



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 1342

2 AMENDMENT NO. _____. Amend Senate Bill 1342 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 24-1.1, 24-1.6, and 24-1.8 as follows:

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
8 Felons or Persons in the Custody of the Department of
9 Corrections Facilities.

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

1 Department of State Police under Section 10 of the Firearm
2 Owners Identification Card Act.

3 (b) It is unlawful for any person confined in a penal
4 institution, which is a facility of the Illinois Department of
5 Corrections, to possess any weapon prohibited under Section
6 24-1 of this Code or any firearm or firearm ammunition,
7 regardless of the intent with which he possesses it.

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

12 (d) The defense of necessity is not available to a person
13 who is charged with a violation of subsection (b) of this
14 Section.

15 (e) Sentence. Violation of this Section by a person not
16 confined in a penal institution shall be a Class 3 felony for
17 which the person shall be sentenced to no less than 4 ~~2~~ years
18 and no more than 10 years and any second or subsequent
19 violation shall be a Class 2 felony for which the person shall
20 be sentenced to a term of imprisonment of not less than 5 ~~3~~
21 years and not more than 14 years. Violation of this Section by
22 a person not confined in a penal institution who has been
23 convicted of a forcible felony, a felony violation of Article
24 24 of this Code or of the Firearm Owners Identification Card
25 Act, stalking or aggravated stalking, or a Class 2 or greater
26 felony under the Illinois Controlled Substances Act, the

1 Cannabis Control Act, or the Methamphetamine Control and
2 Community Protection Act is a Class 2 felony for which the
3 person shall be sentenced to not less than 3 years and not more
4 than 14 years. Violation of this Section by a person who is on
5 parole or mandatory supervised release is a Class 2 felony for
6 which the person shall be sentenced to not less than 5 ~~3~~ years
7 and not more than 14 years. Violation of this Section by a
8 person not confined in a penal institution is a Class X felony
9 when the firearm possessed is a machine gun. Any person who
10 violates this Section while confined in a penal institution,
11 which is a facility of the Illinois Department of Corrections,
12 is guilty of a Class 1 felony, if he possesses any weapon
13 prohibited under Section 24-1 of this Code regardless of the
14 intent with which he possesses it, a Class X felony if he
15 possesses any firearm, firearm ammunition or explosive, and a
16 Class X felony for which the offender shall be sentenced to not
17 less than 12 years and not more than 50 years when the firearm
18 possessed is a machine gun. A violation of this Section while
19 wearing or in possession of body armor as defined in Section
20 33F-1 is a Class X felony punishable by a term of imprisonment
21 of not less than 10 years and not more than 40 years. The
22 possession of each firearm or firearm ammunition in violation
23 of this Section constitutes a single and separate violation.

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

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

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

4 (1) Carries on or about his or her person or in any
5 vehicle or concealed on or about his or her person except
6 when on his or her land or in his or her abode, legal
7 dwelling, or fixed place of business, or on the land or in
8 the legal dwelling of another person as an invitee with
9 that person's permission, any pistol, revolver, stun gun or
10 taser or other firearm; or

11 (2) Carries or possesses on or about his or her person,
12 upon any public street, alley, or other public lands within
13 the corporate limits of a city, village or incorporated
14 town, except when an invitee thereon or therein, for the
15 purpose of the display of such weapon or the lawful
16 commerce in weapons, or except when on his or her own land
17 or in his or her own abode, legal dwelling, or fixed place
18 of business, or on the land or in the legal dwelling of
19 another person as an invitee with that person's permission,
20 any pistol, revolver, stun gun or taser or other firearm;
21 and

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

23 (A) the firearm, other than a pistol, revolver, or
24 handgun, possessed was uncased, loaded, and
25 immediately accessible at the time of the offense; or

26 (A-5) the pistol, revolver, or handgun possessed

1 was uncased, loaded, and immediately accessible at the
2 time of the offense and the person possessing the
3 pistol, revolver, or handgun has not been issued a
4 currently valid license under the Firearm Concealed
5 Carry Act; or

6 (B) the firearm, other than a pistol, revolver, or
7 handgun, possessed was uncased, unloaded, and the
8 ammunition for the weapon was immediately accessible
9 at the time of the offense; or

