

SB2729



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2729

Introduced 1/28/2014, by Sen. Michael W. Frerichs

SYNOPSIS AS INTRODUCED:

See Index

Amends the Personnel Code, Children and Family Services Act, Illinois Youthbuild Act, Illinois Guaranteed Job Opportunity Act, Mental Health and Developmental Disabilities Administrative Act, Interagency Coordinating Council Act, School Code, Adult Education Act, various Acts relating to the governance of public universities in Illinois, Public Community College Act, Higher Education Student Assistance Act, Illinois Insurance Code, Pharmacy Practice Act, Structural Pest Control Act, Illinois Public Aid Code, Firearm Concealed Carry Act, Illinois Vehicle Code, and Unified Code of Corrections. Changes references relating to General Educational Development (GED) testing and certificates to high school equivalency testing and certificates. Makes technical corrections.

LRB098 16125 NHT 51182 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Personnel Code is amended by changing
5 Section 8c as follows:

6 (20 ILCS 415/8c) (from Ch. 127, par. 63b108c)

7 Sec. 8c. Jurisdiction C; conditions of employment. For
8 positions in the State service subject to the jurisdiction of
9 the Department of Central Management Services with respect to
10 conditions of employment:

11 (1) For establishment of a plan for resolving employee
12 grievances and complaints, excluding compulsory arbitration.

13 (2) For hours of work, holidays, and attendance regulation
14 in the various classes of positions in the State service; for
15 annual, sick and special leaves of absence, with or without pay
16 or with reduced pay; for compensatory time off for overtime or
17 for pay for overtime, and for the rate at which compensatory
18 time off is to be allowed or for the rate which is to be paid
19 for overtime. If the services of an employee in the State
20 service are terminated by reason of his retirement, disability
21 or death, he, or his estate, as the case may be, shall be paid a
22 lump sum, for the number of days for leave for personal
23 business which the employee had accumulated but not used as of

1 the date his services were terminated, in an amount equal to
2 1/2 of his pay per working day times the number of such leave
3 days so accumulated and not used.

4 (3) For the development and operation of programs to
5 improve the work effectiveness and morale of employees in the
6 State service, including training, safety, health, welfare,
7 counseling, recreation, employee relations, a suggestion
8 system, and others.

9 Employees whose tuition and fees are paid by the State,
10 either directly or by reimbursement, shall incur a work
11 commitment to the State. Employees whose State paid training
12 has not led to a postsecondary degree shall be obligated to
13 continue in the employ of the State, but not necessarily in the
14 same agency, for a period of at least 18 months following
15 completion of the most recent course. Employees whose State
16 paid training has led to a postsecondary degree and whose State
17 payments have paid for 50% or more of the required credit hours
18 shall be obligated to continue in the employ of the State, but
19 not necessarily in the same agency, for a minimum of 4 years
20 after receiving the degree.

21 If the employee does not fulfill this work commitment by
22 voluntarily leaving State employment, the State may recover
23 payments in a civil action and may also recover interest at the
24 rate of 1% per month from the time the State makes payment
25 until the time the State recovers the payment. The amount the
26 State may recover under this subsection (3) shall be reduced by

1 25% of the gross amount paid by the State for each year the
2 employee is employed by the State after the employee receives a
3 postsecondary degree, and 1/18th of the gross amount paid by
4 the State for each month the employee is employed by the State
5 after the employee completes the most recent course which has
6 not led to a postsecondary degree.

7 The State shall not recover payments for course work or a
8 training program that was (a) started before the effective date
9 of this Act; (b) completed as a requirement for a grammar
10 school certificate or a high school diploma, to prepare for
11 high school equivalency testing, ~~a high school level General~~
12 ~~Educational Development Test~~ or to improve literacy or
13 numeracy; (c) specialized training in the form of a conference,
14 seminar, workshop, or similar arrangement offered by public or
15 private organizations; (d) provided as part of the Upward
16 Mobility Program administered by the Department of Central
17 Management Services; or (e) a condition of continued
18 employment.

19 Department of State Police employees who are enrolled in an
20 official training program that lasts longer than one year shall
21 incur a work commitment to the State. The work commitment shall
22 be 2 months for each month of completed training. If the
23 employee fails to fulfill this work commitment by voluntarily
24 leaving State employment, the State may recover wages in a
25 civil action and may also recover interest at the rate of 1%
26 per month from the time the State makes payment until the time

1 the State recovers the payment. The amount the State may
2 recover under this subsection (3) shall be reduced by the
3 number of months served after the training is completed times
4 the monthly salary at the time of separation.

5 The Department of Central Management Services shall
6 promulgate rules governing recovery activities to be used by
7 all State agencies paying, whether directly or by
8 reimbursement, for employee tuition and fees. Each such agency
9 shall make necessary efforts, including pursuing appropriate
10 legal action, to recover the actual reimbursements and
11 applicable interest due the State under this subsection (3).

12 (4) For the establishment of a sick pay plan in accordance
13 with Section 36 of the State Finance Act.

14 (5) For the establishment of a family responsibility leave
15 plan under which an employee in the State service may request
16 and receive a leave of absence for up to one year without
17 penalty whenever such leave is requested to enable the employee
18 to meet a bona fide family responsibility of such employee. The
19 procedure for determining and documenting the existence of a
20 bona fide family responsibility shall be as provided by rule,
21 but without limiting the circumstances which shall constitute a
22 bona fide family responsibility under the rules, such
23 circumstances shall include leave incident to the birth of the
24 employee's child and the responsibility thereafter to provide
25 proper care to that child or to a newborn child adopted by the
26 employee, the responsibility to provide regular care to a

1 disabled, incapacitated or bedridden resident of the
2 employee's household or member of the employee's family, and
3 the responsibility to furnish special guidance, care and
4 supervision to a resident of the employee's household or member
5 of the employee's family in need thereof under circumstances
6 temporarily inconsistent with uninterrupted employment in
7 State service. The family responsibility leave plan so
8 established shall provide that any such leave shall be without
9 pay, that the seniority of the employee on such leave shall not
10 be reduced during the period of the leave, that such leave
11 shall not under any circumstance or for any purpose be deemed
12 to cause a break in such employee's State service, that during
13 the period of such leave any coverage of the employee or the
14 employee's dependents which existed at the commencement of the
15 leave under any group health, hospital, medical and life
16 insurance plan provided through the State shall continue so
17 long as the employee pays to the State when due the full
18 premium incident to such coverage, and that upon expiration of
19 the leave the employee shall be returned to the same position
20 and classification which such employee held at the commencement
21 of the leave. The Director of Central Management Services shall
22 prepare proposed rules consistent with this paragraph within 45
23 days after the effective date of this amendatory Act of 1983,
24 shall promptly thereafter cause a public hearing thereon to be
25 held as provided in Section 8 and shall within 120 days after
26 the effective date of this amendatory Act of 1983 cause such

1 proposed rules to be submitted to the Civil Service Commission
2 as provided in Section 8.

3 (6) For the development and operation of a plan for
4 alternative employment for any employee who is able to perform
5 alternative employment after a work related or non-work related
6 disability essentially precludes that employee from performing
7 his or her currently assigned duties. Such a plan shall be
8 voluntary for any employee and nonparticipation shall not be
9 grounds for denial of any benefit to which the employee would
10 otherwise be eligible. Any plan seeking to cover positions for
11 which there is a recognized bargaining agent shall be subject
12 to collective bargaining between the parties.

13 (7) For the development and operation of an Executive
14 Development Program to provide scholarships for the receipt of
15 academic degrees or senior executive training beyond the
16 Bachelor's degree level for as many as 25 employees at any
17 given time:

18 (i) each of whom is nominated for such scholarship by
19 the head of the employee's agency and approved by the
20 Director;

21 (ii) who are subject to Term Appointment under Section
22 8b.18 or who would be subject to such Term Appointment but
23 for Federal funding or who are exempt from Jurisdiction B
24 under subsections (2), (3) or (6) of Section 4d of this
25 Act:

26 (iii) who meet the admission standards established by

1 the institution awarding the advanced degree or conducting
2 the training;

3 (iv) each of whom agrees, as a condition of accepting
4 such scholarship, that the State may recover the
5 scholarship by garnishment, lien or other appropriate
6 legal action if the employee fails to continue in the
7 employ of the State, but not necessarily in the same
8 agency, for a minimum of 4 years following receipt of an
9 advanced degree or training and that the State may charge
10 interest from the time of payment until the time of
11 recovery of such scholarship of no less than 1% per month
12 or 12% per annum on all funds recovered by the State. The
13 amount the State may recover under this Section will be
14 reduced by 25% of the gross amount paid by the State for
15 each year of employment following receipt of the advanced
16 degree or training.

17 The Director shall in approving eligible employees for the
18 Executive Development Program make every attempt to guarantee
19 that at least 1/3 of the employees appointed to the program
20 reflect the ratio of sex, race, and ethnicity of eligible
21 employees.

22 Such scholarships shall not exceed the amount established
23 for tuition and fees for the applicable advanced degree or
24 training at State universities in Illinois whether the employee
25 enrolls at any Illinois public or private institution, and
26 shall not include any textbooks or equipment such as personal

1 computers.

2 The Department of Central Management Services shall make
3 necessary efforts, including appropriate legal action, to
4 recover scholarships and interest thereupon due subject to
5 recovery by the State under Subparagraph (iv) of this
6 Subsection (7).

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 Section 10. The Children and Family Services Act is amended
9 by changing Section 8 as follows:

10 (20 ILCS 505/8) (from Ch. 23, par. 5008)

11 Sec. 8. Scholarships and fee waivers. Each year the
12 Department may select from among the youth under care, youth
13 who aged out of care at age 18 or older, or youth formerly
14 under care who have been adopted or are in a guardianship
15 placement, a maximum of 48 students (at least 4 of whom shall
16 be children of veterans) who have earned a high school diploma
17 from a public school district or a recognized nonpublic school
18 or a high school equivalency certificate ~~of general education~~
19 ~~development (GED),~~ or who have met the State criteria for high
20 school graduation; the youth selected shall be eligible for
21 scholarships and fee waivers which will entitle them to 4
22 consecutive years of community college, university, or college
23 education. Selection shall be made on the basis of scholastic
24 record, aptitude, and general interest in higher education. In

1 accordance with this Act, tuition scholarships and fee waivers
2 shall be available to such students at any university or
3 college maintained by the State of Illinois. The Department
4 shall provide maintenance and school expenses, except tuition
5 and fees, during the academic years to supplement the students'
6 earnings or other resources so long as they consistently
7 maintain scholastic records which are acceptable to their
8 schools and to the Department. Students may attend other
9 colleges and universities, if scholarships are awarded them,
10 and receive the same benefits for maintenance and other
11 expenses as those students attending any Illinois State
12 community college, university, or college under this Section.
13 (Source: P.A. 97-799, eff. 7-13-12.)

14 Section 15. The Illinois Youthbuild Act is amended by
15 changing Section 25 as follows:

16 (20 ILCS 1315/25)

17 Sec. 25. Eligible participants. Eligible participants are
18 youth 16 to 24 years old who are economically disadvantaged as
19 defined in United States Code, Title 29, Section 1503, and who
20 are part of one of the following groups:

21 (a) Persons who are not attending any school and have
22 not received a secondary school diploma or its equivalent.

23 (b) Persons currently enrolled in a traditional or
24 alternative school setting or a high school equivalency

1 testing ~~GED~~ program and who are in danger of dropping out
2 of school.

3 (c) A member of a low-income family, a youth in foster
4 care (including a youth aging-out of foster care), a youth
5 offender, a youth with a disability, a child of
6 incarcerated parents, or a migrant youth.

7 Not more than 25% of the participants in the program may be
8 individuals who do not meet the requirements of subsections (a)
9 or (b), but who are deficient in basic skills despite having
10 attained a secondary school diploma, high school equivalency
11 ~~General Educational Development (GED)~~ certificate, or other
12 State-recognized equivalent, or who have been referred by a
13 local secondary school for participation in a Youthbuild
14 program leading to the attainment of a secondary school
15 diploma.

16 (Source: P.A. 95-524, eff. 8-28-07.)

17 Section 20. The Illinois Guaranteed Job Opportunity Act is
18 amended by changing Section 30 as follows:

19 (20 ILCS 1510/30)

20 Sec. 30. Education requirements. Any individual who has not
21 completed high school and who participates in a job project
22 under this Act may enroll, if appropriate, in and maintain
23 satisfactory progress in a secondary school or an adult basic
24 education or high school equivalency testing ~~GED~~ program. Any

1 individual with limited English speaking ability may
2 participate, if appropriate, in an English as a Second Language
3 program.

4 (Source: P.A. 93-46, eff. 7-1-03.)

5 Section 25. The Mental Health and Developmental
6 Disabilities Administrative Act is amended by changing Section
7 15.4 as follows:

8 (20 ILCS 1705/15.4)

9 Sec. 15.4. Authorization for nursing delegation to permit
10 direct care staff to administer medications.

11 (a) This Section applies to (i) all programs for persons
12 with a developmental disability in settings of 16 persons or
13 fewer that are funded or licensed by the Department of Human
14 Services and that distribute or administer medications and (ii)
15 all intermediate care facilities for the developmentally
16 disabled with 16 beds or fewer that are licensed by the
17 Department of Public Health. The Department of Human Services
18 shall develop a training program for authorized direct care
19 staff to administer oral and topical medications under the
20 supervision and monitoring of a registered professional nurse.
21 This training program shall be developed in consultation with
22 professional associations representing (i) physicians licensed
23 to practice medicine in all its branches, (ii) registered
24 professional nurses, and (iii) pharmacists.

1 (b) For the purposes of this Section:

2 "Authorized direct care staff" means non-licensed persons
3 who have successfully completed a medication administration
4 training program approved by the Department of Human Services
5 and conducted by a nurse-trainer. This authorization is
6 specific to an individual receiving service in a specific
7 agency and does not transfer to another agency.

8 "Nurse-trainer training program" means a standardized,
9 competency-based medication administration train-the-trainer
10 program provided by the Department of Human Services and
11 conducted by a Department of Human Services master
12 nurse-trainer for the purpose of training nurse-trainers to
13 train persons employed or under contract to provide direct care
14 or treatment to individuals receiving services to administer
15 medications and provide self-administration of medication
16 training to individuals under the supervision and monitoring of
17 the nurse-trainer. The program incorporates adult learning
18 styles, teaching strategies, classroom management, and a
19 curriculum overview, including the ethical and legal aspects of
20 supervising those administering medications.

21 "Self-administration of medications" means an individual
22 administers his or her own medications. To be considered
23 capable to self-administer their own medication, individuals
24 must, at a minimum, be able to identify their medication by
25 size, shape, or color, know when they should take the
26 medication, and know the amount of medication to be taken each

1 time.

2 "Training program" means a standardized medication
3 administration training program approved by the Department of
4 Human Services and conducted by a registered professional nurse
5 for the purpose of training persons employed or under contract
6 to provide direct care or treatment to individuals receiving
7 services to administer medications and provide
8 self-administration of medication training to individuals
9 under the delegation and supervision of a nurse-trainer. The
10 program incorporates adult learning styles, teaching
11 strategies, classroom management, curriculum overview,
12 including ethical-legal aspects, and standardized
13 competency-based evaluations on administration of medications
14 and self-administration of medication training programs.

15 (c) Training and authorization of non-licensed direct care
16 staff by nurse-trainers must meet the requirements of this
17 subsection.

18 (1) Prior to training non-licensed direct care staff to
19 administer medication, the nurse-trainer shall perform the
20 following for each individual to whom medication will be
21 administered by non-licensed direct care staff:

22 (A) An assessment of the individual's health
23 history and physical and mental status.

24 (B) An evaluation of the medications prescribed.

25 (2) Non-licensed authorized direct care staff shall
26 meet the following criteria:

1 (A) Be 18 years of age or older.

2 (B) Have completed high school or have a high
3 school equivalency certificate ~~its equivalent~~ (GED).

4 (C) Have demonstrated functional literacy.

5 (D) Have satisfactorily completed the Health and
6 Safety component of a Department of Human Services
7 authorized direct care staff training program.

8 (E) Have successfully completed the training
9 program, pass the written portion of the comprehensive
10 exam, and score 100% on the competency-based
11 assessment specific to the individual and his or her
12 medications.

13 (F) Have received additional competency-based
14 assessment by the nurse-trainer as deemed necessary by
15 the nurse-trainer whenever a change of medication
16 occurs or a new individual that requires medication
17 administration enters the program.

18 (3) Authorized direct care staff shall be re-evaluated
19 by a nurse-trainer at least annually or more frequently at
20 the discretion of the registered professional nurse. Any
21 necessary retraining shall be to the extent that is
22 necessary to ensure competency of the authorized direct
23 care staff to administer medication.

24 (4) Authorization of direct care staff to administer
25 medication shall be revoked if, in the opinion of the
26 registered professional nurse, the authorized direct care

1 staff is no longer competent to administer medication.

2 (5) The registered professional nurse shall assess an
3 individual's health status at least annually or more
4 frequently at the discretion of the registered
5 professional nurse.

6 (d) Medication self-administration shall meet the
7 following requirements:

8 (1) As part of the normalization process, in order for
9 each individual to attain the highest possible level of
10 independent functioning, all individuals shall be
11 permitted to participate in their total health care
12 program. This program shall include, but not be limited to,
13 individual training in preventive health and
14 self-medication procedures.

15 (A) Every program shall adopt written policies and
16 procedures for assisting individuals in obtaining
17 preventative health and self-medication skills in
18 consultation with a registered professional nurse,
19 advanced practice nurse, physician assistant, or
20 physician licensed to practice medicine in all its
21 branches.

22 (B) Individuals shall be evaluated to determine
23 their ability to self-medicate by the nurse-trainer
24 through the use of the Department's required,
25 standardized screening and assessment instruments.

26 (C) When the results of the screening and

1 assessment indicate an individual not to be capable to
2 self-administer his or her own medications, programs
3 shall be developed in consultation with the Community
4 Support Team or Interdisciplinary Team to provide
5 individuals with self-medication administration.

6 (2) Each individual shall be presumed to be competent
7 to self-administer medications if:

8 (A) authorized by an order of a physician licensed
9 to practice medicine in all its branches; and

10 (B) approved to self-administer medication by the
11 individual's Community Support Team or
12 Interdisciplinary Team, which includes a registered
13 professional nurse or an advanced practice nurse.

14 (e) Quality Assurance.

15 (1) A registered professional nurse, advanced practice
16 nurse, licensed practical nurse, physician licensed to
17 practice medicine in all its branches, physician
18 assistant, or pharmacist shall review the following for all
19 individuals:

20 (A) Medication orders.

21 (B) Medication labels, including medications
22 listed on the medication administration record for
23 persons who are not self-medicating to ensure the
24 labels match the orders issued by the physician
25 licensed to practice medicine in all its branches,
26 advanced practice nurse, or physician assistant.

1 (C) Medication administration records for persons
2 who are not self-medicating to ensure that the records
3 are completed appropriately for:

4 (i) medication administered as prescribed;

5 (ii) refusal by the individual; and

6 (iii) full signatures provided for all
7 initials used.

8 (2) Reviews shall occur at least quarterly, but may be
9 done more frequently at the discretion of the registered
10 professional nurse or advanced practice nurse.

11 (3) A quality assurance review of medication errors and
12 data collection for the purpose of monitoring and
13 recommending corrective action shall be conducted within 7
14 days and included in the required annual review.

15 (f) Programs using authorized direct care staff to
16 administer medications are responsible for documenting and
17 maintaining records on the training that is completed.

18 (g) The absence of this training program constitutes a
19 threat to the public interest, safety, and welfare and
20 necessitates emergency rulemaking by the Departments of Human
21 Services and Public Health under Section 5-45 of the Illinois
22 Administrative Procedure Act.

23 (h) Direct care staff who fail to qualify for delegated
24 authority to administer medications pursuant to the provisions
25 of this Section shall be given additional education and testing
26 to meet criteria for delegation authority to administer

1 medications. Any direct care staff person who fails to qualify
2 as an authorized direct care staff after initial training and
3 testing must within 3 months be given another opportunity for
4 retraining and retesting. A direct care staff person who fails
5 to meet criteria for delegated authority to administer
6 medication, including, but not limited to, failure of the
7 written test on 2 occasions shall be given consideration for
8 shift transfer or reassignment, if possible. No employee shall
9 be terminated for failure to qualify during the 3-month time
10 period following initial testing. Refusal to complete training
11 and testing required by this Section may be grounds for
12 immediate dismissal.

13 (i) No authorized direct care staff person delegated to
14 administer medication shall be subject to suspension or
15 discharge for errors resulting from the staff person's acts or
16 omissions when performing the functions unless the staff
17 person's actions or omissions constitute willful and wanton
18 conduct. Nothing in this subsection is intended to supersede
19 paragraph (4) of subsection (c).

20 (j) A registered professional nurse, advanced practice
21 nurse, physician licensed to practice medicine in all its
22 branches, or physician assistant shall be on duty or on call at
23 all times in any program covered by this Section.

24 (k) The employer shall be responsible for maintaining
25 liability insurance for any program covered by this Section.

26 (l) Any direct care staff person who qualifies as

1 authorized direct care staff pursuant to this Section shall be
2 granted consideration for a one-time additional salary
3 differential. The Department shall determine and provide the
4 necessary funding for the differential in the base. This
5 subsection (1) is inoperative on and after June 30, 2000.

6 (Source: P.A. 91-630, eff. 8-19-99.)

7 Section 30. The Interagency Coordinating Council Act is
8 amended by changing Section 3 as follows:

9 (20 ILCS 3970/3) (from Ch. 127, par. 3833)

10 Sec. 3. Scope and Functions. The Interagency Coordinating
11 Council shall:

12 (a) gather and coordinate data on services for secondary
13 age youth with disabilities in transition from school to
14 employment, post-secondary education and training, and
15 community living;

16 (b) provide information, consultation, and technical
17 assistance to State and local agencies and local school
18 districts involved in the delivery of services to youth with
19 disabilities in transition from secondary school programs to
20 employment and other post-secondary programs;

21 (c) assist State and local agencies and school districts,
22 through local transition planning committees, in establishing
23 interagency agreements to assure the necessary services for
24 efficient and appropriate transition from school to

1 employment, post-secondary education and training, and
2 community living;

3 (d) conduct an annual statewide evaluation of student
4 transition outcomes and needs from information collected from
5 local transition planning committees, school districts, and
6 other appropriate sources; indicators used to evaluate
7 outcomes shall include (i) high school graduation or passage of
8 high school equivalency testing ~~the Test of General Educational~~
9 ~~Development~~, (ii) participation in post-secondary education,
10 including continuing and adult education, (iii) involvement in
11 integrated employment, supported employment, and work-based
12 learning activities, including vocational training, and (iv)
13 independent living, community participation, adult services,
14 and other post-secondary activities; and

15 (e) provide periodic in-service training to consumers in
16 developing and improving awareness of transition services.

17 (Source: P.A. 92-452, eff. 8-21-01.)

