



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 3 ~~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 4 ~~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 4 3 years and not
4 more than 14 years. Violation of this Section by a person who
5 is on parole or mandatory supervised release is a Class 2
6 felony for which the person shall be sentenced to not less than
7 4 3 years and not more than 14 years. Violation of this Section
8 by a person not confined in a penal institution is a Class X
9 felony when the firearm possessed is a machine gun. Any person
10 who violates this Section while confined in a penal
11 institution, which is a facility of the Illinois Department of
12 Corrections, is guilty of a Class 1 felony, if he possesses any
13 weapon prohibited under Section 24-1 of this Code regardless of
14 the 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. A
24 sentence of county impact incarceration under Section 5-8-1.2
25 of the Unified Code of Corrections is not authorized for a
26 violation of this Section.

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

2 (720 ILCS 5/24-1.6)

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

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

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

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

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

25 (A) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, loaded, and
2 immediately accessible at the time of the offense; or

3 (A-5) the pistol, revolver, or handgun possessed
4 was uncased, loaded, and immediately accessible at the
5 time of the offense and the person possessing the
6 pistol, revolver, or handgun has not been issued a
7 currently valid license under the Firearm Concealed
8 Carry Act; or

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

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

19 (C) the person possessing the firearm has not been
20 issued a currently valid Firearm Owner's
21 Identification Card; or

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

26 (E) the person possessing the weapon was engaged in

1 a misdemeanor violation of the Cannabis Control Act, in
2 a misdemeanor violation of the Illinois Controlled
3 Substances Act, or in a misdemeanor violation of the
4 Methamphetamine Control and Community Protection Act;
5 or

6 (F) (blank); or

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

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

14 (I) the person possessing the weapon was under 21
15 years of age and in possession of a handgun, unless the
16 person under 21 is engaged in lawful activities under
17 the Wildlife Code or described in subsection
18 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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 person
3 who has been issued a currently valid 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 both items (A) and (C) or both items (A-5) and (C) or both
16 items (B) and (C) or both items (B-5) and (C) of paragraph
17 (3) of subsection (a) are present is a Class 4 felony, for
18 which the person shall be sentenced to a term of
19 imprisonment of not less than one year and not more than 3
20 years.

21 (3) Aggravated unlawful use of a weapon by a person who
22 has been previously convicted of a felony in this State or
23 another jurisdiction is a Class 2 felony for which the
24 person shall be sentenced to a term of imprisonment of not
25 less than 4 ~~3~~ years and not more than 10 ~~7~~ years.

26 (4) Aggravated unlawful use of a weapon while wearing

1 or in possession of body armor as defined in Section 33F-1
2 by a person who has not been issued a valid Firearms
3 Owner's Identification Card in accordance with Section 5 of
4 the Firearm Owners Identification Card Act is a Class X
5 felony.

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

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

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. A sentence of county impact
13 incarceration under Section 5-8-1.2 of the Unified Code of
14 Corrections is not authorized for a violation of this Section.

15 (c) For purposes of this Section:

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

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

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

23 Section 10. The Unified Code of Corrections is amended by
24 changing Sections 3-6-3, 5-5-3, and 5-8-1.2 as follows:

1 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

7 (1.5) As otherwise provided by law, sentence credit may
8 be awarded for the following:

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

12 (B) compliance with the rules and regulations of
13 the Department; or

14 (C) service to the institution, service to a
15 community, or service to the State.

16 (2) The rules and regulations on sentence credit shall
17 provide, with respect to offenses listed in clause (i),
18 (ii), or (iii) of this paragraph (2) committed on or after
19 June 19, 1998 or with respect to the offense listed in
20 clause (iv) of this paragraph (2) committed on or after
21 June 23, 2005 (the effective date of Public Act 94-71) or
22 with respect to offense listed in clause (vi) committed on
23 or after June 1, 2008 (the effective date of Public Act
24 95-625) or with respect to the offense of being an armed
25 habitual criminal committed on or after August 2, 2005 (the
26 effective date of Public Act 94-398) or with respect to the