10 (B-5) the pistol, revolver, or handgun possessed
11 was uncased, unloaded, and the ammunition for the
12 weapon was immediately accessible at the time of the
13 offense and the person possessing the pistol,
14 revolver, or handgun has not been issued a currently
15 valid license under the Firearm Concealed Carry Act; or

16 (C) the person possessing the firearm has not been
17 issued a currently valid Firearm Owner's
18 Identification Card; or

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

23 (E) the person possessing the weapon was engaged in
24 a misdemeanor violation of the Cannabis Control Act, in
25 a misdemeanor violation of the Illinois Controlled
26 Substances Act, or in a misdemeanor violation of the

1 Methamphetamine Control and Community Protection Act;

2 or

3 (F) (blank); or

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

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

11 (I) the person possessing the weapon was under 21
12 years of age and in possession of a handgun, unless the
13 person under 21 is engaged in lawful activities under
14 the Wildlife Code or described in subsection
15 24-2(b)(1), (b)(3), or 24-2(f).

16 (a-5) "Handgun" as used in this Section has the meaning
17 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

23 (ii) are not immediately accessible; or

24 (iii) are unloaded and enclosed in a case, firearm
25 carrying box, shipping box, or other container by a person
26 who has been issued a currently valid Firearm Owner's

1 Identification Card.

2 (c-5) It is an affirmative defense to the offense under
3 item (C) of paragraph (3) of subsection (a) of this Section
4 that the defendant has, prior to the commission of the offense,
5 submitted a Firearm Owner's Identification Card renewal
6 application to the Department of State Police under the Firearm
7 Owners Identification Card Act, that application was pending at
8 the time the defendant was charged, and the defendant is
9 otherwise eligible for a Firearm Owner's Identification Card.

10 (d) Sentence.

11 (1) Aggravated unlawful use of a weapon is a Class 4
12 felony; a second or subsequent offense is a Class 2 felony
13 for which the person shall be sentenced to a term of
14 imprisonment of not less than 4 ~~3~~ years and not more than
15 10 ~~7~~ years.

16 (2) Except as otherwise provided in paragraphs (3) and
17 (4) of this subsection (d), a first offense of aggravated
18 unlawful use of a weapon committed with a firearm by a
19 person 18 years of age or older where the factors listed in
20 both items (A) and (C) or both items (A-5) and (C) or both
21 items (B) and (C) or both items (B-5) and (C) of paragraph
22 (3) of subsection (a) are present is a Class 4 felony, for
23 which the person shall be sentenced to a term of
24 imprisonment of not less than ~~one year and not more than 3~~
25 years and not more than 6 years.

26 (3) Aggravated unlawful use of a weapon by a person who

1 has been previously convicted of a felony in this State or
2 another jurisdiction is a Class 2 felony for which the
3 person shall be sentenced to a term of imprisonment of not
4 less than 4 ~~3~~ years and not more than 10 ~~7~~ years.

5 (4) Aggravated unlawful use of a weapon while wearing
6 or in possession of body armor as defined in Section 33F-1
7 by a person who has not been issued a valid Firearms
8 Owner's Identification Card in accordance with Section 5 of
9 the Firearm Owners Identification Card Act is a Class X
10 felony.

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

13 (Source: P.A. 98-63, eff. 7-9-13.)

14 (720 ILCS 5/24-1.8)

15 Sec. 24-1.8. Unlawful possession of a firearm by a street
16 gang member.

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

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

1 (2) possesses or carries in any vehicle a firearm and
2 firearm ammunition which are both immediately accessible
3 at the time of the offense while on any street, road,
4 alley, or any other lands, except when inside his or her
5 own abode or garage, and has not been issued a currently
6 valid Firearm Owner's Identification Card and is a member
7 of a street gang.

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

18 (c) For purposes of this Section:

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

22 "Street gang member" or "gang member" has the meaning
23 ascribed to it in Section 10 of the Illinois Streetgang
24 Terrorism Omnibus Prevention Act.