18 Section 35. The School Code is amended by changing Sections
19 2-3.66, 3-15.12, 10-22.20, 13-40, 13B-20.20, 13B-30.15,
20 13B-85, 26-2, and 26-16 as follows:

21 (105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

22 Sec. 2-3.66. Truants' alternative and optional education
23 programs. To establish projects to offer modified
24 instructional programs or other services designed to prevent

1 students from dropping out of school, including programs
2 pursuant to Section 2-3.41, and to serve as a part time or full
3 time option in lieu of regular school attendance and to award
4 grants to local school districts, educational service regions
5 or community college districts from appropriated funds to
6 assist districts in establishing such projects. The education
7 agency may operate its own program or enter into a contract
8 with another not-for-profit entity to implement the program.
9 The projects shall allow dropouts, up to and including age 21,
10 potential dropouts, including truants, uninvolved, unmotivated
11 and disaffected students, as defined by State Board of
12 Education rules and regulations, to enroll, as an alternative
13 to regular school attendance, in an optional education program
14 which may be established by school board policy and is in
15 conformance with rules adopted by the State Board of Education.
16 Truants' Alternative and Optional Education programs funded
17 pursuant to this Section shall be planned by a student, the
18 student's parents or legal guardians, unless the student is 18
19 years or older, and school officials and shall culminate in an
20 individualized optional education plan. Such plan shall focus
21 on academic or vocational skills, or both, and may include, but
22 not be limited to, evening school, summer school, community
23 college courses, adult education, preparation courses for high
24 school equivalency testing ~~the high school level test of~~
25 ~~General Educational Development~~, vocational training, work
26 experience, programs to enhance self concept and parenting

1 courses. School districts which are awarded grants pursuant to
2 this Section shall be authorized to provide day care services
3 to children of students who are eligible and desire to enroll
4 in programs established and funded under this Section, but only
5 if and to the extent that such day care is necessary to enable
6 those eligible students to attend and participate in the
7 programs and courses which are conducted pursuant to this
8 Section. School districts and regional offices of education may
9 claim general State aid under Section 18-8.05 for students
10 enrolled in truants' alternative and optional education
11 programs, provided that such students are receiving services
12 that are supplemental to a program leading to a high school
13 diploma and are otherwise eligible to be claimed for general
14 State aid under Section 18-8.05.

15 (Source: P.A. 96-734, eff. 8-25-09.)

16 (105 ILCS 5/3-15.12) (from Ch. 122, par. 3-15.12)

17 Sec. 3-15.12. High school equivalency testing program. The
18 regional superintendent of schools shall make available for
19 qualified individuals residing within the region a High School
20 Equivalency Testing Program. For that purpose the regional
21 superintendent alone or with other regional superintendents
22 may establish and supervise a testing center or centers to
23 administer the secure forms for high school equivalency testing
24 ~~of the high school level Test of General Educational~~
25 ~~Development~~ to qualified persons. Such centers shall be under

1 the supervision of the regional superintendent in whose region
2 such centers are located, subject to the approval of the
3 President of the Illinois Community College Board.

4 An individual is eligible to apply to the regional
5 superintendent of schools for the region in which he or she
6 resides if he or she is: (a) a person who is 17 years of age or
7 older, has maintained residence in the State of Illinois, and
8 is not a high school graduate; (b) a person who is successfully
9 completing an alternative education program under Section
10 2-3.81, Article 13A, or Article 13B; or (c) a person who is
11 enrolled in a youth education program sponsored by the Illinois
12 National Guard. For purposes of this Section, residence is that
13 abode which the applicant considers his or her home. Applicants
14 may provide as sufficient proof of such residence and as an
15 acceptable form of identification a driver's license, valid
16 passport, military ID, or other form of government-issued
17 national or foreign identification that shows the applicant's
18 name, address, date of birth, signature, and photograph or
19 other acceptable identification as may be allowed by law or as
20 regulated by the Illinois Community College Board. Such
21 regional superintendent shall determine if the applicant meets
22 statutory and regulatory state standards. If qualified the
23 applicant shall at the time of such application pay a fee
24 established by the Illinois Community College Board, which fee
25 shall be paid into a special fund under the control and
26 supervision of the regional superintendent. Such moneys

1 received by the regional superintendent shall be used, first,
2 for the expenses incurred in administering and scoring the
3 examination, and next for other educational programs that are
4 developed and designed by the regional superintendent of
5 schools to assist those who successfully complete high school
6 equivalency testing ~~the high school level test of General~~
7 ~~Education Development~~ in furthering their academic development
8 or their ability to secure and retain gainful employment,
9 including programs for the competitive award based on test
10 scores of college or adult education scholarship grants or
11 similar educational incentives. Any excess moneys shall be paid
12 into the institute fund.

13 Any applicant who has achieved the minimum passing
14 standards as established by the Illinois Community College
15 Board shall be notified in writing by the regional
16 superintendent and shall be issued a high school equivalency
17 certificate on the forms provided by the Illinois Community
18 College Board. The regional superintendent shall then certify
19 to the Illinois Community College Board the score of the
20 applicant and such other and additional information that may be
21 required by the Illinois Community College Board. The moneys
22 received therefrom shall be used in the same manner as provided
23 for in this Section.

24 Any applicant who has attained the age of 17 years and
25 maintained residence in the State of Illinois and is not a high
26 school graduate, any person who has enrolled in a youth

1 education program sponsored by the Illinois National Guard, or
2 any person who has successfully completed an alternative
3 education program under Section 2-3.81, Article 13A, or Article
4 13B is eligible to apply for a high school equivalency
5 certificate (if he or she meets the requirements prescribed by
6 the Illinois Community College Board) upon showing evidence
7 that he or she has completed, successfully, high school
8 equivalency testing ~~the high school level General Educational~~
9 ~~Development Tests~~, administered by the United States Armed
10 Forces Institute, official high school equivalency testing
11 centers ~~GED Centers~~ established in other states, ~~or at~~
12 Veterans' Administration Hospitals, or the office of the State
13 Superintendent of Education ~~administered~~ for the Illinois
14 State Penitentiary System and the Department of Corrections.
15 Such applicant shall apply to the regional superintendent of
16 the region wherein he or she has maintained residence, and, or
17 upon payment of a fee established by the Illinois Community
18 College Board, or the regional superintendent shall issue a high
19 school equivalency certificate, and immediately thereafter
20 certify to the Illinois Community College Board the score of
21 the applicant and such other and additional information as may
22 be required by the Illinois Community College Board.

23 Notwithstanding the provisions of this Section, any
24 applicant who has been out of school for at least one year may
25 request the regional superintendent of schools to administer
26 ~~the~~ restricted high school equivalency testing ~~GED test~~ upon

1 written request of: ~~the~~ ~~The~~ director of a program who certifies
2 to the Chief Examiner of an official high school equivalency
3 testing ~~GED~~ center that the applicant has completed a program
4 of instruction provided by such agencies as the Job Corps, the
5 Postal Service Academy, or an apprenticeship training program;
6 an employer or program director for purposes of entry into
7 apprenticeship programs; another state's department of
8 education ~~State Department of Education~~ in order to meet
9 regulations established by that department of education; or
10 ~~Department of Education,~~ a post high school educational
11 institution for purposes of admission, the Department of
12 Financial and Professional Regulation for licensing purposes,
13 or the Armed Forces for induction purposes. The regional
14 superintendent shall administer such testing, ~~test~~ and the
15 applicant shall be notified in writing that he or she is
16 eligible to receive a high school equivalency certificate ~~the~~
17 ~~Illinois High School Equivalency Certificate~~ upon reaching age
18 17, provided he or she meets the standards established by the
19 Illinois Community College Board.

20 Any test administered under this Section to an applicant
21 who does not speak and understand English may at the discretion
22 of the administering agency be given and answered in any
23 language in which the test is printed. The regional
24 superintendent of schools may waive any fees required by this
25 Section in case of hardship.

26 In counties of over 3,000,000 population, a high school

1 equivalency ~~GED~~ certificate shall contain the signatures of the
2 President of the Illinois Community College Board, the
3 superintendent, president, or other chief executive officer of
4 the institution where high school equivalency testing ~~GED~~
5 instruction occurred, and any other signatures authorized by
6 the Illinois Community College Board.

7 The regional superintendent of schools shall furnish the
8 Illinois Community College Board with any information that the
9 Illinois Community College Board requests with regard to
10 testing and certificates under this Section.

11 (Source: P.A. 94-108, eff. 7-1-05; 95-609, eff. 6-1-08.)

12 (105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

13 Sec. 10-22.20. Classes for adults and youths whose
14 schooling has been interrupted; conditions for State
15 reimbursement; use of child care facilities.

16 (a) To establish special classes for the instruction (1) of
17 persons of age 21 years or over, and (2) of persons less than
18 age 21 and not otherwise in attendance in public school, for
19 the purpose of providing adults in the community, and youths
20 whose schooling has been interrupted, with such additional
21 basic education, vocational skill training, and other
22 instruction as may be necessary to increase their
23 qualifications for employment or other means of self-support
24 and their ability to meet their responsibilities as citizens,
25 including courses of instruction regularly accepted for

1 graduation from elementary or high schools and for
2 Americanization and high school equivalency testing review
3 ~~General Educational Development Review~~ classes.

4 The board shall pay the necessary expenses of such classes
5 out of school funds of the district, including costs of student
6 transportation and such facilities or provision for child-care
7 as may be necessary in the judgment of the board to permit
8 maximum utilization of the courses by students with children,
9 and other special needs of the students directly related to
10 such instruction. The expenses thus incurred shall be subject
11 to State reimbursement, as provided in this Section. The board
12 may make a tuition charge for persons taking instruction who
13 are not subject to State reimbursement, such tuition charge not
14 to exceed the per capita cost of such classes.

15 The cost of such instruction, including the additional
16 expenses herein authorized, incurred for recipients of
17 financial aid under the Illinois Public Aid Code, or for
18 persons for whom education and training aid has been authorized
19 under Section 9-8 of that Code, shall be assumed in its
20 entirety from funds appropriated by the State to the Illinois
21 Community College Board.

22 (b) The Illinois Community College Board shall establish
23 the standards for the courses of instruction reimbursed under
24 this Section. The Illinois Community College Board shall
25 supervise the administration of the programs. The Illinois
26 Community College Board shall determine the cost of instruction

1 in accordance with standards established by the Illinois
2 Community College Board, including therein other incidental
3 costs as herein authorized, which shall serve as the basis of
4 State reimbursement in accordance with the provisions of this
5 Section. In the approval of programs and the determination of
6 the cost of instruction, the Illinois Community College Board
7 shall provide for the maximum utilization of federal funds for
8 such programs. The Illinois Community College Board shall also
9 provide for:

10 (1) the development of an index of need for program
11 planning and for area funding allocations, as defined by
12 the Illinois Community College Board;

13 (2) the method for calculating hours of instruction, as
14 defined by the Illinois Community College Board, claimable
15 for reimbursement and a method to phase in the calculation
16 and for adjusting the calculations in cases where the
17 services of a program are interrupted due to circumstances
18 beyond the control of the program provider;

19 (3) a plan for the reallocation of funds to increase
20 the amount allocated for grants based upon program
21 performance as set forth in subsection (d) below; and

22 (4) the development of standards for determining
23 grants based upon performance as set forth in subsection
24 (d) below and a plan for the phased-in implementation of
25 those standards.

26 For instruction provided by school districts and community

1 college districts beginning July 1, 1996 and thereafter,
2 reimbursement provided by the Illinois Community College Board
3 for classes authorized by this Section shall be provided from
4 funds appropriated for the reimbursement criteria set forth in
5 subsection (c) below.

6 (c) Upon the annual approval of the Illinois Community
7 College Board, reimbursement shall be first provided for
8 transportation, child care services, and other special needs of
9 the students directly related to instruction and then from the
10 funds remaining an amount equal to the product of the total
11 credit hours or units of instruction approved by the Illinois
12 Community College Board, multiplied by the following:

13 (1) For adult basic education, the maximum
14 reimbursement per credit hour or per unit of instruction
15 shall be equal to the general state aid per pupil
16 foundation level established in subsection (B) of Section
17 18-8.05, divided by 60;

18 (2) The maximum reimbursement per credit hour or per
19 unit of instruction in subparagraph (1) above shall be
20 weighted for students enrolled in classes defined as
21 vocational skills and approved by the Illinois Community
22 College Board by 1.25;

23 (3) The maximum reimbursement per credit hour or per
24 unit of instruction in subparagraph (1) above shall be
25 multiplied by .90 for students enrolled in classes defined
26 as adult secondary education programs and approved by the

1 Illinois Community College Board;

2 (4) (Blank); and

3 (5) Funding for program years after 1999-2000 shall be
4 determined by the Illinois Community College Board.

5 (d) Upon its annual approval, the Illinois Community
6 College Board shall provide grants to eligible programs for
7 supplemental activities to improve or expand services under the
8 Adult Education Act. Eligible programs shall be determined
9 based upon performance outcomes of students in the programs as
10 set by the Illinois Community College Board.

11 (e) Reimbursement under this Section shall not exceed the
12 actual costs of the approved program.

13 If the amount appropriated to the Illinois Community
14 College Board for reimbursement under this Section is less than
15 the amount required under this Act, the apportionment shall be
16 proportionately reduced.

17 School districts and community college districts may
18 assess students up to \$3.00 per credit hour, for classes other
19 than Adult Basic Education level programs, if needed to meet
20 program costs.

21 (f) An education plan shall be established for each adult
22 or youth whose schooling has been interrupted and who is
23 participating in the instructional programs provided under
24 this Section.

25 Each school board and community college shall keep an
26 accurate and detailed account of the students assigned to and

1 receiving instruction under this Section who are subject to
2 State reimbursement and shall submit reports of services
3 provided commencing with fiscal year 1997 as required by the
4 Illinois Community College Board.

5 For classes authorized under this Section, a credit hour or
6 unit of instruction is equal to 15 hours of direct instruction
7 for students enrolled in approved adult education programs at
8 midterm and making satisfactory progress, in accordance with
9 standards established by the Illinois Community College Board.

10 (g) Upon proof submitted to the Illinois Department of
11 Human Services of the payment of all claims submitted under
12 this Section, that Department shall apply for federal funds
13 made available therefor and any federal funds so received shall
14 be paid into the General Revenue Fund in the State Treasury.

15 School districts or community colleges providing classes
16 under this Section shall submit applications to the Illinois
17 Community College Board for preapproval in accordance with the
18 standards established by the Illinois Community College Board.
19 Payments shall be made by the Illinois Community College Board
20 based upon approved programs. Interim expenditure reports may
21 be required by the Illinois Community College Board. Final
22 claims for the school year shall be submitted to the regional
23 superintendents for transmittal to the Illinois Community
24 College Board. Final adjusted payments shall be made by
25 September 30.

26 If a school district or community college district fails to

1 provide, or is providing unsatisfactory or insufficient
2 classes under this Section, the Illinois Community College
3 Board may enter into agreements with public or private
4 educational or other agencies other than the public schools for
5 the establishment of such classes.

6 (h) If a school district or community college district
7 establishes child-care facilities for the children of
8 participants in classes established under this Section, it may
9 extend the use of these facilities to students who have
10 obtained employment and to other persons in the community whose
11 children require care and supervision while the parent or other
12 person in charge of the children is employed or otherwise
13 absent from the home during all or part of the day. It may make
14 the facilities available before and after as well as during
15 regular school hours to school age and preschool age children
16 who may benefit thereby, including children who require care
17 and supervision pending the return of their parent or other
18 person in charge of their care from employment or other
19 activity requiring absence from the home.

20 The Illinois Community College Board shall pay to the board
21 the cost of care in the facilities for any child who is a
22 recipient of financial aid under the Illinois Public Aid Code.

23 The board may charge for care of children for whom it
24 cannot make claim under the provisions of this Section. The
25 charge shall not exceed per capita cost, and to the extent
26 feasible, shall be fixed at a level which will permit

1 utilization by employed parents of low or moderate income. It
2 may also permit any other State or local governmental agency or
3 private agency providing care for children to purchase care.

4 After July 1, 1970 when the provisions of Section 10-20.20
5 become operative in the district, children in a child-care
6 facility shall be transferred to the kindergarten established
7 under that Section for such portion of the day as may be
8 required for the kindergarten program, and only the prorated
9 costs of care and training provided in the Center for the
10 remaining period shall be charged to the Illinois Department of
11 Human Services or other persons or agencies paying for such
12 care.

13 (i) The provisions of this Section shall also apply to
14 school districts having a population exceeding 500,000.

15 (j) In addition to claiming reimbursement under this
16 Section, a school district may claim general State aid under
17 Section 18-8.05 for any student under age 21 who is enrolled in
18 courses accepted for graduation from elementary or high school
19 and who otherwise meets the requirements of Section 18-8.05.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (105 ILCS 5/13-40) (from Ch. 122, par. 13-40)

22 Sec. 13-40. To increase the effectiveness of the Department
23 of Juvenile Justice and thereby to better serve the interests
24 of the people of Illinois the following bill is presented.

25 Its purpose is to enhance the quality and scope of

1 education for inmates and wards within the Department of
2 Juvenile Justice so that they will be better motivated and
3 better equipped to restore themselves to constructive and law
4 abiding lives in the community. The specific measure sought is
5 the creation of a school district within the Department so that
6 its educational programs can meet the needs of persons
7 committed and so the resources of public education at the state
8 and federal levels are best used, all of the same being
9 contemplated within the provisions of the Illinois State
10 Constitution of 1970 which provides that "A fundamental goal of
11 the People of the State is the educational development of all
12 persons to the limits of their capacities." Therefore, on July
13 1, 2006, the Department of Corrections school district shall be
14 transferred to the Department of Juvenile Justice. It shall be
15 responsible for the education of youth within the Department of
16 Juvenile Justice and inmates age 21 or under within the
17 Department of Corrections who have not yet earned a high school
18 diploma or a high school equivalency ~~General Educational~~
19 ~~Development (GED)~~ certificate, and the ~~said~~ district may
20 establish primary, secondary, vocational, adult, special, and
21 advanced educational schools as provided in this Act. The
22 Department of Corrections retains authority as provided for in
23 subsection (d) of Section 3-6-2 of the Unified Code of
24 Corrections. The Board of Education for this district shall
25 with the aid and advice of professional educational personnel
26 of the Department of Juvenile Justice and the State Board of

1 Education determine the needs and type of schools and the
2 curriculum for each school within the school district and may
3 proceed to establish the same through existing means within
4 present and future appropriations, federal and state school
5 funds, vocational rehabilitation grants and funds and all other
6 funds, gifts and grants, private or public, including federal
7 funds, but not exclusive to the said sources but inclusive of
8 all funds which might be available for school purposes.

9 (Source: P.A. 94-696, eff. 6-1-06.)

10 (105 ILCS 5/13B-20.20)

11 Sec. 13B-20.20. Enrollment in other programs. High school
12 equivalency testing ~~General—Educational—Development~~
13 preparation programs are not eligible for funding under this
14 Article. A student may enroll in a program approved under
15 Section 18-8.05 of this Code, as appropriate, or attend both
16 the alternative learning opportunities program and the regular
17 school program to enhance student performance and facilitate
18 on-time graduation.

19 (Source: P.A. 92-42, eff. 1-1-02.)

20 (105 ILCS 5/13B-30.15)

21 Sec. 13B-30.15. Statewide program evaluation of student
22 outcomes. Alternative learning opportunities programs must be
23 evaluated annually on a statewide basis. Indicators used to
24 measure student outcomes for this evaluation may include

1 program completion, elementary school graduation, high school
2 graduation or passage of high school equivalency testing ~~the~~
3 ~~General Educational Development test~~, attendance, the number
4 of students involved in work-based learning activities, the
5 number of students making an effective transition to the
6 regular school program, further education or work, and
7 improvement in the percentage of students enrolled in the
8 sending school district or districts that meet State standards.
9 (Source: P.A. 92-42, eff. 1-1-02.)

10 (105 ILCS 5/13B-85)

11 Sec. 13B-85. High school equivalency testing ~~Test of~~
12 ~~General Educational Development~~. A student 16 years of age or
13 over who satisfactorily completes an alternative learning
14 opportunities program in accordance with school district
15 guidelines and the Student Success Plan may take a high school
16 equivalency test ~~the Test of General Educational Development~~.
17 (Source: P.A. 92-42, eff. 1-1-02.)

18 (105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

19 (Text of Section before amendment by P.A. 98-544)

20 Sec. 26-2. Enrolled pupils below 7 or over 17.

21 (a) Any person having custody or control of a child who is
22 below the age of 7 years or is 17 years of age or above and who
23 is enrolled in any of grades kindergarten through 12 in the
24 public school shall cause him to attend the public school in

1 the district wherein he resides when it is in session during
2 the regular school term, unless he is excused under paragraph
3 2, 3, 4, 5, or 6 of Section 26-1.

4 (b) A school district shall deny reenrollment in its
5 secondary schools to any child 19 years of age or above who has
6 dropped out of school and who could not, because of age and
7 lack of credits, attend classes during the normal school year
8 and graduate before his or her twenty-first birthday. A
9 district may, however, enroll the child in a graduation
10 incentives program under Section 26-16 of this Code or an
11 alternative learning opportunities program established under
12 Article 13B. No child shall be denied reenrollment for the
13 above reasons unless the school district first offers the child
14 due process as required in cases of expulsion under Section
15 10-22.6. If a child is denied reenrollment after being provided
16 with due process, the school district must provide counseling
17 to that child and must direct that child to alternative
18 educational programs, including adult education programs, that
19 lead to graduation or receipt of a high school equivalency
20 certificate ~~GED diploma~~.

21 (c) A school or school district may deny enrollment to a
22 student 17 years of age or older for one semester for failure
23 to meet minimum academic standards if all of the following
24 conditions are met:

25 (1) The student achieved a grade point average of less
26 than "D" (or its equivalent) in the semester immediately

1 prior to the current semester.

2 (2) The student and the student's parent or guardian
3 are given written notice warning that the student is
4 failing academically and is subject to denial from
5 enrollment for one semester unless a "D" average (or its
6 equivalent) or better is attained in the current semester.

7 (3) The parent or guardian is provided with the right
8 to appeal the notice, as determined by the State Board of
9 Education in accordance with due process.

10 (4) The student is provided with an academic
11 improvement plan and academic remediation services.

12 (5) The student fails to achieve a "D" average (or its
13 equivalent) or better in the current semester.

14 A school or school district may deny enrollment to a
15 student 17 years of age or older for one semester for failure
16 to meet minimum attendance standards if all of the following
17 conditions are met:

18 (1) The student was absent without valid cause for 20%
19 or more of the attendance days in the semester immediately
20 prior to the current semester.

21 (2) The student and the student's parent or guardian
22 are given written notice warning that the student is
23 subject to denial from enrollment for one semester unless
24 the student is absent without valid cause less than 20% of
25 the attendance days in the current semester.

26 (3) The student's parent or guardian is provided with

1 the right to appeal the notice, as determined by the State
2 Board of Education in accordance with due process.

