

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 12-3.2 as follows:

6 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

7 Sec. 12-3.2. Domestic battery.

8 (a) A person commits domestic battery if he or she
9 knowingly without legal justification by any means:

10 (1) Causes bodily harm to any family or household
11 member;

12 (2) Makes physical contact of an insulting or provoking
13 nature with any family or household member.

14 (b) Sentence. Domestic battery is a Class A misdemeanor.
15 Domestic battery is a Class 4 felony if the defendant has any
16 prior conviction under this Code for ~~domestic battery (Section~~
17 ~~12-3.2)~~ or violation of an order of protection (Section 12-3.4
18 or 12-30), or any prior conviction under the law of another
19 jurisdiction for an offense which is substantially similar.
20 Domestic battery is a Class 4 felony if the defendant has any
21 prior conviction under this Code for first degree murder
22 (Section 9-1), attempt to commit first degree murder (Section
23 8-4), aggravated domestic battery (Section 12-3.3), aggravated

1 battery (Section 12-3.05 or 12-4), heinous battery (Section
2 12-4.1), aggravated battery with a firearm (Section 12-4.2),
3 aggravated battery with a machine gun or a firearm equipped
4 with a silencer (Section 12-4.2-5), aggravated battery of a
5 child (Section 12-4.3), aggravated battery of an unborn child
6 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
7 aggravated battery of a senior citizen (Section 12-4.6),
8 stalking (Section 12-7.3), aggravated stalking (Section
9 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
10 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
11 kidnapping (Section 10-1), aggravated kidnapping (Section
12 10-2), predatory criminal sexual assault of a child (Section
13 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
14 11-1.60 or 12-16), unlawful restraint (Section 10-3),
15 aggravated unlawful restraint (Section 10-3.1), aggravated
16 arson (Section 20-1.1), or aggravated discharge of a firearm
17 (Section 24-1.2), or any prior conviction under the law of
18 another jurisdiction for any offense that is substantially
19 similar to the offenses listed in this Section, when any of
20 these offenses have been committed against a family or
21 household member. Domestic battery is a Class 4 felony if the
22 defendant has one or 2 prior convictions under this Code for
23 domestic battery (Section 12-3.2). Domestic battery is a Class
24 3 felony if the defendant had 3 prior convictions under this
25 Code for domestic battery (Section 12-3.2). Domestic battery is
26 a Class 2 felony if the defendant had 4 or more prior

1 convictions under this Code for domestic battery (Section
2 12-3.2). In addition to any other sentencing alternatives, for
3 any second or subsequent conviction of violating this Section,
4 the offender shall be mandatorily sentenced to a minimum of 72
5 consecutive hours of imprisonment. The imprisonment shall not
6 be subject to suspension, nor shall the person be eligible for
7 probation in order to reduce the sentence.

8 (c) Domestic battery committed in the presence of a child.
9 In addition to any other sentencing alternatives, a defendant
10 who commits, in the presence of a child, a felony domestic
11 battery (enhanced under subsection (b)), aggravated domestic
12 battery (Section 12-3.3), aggravated battery (Section 12-3.05
13 or 12-4), unlawful restraint (Section 10-3), or aggravated
14 unlawful restraint (Section 10-3.1) against a family or
15 household member shall be required to serve a mandatory minimum
16 imprisonment of 10 days or perform 300 hours of community
17 service, or both. The defendant shall further be liable for the
18 cost of any counseling required for the child at the discretion
19 of the court in accordance with subsection (b) of Section 5-5-6
20 of the Unified Code of Corrections. For purposes of this
21 Section, "child" means a person under 18 years of age who is
22 the defendant's or victim's child or step-child or who is a
23 minor child residing within or visiting the household of the
24 defendant or victim.

25 (d) Upon conviction of domestic battery, the court shall
26 advise the defendant orally or in writing, substantially as

1 follows: "An individual convicted of domestic battery may be
2 subject to federal criminal penalties for possessing,
3 transporting, shipping, or receiving any firearm or ammunition
4 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
5 922(g) (8) and (9))." A notation shall be made in the court file
6 that the admonition was given.

