

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 Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
7 Sec. 5-5-3. Disposition.

8 (a) Except as provided in Section 11-501 of the Illinois  
9 Vehicle Code, every person convicted of an offense shall be  
10 sentenced 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22 (now repealed).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 (10) A sentence of participation in a county work camp

1 program in a county of less than 3,000,000 inhabitants if  
2 the offender was convicted of an offense that is not a  
3 violent crime as defined in Section 3 of the Rights of  
4 Crime Victims and Witnesses Act.

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

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

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

20 (A) First degree murder where the death penalty is  
21 not imposed.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

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

29 (E) A violation of Section 5.1 or 9 of the Cannabis  
30 Control Act.

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

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

4 (H) Criminal sexual assault.

5 (I) Aggravated battery of a senior citizen.

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

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

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

18 (K) Vehicular hijacking.

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

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

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

29 (O) A violation of Section 12-6.1 of the Criminal  
30 Code of 1961.

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

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

36 (R) A violation of Section 24-3A of the Criminal

1 Code of 1961.

2 (S) (Blank).

3 (T) A second or subsequent violation of paragraph  
4 (6.6) of subsection (a), subsection (c-5), or  
5 subsection (d-5) of Section 401 of the Illinois  
6 Controlled Substances Act.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraph (4.3) of this  
14 subsection (c), a minimum of 100 hours of community service  
15 shall be imposed for a second violation of Section 6-303 of  
16 the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court,  
19 shall be imposed for a second violation of subsection (c)  
20 of Section 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraph (4.5) and  
22 paragraph (4.6) of this subsection (c), a minimum term of  
23 imprisonment of 30 days or 300 hours of community service,  
24 as determined by the court, shall be imposed for a third or  
25 subsequent violation of Section 6-303 of the Illinois  
26 Vehicle Code.

27 (4.5) A minimum term of imprisonment of 30 days shall  
28 be imposed for a third violation of subsection (c) of  
29 Section 6-303 of the Illinois Vehicle Code.

30 (4.6) A minimum term of imprisonment of 180 days shall  
31 be imposed for a fourth or subsequent violation of  
32 subsection (c) of Section 6-303 of the Illinois Vehicle  
33 Code.

34 (5) The court may sentence an offender convicted of a  
35 business offense or a petty offense or a corporation or  
36 unincorporated association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section
- 4 5-5-6 of this Code.

5 (5.1) In addition to any penalties imposed under

6 paragraph (5) of this subsection (c), and except as

7 provided in paragraph (5.2) or (5.3), 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 at least 90 days but

11 not more than one year, if the violation resulted in damage

12 to the property of another person.

13 (5.2) In addition to any penalties imposed under

14 paragraph (5) of this subsection (c), and except as

15 provided in paragraph (5.3), a person convicted of

16 violating subsection (c) of Section 11-907 of the Illinois

17 Vehicle Code shall have his or her driver's license,

18 permit, or privileges suspended for at least 180 days but

19 not more than 2 years, if the violation resulted in injury

20 to another person.

21 (5.3) In addition to any penalties imposed under

22 paragraph (5) of this subsection (c), a person convicted of

23 violating subsection (c) of Section 11-907 of the Illinois

24 Vehicle Code shall have his or her driver's license,

25 permit, or privileges suspended for 2 years, if the

26 violation resulted in the death of another person.

27 (6) In no case shall an offender be eligible for a

28 disposition of probation or conditional discharge for a

29 Class 1 felony committed while he was serving a term of

30 probation or conditional discharge for a felony.

31 (7) When a defendant is adjudged a habitual criminal

32 under Article 33B of the Criminal Code of 1961, the court

33 shall sentence the defendant to a term of natural life

34 imprisonment.

35 (8) When a defendant, over the age of 21 years, is

36 convicted of a Class 1 or Class 2 felony, after having

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

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

18 (10) (Blank).

19 (11) The court shall impose a minimum fine of \$1,000  
20 for a first offense and \$2,000 for a second or subsequent  
21 offense upon a person convicted of or placed on supervision  
22 for battery when the individual harmed was a sports  
23 official or coach at any level of competition and the act  
24 causing harm to the sports official or coach occurred  
25 within an athletic facility or within the immediate  
26 vicinity of the athletic facility at which the sports  
27 official or coach was an active participant of the athletic  
28 contest held at the athletic facility. For the purposes of  
29 this paragraph (11), "sports official" means a person at an  
30 athletic contest who enforces the rules of the contest,  
31 such as an umpire or referee; "athletic facility" means an  
32 indoor or outdoor playing field or recreational area where  
33 sports activities are conducted; and "coach" means a person  
34 recognized as a coach by the sanctioning authority that  
35 conducted the sporting event.

