



Rep. Michael J. Zalewski

Filed: 3/12/2013

09800HB2265ham001

LRB098 10588 RLC 42564 a

1 AMENDMENT TO HOUSE BILL 2265

2 AMENDMENT NO. _____. Amend House Bill 2265 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 24-1, 24-1.1, 24-1.6, and 24-1.8 and by
6 adding Section 24-11 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful Use of Weapons.

9 (a) A person commits the offense of unlawful use of weapons
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or
12 carries any bludgeon, black-jack, slung-shot, sand-club,
13 sand-bag, metal knuckles or other knuckle weapon
14 regardless of its composition, throwing star, or any knife,
15 commonly referred to as a switchblade knife, which has a
16 blade that opens automatically by hand pressure applied to

1 a button, spring or other device in the handle of the
2 knife, or a ballistic knife, which is a device that propels
3 a knifelike blade as a projectile by means of a coil
4 spring, elastic material or compressed gas; or

5 (2) Carries or possesses with intent to use the same
6 unlawfully against another, a dagger, dirk, billy,
7 dangerous knife, razor, stiletto, broken bottle or other
8 piece of glass, stun gun or taser or any other dangerous or
9 deadly weapon or instrument of like character; or

10 (3) Carries on or about his person or in any vehicle, a
11 tear gas gun projector or bomb or any object containing
12 noxious liquid gas or substance, other than an object
13 containing a non-lethal noxious liquid gas or substance
14 designed solely for personal defense carried by a person 18
15 years of age or older; or

16 (4) Carries or possesses in any vehicle or concealed on
17 or about his person except when on his land or in his own
18 abode, legal dwelling, or fixed place of business, or on
19 the land or in the legal dwelling of another person as an
20 invitee with that person's permission, any pistol,
21 revolver, stun gun or taser or other firearm, except that
22 this subsection (a) (4) does not apply to or affect
23 transportation of weapons that meet one of the following
24 conditions:

25 (i) are broken down in a non-functioning state; or

26 (ii) are not immediately accessible; or

1 (iii) are unloaded and enclosed in a case, firearm
2 carrying box, shipping box, or other container by a
3 person who has been issued a currently valid Firearm
4 Owner's Identification Card; or

5 (5) Sets a spring gun; or

6 (6) Possesses any device or attachment of any kind
7 designed, used or intended for use in silencing the report
8 of any firearm; or

9 (7) Sells, manufactures, purchases, possesses or
10 carries:

11 (i) a machine gun, which shall be defined for the
12 purposes of this subsection as any weapon, which
13 shoots, is designed to shoot, or can be readily
14 restored to shoot, automatically more than one shot
15 without manually reloading by a single function of the
16 trigger, including the frame or receiver of any such
17 weapon, or sells, manufactures, purchases, possesses,
18 or carries any combination of parts designed or
19 intended for use in converting any weapon into a
20 machine gun, or any combination or parts from which a
21 machine gun can be assembled if such parts are in the
22 possession or under the control of a person;

23 (ii) any rifle having one or more barrels less than
24 16 inches in length or a shotgun having one or more
25 barrels less than 18 inches in length or any weapon
26 made from a rifle or shotgun, whether by alteration,

1 modification, or otherwise, if such a weapon as
2 modified has an overall length of less than 26 inches;
3 or

4 (iii) any bomb, bomb-shell, grenade, bottle or
5 other container containing an explosive substance of
6 over one-quarter ounce for like purposes, such as, but
7 not limited to, black powder bombs and Molotov
8 cocktails or artillery projectiles; or

9 (8) Carries or possesses any firearm, stun gun or taser
10 or other deadly weapon in any place which is licensed to
11 sell intoxicating beverages, or at any public gathering
12 held pursuant to a license issued by any governmental body
13 or any public gathering at which an admission is charged,
14 excluding a place where a showing, demonstration or lecture
15 involving the exhibition of unloaded firearms is
16 conducted.

17 This subsection (a) (8) does not apply to any auction or
18 raffle of a firearm held pursuant to a license or permit
19 issued by a governmental body, nor does it apply to persons
20 engaged in firearm safety training courses; or

21 (9) Carries or possesses in a vehicle or on or about
22 his person any pistol, revolver, stun gun or taser or
23 firearm or ballistic knife, when he is hooded, robed or
24 masked in such manner as to conceal his identity; or

25 (10) Carries or possesses on or about his person, upon
26 any public street, alley, or other public lands within the

1 corporate limits of a city, village or incorporated town,
2 except when an invitee thereon or therein, for the purpose
3 of the display of such weapon or the lawful commerce in
4 weapons, or except when on his land or in his own abode,
5 legal dwelling, or fixed place of business, or on the land
6 or in the legal dwelling of another person as an invitee
7 with that person's permission, any pistol, revolver, stun
8 gun or taser or other firearm, except that this subsection
9 (a) (10) does not apply to or affect transportation of
10 weapons that meet one of the following conditions:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container by a
15 person who has been issued a currently valid Firearm
16 Owner's Identification Card.

17 A "stun gun or taser", as used in this paragraph (a)
18 means (i) any device which is powered by electrical
19 charging units, such as, batteries, and which fires one or
20 several barbs attached to a length of wire and which, upon
21 hitting a human, can send out a current capable of
22 disrupting the person's nervous system in such a manner as
23 to render him incapable of normal functioning or (ii) any
24 device which is powered by electrical charging units, such
25 as batteries, and which, upon contact with a human or
26 clothing worn by a human, can send out current capable of

1 disrupting the person's nervous system in such a manner as
2 to render him incapable of normal functioning; or

3 (11) Sells, manufactures or purchases any explosive
4 bullet. For purposes of this paragraph (a) "explosive
5 bullet" means the projectile portion of an ammunition
6 cartridge which contains or carries an explosive charge
7 which will explode upon contact with the flesh of a human
8 or an animal. "Cartridge" means a tubular metal case having
9 a projectile affixed at the front thereof and a cap or
10 primer at the rear end thereof, with the propellant
11 contained in such tube between the projectile and the cap;
12 or

13 (12) (Blank); or

14 (13) Carries or possesses on or about his or her person
15 while in a building occupied by a unit of government, a
16 billy club, other weapon of like character, or other
17 instrument of like character intended for use as a weapon.
18 For the purposes of this Section, "billy club" means a
19 short stick or club commonly carried by police officers
20 which is either telescopic or constructed of a solid piece
21 of wood or other man-made material.

