

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 2. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 110-6.2 as follows:

6 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

7 Sec. 110-6.2. Post-conviction Detention. (a) The court may
8 ~~shall~~ order that a person who has been found guilty of an
9 offense and who is waiting imposition or execution of sentence
10 be held without bond unless the court finds by clear and
11 convincing evidence that the person is not likely to flee or
12 pose a danger to any other person or the community if released
13 under Sections 110-5 and 110-10 of this Act.

14 (b) The court may ~~shall~~ order that person who has been
15 found guilty of an offense and sentenced to a term of
16 imprisonment ~~shall~~ be held without bond unless the court finds
17 by clear and convincing evidence that:

18 (1) the person is not likely to flee or pose a danger to
19 the safety of any other person or the community if released on
20 bond pending appeal; and

21 (2) that the appeal is not for purpose of delay and raises
22 a substantial question of law or fact likely to result in
23 reversal or an order for a new trial.

1 (Source: P.A. 86-984.)

2 (725 ILCS 5/122-8 rep.)

3 Section 3. The Code of Criminal Procedure of 1963 is
4 amended by repealing Section 122-8.

5 Section 5. The Unified Code of Corrections is amended by
6 changing Sections 3-6-3, 5-5-3, 5-5-3.2, 5-6-4, 5-8-1, 5-8-2,
7 5-8-4, and 5-9-1.3 as follows:

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

9 Sec. 3-6-3. Rules and Regulations for Early Release.

10 (a) (1) The Department of Corrections shall prescribe
11 rules and regulations for the early release on account of
12 good conduct of persons committed to the Department which
13 shall be subject to review by the Prisoner Review Board.

14 (2) The rules and regulations on early release shall
15 provide, with respect to offenses listed in clause (i),
16 (ii), or (iii) of this paragraph (2) committed on or after
17 June 19, 1998 or with respect to the offense listed in
18 clause (iv) of this paragraph (2) committed on or after
19 June 23, 2005 (the effective date of Public Act 94-71) or
20 with respect to offense listed in clause (vi) committed on
21 or after June 1, 2008 (the effective date of Public Act
22 95-625) or with respect to the offense of being an armed
23 habitual criminal committed on or after August 2, 2005 (the

1 effective date of Public Act 94-398) or with respect to the
2 offenses listed in clause (v) of this paragraph (2)
3 committed on or after August 13, 2007 (the effective date
4 of Public Act 95-134), the following:

5 (i) that a prisoner who is serving a term of
6 imprisonment for first degree murder or for the offense
7 of terrorism shall receive no good conduct credit and
8 shall serve the entire sentence imposed by the court;

9 (ii) that a prisoner serving a sentence for attempt
10 to commit first degree murder, solicitation of murder,
11 solicitation of murder for hire, intentional homicide
12 of an unborn child, predatory criminal sexual assault
13 of a child, aggravated criminal sexual assault,
14 criminal sexual assault, aggravated kidnapping,
15 aggravated battery with a firearm, heinous battery,
16 being an armed habitual criminal, aggravated battery
17 of a senior citizen, or aggravated battery of a child
18 shall receive no more than 4.5 days of good conduct
19 credit for each month of his or her sentence of
20 imprisonment;

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

1 Code, that the conduct leading to conviction for the
2 enumerated offense resulted in great bodily harm to a
3 victim, shall receive no more than 4.5 days of good
4 conduct credit for each month of his or her sentence of
5 imprisonment;

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

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

1 deliver methamphetamine, aggravated delivery of
2 methamphetamine, aggravated possession with intent to
3 deliver methamphetamine, methamphetamine conspiracy
4 when the substance containing the controlled substance
5 or methamphetamine is 100 grams or more shall receive
6 no more than 7.5 days good conduct credit for each
7 month of his or her sentence of imprisonment; and

8 (vi) that a prisoner serving a sentence for a
9 second or subsequent offense of luring a minor shall
10 receive no more than 4.5 days of good conduct credit
11 for each month of his or her sentence of imprisonment.

12 (2.1) For all offenses, other than those enumerated in
13 subdivision (a) (2) (i), (ii), or (iii) committed on or after
14 June 19, 1998 or subdivision (a) (2) (iv) committed on or
15 after June 23, 2005 (the effective date of Public Act
16 94-71) or subdivision (a) (2) (v) committed on or after
17 August 13, 2007 (the effective date of Public Act 95-134)
18 or subdivision (a) (2) (vi) committed on or after June 1,
19 2008 (the effective date of Public Act 95-625), and other
20 than the offense of ~~reckless homicide as defined in~~
21 ~~subsection (c) of Section 9-3 of the Criminal Code of 1961~~
22 ~~committed on or after January 1, 1999, or~~ aggravated
23 driving under the influence of alcohol, other drug or
24 drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

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

8 (2.2) A prisoner serving a term of natural life
9 imprisonment or a prisoner who has been sentenced to death
10 shall receive no good conduct credit.

11 (2.3) The rules and regulations on early release shall
12 provide that a prisoner who is serving a sentence for
13 ~~reckless homicide as defined in subsection (e) of Section~~
14 ~~9-3 of the Criminal Code of 1961 committed on or after~~
15 ~~January 1, 1999, or~~ aggravated driving under the influence
16 of alcohol, other drug or drugs, or intoxicating compound
17 or compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of
19 Section 11-501 of the Illinois Vehicle Code, shall receive
20 no more than 4.5 days of good conduct credit for each month
21 of his or her sentence of imprisonment.

22 (2.4) The rules and regulations on early release shall
23 provide with respect to the offenses of aggravated battery
24 with a machine gun or a firearm equipped with any device or
25 attachment designed or used for silencing the report of a
26 firearm or aggravated discharge of a machine gun or a

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

8 (2.5) The rules and regulations on early release shall
9 provide that a prisoner who is serving a sentence for
10 aggravated arson committed on or after July 27, 2001 (the
11 effective date of Public Act 92-176) shall receive no more
12 than 4.5 days of good conduct credit for each month of his
13 or her sentence of imprisonment.

14 (3) The rules and regulations shall also provide that
15 the Director may award up to 180 days additional good
16 conduct credit for meritorious service in specific
17 instances as the Director deems proper; except that no more
18 than 90 days of good conduct credit for meritorious service
19 shall be awarded to any prisoner who is serving a sentence
20 for conviction of first degree murder, reckless homicide
21 while under the influence of alcohol or any other drug, or
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, aggravated kidnapping, kidnapping,

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, criminal sexual assault, deviate
3 sexual assault, aggravated criminal sexual abuse,
4 aggravated indecent liberties with a child, indecent
5 liberties with a child, child pornography, heinous
6 battery, aggravated battery of a spouse, aggravated
7 battery of a spouse with a firearm, stalking, aggravated
8 stalking, aggravated battery of a child, endangering the
9 life or health of a child, or cruelty to a child.
10 Notwithstanding the foregoing, good conduct credit for
11 meritorious service shall not be awarded on a sentence of
12 imprisonment imposed for conviction of: (i) one of the
13 offenses enumerated in subdivision (a)(2)(i), (ii), or
14 (iii) when the offense is committed on or after June 19,
15 1998 or subdivision (a)(2)(iv) when the offense is
16 committed on or after June 23, 2005 (the effective date of
17 Public Act 94-71) or subdivision (a)(2)(v) when the offense
18 is committed on or after August 13, 2007 (the effective
19 date of Public Act 95-134) or subdivision (a)(2)(vi) when
20 the offense is committed on or after June 1, 2008 (the
21 effective date of Public Act 95-625), (ii) ~~reckless~~
22 ~~homicide as defined in subsection (c) of Section 9-3 of the~~
23 ~~Criminal Code of 1961 when the offense is committed on or~~
24 ~~after January 1, 1999, or~~ aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof as

1 defined in subparagraph (F) of paragraph (1) of subsection
2 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
3 one of the offenses enumerated in subdivision (a)(2.4) when
4 the offense is committed on or after July 15, 1999 (the
5 effective date of Public Act 91-121), or (iv) aggravated
6 arson when the offense is committed on or after July 27,
7 2001 (the effective date of Public Act 92-176).

8 The Director shall not award good conduct credit for
9 meritorious service under this paragraph (3) to an inmate
10 unless the inmate has served a minimum of 60 days of the
11 sentence; except nothing in this paragraph shall be
12 construed to permit the Director to extend an inmate's
13 sentence beyond that which was imposed by the court. Prior
14 to awarding credit under this paragraph (3), the Director
15 shall make a written determination that the inmate:

16 (A) is eligible for good conduct credit for
17 meritorious service;

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

20 (C) has met the eligibility criteria established
21 by rule.