36 (12) ~~(11)~~ A person may not receive a disposition of

1 court supervision for a violation of Section 5-16 of the  
2 Boat Registration and Safety Act if that person has  
3 previously received a disposition of court supervision for  
4 a violation of that Section.

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

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

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

30 (A) the defendant is willing to undergo a court  
31 approved counseling program for a minimum duration of 2  
32 years; or

33 (B) the defendant is willing to participate in a  
34 court approved plan including but not limited to the  
35 defendant's:

36 (i) removal from the household;

- 1 (ii) restricted contact with the victim;  
2 (iii) continued financial support of the  
3 family;  
4 (iv) restitution for harm done to the victim;  
5 and  
6 (v) compliance with any other measures that  
7 the court may deem appropriate; and

8 (2) the court orders the defendant to pay for the  
9 victim's counseling services, to the extent that the court  
10 finds, after considering the defendant's income and  
11 assets, that the defendant is financially capable of paying  
12 for such services, if the victim was under 18 years of age  
13 at the time the offense was committed and requires  
14 counseling as a result of the offense.

15 Probation may be revoked or modified pursuant to Section  
16 5-6-4; except where the court determines at the hearing that  
17 the defendant violated a condition of his or her probation  
18 restricting contact with the victim or other family members or  
19 commits another offense with the victim or other family  
20 members, the court shall revoke the defendant's probation and  
21 impose a term of imprisonment.

22 For the purposes of this Section, "family member" and  
23 "victim" shall have the meanings ascribed to them in Section  
24 12-12 of the Criminal Code of 1961.

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

29 (g) Whenever a defendant is convicted of an offense under  
30 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
31 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
32 of the Criminal Code of 1961, the defendant shall undergo  
33 medical testing to determine whether the defendant has any  
34 sexually transmissible disease, including a test for infection  
35 with human immunodeficiency virus (HIV) or any other identified  
36 causative agent of acquired immunodeficiency syndrome (AIDS).



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

30 (g-5) When an inmate is tested for an airborne communicable  
31 disease, as determined by the Illinois Department of Public  
32 Health including but not limited to tuberculosis, the results  
33 of the test shall be personally delivered by the warden or his  
34 or her designee in a sealed envelope to the judge of the court  
35 in which the inmate must appear for the judge's inspection in  
36 camera if requested by the judge. Acting in accordance with the

1 best interests of those in the courtroom, the judge shall have  
2 the discretion to determine what if any precautions need to be  
3 taken to prevent transmission of the disease in the courtroom.

4 (h) Whenever a defendant is convicted of an offense under  
5 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
6 defendant shall undergo medical testing to determine whether  
7 the defendant has been exposed to human immunodeficiency virus  
8 (HIV) or any other identified causative agent of acquired  
9 immunodeficiency syndrome (AIDS). Except as otherwise provided  
10 by law, the results of such test shall be kept strictly  
11 confidential by all medical personnel involved in the testing  
12 and must be personally delivered in a sealed envelope to the  
13 judge of the court in which the conviction was entered for the  
14 judge's inspection in camera. Acting in accordance with the  
15 best interests of the public, the judge shall have the  
16 discretion to determine to whom, if anyone, the results of the  
17 testing may be revealed. The court shall notify the defendant  
18 of a positive test showing an infection with the human  
19 immunodeficiency virus (HIV). The court shall provide  
20 information on the availability of HIV testing and counseling  
21 at Department of Public Health facilities to all parties to  
22 whom the results of the testing are revealed and shall direct  
23 the State's Attorney to provide the information to the victim  
24 when possible. A State's Attorney may petition the court to  
25 obtain the results of any HIV test administered under this  
26 Section, and the court shall grant the disclosure if the  
27 State's Attorney shows it is relevant in order to prosecute a  
28 charge of criminal transmission of HIV under Section 12-16.2 of  
29 the Criminal Code of 1961 against the defendant. The court  
30 shall order that the cost of any such test shall be paid by the  
31 county and may be taxed as costs against the convicted  
32 defendant.

33 (i) All fines and penalties imposed under this Section for  
34 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
35 Vehicle Code, or a similar provision of a local ordinance, and  
36 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under Section 27.5  
3 of the Clerks of Courts Act.