22 (b) Sentence. A person convicted of a violation of
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
24 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
25 Class A misdemeanor. A person convicted of a violation of
26 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a

1 person convicted of a violation of subsection 24-1(a)(6) or
2 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
3 convicted of a violation of subsection 24-1(a)(7)(i) commits a
4 Class 2 felony and shall be sentenced to a term of imprisonment
5 of not less than 3 years and not more than 7 years, unless the
6 weapon is possessed in the passenger compartment of a motor
7 vehicle as defined in Section 1-146 of the Illinois Vehicle
8 Code, or on the person, while the weapon is loaded, in which
9 case it shall be a Class X felony. A person convicted of a
10 second or subsequent violation of subsection ~~24-1(a)(4),~~
11 24-1(a)(8) or, 24-1(a)(9), ~~or 24-1(a)(10)~~ commits a Class 3
12 felony. A person convicted of a second or subsequent violation
13 of subsection 24-1(a)(4) or 24-1(a)(10) commits a Class 3
14 felony and shall be sentenced to a term of imprisonment of not
15 less than 3 years and not more than 10 years. The possession of
16 each weapon in violation of this Section constitutes a single
17 and separate violation.

18 (c) Violations in specific places.

19 (1) A person who violates subsection 24-1(a)(6) or
20 24-1(a)(7) in any school, regardless of the time of day or
21 the time of year, in residential property owned, operated
22 or managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or mixed-income
24 development, in a public park, in a courthouse, on the real
25 property comprising any school, regardless of the time of
26 day or the time of year, on residential property owned,

1 operated or managed by a public housing agency or leased by
2 a public housing agency as part of a scattered site or
3 mixed-income development, on the real property comprising
4 any public park, on the real property comprising any
5 courthouse, in any conveyance owned, leased or contracted
6 by a school to transport students to or from school or a
7 school related activity, in any conveyance owned, leased,
8 or contracted by a public transportation agency, or on any
9 public way within 1,000 feet of the real property
10 comprising any school, public park, courthouse, public
11 transportation facility, or residential property owned,
12 operated, or managed by a public housing agency or leased
13 by a public housing agency as part of a scattered site or
14 mixed-income development commits a Class 2 felony and shall
15 be sentenced to a term of imprisonment of not less than 3
16 years and not more than 7 years.

17 (1.5) A person who violates subsection 24-1(a)(4),
18 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
19 time of day or the time of year, in residential property
20 owned, operated, or managed by a public housing agency or
21 leased by a public housing agency as part of a scattered
22 site or mixed-income development, in a public park, in a
23 courthouse, on the real property comprising any school,
24 regardless of the time of day or the time of year, on
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, on
2 the real property comprising any public park, on the real
3 property comprising any courthouse, in any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related activity, in
6 any conveyance owned, leased, or contracted by a public
7 transportation agency, or on any public way within 1,000
8 feet of the real property comprising any school, public
9 park, courthouse, public transportation facility, or
10 residential property owned, operated, or managed by a
11 public housing agency or leased by a public housing agency
12 as part of a scattered site or mixed-income development
13 commits a Class 3 felony.

14 (2) A person who violates subsection 24-1(a)(1),
15 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
16 time of day or the time of year, in residential property
17 owned, operated or managed by a public housing agency or
18 leased by a public housing agency as part of a scattered
19 site or mixed-income development, in a public park, in a
20 courthouse, on the real property comprising any school,
21 regardless of the time of day or the time of year, on
22 residential property owned, operated or managed by a public
23 housing agency or leased by a public housing agency as part
24 of a scattered site or mixed-income development, on the
25 real property comprising any public park, on the real
26 property comprising any courthouse, in any conveyance

1 owned, leased or contracted by a school to transport
2 students to or from school or a school related activity, in
3 any conveyance owned, leased, or contracted by a public
4 transportation agency, or on any public way within 1,000
5 feet of the real property comprising any school, public
6 park, courthouse, public transportation facility, or
7 residential property owned, operated, or managed by a
8 public housing agency or leased by a public housing agency
9 as part of a scattered site or mixed-income development
10 commits a Class 4 felony. "Courthouse" means any building
11 that is used by the Circuit, Appellate, or Supreme Court of
12 this State for the conduct of official business.

13 (3) Paragraphs (1), (1.5), and (2) of this subsection
14 (c) shall not apply to law enforcement officers or security
15 officers of such school, college, or university or to
16 students carrying or possessing firearms for use in
17 training courses, parades, hunting, target shooting on
18 school ranges, or otherwise with the consent of school
19 authorities and which firearms are transported unloaded
20 enclosed in a suitable case, box, or transportation
21 package.

22 (4) For the purposes of this subsection (c), "school"
23 means any public or private elementary or secondary school,
24 community college, college, or university.

25 (5) For the purposes of this subsection (c), "public
26 transportation agency" means a public or private agency

1 that provides for the transportation or conveyance of
2 persons by means available to the general public, except
3 for transportation by automobiles not used for conveyance
4 of the general public as passengers; and "public
5 transportation facility" means a terminal or other place
6 where one may obtain public transportation.

7 (d) The presence in an automobile other than a public
8 omnibus of any weapon, instrument or substance referred to in
9 subsection (a) (7) is prima facie evidence that it is in the
10 possession of, and is being carried by, all persons occupying
11 such automobile at the time such weapon, instrument or
12 substance is found, except under the following circumstances:
13 (i) if such weapon, instrument or instrumentality is found upon
14 the person of one of the occupants therein; or (ii) if such
15 weapon, instrument or substance is found in an automobile
16 operated for hire by a duly licensed driver in the due, lawful
17 and proper pursuit of his trade, then such presumption shall
18 not apply to the driver.

19 (e) Exemptions. Crossbows, Common or Compound bows and
20 Underwater Spearguns are exempted from the definition of
21 ballistic knife as defined in paragraph (1) of subsection (a)
22 of this Section.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
24 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
25 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
3 Felons or Persons in the Custody of the Department of
4 Corrections Facilities.

5 (a) It is unlawful for a person to knowingly possess on or
6 about his person or on his land or in his own abode or fixed
7 place of business any weapon prohibited under Section 24-1 of
8 this Act or any firearm or any firearm ammunition if the person
9 has been convicted of a felony under the laws of this State or
10 any other jurisdiction. This Section shall not apply if the
11 person has been granted relief by the Director of the
12 Department of State Police under Section 10 of the Firearm
13 Owners Identification Card Act.

14 (b) It is unlawful for any person confined in a penal
15 institution, which is a facility of the Illinois Department of
16 Corrections, to possess any weapon prohibited under Section
17 24-1 of this Code or any firearm or firearm ammunition,
18 regardless of the intent with which he possesses it.

19 (c) It shall be an affirmative defense to a violation of
20 subsection (b), that such possession was specifically
21 authorized by rule, regulation, or directive of the Illinois
22 Department of Corrections or order issued pursuant thereto.