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

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

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

4 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

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

9 (1.5) As otherwise provided by law, sentence credit may
10 be awarded for the following:

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

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

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

18 (2) The rules and regulations on sentence credit shall
19 provide, with respect to offenses listed in clause (i),
20 (ii), or (iii) of this paragraph (2) committed on or after
21 June 19, 1998 or with respect to the offense listed in
22 clause (iv) of this paragraph (2) committed on or after
23 June 23, 2005 (the effective date of Public Act 94-71) or
24 with respect to offense listed in clause (vi) committed on
25 or after June 1, 2008 (the effective date of Public Act

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

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

19 (ii) that a prisoner serving a sentence for attempt
20 to commit terrorism, attempt to commit first degree
21 murder, solicitation of murder, solicitation of murder
22 for hire, intentional homicide of an unborn child,
23 predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual
25 assault, aggravated kidnapping, aggravated battery
26 with a firearm as described in Section 12-4.2 or

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

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

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of sentence credit for each month of

1 his or her sentence of imprisonment;

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

25 (vi) that a prisoner serving a sentence for a
26 second or subsequent offense of luring a minor shall

1 receive no more than 4.5 days of sentence credit for
2 each month of his or her sentence of imprisonment; ~~and~~

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

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

12 (2.1) For all offenses, other than those enumerated in
13 subdivision (a)(2)(i), (ii), or (iii) committed on or after
14 June 19, 1998 or subdivision (a)(2)(iv) committed on or
15 after June 23, 2005 (the effective date of Public Act
16 94-71) or subdivision (a)(2)(v) committed on or after
17 August 13, 2007 (the effective date of Public Act 95-134)
18 or subdivision (a)(2)(vi) committed on or after June 1,
19 2008 (the effective date of Public Act 95-625) or
20 subdivision (a)(2)(vii) committed on or after July 23, 2010
21 (the effective date of Public Act 96-1224), and other than
22 the offense of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof as defined in
25 subparagraph (F) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code, and other than

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

14 (2.2) A prisoner serving a term of natural life
15 imprisonment or a prisoner who has been sentenced to death
16 shall receive no sentence credit.

17 (2.3) The rules and regulations on sentence credit
18 shall provide that a prisoner who is serving a sentence for
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, shall receive no more than 4.5 days
24 of sentence credit for each month of his or her sentence of
25 imprisonment.

26 (2.4) The rules and regulations on sentence credit

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

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

18 (2.6) The rules and regulations on sentence credit
19 shall provide that a prisoner who is serving a sentence for
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds or any
22 combination thereof as defined in subparagraph (C) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code committed on or after January 1, 2011
25 (the effective date of Public Act 96-1230) shall receive no
26 more than 4.5 days of sentence credit for each month of his

1 or her sentence of imprisonment.

2 (3) The rules and regulations shall also provide that
3 the Director may award up to 180 days additional sentence
4 credit for good conduct in specific instances as the
5 Director deems proper. The good conduct may include, but is
6 not limited to, compliance with the rules and regulations
7 of the Department, service to the Department, service to a
8 community, or service to the State. However, the Director
9 shall not award more than 90 days of sentence credit for
10 good conduct to any prisoner who is serving a sentence for
11 conviction of first degree murder, reckless homicide while
12 under the influence of alcohol or any other drug, or
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual assault, criminal sexual assault, deviate
20 sexual assault, aggravated criminal sexual abuse,
21 aggravated indecent liberties with a child, indecent
22 liberties with a child, child pornography, heinous battery
23 as described in Section 12-4.1 or subdivision (a)(2) of
24 Section 12-3.05, aggravated battery of a spouse,
25 aggravated battery of a spouse with a firearm, stalking,
26 aggravated stalking, aggravated battery of a child as

1 described in Section 12-4.3 or subdivision (b)(1) of
2 Section 12-3.05, endangering the life or health of a child,
3 or cruelty to a child. Notwithstanding the foregoing,
4 sentence credit for good conduct shall not be awarded on a
5 sentence of imprisonment imposed for conviction of: (i) one
6 of the offenses enumerated in subdivision (a)(2)(i), (ii),
7 or (iii) when the offense is committed on or after June 19,
8 1998 or subdivision (a)(2)(iv) when the offense is
9 committed on or after June 23, 2005 (the effective date of
10 Public Act 94-71) or subdivision (a)(2)(v) when the offense
11 is committed on or after August 13, 2007 (the effective
12 date of Public Act 95-134) or subdivision (a)(2)(vi) when
13 the offense is committed on or after June 1, 2008 (the
14 effective date of Public Act 95-625) or subdivision
15 (a)(2)(vii) when the offense is committed on or after July
16 23, 2010 (the effective date of Public Act 96-1224), (ii)
17 aggravated driving under the influence of alcohol, other
18 drug or drugs, or intoxicating compound or compounds, or
19 any combination thereof as defined in subparagraph (F) of
20 paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code, (iii) one of the offenses enumerated
22 in subdivision (a)(2.4) when the offense is committed on or
23 after July 15, 1999 (the effective date of Public Act
24 91-121), (iv) aggravated arson when the offense is
25 committed on or after July 27, 2001 (the effective date of
26 Public Act 92-176), (v) offenses that may subject the