22 The Director shall determine the form and content of
23 the written determination required in this subsection.

24 (4) The rules and regulations shall also provide that
25 the good conduct credit accumulated and retained under
26 paragraph (2.1) of subsection (a) of this Section by any

1 inmate during specific periods of time in which such inmate
2 is engaged full-time in substance abuse programs,
3 correctional industry assignments, or educational programs
4 provided by the Department under this paragraph (4) and
5 satisfactorily completes the assigned program as
6 determined by the standards of the Department, shall be
7 multiplied by a factor of 1.25 for program participation
8 before August 11, 1993 and 1.50 for program participation
9 on or after that date. However, no inmate shall be eligible
10 for the additional good conduct credit under this paragraph
11 (4) or (4.1) of this subsection (a) while assigned to a
12 boot camp or electronic detention, or if convicted of an
13 offense enumerated in subdivision (a)(2)(i), (ii), or
14 (iii) of this Section that is committed on or after June
15 19, 1998 or subdivision (a)(2)(iv) of this Section that is
16 committed on or after June 23, 2005 (the effective date of
17 Public Act 94-71) or subdivision (a)(2)(v) of this Section
18 that is committed on or after August 13, 2007 (the
19 effective date of Public Act 95-134) or subdivision
20 (a)(2)(vi) when the offense is committed on or after June
21 1, 2008 (the effective date of Public Act 95-625), or if
22 convicted of ~~reckless homicide as defined in subsection (c)~~
23 ~~of Section 9-3 of the Criminal Code of 1961 if the offense~~
24 ~~is committed on or after January 1, 1999, or~~ aggravated
25 driving under the influence of alcohol, other drug or
26 drugs, or intoxicating compound or compounds, or any

1 combination thereof as defined in subparagraph (F) of
2 paragraph (1) of subsection (d) of Section 11-501 of the
3 Illinois Vehicle Code, or if convicted of an offense
4 enumerated in paragraph (a)(2.4) of this Section that is
5 committed on or after July 15, 1999 (the effective date of
6 Public Act 91-121), or first degree murder, a Class X
7 felony, criminal sexual assault, felony criminal sexual
8 abuse, aggravated criminal sexual abuse, aggravated
9 battery with a firearm, or any predecessor or successor
10 offenses with the same or substantially the same elements,
11 or any inchoate offenses relating to the foregoing
12 offenses. No inmate shall be eligible for the additional
13 good conduct credit under this paragraph (4) who (i) has
14 previously received increased good conduct credit under
15 this paragraph (4) and has subsequently been convicted of a
16 felony, or (ii) has previously served more than one prior
17 sentence of imprisonment for a felony in an adult
18 correctional facility.

19 Educational, vocational, substance abuse and
20 correctional industry programs under which good conduct
21 credit may be increased under this paragraph (4) and
22 paragraph (4.1) of this subsection (a) shall be evaluated
23 by the Department on the basis of documented standards. The
24 Department shall report the results of these evaluations to
25 the Governor and the General Assembly by September 30th of
26 each year. The reports shall include data relating to the

1 recidivism rate among program participants.

2 Availability of these programs shall be subject to the
3 limits of fiscal resources appropriated by the General
4 Assembly for these purposes. Eligible inmates who are
5 denied immediate admission shall be placed on a waiting
6 list under criteria established by the Department. The
7 inability of any inmate to become engaged in any such
8 programs by reason of insufficient program resources or for
9 any other reason established under the rules and
10 regulations of the Department shall not be deemed a cause
11 of action under which the Department or any employee or
12 agent of the Department shall be liable for damages to the
13 inmate.

14 (4.1) The rules and regulations shall also provide that
15 an additional 60 days of good conduct credit shall be
16 awarded to any prisoner who passes the high school level
17 Test of General Educational Development (GED) while the
18 prisoner is incarcerated. The good conduct credit awarded
19 under this paragraph (4.1) shall be in addition to, and
20 shall not affect, the award of good conduct under any other
21 paragraph of this Section, but shall also be pursuant to
22 the guidelines and restrictions set forth in paragraph (4)
23 of subsection (a) of this Section. The good conduct credit
24 provided for in this paragraph shall be available only to
25 those prisoners who have not previously earned a high
26 school diploma or a GED. If, after an award of the GED good

1 conduct credit has been made and the Department determines
2 that the prisoner was not eligible, then the award shall be
3 revoked.

4 (4.5) The rules and regulations on early release shall
5 also provide that when the court's sentencing order
6 recommends a prisoner for substance abuse treatment and the
7 crime was committed on or after September 1, 2003 (the
8 effective date of Public Act 93-354), the prisoner shall
9 receive no good conduct credit awarded under clause (3) of
10 this subsection (a) unless he or she participates in and
11 completes a substance abuse treatment program. The
12 Director may waive the requirement to participate in or
13 complete a substance abuse treatment program and award the
14 good conduct credit in specific instances if the prisoner
15 is not a good candidate for a substance abuse treatment
16 program for medical, programming, or operational reasons.
17 Availability of substance abuse treatment shall be subject
18 to the limits of fiscal resources appropriated by the
19 General Assembly for these purposes. If treatment is not
20 available and the requirement to participate and complete
21 the treatment has not been waived by the Director, the
22 prisoner shall be placed on a waiting list under criteria
23 established by the Department. The Director may allow a
24 prisoner placed on a waiting list to participate in and
25 complete a substance abuse education class or attend
26 substance abuse self-help meetings in lieu of a substance

1 abuse treatment program. A prisoner on a waiting list who
2 is not placed in a substance abuse program prior to release
3 may be eligible for a waiver and receive good conduct
4 credit under clause (3) of this subsection (a) at the
5 discretion of the Director.

6 (4.6) The rules and regulations on early release shall
7 also provide that a prisoner who has been convicted of a
8 sex offense as defined in Section 2 of the Sex Offender
9 Registration Act shall receive no good conduct credit
10 unless he or she either has successfully completed or is
11 participating in sex offender treatment as defined by the
12 Sex Offender Management Board. However, prisoners who are
13 waiting to receive such treatment, but who are unable to do
14 so due solely to the lack of resources on the part of the
15 Department, may, at the Director's sole discretion, be
16 awarded good conduct credit at such rate as the Director
17 shall determine.

18 (5) Whenever the Department is to release any inmate
19 earlier than it otherwise would because of a grant of good
20 conduct credit for meritorious service given at any time
21 during the term, the Department shall give reasonable
22 notice of the impending release not less than 14 days prior
23 to the date of the release to the State's Attorney of the
24 county where the prosecution of the inmate took place, and
25 if applicable, the State's Attorney of the county into
26 which the inmate will be released.

1 (b) Whenever a person is or has been committed under
2 several convictions, with separate sentences, the sentences
3 shall be construed under Section 5-8-4 in granting and
4 forfeiting of good time.

5 (c) The Department shall prescribe rules and regulations
6 for revoking good conduct credit, or suspending or reducing the
7 rate of accumulation of good conduct credit for specific rule
8 violations, during imprisonment. These rules and regulations
9 shall provide that no inmate may be penalized more than one
10 year of good conduct credit for any one infraction.

11 When the Department seeks to revoke, suspend or reduce the
12 rate of accumulation of any good conduct credits for an alleged
13 infraction of its rules, it shall bring charges therefor
14 against the prisoner sought to be so deprived of good conduct
15 credits before the Prisoner Review Board as provided in
16 subparagraph (a) (4) of Section 3-3-2 of this Code, if the
17 amount of credit at issue exceeds 30 days or when during any 12
18 month period, the cumulative amount of credit revoked exceeds
19 30 days except where the infraction is committed or discovered
20 within 60 days of scheduled release. In those cases, the
21 Department of Corrections may revoke up to 30 days of good
22 conduct credit. The Board may subsequently approve the
23 revocation of additional good conduct credit, if the Department
24 seeks to revoke good conduct credit in excess of 30 days.
25 However, the Board shall not be empowered to review the
26 Department's decision with respect to the loss of 30 days of

1 good conduct credit within any calendar year for any prisoner
2 or to increase any penalty beyond the length requested by the
3 Department.