23 (d) The defense of necessity is not available to a person
24 who is charged with a violation of subsection (b) of this
25 Section.

26 (e) Sentence. Violation of this Section by a person not

1 confined in a penal institution shall be a Class 3 felony for
2 which the person shall be sentenced to no less than 4 ~~2~~ years
3 and no more than 10 years and any second or subsequent
4 violation shall be a Class 2 felony for which the person shall
5 be sentenced to a term of imprisonment of not less than 5 ~~3~~
6 years and not more than 14 years. Violation of this Section by
7 a person not confined in a penal institution who has been
8 convicted of a forcible felony, a felony violation of Article
9 24 of this Code or of the Firearm Owners Identification Card
10 Act, stalking or aggravated stalking, or a Class 2 or greater
11 felony under the Illinois Controlled Substances Act, the
12 Cannabis Control Act, or the Methamphetamine Control and
13 Community Protection Act is a Class 2 felony for which the
14 person shall be sentenced to not less than 3 years and not more
15 than 14 years. Violation of this Section by a person who is on
16 parole or mandatory supervised release is a Class 2 felony for
17 which the person shall be sentenced to not less than 5 ~~3~~ years
18 and not more than 14 years. Violation of this Section by a
19 person not confined in a penal institution is a Class X felony
20 when the firearm possessed is a machine gun. Any person who
21 violates this Section while confined in a penal institution,
22 which is a facility of the Illinois Department of Corrections,
23 is guilty of a Class 1 felony, if he possesses any weapon
24 prohibited under Section 24-1 of this Code regardless of the
25 intent with which he possesses it, a Class X felony if he
26 possesses any firearm, firearm ammunition or explosive, and a

1 Class X felony for which the offender shall be sentenced to not
2 less than 12 years and not more than 50 years when the firearm
3 possessed is a machine gun. A violation of this Section while
4 wearing or in possession of body armor as defined in Section
5 33F-1 is a Class X felony punishable by a term of imprisonment
6 of not less than 10 years and not more than 40 years. The
7 possession of each firearm or firearm ammunition in violation
8 of this Section constitutes a single and separate violation.

9 (Source: P.A. 97-237, eff. 1-1-12.)

10 (720 ILCS 5/24-1.6)

11 Sec. 24-1.6. Aggravated unlawful use of a weapon.

12 (a) A person commits the offense of aggravated unlawful use
13 of a weapon when he or she knowingly:

14 (1) Carries on or about his or her person or in any
15 vehicle or concealed on or about his or her person except
16 when on his or her land or in his or her abode, legal
17 dwelling, or fixed place of business, or on the land or in
18 the legal dwelling of another person as an invitee with
19 that person's permission, any pistol, revolver, stun gun or
20 taser or other firearm; or

21 (2) Carries or possesses on or about his or her person,
22 upon any public street, alley, or other public lands within
23 the corporate limits of a city, village or incorporated
24 town, except when an invitee thereon or therein, for the
25 purpose of the display of such weapon or the lawful

1 commerce in weapons, or except when on his or her own land
2 or in his or her own abode, legal dwelling, or fixed place
3 of business, or on the land or in the legal dwelling of
4 another person as an invitee with that person's permission,
5 any pistol, revolver, stun gun or taser or other firearm;
6 and

7 (3) One of the following factors is present:

8 (A) the firearm possessed was uncased, loaded and
9 immediately accessible at the time of the offense; or

10 (B) the firearm possessed was uncased, unloaded
11 and the ammunition for the weapon was immediately
12 accessible at the time of the offense; or

13 (C) the person possessing the firearm has not been
14 issued a currently valid Firearm Owner's
15 Identification Card; or

16 (D) the person possessing the weapon was
17 previously adjudicated a delinquent minor under the
18 Juvenile Court Act of 1987 for an act that if committed
19 by an adult would be a felony; or

20 (E) the person possessing the weapon was engaged in
21 a misdemeanor violation of the Cannabis Control Act, in
22 a misdemeanor violation of the Illinois Controlled
23 Substances Act, or in a misdemeanor violation of the
24 Methamphetamine Control and Community Protection Act;
25 or

26 (F) (blank); or

1 (G) the person possessing the weapon had a order of
2 protection issued against him or her within the
3 previous 2 years; or

4 (H) the person possessing the weapon was engaged in
5 the commission or attempted commission of a
6 misdemeanor involving the use or threat of violence
7 against the person or property of another; or

8 (I) the person possessing the weapon was under 21
9 years of age and in possession of a handgun as defined
10 in Section 24-3, unless the person under 21 is engaged
11 in lawful activities under the Wildlife Code or
12 described in subsection 24-2(b)(1), (b)(3), or
13 24-2(f).

14 (b) "Stun gun or taser" as used in this Section has the
15 same definition given to it in Section 24-1 of this Code.

16 (c) This Section does not apply to or affect the
17 transportation or possession of weapons that:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who has been issued a currently valid Firearm
23 Owner's Identification Card.

24 (c-5) Affirmative defense. It is an affirmative defense to
25 the offense under item (C) of paragraph (3) of subsection (a)
26 of this Section that the defendant has, prior to the commission

1 of the offense, submitted a Firearm Owner's Identification Card
2 renewal application to the Department of State Police and the
3 defendant is otherwise eligible for a Firearm Owner's
4 Identification Card.

5 (d) Sentence.

6 (1) Aggravated unlawful use of a weapon is a Class 4
7 felony; a second or subsequent offense is a Class 2 felony
8 for which the person shall be sentenced to a term of
9 imprisonment of not less than 4 ~~3~~ years and not more than
10 10 ~~7~~ years.

11 (2) Except as otherwise provided in paragraphs (3) and
12 (4) of this subsection (d), a first offense of aggravated
13 unlawful use of a weapon committed with a firearm by a
14 person 18 years of age or older where the factors listed in
15 either ~~both~~ items (A) or (B) and (C) of paragraph (3) of
16 subsection (a) are present is a Class 3 ~~4~~ felony, for which
17 the person shall be sentenced to a term of imprisonment of
18 not less than ~~one year and not more than~~ 3 years and not
19 more than 7 years.

20 (3) Aggravated unlawful use of a weapon by a person who
21 has been previously convicted of a felony in this State or
22 another jurisdiction is a Class 2 felony for which the
23 person shall be sentenced to a term of imprisonment of not
24 less than 5 ~~3~~ years and not more than 10 ~~7~~ years.