1 offender to commitment under the Sexually Violent Persons
2 Commitment Act, or (vi) aggravated driving under the
3 influence of alcohol, other drug or drugs, or intoxicating
4 compound or compounds or any combination thereof as defined
5 in subparagraph (C) of paragraph (1) of subsection (d) of
6 Section 11-501 of the Illinois Vehicle Code committed on or
7 after January 1, 2011 (the effective date of Public Act
8 96-1230).

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

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

25 (A) is eligible for the sentence credit;

26 (B) has served a minimum of 60 days, or as close to

1 60 days as the sentence will allow; and

2 (C) has met the eligibility criteria established
3 by rule.

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

6 (3.5) The Department shall provide annual written
7 reports to the Governor and the General Assembly on the
8 award of sentence credit for good conduct, with the first
9 report due January 1, 2014. The Department must publish
10 both reports on its website within 48 hours of transmitting
11 the reports to the Governor and the General Assembly. The
12 reports must include:

13 (A) the number of inmates awarded sentence credit
14 for good conduct;

15 (B) the average amount of sentence credit for good
16 conduct awarded;

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

19 (D) the number of sentence credit for good conduct
20 revocations.

21 (4) The rules and regulations shall also provide that
22 the sentence credit accumulated and retained under
23 paragraph (2.1) of subsection (a) of this Section by any
24 inmate during specific periods of time in which such inmate
25 is engaged full-time in substance abuse programs,
26 correctional industry assignments, educational programs,

1 behavior modification programs, life skills courses, or
2 re-entry planning provided by the Department under this
3 paragraph (4) and satisfactorily completes the assigned
4 program as determined by the standards of the Department,
5 shall be multiplied by a factor of 1.25 for program
6 participation before August 11, 1993 and 1.50 for program
7 participation on or after that date. The rules and
8 regulations shall also provide that sentence credit,
9 subject to the same offense limits and multiplier provided
10 in this paragraph, may be provided to an inmate who was
11 held in pre-trial detention prior to his or her current
12 commitment to the Department of Corrections and
13 successfully completed a full-time, 60-day or longer
14 substance abuse program, educational program, behavior
15 modification program, life skills course, or re-entry
16 planning provided by the county department of corrections
17 or county jail. Calculation of this county program credit
18 shall be done at sentencing as provided in Section
19 5-4.5-100 of this Code and shall be included in the
20 sentencing order. However, no inmate shall be eligible for
21 the additional sentence credit under this paragraph (4) or
22 (4.1) of this subsection (a) while assigned to a boot camp
23 or electronic detention, or if convicted of an offense
24 enumerated in subdivision (a) (2) (i), (ii), or (iii) of this
25 Section that is committed on or after June 19, 1998 or
26 subdivision (a) (2) (iv) of this Section that is committed on

1 or after June 23, 2005 (the effective date of Public Act
2 94-71) or subdivision (a)(2)(v) of this Section that is
3 committed on or after August 13, 2007 (the effective date
4 of Public Act 95-134) or subdivision (a)(2)(vi) when the
5 offense is committed on or after June 1, 2008 (the
6 effective date of Public Act 95-625) or subdivision
7 (a)(2)(vii) when the offense is committed on or after July
8 23, 2010 (the effective date of Public Act 96-1224), or if
9 convicted of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds or any combination thereof as defined in
12 subparagraph (F) of paragraph (1) of subsection (d) of
13 Section 11-501 of the Illinois Vehicle Code, or if
14 convicted of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code committed on or
19 after January 1, 2011 (the effective date of Public Act
20 96-1230), or if convicted of an offense enumerated in
21 paragraph (a)(2.4) of this Section that is committed on or
22 after July 15, 1999 (the effective date of Public Act
23 91-121), or first degree murder, a Class X felony, criminal
24 sexual assault, felony criminal sexual abuse, aggravated
25 criminal sexual abuse, aggravated battery with a firearm as
26 described in Section 12-4.2 or subdivision (e)(1), (e)(2),