3 (4) The student is provided with attendance
4 remediation services, including without limitation
5 assessment, counseling, and support services.

6 (5) The student is absent without valid cause for 20%
7 or more of the attendance days in the current semester.

8 A school or school district may not deny enrollment to a
9 student (or reenrollment to a dropout) who is at least 17 years
10 of age or older but below 19 years for more than one
11 consecutive semester for failure to meet academic or attendance
12 standards.

13 (d) No child may be denied enrollment or reenrollment under
14 this Section in violation of the Individuals with Disabilities
15 Education Act or the Americans with Disabilities Act.

16 (e) In this subsection (e), "reenrolled student" means a
17 dropout who has reenrolled full-time in a public school. Each
18 school district shall identify, track, and report on the
19 educational progress and outcomes of reenrolled students as a
20 subset of the district's required reporting on all enrollments.
21 A reenrolled student who again drops out must not be counted
22 again against a district's dropout rate performance measure.
23 The State Board of Education shall set performance standards
24 for programs serving reenrolled students.

25 (f) The State Board of Education shall adopt any rules
26 necessary to implement the changes to this Section made by

1 Public Act 93-803.

2 (Source: P.A. 95-417, eff. 8-24-07.)

3 (Text of Section after amendment by P.A. 98-544)

4 Sec. 26-2. Enrolled pupils not of compulsory school age.

5 (a) For school years before the 2014-2015 school year, any
6 person having custody or control of a child who is below the
7 age of 7 years or is 17 years of age or above and who is
8 enrolled in any of grades kindergarten through 12 in the public
9 school shall cause him to attend the public school in the
10 district wherein he resides when it is in session during the
11 regular school term, unless he is excused under paragraph 2, 3,
12 4, 5, or 6 of Section 26-1. Beginning with the 2014-2015 school
13 year, any person having custody or control of a child who is
14 below the age of 6 years or is 17 years of age or above and who
15 is enrolled in any of grades kindergarten through 12 in the
16 public school shall cause the child to attend the public school
17 in the district wherein he or she resides when it is in session
18 during the regular school term, unless the child is excused
19 under paragraph 2, 3, 4, 5, or 6 of Section 26-1 of this Code.

20 (b) A school district shall deny reenrollment in its
21 secondary schools to any child 19 years of age or above who has
22 dropped out of school and who could not, because of age and
23 lack of credits, attend classes during the normal school year
24 and graduate before his or her twenty-first birthday. A
25 district may, however, enroll the child in a graduation

1 incentives program under Section 26-16 of this Code or an
2 alternative learning opportunities program established under
3 Article 13B. No child shall be denied reenrollment for the
4 above reasons unless the school district first offers the child
5 due process as required in cases of expulsion under Section
6 10-22.6. If a child is denied reenrollment after being provided
7 with due process, the school district must provide counseling
8 to that child and must direct that child to alternative
9 educational programs, including adult education programs, that
10 lead to graduation or receipt of a high school equivalency
11 certificate ~~GED diploma~~.

12 (c) A school or school district may deny enrollment to a
13 student 17 years of age or older for one semester for failure
14 to meet minimum academic standards if all of the following
15 conditions are met:

16 (1) The student achieved a grade point average of less
17 than "D" (or its equivalent) in the semester immediately
18 prior to the current semester.

19 (2) The student and the student's parent or guardian
20 are given written notice warning that the student is
21 failing academically and is subject to denial from
22 enrollment for one semester unless a "D" average (or its
23 equivalent) or better is attained in the current semester.

24 (3) The parent or guardian is provided with the right
25 to appeal the notice, as determined by the State Board of
26 Education in accordance with due process.

1 (4) The student is provided with an academic
2 improvement plan and academic remediation services.

3 (5) The student fails to achieve a "D" average (or its
4 equivalent) or better in the current semester.

5 A school or school district may deny enrollment to a
6 student 17 years of age or older for one semester for failure
7 to meet minimum attendance standards if all of the following
8 conditions are met:

9 (1) The student was absent without valid cause for 20%
10 or more of the attendance days in the semester immediately
11 prior to the current semester.

12 (2) The student and the student's parent or guardian
13 are given written notice warning that the student is
14 subject to denial from enrollment for one semester unless
15 the student is absent without valid cause less than 20% of
16 the attendance days in the current semester.

17 (3) The student's parent or guardian is provided with
18 the right to appeal the notice, as determined by the State
19 Board of Education in accordance with due process.

20 (4) The student is provided with attendance
21 remediation services, including without limitation
22 assessment, counseling, and support services.

23 (5) The student is absent without valid cause for 20%
24 or more of the attendance days in the current semester.

25 A school or school district may not deny enrollment to a
26 student (or reenrollment to a dropout) who is at least 17 years

1 of age or older but below 19 years for more than one
2 consecutive semester for failure to meet academic or attendance
3 standards.

4 (d) No child may be denied enrollment or reenrollment under
5 this Section in violation of the Individuals with Disabilities
6 Education Act or the Americans with Disabilities Act.

7 (e) In this subsection (e), "reenrolled student" means a
8 dropout who has reenrolled full-time in a public school. Each
9 school district shall identify, track, and report on the
10 educational progress and outcomes of reenrolled students as a
11 subset of the district's required reporting on all enrollments.
12 A reenrolled student who again drops out must not be counted
13 again against a district's dropout rate performance measure.
14 The State Board of Education shall set performance standards
15 for programs serving reenrolled students.

16 (f) The State Board of Education shall adopt any rules
17 necessary to implement the changes to this Section made by
18 Public Act 93-803.

19 (Source: P.A. 98-544, eff. 7-1-14.)

20 (105 ILCS 5/26-16)

21 Sec. 26-16. Graduation incentives program.

22 (a) The General Assembly finds that it is critical to
23 provide options for children to succeed in school. The purpose
24 of this Section is to provide incentives for and encourage all
25 Illinois students who have experienced or are experiencing

1 difficulty in the traditional education system to enroll in
2 alternative programs.

3 (b) Any student who is below the age of 20 years is
4 eligible to enroll in a graduation incentives program if he or
5 she:

6 (1) is considered a dropout pursuant to Section 26-2a
7 of this Code;

8 (2) has been suspended or expelled pursuant to Section
9 10-22.6 or 34-19 of this Code;

10 (3) is pregnant or is a parent;

11 (4) has been assessed as chemically dependent; or

12 (5) is enrolled in a bilingual education or LEP
13 program.

14 (c) The following programs qualify as graduation
15 incentives programs for students meeting the criteria
16 established in this Section:

17 (1) Any public elementary or secondary education
18 graduation incentives program established by a school
19 district or by a regional office of education.

20 (2) Any alternative learning opportunities program
21 established pursuant to Article 13B of this Code.

22 (3) Vocational or job training courses approved by the
23 State Superintendent of Education that are available
24 through the Illinois public community college system.
25 Students may apply for reimbursement of 50% of tuition
26 costs for one course per semester or a maximum of 3 courses

1 per school year. Subject to available funds, students may
2 apply for reimbursement of up to 100% of tuition costs upon
3 a showing of employment within 6 months after completion of
4 a vocational or job training program. The qualifications
5 for reimbursement shall be established by the State
6 Superintendent of Education by rule.

7 (4) Job and career programs approved by the State
8 Superintendent of Education that are available through
9 Illinois-accredited private business and vocational
10 schools. Subject to available funds, pupils may apply for
11 reimbursement of up to 100% of tuition costs upon a showing
12 of employment within 6 months after completion of a job or
13 career program. The State Superintendent of Education
14 shall establish, by rule, the qualifications for
15 reimbursement, criteria for determining reimbursement
16 amounts, and limits on reimbursement.

17 (5) Adult education courses that offer preparation for
18 high school equivalency testing ~~the General Educational~~
19 ~~Development Test.~~

20 (d) Graduation incentives programs established by school
21 districts are entitled to claim general State aid, subject to
22 Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code.
23 Graduation incentives programs operated by regional offices of
24 education are entitled to receive general State aid at the
25 foundation level of support per pupil enrolled. A school
26 district must ensure that its graduation incentives program

1 receives supplemental general State aid, transportation
2 reimbursements, and special education resources, if
3 appropriate, for students enrolled in the program.

4 (Source: P.A. 93-858, eff. 1-1-05; 93-1079, eff. 1-21-05.)

5 Section 40. The Adult Education Act is amended by changing
6 Section 3-1 as follows:

7 (105 ILCS 405/3-1) (from Ch. 122, par. 203-1)

8 Sec. 3-1. Apportionment for Adult Education Courses. Any
9 school district maintaining adult education classes for the
10 instruction of persons over 21 years of age and youths under 21
11 years of age whose schooling has been interrupted shall be
12 entitled to claim an apportionment in accordance with the
13 provisions of Section 10-22.20 of the School Code and Section
14 2-4 of this Act. Any public community college district
15 maintaining adult education classes for the instruction of
16 persons over 21 years of age and youths under 21 years of age
17 whose schooling has been interrupted shall be entitled to claim
18 an apportionment in accordance with the provisions of Section
19 2-16.02 of the Public Community College Act.

20 Reimbursement as herein provided shall be limited to
21 courses regularly accepted for graduation from elementary or
22 high schools and for Americanization and high school
23 equivalency testing review ~~General Educational Development~~
24 ~~Review~~ classes which are approved by the Board.

1 If the amount appropriated for this purpose is less than
2 the amount required under the provisions of this Section, the
3 apportionment for local districts shall be proportionately
4 reduced.

5 (Source: P.A. 93-21, eff. 7-1-03.)

6 Section 45. The University of Illinois Act is amended by
7 changing Section 8 as follows:

8 (110 ILCS 305/8) (from Ch. 144, par. 29)

9 Sec. 8. Admissions.

10 (a) (Blank).

11 (b) In addition, commencing in the fall of 1993, no new
12 student shall then or thereafter be admitted to instruction in
13 any of the departments or colleges of the University unless
14 such student also has satisfactorily completed:

15 (1) at least 15 units of high school coursework from
16 the following 5 categories:

17 (A) 4 years of English (emphasizing written and
18 oral communications and literature), of which up to 2
19 years may be collegiate level instruction;

20 (B) 3 years of social studies (emphasizing history
21 and government);

22 (C) 3 years of mathematics (introductory through
23 advanced algebra, geometry, trigonometry, or
24 fundamentals of computer programming);

1 (D) 3 years of science (laboratory sciences); and
2 (E) 2 years of electives in foreign language (which
3 may be deemed to include American Sign Language),
4 music, vocational education or art;

5 (2) except that institutions may admit individual
6 applicants if the institution determines through
7 assessment or through evaluation based on learning
8 outcomes of the coursework taken, including vocational
9 education courses and courses taken in a charter school
10 established under Article 27A of the School Code, that the
11 applicant demonstrates knowledge and skills substantially
12 equivalent to the knowledge and skills expected to be
13 acquired in the high school courses required for admission.
14 The Board of Trustees of the University of Illinois shall
15 not discriminate in the University's admissions process
16 against an applicant for admission because of the
17 applicant's enrollment in a charter school established
18 under Article 27A of the School Code. Institutions may also
19 admit 1) applicants who did not have an opportunity to
20 complete the minimum college preparatory curriculum in
21 high school, and 2) educationally disadvantaged applicants
22 who are admitted to the formal organized special assistance
23 programs that are tailored to the needs of such students,
24 providing that in either case, the institution
25 incorporates in the applicant's baccalaureate curriculum
26 courses or other academic activities that compensate for

1 course deficiencies; and

2 (3) except that up to 3 of the 15 units of coursework
3 required by paragraph (1) of this subsection may be
4 distributed by deducting no more than one unit each from
5 the categories of social studies, mathematics, sciences
6 and electives and completing those 3 units in any of the 5
7 categories of coursework described in paragraph (1).

8 (c) When allocating funds, local boards of education shall
9 recognize their obligation to their students to offer the
10 coursework required by subsection (b).

11 (d) A student who has graduated from high school and has
12 scored within the University's accepted range on the ACT or SAT
13 shall not be required to take a high school equivalency test
14 ~~the high school level General Educational Development (GED)~~
15 ~~Test~~ as a prerequisite to admission.

16 (Source: P.A. 96-203, eff. 8-10-09; 96-843, eff. 6-1-10;
17 96-1000, eff. 7-2-10.)

18 Section 50. The Southern Illinois University Management
19 Act is amended by changing Section 8e as follows:

20 (110 ILCS 520/8e) (from Ch. 144, par. 658e)

21 Sec. 8e. Admissions.

22 (a) Commencing in the fall of 1993, no new student shall
23 then or thereafter be admitted to instruction in any of the
24 departments or colleges of the University unless such student

1 also has satisfactorily completed:

2 (1) at least 15 units of high school coursework from
3 the following 5 categories:

4 (A) 4 years of English (emphasizing written and
5 oral communications and literature), of which up to 2
6 years may be collegiate level instruction;

7 (B) 3 years of social studies (emphasizing history
8 and government);

9 (C) 3 years of mathematics (introductory through
10 advanced algebra, geometry, trigonometry, or
11 fundamentals of computer programming);

12 (D) 3 years of science (laboratory sciences); and

13 (E) 2 years of electives in foreign language (which
14 may be deemed to include American Sign Language),
15 music, vocational education or art;

16 (2) except that institutions may admit individual
17 applicants if the institution determines through
18 assessment or through evaluation based on learning
19 outcomes of the coursework taken, including vocational
20 education courses and courses taken in a charter school
21 established under Article 27A of the School Code, that the
22 applicant demonstrates knowledge and skills substantially
23 equivalent to the knowledge and skills expected to be
24 acquired in the high school courses required for admission.
25 The Board of Trustees of Southern Illinois University shall
26 not discriminate in the University's admissions process

1 against an applicant for admission because of the
2 applicant's enrollment in a charter school established
3 under Article 27A of the School Code. Institutions may also
4 admit 1) applicants who did not have an opportunity to
5 complete the minimum college preparatory curriculum in
6 high school, and 2) educationally disadvantaged applicants
7 who are admitted to the formal organized special assistance
8 programs that are tailored to the needs of such students,
9 providing that in either case, the institution
10 incorporates in the applicant's baccalaureate curriculum
11 courses or other academic activities that compensate for
12 course deficiencies; and

13 (3) except that up to 3 of 15 units of coursework
14 required by paragraph (1) of this subsection may be
15 distributed by deducting no more than one unit each from
16 the categories of social studies, mathematics, sciences
17 and electives and completing those 3 units in any of the 5
18 categories of coursework described in paragraph (1).

19 (b) When allocating funds, local boards of education shall
20 recognize their obligation to their students to offer the
21 coursework required by subsection (a).

22 (c) A student who has graduated from high school and has
23 scored within the University's accepted range on the ACT or SAT
24 shall not be required to take a high school equivalency test
25 ~~the high school level General Educational Development (GED)~~
26 ~~Test~~ as a prerequisite to admission.

1 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

2 Section 55. The Chicago State University Law is amended by
3 changing Section 5-85 as follows:

4 (110 ILCS 660/5-85)

5 Sec. 5-85. Admission requirements.

6 (a) No new student shall be admitted to instruction in any
7 of the departments or colleges of the Chicago State University
8 unless such student also has satisfactorily completed:

9 (1) at least 15 units of high school coursework from
10 the following 5 categories:

11 (A) 4 years of English (emphasizing written and
12 oral communications and literature), of which up to 2
13 years may be collegiate level instruction;

14 (B) 3 years of social studies (emphasizing history
15 and government);

16 (C) 3 years of mathematics (introductory through
17 advanced algebra, geometry, trigonometry, or
18 fundamentals of computer programming);

19 (D) 3 years of science (laboratory sciences); and

20 (E) 2 years of electives in foreign language (which
21 may be deemed to include American Sign Language),
22 music, vocational education or art;

23 (2) except that Chicago State University may admit
24 individual applicants if it determines through assessment

1 or through evaluation based on learning outcomes of the
2 coursework taken, including vocational education courses
3 and courses taken in a charter school established under
4 Article 27A of the School Code, that the applicant
5 demonstrates knowledge and skills substantially equivalent
6 to the knowledge and skills expected to be acquired in the
7 high school courses required for admission. The Board of
8 Trustees of Chicago State University shall not
9 discriminate in the University's admissions process
10 against an applicant for admission because of the
11 applicant's enrollment in a charter school established
12 under Article 27A of the School Code. Chicago State
13 University may also admit (i) applicants who did not have
14 an opportunity to complete the minimum college preparatory
15 curriculum in high school, and (ii) educationally
16 disadvantaged applicants who are admitted to the formal
17 organized special assistance programs that are tailored to
18 the needs of such students, providing that in either case,
19 the institution incorporates in the applicant's
20 baccalaureate curriculum courses or other academic
21 activities that compensate for course deficiencies; and

22 (3) except that up to 3 of 15 units of coursework
23 required by paragraph (1) of this subsection may be
24 distributed by deducting no more than one unit each from
25 the categories of social studies, mathematics, sciences
26 and electives and completing those 3 units in any of the 5

1 categories of coursework described in paragraph (1).

2 (b) When allocating funds, local boards of education shall
3 recognize their obligation to their students to offer the
4 coursework required by subsection (a).

5 (c) A student who has graduated from high school and has
6 scored within the University's accepted range on the ACT or SAT
7 shall not be required to take a high school equivalency test
8 ~~the high school level General Educational Development (GED)~~
9 ~~Test~~ as a prerequisite to admission.

10 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

11 Section 60. The Eastern Illinois University Law is amended
12 by changing Section 10-85 as follows:

13 (110 ILCS 665/10-85)

14 Sec. 10-85. Admission requirements.

15 (a) No new student shall be admitted to instruction in any
16 of the departments or colleges of the Eastern Illinois
17 University unless such student also has satisfactorily
18 completed:

19 (1) at least 15 units of high school coursework from
20 the following 5 categories:

21 (A) 4 years of English (emphasizing written and
22 oral communications and literature), of which up to 2
23 years may be collegiate level instruction;

24 (B) 3 years of social studies (emphasizing history

1 and government);

2 (C) 3 years of mathematics (introductory through
3 advanced algebra, geometry, trigonometry, or
4 fundamentals of computer programming);

5 (D) 3 years of science (laboratory sciences); and

6 (E) 2 years of electives in foreign language (which
7 may be deemed to include American Sign Language),
8 music, vocational education or art;

9 (2) except that Eastern Illinois University may admit
10 individual applicants if it determines through assessment
11 or through evaluation based on learning outcomes of the
12 coursework taken, including vocational education courses
13 and courses taken in a charter school established under
14 Article 27A of the School Code, that the applicant
15 demonstrates knowledge and skills substantially equivalent
16 to the knowledge and skills expected to be acquired in the
17 high school courses required for admission. The Board of
18 Trustees of Eastern Illinois University shall not
19 discriminate in the University's admissions process
20 against an applicant for admission because of the
21 applicant's enrollment in a charter school established
22 under Article 27A of the School Code. Eastern Illinois
23 University may also admit (i) applicants who did not have
24 an opportunity to complete the minimum college preparatory
25 curriculum in high school, and (ii) educationally
26 disadvantaged applicants who are admitted to the formal

1 organized special assistance programs that are tailored to
2 the needs of such students, providing that in either case,
3 the institution incorporates in the applicant's
4 baccalaureate curriculum courses or other academic
5 activities that compensate for course deficiencies; and

6 (3) except that up to 3 of 15 units of coursework
7 required by paragraph (1) of this subsection may be
8 distributed by deducting no more than one unit each from
9 the categories of social studies, mathematics, sciences
10 and electives and completing those 3 units in any of the 5
11 categories of coursework described in paragraph (1).

12 (b) When allocating funds, local boards of education shall
13 recognize their obligation to their students to offer the
14 coursework required by subsection (a).

15 (c) A student who has graduated from high school and has
16 scored within the University's accepted range on the ACT or SAT
17 shall not be required to take a high school equivalency test
18 ~~the high school level General Educational Development (GED)~~
19 ~~Test~~ as a prerequisite to admission.

20 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

21 Section 65. The Governors State University Law is amended
22 by changing Section 15-85 as follows:

23 (110 ILCS 670/15-85)

24 Sec. 15-85. Admission requirements.

1 (a) No new student shall be admitted to instruction in any
2 of the departments or colleges of the Governors State
3 University unless such student also has satisfactorily
4 completed:

5 (1) at least 15 units of high school coursework from
6 the following 5 categories:

7 (A) 4 years of English (emphasizing written and
8 oral communications and literature), of which up to 2
9 years may be collegiate level instruction;

10 (B) 3 years of social studies (emphasizing history
11 and government);

12 (C) 3 years of mathematics (introductory through
13 advanced algebra, geometry, trigonometry, or
14 fundamentals of computer programming);

15 (D) 3 years of science (laboratory sciences); and

16 (E) 2 years of electives in foreign language (which
17 may be deemed to include American Sign Language),
18 music, vocational education or art;

19 (2) except that Governors State University may admit
20 individual applicants if it determines through assessment
21 or through evaluation based on learning outcomes of the
22 coursework taken, including vocational education courses
23 and courses taken in a charter school established under
24 Article 27A of the School Code, that the applicant
25 demonstrates knowledge and skills substantially equivalent
26 to the knowledge and skills expected to be acquired in the

1 high school courses required for admission. The Board of
2 Trustees of Governors State University shall not
3 discriminate in the University's admissions process
4 against an applicant for admission because of the
5 applicant's enrollment in a charter school established
6 under Article 27A of the School Code. Governors State
7 University may also admit (i) applicants who did not have
8 an opportunity to complete the minimum college preparatory
9 curriculum in high school, and (ii) educationally
10 disadvantaged applicants who are admitted to the formal
11 organized special assistance programs that are tailored to
12 the needs of such students, providing that in either case,
13 the institution incorporates in the applicant's
14 baccalaureate curriculum courses or other academic
15 activities that compensate for course deficiencies; and

16 (3) except that up to 3 of 15 units of coursework
17 required by paragraph (1) of this subsection may be
18 distributed by deducting no more than one unit each from
19 the categories of social studies, mathematics, sciences
20 and electives and completing those 3 units in any of the 5
21 categories of coursework described in paragraph (1).

22 (b) When allocating funds, local boards of education shall
23 recognize their obligation to their students to offer the
24 coursework required by subsection (a).

25 (c) A student who has graduated from high school and has
26 scored within the University's accepted range on the ACT or SAT

1 shall not be required to take a high school equivalency test
2 ~~the high school level General Educational Development (GED)~~
3 ~~Test~~ as a prerequisite to admission.