25 (4) Aggravated unlawful use of a weapon while wearing
26 or in possession of body armor as defined in Section 33F-1

1 by a person who has not been issued a valid Firearms
2 Owner's Identification Card in accordance with Section 5 of
3 the Firearm Owners Identification Card Act is a Class X
4 felony.

5 (e) The possession of each firearm in violation of this
6 Section constitutes a single and separate violation.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
8 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

9 (720 ILCS 5/24-1.8)

10 Sec. 24-1.8. Unlawful possession of a firearm by a street
11 gang member.

12 (a) A person commits unlawful possession of a firearm by a
13 street gang member when he or she knowingly:

14 (1) possesses, carries, or conceals on or about his or
15 her person a firearm and firearm ammunition while on any
16 street, road, alley, gangway, sidewalk, or any other lands,
17 except when inside his or her own abode or inside his or
18 her fixed place of business, and has not been issued a
19 currently valid Firearm Owner's Identification Card and is
20 a member of a street gang; or

21 (2) possesses or carries in any vehicle a firearm and
22 firearm ammunition which are both immediately accessible
23 at the time of the offense while on any street, road,
24 alley, or any other lands, except when inside his or her
25 own abode or garage, and has not been issued a currently

1 valid Firearm Owner's Identification Card and is a member
2 of a street gang.

3 (b) Unlawful possession of a firearm by a street gang
4 member is a Class 2 felony for which the person, if sentenced
5 to a term of imprisonment, shall be sentenced to no less than 4
6 ~~3~~ years and no more than 10 years. A period of probation, a
7 term of periodic imprisonment or conditional discharge shall
8 not be imposed for the offense of unlawful possession of a
9 firearm by a street gang member when the firearm was loaded or
10 contained firearm ammunition and the court shall sentence the
11 offender to not less than the minimum term of imprisonment
12 authorized for the Class 2 felony.

13 (c) For purposes of this Section:

14 "Street gang" or "gang" has the meaning ascribed to it
15 in Section 10 of the Illinois Streetgang Terrorism Omnibus
16 Prevention Act.

17 "Street gang member" or "gang member" has the meaning
18 ascribed to it in Section 10 of the Illinois Streetgang
19 Terrorism Omnibus Prevention Act.

20 (Source: P.A. 96-829, eff. 12-3-09.)

21 (720 ILCS 5/24-11 new)

22 Sec. 24-11. Deadly weapons dispositions; report. Each
23 circuit court shall transmit to every local law enforcement
24 agency located within the circuit, on a quarterly basis, the
25 disposition of all cases involving violations of this Article

1 24 within the previous quarter.

2 Section 10. The Unified Code of Corrections is amended by
3 changing Sections 3-6-3 and 5-5-3 as follows:

4 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
5 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

6 (a) (1) The Department of Corrections shall prescribe
7 rules and regulations for awarding and revoking sentence
8 credit for persons committed to the Department which shall
9 be subject to review by the Prisoner Review Board.

10 (1.5) As otherwise provided by law, sentence credit may
11 be awarded for the following:

12 (A) successful completion of programming while in
13 custody of the Department or while in custody prior to
14 sentencing;

15 (B) compliance with the rules and regulations of
16 the Department; or

17 (C) service to the institution, service to a
18 community, or service to the State.

19 (2) The rules and regulations on sentence credit shall
20 provide, with respect to offenses listed in clause (i),
21 (ii), or (iii) of this paragraph (2) committed on or after
22 June 19, 1998 or with respect to the offense listed in
23 clause (iv) of this paragraph (2) committed on or after
24 June 23, 2005 (the effective date of Public Act 94-71) or

1 with respect to offense listed in clause (vi) committed on
2 or after June 1, 2008 (the effective date of Public Act
3 95-625) or with respect to the offense of being an armed
4 habitual criminal committed on or after August 2, 2005 (the
5 effective date of Public Act 94-398) or with respect to the
6 offenses listed in clause (v) of this paragraph (2)
7 committed on or after August 13, 2007 (the effective date
8 of Public Act 95-134) or with respect to the offense of
9 aggravated domestic battery committed on or after July 23,
10 2010 (the effective date of Public Act 96-1224) or with
11 respect to the offense of attempt to commit terrorism
12 committed on or after January 1, 2013 (the effective date
13 of Public Act 97-990) or with respect to offenses listed in
14 clause (viii) committed on or after the effective date of
15 this amendatory Act of the 98th General Assembly, the
16 following:

17 (i) that a prisoner who is serving a term of
18 imprisonment for first degree murder or for the offense
19 of terrorism shall receive no sentence credit and shall
20 serve the entire sentence imposed by the court;

21 (ii) that a prisoner serving a sentence for attempt
22 to commit terrorism, attempt to commit first degree
23 murder, solicitation of murder, solicitation of murder
24 for hire, intentional homicide of an unborn child,
25 predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, criminal sexual

1 assault, aggravated kidnapping, aggravated battery
2 with a firearm as described in Section 12-4.2 or
3 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
4 Section 12-3.05, heinous battery as described in
5 Section 12-4.1 or subdivision (a)(2) of Section
6 12-3.05, being an armed habitual criminal, aggravated
7 battery of a senior citizen as described in Section
8 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
9 aggravated battery of a child as described in Section
10 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
11 receive no more than 4.5 days of sentence credit for
12 each month of his or her sentence of imprisonment;

13 (iii) that a prisoner serving a sentence for home
14 invasion, armed robbery, aggravated vehicular
15 hijacking, aggravated discharge of a firearm, or armed
16 violence with a category I weapon or category II
17 weapon, when the court has made and entered a finding,
18 pursuant to subsection (c-1) of Section 5-4-1 of this
19 Code, that the conduct leading to conviction for the
20 enumerated offense resulted in great bodily harm to a
21 victim, shall receive no more than 4.5 days of sentence
22 credit for each month of his or her sentence of
23 imprisonment;

24 (iv) that a prisoner serving a sentence for
25 aggravated discharge of a firearm, whether or not the
26 conduct leading to conviction for the offense resulted

1 in great bodily harm to the victim, shall receive no
2 more than 4.5 days of sentence credit for each month of
3 his or her sentence of imprisonment;

4 (v) that a person serving a sentence for
5 gunrunning, narcotics racketeering, controlled
6 substance trafficking, methamphetamine trafficking,
7 drug-induced homicide, aggravated
8 methamphetamine-related child endangerment, money
9 laundering pursuant to clause (c) (4) or (5) of Section
10 29B-1 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, or a Class X felony conviction for delivery of
12 a controlled substance, possession of a controlled
13 substance with intent to manufacture or deliver,
14 calculated criminal drug conspiracy, criminal drug
15 conspiracy, street gang criminal drug conspiracy,
16 participation in methamphetamine manufacturing,
17 aggravated participation in methamphetamine
18 manufacturing, delivery of methamphetamine, possession
19 with intent to deliver methamphetamine, aggravated
20 delivery of methamphetamine, aggravated possession
21 with intent to deliver methamphetamine,
22 methamphetamine conspiracy when the substance
23 containing the controlled substance or methamphetamine
24 is 100 grams or more shall receive no more than 7.5
25 days sentence credit for each month of his or her
26 sentence of imprisonment;