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

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

22 Availability of these programs shall be subject to the
23 limits of fiscal resources appropriated by the General
24 Assembly for these purposes. Eligible inmates who are
25 denied immediate admission shall be placed on a waiting
26 list under criteria established by the Department. The

1 inability of any inmate to become engaged in any such
2 programs by reason of insufficient program resources or for
3 any other reason established under the rules and
4 regulations of the Department shall not be deemed a cause
5 of action under which the Department or any employee or
6 agent of the Department shall be liable for damages to the
7 inmate.

8 (4.1) The rules and regulations shall also provide that
9 an additional 60 days of sentence credit shall be awarded
10 to any prisoner who passes the high school level Test of
11 General Educational Development (GED) while the prisoner
12 is committed to the Department of Corrections. The sentence
13 credit awarded under this paragraph (4.1) shall be in
14 addition to, and shall not affect, the award of sentence
15 credit under any other paragraph of this Section, but shall
16 also be pursuant to the guidelines and restrictions set
17 forth in paragraph (4) of subsection (a) of this Section.
18 The sentence credit provided for in this paragraph shall be
19 available only to those prisoners who have not previously
20 earned a high school diploma or a GED. If, after an award
21 of the GED sentence credit has been made and the Department
22 determines that the prisoner was not eligible, then the
23 award shall be revoked. The Department may also award 60
24 days of sentence credit to any committed person who passed
25 the high school level Test of General Educational
26 Development (GED) while he or she was held in pre-trial

1 detention prior to the current commitment to the Department
2 of Corrections.

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

1 is not placed in a substance abuse program prior to release
2 may be eligible for a waiver and receive sentence credit
3 under clause (3) of this subsection (a) at the discretion
4 of the Director.

5 (4.6) The rules and regulations on sentence credit
6 shall also provide that a prisoner who has been convicted
7 of a sex offense as defined in Section 2 of the Sex
8 Offender Registration Act shall receive no sentence credit
9 unless he or she either has successfully completed or is
10 participating in sex offender treatment as defined by the
11 Sex Offender Management Board. However, prisoners who are
12 waiting to receive treatment, but who are unable to do so
13 due solely to the lack of resources on the part of the
14 Department, may, at the Director's sole discretion, be
15 awarded sentence credit at a rate as the Director shall
16 determine.

17 (5) Whenever the Department is to release any inmate
18 earlier than it otherwise would because of a grant of
19 sentence credit for good conduct under paragraph (3) of
20 subsection (a) of this Section given at any time during the
21 term, the Department shall give reasonable notice of the
22 impending release not less than 14 days prior to the date
23 of the release to the State's Attorney of the county where
24 the prosecution of the inmate took place, and if
25 applicable, the State's Attorney of the county into which
26 the inmate will be released. The Department must also make

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

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

18 (c) The Department shall prescribe rules and regulations
19 for revoking sentence credit, including revoking sentence
20 credit awarded for good conduct under paragraph (3) of
21 subsection (a) of this Section. The Department shall prescribe
22 rules and regulations for suspending or reducing the rate of
23 accumulation of sentence credit for specific rule violations,
24 during imprisonment. These rules and regulations shall provide
25 that no inmate may be penalized more than one year of sentence
26 credit for any one infraction.

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

19 The Director of the Department of Corrections, in
20 appropriate cases, may restore up to 30 days of sentence
21 credits which have been revoked, suspended or reduced. Any
22 restoration of sentence credits in excess of 30 days shall be
23 subject to review by the Prisoner Review Board. However, the
24 Board may not restore sentence credit in excess of the amount
25 requested by the Director.

26 Nothing contained in this Section shall prohibit the

1 Prisoner Review Board from ordering, pursuant to Section
2 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
3 sentence imposed by the court that was not served due to the
4 accumulation of sentence credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in
24 fact;

25 (B) it is being presented for any improper purpose,
26 such as to harass or to cause unnecessary delay or

1 needless increase in the cost of litigation;

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

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

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

16 (2) "Lawsuit" means a motion pursuant to Section 116-3
17 of the Code of Criminal Procedure of 1963, a habeas corpus
18 action under Article X of the Code of Civil Procedure or
19 under federal law (28 U.S.C. 2254), a petition for claim
20 under the Court of Claims Act, an action under the federal
21 Civil Rights Act (42 U.S.C. 1983), or a second or
22 subsequent petition for post-conviction relief under
23 Article 122 of the Code of Criminal Procedure of 1963
24 whether filed with or without leave of court or a second or
25 subsequent petition for relief from judgment under Section
26 2-1401 of the Code of Civil Procedure.