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

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

16 (ii) that a prisoner serving a sentence for attempt
17 to commit terrorism, attempt to commit first degree
18 murder, solicitation of murder, solicitation of murder
19 for hire, intentional homicide of an unborn child,
20 predatory criminal sexual assault of a child,
21 aggravated criminal sexual assault, criminal sexual
22 assault, aggravated kidnapping, aggravated battery
23 with a firearm as described in Section 12-4.2 or
24 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
25 Section 12-3.05, heinous battery as described in
26 Section 12-4.1 or subdivision (a) (2) of Section

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

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

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

25 (v) that a person serving a sentence for
26 gunrunning, narcotics racketeering, controlled

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

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

26 (vii) that a prisoner serving a sentence for

1 aggravated domestic battery shall receive no more than
2 4.5 days of sentence credit for each month of his or
3 her sentence of imprisonment; and

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

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or
12 after June 23, 2005 (the effective date of Public Act
13 94-71) or subdivision (a)(2)(v) committed on or after
14 August 13, 2007 (the effective date of Public Act 95-134)
15 or subdivision (a)(2)(vi) committed on or after June 1,
16 2008 (the effective date of Public Act 95-625) or
17 subdivision (a)(2)(vii) committed on or after July 23, 2010
18 (the effective date of Public Act 96-1224), and other than
19 the offense of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof as defined in
22 subparagraph (F) of paragraph (1) of subsection (d) of
23 Section 11-501 of the Illinois Vehicle Code, and other than
24 the offense of aggravated driving under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (C) of paragraph (1) of subsection (d) of
2 Section 11-501 of the Illinois Vehicle Code committed on or
3 after January 1, 2011 (the effective date of Public Act
4 96-1230), the rules and regulations shall provide that a
5 prisoner who is serving a term of imprisonment shall
6 receive one day of sentence credit for each day of his or
7 her sentence of imprisonment or recommitment under Section
8 3-3-9. Each day of sentence credit shall reduce by one day
9 the prisoner's period of imprisonment or recommitment
10 under Section 3-3-9.

11 (2.2) A prisoner serving a term of natural life
12 imprisonment or a prisoner who has been sentenced to death
13 shall receive no sentence credit.

14 (2.3) The rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
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, shall receive no more than 4.5 days
21 of sentence credit for each month of his or her sentence of
22 imprisonment.

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

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

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

15 (2.6) The rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated driving under the influence of alcohol, other
18 drug or drugs, or intoxicating compound or compounds or any
19 combination thereof as defined in subparagraph (C) of
20 paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code committed on or after January 1, 2011
22 (the effective date of Public Act 96-1230) shall receive no
23 more than 4.5 days of sentence credit for each month of his
24 or her sentence of imprisonment.

25 (3) The rules and regulations shall also provide that
26 the Director may award up to 180 days additional sentence

1 credit for good conduct in specific instances as the
2 Director deems proper. The good conduct may include, but is
3 not limited to, compliance with the rules and regulations
4 of the Department, service to the Department, service to a
5 community, or service to the State. However, the Director
6 shall not award more than 90 days of sentence credit for
7 good conduct to any prisoner who is serving a sentence for
8 conviction of first degree murder, reckless homicide while
9 under the influence of alcohol or any other drug, or
10 aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or
12 any combination thereof as defined in subparagraph (F) of
13 paragraph (1) of subsection (d) of Section 11-501 of the
14 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
15 predatory criminal sexual assault of a child, aggravated
16 criminal sexual assault, criminal sexual assault, deviate
17 sexual assault, aggravated criminal sexual abuse,
18 aggravated indecent liberties with a child, indecent
19 liberties with a child, child pornography, heinous battery
20 as described in Section 12-4.1 or subdivision (a)(2) of
21 Section 12-3.05, aggravated battery of a spouse,
22 aggravated battery of a spouse with a firearm, stalking,
23 aggravated stalking, aggravated battery of a child as
24 described in Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05, endangering the life or health of a child,
26 or cruelty to a child. Notwithstanding the foregoing,

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

1 compound or compounds or any combination thereof as defined
2 in subparagraph (C) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code committed on or
4 after January 1, 2011 (the effective date of Public Act
5 96-1230).