1 (vi) that a prisoner serving a sentence for a
2 second or subsequent offense of luring a minor shall
3 receive no more than 4.5 days of sentence credit for
4 each month of his or her sentence of imprisonment; ~~and~~

5 (vii) that a prisoner serving a sentence for
6 aggravated domestic battery shall receive no more than
7 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment; and

9 (viii) that a prisoner serving a sentence for a
10 violation of Section 24-1.1, 24-1.6, or 24-1.8 or
11 subsection 24-1(a)(4) or 24-1(a)(10) of the Criminal
12 Code of 2012 shall receive no more than 4.5 days of
13 sentence credit for each month of his or her sentence
14 of imprisonment.

15 (2.1) For all offenses, other than those enumerated in
16 subdivision (a)(2)(i), (ii), or (iii) committed on or after
17 June 19, 1998 or subdivision (a)(2)(iv) committed on or
18 after June 23, 2005 (the effective date of Public Act
19 94-71) or subdivision (a)(2)(v) committed on or after
20 August 13, 2007 (the effective date of Public Act 95-134)
21 or subdivision (a)(2)(vi) committed on or after June 1,
22 2008 (the effective date of Public Act 95-625) or
23 subdivision (a)(2)(vii) committed on or after July 23, 2010
24 (the effective date of Public Act 96-1224), and other than
25 the offense of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in
2 subparagraph (F) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code, and other than
4 the offense of aggravated driving under the influence of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof as defined in
7 subparagraph (C) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code committed on or
9 after January 1, 2011 (the effective date of Public Act
10 96-1230), the rules and regulations shall provide that a
11 prisoner who is serving a term of imprisonment shall
12 receive one day of sentence credit for each day of his or
13 her sentence of imprisonment or recommitment under Section
14 3-3-9. Each day of sentence credit shall reduce by one day
15 the prisoner's period of imprisonment or recommitment
16 under Section 3-3-9.

17 (2.2) A prisoner serving a term of natural life
18 imprisonment or a prisoner who has been sentenced to death
19 shall receive no sentence credit.

20 (2.3) The rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
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, shall receive no more than 4.5 days

1 of sentence credit for each month of his or her sentence of
2 imprisonment.

3 (2.4) The rules and regulations on sentence credit
4 shall provide with respect to the offenses of aggravated
5 battery with a machine gun or a firearm equipped with any
6 device or attachment designed or used for silencing the
7 report of a firearm or aggravated discharge of a machine
8 gun or a firearm equipped with any device or attachment
9 designed or used for silencing the report of a firearm,
10 committed on or after July 15, 1999 (the effective date of
11 Public Act 91-121), that a prisoner serving a sentence for
12 any of these offenses shall receive no more than 4.5 days
13 of sentence credit for each month of his or her sentence of
14 imprisonment.

15 (2.5) The rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated arson committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176) shall receive no more
19 than 4.5 days of sentence credit for each month of his or
20 her sentence of imprisonment.

21 (2.6) The rules and regulations on sentence credit
22 shall provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code committed on or after January 1, 2011
2 (the effective date of Public Act 96-1230) shall receive no
3 more than 4.5 days of sentence credit for each month of his
4 or her sentence of imprisonment.

5 (3) The rules and regulations shall also provide that
6 the Director may award up to 180 days additional sentence
7 credit for good conduct in specific instances as the
8 Director deems proper. The good conduct may include, but is
9 not limited to, compliance with the rules and regulations
10 of the Department, service to the Department, service to a
11 community, or service to the State. However, the Director
12 shall not award more than 90 days of sentence credit for
13 good conduct to any prisoner who is serving a sentence for
14 conviction of first degree murder, reckless homicide while
15 under the influence of alcohol or any other drug, or
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
21 predatory criminal sexual assault of a child, aggravated
22 criminal sexual assault, criminal sexual assault, deviate
23 sexual assault, aggravated criminal sexual abuse,
24 aggravated indecent liberties with a child, indecent
25 liberties with a child, child pornography, heinous battery
26 as described in Section 12-4.1 or subdivision (a) (2) of

1 Section 12-3.05, aggravated battery of a spouse,
2 aggravated battery of a spouse with a firearm, stalking,
3 aggravated stalking, aggravated battery of a child as
4 described in Section 12-4.3 or subdivision (b)(1) of
5 Section 12-3.05, endangering the life or health of a child,
6 or cruelty to a child. Notwithstanding the foregoing,
7 sentence credit for good conduct shall not be awarded on a
8 sentence of imprisonment imposed for conviction of: (i) one
9 of the offenses enumerated in subdivision (a)(2)(i), (ii),
10 or (iii) when the offense is committed on or after June 19,
11 1998 or subdivision (a)(2)(iv) when the offense is
12 committed on or after June 23, 2005 (the effective date of
13 Public Act 94-71) or subdivision (a)(2)(v) when the offense
14 is committed on or after August 13, 2007 (the effective
15 date of Public Act 95-134) or subdivision (a)(2)(vi) when
16 the offense is committed on or after June 1, 2008 (the
17 effective date of Public Act 95-625) or subdivision
18 (a)(2)(vii) when the offense is committed on or after July
19 23, 2010 (the effective date of Public Act 96-1224), (ii)
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, (iii) one of the offenses enumerated
25 in subdivision (a)(2.4) when the offense is committed on or
26 after July 15, 1999 (the effective date of Public Act

1 91-121), (iv) aggravated arson when the offense is
2 committed on or after July 27, 2001 (the effective date of
3 Public Act 92-176), (v) offenses that may subject the
4 offender to commitment under the Sexually Violent Persons
5 Commitment Act, or (vi) aggravated driving under the
6 influence of alcohol, other drug or drugs, or intoxicating
7 compound or compounds or any combination thereof as defined
8 in subparagraph (C) of paragraph (1) of subsection (d) of
9 Section 11-501 of the Illinois Vehicle Code committed on or
10 after January 1, 2011 (the effective date of Public Act
11 96-1230).