7 (Source: P.A. 96-287, eff. 8-11-09; 96-1551, Article 1, Section
8 5, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11;
9 revised 9-30-11.)

10 Section 10. The Unified Code of Corrections is amended by
11 changing Section 5-5-3 as follows:

12 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

13 Sec. 5-5-3. Disposition.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (1) (Blank).

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

24 (A) First degree murder where the death penalty is

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the
5 Illinois Controlled Substances Act, or a violation of
6 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
7 of that Act which relates to more than 5 grams of a
8 substance containing heroin, cocaine, fentanyl, or an
9 analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis
11 Control Act.

12 (F) A Class 2 or greater felony if the offender had
13 been convicted of a Class 2 or greater felony,
14 including any state or federal conviction for an
15 offense that contained, at the time it was committed,
16 the same elements as an offense now (the date of the
17 offense committed after the prior Class 2 or greater
18 felony) classified as a Class 2 or greater felony,
19 within 10 years of the date on which the offender
20 committed the offense for which he or she is being
21 sentenced, except as otherwise provided in Section
22 40-10 of the Alcoholism and Other Drug Abuse and
23 Dependency Act.

24 (F-5) A violation of Section 24-1, 24-1.1, or
25 24-1.6 of the Criminal Code of 1961 for which
26 imprisonment is prescribed in those Sections.

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

4 (H) Criminal sexual assault.

5 (I) Aggravated battery of a senior citizen as
6 described in Section 12-4.6 or subdivision (a)(4) of
7 Section 12-3.05.

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

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

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

20 (K) Vehicular hijacking.

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

25 (M) A second or subsequent conviction for the
26 offense of institutional vandalism if the damage to the

1 property exceeds \$300.

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

5 (O) A violation of Section 12-6.1 or 12-6.5 of the
6 Criminal Code of 1961.

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

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

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

14 (S) (Blank).

15 (T) A second or subsequent violation of the
16 Methamphetamine Control and Community Protection Act.

17 (U) A second or subsequent violation of Section
18 6-303 of the Illinois Vehicle Code committed while his
19 or her driver's license, permit, or privilege was
20 revoked because of a violation of Section 9-3 of the
21 Criminal Code of 1961, relating to the offense of
22 reckless homicide, or a similar provision of a law of
23 another state.

24 (V) A violation of paragraph (4) of subsection (c)
25 of Section 11-20.1B or paragraph (4) of subsection (c)
26 of Section 11-20.3 of the Criminal Code of 1961.

1 (W) A violation of Section 24-3.5 of the Criminal
2 Code of 1961.

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

5 (Y) A conviction for unlawful possession of a
6 firearm by a street gang member when the firearm was
7 loaded or contained firearm ammunition.

8 (Z) A Class 1 felony committed while he or she was
9 serving a term of probation or conditional discharge
10 for a felony.

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

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

15 (CC) Knowingly selling, offering for sale, holding
16 for sale, or using 2,000 or more counterfeit items or
17 counterfeit items having a retail value in the
18 aggregate of \$500,000 or more.

19 (DD) A conviction for aggravated assault under
20 paragraph (6) of subsection (c) of Section 12-2 of the
21 Criminal Code of 1961 if the firearm is aimed toward
22 the person against whom the firearm is being used.

23 (EE) Four or more prior convictions for domestic
24 battery under Section 12-3.2 of the Criminal Code of
25 1961.

26 (3) (Blank).

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

5 (4.1) (Blank).

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

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court,
12 shall be imposed for a second violation of subsection (c)
13 of Section 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6),
15 and (4.9) of this subsection (c), a minimum term of
16 imprisonment of 30 days or 300 hours of community service,
17 as determined by the court, shall be imposed for a third or
18 subsequent violation of Section 6-303 of the Illinois
19 Vehicle Code.