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

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

22 (A) is eligible for the sentence credit;

23 (B) has served a minimum of 60 days, or as close to
24 60 days as the sentence will allow; and

25 (C) has met the eligibility criteria established
26 by rule.

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

3 (3.5) The Department shall provide annual written
4 reports to the Governor and the General Assembly on the
5 award of sentence credit for good conduct, with the first
6 report due January 1, 2014. The Department must publish
7 both reports on its website within 48 hours of transmitting
8 the reports to the Governor and the General Assembly. The
9 reports must include:

10 (A) the number of inmates awarded sentence credit
11 for good conduct;

12 (B) the average amount of sentence credit for good
13 conduct awarded;

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

16 (D) the number of sentence credit for good conduct
17 revocations.

18 (4) The rules and regulations shall also provide that
19 the sentence credit accumulated and retained under
20 paragraph (2.1) of subsection (a) of this Section by any
21 inmate during specific periods of time in which such inmate
22 is engaged full-time in substance abuse programs,
23 correctional industry assignments, educational programs,
24 behavior modification programs, life skills courses, or
25 re-entry planning provided by the Department under this
26 paragraph (4) and satisfactorily completes the assigned

1 program as determined by the standards of the Department,
2 shall be multiplied by a factor of 1.25 for program
3 participation before August 11, 1993 and 1.50 for program
4 participation on or after that date. The rules and
5 regulations shall also provide that sentence credit,
6 subject to the same offense limits and multiplier provided
7 in this paragraph, may be provided to an inmate who was
8 held in pre-trial detention prior to his or her current
9 commitment to the Department of Corrections and
10 successfully completed a full-time, 60-day or longer
11 substance abuse program, educational program, behavior
12 modification program, life skills course, or re-entry
13 planning provided by the county department of corrections
14 or county jail. Calculation of this county program credit
15 shall be done at sentencing as provided in Section
16 5-4.5-100 of this Code and shall be included in the
17 sentencing order. However, no inmate shall be eligible for
18 the additional sentence credit under this paragraph (4) or
19 (4.1) of this subsection (a) while assigned to a boot camp
20 or electronic detention, or if convicted of an offense
21 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
22 Section that is committed on or after June 19, 1998 or
23 subdivision (a)(2)(iv) of this Section that is committed on
24 or after June 23, 2005 (the effective date of Public Act
25 94-71) or subdivision (a)(2)(v) of this Section that is
26 committed on or after August 13, 2007 (the effective date

1 of Public Act 95-134) or subdivision (a)(2)(vi) when the
2 offense is committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625) or subdivision
4 (a)(2)(vii) when the offense is committed on or after July
5 23, 2010 (the effective date of Public Act 96-1224), or if
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds or any combination thereof as defined in
9 subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code, or if
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds or any combination thereof as defined in
14 subparagraph (C) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code committed on or
16 after January 1, 2011 (the effective date of Public Act
17 96-1230), or if convicted of an offense enumerated in
18 paragraph (a)(2.4) of this Section that is committed on or
19 after July 15, 1999 (the effective date of Public Act
20 91-121), or first degree murder, a Class X felony, criminal
21 sexual assault, felony criminal sexual abuse, aggravated
22 criminal sexual abuse, aggravated battery with a firearm as
23 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
24 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
25 successor offenses with the same or substantially the same
26 elements, or any inchoate offenses relating to the

1 foregoing offenses. No inmate shall be eligible for the
2 additional good conduct credit under this paragraph (4) who
3 (i) has previously received increased good conduct credit
4 under this paragraph (4) and has subsequently been
5 convicted of a felony, or (ii) has previously served more
6 than one prior sentence of imprisonment for a felony in an
7 adult correctional facility.

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

19 Availability of these programs shall be subject to the
20 limits of fiscal resources appropriated by the General
21 Assembly for these purposes. Eligible inmates who are
22 denied immediate admission shall be placed on a waiting
23 list under criteria established by the Department. The
24 inability of any inmate to become engaged in any such
25 programs by reason of insufficient program resources or for
26 any other reason established under the rules and

1 regulations of the Department shall not be deemed a cause
2 of action under which the Department or any employee or
3 agent of the Department shall be liable for damages to the
4 inmate.