4 (j) In cases when prosecution for any violation of Section  
5 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
7 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
8 Code of 1961, any violation of the Illinois Controlled  
9 Substances Act, or any violation of the Cannabis Control Act  
10 results in conviction, a disposition of court supervision, or  
11 an order of probation granted under Section 10 of the Cannabis  
12 Control Act or Section 410 of the Illinois Controlled Substance  
13 Act of a defendant, the court shall determine whether the  
14 defendant is employed by a facility or center as defined under  
15 the Child Care Act of 1969, a public or private elementary or  
16 secondary school, or otherwise works with children under 18  
17 years of age on a daily basis. When a defendant is so employed,  
18 the court shall order the Clerk of the Court to send a copy of  
19 the judgment of conviction or order of supervision or probation  
20 to the defendant's employer by certified mail. If the employer  
21 of the defendant is a school, the Clerk of the Court shall  
22 direct the mailing of a copy of the judgment of conviction or  
23 order of supervision or probation to the appropriate regional  
24 superintendent of schools. The regional superintendent of  
25 schools shall notify the State Board of Education of any  
26 notification under this subsection.

27 (j-5) A defendant at least 17 years of age who is convicted  
28 of a felony and who has not been previously convicted of a  
29 misdemeanor or felony and who is sentenced to a term of  
30 imprisonment in the Illinois Department of Corrections shall as  
31 a condition of his or her sentence be required by the court to  
32 attend educational courses designed to prepare the defendant  
33 for a high school diploma and to work toward a high school  
34 diploma or to work toward passing the high school level Test of  
35 General Educational Development (GED) or to work toward  
36 completing a vocational training program offered by the

1 Department of Corrections. If a defendant fails to complete the  
2 educational training required by his or her sentence during the  
3 term of incarceration, the Prisoner Review Board shall, as a  
4 condition of mandatory supervised release, require the  
5 defendant, at his or her own expense, to pursue a course of  
6 study toward a high school diploma or passage of the GED test.  
7 The Prisoner Review Board shall revoke the mandatory supervised  
8 release of a defendant who wilfully fails to comply with this  
9 subsection (j-5) upon his or her release from confinement in a  
10 penal institution while serving a mandatory supervised release  
11 term; however, the inability of the defendant after making a  
12 good faith effort to obtain financial aid or pay for the  
13 educational training shall not be deemed a wilful failure to  
14 comply. The Prisoner Review Board shall recommit the defendant  
15 whose mandatory supervised release term has been revoked under  
16 this subsection (j-5) as provided in Section 3-3-9. This  
17 subsection (j-5) does not apply to a defendant who has a high  
18 school diploma or has successfully passed the GED test. This  
19 subsection (j-5) does not apply to a defendant who is  
20 determined by the court to be developmentally disabled or  
21 otherwise mentally incapable of completing the educational or  
22 vocational program.

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

26 (l) (A) Except as provided in paragraph (C) of subsection  
27 (l), whenever a defendant, who is an alien as defined by  
28 the Immigration and Nationality Act, is convicted of any  
29 felony or misdemeanor offense, the court after sentencing  
30 the defendant may, upon motion of the State's Attorney,  
31 hold sentence in abeyance and remand the defendant to the  
32 custody of the Attorney General of the United States or his  
33 or her designated agent to be deported when:

34 (1) a final order of deportation has been issued  
35 against the defendant pursuant to proceedings under  
36 the Immigration and Nationality Act, and

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

4           Otherwise, the defendant shall be sentenced as  
5           provided in this Chapter V.

6           (B) If the defendant has already been sentenced for a  
7           felony or misdemeanor offense, or has been placed on  
8           probation under Section 10 of the Cannabis Control Act or  
9           Section 410 of the Illinois Controlled Substances Act, the  
10          court may, upon motion of the State's Attorney to suspend  
11          the sentence imposed, commit the defendant to the custody  
12          of the Attorney General of the United States or his or her  
13          designated agent 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          (C) This subsection (1) does not apply to offenders who  
21          are subject to the provisions of paragraph (2) of  
22          subsection (a) of Section 3-6-3.

23          (D) Upon motion of the State's Attorney, if a defendant  
24          sentenced under this Section returns to the jurisdiction of  
25          the United States, the defendant shall be recommitted to  
26          the custody of the county from which he or she was  
27          sentenced. Thereafter, the defendant shall be brought  
28          before the sentencing court, which may impose any sentence  
29          that was available under Section 5-5-3 at the time of  
30          initial sentencing. In addition, the defendant shall not be  
31          eligible for additional good conduct credit for  
32          meritorious service as provided under Section 3-6-6.

33          (m) A person convicted of criminal defacement of property  
34          under Section 21-1.3 of the Criminal Code of 1961, in which the  
35          property damage exceeds \$300 and the property damaged is a  
36          school building, shall be ordered to perform community service

1 that may include cleanup, removal, or painting over the  
2 defacement.

3 (n) The court may sentence a person convicted of a  
4 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
5 Code of 1961 (i) to an impact incarceration program if the  
6 person is otherwise eligible for that program under Section  
7 5-8-1.1, (ii) to community service, or (iii) if the person is  
8 an addict or alcoholic, as defined in the Alcoholism and Other  
9 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
10 program licensed under that Act.