12 Eligible inmates for an award of sentence credit under this
13 paragraph (3) may be selected to receive the credit at the
14 Director's or his or her designee's sole discretion.
15 Consideration may be based on, but not limited to, any
16 available risk assessment analysis on the inmate, any history
17 of conviction for violent crimes as defined by the Rights of
18 Crime Victims and Witnesses Act, facts and circumstances of the
19 inmate's holding offense or offenses, and the potential for
20 rehabilitation.

21 The Director shall not award sentence credit under this
22 paragraph (3) to an inmate unless the inmate has served a
23 minimum of 60 days of the sentence; except nothing in this
24 paragraph shall be construed to permit the Director to extend
25 an inmate's sentence beyond that which was imposed by the
26 court. Prior to awarding credit under this paragraph (3), the

1 Director shall make a written determination that the inmate:

2 (A) is eligible for the sentence credit;

3 (B) has served a minimum of 60 days, or as close to
4 60 days as the sentence will allow; and

5 (C) has met the eligibility criteria established
6 by rule.

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

9 (3.5) The Department shall provide annual written
10 reports to the Governor and the General Assembly on the
11 award of sentence credit for good conduct, with the first
12 report due January 1, 2014. The Department must publish
13 both reports on its website within 48 hours of transmitting
14 the reports to the Governor and the General Assembly. The
15 reports must include:

16 (A) the number of inmates awarded sentence credit
17 for good conduct;

18 (B) the average amount of sentence credit for good
19 conduct awarded;

20 (C) the holding offenses of inmates awarded
21 sentence credit for good conduct; and

22 (D) the number of sentence credit for good conduct
23 revocations.

24 (4) The rules and regulations shall also provide that
25 the sentence 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, educational programs,
4 behavior modification programs, life skills courses, or
5 re-entry planning provided by the Department under this
6 paragraph (4) and satisfactorily completes the assigned
7 program as determined by the standards of the Department,
8 shall be multiplied by a factor of 1.25 for program
9 participation before August 11, 1993 and 1.50 for program
10 participation on or after that date. The rules and
11 regulations shall also provide that sentence credit,
12 subject to the same offense limits and multiplier provided
13 in this paragraph, may be provided to an inmate who was
14 held in pre-trial detention prior to his or her current
15 commitment to the Department of Corrections and
16 successfully completed a full-time, 60-day or longer
17 substance abuse program, educational program, behavior
18 modification program, life skills course, or re-entry
19 planning provided by the county department of corrections
20 or county jail. Calculation of this county program credit
21 shall be done at sentencing as provided in Section
22 5-4.5-100 of this Code and shall be included in the
23 sentencing order. However, no inmate shall be eligible for
24 the additional sentence credit under this paragraph (4) or
25 (4.1) of this subsection (a) while assigned to a boot camp
26 or electronic detention, or if convicted of an offense

1 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
2 Section that is committed on or after June 19, 1998 or
3 subdivision (a)(2)(iv) of this Section that is committed on
4 or after June 23, 2005 (the effective date of Public Act
5 94-71) or subdivision (a)(2)(v) of this Section that is
6 committed on or after August 13, 2007 (the effective date
7 of Public Act 95-134) or subdivision (a)(2)(vi) when the
8 offense is committed on or after June 1, 2008 (the
9 effective date of Public Act 95-625) or subdivision
10 (a)(2)(vii) when the offense is committed on or after July
11 23, 2010 (the effective date of Public Act 96-1224), or if
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code, or if
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds or any combination thereof as defined in
20 subparagraph (C) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code committed on or
22 after January 1, 2011 (the effective date of Public Act
23 96-1230), or if convicted of an offense enumerated in
24 paragraph (a)(2.4) of this Section that is committed on or
25 after July 15, 1999 (the effective date of Public Act
26 91-121), or first degree murder, a Class X felony, criminal

1 sexual assault, felony criminal sexual abuse, aggravated
2 criminal sexual abuse, aggravated battery with a firearm as
3 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
4 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
5 successor offenses with the same or substantially the same
6 elements, or any inchoate offenses relating to the
7 foregoing offenses. No inmate shall be eligible for the
8 additional good conduct credit under this paragraph (4) who
9 (i) has previously received increased good conduct credit
10 under this paragraph (4) and has subsequently been
11 convicted of a felony, or (ii) has previously served more
12 than one prior sentence of imprisonment for a felony in an
13 adult correctional facility.

14 Educational, vocational, substance abuse, behavior
15 modification programs, life skills courses, re-entry
16 planning, and correctional industry programs under which
17 sentence credit may be increased under this paragraph (4)
18 and paragraph (4.1) of this subsection (a) shall be
19 evaluated by the Department on the basis of documented
20 standards. The Department shall report the results of these
21 evaluations to the Governor and the General Assembly by
22 September 30th of each year. The reports shall include data
23 relating to the recidivism rate among program
24 participants.

25 Availability of these programs shall be subject to the
26 limits of fiscal resources appropriated by the General

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

11 (4.1) The rules and regulations shall also provide that
12 an additional 60 days of sentence credit shall be awarded
13 to any prisoner who passes the high school level Test of
14 General Educational Development (GED) while the prisoner
15 is committed to the Department of Corrections. The sentence
16 credit awarded under this paragraph (4.1) shall be in
17 addition to, and shall not affect, the award of sentence
18 credit under any other paragraph of this Section, but shall
19 also be pursuant to the guidelines and restrictions set
20 forth in paragraph (4) of subsection (a) of this Section.
21 The sentence credit provided for in this paragraph shall be
22 available only to those prisoners who have not previously
23 earned a high school diploma or a GED. If, after an award
24 of the GED sentence credit has been made and the Department
25 determines that the prisoner was not eligible, then the
26 award shall be revoked. The Department may also award 60

1 days of sentence credit to any committed person who passed
2 the high school level Test of General Educational
3 Development (GED) while he or she was held in pre-trial
4 detention prior to the current commitment to the Department
5 of Corrections.

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

1 complete a substance abuse education class or attend
2 substance abuse self-help meetings in lieu of a substance
3 abuse treatment program. A prisoner on a waiting list who
4 is not placed in a substance abuse program prior to release
5 may be eligible for a waiver and receive sentence credit
6 under clause (3) of this subsection (a) at the discretion
7 of the Director.

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

20 (5) Whenever the Department is to release any inmate
21 earlier than it otherwise would because of a grant of
22 sentence credit for good conduct under paragraph (3) of
23 subsection (a) of this Section given at any time during the
24 term, the Department shall give reasonable notice of the
25 impending release not less than 14 days prior to the date
26 of the release to the State's Attorney of the county where

1 the prosecution of the inmate took place, and if
2 applicable, the State's Attorney of the county into which
3 the inmate will be released. The Department must also make
4 identification information and a recent photo of the inmate
5 being released accessible on the Internet by means of a
6 hyperlink labeled "Community Notification of Inmate Early
7 Release" on the Department's World Wide Web homepage. The
8 identification information shall include the inmate's:
9 name, any known alias, date of birth, physical
10 characteristics, residence address, commitment offense and
11 county where conviction was imposed. The identification
12 information shall be placed on the website within 3 days of
13 the inmate's release and the information may not be removed
14 until either: completion of the first year of mandatory
15 supervised release or return of the inmate to custody of
16 the Department.