4 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

5 Section 70. The Illinois State University Law is amended by
6 changing Section 20-85 as follows:

7 (110 ILCS 675/20-85)

8 Sec. 20-85. Admission requirements.

9 (a) No new student shall be admitted to instruction in any
10 of the departments or colleges of the Illinois State University
11 unless such student also has satisfactorily completed:

12 (1) at least 15 units of high school coursework from
13 the following 5 categories:

14 (A) 4 years of English (emphasizing written and
15 oral communications and literature), of which up to 2
16 years may be collegiate level instruction;

17 (B) 3 years of social studies (emphasizing history
18 and government);

19 (C) 3 years of mathematics (introductory through
20 advanced algebra, geometry, trigonometry, or
21 fundamentals of computer programming);

22 (D) 3 years of science (laboratory sciences); and

23 (E) 2 years of electives in foreign language (which
24 may be deemed to include American Sign Language),

1 music, vocational education or art;

2 (2) except that Illinois State University may admit
3 individual applicants if it determines through assessment
4 or through evaluation based on learning outcomes of the
5 coursework taken, including vocational education courses
6 and courses taken in a charter school established under
7 Article 27A of the School Code, that the applicant
8 demonstrates knowledge and skills substantially equivalent
9 to the knowledge and skills expected to be acquired in the
10 high school courses required for admission. The Board of
11 Trustees of Illinois State University shall not
12 discriminate in the University's admissions process
13 against an applicant for admission because of the
14 applicant's enrollment in a charter school established
15 under Article 27A of the School Code. Illinois State
16 University may also admit (i) applicants who did not have
17 an opportunity to complete the minimum college preparatory
18 curriculum in high school, and (ii) educationally
19 disadvantaged applicants who are admitted to the formal
20 organized special assistance programs that are tailored to
21 the needs of such students, providing that in either case,
22 the institution incorporates in the applicant's
23 baccalaureate curriculum courses or other academic
24 activities that compensate for course deficiencies; and

25 (3) except that up to 3 of 15 units of coursework
26 required by paragraph (1) of this subsection may be

1 distributed by deducting no more than one unit each from
2 the categories of social studies, mathematics, sciences
3 and electives and completing those 3 units in any of the 5
4 categories of coursework described in paragraph (1).

5 (b) When allocating funds, local boards of education shall
6 recognize their obligation to their students to offer the
7 coursework required by subsection (a).

8 (c) A student who has graduated from high school and has
9 scored within the University's accepted range on the ACT or SAT
10 shall not be required to take a high school equivalency test
11 ~~the high school level General Educational Development (GED)~~
12 ~~Test~~ as a prerequisite to admission.

13 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

14 Section 75. The Northeastern Illinois University Law is
15 amended by changing Section 25-85 as follows:

16 (110 ILCS 680/25-85)

17 Sec. 25-85. Admission requirements.

18 (a) No new student shall be admitted to instruction in any
19 of the departments or colleges of the Northeastern Illinois
20 University unless such student also has satisfactorily
21 completed:

22 (1) at least 15 units of high school coursework from
23 the following 5 categories:

24 (A) 4 years of English (emphasizing written and

1 oral communications and literature), of which up to 2
2 years may be collegiate level instruction;

3 (B) 3 years of social studies (emphasizing history
4 and government);

5 (C) 3 years of mathematics (introductory through
6 advanced algebra, geometry, trigonometry, or
7 fundamentals of computer programming);

8 (D) 3 years of science (laboratory sciences); and

9 (E) 2 years of electives in foreign language (which
10 may be deemed to include American Sign Language),
11 music, vocational education or art;

12 (2) except that Northeastern Illinois University may
13 admit individual applicants if it determines through
14 assessment or through evaluation based on learning
15 outcomes of the coursework taken, including vocational
16 education courses and courses taken in a charter school
17 established under Article 27A of the School Code, that the
18 applicant demonstrates knowledge and skills substantially
19 equivalent to the knowledge and skills expected to be
20 acquired in the high school courses required for admission.
21 The Board of Trustees of Northeastern Illinois University
22 shall not discriminate in the University's admissions
23 process against an applicant for admission because of the
24 applicant's enrollment in a charter school established
25 under Article 27A of the School Code. Northeastern Illinois
26 University may also admit (i) applicants who did not have

1 an opportunity to complete the minimum college preparatory
2 curriculum in high school, and (ii) educationally
3 disadvantaged applicants who are admitted to the formal
4 organized special assistance programs that are tailored to
5 the needs of such students, providing that in either case,
6 the institution incorporates in the applicant's
7 baccalaureate curriculum courses or other academic
8 activities that compensate for course deficiencies; and

9 (3) except that up to 3 of 15 units of coursework
10 required by paragraph (1) of this subsection may be
11 distributed by deducting no more than one unit each from
12 the categories of social studies, mathematics, sciences
13 and electives and completing those 3 units in any of the 5
14 categories of coursework described in paragraph (1).

15 (b) When allocating funds, local boards of education shall
16 recognize their obligation to their students to offer the
17 coursework required by subsection (a).

18 (c) A student who has graduated from high school and has
19 scored within the University's accepted range on the ACT or SAT
20 shall not be required to take a high school equivalency test
21 ~~the high school level General Educational Development (GED)~~
22 ~~Test~~ as a prerequisite to admission.

23 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

24 Section 80. The Northern Illinois University Law is amended
25 by changing Section 30-85 as follows:

1 (110 ILCS 685/30-85)

2 Sec. 30-85. Admission requirements.

3 (a) No new student shall be admitted to instruction in any
4 of the departments or colleges of the Northern Illinois
5 University unless such student also has satisfactorily
6 completed:

7 (1) at least 15 units of high school coursework from
8 the following 5 categories:

9 (A) 4 years of English (emphasizing written and
10 oral communications and literature), of which up to 2
11 years may be collegiate level instruction;

12 (B) 3 years of social studies (emphasizing history
13 and government);

14 (C) 3 years of mathematics (introductory through
15 advanced algebra, geometry, trigonometry, or
16 fundamentals of computer programming);

17 (D) 3 years of science (laboratory sciences); and

18 (E) 2 years of electives in foreign language (which
19 may be deemed to include American Sign Language),
20 music, vocational education or art;

21 (2) except that Northern Illinois University may admit
22 individual applicants if it determines through assessment
23 or through evaluation based on learning outcomes of the
24 coursework taken, including vocational education courses
25 and courses taken in a charter school established under

1 Article 27A of the School Code, that the applicant
2 demonstrates knowledge and skills substantially equivalent
3 to the knowledge and skills expected to be acquired in the
4 high school courses required for admission. The Board of
5 Trustees of Northern Illinois University shall not
6 discriminate in the University's admissions process
7 against an applicant for admission because of the
8 applicant's enrollment in a charter school established
9 under Article 27A of the School Code. Northern Illinois
10 University may also admit (i) applicants who did not have
11 an opportunity to complete the minimum college preparatory
12 curriculum in high school, and (ii) educationally
13 disadvantaged applicants who are admitted to the formal
14 organized special assistance programs that are tailored to
15 the needs of such students, providing that in either case,
16 the institution incorporates in the applicant's
17 baccalaureate curriculum courses or other academic
18 activities that compensate for course deficiencies; and

19 (3) except that up to 3 of 15 units of coursework
20 required by paragraph (1) of this subsection may be
21 distributed by deducting no more than one unit each from
22 the categories of social studies, mathematics, sciences
23 and electives and completing those 3 units in any of the 5
24 categories of coursework described in paragraph (1).

25 (b) When allocating funds, local boards of education shall
26 recognize their obligation to their students to offer the

1 coursework required by subsection (a).

2 (c) A student who has graduated from high school and has
3 scored within the University's accepted range on the ACT or SAT
4 shall not be required to take a high school equivalency test
5 ~~the high school level General Educational Development (GED)~~
6 ~~Test~~ as a prerequisite to admission.

7 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

8 Section 85. The Western Illinois University Law is amended
9 by changing Section 35-85 as follows:

10 (110 ILCS 690/35-85)

11 Sec. 35-85. Admission requirements.

12 (a) No new student shall be admitted to instruction in any
13 of the departments or colleges of the Western Illinois
14 University unless such student also has satisfactorily
15 completed:

16 (1) at least 15 units of high school coursework from
17 the following 5 categories:

18 (A) 4 years of English (emphasizing written and
19 oral communications and literature), of which up to 2
20 years may be collegiate level instruction;

21 (B) 3 years of social studies (emphasizing history
22 and government);

23 (C) 3 years of mathematics (introductory through
24 advanced algebra, geometry, trigonometry, or

1 fundamentals of computer programming);

2 (D) 3 years of science (laboratory sciences); and

3 (E) 2 years of electives in foreign language (which
4 may be deemed to include American Sign Language),
5 music, vocational education or art;

6 (2) except that Western Illinois University may admit
7 individual applicants if it determines through assessment
8 or through evaluation based on learning outcomes of the
9 coursework taken, including vocational education courses
10 and courses taken in a charter school established under
11 Article 27A of the School Code, that the applicant
12 demonstrates knowledge and skills substantially equivalent
13 to the knowledge and skills expected to be acquired in the
14 high school courses required for admission. The Board of
15 Trustees of Western Illinois University shall not
16 discriminate in the University's admissions process
17 against an applicant for admission because of the
18 applicant's enrollment in a charter school established
19 under Article 27A of the School Code. Western Illinois
20 University may also admit (i) applicants who did not have
21 an opportunity to complete the minimum college preparatory
22 curriculum in high school, and (ii) educationally
23 disadvantaged applicants who are admitted to the formal
24 organized special assistance programs that are tailored to
25 the needs of such students, providing that in either case,
26 the institution incorporates in the applicant's

1 baccalaureate curriculum courses or other academic
2 activities that compensate for course deficiencies; and

3 (3) except that up to 3 of 15 units of coursework
4 required by paragraph (1) of this subsection may be
5 distributed by deducting no more than one unit each from
6 the categories of social studies, mathematics, sciences
7 and electives and completing those 3 units in any of the 5
8 categories of coursework described in paragraph (1).

9 (b) When allocating funds, local boards of education shall
10 recognize their obligation to their students to offer the
11 coursework required by subsection (a).

12 (c) A student who has graduated from high school and has
13 scored within the University's accepted range on the ACT or SAT
14 shall not be required to take a high school equivalency test
15 ~~the high school level General Educational Development (GED)~~
16 ~~Test~~ as a prerequisite to admission.

17 (Source: P.A. 96-843, eff. 6-1-10; 96-1000, eff. 7-2-10.)

18 Section 90. The Public Community College Act is amended by
19 changing Sections 2-12 and 3-17 as follows:

20 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

21 Sec. 2-12. The State Board shall have the power and it
22 shall be its duty:

23 (a) To provide statewide planning for community colleges as
24 institutions of higher education and co-ordinate the programs,

1 services and activities of all community colleges in the State
2 so as to encourage and establish a system of locally initiated
3 and administered comprehensive community colleges.

4 (b) To organize and conduct feasibility surveys for new
5 community colleges or for the inclusion of existing
6 institutions as community colleges and the locating of new
7 institutions.

8 (c) To approve all locally funded capital projects for
9 which no State monies are required, in accordance with
10 standards established by rule.

11 (d) To cooperate with the community colleges in continuing
12 studies of student characteristics, admission standards,
13 grading policies, performance of transfer students,
14 qualification and certification of facilities and any other
15 problem of community college education.

16 (e) To enter into contracts with other governmental
17 agencies and eligible providers, such as local educational
18 agencies, community-based organizations of demonstrated
19 effectiveness, volunteer literacy organizations of
20 demonstrated effectiveness, institutions of higher education,
21 public and private nonprofit agencies, libraries, and public
22 housing authorities; to accept federal funds and to plan with
23 other State agencies when appropriate for the allocation of
24 such federal funds for instructional programs and student
25 services including such funds for adult education and adult
26 literacy, vocational and technical education, and retraining

1 as may be allocated by state and federal agencies for the aid
2 of community colleges. To receive, receipt for, hold in trust,
3 expend and administer, for all purposes of this Act, funds and
4 other aid made available by the federal government or by other
5 agencies public or private, subject to appropriation by the
6 General Assembly. The changes to this subdivision (e) made by
7 this amendatory Act of the 91st General Assembly apply on and
8 after July 1, 2001.

9 (f) To determine efficient and adequate standards for
10 community colleges for the physical plant, heating, lighting,
11 ventilation, sanitation, safety, equipment and supplies,
12 instruction and teaching, curriculum, library, operation,
13 maintenance, administration and supervision, and to grant
14 recognition certificates to community colleges meeting such
15 standards.

16 (g) To determine the standards for establishment of
17 community colleges and the proper location of the site in
18 relation to existing institutions of higher education offering
19 academic, occupational and technical training curricula,
20 possible enrollment, assessed valuation, industrial, business,
21 agricultural, and other conditions reflecting educational
22 needs in the area to be served; however, no community college
23 may be considered as being recognized nor may the establishment
24 of any community college be authorized in any district which
25 shall be deemed inadequate for the maintenance, in accordance
26 with the desirable standards thus determined, of a community

1 college offering the basic subjects of general education and
2 suitable vocational and semiprofessional and technical
3 curricula.

4 (h) To approve or disapprove new units of instruction,
5 research or public service as defined in Section 3-25.1 of this
6 Act submitted by the boards of trustees of the respective
7 community college districts of this State. The State Board may
8 discontinue programs which fail to reflect the educational
9 needs of the area being served. The community college district
10 shall be granted 60 days following the State Board staff
11 recommendation and prior to the State Board's action to respond
12 to concerns regarding the program in question. If the State
13 Board acts to abolish a community college program, the
14 community college district has a right to appeal the decision
15 in accordance with administrative rules promulgated by the
16 State Board under the provisions of the Illinois Administrative
17 Procedure Act.

18 (i) To participate in, to recommend approval or
19 disapproval, and to assist in the coordination of the programs
20 of community colleges participating in programs of
21 interinstitutional cooperation with other public or nonpublic
22 institutions of higher education. If the State Board does not
23 approve a particular cooperative agreement, the community
24 college district has a right to appeal the decision in
25 accordance with administrative rules promulgated by the State
26 Board under the provisions of the Illinois Administrative

1 Procedure Act.

2 (j) To establish guidelines regarding sabbatical leaves.

3 (k) To establish guidelines for the admission into special,
4 appropriate programs conducted or created by community
5 colleges for elementary and secondary school dropouts who have
6 received truant status from the school districts of this State
7 in compliance with Section 26-14 of The School Code.

8 (l) The Community College Board shall conduct a study of
9 community college teacher education courses to determine how
10 the community college system can increase its participation in
11 the preparation of elementary and secondary teachers.

12 (m) To establish by July 1, 1997 uniform financial
13 accounting and reporting standards and principles for
14 community colleges and develop procedures and systems for
15 community colleges for reporting financial data to the State
16 Board.

17 (n) To create and participate in the conduct and operation
18 of any corporation, joint venture, partnership, association,
19 or other organizational entity that has the power: (i) to
20 acquire land, buildings, and other capital equipment for the
21 use and benefit of the community colleges or their students;
22 (ii) to accept gifts and make grants for the use and benefit of
23 the community colleges or their students; (iii) to aid in the
24 instruction and education of students of community colleges;
25 and (iv) to promote activities to acquaint members of the
26 community with the facilities of the various community

1 colleges.

2 (o) On and after July 1, 2001, to ensure the effective
3 teaching of adults and to prepare them for success in
4 employment and lifelong learning by administering a network of
5 providers, programs, and services to provide adult basic
6 education, adult secondary and high school equivalency testing
7 education ~~secondary/general education development~~, English as
8 a second language, and any other instruction designed to
9 prepare adult students to function successfully in society and
10 to experience success in postsecondary education and the world
11 of work.

12 (p) On and after July 1, 2001, to supervise the
13 administration of adult education and adult literacy programs,
14 to establish the standards for such courses of instruction and
15 supervise the administration thereof, to contract with other
16 State and local agencies and eligible providers, such as local
17 educational agencies, community-based organizations of
18 demonstrated effectiveness, volunteer literacy organizations
19 of demonstrated effectiveness, institutions of higher
20 education, public and private nonprofit agencies, libraries,
21 and public housing authorities, for the purpose of promoting
22 and establishing classes for instruction under these programs,
23 to contract with other State and local agencies to accept and
24 expend appropriations for educational purposes to reimburse
25 local eligible providers for the cost of these programs, and to
26 establish an advisory council consisting of all categories of

1 eligible providers; agency partners, such as the State Board of
2 Education, the Department of Human Services, the Department of
3 Employment Security, and the Secretary of State literacy
4 program; and other stakeholders to identify, deliberate, and
5 make recommendations to the State Board on adult education
6 policy and priorities. The State Board shall support statewide
7 geographic distribution; diversity of eligible providers; and
8 the adequacy, stability, and predictability of funding so as
9 not to disrupt or diminish, but rather to enhance, adult
10 education by this change of administration.

11 (Source: P.A. 94-1105, eff. 6-1-07.)

12 (110 ILCS 805/3-17) (from Ch. 122, par. 103-17)

13 Sec. 3-17. The community college districts shall admit all
14 students qualified to complete any one of their programs
15 including general education, transfer, occupational,
16 technical, and terminal, as long as space for effective
17 instruction is available. After entry, the college shall
18 counsel and distribute the students among its programs
19 according to their interests and abilities. Students allowed
20 entry in college transfer programs must have ability and
21 competence similar to that possessed by students admitted to
22 state universities for similar programs. Entry level
23 competence to such college transfer programs may be achieved
24 through successful completion of other preparatory courses
25 offered by the college. If space is not available for all

1 students applying, the community college will accept those best
2 qualified, using rank in class and ability and achievement
3 tests as guides, and shall give preference to students residing
4 in the district unless the district has entered into a
5 contractual agreement for the mutual exchange of students with
6 another community college district, in which case, equal
7 enrollment preference may be granted to students residing in
8 such contracting districts.

9 A student who has graduated from high school and has scored
10 within the community college's accepted range on the ACT or SAT
11 shall not be required to take a high school equivalency test
12 ~~the high school level General Educational Development (GED)~~
13 ~~Test~~ as a prerequisite to admission.

14 (Source: P.A. 91-374, eff. 7-30-99.)

15 Section 95. The Higher Education Student Assistance Act is
16 amended by changing Sections 50 and 52 as follows:

17 (110 ILCS 947/50)

18 Sec. 50. Minority Teachers of Illinois scholarship
19 program.

20 (a) As used in this Section:

21 "Eligible applicant" means a minority student who has
22 graduated from high school or has received a high school
23 equivalency certificate ~~General Educational Development~~
24 ~~Certification~~ and has maintained a cumulative grade point

1 average of no less than 2.5 on a 4.0 scale, and who by
2 reason thereof is entitled to apply for scholarships to be
3 awarded under this Section.

4 "Minority student" means a student who is any of the
5 following:

6 (1) American Indian or Alaska Native (a person
7 having origins in any of the original peoples of North
8 and South America, including Central America, and who
9 maintains tribal affiliation or community attachment).

10 (2) Asian (a person having origins in any of the
11 original peoples of the Far East, Southeast Asia, or
12 the Indian subcontinent, including, but not limited
13 to, Cambodia, China, India, Japan, Korea, Malaysia,
14 Pakistan, the Philippine Islands, Thailand, and
15 Vietnam).

16 (3) Black or African American (a person having
17 origins in any of the black racial groups of Africa).
18 Terms such as "Haitian" or "Negro" can be used in
19 addition to "Black or African American".

20 (4) Hispanic or Latino (a person of Cuban, Mexican,
21 Puerto Rican, South or Central American, or other
22 Spanish culture or origin, regardless of race).

23 (5) Native Hawaiian or Other Pacific Islander (a
24 person having origins in any of the original peoples of
25 Hawaii, Guam, Samoa, or other Pacific Islands).

26 "Qualified student" means a person (i) who is a

1 resident of this State and a citizen or permanent resident
2 of the United States; (ii) who is a minority student, as
3 defined in this Section; (iii) who, as an eligible
4 applicant, has made a timely application for a minority
5 teaching scholarship under this Section; (iv) who is
6 enrolled on at least a half-time basis at a qualified
7 Illinois institution of higher learning; (v) who is
8 enrolled in a course of study leading to teacher
9 certification, including alternative teacher
10 certification; (vi) who maintains a grade point average of
11 no less than 2.5 on a 4.0 scale; and (vii) who continues to
12 advance satisfactorily toward the attainment of a degree.

13 (b) In order to encourage academically talented Illinois
14 minority students to pursue teaching careers at the preschool
15 or elementary or secondary school level, each qualified student
16 shall be awarded a minority teacher scholarship to any
17 qualified Illinois institution of higher learning. However,
18 preference may be given to qualified applicants enrolled at or
19 above the junior level.

20 (c) Each minority teacher scholarship awarded under this
21 Section shall be in an amount sufficient to pay the tuition and
22 fees and room and board costs of the qualified Illinois
23 institution of higher learning at which the recipient is
24 enrolled, up to an annual maximum of \$5,000; except that in the
25 case of a recipient who does not reside on-campus at the
26 institution at which he or she is enrolled, the amount of the

1 scholarship shall be sufficient to pay tuition and fee expenses
2 and a commuter allowance, up to an annual maximum of \$5,000.

3 (d) The total amount of minority teacher scholarship
4 assistance awarded by the Commission under this Section to an
5 individual in any given fiscal year, when added to other
6 financial assistance awarded to that individual for that year,
7 shall not exceed the cost of attendance at the institution at
8 which the student is enrolled. If the amount of minority
9 teacher scholarship to be awarded to a qualified student as
10 provided in subsection (c) of this Section exceeds the cost of
11 attendance at the institution at which the student is enrolled,
12 the minority teacher scholarship shall be reduced by an amount
13 equal to the amount by which the combined financial assistance
14 available to the student exceeds the cost of attendance.

15 (e) The maximum number of academic terms for which a
16 qualified student can receive minority teacher scholarship
17 assistance shall be 8 semesters or 12 quarters.

18 (f) In any academic year for which an eligible applicant
19 under this Section accepts financial assistance through the
20 Paul Douglas Teacher Scholarship Program, as authorized by
21 Section 551 et seq. of the Higher Education Act of 1965, the
22 applicant shall not be eligible for scholarship assistance
23 awarded under this Section.

24 (g) All applications for minority teacher scholarships to
25 be awarded under this Section shall be made to the Commission
26 on forms which the Commission shall provide for eligible

1 applicants. The form of applications and the information
2 required to be set forth therein shall be determined by the
3 Commission, and the Commission shall require eligible
4 applicants to submit with their applications such supporting
5 documents or recommendations as the Commission deems
6 necessary.

7 (h) Subject to a separate appropriation for such purposes,
8 payment of any minority teacher scholarship awarded under this
9 Section shall be determined by the Commission. All scholarship
10 funds distributed in accordance with this subsection shall be
11 paid to the institution and used only for payment of the
12 tuition and fee and room and board expenses incurred by the
13 student in connection with his or her attendance as an
14 undergraduate student at a qualified Illinois institution of
15 higher learning. Any minority teacher scholarship awarded
16 under this Section shall be applicable to 2 semesters or 3
17 quarters of enrollment. If a qualified student withdraws from
18 enrollment prior to completion of the first semester or quarter
19 for which the minority teacher scholarship is applicable, the
20 school shall refund to the Commission the full amount of the
21 minority teacher scholarship.

22 (i) The Commission shall administer the minority teacher
23 scholarship aid program established by this Section and shall
24 make all necessary and proper rules not inconsistent with this
25 Section for its effective implementation.