4 The Director of the Department of Corrections, in
5 appropriate cases, may restore up to 30 days good conduct
6 credits which have been revoked, suspended or reduced. Any
7 restoration of good conduct credits in excess of 30 days shall
8 be subject to review by the Prisoner Review Board. However, the
9 Board may not restore good conduct credit in excess of the
10 amount requested by the Director.

11 Nothing contained in this Section shall prohibit the
12 Prisoner Review Board from ordering, pursuant to Section
13 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
14 sentence imposed by the court that was not served due to the
15 accumulation of good conduct credit.

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

1 credit at the time of the finding, then the Prisoner Review
2 Board may revoke all good conduct credit accumulated by the
3 prisoner.

4 For purposes of this subsection (d):

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

9 (A) it lacks an arguable basis either in law or in
10 fact;

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

14 (C) the claims, defenses, and other legal
15 contentions therein are not warranted by existing law
16 or by a nonfrivolous argument for the extension,
17 modification, or reversal of existing law or the
18 establishment of new law;

19 (D) the allegations and other factual contentions
20 do not have evidentiary support or, if specifically so
21 identified, are not likely to have evidentiary support
22 after a reasonable opportunity for further
23 investigation or discovery; or

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

2 (2) "Lawsuit" means a motion pursuant to Section 116-3
3 of the Code of Criminal Procedure of 1963, a habeas corpus
4 action under Article X of the Code of Civil Procedure or
5 under federal law (28 U.S.C. 2254), a petition for claim
6 under the Court of Claims Act, an action under the federal
7 Civil Rights Act (42 U.S.C. 1983), or a second or
8 subsequent petition for post-conviction relief under
9 Article 122 of the Code of Criminal Procedure of 1963
10 whether filed with or without leave of court or a second or
11 subsequent petition for relief from judgment under Section
12 2-1401 of the Code of Civil Procedure.

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

15 (f) Whenever the Department is to release any inmate who
16 has been convicted of a violation of an order of protection
17 under Section 12-30 of the Criminal Code of 1961, earlier than
18 it otherwise would because of a grant of good conduct credit,
19 the Department, as a condition of such early release, shall
20 require that the person, upon release, be placed under
21 electronic surveillance as provided in Section 5-8A-7 of this
22 Code.

23 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
24 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
25 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

1 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

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

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the
18 Illinois Controlled Substances Act, or a violation of
19 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
20 of that Act which relates to more than 5 grams of a
21 substance containing heroin, cocaine, fentanyl, or an
22 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,

1 including any state or federal conviction for an
2 offense that contained, at the time it was committed,
3 the same elements as an offense now (the date of the
4 offense committed after the prior Class 2 or greater
5 felony) classified as a Class 2 or greater felony,
6 within 10 years of the date on which the offender
7 committed the offense for which he or she is being
8 sentenced, except as otherwise provided in Section
9 40-10 of the Alcoholism and Other Drug Abuse and
10 Dependency Act.

11 (F-5) A violation of Section 24-1, 24-1.1, or
12 24-1.6 of the Criminal Code of 1961 for which
13 imprisonment is prescribed in those Sections.

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

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen.

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

21 Before July 1, 1994, for the purposes of this
22 paragraph, "organized gang" means an association of 5
23 or more persons, with an established hierarchy, that
24 encourages members of the association to perpetrate
25 crimes or provides support to the members of the
26 association who do commit crimes.

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

5 (K) Vehicular hijacking.

6 (L) A second or subsequent conviction for the
7 offense of hate crime when the underlying offense upon
8 which the hate crime is based is felony aggravated
9 assault or felony mob action.

10 (M) A second or subsequent conviction for the
11 offense of institutional vandalism if the damage to the
12 property exceeds \$300.

13 (N) A Class 3 felony violation of paragraph (1) of
14 subsection (a) of Section 2 of the Firearm Owners
15 Identification Card Act.

16 (O) A violation of Section 12-6.1 of the Criminal
17 Code of 1961.

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

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

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

25 (S) (Blank).

26 (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

2 (U) A second or subsequent violation of Section
3 6-303 of the Illinois Vehicle Code committed while his
4 or her driver's license, permit, or privilege was
5 revoked because of a violation of Section 9-3 of the
6 Criminal Code of 1961, relating to the offense of
7 reckless homicide, or a similar provision of a law of
8 another state.

9 (V) A violation of paragraph (4) of subsection (c)
10 of Section 11-20.3 of the Criminal Code of 1961.

11 (W) A violation of Section 24-3.5 of the Criminal
12 Code of 1961.

13 (X) A violation of subsection (a) of Section 31-1a
14 of the Criminal Code of 1961.

15 (Y) A conviction for unlawful possession of a
16 firearm by a street gang member when the firearm was
17 loaded or contained firearm ammunition.

18 (Z) A Class 1 felony committed while he or she was
19 serving a term of probation or conditional discharge
20 for a felony.

21 (AA) Theft of property exceeding \$500,000 and not
22 exceeding \$1,000,000 in value.

23 (BB) Laundering of criminally derived property of
24 a value exceeding \$500,000.

25 (CC) Knowingly selling, offering for sale, holding
26 for sale, or using 2,000 or more counterfeit items or

1 counterfeit items having a retail value in the
2 aggregate of \$500,000 or more.

3 (3) (Blank).

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

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8)
10 of this subsection (c), a minimum of 100 hours of community
11 service shall be imposed for a second violation of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300
14 hours of community service, as determined by the court,
15 shall be imposed for a second violation of subsection (c)
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6),
18 and (4.9) of this subsection (c), a minimum term of
19 imprisonment of 30 days or 300 hours of community service,
20 as determined by the court, shall be imposed for a third or
21 subsequent violation of Section 6-303 of the Illinois
22 Vehicle Code.

23 (4.5) A minimum term of imprisonment of 30 days shall
24 be imposed for a third violation of subsection (c) of
25 Section 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle
4 Code.

5 (4.7) A minimum term of imprisonment of not less than
6 30 consecutive days, or 300 hours of community service,
7 shall be imposed for a violation of subsection (a-5) of
8 Section 6-303 of the Illinois Vehicle Code, as provided in
9 subsection (b-5) of that Section.

10 (4.8) A mandatory prison sentence shall be imposed for
11 a second violation of subsection (a-5) of Section 6-303 of
12 the Illinois Vehicle Code, as provided in subsection (c-5)
13 of that Section. The person's driving privileges shall be
14 revoked for a period of not less than 5 years from the date
15 of his or her release from prison.

16 (4.9) A mandatory prison sentence of not less than 4
17 and not more than 15 years shall be imposed for a third
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-2.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

22 (4.10) A mandatory prison sentence for a Class 1 felony
23 shall be imposed, and the person shall be eligible for an
24 extended term sentence, for a fourth or subsequent
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (5) The court may sentence a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.2) or (5.3), a person
11 convicted of violating subsection (c) of Section 11-907 of
12 the Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 90
14 days but not more than one year, if the violation resulted
15 in damage to the property of another person.

16 (5.2) In addition to any other penalties imposed, and
17 except as provided in paragraph (5.3), a person convicted
18 of violating subsection (c) of Section 11-907 of the
19 Illinois Vehicle Code shall have his or her driver's
20 license, permit, or privileges suspended for at least 180
21 days but not more than 2 years, if the violation resulted
22 in injury to another person.

23 (5.3) In addition to any other penalties imposed, a
24 person convicted of violating subsection (c) of Section
25 11-907 of the Illinois Vehicle Code shall have his or her
26 driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another
2 person.

3 (5.4) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code shall have his or her driver's license,
6 permit, or privileges suspended for 3 months and until he
7 or she has paid a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a
9 person convicted of violating Section 3-707 of the Illinois
10 Vehicle Code during a period in which his or her driver's
11 license, permit, or privileges were suspended for a
12 previous violation of that Section shall have his or her
13 driver's license, permit, or privileges suspended for an
14 additional 6 months after the expiration of the original
15 3-month suspension and until he or she has paid a
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000
25 for a first offense and \$2,000 for a second or subsequent
26 offense upon a person convicted of or placed on supervision

1 for battery when the individual harmed was a sports
2 official or coach at any level of competition and the act
3 causing harm to the sports official or coach occurred
4 within an athletic facility or within the immediate
5 vicinity of the athletic facility at which the sports
6 official or coach was an active participant of the athletic
7 contest held at the athletic facility. For the purposes of
8 this paragraph (11), "sports official" means a person at an
9 athletic contest who enforces the rules of the contest,
10 such as an umpire or referee; "athletic facility" means an
11 indoor or outdoor playing field or recreational area where
12 sports activities are conducted; and "coach" means a person
13 recognized as a coach by the sanctioning authority that
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation
19 of that Section.