17 (b) Whenever a person is or has been committed under
18 several convictions, with separate sentences, the sentences
19 shall be construed under Section 5-8-4 in granting and
20 forfeiting of sentence credit.

21 (c) The Department shall prescribe rules and regulations
22 for revoking sentence credit, including revoking sentence
23 credit awarded for good conduct under paragraph (3) of
24 subsection (a) of this Section. The Department shall prescribe
25 rules and regulations for suspending or reducing the rate of
26 accumulation of sentence credit for specific rule violations,

1 during imprisonment. These rules and regulations shall provide
2 that no inmate may be penalized more than one year of sentence
3 credit for any one infraction.

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

22 The Director of the Department of Corrections, in
23 appropriate cases, may restore up to 30 days of sentence
24 credits which have been revoked, suspended or reduced. Any
25 restoration of sentence credits in excess of 30 days shall be
26 subject to review by the Prisoner Review Board. However, the

1 Board may not restore sentence credit in excess of the amount
2 requested by the Director.

3 Nothing contained in this Section shall prohibit the
4 Prisoner Review Board from ordering, pursuant to Section
5 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
6 sentence imposed by the court that was not served due to the
7 accumulation of sentence credit.

8 (d) If a lawsuit is filed by a prisoner in an Illinois or
9 federal court against the State, the Department of Corrections,
10 or the Prisoner Review Board, or against any of their officers
11 or employees, and the court makes a specific finding that a
12 pleading, motion, or other paper filed by the prisoner is
13 frivolous, the Department of Corrections shall conduct a
14 hearing to revoke up to 180 days of sentence credit by bringing
15 charges against the prisoner sought to be deprived of the
16 sentence credits before the Prisoner Review Board as provided
17 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
18 prisoner has not accumulated 180 days of sentence credit at the
19 time of the finding, then the Prisoner Review Board may revoke
20 all sentence credit accumulated by the prisoner.

21 For purposes of this subsection (d):

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

26 (A) it lacks an arguable basis either in law or in

1 fact;

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

5 (C) the claims, defenses, and other legal
6 contentions therein are not warranted by existing law
7 or by a nonfrivolous argument for the extension,
8 modification, or reversal of existing law or the
9 establishment of new law;

10 (D) the allegations and other factual contentions
11 do not have evidentiary support or, if specifically so
12 identified, are not likely to have evidentiary support
13 after a reasonable opportunity for further
14 investigation or discovery; or

15 (E) the denials of factual contentions are not
16 warranted on the evidence, or if specifically so
17 identified, are not reasonably based on a lack of
18 information or belief.

19 (2) "Lawsuit" means a motion pursuant to Section 116-3
20 of the Code of Criminal Procedure of 1963, a habeas corpus
21 action under Article X of the Code of Civil Procedure or
22 under federal law (28 U.S.C. 2254), a petition for claim
23 under the Court of Claims Act, an action under the federal
24 Civil Rights Act (42 U.S.C. 1983), or a second or
25 subsequent petition for post-conviction relief under
26 Article 122 of the Code of Criminal Procedure of 1963

1 whether filed with or without leave of court or a second or
2 subsequent petition for relief from judgment under Section
3 2-1401 of the Code of Civil Procedure.

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

6 (f) Whenever the Department is to release any inmate who
7 has been convicted of a violation of an order of protection
8 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, earlier than it otherwise would
10 because of a grant of sentence credit, the Department, as a
11 condition of release, shall require that the person, upon
12 release, be placed under electronic surveillance as provided in
13 Section 5-8A-7 of this Code.

14 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
15 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
16 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
17 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
18 97-1150, eff. 1-25-13.)

19 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
20 Sec. 5-5-3. Disposition.

21 (a) (Blank).

22 (b) (Blank).

23 (c) (1) (Blank).

24 (2) A period of probation, a term of periodic
25 imprisonment or conditional discharge shall not be imposed

1 for the following offenses. The court shall sentence the
2 offender to not less than the minimum term of imprisonment
3 set forth in this Code for the following offenses, and may
4 order a fine or restitution or both in conjunction with
5 such term of imprisonment:

6 (A) First degree murder where the death penalty is
7 not imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) A violation of Section 401.1 or 407 of the
11 Illinois Controlled Substances Act, or a violation of
12 subdivision (c)(1.5) or (c)(2) of Section 401 of that
13 Act which relates to more than 5 grams of a substance
14 containing cocaine, fentanyl, or an analog thereof.

15 (D-5) A violation of subdivision (c)(1) of Section
16 401 of the Illinois Controlled Substances Act which
17 relates to 3 or more grams of a substance containing
18 heroin or an analog thereof.

19 (E) A violation of Section 5.1 or 9 of the Cannabis
20 Control Act.

21 (F) A Class 2 or greater felony if the offender had
22 been convicted of a Class 2 or greater felony,
23 including any state or federal conviction for an
24 offense that contained, at the time it was committed,
25 the same elements as an offense now (the date of the
26 offense committed after the prior Class 2 or greater

1 felony) classified as a Class 2 or greater felony,
2 within 10 years of the date on which the offender
3 committed the offense for which he or she is being
4 sentenced, except as otherwise provided in Section
5 40-10 of the Alcoholism and Other Drug Abuse and
6 Dependency Act.

7 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~
8 24-1.6, or 24-1.8 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 for which imprisonment is
10 prescribed in those Sections.

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

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen as
16 described in Section 12-4.6 or subdivision (a)(4) of
17 Section 12-3.05 of the Criminal Code of 1961 or the
18 Criminal Code of 2012.

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 or 12-6.5 of the
17 Criminal Code of 1961 or the Criminal Code of 2012.

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 or the Criminal Code of 2012.

21 (Q) A violation of subsection (b) or (b-5) of
22 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 (R) A violation of Section 24-3A of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (S) (Blank).

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

3 (U) A second or subsequent violation of Section
4 6-303 of the Illinois Vehicle Code committed while his
5 or her driver's license, permit, or privilege was
6 revoked because of a violation of Section 9-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide, or a
9 similar provision of a law of another state.