26 (j) When an appropriation to the Commission for a given

1 fiscal year is insufficient to provide scholarships to all
2 qualified students, the Commission shall allocate the
3 appropriation in accordance with this subsection. If funds are
4 insufficient to provide all qualified students with a
5 scholarship as authorized by this Section, the Commission shall
6 allocate the available scholarship funds for that fiscal year
7 on the basis of the date the Commission receives a complete
8 application form.

9 (k) Notwithstanding the provisions of subsection (j) or any
10 other provision of this Section, at least 30% of the funds
11 appropriated for scholarships awarded under this Section in
12 each fiscal year shall be reserved for qualified male minority
13 applicants. If the Commission does not receive enough
14 applications from qualified male minorities on or before
15 January 1 of each fiscal year to award 30% of the funds
16 appropriated for these scholarships to qualified male minority
17 applicants, then the Commission may award a portion of the
18 reserved funds to qualified female minority applicants.

19 (l) Prior to receiving scholarship assistance for any
20 academic year, each recipient of a minority teacher scholarship
21 awarded under this Section shall be required by the Commission
22 to sign an agreement under which the recipient pledges that,
23 within the one-year period following the termination of the
24 program for which the recipient was awarded a minority teacher
25 scholarship, the recipient (i) shall begin teaching for a
26 period of not less than one year for each year of scholarship

1 assistance he or she was awarded under this Section; and (ii)
2 shall fulfill this teaching obligation at a nonprofit Illinois
3 public, private, or parochial preschool, elementary school, or
4 secondary school at which no less than 30% of the enrolled
5 students are minority students in the year during which the
6 recipient begins teaching at the school; and (iii) shall, upon
7 request by the Commission, provide the Commission with evidence
8 that he or she is fulfilling or has fulfilled the terms of the
9 teaching agreement provided for in this subsection.

10 (m) If a recipient of a minority teacher scholarship
11 awarded under this Section fails to fulfill the teaching
12 obligation set forth in subsection (l) of this Section, the
13 Commission shall require the recipient to repay the amount of
14 the scholarships received, prorated according to the fraction
15 of the teaching obligation not completed, at a rate of interest
16 equal to 5%, and, if applicable, reasonable collection fees.
17 The Commission is authorized to establish rules relating to its
18 collection activities for repayment of scholarships under this
19 Section. All repayments collected under this Section shall be
20 forwarded to the State Comptroller for deposit into the State's
21 General Revenue Fund.

22 (n) A recipient of minority teacher scholarship shall not
23 be considered in violation of the agreement entered into
24 pursuant to subsection (l) if the recipient (i) enrolls on a
25 full time basis as a graduate student in a course of study
26 related to the field of teaching at a qualified Illinois

1 institution of higher learning; (ii) is serving, not in excess
2 of 3 years, as a member of the armed services of the United
3 States; (iii) is temporarily totally disabled for a period of
4 time not to exceed 3 years as established by sworn affidavit of
5 a qualified physician; (iv) is seeking and unable to find full
6 time employment as a teacher at an Illinois public, private, or
7 parochial preschool or elementary or secondary school that
8 satisfies the criteria set forth in subsection (1) of this
9 Section and is able to provide evidence of that fact; (v)
10 becomes permanently totally disabled as established by sworn
11 affidavit of a qualified physician; (vi) is taking additional
12 courses, on at least a half-time basis, needed to obtain
13 certification as a teacher in Illinois; or (vii) is fulfilling
14 teaching requirements associated with other programs
15 administered by the Commission and cannot concurrently fulfill
16 them under this Section in a period of time equal to the length
17 of the teaching obligation.

18 (o) Scholarship recipients under this Section who withdraw
19 from a program of teacher education but remain enrolled in
20 school to continue their postsecondary studies in another
21 academic discipline shall not be required to commence repayment
22 of their Minority Teachers of Illinois scholarship so long as
23 they remain enrolled in school on a full-time basis or if they
24 can document for the Commission special circumstances that
25 warrant extension of repayment.

26 (Source: P.A. 97-396, eff. 1-1-12.)

1 (110 ILCS 947/52)

2 Sec. 52. Golden Apple Scholars of Illinois Program; Golden
3 Apple Foundation for Excellence in Teaching.

4 (a) In this Section, "Foundation" means the Golden Apple
5 Foundation for Excellence in Teaching, a registered 501(c)(3)
6 not-for-profit corporation.

7 (a-2) In order to encourage academically talented Illinois
8 students, especially minority students, to pursue teaching
9 careers, especially in teacher shortage disciplines (which
10 shall be defined to include early childhood education) or at
11 hard-to-staff schools (as defined by the Commission in
12 consultation with the State Board of Education), to provide
13 those students with the crucial mentoring, guidance, and
14 in-service support that will significantly increase the
15 likelihood that they will complete their full teaching
16 commitments and elect to continue teaching in targeted
17 disciplines and hard-to-staff schools, and to ensure that
18 students in this State will continue to have access to a pool
19 of highly-qualified teachers, each qualified student shall be
20 awarded a Golden Apple Scholars of Illinois Program scholarship
21 to any Illinois institution of higher learning. The Commission
22 shall administer the Golden Apple Scholars of Illinois Program,
23 which shall be managed by the Foundation pursuant to the terms
24 of a grant agreement meeting the requirements of Section 4 of
25 the Illinois Grant Funds Recovery Act.

1 (a-3) For purposes of this Section, a qualified student
2 shall be a student who meets the following qualifications:

3 (1) is a resident of this State and a citizen or
4 eligible noncitizen of the United States;

5 (2) is a high school graduate or a person who has
6 received a high school equivalency ~~General Educational~~
7 ~~Development~~ certificate;

8 (3) is enrolled or accepted, on at least a half-time
9 basis, at an institution of higher learning;

10 (4) is pursuing a postsecondary course of study leading
11 to initial certification or pursuing additional course
12 work needed to gain State Board of Education approval to
13 teach, including alternative teacher licensure; and

14 (5) is a participant in programs managed by and is
15 approved to receive a scholarship from the Foundation.

16 (a-5) (Blank).

17 (b) (Blank).

18 (b-5) Funds designated for the Golden Apple Scholars of
19 Illinois Program shall be used by the Commission for the
20 payment of scholarship assistance under this Section or for the
21 award of grant funds, subject to the Illinois Grant Funds
22 Recovery Act, to the Foundation. Subject to appropriation,
23 awards of grant funds to the Foundation shall be made on an
24 annual basis and following an application for grant funds by
25 the Foundation.

26 (b-10) Each year, the Foundation shall include in its

1 application to the Commission for grant funds an estimate of
2 the amount of scholarship assistance to be provided to
3 qualified students during the grant period. Any amount of
4 appropriated funds exceeding the estimated amount of
5 scholarship assistance may be awarded by the Commission to the
6 Foundation for management expenses expected to be incurred by
7 the Foundation in providing the mentoring, guidance, and
8 in-service supports that will increase the likelihood that
9 qualified students will complete their teaching commitments
10 and elect to continue teaching in hard-to-staff schools. If the
11 estimate of the amount of scholarship assistance described in
12 the Foundation's application is less than the actual amount
13 required for the award of scholarship assistance to qualified
14 students, the Foundation shall be responsible for using awarded
15 grant funds to ensure all qualified students receive
16 scholarship assistance under this Section.

17 (b-15) All grant funds not expended or legally obligated
18 within the time specified in a grant agreement between the
19 Foundation and the Commission shall be returned to the
20 Commission within 45 days. Any funds legally obligated by the
21 end of a grant agreement shall be liquidated within 45 days or
22 otherwise returned to the Commission within 90 days after the
23 end of the grant agreement that resulted in the award of grant
24 funds.

25 (c) Each scholarship awarded under this Section shall be in
26 an amount sufficient to pay the tuition and fees and room and

1 board costs of the Illinois institution of higher learning at
2 which the recipient is enrolled, up to an annual maximum of
3 \$5,000; except that in the case of a recipient who does not
4 reside on-campus at the institution of higher learning at which
5 he or she is enrolled, the amount of the scholarship shall be
6 sufficient to pay tuition and fee expenses and a commuter
7 allowance, up to an annual maximum of \$5,000. All scholarship
8 funds distributed in accordance with this Section shall be paid
9 to the institution on behalf of recipients.

10 (d) The total amount of scholarship assistance awarded by
11 the Commission under this Section to an individual in any given
12 fiscal year, when added to other financial assistance awarded
13 to that individual for that year, shall not exceed the cost of
14 attendance at the institution of higher learning at which the
15 student is enrolled. In any academic year for which a qualified
16 student under this Section accepts financial assistance
17 through any other teacher scholarship program administered by
18 the Commission, a qualified student shall not be eligible for
19 scholarship assistance awarded under this Section.

20 (e) A recipient may receive up to 8 semesters or 12
21 quarters of scholarship assistance under this Section.
22 Scholarship funds are applicable toward 2 semesters or 3
23 quarters of enrollment each academic year.

24 (f) All applications for scholarship assistance to be
25 awarded under this Section shall be made to the Foundation in a
26 form determined by the Foundation. Each year, the Foundation

1 shall notify the Commission of the individuals awarded
2 scholarship assistance under this Section. Each year, at least
3 30% of the Golden Apple Scholars of Illinois Program
4 scholarships shall be awarded to students residing in counties
5 having a population of less than 500,000.

6 (g) (Blank).

7 (h) The Commission shall administer the payment of
8 scholarship assistance provided through the Golden Apple
9 Scholars of Illinois Program and shall make all necessary and
10 proper rules not inconsistent with this Section for the
11 effective implementation of this Section.

12 (i) Prior to receiving scholarship assistance for any
13 academic year, each recipient of a scholarship awarded under
14 this Section shall be required by the Foundation to sign an
15 agreement under which the recipient pledges that, within the
16 2-year period following the termination of the academic program
17 for which the recipient was awarded a scholarship, the
18 recipient: (i) shall begin teaching for a period of not less
19 than 5 years, (ii) shall fulfill this teaching obligation at a
20 nonprofit Illinois public, private, or parochial preschool or
21 an Illinois public elementary or secondary school that
22 qualifies for teacher loan cancellation under Section
23 465(a)(2)(A) of the federal Higher Education Act of 1965 (20
24 U.S.C. 1087ee(a)(2)(A)) or other Illinois schools deemed
25 eligible for fulfilling the teaching commitment as designated
26 by the Foundation, and (iii) shall, upon request of the

1 Foundation, provide the Foundation with evidence that he or she
2 is fulfilling or has fulfilled the terms of the teaching
3 agreement provided for in this subsection. Upon request, the
4 Foundation shall provide evidence of teacher fulfillment to the
5 Commission.

6 (j) If a recipient of a scholarship awarded under this
7 Section fails to fulfill the teaching obligation set forth in
8 subsection (i) of this Section, the Commission shall require
9 the recipient to repay the amount of the scholarships received,
10 prorated according to the fraction of the teaching obligation
11 not completed, plus interest at a rate of 5% and if applicable,
12 reasonable collection fees. Payments received by the
13 Commission under this subsection (j) shall be remitted to the
14 State Comptroller for deposit into the General Revenue Fund,
15 except that that portion of a recipient's repayment that equals
16 the amount in expenses that the Commission has reasonably
17 incurred in attempting collection from that recipient shall be
18 remitted to the State Comptroller for deposit into the
19 Commission's Accounts Receivable Fund.

20 (k) A recipient of a scholarship awarded by the Foundation
21 under this Section shall not be considered to have failed to
22 fulfill the teaching obligations of the agreement entered into
23 pursuant to subsection (i) if the recipient (i) enrolls on a
24 full-time basis as a graduate student in a course of study
25 related to the field of teaching at an institution of higher
26 learning; (ii) is serving as a member of the armed services of

1 the United States; (iii) is temporarily totally disabled, as
2 established by sworn affidavit of a qualified physician; (iv)
3 is seeking and unable to find full-time employment as a teacher
4 at a school that satisfies the criteria set forth in subsection
5 (i) and is able to provide evidence of that fact; (v) is taking
6 additional courses, on at least a half-time basis, needed to
7 obtain certification as a teacher in Illinois; (vi) is
8 fulfilling teaching requirements associated with other
9 programs administered by the Commission and cannot
10 concurrently fulfill them under this Section in a period of
11 time equal to the length of the teaching obligation; or (vii)
12 is participating in a program established under Executive Order
13 10924 of the President of the United States or the federal
14 National Community Service Act of 1990 (42 U.S.C. 12501 et
15 seq.). Any such extension of the period during which the
16 teaching requirement must be fulfilled shall be subject to
17 limitations of duration as established by the Commission.

18 (l) A recipient who fails to fulfill the teaching
19 obligations of the agreement entered into pursuant to
20 subsection (i) of this Section shall repay the amount of
21 scholarship assistance awarded to them under this Section
22 within 10 years.

23 (m) Annually, at a time determined by the Commission in
24 consultation with the Foundation, the Foundation shall submit a
25 report to assist the Commission in monitoring the Foundation's
26 performance of grant activities. The report shall describe the

1 following:

2 (1) the Foundation's anticipated expenditures for the
3 next fiscal year;

4 (2) the number of qualified students receiving
5 scholarship assistance at each institution of higher
6 learning where a qualified student was enrolled under this
7 Section during the previous fiscal year;

8 (3) the total monetary value of scholarship funds paid
9 to each institution of higher learning at which a qualified
10 student was enrolled during the previous fiscal year;

11 (4) the number of scholarship recipients who completed
12 a baccalaureate degree during the previous fiscal year;

13 (5) the number of scholarship recipients who fulfilled
14 their teaching obligation during the previous fiscal year;

15 (6) the number of scholarship recipients who failed to
16 fulfill their teaching obligation during the previous
17 fiscal year;

18 (7) the number of scholarship recipients granted an
19 extension described in subsection (k) of this Section
20 during the previous fiscal year;

21 (8) the number of scholarship recipients required to
22 repay scholarship assistance in accordance with subsection
23 (j) of this Section during the previous fiscal year;

24 (9) the number of scholarship recipients who
25 successfully repaid scholarship assistance in full during
26 the previous fiscal year;

1 (10) the number of scholarship recipients who
2 defaulted on their obligation to repay scholarship
3 assistance during the previous fiscal year;

4 (11) the amount of scholarship assistance subject to
5 collection in accordance with subsection (j) of this
6 Section at the end of the previous fiscal year;

7 (12) the amount of collected funds to be remitted to
8 the Comptroller in accordance with subsection (j) of this
9 Section at the end of the previous fiscal year; and

10 (13) other information that the Commission may
11 reasonably request.

12 (n) Nothing in this Section shall affect the rights of the
13 Commission to collect moneys owed to it by recipients of
14 scholarship assistance through the Illinois Future Teacher
15 Corps Program, repealed by this amendatory Act of the 98th
16 General Assembly.

17 (o) The Auditor General shall prepare an annual audit of
18 the operations and finances of the Golden Apple Scholars of
19 Illinois Program. This audit shall be provided to the Governor,
20 General Assembly, and the Commission.

21 (p) The suspension of grant making authority found in
22 Section 4.2 of the Illinois Grant Funds Recovery Act shall not
23 apply to grants made pursuant to this Section.

24 (Source: P.A. 98-533, eff. 8-23-13.)

25 Section 100. The Illinois Insurance Code is amended by

1 changing Section 500-50 as follows:

2 (215 ILCS 5/500-50)

3 (Section scheduled to be repealed on January 1, 2017)

4 Sec. 500-50. Insurance producers; examination statistics.

5 (a) The use of examinations for the purpose of determining
6 qualifications of persons to be licensed as insurance producers
7 has a direct and far-reaching effect on persons seeking those
8 licenses, on insurance companies, and on the public. It is in
9 the public interest and it will further the public welfare to
10 insure that examinations for licensing do not have the effect
11 of unlawfully discriminating against applicants for licensing
12 as insurance producers on the basis of race, color, national
13 origin, or sex.

14 (b) As used in this Section, the following words have the
15 meanings given in this subsection.

16 Examination. "Examination" means the examination in each
17 line of insurance administered pursuant to Section 500-30.

18 Examinee. "Examinee" means a person who takes an
19 examination.

20 Part. "Part" means a portion of an examination for which a
21 score is calculated.

22 Operational item. "Operational item" means a test question
23 considered in determining an examinee's score.

24 Test form. "Test form" means the test booklet or instrument
25 used for a part of an examination.

1 Pretest item. "Pretest item" means a prospective test
2 question that is included in a test form in order to assess its
3 performance, but is not considered in determining an examinee's
4 score.

5 Minority group or examinees. "Minority group" or "minority
6 examinees" means examinees who are American Indian or Alaska
7 Native, Asian, Black or African American, Hispanic or Latino,
8 or Native Hawaiian or Other Pacific Islander.

9 Correct-answer rate. "Correct-answer rate" for an item
10 means the number of examinees who provided the correct answer
11 on an item divided by the number of examinees who answered the
12 item.

13 Correlation. "Correlation" means a statistical measure of
14 the relationship between performance on an item and performance
15 on a part of the examination.

16 (c) The Director shall ask each examinee to self-report on
17 a voluntary basis on the answer sheet, application form, or by
18 other appropriate means, the following information:

19 (1) race or ethnicity (American Indian or Alaska
20 Native, Asian, Black or African American, Hispanic or
21 Latino, Native Hawaiian or Other Pacific Islander, or
22 White);

23 (2) education (8th grade or less; less than 12th grade;
24 high school diploma or high school equivalency certificate
25 ~~G.E.D.~~; some college, but no 4-year degree; or 4-year
26 degree or more); and

1 (3) gender (male or female).

2 The Director must advise all examinees that they are not
3 required to provide this information, that they will not be
4 penalized for not doing so, and that the Director will use the
5 information provided exclusively for research and statistical
6 purposes and to improve the quality and fairness of the
7 examinations.

8 (d) No later than May 1 of each year, the Director must
9 prepare, publicly announce, and publish an Examination Report
10 of summary statistical information relating to each
11 examination administered during the preceding calendar year.
12 Each Examination Report shall show with respect to each
13 examination:

14 (1) For all examinees combined and separately by race
15 or ethnicity, by educational level, by gender, by
16 educational level within race or ethnicity, by education
17 level within gender, and by race or ethnicity within
18 gender:

19 (A) number of examinees;

20 (B) percentage and number of examinees who passed
21 each part;

22 (C) percentage and number of examinees who passed
23 all parts;

24 (D) mean scaled scores on each part; and

25 (E) standard deviation of scaled scores on each
26 part.

1 (2) For male examinees, female examinees, Black or
2 African American examinees, white examinees, American
3 Indian or Alaska Native examinees, Asian examinees,
4 Hispanic or Latino examinees, and Native Hawaiian or Other
5 Pacific Islander, respectively, with a high school diploma
6 or high school equivalency certificate ~~G.E.D.~~, the
7 distribution of scaled scores on each part.

8 No later than May 1 of each year, the Director must prepare
9 and make available on request an Item Report of summary
10 statistical information relating to each operational item on
11 each test form administered during the preceding calendar year.
12 The Item Report shall show, for each operational item, for all
13 examinees combined and separately for Black or African American
14 examinees, white examinees, American Indian or Alaska Native
15 examinees, Asian examinees, Hispanic or Latino examinees, and
16 Native Hawaiian or Other Pacific Islander, the correct-answer
17 rates and correlations.

18 The Director is not required to report separate statistical
19 information for any group or subgroup comprising fewer than 50
20 examinees.

21 (e) The Director must obtain a regular analysis of the data
22 collected under this Section, and any other relevant
23 information, for purposes of the development of new test forms.
24 The analysis shall continue the implementation of the item
25 selection methodology as recommended in the Final Report of the
26 Illinois Insurance Producer's Licensing Examination Advisory

1 Committee dated November 19, 1991, and filed with the
2 Department unless some other methodology is determined by the
3 Director to be as effective in minimizing differences between
4 white and minority examinee pass-fail rates.

5 (f) The Director has the discretion to set cutoff scores
6 for the examinations, provided that scaled scores on test forms
7 administered after July 1, 1993, shall be made comparable to
8 scaled scores on test forms administered in 1991 by use of
9 professionally acceptable methods so as to minimize changes in
10 passing rates related to the presence or absence of or changes
11 in equating or scaling equations or methods or content
12 outlines. Each calendar year, the scaled cutoff score for each
13 part of each examination shall fluctuate by no more than the
14 standard error of measurement from the scaled cutoff score
15 employed during the preceding year.

16 (g) No later than May 1, 2003 and no later than May 1 of
17 every fourth year thereafter, the Director must release to the
18 public and make generally available one representative test
19 form and set of answer keys for each part of each examination.

20 (h) The Director must maintain, for a period of 3 years
21 after they are prepared or used, all registration forms, test
22 forms, answer sheets, operational items and pretest items, item
23 analyses, and other statistical analyses relating to the
24 examinations. All personal identifying information regarding
25 examinees and the content of test items must be maintained
26 confidentially as necessary for purposes of protecting the

1 personal privacy of examinees and the maintenance of test
2 security.

3 (i) In administering the examinations, the Director must
4 make such accommodations for disabled examinees as are
5 reasonably warranted by the particular disability involved,
6 including the provision of additional time if necessary to
7 complete an examination or special assistance in taking an
8 examination.

9 (j) For the purposes of this Section:

10 (1) "American Indian or Alaska Native" means a person
11 having origins in any of the original peoples of North and
12 South America, including Central America, and who
13 maintains tribal affiliation or community attachment.

14 (2) "Asian" means a person having origins in any of the
15 original peoples of the Far East, Southeast Asia, or the
16 Indian subcontinent, including, but not limited to,
17 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
18 the Philippine Islands, Thailand, and Vietnam.

19 (3) "Black or African American" means a person having
20 origins in any of the black racial groups of Africa. Terms
21 such as "Haitian" or "Negro" can be used in addition to
22 "Black or African American".

23 (4) "Hispanic or Latino" means a person of Cuban,
24 Mexican, Puerto Rican, South or Central American, or other
25 Spanish culture or origin, regardless of race.

26 (5) "Native Hawaiian or Other Pacific Islander" means a

1 person having origins in any of the original peoples of
2 Hawaii, Guam, Samoa, or other Pacific Islands.

3 (6) "White" means a person having origins in any of the
4 original peoples of Europe, the Middle East, or North
5 Africa.

6 (Source: P.A. 97-396, eff. 1-1-12.)

7 Section 105. The Pharmacy Practice Act is amended by
8 changing Section 9 as follows:

9 (225 ILCS 85/9) (from Ch. 111, par. 4129)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 9. Registration as pharmacy technician. Any person
12 shall be entitled to registration as a registered pharmacy
13 technician who is of the age of 16 or over, has not engaged in
14 conduct or behavior determined to be grounds for discipline
15 under this Act, is attending or has graduated from an
16 accredited high school or comparable school or educational
17 institution or received a high school equivalency certificate
18 ~~GED~~, and has filed a written application for registration on a
19 form to be prescribed and furnished by the Department for that
20 purpose. The Department shall issue a certificate of
21 registration as a registered pharmacy technician to any
22 applicant who has qualified as aforesaid, and such registration
23 shall be the sole authority required to assist licensed
24 pharmacists in the practice of pharmacy, under the supervision

1 of a licensed pharmacist. A registered pharmacy technician may,
2 under the supervision of a pharmacist, assist in the practice
3 of pharmacy and perform such functions as assisting in the
4 dispensing process, offering counseling, receiving new verbal
5 prescription orders, and having prescriber contact concerning
6 prescription drug order clarification. A registered pharmacy
7 technician may not engage in patient counseling, drug regimen
8 review, or clinical conflict resolution.