5 (4.1) The rules and regulations shall also provide that
6 an additional 60 days of sentence credit shall be awarded
7 to any prisoner who passes the high school level Test of
8 General Educational Development (GED) while the prisoner
9 is committed to the Department of Corrections. The sentence
10 credit awarded under this paragraph (4.1) shall be in
11 addition to, and shall not affect, the award of sentence
12 credit under any other paragraph of this Section, but shall
13 also be pursuant to the guidelines and restrictions set
14 forth in paragraph (4) of subsection (a) of this Section.
15 The sentence credit provided for in this paragraph shall be
16 available only to those prisoners who have not previously
17 earned a high school diploma or a GED. If, after an award
18 of the GED sentence credit has been made and the Department
19 determines that the prisoner was not eligible, then the
20 award shall be revoked. The Department may also award 60
21 days of sentence credit to any committed person who passed
22 the high school level Test of General Educational
23 Development (GED) while he or she was held in pre-trial
24 detention prior to the current commitment to the Department
25 of Corrections.

26 (4.5) The rules and regulations on sentence credit

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

1 of the Director.

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

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

1 Release" on the Department's World Wide Web homepage. The
2 identification information shall include the inmate's:
3 name, any known alias, date of birth, physical
4 characteristics, residence address, commitment offense and
5 county where conviction was imposed. The identification
6 information shall be placed on the website within 3 days of
7 the inmate's release and the information may not be removed
8 until either: completion of the first year of mandatory
9 supervised release or return of the inmate to custody of
10 the Department.

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

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

24 When the Department seeks to revoke, suspend or reduce the
25 rate of accumulation of any sentence credits for an alleged
26 infraction of its rules, it shall bring charges therefor

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

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

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of sentence credit.

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

15 For purposes of this subsection (d):

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

20 (A) it lacks an arguable basis either in law or in
21 fact;

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

25 (C) the claims, defenses, and other legal
26 contentions therein are not warranted by existing law

1 or by a nonfrivolous argument for the extension,
2 modification, or reversal of existing law or the
3 establishment of new law;

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

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

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

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

26 (f) Whenever the Department is to release any inmate who

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

8 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
9 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
10 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
11 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
12 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

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

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

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

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

9 (D-5) A violation of subdivision (c)(1) of Section
10 401 of the Illinois Controlled Substances Act which
11 relates to 3 or more grams of a substance containing
12 heroin or an analog thereof.

13 (E) A violation of Section 5.1 or 9 of the Cannabis
14 Control Act.

15 (F) A Class 2 or greater felony if the offender had
16 been convicted of a Class 2 or greater felony,
17 including any state or federal conviction for an
18 offense that contained, at the time it was committed,
19 the same elements as an offense now (the date of the
20 offense committed after the prior Class 2 or greater
21 felony) classified as a Class 2 or greater felony,
22 within 10 years of the date on which the offender
23 committed the offense for which he or she is being
24 sentenced, except as otherwise provided in Section
25 40-10 of the Alcoholism and Other Drug Abuse and
26 Dependency Act.

1 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~
2 24-1.6, or 24-1.8 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 for which imprisonment is
4 prescribed in those Sections.

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

8 (H) Criminal sexual assault.

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

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

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

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

25 (K) Vehicular hijacking.

26 (L) A second or subsequent conviction for the

1 offense of hate crime when the underlying offense upon
2 which the hate crime is based is felony aggravated
3 assault or felony mob action.

4 (M) A second or subsequent conviction for the
5 offense of institutional vandalism if the damage to the
6 property exceeds \$300.

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

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

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

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

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

20 (S) (Blank).

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

23 (U) A second or subsequent violation of Section
24 6-303 of the Illinois Vehicle Code committed while his
25 or her driver's license, permit, or privilege was
26 revoked because of a violation of Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide, or a
3 similar provision of a law of another state.