20 (4.5) A minimum term of imprisonment of 30 days shall
21 be imposed for a third violation of subsection (c) of
22 Section 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this
24 subsection (c), a minimum term of imprisonment of 180 days
25 shall be imposed for a fourth or subsequent violation of
26 subsection (c) of Section 6-303 of the Illinois Vehicle

1 Code.

2 (4.7) A minimum term of imprisonment of not less than
3 30 consecutive days, or 300 hours of community service,
4 shall be imposed for a violation of subsection (a-5) of
5 Section 6-303 of the Illinois Vehicle Code, as provided in
6 subsection (b-5) of that Section.

7 (4.8) A mandatory prison sentence shall be imposed for
8 a second violation of subsection (a-5) of Section 6-303 of
9 the Illinois Vehicle Code, as provided in subsection (c-5)
10 of that Section. The person's driving privileges shall be
11 revoked for a period of not less than 5 years from the date
12 of his or her release from prison.

13 (4.9) A mandatory prison sentence of not less than 4
14 and not more than 15 years shall be imposed for a third
15 violation of subsection (a-5) of Section 6-303 of the
16 Illinois Vehicle Code, as provided in subsection (d-2.5) of
17 that Section. The person's driving privileges shall be
18 revoked for the remainder of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony
20 shall be imposed, and the person shall be eligible for an
21 extended term sentence, for a fourth or subsequent
22 violation of subsection (a-5) of Section 6-303 of the
23 Illinois Vehicle Code, as provided in subsection (d-3.5) of
24 that Section. The person's driving privileges shall be
25 revoked for the remainder of his or her life.

26 (5) The court may sentence a corporation or

1 unincorporated association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

6 (5.1) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.2) or (5.3), a person
8 convicted of violating subsection (c) of Section 11-907 of
9 the Illinois Vehicle Code shall have his or her driver's
10 license, permit, or privileges suspended for at least 90
11 days but not more than one year, if the violation resulted
12 in damage to the property of another person.

13 (5.2) In addition to any other penalties imposed, and
14 except as provided in paragraph (5.3), a person convicted
15 of violating subsection (c) of Section 11-907 of the
16 Illinois Vehicle Code shall have his or her driver's
17 license, permit, or privileges suspended for at least 180
18 days but not more than 2 years, if the violation resulted
19 in injury to another person.

20 (5.3) In addition to any other penalties imposed, a
21 person convicted of violating subsection (c) of Section
22 11-907 of the Illinois Vehicle Code shall have his or her
23 driver's license, permit, or privileges suspended for 2
24 years, if the violation resulted in the death of another
25 person.

26 (5.4) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois
2 Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for 3 months and until he
4 or she has paid a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a
6 person convicted of violating Section 3-707 of the Illinois
7 Vehicle Code during a period in which his or her driver's
8 license, permit, or privileges were suspended for a
9 previous violation of that Section shall have his or her
10 driver's license, permit, or privileges suspended for an
11 additional 6 months after the expiration of the original
12 3-month suspension and until he or she has paid a
13 reinstatement fee of \$100.

14 (6) (Blank).

15 (7) (Blank).

16 (8) (Blank).

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

20 (10) (Blank).

21 (11) The court shall impose a minimum fine of \$1,000
22 for a first offense and \$2,000 for a second or subsequent
23 offense upon a person convicted of or placed on supervision
24 for battery when the individual harmed was a sports
25 official or coach at any level of competition and the act
26 causing harm to the sports official or coach occurred

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

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

17 (13) A person convicted of or placed on court
18 supervision for an assault or aggravated assault when the
19 victim and the offender are family or household members as
20 defined in Section 103 of the Illinois Domestic Violence
21 Act of 1986 or convicted of domestic battery or aggravated
22 domestic battery may be required to attend a Partner Abuse
23 Intervention Program under protocols set forth by the
24 Illinois Department of Human Services under such terms and
25 conditions imposed by the court. The costs of such classes
26 shall be paid by the offender.