9 Beginning on January 1, 2010, within 2 years after initial
10 registration as a registered technician, a pharmacy technician
11 must become certified by successfully passing the Pharmacy
12 Technician Certification Board (PTCB) examination or another
13 Board-approved pharmacy technician examination and register as
14 a certified pharmacy technician with the Department in order to
15 continue to perform pharmacy technician's duties. This
16 requirement does not apply to pharmacy technicians registered
17 prior to January 1, 2008.

18 Any person registered as a pharmacy technician who is also
19 enrolled in a first professional degree program in pharmacy in
20 a school or college of pharmacy or a department of pharmacy of
21 a university approved by the Department or has graduated from
22 such a program within the last 18 months, shall be considered a
23 "student pharmacist" and entitled to use the title "student
24 pharmacist". A student pharmacist must meet all of the
25 requirements for registration as a pharmacy technician set
26 forth in this Section excluding the requirement of

1 certification prior to the second registration renewal and pay
2 the required pharmacy technician registration fees. A student
3 pharmacist may, under the supervision of a pharmacist, assist
4 in the practice of pharmacy and perform any and all functions
5 delegated to him or her by the pharmacist.

6 Any person seeking licensure as a pharmacist who has
7 graduated from a pharmacy program outside the United States
8 must register as a pharmacy technician and shall be considered
9 a "student pharmacist" and be entitled to use the title
10 "student pharmacist" while completing the 1,200 clinical hours
11 of training approved by the Board of Pharmacy described and for
12 no more than 18 months after completion of these hours. These
13 individuals are not required to become certified pharmacy
14 technicians while completing their Board approved clinical
15 training, but must become licensed as a pharmacist or become a
16 certified pharmacy technician before the second pharmacy
17 technician registration renewal following completion of the
18 Board approved clinical training.

19 The Department shall not renew the pharmacy technician
20 license of any person who has been registered as a "student
21 pharmacist" and has dropped out of or been expelled from an
22 ACPE accredited college of pharmacy, who has failed to complete
23 his or her 1,200 hours of Board approved clinical training
24 within 24 months or who has failed the pharmacist licensure
25 examination 3 times and shall require these individuals to meet
26 the requirements of and become registered a certified pharmacy

1 technician.

2 The Department may take any action set forth in Section 30
3 of this Act with regard to registrations pursuant to this
4 Section.

5 Any person who is enrolled in a non-traditional Pharm.D.
6 program at an ACPE accredited college of pharmacy and is a
7 licensed pharmacist under the laws of another United States
8 jurisdiction shall be permitted to engage in the program of
9 practice experience required in the academic program by virtue
10 of such license. Such person shall be exempt from the
11 requirement of registration as a registered pharmacy
12 technician while engaged in the program of practice experience
13 required in the academic program.

14 An applicant for registration as a pharmacy technician may
15 assist a pharmacist in the practice of pharmacy for a period of
16 up to 60 days prior to the issuance of a certificate of
17 registration if the applicant has submitted the required fee
18 and an application for registration to the Department. The
19 applicant shall keep a copy of the submitted application on the
20 premises where the applicant is assisting in the practice of
21 pharmacy. The Department shall forward confirmation of receipt
22 of the application with start and expiration dates of practice
23 pending registration.

24 (Source: P.A. 95-689, eff. 10-29-07; 96-673, eff. 1-1-10.)

25 Section 110. The Structural Pest Control Act is amended by

1 changing Section 5 as follows:

2 (225 ILCS 235/5) (from Ch. 111 1/2, par. 2205)

3 (Section scheduled to be repealed on December 31, 2019)

4 Sec. 5. Certification requirements. No individual shall
5 apply any general use or restricted pesticide while engaged in
6 commercial structural pest control in this State unless
7 certified, or supervised by someone who is certified, by the
8 Department in accordance with this Section.

9 No individual shall apply any restricted pesticide while
10 engaged in non-commercial structural pest control in this State
11 unless certified, or supervised by someone who is certified, by
12 the Department in accordance with this Section. In addition,
13 any individual at any non-commercial structural pest control
14 location using general use pesticides shall comply with the
15 labeling requirements of the pesticides used at that location.

16 Each commercial structural pest control location shall be
17 required to employ at least one certified technician at each
18 location. In addition, each non-commercial structural pest
19 control location utilizing restricted pesticides shall be
20 required to employ at least one certified technician at each
21 location. Individuals who are not certified technicians may
22 work under the supervision of a certified technician employed
23 at the commercial or non-commercial location who shall be
24 responsible for their pest control activities. Any technician
25 providing supervision for the use of restricted pesticides must

1 be certified in the sub-category for which he is providing
2 supervision.

3 A. Any individual engaging in commercial structural pest
4 control and utilizing general use pesticides shall meet the
5 following requirements:

6 1. He has a high school diploma or a high school
7 equivalency ~~GED~~ certificate;

8 2. He has filed an original application, paid the fee
9 required for examination, and successfully passed the
10 General Standards examination.

11 B. Any individual engaging in commercial or non-commercial
12 structural pest control and utilizing restricted pesticides in
13 any one of the sub-categories in Section 7 of this Act shall
14 meet the following requirements:

15 1. He has a high school diploma or a high school
16 equivalency ~~GED~~ certificate;

17 2. He has:

18 a. six months of practical experience in one or
19 more sub-categories in structural pest control; or

20 b. successfully completed a minimum of 16 semester
21 hours, or their equivalent, in entomology or related
22 fields from a recognized college or university; or

23 c. successfully completed a pest control course,
24 approved by the Department, from a recognized
25 educational institution or other entity.

26 Each applicant shall have filed an original application and

1 paid the fee required for examination. Every applicant who
2 successfully passes the General Standards examination and at
3 least one sub-category examination shall be certified in each
4 sub-category which he has successfully passed.

5 A certified technician who wishes to be certified in
6 sub-categories for which he has not been previously certified
7 may apply for any sub-category examination provided he meets
8 the requirements set forth in this Section, files an original
9 application, and pays the fee for examination.

10 An applicant who fails to pass the General Standards
11 examination or any sub-category examination may reapply for
12 that examination, provided that he files an application and
13 pays the fee required for an original examination.
14 Re-examination applications shall be on forms prescribed by the
15 Department.

16 (Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

17 Section 115. The Illinois Public Aid Code is amended by
18 changing Section 9A-9 as follows:

19 (305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

20 Sec. 9A-9. Program Activities. The Department shall
21 establish education, training and placement activities by
22 rule. Not all of the same activities need be provided in each
23 county in the State. Such activities may include the following:

24 (a) Education (Below post secondary). In the Education

1 (below post secondary) activity, the individual receives
2 information, referral, counseling services and support
3 services to increase the individual's employment potential.
4 Participants may be referred to testing, counseling and
5 education resources. Educational activities will include basic
6 and remedial education; English proficiency classes; high
7 school or its equivalency ~~(e.g., GED)~~ or alternative education
8 at the secondary level; and with any educational program,
9 structured study time to enhance successful participation. An
10 individual's participation in an education program such as
11 literacy, basic adult education, high school equivalency
12 ~~(GED)~~, or a remedial program shall be limited to 2 years unless
13 the individual also is working or participating in a work
14 activity approved by the Illinois Department as defined by
15 rule; this requirement does not apply, however, to students
16 enrolled in high school.

17 (b) Job Skills Training (Vocational). Job Skills Training
18 is designed to increase the individual's ability to obtain and
19 maintain employment. Job Skills Training activities will
20 include vocational skill classes designed to increase a
21 participant's ability to obtain and maintain employment. Job
22 Skills Training may include certificate programs.

23 (c) Job Readiness. The job readiness activity is designed
24 to enhance the quality of the individual's level of
25 participation in the world of work while learning the necessary
26 essentials to obtain and maintain employment. This activity

1 helps individuals gain the necessary job finding skills to help
2 them find and retain employment that will lead to economic
3 independence.

4 (d) Job Search. Job Search may be conducted individually or
5 in groups. Job Search includes the provision of counseling, job
6 seeking skills training and information dissemination. Group
7 job search may include training in a group session. Assignment
8 exclusively to job search cannot be in excess of 8 consecutive
9 weeks (or its equivalent) in any period of 12 consecutive
10 months.

11 (e) Work Experience. Work Experience assignments may be
12 with private employers or not-for-profit or public agencies in
13 the State. The Illinois Department shall provide workers'
14 compensation coverage. Participants who are not members of a
15 2-parent assistance unit may not be assigned more hours than
16 their cash grant amount plus food stamps divided by the minimum
17 wage. Private employers and not-for-profit and public agencies
18 shall not use Work Experience participants to displace regular
19 employees. Participants in Work Experience may perform work in
20 the public interest (which otherwise meets the requirements of
21 this Section) for a federal office or agency with its consent,
22 and notwithstanding the provisions of 31 U.S.C. 1342, or any
23 other provision of law, such agency may accept such services,
24 but participants shall not be considered federal employees for
25 any purpose. A participant shall be reassessed at the end of
26 assignment to Work Experience. The participant may be

1 reassigned to Work Experience or assigned to another activity,
2 based on the reassessment.

3 (f) On the Job Training. In On the Job Training, a
4 participant is hired by a private or public employer and while
5 engaged in productive work receives training that provides
6 knowledge or skills essential to full and adequate performance
7 of the job.

8 (g) Work Supplementation. In work supplementation, the
9 Department pays a wage subsidy to an employer who hires a
10 participant. The cash grant which a participant would receive
11 if not employed is diverted and the diverted cash grant is used
12 to pay the wage subsidy.

13 (h) Post Secondary Education. Post secondary education
14 must be administered by an educational institution accredited
15 under requirements of State law.

16 (i) Self Initiated Education. Participants who are
17 attending an institution of higher education or a vocational or
18 technical program of their own choosing and who are in good
19 standing, may continue to attend and receive supportive
20 services only if the educational program is approved by the
21 Department, and is in conformity with the participant's
22 personal plan for achieving employment and self-sufficiency
23 and the participant is employed part-time, as defined by the
24 Illinois Department by rule.

25 (j) Job Development and Placement. Department staff shall
26 develop through contacts with public and private employers

1 unsubsidized job openings for participants. Job interviews
2 will be secured for clients by the marketing of participants
3 for specific job openings. Job ready individuals may be
4 assigned to Job Development and Placement.

5 (k) Job Retention. The job retention component is designed
6 to assist participants in retaining employment. Initial
7 employment expenses and job retention services are provided.
8 The individual's support service needs are assessed and the
9 individual receives counseling regarding job retention skills.

10 (l) (Blank).

11 (l-5) Transitional Jobs. These programs provide temporary
12 wage-paying work combined with case management and other social
13 services designed to address employment barriers. The
14 wage-paying work is treated as regular employment for all
15 purposes under this Code, and the additional activities, as
16 determined by the Transitional Jobs provider, shall be
17 countable work activities. The program must comply with the
18 anti-displacement provisions of this Code governing the Work
19 Experience program.

20 (m) Pay-after-performance Program. A parent may be
21 required to participate in a pay-after-performance program in
22 which the parent must work a specified number of hours to earn
23 the grant. The program shall comply with provisions of this
24 Code governing work experience programs.

25 (n) Community Service. Community service includes unpaid
26 work that the client performs in his or her community, such as

1 for a school, church, government agency, or nonprofit
2 organization.

3 (Source: P.A. 93-598, eff. 8-26-03.)

4 Section 120. The Firearm Concealed Carry Act is amended by
5 changing Section 80 as follows:

6 (430 ILCS 66/80)

7 Sec. 80. Certified firearms instructors.

8 (a) Within 60 days of the effective date of this Act, the
9 Department shall begin approval of certified firearms
10 instructors and enter certified firearms instructors into an
11 online registry on the Department's website.

12 (b) A person who is not a certified firearms instructor
13 shall not teach applicant training courses or advertise or
14 otherwise represent courses they teach as qualifying their
15 students to meet the requirements to receive a license under
16 this Act. Each violation of this subsection is a business
17 offense with a fine of at least \$1,000 per violation.

18 (c) A person seeking to become a certified firearms
19 instructor shall:

20 (1) be at least 21 years of age;

21 (2) be a legal resident of the United States; and

22 (3) meet the requirements of Section 25 of this Act,
23 except for the Illinois residency requirement in item (xiv)
24 of paragraph (2) of subsection (a) of Section 4 of the

1 Firearm Owners Identification Card Act; and any additional
2 uniformly applied requirements established by the
3 Department.

4 (d) A person seeking to become a certified firearms
5 instructor, in addition to the requirements of subsection (c)
6 of this Section, shall:

7 (1) possess a high school diploma or high school
8 equivalency ~~GED~~ certificate; and

9 (2) have at least one of the following valid firearms
10 instructor certifications:

11 (A) certification from a law enforcement agency;

12 (B) certification from a firearm instructor course
13 offered by a State or federal governmental agency;

14 (C) certification from a firearm instructor
15 qualification course offered by the Illinois Law
16 Enforcement Training Standards Board; or

17 (D) certification from an entity approved by the
18 Department that offers firearm instructor education
19 and training in the use and safety of firearms.

20 (e) A person may have his or her firearms instructor
21 certification denied or revoked if he or she does not meet the
22 requirements to obtain a license under this Act, provides false
23 or misleading information to the Department, or has had a prior
24 instructor certification revoked or denied by the Department.

25 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

1 Section 125. The Illinois Vehicle Code is amended by
2 changing Sections 6-107 and 6-408.5 as follows:

3 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

4 Sec. 6-107. Graduated license.

5 (a) The purpose of the Graduated Licensing Program is to
6 develop safe and mature driving habits in young, inexperienced
7 drivers and reduce or prevent motor vehicle accidents,
8 fatalities, and injuries by:

9 (1) providing for an increase in the time of practice
10 period before granting permission to obtain a driver's
11 license;

12 (2) strengthening driver licensing and testing
13 standards for persons under the age of 21 years;

14 (3) sanctioning driving privileges of drivers under
15 age 21 who have committed serious traffic violations or
16 other specified offenses; and

17 (4) setting stricter standards to promote the public's
18 health and safety.

19 (b) The application of any person under the age of 18
20 years, and not legally emancipated, for a drivers license or
21 permit to operate a motor vehicle issued under the laws of this
22 State, shall be accompanied by the written consent of either
23 parent of the applicant; otherwise by the guardian having
24 custody of the applicant, or in the event there is no parent or
25 guardian, then by another responsible adult. The written

1 consent must accompany any application for a driver's license
2 under this subsection (b), regardless of whether or not the
3 required written consent also accompanied the person's
4 previous application for an instruction permit.

5 No graduated driver's license shall be issued to any
6 applicant under 18 years of age, unless the applicant is at
7 least 16 years of age and has:

8 (1) Held a valid instruction permit for a minimum of 9
9 months.

10 (2) Passed an approved driver education course and
11 submits proof of having passed the course as may be
12 required.

13 (3) Certification by the parent, legal guardian, or
14 responsible adult that the applicant has had a minimum of
15 50 hours of behind-the-wheel practice time, at least 10
16 hours of which have been at night, and is sufficiently
17 prepared and able to safely operate a motor vehicle.

18 (b-1) No graduated driver's license shall be issued to any
19 applicant who is under 18 years of age and not legally
20 emancipated, unless the applicant has graduated from a
21 secondary school of this State or any other state, is enrolled
22 in a course leading to a high school equivalency ~~general~~
23 ~~educational development (GED)~~ certificate, has obtained a high
24 school equivalency ~~GED~~ certificate, is enrolled in an
25 elementary or secondary school or college or university of this
26 State or any other state and is not a chronic or habitual

1 truant as provided in Section 26-2a of the School Code, or is
2 receiving home instruction and submits proof of meeting any of
3 those requirements at the time of application.

4 An applicant under 18 years of age who provides proof
5 acceptable to the Secretary that the applicant has resumed
6 regular school attendance or home instruction or that his or
7 her application was denied in error shall be eligible to
8 receive a graduated license if other requirements are met. The
9 Secretary shall adopt rules for implementing this subsection
10 (b-1).

11 (c) No graduated driver's license or permit shall be issued
12 to any applicant under 18 years of age who has committed the
13 offense of operating a motor vehicle without a valid license or
14 permit in violation of Section 6-101 of this Code or a similar
15 out of state offense and no graduated driver's license or
16 permit shall be issued to any applicant under 18 years of age
17 who has committed an offense that would otherwise result in a
18 mandatory revocation of a license or permit as provided in
19 Section 6-205 of this Code or who has been either convicted of
20 or adjudicated a delinquent based upon a violation of the
21 Cannabis Control Act, the Illinois Controlled Substances Act,
22 the Use of Intoxicating Compounds Act, or the Methamphetamine
23 Control and Community Protection Act while that individual was
24 in actual physical control of a motor vehicle. For purposes of
25 this Section, any person placed on probation under Section 10
26 of the Cannabis Control Act, Section 410 of the Illinois

1 Controlled Substances Act, or Section 70 of the Methamphetamine
2 Control and Community Protection Act shall not be considered
3 convicted. Any person found guilty of this offense, while in
4 actual physical control of a motor vehicle, shall have an entry
5 made in the court record by the judge that this offense did
6 occur while the person was in actual physical control of a
7 motor vehicle and order the clerk of the court to report the
8 violation to the Secretary of State as such.

9 (d) No graduated driver's license shall be issued for 9
10 months to any applicant under the age of 18 years who has
11 committed and subsequently been convicted of an offense against
12 traffic regulations governing the movement of vehicles, any
13 violation of this Section or Section 12-603.1 of this Code, or
14 who has received a disposition of court supervision for a
15 violation of Section 6-20 of the Illinois Liquor Control Act of
16 1934 or a similar provision of a local ordinance.

17 (e) No graduated driver's license holder under the age of
18 18 years shall operate any motor vehicle, except a motor driven
19 cycle or motorcycle, with more than one passenger in the front
20 seat of the motor vehicle and no more passengers in the back
21 seats than the number of available seat safety belts as set
22 forth in Section 12-603 of this Code. If a graduated driver's
23 license holder over the age of 18 committed an offense against
24 traffic regulations governing the movement of vehicles or any
25 violation of this Section or Section 12-603.1 of this Code in
26 the 6 months prior to the graduated driver's license holder's

1 18th birthday, and was subsequently convicted of the violation,
2 the provisions of this paragraph shall continue to apply until
3 such time as a period of 6 consecutive months has elapsed
4 without an additional violation and subsequent conviction of an
5 offense against traffic regulations governing the movement of
6 vehicles or any violation of this Section or Section 12-603.1
7 of this Code.

8 (f) (Blank).

9 (g) If a graduated driver's license holder is under the age
10 of 18 when he or she receives the license, for the first 12
11 months he or she holds the license or until he or she reaches
12 the age of 18, whichever occurs sooner, the graduated license
13 holder may not operate a motor vehicle with more than one
14 passenger in the vehicle who is under the age of 20, unless any
15 additional passenger or passengers are siblings,
16 step-siblings, children, or stepchildren of the driver. If a
17 graduated driver's license holder committed an offense against
18 traffic regulations governing the movement of vehicles or any
19 violation of this Section or Section 12-603.1 of this Code
20 during the first 12 months the license is held and subsequently
21 is convicted of the violation, the provisions of this paragraph
22 shall remain in effect until such time as a period of 6
23 consecutive months has elapsed without an additional violation
24 and subsequent conviction of an offense against traffic
25 regulations governing the movement of vehicles or any violation
26 of this Section or Section 12-603.1 of this Code.

1 (h) It shall be an offense for a person that is age 15, but
2 under age 20, to be a passenger in a vehicle operated by a
3 driver holding a graduated driver's license during the first 12
4 months the driver holds the license or until the driver reaches
5 the age of 18, whichever occurs sooner, if another passenger
6 under the age of 20 is present, excluding a sibling,
7 step-sibling, child, or step-child of the driver.

8 (i) No graduated driver's license shall be issued to any
9 applicant under the age of 18 years if the applicant has been
10 issued a traffic citation for which a disposition has not been
11 rendered at the time of application.

12 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;
13 98-168, eff. 1-1-14.)

14 (625 ILCS 5/6-408.5)

15 Sec. 6-408.5. Courses for students or high school dropouts;
16 limitation.

17 (a) No driver training school or driving training
18 instructor licensed under this Act may request a certificate of
19 completion from the Secretary of State as provided in Section
20 6-411 for any person who is enrolled as a student in any public
21 or non-public secondary school at the time such instruction is
22 to be provided, or who was so enrolled during the semester last
23 ended if that instruction is to be provided between semesters
24 or during the summer after the regular school term ends, unless
25 that student has received a passing grade in at least 8 courses

1 during the 2 semesters last ending prior to requesting a
2 certificate of completion from the Secretary of State for the
3 student.

4 (b) No driver training school or driving training
5 instructor licensed under this Act may request a certificate of
6 completion from the Secretary of State as provided in Section
7 6-411 for any person who has dropped out of school and has not
8 yet attained the age of 18 years unless the driver training
9 school or driving training instructor has: 1) obtained written
10 documentation verifying the dropout's enrollment in a high
11 school equivalency testing ~~GED~~ or alternative education
12 program or has obtained a copy of the dropout's high school
13 equivalency ~~GED~~ certificate; 2) obtained verification that the
14 student prior to dropping out had received a passing grade in
15 at least 8 courses during the 2 previous semesters last ending
16 prior to requesting a certificate of completion; or 3) obtained
17 written consent from the dropout's parents or guardians and the
18 regional superintendent.

19 (c) Students shall be informed of the eligibility
20 requirements of this Act in writing at the time of
21 registration.

22 (d) The superintendent of schools of the school district in
23 which the student resides and attends school or in which the
24 student resides at the time he or she drops out of school (with
25 respect to a public high school student or a dropout from the
26 public high school) or the chief school administrator (with

1 respect to a student who attends a non-public high school or a
2 dropout from a non-public high school) may waive the
3 requirements of this Section if the superintendent or chief
4 school administrator, as the case may be, deems it to be in the
5 best interests of the student or dropout. Before requesting a
6 certificate of completion from the Secretary of State for any
7 person who is enrolled as a student in any public or non-public
8 secondary school or who was so enrolled in the semester last
9 ending prior to the request for a certificate of completion
10 from the Secretary of State or who is of high school age, the
11 driver training school shall determine from the school district
12 in which that person resides or resided at the time of dropping
13 out of school, or from the chief administrator of the
14 non-public high school attended or last attended by such
15 person, as the case may be, that such person is not ineligible
16 to receive a certificate of completion under this Section.

