrant for the offender's arrest where  
35 there is danger of his fleeing the jurisdiction or causing

1 serious harm to others or when the offender fails to answer  
2 a summons or notice from the clerk of the court or Sheriff.

3 Personal service of the petition for violation of probation  
4 or the issuance of such warrant, summons or notice shall toll  
5 the period of probation, conditional discharge, supervision,  
6 or sentence of county impact incarceration until the final  
7 determination of the charge, and the term of probation,  
8 conditional discharge, supervision, or sentence of county  
9 impact incarceration shall not run until the hearing and  
10 disposition of the petition for violation.

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

26 (c) The State has the burden of going forward with the  
27 evidence and proving the violation by the preponderance of the  
28 evidence. The evidence shall be presented in open court with  
29 the right of confrontation, cross-examination, and  
30 representation by counsel.

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

36 (e) If the court finds that the offender has violated a

1 condition at any time prior to the expiration or termination of  
2 the period, it may continue him on the existing sentence, with  
3 or without modifying or enlarging the conditions, or may impose  
4 any other sentence that was available under Section 5-5-3 at  
5 the time of initial sentencing. If the court finds that the  
6 person has failed to successfully complete his or her sentence  
7 to a county impact incarceration program, the court may impose  
8 any other sentence that was available under Section 5-5-3 at  
9 the time of initial sentencing, except for a sentence of  
10 probation or conditional discharge.

11 (f) The conditions of probation, of conditional discharge,  
12 of supervision, or of a sentence of county impact incarceration  
13 may be modified by the court on motion of the supervising  
14 agency or on its own motion or at the request of the offender  
15 after notice and a hearing.

16 (g) A judgment revoking supervision, probation,  
17 conditional discharge, or a sentence of county impact  
18 incarceration is a final appealable order.

19 (h) Resentencing after revocation of probation,  
20 conditional discharge, supervision, or a sentence of county  
21 impact incarceration shall be under Article 4. Time served on  
22 probation, conditional discharge or supervision shall not be  
23 credited by the court against a sentence of imprisonment or  
24 periodic imprisonment unless the court orders otherwise.

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

1 violation of probation, conditional discharge, supervision, or  
2 a sentence of county impact incarceration shall be immediately  
3 filed with the court. The State's Attorney and the sentencing  
4 court shall be notified of the Notice of Sanctions. Upon  
5 successful completion of the intermediate sanctions, a court  
6 may not revoke probation, conditional discharge, supervision,  
7 or a sentence of county impact incarceration or impose  
8 additional sanctions for the same violation. A notice of  
9 intermediate sanctions may not be issued for any violation of  
10 probation, conditional discharge, supervision, or a sentence  
11 of county impact incarceration which could warrant an  
12 additional, separate felony charge. The intermediate sanctions  
13 shall include a term of home detention as provided in Article  
14 8A of Chapter V of this Code for multiple or repeat violations  
15 of the terms and conditions of a sentence of probation,  
16 conditional discharge, or supervision.

17 (j) When an offender is re-sentenced after revocation of  
18 probation that was imposed in combination with a sentence of  
19 imprisonment for the same offense, the aggregate of the  
20 sentences may not exceed the maximum term authorized under  
21 Article 8 of this Chapter.

22 (Source: P.A. 89-198, eff. 7-21-95; 89-587, eff. 7-31-96;  
23 89-647, eff. 1-1-97; 90-14, eff. 7-1-97.)

24 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

25 Sec. 5-8-4. Concurrent and Consecutive Terms of  
26 Imprisonment.

27 (a) When multiple sentences of imprisonment are imposed on  
28 a defendant at the same time, or when a term of imprisonment is  
29 imposed on a defendant who is already subject to sentence in  
30 this State or in another state, or for a sentence imposed by  
31 any district court of the United States, or for sentences  
32 imposed under Section 5-750 of the Juvenile Court Act of 1987  
33 for commitment to the Department of Corrections, Juvenile  
34 Division, the sentences shall run concurrently or  
35 consecutively as determined by the court. When a term of

1 imprisonment is imposed on a defendant by an Illinois circuit  
2 court and the defendant is subsequently sentenced to a term of  
3 imprisonment by another state or by a district court of the  
4 United States, the Illinois circuit court which imposed the  
5 sentence may order that the Illinois sentence be made  
6 concurrent with the sentence imposed by the other state or  
7 district court of the United States. The defendant must apply  
8 to the circuit court within 30 days after the defendant's  
9 sentence imposed by the other state or district of the United  
10 States is finalized. The court shall impose consecutive  
11 sentences if:

12 (i) one of the offenses for which defendant was  
13 convicted was first degree murder or a Class X or Class 1  
14 felony and the defendant inflicted severe bodily injury, or

15 (ii) the defendant was convicted of a violation of  
16 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of  
17 1961, or