20 (13) A person convicted of or placed on court
21 supervision for an assault or aggravated assault when the
22 victim and the offender are family or household members as
23 defined in Section 103 of the Illinois Domestic Violence
24 Act of 1986 or convicted of domestic battery or aggravated
25 domestic battery may be required to attend a Partner Abuse
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and
2 conditions imposed by the court. The costs of such classes
3 shall be paid by the offender.

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

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

1 may impose a sentence of probation only where:

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

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

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

14 and

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

17 (2) the court orders the defendant to pay for the
18 victim's counseling services, to the extent that the court
19 finds, after considering the defendant's income and
20 assets, that the defendant is financially capable of paying
21 for such services, if the victim was under 18 years of age
22 at the time the offense was committed and requires
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

8 (f) (Blank).

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

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

20 (g-5) When an inmate is tested for an airborne communicable
21 disease, as determined by the Illinois Department of Public
22 Health including but not limited to tuberculosis, the results
23 of the test shall be personally delivered by the warden or his
24 or her designee in a sealed envelope to the judge of the court
25 in which the inmate must appear for the judge's inspection in
26 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

1 State's Attorney shows it is relevant in order to prosecute a
2 charge of criminal transmission of HIV under Section 12-16.2 of
3 the Criminal Code of 1961 against the defendant. The court
4 shall order that the cost of any such test shall be paid by the
5 county and may be taxed as costs against the convicted
6 defendant.

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

14 (j) In cases when prosecution for any violation of Section
15 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
18 Code of 1961, any violation of the Illinois Controlled
19 Substances Act, any violation of the Cannabis Control Act, or
20 any violation of the Methamphetamine Control and Community
21 Protection Act results in conviction, a disposition of court
22 supervision, or an order of probation granted under Section 10
23 of the Cannabis Control Act, Section 410 of the Illinois
24 Controlled Substance Act, or Section 70 of the Methamphetamine
25 Control and Community Protection Act of a defendant, the court
26 shall determine whether the defendant is employed by a facility

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

13 (j-5) A defendant at least 17 years of age who is convicted
14 of a felony and who has not been previously convicted of a
15 misdemeanor or felony and who is sentenced to a term of
16 imprisonment in the Illinois Department of Corrections shall as
17 a condition of his or her sentence be required by the court to
18 attend educational courses designed to prepare the defendant
19 for a high school diploma and to work toward a high school
20 diploma or to work toward passing the high school level Test of
21 General Educational Development (GED) or to work toward
22 completing a vocational training program offered by the
23 Department of Corrections. If a defendant fails to complete the
24 educational training required by his or her sentence during the
25 term of incarceration, the Prisoner Review Board shall, as a
26 condition of mandatory supervised release, require the

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

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is an alien as defined by
22 the Immigration and Nationality Act, is convicted of any
23 felony or misdemeanor offense, the court after sentencing
24 the defendant may, upon motion of the State's Attorney,
25 hold sentence in abeyance and remand the defendant to the
26 custody of the Attorney General of the United States or his

1 or her designated agent to be deported when:

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

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

8 Otherwise, the defendant shall be sentenced as
9 provided in this Chapter V.

10 (B) If the defendant has already been sentenced for a
11 felony or misdemeanor offense, or has been placed on
12 probation under Section 10 of the Cannabis Control Act,
13 Section 410 of the Illinois Controlled Substances Act, or
14 Section 70 of the Methamphetamine Control and Community
15 Protection Act, the court may, upon motion of the State's
16 Attorney to suspend the sentence imposed, commit the
17 defendant to the custody of the Attorney General of the
18 United States or his or her designated agent when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under
21 the Immigration and Nationality Act, and

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

25 (C) This subsection (1) does not apply to offenders who
26 are subject to the provisions of paragraph (2) of

1 subsection (a) of Section 3-6-3.

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

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

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

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions of
4 license renewal established by the Secretary of State.

5 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
6 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
7 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
8 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
9 eff. 12-3-09.)

10 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

11 (Text of Section before amendment by P.A. 96-339)

12 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
13 Sentencing.

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

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

20 (2) the defendant received compensation for committing
21 the offense;

22 (3) the defendant has a history of prior delinquency or
23 criminal activity;

24 (4) the defendant, by the duties of his office or by
25 his position, was obliged to prevent the particular offense

1 committed or to bring the offenders committing it to
2 justice;

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

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

9 (7) the sentence is necessary to deter others from
10 committing the same crime;

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

13 (9) the defendant committed the offense against a
14 person who is physically handicapped or such person's
15 property;

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

1 bisexuality;

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

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

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

20 (14) the defendant held a position of trust or
21 supervision such as, but not limited to, family member as
22 defined in Section 12-12 of the Criminal Code of 1961,
23 teacher, scout leader, baby sitter, or day care worker, in
24 relation to a victim under 18 years of age, and the
25 defendant committed an offense in violation of Section
26 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
2 against that victim;

3 (15) the defendant committed an offense related to the
4 activities of an organized gang. For the purposes of this
5 factor, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Streetgang Terrorism Omnibus Prevention
7 Act;

8 (16) the defendant committed an offense in violation of
9 one of the following Sections while in a school, regardless
10 of the time of day or time of year; on any conveyance
11 owned, leased, or contracted by a school to transport
12 students to or from school or a school related activity; on
13 the real property of a school; or on a public way within
14 1,000 feet of the real property comprising any school:
15 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
17 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
18 33A-2 of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
2 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
3 33A-2 of the Criminal Code of 1961;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 1961;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home. For
13 the purposes of this paragraph (18), "nursing home" means a
14 skilled nursing or intermediate long term care facility
15 that is subject to license by the Illinois Department of
16 Public Health under the Nursing Home Care Act;

17 (19) the defendant was a federally licensed firearm
18 dealer and was previously convicted of a violation of
19 subsection (a) of Section 3 of the Firearm Owners
20 Identification Card Act and has now committed either a
21 felony violation of the Firearm Owners Identification Card
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of
24 reckless homicide under Section 9-3 of the Criminal Code of
25 1961 or the offense of driving under the influence of
26 alcohol, other drug or drugs, intoxicating compound or

1 compounds or any combination thereof under Section 11-501
2 of the Illinois Vehicle Code or a similar provision of a
3 local ordinance and (ii) was operating a motor vehicle in
4 excess of 20 miles per hour over the posted speed limit as
5 provided in Article VI of Chapter 11 of the Illinois
6 Vehicle Code;

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

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

21 (23) the defendant committed the offense against a
22 person who was elderly, disabled, or infirm by taking
23 advantage of a family or fiduciary relationship with the
24 elderly, disabled, or infirm person; ~~or~~

25 (24) the defendant committed any offense under Section
26 11-20.1 of the Criminal Code of 1961 and possessed 100 or

1 more images; ~~or~~

2 (25) the defendant committed the offense while the
3 defendant or the victim was in a train, bus, or other
4 vehicle used for public transportation; or ~~or~~

5 (26) ~~(25)~~ the defendant committed the offense of child
6 pornography or aggravated child pornography, specifically
7 including paragraph (1), (2), (3), (4), (5), or (7) of
8 subsection (a) of Section 11-20.1 of the Criminal Code of
9 1961 where a child engaged in, solicited for, depicted in,
10 or posed in any act of sexual penetration or bound,
11 fettered, or subject to sadistic, masochistic, or
12 sadomasochistic abuse in a sexual context and specifically
13 including paragraph (1), (2), (3), (4), (5), or (7) of
14 subsection (a) of Section 11-20.3 of the Criminal Code of
15 1961 where a child engaged in, solicited for, depicted in,
16 or posed in any act of sexual penetration or bound,
17 fettered, or subject to sadistic, masochistic, or
18 sadomasochistic abuse in a sexual context.

19 For the purposes of this Section:

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

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

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,
2 and includes paratransit services.