17 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

18 Section 130. The Unified Code of Corrections is amended by
19 changing Sections 3-3-8, 3-6-3, 3-6-8, 3-12-16, 5-5-3, 5-6-3,
20 5-6-3.1, 5-6-3.3, 5-6-3.4, 5-7-1, and 5-8-1.3 as follows:

21 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

22 Sec. 3-3-8. Length of parole, aftercare release, and
23 mandatory supervised release; discharge.)

24 (a) The length of parole for a person sentenced under the

1 law in effect prior to the effective date of this amendatory
2 Act of 1977 and the length of mandatory supervised release for
3 those sentenced under the law in effect on and after such
4 effective date shall be as set out in Section 5-8-1 unless
5 sooner terminated under paragraph (b) of this Section. The
6 aftercare release period of a juvenile committed to the
7 Department under the Juvenile Court Act or the Juvenile Court
8 Act of 1987 shall extend until he or she is 21 years of age
9 unless sooner terminated under paragraph (b) of this Section.

10 (b) The Prisoner Review Board may enter an order releasing
11 and discharging one from parole, aftercare release, or
12 mandatory supervised release, and his or her commitment to the
13 Department, when it determines that he or she is likely to
14 remain at liberty without committing another offense.

15 (b-1) Provided that the subject is in compliance with the
16 terms and conditions of his or her parole, aftercare release,
17 or mandatory supervised release, the Prisoner Review Board may
18 reduce the period of a parolee or releasee's parole, aftercare
19 release, or mandatory supervised release by 90 days upon the
20 parolee or releasee receiving a high school diploma or upon
21 passage of high school equivalency testing ~~the high school~~
22 ~~level Test of General Educational Development~~ during the period
23 of his or her parole, aftercare release, or mandatory
24 supervised release. This reduction in the period of a subject's
25 term of parole, aftercare release, or mandatory supervised
26 release shall be available only to subjects who have not

1 previously earned a high school diploma or who have not
2 previously passed high school equivalency testing ~~the high~~
3 ~~school level Test of General Educational Development.~~

4 (c) The order of discharge shall become effective upon
5 entry of the order of the Board. The Board shall notify the
6 clerk of the committing court of the order. Upon receipt of
7 such copy, the clerk shall make an entry on the record judgment
8 that the sentence or commitment has been satisfied pursuant to
9 the order.

10 (d) Rights of the person discharged under this Section
11 shall be restored under Section 5-5-5. This Section is subject
12 to Section 5-750 of the Juvenile Court Act of 1987.

13 (Source: P.A. 97-531, eff. 1-1-12; 98-558, eff. 1-1-14.)

14 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

16 (a) (1) The Department of Corrections shall prescribe
17 rules and regulations for awarding and revoking sentence
18 credit for persons committed to the Department which shall
19 be subject to review by the Prisoner Review Board.

20 (1.5) As otherwise provided by law, sentence credit may
21 be awarded for the following:

22 (A) successful completion of programming while in
23 custody of the Department or while in custody prior to
24 sentencing;

25 (B) compliance with the rules and regulations of

1 the Department; or

2 (C) service to the institution, service to a
3 community, or service to the State.

4 (2) The rules and regulations on sentence credit shall
5 provide, with respect to offenses listed in clause (i),
6 (ii), or (iii) of this paragraph (2) committed on or after
7 June 19, 1998 or with respect to the offense listed in
8 clause (iv) of this paragraph (2) committed on or after
9 June 23, 2005 (the effective date of Public Act 94-71) or
10 with respect to offense listed in clause (vi) committed on
11 or after June 1, 2008 (the effective date of Public Act
12 95-625) or with respect to the offense of being an armed
13 habitual criminal committed on or after August 2, 2005 (the
14 effective date of Public Act 94-398) or with respect to the
15 offenses listed in clause (v) of this paragraph (2)
16 committed on or after August 13, 2007 (the effective date
17 of Public Act 95-134) or with respect to the offense of
18 aggravated domestic battery committed on or after July 23,
19 2010 (the effective date of Public Act 96-1224) or with
20 respect to the offense of attempt to commit terrorism
21 committed on or after January 1, 2013 (the effective date
22 of Public Act 97-990), the following:

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

1 (ii) that a prisoner serving a sentence for attempt
2 to commit terrorism, attempt to commit first degree
3 murder, solicitation of murder, solicitation of murder
4 for hire, intentional homicide of an unborn child,
5 predatory criminal sexual assault of a child,
6 aggravated criminal sexual assault, criminal sexual
7 assault, aggravated kidnapping, aggravated battery
8 with a firearm as described in Section 12-4.2 or
9 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
10 Section 12-3.05, heinous battery as described in
11 Section 12-4.1 or subdivision (a)(2) of Section
12 12-3.05, being an armed habitual criminal, aggravated
13 battery of a senior citizen as described in Section
14 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
15 aggravated battery of a child as described in Section
16 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
17 receive no more than 4.5 days of sentence credit for
18 each month of his or her sentence of imprisonment;

19 (iii) that a prisoner serving a sentence for home
20 invasion, armed robbery, aggravated vehicular
21 hijacking, aggravated discharge of a firearm, or armed
22 violence with a category I weapon or category II
23 weapon, when the court has made and entered a finding,
24 pursuant to subsection (c-1) of Section 5-4-1 of this
25 Code, that the conduct leading to conviction for the
26 enumerated offense resulted in great bodily harm to a

1 victim, shall receive no more than 4.5 days of sentence
2 credit for each month of his or her sentence of
3 imprisonment;

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

10 (v) that a person serving a sentence for
11 gunrunning, narcotics racketeering, controlled
12 substance trafficking, methamphetamine trafficking,
13 drug-induced homicide, aggravated
14 methamphetamine-related child endangerment, money
15 laundering pursuant to clause (c) (4) or (5) of Section
16 29B-1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, or a Class X felony conviction for delivery of
18 a controlled substance, possession of a controlled
19 substance with intent to manufacture or deliver,
20 calculated criminal drug conspiracy, criminal drug
21 conspiracy, street gang criminal drug conspiracy,
22 participation in methamphetamine manufacturing,
23 aggravated participation in methamphetamine
24 manufacturing, delivery of methamphetamine, possession
25 with intent to deliver methamphetamine, aggravated
26 delivery of methamphetamine, aggravated possession

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

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

11 (vii) that a prisoner serving a sentence for
12 aggravated domestic battery shall receive no more than
13 4.5 days of sentence credit for each month of his or
14 her sentence of imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Director shall make a written determination that the inmate:

2 (A) is eligible for the sentence credit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Department determines that the prisoner was not eligible,
2 then the award shall be revoked. The Department may also
3 award 60 days of sentence credit to any committed person
4 who passed high school equivalency testing ~~the high school~~
5 ~~level Test of General Educational Development (GED)~~ while
6 he or she was held in pre-trial detention prior to the
7 current commitment to the Department of Corrections.

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

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

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

22 (5) Whenever the Department is to release any inmate
23 earlier than it otherwise would because of a grant of
24 sentence credit for good conduct under paragraph (3) of
25 subsection (a) of this Section given at any time during the
26 term, the Department shall give reasonable notice of the

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

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

23 (c) The Department shall prescribe rules and regulations
24 for revoking sentence credit, including revoking sentence
25 credit awarded for good conduct under paragraph (3) of
26 subsection (a) of this Section. The Department shall prescribe

1 rules and regulations for suspending or reducing the rate of
2 accumulation of sentence credit for specific rule violations,
3 during imprisonment. These rules and regulations shall provide
4 that no inmate may be penalized more than one year of sentence
5 credit for any one infraction.

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

24 The Director of the Department of Corrections, in
25 appropriate cases, may restore up to 30 days of sentence
26 credits which have been revoked, suspended or reduced. Any

1 restoration of sentence credits in excess of 30 days shall be
2 subject to review by the Prisoner Review Board. However, the
3 Board may not restore sentence credit in excess of the amount
4 requested by the Director.

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

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

23 For purposes of this subsection (d):

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

1 following criteria:

2 (A) it lacks an arguable basis either in law or in
3 fact;

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

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

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

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

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

1 subsequent petition for post-conviction relief under
2 Article 122 of the Code of Criminal Procedure of 1963
3 whether filed with or without leave of court or a second or
4 subsequent petition for relief from judgment under Section
5 2-1401 of the Code of Civil Procedure.

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

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

16 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
17 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
18 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
19 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
20 97-1150, eff. 1-25-13.)

21 (730 ILCS 5/3-6-8)

22 Sec. 3-6-8. High school equivalency testing ~~General~~
23 ~~Educational Development (GED)~~ programs. The Department of
24 Corrections shall develop and establish a program in the Adult
25 Division designed to increase the number of committed persons

1 enrolled in programs for high school equivalency testing ~~the~~
2 ~~high school level Test of General Educational Development (GED)~~
3 and pursuing high school equivalency ~~GED~~ certificates by at
4 least 100% over the 4-year period following the effective date
5 of this amendatory Act of the 94th General Assembly. Pursuant
6 to the program, each adult institution and facility shall
7 report annually to the Director of Corrections on the number of
8 committed persons enrolled in high school equivalency testing
9 ~~GED~~ programs and those who pass high school equivalency testing
10 ~~the high school level Test of General Educational Development~~
11 ~~(GED)~~, and the number of committed persons in the Adult
12 Division who are on waiting lists for participation in the high
13 school equivalency testing ~~GED~~ programs.

14 (Source: P.A. 94-128, eff. 7-7-05; 94-744, eff. 5-8-06.)

15 (730 ILCS 5/3-12-16)

16 Sec. 3-12-16. Helping Paws Service Dog Program.

17 (a) In this Section:

18 "Disabled person" means a person who suffers from a
19 physical or mental impairment that substantially limits one or
20 more major life activities.

21 "Program" means the Helping Paws Service Dog Program
22 created by this Section.

23 "Service dog" means a dog trained in obedience and task
24 skills to meet the needs of a disabled person.

25 "Animal care professional" means a person certified to work

1 in animal care related services, such as grooming, kenneling,
2 and any other related fields.

3 "Service dog professional" means a person certified to
4 train service dogs by an agency, organization, or school
5 approved by the Department.

6 (b) The Department may establish the Helping Paws Service
7 Dog Program to train committed persons to be service dog
8 trainers and animal care professionals. The Department shall
9 select committed persons in various correctional institutions
10 and facilities to participate in the Program.

11 (c) Priority for participation in the Program must be given
12 to committed persons who either have a high school diploma or
13 have passed high school equivalency testing ~~the high school~~
14 ~~level Test of General Educational Development (GED).~~

15 (d) The Department may contract with service dog
16 professionals to train committed persons to be certified
17 service dog trainers. Service dog professionals shall train
18 committed persons in dog obedience training, service dog
19 training, and animal health care. Upon successful completion of
20 the training, a committed person shall receive certification by
21 an agency, organization, or school approved by the Department.

22 (e) The Department may designate a non-profit organization
23 to select animals from humane societies and shelters for the
24 purpose of being trained as service dogs and for participation
25 in any program designed to train animal care professionals.

26 (f) After a dog is trained by the committed person as a

1 service dog, a review committee consisting of an equal number
2 of persons from the Department and the non-profit organization
3 shall select a disabled person to receive the service dog free
4 of charge.

5 (g) Employees of the Department shall periodically visit
6 disabled persons who have received service dogs from the
7 Department under this Section to determine whether the needs of
8 the disabled persons have been met by the service dogs trained
9 by committed persons.

10 (h) Employees of the Department shall periodically visit
11 committed persons who have been certified as service dog
12 trainers or animal care professionals and who have been paroled
13 or placed on mandatory supervised release to determine whether
14 the committed persons are using their skills as certified
15 service dog trainers or animal care professionals.

16 (Source: P.A. 92-236, eff. 8-3-01.)

17 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

18 Sec. 5-5-3. Disposition.

19 (a) (Blank).

20 (b) (Blank).

21 (c) (1) (Blank).

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

1 set forth in this Code for the following offenses, and may
2 order a fine or restitution or both in conjunction with
3 such term of imprisonment:

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

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

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

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

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

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

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section
3 40-10 of the Alcoholism and Other Drug Abuse and
4 Dependency Act.

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

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

12 (H) Criminal sexual assault.

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

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

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

25 Beginning July 1, 1994, for the purposes of this
26 paragraph, "organized gang" has the meaning ascribed

1 to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (K) Vehicular hijacking.

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

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

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

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

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

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

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

24 (S) (Blank).

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

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

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

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

26 (X) A violation of subsection (a) of Section 31-1a

1 of the Criminal Code of 1961 or the Criminal Code of
2 2012.

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

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

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

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

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

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

22 (3) (Blank).

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

1 (4.1) (Blank).

2 (4.2) Except as provided in paragraphs (4.3) and (4.8)
3 of this subsection (c), a minimum of 100 hours of community
4 service shall be imposed for a second violation of Section
5 6-303 of the Illinois Vehicle Code.

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

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

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

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

24 (4.7) A minimum term of imprisonment of not less than
25 30 consecutive days, or 300 hours of community service,
26 shall be imposed for a violation of subsection (a-5) of

1 Section 6-303 of the Illinois Vehicle Code, as provided in
2 subsection (b-5) of that Section.

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

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

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

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

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under Section

1 5-5-6 of this Code.

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

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

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

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

1 (5.5) In addition to any other penalties imposed, a
2 person convicted of violating Section 3-707 of the Illinois
3 Vehicle Code during a period in which his or her driver's
4 license, permit, or privileges were suspended for a
5 previous violation of that Section shall have his or her
6 driver's license, permit, or privileges suspended for an
7 additional 6 months after the expiration of the original
8 3-month suspension and until he or she has paid a
9 reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

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

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

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

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

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

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

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

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

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the
2 defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

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

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

8 and

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

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

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

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

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

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

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

1 taken to prevent transmission of the disease in the courtroom.

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

1 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
2 2012 against the defendant. The court shall order that the cost
3 of any such test shall be paid by the county and may be taxed as
4 costs against the convicted defendant.

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

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

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

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

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

22 (k) (Blank).

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

1 the defendant may, upon motion of the State's Attorney,
2 hold sentence in abeyance and remand the defendant to the
3 custody of the Attorney General of the United States or his
4 or her designated agent to be deported when:

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

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

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

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

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

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of justice.

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

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

15 (m) A person convicted of criminal defacement of property
16 under Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, in which the property damage exceeds
18 \$300 and the property damaged is a school building, shall be
19 ordered to perform community service that may include cleanup,
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 (i) to an impact
25 incarceration program if the person is otherwise eligible for
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person is an addict or alcoholic, as defined in
2 the Alcoholism and Other Drug Abuse and Dependency Act, to a
3 substance or alcohol abuse program licensed under that Act.

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

9 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
10 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
11 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
12 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
13 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
14 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
15 eff. 1-25-13; revised 11-12-13.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of Probation and of Conditional
18 Discharge.

19 (a) The conditions of probation and of conditional
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any
22 jurisdiction;

23 (2) report to or appear in person before such person or
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily harm;

4 (4) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature that prior consent
7 by the court is not possible, without the prior
8 notification and approval of the person's probation
9 officer. Transfer of a person's probation or conditional
10 discharge supervision to another state is subject to
11 acceptance by the other state pursuant to the Interstate
12 Compact for Adult Offender Supervision;

13 (5) permit the probation officer to visit him at his
14 home or elsewhere to the extent necessary to discharge his
15 duties;

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized gang
22 and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

1 2012 and similar damage to property located within the
2 municipality or county in which the violation occurred.
3 When possible and reasonable, the community service should
4 be performed in the offender's neighborhood. For purposes
5 of this Section, "organized gang" has the meaning ascribed
6 to it in Section 10 of the Illinois Streetgang Terrorism
7 Omnibus Prevention Act;

8 (7) if he or she is at least 17 years of age and has
9 been sentenced to probation or conditional discharge for a
10 misdemeanor or felony in a county of 3,000,000 or more
11 inhabitants and has not been previously convicted of a
12 misdemeanor or felony, may be required by the sentencing
13 court to attend educational courses designed to prepare the
14 defendant for a high school diploma and to work toward a
15 high school diploma or to work toward passing high school
16 equivalency testing ~~the high school level Test of General~~
17 ~~Educational Development (GED)~~ or to work toward completing
18 a vocational training program approved by the court. The
19 person on probation or conditional discharge must attend a
20 public institution of education to obtain the educational
21 or vocational training required by this clause (7). The
22 court shall revoke the probation or conditional discharge
23 of a person who wilfully fails to comply with this clause
24 (7). The person on probation or conditional discharge shall
25 be required to pay for the cost of the educational courses
26 or high school equivalency testing ~~GED test~~, if a fee is

1 charged for those courses or testing ~~test~~. The court shall
2 resentence the offender whose probation or conditional
3 discharge has been revoked as provided in Section 5-6-4.
4 This clause (7) does not apply to a person who has a high
5 school diploma or has successfully passed high school
6 equivalency testing ~~the GED test~~. This clause (7) does not
7 apply to a person who is determined by the court to be
8 developmentally disabled or otherwise mentally incapable
9 of completing the educational or vocational program;

10 (8) if convicted of possession of a substance
11 prohibited by the Cannabis Control Act, the Illinois
12 Controlled Substances Act, or the Methamphetamine Control
13 and Community Protection Act after a previous conviction or
14 disposition of supervision for possession of a substance
15 prohibited by the Cannabis Control Act or Illinois
16 Controlled Substances Act or after a sentence of probation
17 under Section 10 of the Cannabis Control Act, Section 410
18 of the Illinois Controlled Substances Act, or Section 70 of
19 the Methamphetamine Control and Community Protection Act
20 and upon a finding by the court that the person is
21 addicted, undergo treatment at a substance abuse program
22 approved by the court;

23 (8.5) if convicted of a felony sex offense as defined
24 in the Sex Offender Management Board Act, the person shall
25 undergo and successfully complete sex offender treatment
26 by a treatment provider approved by the Board and conducted

1 in conformance with the standards developed under the Sex
2 Offender Management Board Act;

3 (8.6) if convicted of a sex offense as defined in the
4 Sex Offender Management Board Act, refrain from residing at
5 the same address or in the same condominium unit or
6 apartment unit or in the same condominium complex or
7 apartment complex with another person he or she knows or
8 reasonably should know is a convicted sex offender or has
9 been placed on supervision for a sex offense; the
10 provisions of this paragraph do not apply to a person
11 convicted of a sex offense who is placed in a Department of
12 Corrections licensed transitional housing facility for sex
13 offenders;

14 (8.7) if convicted for an offense committed on or after
15 June 1, 2008 (the effective date of Public Act 95-464) that
16 would qualify the accused as a child sex offender as
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
18 1961 or the Criminal Code of 2012, refrain from
19 communicating with or contacting, by means of the Internet,
20 a person who is not related to the accused and whom the
21 accused reasonably believes to be under 18 years of age;
22 for purposes of this paragraph (8.7), "Internet" has the
23 meaning ascribed to it in Section 16-0.1 of the Criminal
24 Code of 2012; and a person is not related to the accused if
25 the person is not: (i) the spouse, brother, or sister of
26 the accused; (ii) a descendant of the accused; (iii) a

1 first or second cousin of the accused; or (iv) a step-child
2 or adopted child of the accused;

3 (8.8) if convicted for an offense under Section 11-6,
4 11-9.1, 11-14.4 that involves soliciting for a juvenile
5 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 or any attempt to commit any of these offenses, committed
8 on or after June 1, 2009 (the effective date of Public Act
9 95-983):

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer;

8 (8.9) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act committed on or after January
10 1, 2010 (the effective date of Public Act 96-262), refrain
11 from accessing or using a social networking website as
12 defined in Section 17-0.5 of the Criminal Code of 2012;

13 (9) if convicted of a felony or of any misdemeanor
14 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
15 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
16 2012 that was determined, pursuant to Section 112A-11.1 of
17 the Code of Criminal Procedure of 1963, to trigger the
18 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
19 at a time and place designated by the court, his or her
20 Firearm Owner's Identification Card and any and all
21 firearms in his or her possession. The Court shall return
22 to the Department of State Police Firearm Owner's
23 Identification Card Office the person's Firearm Owner's
24 Identification Card;

25 (10) if convicted of a sex offense as defined in
26 subsection (a-5) of Section 3-1-2 of this Code, unless the

1 offender is a parent or guardian of the person under 18
2 years of age present in the home and no non-familial minors
3 are present, not participate in a holiday event involving
4 children under 18 years of age, such as distributing candy
5 or other items to children on Halloween, wearing a Santa
6 Claus costume on or preceding Christmas, being employed as
7 a department store Santa Claus, or wearing an Easter Bunny
8 costume on or preceding Easter;

9 (11) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;
15 and

16 (12) if convicted of a violation of the Methamphetamine
17 Control and Community Protection Act, the Methamphetamine
18 Precursor Control Act, or a methamphetamine related
19 offense:

20 (A) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate.

26 (b) The Court may in addition to other reasonable

1 conditions relating to the nature of the offense or the
2 rehabilitation of the defendant as determined for each
3 defendant in the proper discretion of the Court require that
4 the person:

5 (1) serve a term of periodic imprisonment under Article
6 7 for a period not to exceed that specified in paragraph
7 (d) of Section 5-7-1;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical, psychological or psychiatric
12 treatment; or treatment for drug addiction or alcoholism;

13 (5) attend or reside in a facility established for the
14 instruction or residence of defendants on probation;

15 (6) support his dependents;

16 (7) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a
21 foster home;

22 (v) with the consent of the superintendent of the
23 facility, attend an educational program at a facility
24 other than the school in which the offense was
25 committed if he or she is convicted of a crime of
26 violence as defined in Section 2 of the Crime Victims

1 Compensation Act committed in a school, on the real
2 property comprising a school, or within 1,000 feet of
3 the real property comprising a school;

4 (8) make restitution as provided in Section 5-5-6 of
5 this Code;

6 (9) perform some reasonable public or community
7 service;

8 (10) serve a term of home confinement. In addition to
9 any other applicable condition of probation or conditional
10 discharge, the conditions of home confinement shall be that
11 the offender:

12 (i) remain within the interior premises of the
13 place designated for his confinement during the hours
14 designated by the court;

15 (ii) admit any person or agent designated by the
16 court into the offender's place of confinement at any
17 time for purposes of verifying the offender's
18 compliance with the conditions of his confinement; and

19 (iii) if further deemed necessary by the court or
20 the Probation or Court Services Department, be placed
21 on an approved electronic monitoring device, subject
22 to Article 8A of Chapter V;

23 (iv) for persons convicted of any alcohol,
24 cannabis or controlled substance violation who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall

1 impose a reasonable fee for each day of the use of the
2 device, as established by the county board in
3 subsection (g) of this Section, unless after
4 determining the inability of the offender to pay the
5 fee, the court assesses a lesser fee or no fee as the
6 case may be. This fee shall be imposed in addition to
7 the fees imposed under subsections (g) and (i) of this
8 Section. The fee shall be collected by the clerk of the
9 circuit court. The clerk of the circuit court shall pay
10 all monies collected from this fee to the county
11 treasurer for deposit in the substance abuse services
12 fund under Section 5-1086.1 of the Counties Code; and

13 (v) for persons convicted of offenses other than
14 those referenced in clause (iv) above and who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the defendant to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court. The clerk of the circuit court shall pay
26 all monies collected from this fee to the county

1 treasurer who shall use the monies collected to defray
2 the costs of corrections. The county treasurer shall
3 deposit the fee collected in the probation and court
4 services fund.