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

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

22 (X) A violation of subsection (a) of Section 31-1a
23 of the Criminal Code of 1961 or the Criminal Code of
24 2012.

25 (Y) A conviction for unlawful possession of a
26 firearm by a street gang member when the firearm was

1 loaded or contained firearm ammunition.

2 (Z) A Class 1 felony committed while he or she was
3 serving a term of probation or conditional discharge
4 for a felony.

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

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

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

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

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8)
25 of this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court,
4 shall be imposed for a second violation of subsection (c)
5 of Section 6-303 of the Illinois Vehicle Code.

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

12 (4.5) A minimum term of imprisonment of 30 days shall
13 be imposed for a third violation of subsection (c) of
14 Section 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this
16 subsection (c), a minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle
19 Code.

20 (4.7) A minimum term of imprisonment of not less than
21 30 consecutive days, or 300 hours of community service,
22 shall be imposed for a violation of subsection (a-5) of
23 Section 6-303 of the Illinois Vehicle Code, as provided in
24 subsection (b-5) of that Section.

25 (4.8) A mandatory prison sentence shall be imposed for
26 a second violation of subsection (a-5) of Section 6-303 of

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

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

11 (4.10) A mandatory prison sentence for a Class 1 felony
12 shall be imposed, and the person shall be eligible for an
13 extended term sentence, for a fourth or subsequent
14 violation of subsection (a-5) of Section 6-303 of the
15 Illinois Vehicle Code, as provided in subsection (d-3.5) of
16 that Section. The person's driving privileges shall be
17 revoked for the remainder of his or her life.

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

20 (A) a period of conditional discharge;

21 (B) a fine;

22 (C) make restitution to the victim under Section
23 5-5-6 of this Code.

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of

1 the Illinois Vehicle Code shall have his or her driver's
2 license, permit, or privileges suspended for at least 90
3 days but not more than one year, if the violation resulted
4 in damage to the property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted
7 of violating subsection (c) of Section 11-907 of the
8 Illinois Vehicle Code shall have his or her driver's
9 license, permit, or privileges suspended for at least 180
10 days but not more than 2 years, if the violation resulted
11 in injury to another person.

12 (5.3) In addition to any other penalties imposed, a
13 person convicted of violating subsection (c) of Section
14 11-907 of the Illinois Vehicle Code shall have his or her
15 driver's license, permit, or privileges suspended for 2
16 years, if the violation resulted in the death of another
17 person.

18 (5.4) In addition to any other penalties imposed, a
19 person convicted of violating Section 3-707 of the Illinois
20 Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 3 months and until he
22 or she has paid a reinstatement fee of \$100.

23 (5.5) In addition to any other penalties imposed, a
24 person convicted of violating Section 3-707 of the Illinois
25 Vehicle Code during a period in which his or her driver's
26 license, permit, or privileges were suspended for a

1 previous violation of that Section shall have his or her
2 driver's license, permit, or privileges suspended for an
3 additional 6 months after the expiration of the original
4 3-month suspension and until he or she has paid a
5 reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

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

12 (10) (Blank).

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

1 sports activities are conducted; and "coach" means a person
2 recognized as a coach by the sanctioning authority that
3 conducted the sporting event.

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

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

19 (d) In any case in which a sentence originally imposed is
20 vacated, the case shall be remanded to the trial court. The
21 trial court shall hold a hearing under Section 5-4-1 of the
22 Unified Code of Corrections which may include evidence of the
23 defendant's life, moral character and occupation during the
24 time since the original sentence was passed. The trial court
25 shall then impose sentence upon the defendant. The trial court
26 may impose any sentence which could have been imposed at the

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

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

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

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

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

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

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

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the

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

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

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012 against the defendant. The court shall order that the cost
25 of any such test shall be paid by the county and may be taxed as
26 costs against the convicted defendant.

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

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

1 the Court to send a copy of the judgment of conviction or order
2 of supervision or probation to the defendant's employer by
3 certified mail. If the employer of the defendant is a school,
4 the Clerk of the Court shall direct the mailing of a copy of
5 the judgment of conviction or order of supervision or probation
6 to the appropriate regional superintendent of schools. The
7 regional superintendent of schools shall notify the State Board
8 of Education of any notification under this subsection.