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

6 (1) When a defendant is convicted of any felony, after
7 having been previously convicted in Illinois or any other
8 jurisdiction of the same or similar class felony or greater
9 class felony, when such conviction has occurred within 10
10 years after the previous conviction, excluding time spent
11 in custody, and such charges are separately brought and
12 tried and arise out of different series of acts; or

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

17 (3) When a defendant is convicted of any felony
18 committed against:

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

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

23 (iii) a person physically handicapped at the time
24 of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and the
26 offense involved any of the following types of specific

1 misconduct committed as part of a ceremony, rite,
2 initiation, observance, performance, practice or activity
3 of any actual or ostensible religious, fraternal, or social
4 group:

5 (i) the brutalizing or torturing of humans or
6 animals;

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

9 (iv) the desecration of any cemetery, religious,
10 fraternal, business, governmental, educational, or
11 other building or property; or

12 (v) ritualized abuse of a child; or

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

23 (6) When a defendant is convicted of an offense
24 committed while using a firearm with a laser sight attached
25 to it. For purposes of this paragraph, "laser sight" has
26 the meaning ascribed to it in Section 24.6-5 of the

1 Criminal Code of 1961; or

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

10 (8) When a defendant commits any felony and the
11 defendant used, possessed, exercised control over, or
12 otherwise directed an animal to assault a law enforcement
13 officer engaged in the execution of his or her official
14 duties or in furtherance of the criminal activities of an
15 organized gang in which the defendant is engaged.

16 (c) The following factors may be considered by the court as
17 reasons to impose an extended term sentence under Section 5-8-2
18 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

1 (1.5) When a defendant is convicted of first degree
2 murder, after having been previously convicted of domestic
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
4 (720 ILCS 5/12-3.3) committed on the same victim or after
5 having been previously convicted of violation of an order
6 of protection (720 ILCS 5/12-30) in which the same victim
7 was the protected person.

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

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

23 (4) If the victim was under 18 years of age at the time
24 of the commission of the offense, when a defendant is
25 convicted of aggravated criminal sexual assault or
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 12-14.1 of the Criminal Code
2 of 1961 (720 ILCS 5/12-14.1).

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

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

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

1 technician-ambulance, emergency medical
2 technician-intermediate, emergency medical
3 technician-paramedic, ambulance driver, other medical
4 assistance or first aid personnel, or hospital emergency
5 room personnel.

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

9 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
10 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
11 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
12 96-328, eff. 8-11-09; revised 9-25-09.)

13 (Text of Section after amendment by P.A. 96-339)

14 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
15 Sentencing.

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

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

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

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

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

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

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

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

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

15 (9) the defendant committed the offense against a
16 person who is physically handicapped or such person's
17 property;

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

1 or (ii). For the purposes of this Section, "sexual
2 orientation" means heterosexuality, homosexuality, or
3 bisexuality;

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

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

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

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 12-12 of the Criminal Code of 1961,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
3 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
4 against that victim;

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

10 (16) the defendant committed an offense in violation of
11 one of the following Sections while in a school, regardless
12 of the time of day or time of year; on any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related activity; on
15 the real property of a school; or on a public way within
16 1,000 feet of the real property comprising any school:
17 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
20 33A-2 of the Criminal Code of 1961;

21 (16.5) the defendant committed an offense in violation
22 of one of the following Sections while in a day care
23 center, regardless of the time of day or time of year; on
24 the real property of a day care center, regardless of the
25 time of day or time of year; or on a public way within
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:
2 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
4 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
5 33A-2 of the Criminal Code of 1961;

6 (17) the defendant committed the offense by reason of
7 any person's activity as a community policing volunteer or
8 to prevent any person from engaging in activity as a
9 community policing volunteer. For the purpose of this
10 Section, "community policing volunteer" has the meaning
11 ascribed to it in Section 2-3.5 of the Criminal Code of
12 1961;

13 (18) the defendant committed the offense in a nursing
14 home or on the real property comprising a nursing home. For
15 the purposes of this paragraph (18), "nursing home" means a
16 skilled nursing or intermediate long term care facility
17 that is subject to license by the Illinois Department of
18 Public Health under the Nursing Home Care Act or the MR/DD
19 Community Care Act;

20 (19) the defendant was a federally licensed firearm
21 dealer and was previously convicted of a violation of
22 subsection (a) of Section 3 of the Firearm Owners
23 Identification Card Act and has now committed either a
24 felony violation of the Firearm Owners Identification Card
25 Act or an act of armed violence while armed with a firearm;

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

1 reckless homicide under Section 9-3 of the Criminal Code of
2 1961 or the offense of driving under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds or any combination thereof under Section 11-501
5 of the Illinois Vehicle Code or a similar provision of a
6 local ordinance and (ii) was operating a motor vehicle in
7 excess of 20 miles per hour over the posted speed limit as
8 provided in Article VI of Chapter 11 of the Illinois
9 Vehicle Code;

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

16 (22) the defendant committed the offense against a
17 person that the defendant knew, or reasonably should have
18 known, was a member of the Armed Forces of the United
19 States serving on active duty. For purposes of this clause
20 (22), the term "Armed Forces" means any of the Armed Forces
21 of the United States, including a member of any reserve
22 component thereof or National Guard unit called to active
23 duty;

24 (23) the defendant committed the offense against a
25 person who was elderly, disabled, or infirm by taking
26 advantage of a family or fiduciary relationship with the

1 elderly, disabled, or infirm person; ~~or~~

2 (24) the defendant committed any offense under Section
3 11-20.1 of the Criminal Code of 1961 and possessed 100 or
4 more images; ~~or~~

5 (25) the defendant committed the offense while the
6 defendant or the victim was in a train, bus, or other
7 vehicle used for public transportation; or.

8 (26) ~~(25)~~ the defendant committed the offense of child
9 pornography or aggravated child pornography, specifically
10 including paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) of Section 11-20.1 of the Criminal Code of
12 1961 where a child engaged in, solicited for, depicted in,
13 or posed in any act of sexual penetration or bound,
14 fettered, or subject to sadistic, masochistic, or
15 sadomasochistic abuse in a sexual context and specifically
16 including paragraph (1), (2), (3), (4), (5), or (7) of
17 subsection (a) of Section 11-20.3 of the Criminal Code of
18 1961 where a child engaged in, solicited for, depicted in,
19 or posed in any act of sexual penetration or bound,
20 fettered, or subject to sadistic, masochistic, or
21 sadomasochistic abuse in a sexual context.

22 For the purposes of this Section:

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

25 "Day care center" means a public or private State certified
26 and licensed day care center as defined in Section 2.09 of the

1 Child Care Act of 1969 that displays a sign in plain view
2 stating that the property is a day care center.

3 "Public transportation" means the transportation or
4 conveyance of persons by means available to the general public,
5 and includes paratransit services.

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

9 (1) When a defendant is convicted of any felony, after
10 having been previously convicted in Illinois or any other
11 jurisdiction of the same or similar class felony or greater
12 class felony, when such conviction has occurred within 10
13 years after the previous conviction, excluding time spent
14 in custody, and such charges are separately brought and
15 tried and arise out of different series of acts; or

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

20 (3) When a defendant is convicted of any felony
21 committed against:

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

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

26 (iii) a person physically handicapped at the time

1 of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and the
3 offense involved any of the following types of specific
4 misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or social
7 group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (5) When a defendant is convicted of a felony other
17 than conspiracy and the court finds that the felony was
18 committed under an agreement with 2 or more other persons
19 to commit that offense and the defendant, with respect to
20 the other individuals, occupied a position of organizer,
21 supervisor, financier, or any other position of management
22 or leadership, and the court further finds that the felony
23 committed was related to or in furtherance of the criminal
24 activities of an organized gang or was motivated by the
25 defendant's leadership in an organized gang; or

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight attached
2 to it. For purposes of this paragraph, "laser sight" has
3 the meaning ascribed to it in Section 24.6-5 of the
4 Criminal Code of 1961; or

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

13 (8) When a defendant commits any felony and the
14 defendant used, possessed, exercised control over, or
15 otherwise directed an animal to assault a law enforcement
16 officer engaged in the execution of his or her official
17 duties or in furtherance of the criminal activities of an
18 organized gang in which the defendant is engaged.

19 (c) The following factors may be considered by the court as
20 reasons to impose an extended term sentence under Section 5-8-2
21 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

22 (1) When a defendant is convicted of first degree
23 murder, after having been previously convicted in Illinois
24 of any offense listed under paragraph (c)(2) of Section
25 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
26 within 10 years after the previous conviction, excluding

1 time spent in custody, and the charges are separately
2 brought and tried and arise out of different series of
3 acts.