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

19 (e) In cases where prosecution for aggravated criminal
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
21 Code of 1961 results in conviction of a defendant who was a
22 family member of the victim at the time of the commission of
23 the offense, the court shall consider the safety and welfare of
24 the victim and may impose a sentence of probation only where:

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

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2
2 years; or

3 (B) the defendant is willing to participate in a
4 court approved plan including but not limited to the
5 defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 11-0.1 of the Criminal Code of 1961.

5 (f) (Blank).

6 (g) Whenever a defendant is convicted of an offense under
7 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
8 11-14.3, 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
10 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
11 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
12 defendant shall undergo medical testing to determine whether
13 the defendant has any sexually transmissible disease,
14 including a test for infection with human immunodeficiency
15 virus (HIV) or any other identified causative agent of acquired
16 immunodeficiency syndrome (AIDS). Any such medical test shall
17 be performed only by appropriately licensed medical
18 practitioners and may include an analysis of any bodily fluids
19 as well as an examination of the defendant's person. Except as
20 otherwise provided by law, the results of such test shall be
21 kept strictly confidential by all medical personnel involved in
22 the testing and must be personally delivered in a sealed
23 envelope to the judge of the court in which the conviction was
24 entered for the judge's inspection in camera. Acting in
25 accordance with the best interests of the victim and the
26 public, the judge shall have the discretion to determine to

1 whom, if anyone, the results of the testing may be revealed.
2 The court shall notify the defendant of the test results. The
3 court shall also notify the victim if requested by the victim,
4 and if the victim is under the age of 15 and if requested by the
5 victim's parents or legal guardian, the court shall notify the
6 victim's parents or legal guardian of the test results. The
7 court shall provide information on the availability of HIV
8 testing and counseling at Department of Public Health
9 facilities to all parties to whom the results of the testing
10 are revealed and shall direct the State's Attorney to provide
11 the information to the victim when possible. A State's Attorney
12 may petition the court to obtain the results of any HIV test
13 administered under this Section, and the court shall grant the
14 disclosure if the State's Attorney shows it is relevant in
15 order to prosecute a charge of criminal transmission of HIV
16 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
17 against the defendant. The court shall order that the cost of
18 any such test shall be paid by the county and may be taxed as
19 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 12-5.01 or
3 12-16.2 of the Criminal Code of 1961 against the defendant. The
4 court shall order that the cost of any such test shall be paid
5 by the 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 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
16 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
17 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
18 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
19 12-15, or 12-16 of the Criminal Code of 1961, any violation of
20 the Illinois Controlled Substances Act, any violation of the
21 Cannabis Control Act, or any violation of the Methamphetamine
22 Control and Community Protection Act results in conviction, a
23 disposition of court supervision, or an order of probation
24 granted under Section 10 of the Cannabis Control Act, Section
25 410 of the Illinois Controlled Substance Act, or Section 70 of
26 the Methamphetamine Control and Community Protection Act of a

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

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

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

21 (k) (Blank).

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

1 hold sentence in abeyance and remand the defendant to the
2 custody of the Attorney General of the United States or his
3 or her designated agent to be deported when:

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

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

10 Otherwise, the defendant shall be sentenced as
11 provided in this Chapter V.

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

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

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

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

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

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

20 (n) The court may sentence a person convicted of a
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
23 of 1961 (i) to an impact incarceration program if the person is
24 otherwise eligible for that program under Section 5-8-1.1, (ii)
25 to community service, or (iii) if the person is an addict or
26 alcoholic, as defined in the Alcoholism and Other Drug Abuse

1 and Dependency Act, to a substance or alcohol abuse program
2 licensed under that Act.

3 (o) Whenever a person is convicted of a sex offense as
4 defined in Section 2 of the Sex Offender Registration Act, the
5 defendant's driver's license or permit shall be subject to
6 renewal on an annual basis in accordance with the provisions of
7 license renewal established by the Secretary of State.

8 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
9 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
10 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
11 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
12 97-159, eff. 7-21-11; revised 9-14-11.)