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

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

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

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (1) (Blank).

21 (2) A period of probation, a term of periodic
22 imprisonment or conditional discharge shall not be imposed
23 for the following offenses. The court shall sentence the
24 offender to not less than the minimum term of imprisonment
25 set forth in this Code for the following offenses, and may

1 order a fine or restitution or both in conjunction with
2 such term of imprisonment:

3 (A) First degree murder where the death penalty is
4 not imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

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

12 (D-5) A violation of subdivision (c)(1) of Section
13 401 of the Illinois Controlled Substances Act which
14 relates to 3 or more grams of a substance containing
15 heroin or an analog thereof.

16 (E) A violation of Section 5.1 or 9 of the Cannabis
17 Control Act.

18 (F) A Class 2 or greater felony if the offender had
19 been convicted of a Class 2 or greater felony,
20 including any state or federal conviction for an
21 offense that contained, at the time it was committed,
22 the same elements as an offense now (the date of the
23 offense committed after the prior Class 2 or greater
24 felony) classified as a Class 2 or greater felony,
25 within 10 years of the date on which the offender
26 committed the offense for which he or she is being

1 sentenced, except as otherwise provided in Section
2 40-10 of the Alcoholism and Other Drug Abuse and
3 Dependency Act.

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

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

11 (H) Criminal sexual assault.

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

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

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

24 Beginning July 1, 1994, for the purposes of this
25 paragraph, "organized gang" has the meaning ascribed
26 to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (K) Vehicular hijacking.

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

7 (M) A second or subsequent conviction for the
8 offense of institutional vandalism if the damage to the
9 property exceeds \$300.

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

13 (O) A violation of Section 12-6.1 or 12-6.5 of the
14 Criminal Code of 1961 or the Criminal Code of 2012.

15 (P) A violation of paragraph (1), (2), (3), (4),
16 (5), or (7) of subsection (a) of Section 11-20.1 of the
17 Criminal Code of 1961 or the Criminal Code of 2012.

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

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

23 (S) (Blank).

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

26 (U) A second or subsequent violation of Section

1 6-303 of the Illinois Vehicle Code committed while his
2 or her driver's license, permit, or privilege was
3 revoked because of a violation of Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 relating to the offense of reckless homicide, or a
6 similar provision of a law of another state.

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

23 (W) A violation of Section 24-3.5 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (X) A violation of subsection (a) of Section 31-1a
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012.

2 (Y) A conviction for unlawful possession of a
3 firearm by a street gang member when the firearm was
4 loaded or contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge
7 for a felony.

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

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

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

16 (DD) A conviction for aggravated assault under
17 paragraph (6) of subsection (c) of Section 12-2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 if
19 the firearm is aimed toward the person against whom the
20 firearm is being used.

21 (3) (Blank).

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

26 (4.1) (Blank).

1 (4.2) Except as provided in paragraphs (4.3) and (4.8)
2 of this subsection (c), a minimum of 100 hours of community
3 service shall be imposed for a second violation of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.3) A minimum term of imprisonment of 30 days or 300
6 hours of community service, as determined by the court,
7 shall be imposed for a second violation of subsection (c)
8 of Section 6-303 of the Illinois Vehicle Code.

9 (4.4) Except as provided in paragraphs (4.5), (4.6),
10 and (4.9) of this subsection (c), a minimum term of
11 imprisonment of 30 days or 300 hours of community service,
12 as determined by the court, shall be imposed for a third or
13 subsequent violation of Section 6-303 of the Illinois
14 Vehicle Code.

15 (4.5) A minimum term of imprisonment of 30 days shall
16 be imposed for a third violation of subsection (c) of
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this
19 subsection (c), a minimum term of imprisonment of 180 days
20 shall be imposed for a fourth or subsequent violation of
21 subsection (c) of Section 6-303 of the Illinois Vehicle
22 Code.