4 (1.5) When a defendant is convicted of first degree
5 murder, after having been previously convicted of domestic
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
7 (720 ILCS 5/12-3.3) committed on the same victim or after
8 having been previously convicted of violation of an order
9 of protection (720 ILCS 5/12-30) in which the same victim
10 was the protected person.

11 (2) When a defendant is convicted of voluntary
12 manslaughter, second degree murder, involuntary
13 manslaughter, or reckless homicide in which the defendant
14 has been convicted of causing the death of more than one
15 individual.

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

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is
2 convicted of aggravated criminal sexual assault or
3 predatory criminal sexual assault of a child under
4 subsection (a)(1) of Section 12-14.1 of the Criminal Code
5 of 1961 (720 ILCS 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation
7 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
8 5/24-1) and there is a finding that the defendant is a
9 member of an organized gang.

10 (6) When a defendant was convicted of unlawful use of
11 weapons under Section 24-1 of the Criminal Code of 1961
12 (720 ILCS 5/24-1) for possessing a weapon that is not
13 readily distinguishable as one of the weapons enumerated in
14 Section 24-1 of the Criminal Code of 1961 (720 ILCS
15 5/24-1).

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

1 in which a person's life, health, or safety is in jeopardy;
2 and "emergency response officer" means a peace officer,
3 community policing volunteer, fireman, emergency medical
4 technician-ambulance, emergency medical
5 technician-intermediate, emergency medical
6 technician-paramedic, ambulance driver, other medical
7 assistance or first aid personnel, or hospital emergency
8 room personnel.

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

12 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
13 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
14 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
15 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

16 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

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

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

24 (1) in the case of probation violations, order the
25 issuance of a notice to the offender to be present by the

1 County Probation Department or such other agency
2 designated by the court to handle probation matters; and in
3 the case of conditional discharge or supervision
4 violations, such notice to the offender shall be issued by
5 the Circuit Court Clerk; and in the case of a violation of
6 a sentence of county impact incarceration, such notice
7 shall be issued by the Sheriff;

8 (2) order a summons to the offender to be present for
9 hearing; or

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

14 Personal service of the petition for violation of probation
15 or the issuance of such warrant, summons or notice shall toll
16 the period of probation, conditional discharge, supervision,
17 or sentence of county impact incarceration until the final
18 determination of the charge, and the term of probation,
19 conditional discharge, supervision, or sentence of county
20 impact incarceration shall not run until the hearing and
21 disposition of the petition for violation.

22 (b) The court shall conduct a hearing of the alleged
23 violation. The court shall admit the offender to bail pending
24 the hearing unless the alleged violation is itself a criminal
25 offense in which case the offender shall be admitted to bail on
26 such terms as are provided in the Code of Criminal Procedure of

1 1963, as amended. In any case where an offender remains
2 incarcerated only as a result of his alleged violation of the
3 court's earlier order of probation, supervision, conditional
4 discharge, or county impact incarceration such hearing shall be
5 held within 14 days of the onset of said incarceration, unless
6 the alleged violation is the commission of another offense by
7 the offender during the period of probation, supervision or
8 conditional discharge in which case such hearing shall be held
9 within the time limits described in Section 103-5 of the Code
10 of Criminal Procedure of 1963, as amended.

11 (c) The State has the burden of going forward with the
12 evidence and proving the violation by the preponderance of the
13 evidence. The evidence shall be presented in open court with
14 the right of confrontation, cross-examination, and
15 representation by counsel.

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

21 (e) If the court finds that the offender has violated a
22 condition at any time prior to the expiration or termination of
23 the period, it may continue him on the existing sentence, with
24 or without modifying or enlarging the conditions, or may impose
25 any other sentence that was available under Article 4.5 of
26 Chapter V of this Code or Section 11-501 of the Illinois

1 Vehicle Code at the time of initial sentencing. If the court
2 finds that the person has failed to successfully complete his
3 or her sentence to a county impact incarceration program, the
4 court may impose any other sentence that was available under
5 Article 4.5 of Chapter V of this Code or Section 11-501 of the
6 Illinois Vehicle Code at the time of initial sentencing, except
7 for a sentence of probation or conditional discharge. If the
8 court finds that the offender has violated paragraph (8.6) of
9 subsection (a) of Section 5-6-3, the court shall revoke the
10 probation of the offender. If the court finds that the offender
11 has violated subsection (o) of Section 5-6-3.1, the court shall
12 revoke the supervision of the offender.

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

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

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

1 amount of credit to be applied against a sentence of
2 imprisonment or periodic imprisonment when the defendant
3 served a term or partial term of periodic imprisonment shall be
4 calculated upon the basis of the actual days spent in
5 confinement rather than the duration of the term.

6 (i) Instead of filing a violation of probation, conditional
7 discharge, supervision, or a sentence of county impact
8 incarceration, an agent or employee of the supervising agency
9 with the concurrence of his or her supervisor may serve on the
10 defendant a Notice of Intermediate Sanctions. The Notice shall
11 contain the technical violation or violations involved, the
12 date or dates of the violation or violations, and the
13 intermediate sanctions to be imposed. Upon receipt of the
14 Notice, the defendant shall immediately accept or reject the
15 intermediate sanctions. If the sanctions are accepted, they
16 shall be imposed immediately. If the intermediate sanctions are
17 rejected or the defendant does not respond to the Notice, a
18 violation of probation, conditional discharge, supervision, or
19 a sentence of county impact incarceration shall be immediately
20 filed with the court. The State's Attorney and the sentencing
21 court shall be notified of the Notice of Sanctions. Upon
22 successful completion of the intermediate sanctions, a court
23 may not revoke probation, conditional discharge, supervision,
24 or a sentence of county impact incarceration or impose
25 additional sanctions for the same violation. A notice of
26 intermediate sanctions may not be issued for any violation of

1 probation, conditional discharge, supervision, or a sentence
2 of county impact incarceration which could warrant an
3 additional, separate felony charge. The intermediate sanctions
4 shall include a term of home detention as provided in Article
5 8A of Chapter V of this Code for multiple or repeat violations
6 of the terms and conditions of a sentence of probation,
7 conditional discharge, or supervision.

8 (j) When an offender is re-sentenced after revocation of
9 probation that was imposed in combination with a sentence of
10 imprisonment for the same offense, the aggregate of the
11 sentences may not exceed the maximum term authorized under
12 Article 4.5 of Chapter V ~~Article 8 of this Chapter~~.

13 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08;
14 95-1052, eff. 7-1-09.)

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining
19 the offense or in Article 4.5 of Chapter V, a sentence of
20 imprisonment for a felony shall be a determinate sentence set
21 by the court under this Section, according to the following
22 limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally
2 brutal or heinous behavior indicative of wanton
3 cruelty or, except as set forth in subsection (a) (1) (c)
4 of this Section, that any of the aggravating factors
5 listed in subsection (b) of Section 9-1 of the Criminal
6 Code of 1961 are present, the court may sentence the
7 defendant to a term of natural life imprisonment, or

8 (c) the court shall sentence the defendant to a
9 term of natural life imprisonment when the death
10 penalty is not imposed if the defendant,

11 (i) has previously been convicted of first
12 degree murder under any state or federal law, or

13 (ii) is a person who, at the time of the
14 commission of the murder, had attained the age of
15 17 or more and is found guilty of murdering an
16 individual under 12 years of age; or, irrespective
17 of the defendant's age at the time of the
18 commission of the offense, is found guilty of
19 murdering more than one victim, or

20 (iii) is found guilty of murdering a peace
21 officer, fireman, or emergency management worker
22 when the peace officer, fireman, or emergency
23 management worker was killed in the course of
24 performing his official duties, or to prevent the
25 peace officer or fireman from performing his
26 official duties, or in retaliation for the peace

1 officer, fireman, or emergency management worker
2 from performing his official duties, and the
3 defendant knew or should have known that the
4 murdered individual was a peace officer, fireman,
5 or emergency management worker, or

6 (iv) is found guilty of murdering an employee
7 of an institution or facility of the Department of
8 Corrections, or any similar local correctional
9 agency, when the employee was killed in the course
10 of performing his official duties, or to prevent
11 the employee from performing his official duties,
12 or in retaliation for the employee performing his
13 official duties, or

14 (v) is found guilty of murdering an emergency
15 medical technician - ambulance, emergency medical
16 technician - intermediate, emergency medical
17 technician - paramedic, ambulance driver or other
18 medical assistance or first aid person while
19 employed by a municipality or other governmental
20 unit when the person was killed in the course of
21 performing official duties or to prevent the
22 person from performing official duties or in
23 retaliation for performing official duties and the
24 defendant knew or should have known that the
25 murdered individual was an emergency medical
26 technician - ambulance, emergency medical

1 technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver, or other
3 medical assistant or first aid personnel, or

4 (vi) is a person who, at the time of the
5 commission of the murder, had not attained the age
6 of 17, and is found guilty of murdering a person
7 under 12 years of age and the murder is committed
8 during the course of aggravated criminal sexual
9 assault, criminal sexual assault, or aggravated
10 kidnaping, or

11 (vii) is found guilty of first degree murder
12 and the murder was committed by reason of any
13 person's activity as a community policing
14 volunteer or to prevent any person from engaging in
15 activity as a community policing volunteer. For
16 the purpose of this Section, "community policing
17 volunteer" has the meaning ascribed to it in
18 Section 2-3.5 of the Criminal Code of 1961.