10 (V) A violation of paragraph (4) of subsection (c)
11 of Section 11-20.1B or paragraph (4) of subsection (c)
12 of Section 11-20.3 of the Criminal Code of 1961, or
13 paragraph (6) of subsection (a) of Section 11-20.1 of
14 the Criminal Code of 2012 when the victim is under 13
15 years of age and the defendant has previously been
16 convicted under the laws of this State or any other
17 state of the offense of child pornography, aggravated
18 child pornography, aggravated criminal sexual abuse,
19 aggravated criminal sexual assault, predatory criminal
20 sexual assault of a child, or any of the offenses
21 formerly known as rape, deviate sexual assault,
22 indecent liberties with a child, or aggravated
23 indecent liberties with a child where the victim was
24 under the age of 18 years or an offense that is
25 substantially equivalent to those offenses.

26 (W) A violation of Section 24-3.5 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a
3 of the Criminal Code of 1961 or the Criminal Code of
4 2012.

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 or the Criminal Code of 2012 if
22 the firearm is aimed toward the person against whom the
23 firearm is being used.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303
2 of the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8)
5 of this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court,
10 shall be imposed for a second violation of subsection (c)
11 of Section 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraphs (4.5), (4.6),
13 and (4.9) of this subsection (c), a minimum term of
14 imprisonment of 30 days or 300 hours of community service,
15 as determined by the court, shall be imposed for a third or
16 subsequent violation of Section 6-303 of the Illinois
17 Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall
19 be imposed for a third violation of subsection (c) of
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this
22 subsection (c), a minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle
25 Code.

26 (4.7) A minimum term of imprisonment of not less than

1 30 consecutive days, or 300 hours of community service,
2 shall be imposed for a violation of subsection (a-5) of
3 Section 6-303 of the Illinois Vehicle Code, as provided in
4 subsection (b-5) of that Section.

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

11 (4.9) A mandatory prison sentence of not less than 4
12 and not more than 15 years shall be imposed for a third
13 violation of subsection (a-5) of Section 6-303 of the
14 Illinois Vehicle Code, as provided in subsection (d-2.5) of
15 that Section. The person's driving privileges shall be
16 revoked for the remainder of his or her life.

17 (4.10) A mandatory prison sentence for a Class 1 felony
18 shall be imposed, and the person shall be eligible for an
19 extended term sentence, for a fourth or subsequent
20 violation of subsection (a-5) of Section 6-303 of the
21 Illinois Vehicle Code, as provided in subsection (d-3.5) of
22 that Section. The person's driving privileges shall be
23 revoked for the remainder of his or her life.

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

26 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section
3 5-5-6 of this Code.

4 (5.1) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.2) or (5.3), a person
6 convicted of violating subsection (c) of Section 11-907 of
7 the Illinois Vehicle Code shall have his or her driver's
8 license, permit, or privileges suspended for at least 90
9 days but not more than one year, if the violation resulted
10 in damage to the property of another person.

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

18 (5.3) In addition to any other penalties imposed, a
19 person convicted of violating subsection (c) of Section
20 11-907 of the Illinois Vehicle Code shall have his or her
21 driver's license, permit, or privileges suspended for 2
22 years, if the violation resulted in the death of another
23 person.

24 (5.4) In addition to any other penalties imposed, a
25 person convicted of violating Section 3-707 of the Illinois
26 Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 3 months and until he
2 or she has paid a reinstatement fee of \$100.

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

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

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

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

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

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

25 (d) In any case in which a sentence originally imposed is
26 vacated, the case shall be remanded to the trial court. The

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

17 (e) In cases where prosecution for aggravated criminal
18 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 results in conviction
20 of a defendant who was a family member of the victim at the
21 time of the commission of the offense, the court shall consider
22 the safety and welfare of the victim and may impose a sentence
23 of probation only where:

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

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of 2

1 years; or

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

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

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

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

10 and

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

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

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

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 11-0.1 of the Criminal Code of 2012.

4 (f) (Blank).

5 (g) Whenever a defendant is convicted of an offense under
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
7 11-14.3, 11-14.4 except for an offense that involves keeping a
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
10 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the defendant shall undergo medical
12 testing to determine whether the defendant has any sexually
13 transmissible disease, including a test for infection with
14 human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 Any such medical test shall be performed only by appropriately
17 licensed medical practitioners and may include an analysis of
18 any bodily fluids as well as an examination of the defendant's
19 person. Except as otherwise provided by law, the results of
20 such test shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the judge of the court in
23 which the conviction was entered for the judge's inspection in
24 camera. Acting in accordance with the best interests of the
25 victim and the public, the judge shall have the discretion to
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test
2 results. The court shall also notify the victim if requested by
3 the victim, and if the victim is under the age of 15 and if
4 requested by the victim's parents or legal guardian, the court
5 shall notify the victim's parents or legal guardian of the test
6 results. The court shall provide information on the
7 availability of HIV testing and counseling at Department of
8 Public Health facilities to all parties to whom the results of
9 the testing are revealed and shall direct the State's Attorney
10 to provide the information to the victim when possible. A
11 State's Attorney may petition the court to obtain the results
12 of any HIV test administered under this Section, and the court
13 shall grant the disclosure if the State's Attorney shows it is
14 relevant in order to prosecute a charge of criminal
15 transmission of HIV under Section 12-5.01 or 12-16.2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 against the
17 defendant. The court shall order that the cost of any such test
18 shall be paid by the county and may be taxed as costs against
19 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 or the Criminal Code of
4 2012 against the defendant. The court shall order that the cost
5 of any such test shall be paid by the county and may be taxed as
6 costs against the convicted 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 or the Criminal
20 Code of 2012, any violation of the Illinois Controlled
21 Substances Act, any violation of the Cannabis Control Act, or
22 any violation of the Methamphetamine Control and Community
23 Protection Act results in conviction, a disposition of court
24 supervision, or an order of probation granted under Section 10
25 of the Cannabis Control Act, Section 410 of the Illinois
26 Controlled Substance Act, or Section 70 of the Methamphetamine

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

14 (m) A person convicted of criminal defacement of property
15 under Section 21-1.3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, in which the property damage exceeds
17 \$300 and the property damaged is a school building, shall be
18 ordered to perform community service that may include cleanup,
19 removal, or painting over the 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 or the Criminal Code of 2012 (i) to an impact
24 incarceration program if the person is otherwise eligible for
25 that program under Section 5-8-1.1, (ii) to community service,
26 or (iii) if the person is an addict or alcoholic, as defined in

1 the Alcoholism and Other Drug Abuse and Dependency Act, to a
2 substance or alcohol abuse program 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; 97-697, eff. 6-22-12; 97-917, eff.
13 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
14 eff. 1-25-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."