23 (4.7) A minimum term of imprisonment of not less than
24 30 consecutive days, or 300 hours of community service,
25 shall be imposed for a violation of subsection (a-5) of
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for
3 a second violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (c-5)
5 of that Section. The person's driving privileges shall be
6 revoked for a period of not less than 5 years from the date
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4
9 and not more than 15 years shall be imposed for a third
10 violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of
12 that Section. The person's driving privileges shall be
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent
17 violation of subsection (a-5) of Section 6-303 of the
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of
19 that Section. The person's driving privileges shall be
20 revoked for the remainder of his or her life.

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

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section
26 5-5-6 of this Code.

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of
4 the Illinois Vehicle Code shall have his or her driver's
5 license, permit, or privileges suspended for at least 90
6 days but not more than one year, if the violation resulted
7 in damage to the property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted
10 of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's
12 license, permit, or privileges suspended for at least 180
13 days but not more than 2 years, if the violation resulted
14 in injury to another person.

15 (5.3) In addition to any other penalties imposed, a
16 person convicted of violating subsection (c) of Section
17 11-907 of the Illinois Vehicle Code shall have his or her
18 driver's license, permit, or privileges suspended for 2
19 years, if the violation resulted in the death of another
20 person.

21 (5.4) In addition to any other penalties imposed, a
22 person convicted of violating Section 3-707 of the Illinois
23 Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 3 months and until he
25 or she has paid a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a

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

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

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

1 athletic contest who enforces the rules of the contest,
2 such as an umpire or referee; "athletic facility" means an
3 indoor or outdoor playing field or recreational area where
4 sports activities are conducted; and "coach" means a person
5 recognized as a coach by the sanctioning authority that
6 conducted the sporting event.

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

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

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of the
25 Unified Code of Corrections which may include evidence of the
26 defendant's life, moral character and occupation during the

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

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

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

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

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

7 and

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

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

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

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the defendant shall undergo medical
9 testing to determine whether the defendant has any sexually
10 transmissible disease, including a test for infection with
11 human immunodeficiency virus (HIV) or any other identified
12 causative agent of acquired immunodeficiency syndrome (AIDS).
13 Any such medical test shall be performed only by appropriately
14 licensed medical practitioners and may include an analysis of
15 any bodily fluids as well as an examination of the defendant's
16 person. Except as otherwise provided by law, the results of
17 such test shall be kept strictly confidential by all medical
18 personnel involved in the testing and must be personally
19 delivered in a sealed envelope to the judge of the court in
20 which the conviction was entered for the judge's inspection in
21 camera. Acting in accordance with the best interests of the
22 victim and the public, the judge shall have the discretion to
23 determine to whom, if anyone, the results of the testing may be
24 revealed. The court shall notify the defendant of the test
25 results. The court shall also notify the victim if requested by
26 the victim, and if the victim is under the age of 15 and if

1 requested by the victim's parents or legal guardian, the court
2 shall notify the victim's parents or legal guardian of the test
3 results. The court shall provide information on the
4 availability of HIV testing and counseling at Department of
5 Public Health facilities to all parties to whom the results of
6 the testing are revealed and shall direct the State's Attorney
7 to provide the information to the victim when possible. A
8 State's Attorney may petition the court to obtain the results
9 of any HIV test administered under this Section, and the court
10 shall grant the disclosure if the State's Attorney shows it is
11 relevant in order to prosecute a charge of criminal
12 transmission of HIV under Section 12-5.01 or 12-16.2 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 against the
14 defendant. The court shall order that the cost of any such test
15 shall be paid by the county and may be taxed as costs against
16 the convicted defendant.

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

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-5.01 or
26 12-16.2 of the Criminal Code of 1961 or the Criminal Code of

1 2012 against the defendant. The court shall order that the cost
2 of any such test shall be paid by the county and may be taxed as
3 costs against the convicted defendant.

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

11 (j) In cases when prosecution for any violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substance Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

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

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

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

18 (k) (Blank).

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

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

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

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

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

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

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

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

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

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person is an addict or alcoholic, as defined in
24 the Alcoholism and Other Drug Abuse and Dependency Act, to a
25 substance or alcohol abuse program licensed under that Act.

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

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

5 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
6 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
7 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
8 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
9 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
10 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
11 eff. 1-25-13.)".