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

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

15 (k) (Blank).

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

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

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.
4 Otherwise, the defendant shall be sentenced as
5 provided in this Chapter V.

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

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

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

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

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of
26 the United States, the defendant shall be recommitted to

1 the custody of the county from which he or she was
2 sentenced. Thereafter, the defendant shall be brought
3 before the sentencing court, which may impose any sentence
4 that was available under Section 5-5-3 at the time of
5 initial sentencing. In addition, the defendant shall not be
6 eligible for additional sentence credit for good conduct as
7 provided under Section 3-6-3.

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

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

23 (o) Whenever a person is convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act, the
25 defendant's driver's license or permit shall be subject to
26 renewal on an annual basis in accordance with the provisions of

1 license renewal established by the Secretary of State.

2 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
3 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
4 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
5 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
6 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
7 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
8 eff. 1-25-13.)

9 (730 ILCS 5/5-8-1.2)

10 Sec. 5-8-1.2. County impact incarceration.

11 (a) Legislative intent. It is the finding of the General
12 Assembly that certain non-violent offenders eligible for
13 sentences of incarceration may benefit from the rehabilitative
14 aspects of a county impact incarceration program. It is the
15 intent of the General Assembly that such programs be
16 implemented as provided by this Section. This Section shall not
17 be construed to allow violent offenders to participate in a
18 county impact incarceration program.

19 (b) Under the direction of the Sheriff and with the
20 approval of the County Board of Commissioners, the Sheriff, in
21 any county with more than 3,000,000 inhabitants, may establish
22 and operate a county impact incarceration program for eligible
23 offenders. If the court finds under Section 5-4-1 that an
24 offender convicted of a felony meets the eligibility
25 requirements of the Sheriff's county impact incarceration

1 program, the court may sentence the offender to the county
2 impact incarceration program. The Sheriff shall be responsible
3 for monitoring all offenders who are sentenced to the county
4 impact incarceration program, including the mandatory period
5 of monitored release following the 120 to 180 days of impact
6 incarceration. Offenders assigned to the county impact
7 incarceration program under an intergovernmental agreement
8 between the county and the Illinois Department of Corrections
9 are exempt from the provisions of this mandatory period of
10 monitored release. In the event the offender is not accepted
11 for placement in the county impact incarceration program, the
12 court shall proceed to sentence the offender to any other
13 disposition authorized by this Code. If the offender does not
14 successfully complete the program, the offender's failure to do
15 so shall constitute a violation of the sentence to the county
16 impact incarceration program.

17 (c) In order to be eligible to be sentenced to a county
18 impact incarceration program by the court, the person shall
19 meet all of the following requirements:

20 (1) the person must be not less than 17 years of age
21 nor more than 35 years of age;

22 (2) The person has not previously participated in the
23 impact incarceration program and has not previously served
24 more than one prior sentence of imprisonment for a felony
25 in an adult correctional facility;

26 (3) The person has not been convicted of a Class X

1 felony, first or second degree murder, armed violence,
2 aggravated kidnapping, criminal sexual assault, aggravated
3 criminal sexual abuse or a subsequent conviction for
4 criminal sexual abuse, forcible detention, ~~or~~ arson,
5 unlawful use or possession of weapons by felons or persons
6 in the custody of the Department of Corrections facilities,
7 or unlawful possession of a firearm by a street gang member
8 and has not been convicted previously of any of those
9 offenses.

10 (4) The person has been found in violation of probation
11 for an offense that is a Class 2, 3, or 4 felony that is not
12 a forcible felony as defined in Section 2-8 of the Criminal
13 Code of 2012 or a violent crime as defined in subsection
14 (c) of Section 3 of the Rights of Crime Victims and
15 Witnesses Act who otherwise could be sentenced to a term of
16 incarceration; or the person is convicted of an offense
17 that is a Class 2, 3, or 4 felony that is not a forcible
18 felony as defined in Section 2-8 of the Criminal Code of
19 2012 or a violent crime as defined in subsection (c) of
20 Section 3 of the Rights of Crime Victims and Witnesses Act
21 who has previously served a sentence of probation for any
22 felony offense and who otherwise could be sentenced to a
23 term of incarceration.