18 (iii) the defendant was convicted of armed violence  
19 based upon the predicate offense of solicitation of murder,  
20 solicitation of murder for hire, heinous battery,  
21 aggravated battery of a senior citizen, criminal sexual  
22 assault, a violation of subsection (g) of Section 5 of the  
23 Cannabis Control Act, cannabis trafficking, a violation of  
24 subsection (a) of Section 401 of the Illinois Controlled  
25 Substances Act, controlled substance trafficking involving  
26 a Class X felony amount of controlled substance under  
27 Section 401 of the Illinois Controlled Substances Act,  
28 calculated criminal drug conspiracy, or streetgang  
29 criminal drug conspiracy, or

30 (iv) the defendant was convicted of the offense of  
31 leaving the scene of a motor vehicle accident involving  
32 death or personal injuries under Section 11-401 and either:  
33 (A) aggravated driving under the influence of alcohol,  
34 other drug or drugs, or intoxicating compound or compounds,  
35 or any combination thereof under Section 11-501 of the  
36 Illinois Vehicle Code, or (B) reckless homicide under

1 Section 9-3 of the Criminal Code of 1961, or both an  
2 offense described in subdivision (A) and an offense  
3 described in subdivision (B),  
4 in which event the court shall enter sentences to run  
5 consecutively. Sentences shall run concurrently unless  
6 otherwise specified by the court.

7 (b) Except in cases where consecutive sentences are  
8 mandated, the court shall impose concurrent sentences unless,  
9 having regard to the nature and circumstances of the offense  
10 and the history and character of the defendant, it is of the  
11 opinion that consecutive sentences are required to protect the  
12 public from further criminal conduct by the defendant, the  
13 basis for which the court shall set forth in the record.

14 (c) (1) For sentences imposed under law in effect prior to  
15 February 1, 1978 the aggregate maximum of consecutive  
16 sentences shall not exceed the maximum term authorized  
17 under Section 5-8-1 for the 2 most serious felonies  
18 involved. The aggregate minimum period of consecutive  
19 sentences shall not exceed the highest minimum term  
20 authorized under Section 5-8-1 for the 2 most serious  
21 felonies involved. When sentenced only for misdemeanors, a  
22 defendant shall not be consecutively sentenced to more than  
23 the maximum for one Class A misdemeanor.

24 (2) For sentences imposed under the law in effect on or  
25 after February 1, 1978, the aggregate of consecutive  
26 sentences for offenses that were committed as part of a  
27 single course of conduct during which there was no  
28 substantial change in the nature of the criminal objective  
29 shall not exceed the sum of the maximum terms authorized  
30 under Section 5-8-2 for the 2 most serious felonies  
31 involved, but no such limitation shall apply for offenses  
32 that were not committed as part of a single course of  
33 conduct during which there was no substantial change in the  
34 nature of the criminal objective. When sentenced only for  
35 misdemeanors, a defendant shall not be consecutively  
36 sentenced to more than the maximum for one Class A

1           misdemeanor.

2           (d) An offender serving a sentence for a misdemeanor who is  
3 convicted of a felony and sentenced to imprisonment shall be  
4 transferred to the Department of Corrections, and the  
5 misdemeanor sentence shall be merged in and run concurrently  
6 with the felony sentence.

7           (e) In determining the manner in which consecutive  
8 sentences of imprisonment, one or more of which is for a  
9 felony, will be served, the Department of Corrections shall  
10 treat the offender as though he had been committed for a single  
11 term with the following incidents:

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

18           (2) the parole or mandatory supervised release term  
19 shall be as provided in paragraph (e) of Section 5-8-1 of  
20 this Code for the most serious of the offenses involved;

21           (3) the minimum period of imprisonment shall be the  
22 aggregate of the minimum and determinate periods of  
23 imprisonment imposed by the court, subject to paragraph (c)  
24 of this Section; and

25           (4) the offender shall be awarded credit against the  
26 aggregate maximum term and the aggregate minimum term of  
27 imprisonment for all time served in an institution since  
28 the commission of the offense or offenses and as a  
29 consequence thereof at the rate specified in Section 3-6-3  
30 of this Code.

31           (f) A sentence of an offender committed to the Department  
32 of Corrections at the time of the commission of the offense  
33 shall be served consecutive to the sentence under which he is  
34 held by the Department of Corrections. However, in case such  
35 offender shall be sentenced to punishment by death, the  
36 sentence shall be executed at such time as the court may fix

1 without regard to the sentence under which such offender may be  
2 held by the Department.

3 (g) A sentence under Section 3-6-4 for escape or attempted  
4 escape shall be served consecutive to the terms under which the  
5 offender is held by the Department of Corrections.

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

12 (i) If a person admitted to bail following conviction of a  
13 felony commits a separate felony while free on bond or if a  
14 person detained in a county jail facility or county detention  
15 facility following conviction of a felony commits a separate  
16 felony while in detention, any sentence following conviction of  
17 the separate felony shall be consecutive to that of the  
18 original sentence for which the defendant was on bond or  
19 detained.

20 (Source: P.A. 92-16, eff. 6-28-01; 92-674, eff. 1-1-03; 93-160,  
21 eff. 7-10-03.)