19 For purposes of clause (v), "emergency medical
20 technician - ambulance", "emergency medical technician
21 - intermediate", "emergency medical technician -
22 paramedic", have the meanings ascribed to them in the
23 Emergency Medical Services (EMS) Systems Act.

24 (d) (i) if the person committed the offense while
25 armed with a firearm, 15 years shall be added to
26 the term of imprisonment imposed by the court;

1 (ii) if, during the commission of the offense,
2 the person personally discharged a firearm, 20
3 years shall be added to the term of imprisonment
4 imposed by the court;

5 (iii) if, during the commission of the
6 offense, the person personally discharged a
7 firearm that proximately caused great bodily harm,
8 permanent disability, permanent disfigurement, or
9 death to another person, 25 years or up to a term
10 of natural life shall be added to the term of
11 imprisonment imposed by the court.

12 (2) (blank);

13 (2.5) for a person convicted under the circumstances
14 described in paragraph (3) of subsection (b) of Section
15 12-13, paragraph (2) of subsection (d) of Section 12-14,
16 paragraph (1.2) of subsection (b) of Section 12-14.1, or
17 paragraph (2) of subsection (b) of Section 12-14.1 of the
18 Criminal Code of 1961, the sentence shall be a term of
19 natural life imprisonment.

20 (b) (Blank~~-~~).

21 (c) (Blank~~-~~).

22 (d) Subject to earlier termination under Section 3-3-8, the
23 parole or mandatory supervised release term shall be as
24 follows:

25 (1) for first degree murder or a Class X felony except
26 for the offenses of predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, and criminal
2 sexual assault if committed on or after the effective date
3 of this amendatory Act of the 94th General Assembly and
4 except for the offense of aggravated child pornography
5 under Section 11-20.3 of the Criminal Code of 1961, if
6 committed on or after January 1, 2009, 3 years;

7 (2) for a Class 1 felony or a Class 2 felony except for
8 the offense of criminal sexual assault if committed on or
9 after the effective date of this amendatory Act of the 94th
10 General Assembly and except for the offenses of manufacture
11 and dissemination of child pornography under clauses
12 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
13 of 1961, if committed on or after January 1, 2009, 2 years;

14 (3) for a Class 3 felony or a Class 4 felony, 1 year;

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after the
18 effective date of this amendatory Act of the 94th General
19 Assembly, or who commit the offense of aggravated child
20 pornography, manufacture of child pornography, or
21 dissemination of child pornography after January 1, 2009,
22 the term of mandatory supervised release shall range from a
23 minimum of 3 years to a maximum of the natural life of the
24 defendant;

25 (5) if the victim is under 18 years of age, for a
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least
2 the first 2 years of which the defendant shall serve in an
3 electronic home detention program under Article 8A of
4 Chapter V of this Code;

5 (6) for a felony domestic battery, aggravated domestic
6 battery, stalking, aggravated stalking, and a felony
7 violation of an order of protection, 4 years.

8 (e) (Blank) .

9 (f) (Blank) .

10 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
11 96-282, eff. 1-1-10; revised 9-4-09.)

12 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

13 Sec. 5-8-2. Extended Term.

14 (a) A judge shall not sentence an offender to a term of
15 imprisonment in excess of the maximum sentence authorized by
16 ~~Section 5-8-1 (730 ILCS 5/5-8-1)~~ or Article 4.5 of Chapter V
17 for an offense or offenses within the class of the most serious
18 offense of which the offender was convicted unless the factors
19 in aggravation set forth in Section 5-5-3.2 or clause (a)(1)(b)
20 of Section 5-8-1 were found to be present. If the pre-trial and
21 trial proceedings were conducted in compliance with subsection
22 (c-5) of Section 111-3 of the Code of Criminal Procedure of
23 1963, the judge may sentence an offender to an extended term as
24 provided in Article 4.5 of Chapter V (730 ILCS 5/Ch. V, Art.
25 4.5).

1 (b) If the conviction was by plea, it shall appear on the
2 record that the plea was entered with the defendant's knowledge
3 that a sentence under this Section was a possibility. If it
4 does not so appear on the record, the defendant shall not be
5 subject to such a sentence unless he is first given an
6 opportunity to withdraw his plea without prejudice.

7 (Source: P.A. 95-1052, eff. 7-1-09.)

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

9 Sec. 5-8-4. Concurrent and consecutive terms of
10 imprisonment.

11 (a) Concurrent terms; multiple or additional sentences.
12 When an Illinois court (i) imposes multiple sentences of
13 imprisonment on a defendant at the same time or (ii) imposes a
14 sentence of imprisonment on a defendant who is already subject
15 to a sentence of imprisonment imposed by an Illinois court, a
16 court of another state, or a federal court, then the sentences
17 shall run concurrently unless otherwise determined by the
18 Illinois court under this Section.

19 (b) Concurrent terms; misdemeanor and felony. A defendant
20 serving a sentence for a misdemeanor who is convicted of a
21 felony and sentenced to imprisonment shall be transferred to
22 the Department of Corrections, and the misdemeanor sentence
23 shall be merged in and run concurrently with the felony
24 sentence.

25 (c) Consecutive terms; permissive. The court may impose

1 consecutive sentences in any of the following circumstances:

2 (1) If, having regard to the nature and circumstances
3 of the offense and the history and character of the
4 defendant, it is the opinion of the court that consecutive
5 sentences are required to protect the public from further
6 criminal conduct by the defendant, the basis for which the
7 court shall set forth in the record.

8 (2) If one of the offenses for which a defendant was
9 convicted was a violation of Section 32-5.2 (aggravated
10 false personation of a peace officer) of the Criminal Code
11 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
12 in attempting or committing a forcible felony.

13 (d) Consecutive terms; mandatory. The court shall impose
14 consecutive sentences in each of the following circumstances:

15 (1) One of the offenses for which the defendant was
16 convicted was first degree murder or a Class X or Class 1
17 felony and the defendant inflicted severe bodily injury.

18 (2) The defendant was convicted of a violation of
19 Section 12-13 (criminal sexual assault), 12-14 (aggravated
20 criminal sexual assault), or 12-14.1 (predatory criminal
21 sexual assault of a child) of the Criminal Code of 1961
22 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

23 (3) The defendant was convicted of armed violence based
24 upon the predicate offense of any of the following:
25 solicitation of murder, solicitation of murder for hire,
26 heinous battery, aggravated battery of a senior citizen,

1 criminal sexual assault, a violation of subsection (g) of
2 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
3 cannabis trafficking, a violation of subsection (a) of
4 Section 401 of the Illinois Controlled Substances Act (720
5 ILCS 570/401), controlled substance trafficking involving
6 a Class X felony amount of controlled substance under
7 Section 401 of the Illinois Controlled Substances Act (720
8 ILCS 570/401), a violation of the Methamphetamine Control
9 and Community Protection Act (720 ILCS 646/), calculated
10 criminal drug conspiracy, or streetgang criminal drug
11 conspiracy.

12 (4) The defendant was convicted of the offense of
13 leaving the scene of a motor vehicle accident involving
14 death or personal injuries under Section 11-401 of the
15 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof under Section 11-501 of the
19 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
20 homicide under Section 9-3 of the Criminal Code of 1961
21 (720 ILCS 5/9-3), or (C) both an offense described in item
22 (A) and an offense described in item (B).