11 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;  
12 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.  
13 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,  
14 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
15 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
16 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
17 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

18 Section 10. The County Jail Act is amended by adding  
19 Section 19.6 as follows:

20 (730 ILCS 125/19.6 new)

21 Sec. 19.6. County work camp program.

22 (a) Legislative intent. It is the finding of the General  
23 Assembly that certain non-violent offenders eligible for  
24 sentences of incarceration in a county jail may benefit from  
25 the rehabilitative aspects of a county work camp program. It is  
26 the intent of the General Assembly that such programs be  
27 implemented as provided by this Section. This Section shall not  
28 be construed to allow violent offenders to participate in a  
29 county work camp program.

30 (b) Under the direction of the sheriff in a county of less  
31 than 3,000,000 inhabitants, the sheriff may establish and  
32 operate a county work camp program for eligible offenders. If  
33 the court finds at the sentencing hearing under Section 5-4-1  
34 of the Unified Code of Corrections that an offender meets the

1 eligibility requirements of the sheriff's county work camp  
2 program, the court may sentence the offender to the county work  
3 camp program. The sheriff may also assign an eligible offender  
4 to a work camp program. The sheriff shall be responsible for  
5 monitoring all offenders who are sentenced to the county work  
6 camp program. In the event the offender is not accepted for  
7 placement in the county work camp program, the court shall  
8 proceed to sentence the offender to any other disposition  
9 authorized by the Unified Code of Corrections. If the offender  
10 does not successfully complete the program, the offender's  
11 failure to do so shall constitute a violation of the sentence  
12 to the county work camp program.

13 (c) In order to be eligible to be sentenced to a county  
14 work camp program by the court or to be assigned to a county  
15 work camp program by the sheriff, the person shall meet all of  
16 the following requirements:

17 (1) the person must be not less than 17 years of age;

18 (2) the person must have been convicted of an offense  
19 that is not a violent crime as defined in Section 3 of the  
20 Rights of Crime Victims and Witnesses Act;

21 (3) the person must not have any mental disorder or  
22 disability that would prevent participation in a county  
23 work camp program; and

24 (4) the person was recommended and approved for  
25 placement in the county work camp program by the sheriff  
26 and consented in writing to participation in the county  
27 work camp program and to the terms and conditions of the  
28 program. The sheriff may consider, among other matters,  
29 whether the person has any outstanding detainers or  
30 warrants, whether the person has a history of escaping or  
31 absconding, whether participation in the county work camp  
32 program may pose a risk to the safety or security of any  
33 person and whether space is available.

34 (d) The county work camp program shall include such  
35 community service work as defined by the sheriff to be  
36 performed by offenders at locations other than the county jail.

1 When the offender is not performing community service work, he  
2 or she shall be confined in the county jail.

3 (e) The sheriff shall issue written rules and requirements  
4 for the program. Persons shall be informed of rules of behavior  
5 and conduct. Persons participating in the county work camp  
6 program shall adhere to all rules and all requirements of the  
7 program.

8 (f) The period of time a person shall serve in the work  
9 camp program shall be determined by the court that sentenced  
10 the offender to the program or by the sheriff who assigned the  
11 offender to the program. The period of time a person shall  
12 serve in the work camp program shall not be reduced by the  
13 accumulation of good time. The court may also sentence the  
14 person to a period of probation to commence at the successful  
15 completion of the county work camp program.

16 (g) If the person successfully completes the county work  
17 camp program, the sheriff shall certify the person's successful  
18 completion of the program to the court and to the county's  
19 State's Attorney. Upon successful completion of the county work  
20 camp program and if there is an additional period of probation  
21 given, the person shall at that time begin his or her  
22 probationary sentence under the supervision of the Adult  
23 Probation Department.

24 (h) A person may be removed from the county work camp  
25 program for a violation of the terms or conditions of the  
26 program or in the event he or she is for any reason unable to  
27 participate. The failure to complete the program for any reason  
28 shall be deemed a violation of the county work camp sentence.  
29 The sheriff shall give notice to the State's Attorney of the  
30 person's failure to complete the program. The sheriff shall  
31 file a petition for violation of the county work camp sentence  
32 with the court and the State's Attorney may proceed on the  
33 petition under Section 5-6-4 of the Unified Code of  
34 Corrections. The sheriff shall promulgate rules and  
35 regulations governing conduct which could result in removal  
36 from the program or in a determination that the person has not



1 successfully completed the program.

2 (i) The mandatory conditions of every county work camp  
3 sentence shall include that the person while in the program:

4 (1) not violate any criminal statute; or

5 (2) report or appear in person before any such person  
6 or agency as directed by the court or the sheriff.