24 (5) The person must be physically able to participate
25 in strenuous physical activities or labor.

26 (6) The person must not have any mental disorder or

1 disability that would prevent participation in a county
2 impact incarceration program.

3 (7) The person was recommended and approved for
4 placement in the county impact incarceration program by the
5 Sheriff and consented in writing to participation in the
6 county impact incarceration program and to the terms and
7 conditions of the program. The Sheriff may consider, among
8 other matters, whether the person has any outstanding
9 detainers or warrants, whether the person has a history of
10 escaping or absconding, whether participation in the
11 county impact incarceration program may pose a risk to the
12 safety or security of any person and whether space is
13 available.

14 (c) The county impact incarceration program shall include,
15 among other matters, mandatory physical training and labor,
16 military formation and drills, regimented activities,
17 uniformity of dress and appearance, education and counseling,
18 including drug counseling where appropriate.

19 (d) Privileges including visitation, commissary, receipt
20 and retention of property and publications and access to
21 television, radio, and a library may be suspended or
22 restricted, notwithstanding provisions to the contrary in this
23 Code.

24 (e) The Sheriff shall issue written rules and requirements
25 for the program. Persons shall be informed of rules of behavior
26 and conduct. Persons participating in the county impact

1 incarceration program shall adhere to all rules and all
2 requirements of the program.

3 (f) Participation in the county impact incarceration
4 program shall be for a period of 120 to 180 days followed by a
5 mandatory term of monitored release for at least 8 months and
6 no more than 12 months supervised by the Sheriff. The period of
7 time a person shall serve in the impact incarceration program
8 shall not be reduced by the accumulation of good time. The
9 court may also sentence the person to a period of probation to
10 commence at the successful completion of the county impact
11 incarceration program.

12 (g) If the person successfully completes the county impact
13 incarceration program, the Sheriff shall certify the person's
14 successful completion of the program to the court and to the
15 county's State's Attorney. Upon successful completion of the
16 county impact incarceration program and mandatory term of
17 monitored release and if there is an additional period of
18 probation given, the person shall at that time begin his or her
19 probationary sentence under the supervision of the Adult
20 Probation Department.

21 (h) A person may be removed from the county impact
22 incarceration program for a violation of the terms or
23 conditions of the program or in the event he or she is for any
24 reason unable to participate. The failure to complete the
25 program for any reason, including the 8 to 12 month monitored
26 release period, shall be deemed a violation of the county

1 impact incarceration sentence. The Sheriff shall give notice to
2 the State's Attorney of the person's failure to complete the
3 program. The Sheriff shall file a petition for violation of the
4 county impact incarceration sentence with the court and the
5 State's Attorney may proceed on the petition under Section
6 5-6-4 of this Code. The Sheriff shall promulgate rules and
7 regulations governing conduct which could result in removal
8 from the program or in a determination that the person has not
9 successfully completed the program.

10 The mandatory conditions of every county impact
11 incarceration sentence shall include that the person either
12 while in the program or during the period of monitored release:

13 (1) not violate any criminal statute of any
14 jurisdiction;

15 (2) report or appear in person before any such person
16 or agency as directed by the court or the Sheriff;

17 (3) refrain from possessing a firearm or other
18 dangerous weapon;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the Sheriff; and

24 (5) permit representatives of the Sheriff to visit at
25 the person's home or elsewhere to the extent necessary for
26 the Sheriff to monitor compliance with the program. Persons

1 shall have access to such rules, which shall provide that a
2 person shall receive notice of any such violation.

3 (i) The Sheriff may terminate the county impact
4 incarceration program at any time.

5 (j) The Sheriff shall report to the county board on or
6 before September 30th of each year on the county impact
7 incarceration program, including the composition of the
8 program by the offenders, by county of commitment, sentence,
9 age, offense, and race.

10 (Source: P.A. 97-1150, eff. 1-25-13.)".