23 (5) The defendant was convicted of a violation of
24 Section 9-3.1 (concealment of homicidal death) or Section
25 12-20.5 (dismembering a human body) of the Criminal Code of
26 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

1 (5.5) The ~~(vi) the~~ defendant was convicted of a
2 violation of Section 24-3.7 (use of a stolen firearm in the
3 commission of an offense) of the Criminal Code of 1961.7

4 (6) If the defendant was in the custody of the
5 Department of Corrections at the time of the commission of
6 the offense, the sentence shall be served consecutive to
7 the sentence under which the defendant is held by the
8 Department of Corrections. If, however, the defendant is
9 sentenced to punishment by death, the sentence shall be
10 executed at such time as the court may fix without regard
11 to the sentence under which the defendant may be held by
12 the Department.

13 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
14 for escape or attempted escape shall be served consecutive
15 to the terms under which the offender is held by the
16 Department of Corrections.

17 (8) If a person charged with a felony commits a
18 separate felony while on pretrial release or in pretrial
19 detention in a county jail facility or county detention
20 facility, then the sentences imposed upon conviction of
21 these felonies shall be served consecutively regardless of
22 the order in which the judgments of conviction are entered.

23 (8.5) If a person commits a battery against a county
24 correctional officer or sheriff's employee while serving a
25 sentence or in pretrial detention in a county jail
26 facility, then the sentence imposed upon conviction of the

1 battery shall be served consecutively with the sentence
2 imposed upon conviction of the earlier misdemeanor or
3 felony, regardless of the order in which the judgments of
4 conviction are entered.

5 (9) If a person admitted to bail following conviction
6 of a felony commits a separate felony while free on bond or
7 if a person detained in a county jail facility or county
8 detention facility following conviction of a felony
9 commits a separate felony while in detention, then any
10 sentence following conviction of the separate felony shall
11 be consecutive to that of the original sentence for which
12 the defendant was on bond or detained.

13 (10) If a person is found to be in possession of an
14 item of contraband, as defined in clause (c) (2) of Section
15 31A-1.1 of the Criminal Code of 1961, while serving a
16 sentence in a county jail or while in pre-trial detention
17 in a county jail, the sentence imposed upon conviction for
18 the offense of possessing contraband in a penal institution
19 shall be served consecutively to the sentence imposed for
20 the offense in which the person is serving sentence in the
21 county jail or serving pretrial detention, regardless of
22 the order in which the judgments of conviction are entered.

23 (11) If a person is sentenced for a violation of bail
24 bond under Section 32-10 of the Criminal Code of 1961, any
25 sentence imposed for that violation shall be served
26 consecutive to the sentence imposed for the charge for

1 which bail had been granted and with respect to which the
2 defendant has been convicted.

3 (e) Consecutive terms; subsequent non-Illinois term. If an
4 Illinois court has imposed a sentence of imprisonment on a
5 defendant and the defendant is subsequently sentenced to a term
6 of imprisonment by a court of another state or a federal court,
7 then the Illinois sentence shall run consecutively to the
8 sentence imposed by the court of the other state or the federal
9 court. That same Illinois court, however, may order that the
10 Illinois sentence run concurrently with the sentence imposed by
11 the court of the other state or the federal court, but only if
12 the defendant applies to that same Illinois court within 30
13 days after the sentence imposed by the court of the other state
14 or the federal court is finalized.

15 (f) Consecutive terms; aggregate maximums and minimums.
16 The aggregate maximum and aggregate minimum of consecutive
17 sentences shall be determined as follows:

18 (1) For sentences imposed under law in effect prior to
19 February 1, 1978, the aggregate maximum of consecutive
20 sentences shall not exceed the maximum term authorized
21 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
22 Chapter V for the 2 most serious felonies involved. The
23 aggregate minimum period of consecutive sentences shall
24 not exceed the highest minimum term authorized under
25 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
26 V for the 2 most serious felonies involved. When sentenced

1 only for misdemeanors, a defendant shall not be
2 consecutively sentenced to more than the maximum for one
3 Class A misdemeanor.

4 (2) For sentences imposed under the law in effect on or
5 after February 1, 1978, the aggregate of consecutive
6 sentences for offenses that were committed as part of a
7 single course of conduct during which there was no
8 substantial change in the nature of the criminal objective
9 shall not exceed the sum of the maximum terms authorized
10 under Article 4.5 of Chapter V ~~Section 5-8-2 (730 ILCS~~
11 ~~5/5-8-2)~~ for the 2 most serious felonies involved, but no
12 such limitation shall apply for offenses that were not
13 committed as part of a single course of conduct during
14 which there was no substantial change in the nature of the
15 criminal objective. When sentenced only for misdemeanors,
16 a defendant shall not be consecutively sentenced to more
17 than the maximum for one Class A misdemeanor.

18 (g) Consecutive terms; manner served. In determining the
19 manner in which consecutive sentences of imprisonment, one or
20 more of which is for a felony, will be served, the Department
21 of Corrections shall treat the defendant as though he or she
22 had been committed for a single term subject to each of the
23 following:

24 (1) The maximum period of a term of imprisonment shall
25 consist of the aggregate of the maximums of the imposed
26 indeterminate terms, if any, plus the aggregate of the

1 imposed determinate sentences for felonies, plus the
2 aggregate of the imposed determinate sentences for
3 misdemeanors, subject to subsection (f) of this Section.

4 (2) The parole or mandatory supervised release term
5 shall be as provided in paragraph (e) of Section 5-4.5-50
6 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
7 involved.

8 (3) The minimum period of imprisonment shall be the
9 aggregate of the minimum and determinate periods of
10 imprisonment imposed by the court, subject to subsection
11 (f) of this Section.

12 (4) The defendant shall be awarded credit against the
13 aggregate maximum term and the aggregate minimum term of
14 imprisonment for all time served in an institution since
15 the commission of the offense or offenses and as a
16 consequence thereof at the rate specified in Section 3-6-3
17 (730 ILCS 5/3-6-3).

18 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
19 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

20 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

21 Sec. 5-9-1.3. Fines for offenses involving theft,
22 deceptive practices, and offenses against units of local
23 government or school districts.

24 (a) When a person has been adjudged guilty of a felony
25 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, 16-9 or 17-1

1 of the Criminal Code of 1961, a fine may be levied by the court
2 in an amount which is the greater of \$25,000 or twice the value
3 of the property which is the subject of the offense.

4 (b) When a person has been convicted of a felony under
5 Section 16-1 of the Criminal Code of 1961 and the theft was
6 committed upon any unit of local government or school district,
7 or the person has been convicted of any violation of Sections
8 33C-1 through 33C-4 or Sections 33E-3 through 33E-18 of the
9 Criminal Code of 1961, a fine may be levied by the court in an
10 amount that is the greater of \$25,000 or treble the value of
11 the property which is the subject of the offense or loss to the
12 unit of local government or school district.

13 (c) All fines imposed under subsection (b) of this Section
14 shall be distributed as follows:

15 (1) An amount equal to 30% shall be distributed to the
16 unit of local government or school district that was the
17 victim of the offense;

18 (2) An amount equal to 30% shall be distributed to the
19 unit of local government whose officers or employees
20 conducted the investigation into the crimes against the
21 unit of local government or school district. Amounts
22 distributed to units of local government shall be used
23 solely for the enforcement of criminal laws protecting
24 units of local government or school districts;

25 (3) An amount equal to 30% shall be distributed to the
26 State's Attorney of the county in which the prosecution

1 resulting in the conviction was instituted. The funds shall
2 be used solely for the enforcement of criminal laws
3 protecting units of local government or school districts;
4 and

5 (4) An amount equal to 10% shall be distributed to the
6 circuit court clerk of the county where the prosecution
7 resulting in the conviction was instituted.

8 (d) A fine order under subsection (b) of this Section is a
9 judgment lien in favor of the victim unit of local government
10 or school district, the State's Attorney of the county where
11 the violation occurred, the law enforcement agency that
12 investigated the violation, and the circuit court clerk.

13 (Source: P.A. 90-800, eff. 1-1-99.)

14 Section 90. Applicability. This amendatory Act of the 96th
15 General Assembly shall not be construed to invalidate any
16 sentence imposed before the effective date of this amendatory
17 Act of the 96th General Assembly because of the amendatory
18 changes made by this amendatory Act of the 96th General
19 Assembly and this amendatory Act shall be applied
20 prospectively.

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.