5 (11) comply with the terms and conditions of an order
6 of protection issued by the court pursuant to the Illinois
7 Domestic Violence Act of 1986, as now or hereafter amended,
8 or an order of protection issued by the court of another
9 state, tribe, or United States territory. A copy of the
10 order of protection shall be transmitted to the probation
11 officer or agency having responsibility for the case;

12 (12) reimburse any "local anti-crime program" as
13 defined in Section 7 of the Anti-Crime Advisory Council Act
14 for any reasonable expenses incurred by the program on the
15 offender's case, not to exceed the maximum amount of the
16 fine authorized for the offense for which the defendant was
17 sentenced;

18 (13) contribute a reasonable sum of money, not to
19 exceed the maximum amount of the fine authorized for the
20 offense for which the defendant was sentenced, (i) to a
21 "local anti-crime program", as defined in Section 7 of the
22 Anti-Crime Advisory Council Act, or (ii) for offenses under
23 the jurisdiction of the Department of Natural Resources, to
24 the fund established by the Department of Natural Resources
25 for the purchase of evidence for investigation purposes and
26 to conduct investigations as outlined in Section 805-105 of

1 the Department of Natural Resources (Conservation) Law;

2 (14) refrain from entering into a designated
3 geographic area except upon such terms as the court finds
4 appropriate. Such terms may include consideration of the
5 purpose of the entry, the time of day, other persons
6 accompanying the defendant, and advance approval by a
7 probation officer, if the defendant has been placed on
8 probation or advance approval by the court, if the
9 defendant was placed on conditional discharge;

10 (15) refrain from having any contact, directly or
11 indirectly, with certain specified persons or particular
12 types of persons, including but not limited to members of
13 street gangs and drug users or dealers;

14 (16) refrain from having in his or her body the
15 presence of any illicit drug prohibited by the Cannabis
16 Control Act, the Illinois Controlled Substances Act, or the
17 Methamphetamine Control and Community Protection Act,
18 unless prescribed by a physician, and submit samples of his
19 or her blood or urine or both for tests to determine the
20 presence of any illicit drug;

21 (17) if convicted for an offense committed on or after
22 June 1, 2008 (the effective date of Public Act 95-464) that
23 would qualify the accused as a child sex offender as
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
25 1961 or the Criminal Code of 2012, refrain from
26 communicating with or contacting, by means of the Internet,

1 a person who is related to the accused and whom the accused
2 reasonably believes to be under 18 years of age; for
3 purposes of this paragraph (17), "Internet" has the meaning
4 ascribed to it in Section 16-0.1 of the Criminal Code of
5 2012; and a person is related to the accused if the person
6 is: (i) the spouse, brother, or sister of the accused; (ii)
7 a descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (18) if convicted for an offense committed on or after
11 June 1, 2009 (the effective date of Public Act 95-983) that
12 would qualify as a sex offense as defined in the Sex
13 Offender Registration Act:

14 (i) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the offender's probation officer,
17 except in connection with the offender's employment or
18 search for employment with the prior approval of the
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's probation
23 officer, a law enforcement officer, or assigned
24 computer or information technology specialist,
25 including the retrieval and copying of all data from
26 the computer or device and any internal or external

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 subject's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer; and

12 (19) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a misdemeanor that
14 did not involve the intentional or knowing infliction of
15 bodily harm or threat of bodily harm.

16 (c) The court may as a condition of probation or of
17 conditional discharge require that a person under 18 years of
18 age found guilty of any alcohol, cannabis or controlled
19 substance violation, refrain from acquiring a driver's license
20 during the period of probation or conditional discharge. If
21 such person is in possession of a permit or license, the court
22 may require that the minor refrain from driving or operating
23 any motor vehicle during the period of probation or conditional
24 discharge, except as may be necessary in the course of the
25 minor's lawful employment.

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the
2 conditions thereof.

3 (e) Except where the offender has committed a fourth or
4 subsequent violation of subsection (c) of Section 6-303 of the
5 Illinois Vehicle Code, the court shall not require as a
6 condition of the sentence of probation or conditional discharge
7 that the offender be committed to a period of imprisonment in
8 excess of 6 months. This 6 month limit shall not include
9 periods of confinement given pursuant to a sentence of county
10 impact incarceration under Section 5-8-1.2.

11 Persons committed to imprisonment as a condition of
12 probation or conditional discharge shall not be committed to
13 the Department of Corrections.

14 (f) The court may combine a sentence of periodic
15 imprisonment under Article 7 or a sentence to a county impact
16 incarceration program under Article 8 with a sentence of
17 probation or conditional discharge.

18 (g) An offender sentenced to probation or to conditional
19 discharge and who during the term of either undergoes mandatory
20 drug or alcohol testing, or both, or is assigned to be placed
21 on an approved electronic monitoring device, shall be ordered
22 to pay all costs incidental to such mandatory drug or alcohol
23 testing, or both, and all costs incidental to such approved
24 electronic monitoring in accordance with the defendant's
25 ability to pay those costs. The county board with the
26 concurrence of the Chief Judge of the judicial circuit in which

1 the county is located shall establish reasonable fees for the
2 cost of maintenance, testing, and incidental expenses related
3 to the mandatory drug or alcohol testing, or both, and all
4 costs incidental to approved electronic monitoring, involved
5 in a successful probation program for the county. The
6 concurrence of the Chief Judge shall be in the form of an
7 administrative order. The fees shall be collected by the clerk
8 of the circuit court. The clerk of the circuit court shall pay
9 all moneys collected from these fees to the county treasurer
10 who shall use the moneys collected to defray the costs of drug
11 testing, alcohol testing, and electronic monitoring. The
12 county treasurer shall deposit the fees collected in the county
13 working cash fund under Section 6-27001 or Section 6-29002 of
14 the Counties Code, as the case may be.

15 (h) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers of
18 jurisdiction are also authorized in the same manner. The court
19 to which jurisdiction has been transferred shall have the same
20 powers as the sentencing court. The probation department within
21 the circuit to which jurisdiction has been transferred, or
22 which has agreed to provide supervision, may impose probation
23 fees upon receiving the transferred offender, as provided in
24 subsection (i). For all transfer cases, as defined in Section
25 9b of the Probation and Probation Officers Act, the probation
26 department from the original sentencing court shall retain all

1 probation fees collected prior to the transfer. After the
2 transfer all probation fees shall be paid to the probation
3 department within the circuit to which jurisdiction has been
4 transferred.

5 (i) The court shall impose upon an offender sentenced to
6 probation after January 1, 1989 or to conditional discharge
7 after January 1, 1992 or to community service under the
8 supervision of a probation or court services department after
9 January 1, 2004, as a condition of such probation or
10 conditional discharge or supervised community service, a fee of
11 \$50 for each month of probation or conditional discharge
12 supervision or supervised community service ordered by the
13 court, unless after determining the inability of the person
14 sentenced to probation or conditional discharge or supervised
15 community service to pay the fee, the court assesses a lesser
16 fee. The court may not impose the fee on a minor who is made a
17 ward of the State under the Juvenile Court Act of 1987 while
18 the minor is in placement. The fee shall be imposed only upon
19 an offender who is actively supervised by the probation and
20 court services department. The fee shall be collected by the
21 clerk of the circuit court. The clerk of the circuit court
22 shall pay all monies collected from this fee to the county
23 treasurer for deposit in the probation and court services fund
24 under Section 15.1 of the Probation and Probation Officers Act.

25 A circuit court may not impose a probation fee under this
26 subsection (i) in excess of \$25 per month unless the circuit

1 court has adopted, by administrative order issued by the chief
2 judge, a standard probation fee guide determining an offender's
3 ability to pay Of the amount collected as a probation fee, up
4 to \$5 of that fee collected per month may be used to provide
5 services to crime victims and their families.

6 The Court may only waive probation fees based on an
7 offender's ability to pay. The probation department may
8 re-evaluate an offender's ability to pay every 6 months, and,
9 with the approval of the Director of Court Services or the
10 Chief Probation Officer, adjust the monthly fee amount. An
11 offender may elect to pay probation fees due in a lump sum. Any
12 offender that has been assigned to the supervision of a
13 probation department, or has been transferred either under
14 subsection (h) of this Section or under any interstate compact,
15 shall be required to pay probation fees to the department
16 supervising the offender, based on the offender's ability to
17 pay.

18 This amendatory Act of the 93rd General Assembly deletes
19 the \$10 increase in the fee under this subsection that was
20 imposed by Public Act 93-616. This deletion is intended to
21 control over any other Act of the 93rd General Assembly that
22 retains or incorporates that fee increase.

23 (i-5) In addition to the fees imposed under subsection (i)
24 of this Section, in the case of an offender convicted of a
25 felony sex offense (as defined in the Sex Offender Management
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex
2 Offender Management Board Act), the court or the probation
3 department shall assess additional fees to pay for all costs of
4 treatment, assessment, evaluation for risk and treatment, and
5 monitoring the offender, based on that offender's ability to
6 pay those costs either as they occur or under a payment plan.

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

14 (k) Any offender who is sentenced to probation or
15 conditional discharge for a felony sex offense as defined in
16 the Sex Offender Management Board Act or any offense that the
17 court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to
24 probation or conditional discharge for a violation of an order
25 of protection be placed under electronic surveillance as
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
2 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
3 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

4 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

5 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

6 (a) When a defendant is placed on supervision, the court
7 shall enter an order for supervision specifying the period of
8 such supervision, and shall defer further proceedings in the
9 case until the conclusion of the period.

10 (b) The period of supervision shall be reasonable under all
11 of the circumstances of the case, but may not be longer than 2
12 years, unless the defendant has failed to pay the assessment
13 required by Section 10.3 of the Cannabis Control Act, Section
14 411.2 of the Illinois Controlled Substances Act, or Section 80
15 of the Methamphetamine Control and Community Protection Act, in
16 which case the court may extend supervision beyond 2 years.
17 Additionally, the court shall order the defendant to perform no
18 less than 30 hours of community service and not more than 120
19 hours of community service, if community service is available
20 in the jurisdiction and is funded and approved by the county
21 board where the offense was committed, when the offense (1) was
22 related to or in furtherance of the criminal activities of an
23 organized gang or was motivated by the defendant's membership
24 in or allegiance to an organized gang; or (2) is a violation of
25 any Section of Article 24 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 where a disposition of supervision is not
2 prohibited by Section 5-6-1 of this Code. The community service
3 shall include, but not be limited to, the cleanup and repair of
4 any damage caused by violation of Section 21-1.3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 and similar
6 damages to property located within the municipality or county
7 in which the violation occurred. Where possible and reasonable,
8 the community service should be performed in the offender's
9 neighborhood.

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

13 (c) The court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the court require that
17 the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of supervision;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

1 (5) attend or reside in a facility established for the
2 instruction or residence of defendants on probation;

3 (6) support his dependents;

4 (7) refrain from possessing a firearm or other
5 dangerous weapon;

6 (8) and in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 (iv) contribute to his own support at home or in a
11 foster home; or

12 (v) with the consent of the superintendent of the
13 facility, attend an educational program at a facility
14 other than the school in which the offense was
15 committed if he or she is placed on supervision for a
16 crime of violence as defined in Section 2 of the Crime
17 Victims Compensation Act committed in a school, on the
18 real property comprising a school, or within 1,000 feet
19 of the real property comprising a school;

20 (9) make restitution or reparation in an amount not to
21 exceed actual loss or damage to property and pecuniary loss
22 or make restitution under Section 5-5-6 to a domestic
23 violence shelter. The court shall determine the amount and
24 conditions of payment;

25 (10) perform some reasonable public or community
26 service;

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986 or an order of protection
4 issued by the court of another state, tribe, or United
5 States territory. If the court has ordered the defendant to
6 make a report and appear in person under paragraph (1) of
7 this subsection, a copy of the order of protection shall be
8 transmitted to the person or agency so designated by the
9 court;

10 (12) reimburse any "local anti-crime program" as
11 defined in Section 7 of the Anti-Crime Advisory Council Act
12 for any reasonable expenses incurred by the program on the
13 offender's case, not to exceed the maximum amount of the
14 fine authorized for the offense for which the defendant was
15 sentenced;

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses under
21 the jurisdiction of the Department of Natural Resources, to
22 the fund established by the Department of Natural Resources
23 for the purchase of evidence for investigation purposes and
24 to conduct investigations as outlined in Section 805-105 of
25 the Department of Natural Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds
2 appropriate. Such terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the defendant, and advance approval by a
5 probation officer;

6 (15) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of person, including but not limited to members of
9 street gangs and drug users or dealers;

10 (16) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or the
13 Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of his
15 or her blood or urine or both for tests to determine the
16 presence of any illicit drug;

17 (17) refrain from operating any motor vehicle not
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1 of the Illinois Vehicle Code; under this
20 condition the court may allow a defendant who is not
21 self-employed to operate a vehicle owned by the defendant's
22 employer that is not equipped with an ignition interlock
23 device in the course and scope of the defendant's
24 employment; and

25 (18) if placed on supervision for a sex offense as
26 defined in subsection (a-5) of Section 3-1-2 of this Code,

1 unless the offender is a parent or guardian of the person
2 under 18 years of age present in the home and no
3 non-familial minors are present, not participate in a
4 holiday event involving children under 18 years of age,
5 such as distributing candy or other items to children on
6 Halloween, wearing a Santa Claus costume on or preceding
7 Christmas, being employed as a department store Santa
8 Claus, or wearing an Easter Bunny costume on or preceding
9 Easter.

10 (d) The court shall defer entering any judgment on the
11 charges until the conclusion of the supervision.

12 (e) At the conclusion of the period of supervision, if the
13 court determines that the defendant has successfully complied
14 with all of the conditions of supervision, the court shall
15 discharge the defendant and enter a judgment dismissing the
16 charges.

17 (f) Discharge and dismissal upon a successful conclusion of
18 a disposition of supervision shall be deemed without
19 adjudication of guilt and shall not be termed a conviction for
20 purposes of disqualification or disabilities imposed by law
21 upon conviction of a crime. Two years after the discharge and
22 dismissal under this Section, unless the disposition of
23 supervision was for a violation of Sections 3-707, 3-708,
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, or for a violation of
26 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, in which case it shall be 5 years
2 after discharge and dismissal, a person may have his record of
3 arrest sealed or expunged as may be provided by law. However,
4 any defendant placed on supervision before January 1, 1980, may
5 move for sealing or expungement of his arrest record, as
6 provided by law, at any time after discharge and dismissal
7 under this Section. A person placed on supervision for a sexual
8 offense committed against a minor as defined in clause
9 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
10 for a violation of Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance shall not have his
12 or her record of arrest sealed or expunged.

13 (g) A defendant placed on supervision and who during the
14 period of supervision undergoes mandatory drug or alcohol
15 testing, or both, or is assigned to be placed on an approved
16 electronic monitoring device, shall be ordered to pay the costs
17 incidental to such mandatory drug or alcohol testing, or both,
18 and costs incidental to such approved electronic monitoring in
19 accordance with the defendant's ability to pay those costs. The
20 county board with the concurrence of the Chief Judge of the
21 judicial circuit in which the county is located shall establish
22 reasonable fees for the cost of maintenance, testing, and
23 incidental expenses related to the mandatory drug or alcohol
24 testing, or both, and all costs incidental to approved
25 electronic monitoring, of all defendants placed on
26 supervision. The concurrence of the Chief Judge shall be in the

1 form of an administrative order. The fees shall be collected by
2 the clerk of the circuit court. The clerk of the circuit court
3 shall pay all moneys collected from these fees to the county
4 treasurer who shall use the moneys collected to defray the
5 costs of drug testing, alcohol testing, and electronic
6 monitoring. The county treasurer shall deposit the fees
7 collected in the county working cash fund under Section 6-27001
8 or Section 6-29002 of the Counties Code, as the case may be.

9 (h) A disposition of supervision is a final order for the
10 purposes of appeal.

11 (i) The court shall impose upon a defendant placed on
12 supervision after January 1, 1992 or to community service under
13 the supervision of a probation or court services department
14 after January 1, 2004, as a condition of supervision or
15 supervised community service, a fee of \$50 for each month of
16 supervision or supervised community service ordered by the
17 court, unless after determining the inability of the person
18 placed on supervision or supervised community service to pay
19 the fee, the court assesses a lesser fee. The court may not
20 impose the fee on a minor who is made a ward of the State under
21 the Juvenile Court Act of 1987 while the minor is in placement.
22 The fee shall be imposed only upon a defendant who is actively
23 supervised by the probation and court services department. The
24 fee shall be collected by the clerk of the circuit court. The
25 clerk of the circuit court shall pay all monies collected from
26 this fee to the county treasurer for deposit in the probation

1 and court services fund pursuant to Section 15.1 of the
2 Probation and Probation Officers Act.

3 A circuit court may not impose a probation fee in excess of
4 \$25 per month unless the circuit court has adopted, by
5 administrative order issued by the chief judge, a standard
6 probation fee guide determining an offender's ability to pay.
7 Of the amount collected as a probation fee, not to exceed \$5 of
8 that fee collected per month may be used to provide services to
9 crime victims and their families.

10 The Court may only waive probation fees based on an
11 offender's ability to pay. The probation department may
12 re-evaluate an offender's ability to pay every 6 months, and,
13 with the approval of the Director of Court Services or the
14 Chief Probation Officer, adjust the monthly fee amount. An
15 offender may elect to pay probation fees due in a lump sum. Any
16 offender that has been assigned to the supervision of a
17 probation department, or has been transferred either under
18 subsection (h) of this Section or under any interstate compact,
19 shall be required to pay probation fees to the department
20 supervising the offender, based on the offender's ability to
21 pay.

22 (j) All fines and costs imposed under this Section for any
23 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
24 Code, or a similar provision of a local ordinance, and any
25 violation of the Child Passenger Protection Act, or a similar
26 provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (k) A defendant at least 17 years of age who is placed on
4 supervision for a misdemeanor in a county of 3,000,000 or more
5 inhabitants and who has not been previously convicted of a
6 misdemeanor or felony may as a condition of his or her
7 supervision be required by the court to attend educational
8 courses designed to prepare the defendant for a high school
9 diploma and to work toward a high school diploma or to work
10 toward passing high school equivalency testing ~~the high school~~
11 ~~level Test of General Educational Development (GED)~~ or to work
12 toward completing a vocational training program approved by the
13 court. The defendant placed on supervision must attend a public
14 institution of education to obtain the educational or
15 vocational training required by this subsection (k). The
16 defendant placed on supervision shall be required to pay for
17 the cost of the educational courses or high school equivalency
18 testing ~~GED test,~~ if a fee is charged for those courses or
19 testing ~~test~~. The court shall revoke the supervision of a
20 person who wilfully fails to comply with this subsection (k).
21 The court shall resentence the defendant upon revocation of
22 supervision as provided in Section 5-6-4. This subsection (k)
23 does not apply to a defendant who has a high school diploma or
24 has successfully passed high school equivalency testing ~~the GED~~
25 ~~test~~. This subsection (k) does not apply to a defendant who is
26 determined by the court to be developmentally disabled or

1 otherwise mentally incapable of completing the educational or
2 vocational program.

3 (1) The court shall require a defendant placed on
4 supervision for possession of a substance prohibited by the
5 Cannabis Control Act, the Illinois Controlled Substances Act,
6 or the Methamphetamine Control and Community Protection Act
7 after a previous conviction or disposition of supervision for
8 possession of a substance prohibited by the Cannabis Control
9 Act, the Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection Act or a
11 sentence of probation under Section 10 of the Cannabis Control
12 Act or Section 410 of the Illinois Controlled Substances Act
13 and after a finding by the court that the person is addicted,
14 to undergo treatment at a substance abuse program approved by
15 the court.

16 (m) The Secretary of State shall require anyone placed on
17 court supervision for a violation of Section 3-707 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance to give proof of his or her financial responsibility
20 as defined in Section 7-315 of the Illinois Vehicle Code. The
21 proof shall be maintained by the individual in a manner
22 satisfactory to the Secretary of State for a minimum period of
23 3 years after the date the proof is first filed. The proof
24 shall be limited to a single action per arrest and may not be
25 affected by any post-sentence disposition. The Secretary of
26 State shall suspend the driver's license of any person

1 determined by the Secretary to be in violation of this
2 subsection.

3 (n) Any offender placed on supervision for any offense that
4 the court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

10 (o) An offender placed on supervision for a sex offense as
11 defined in the Sex Offender Management Board Act shall refrain
12 from residing at the same address or in the same condominium
13 unit or apartment unit or in the same condominium complex or
14 apartment complex with another person he or she knows or
15 reasonably should know is a convicted sex offender or has been
16 placed on supervision for a sex offense. The provisions of this
17 subsection (o) do not apply to a person convicted of a sex
18 offense who is placed in a Department of Corrections licensed
19 transitional housing facility for sex offenders.

20 (p) An offender placed on supervision for an offense
21 committed on or after June 1, 2008 (the effective date of
22 Public Act 95-464) that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 shall
25 refrain from communicating with or contacting, by means of the
26 Internet, a person who is not related to the accused and whom

1 the accused reasonably believes to be under 18 years of age.
2 For purposes of this subsection (p), "Internet" has the meaning
3 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;
4 and a person is not related to the accused if the person is
5 not: (i) the spouse, brother, or sister of the accused; (ii) a
6 descendant of the accused; (iii) a first or second cousin of
7 the accused; or (iv) a step-child or adopted child of the
8 accused.

9 (q) An offender placed on supervision for an offense
10 committed on or after June 1, 2008 (the effective date of
11 Public Act 95-464) that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
14 ordered by the court, refrain from communicating with or
15 contacting, by means of the Internet, a person who is related
16 to the accused and whom the accused reasonably believes to be
17 under 18 years of age. For purposes of this subsection (q),
18 "Internet" has the meaning ascribed to it in Section 16-0.1 of
19 the Criminal Code of 2012; and a person is related to the
20 accused if the person is: (i) the spouse, brother, or sister of
21 the accused; (ii) a descendant of the accused; (iii) a first or
22 second cousin of the accused; or (iv) a step-child or adopted
23 child of the accused.

24 (r) An offender placed on supervision for an offense under
25 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
26 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or

1 11-21 of the Criminal Code of 1961 or the Criminal Code of
2 2012, or any attempt to commit any of these offenses, committed
3 on or after the effective date of this amendatory Act of the
4 95th General Assembly shall:

5 (i) not access or use a computer or any other device
6 with Internet capability without the prior written
7 approval of the court, except in connection with the
8 offender's employment or search for employment with the
9 prior approval of the court;

10 (ii) submit to periodic unannounced examinations of
11 the offender's computer or any other device with Internet
12 capability by the offender's probation officer, a law
13 enforcement officer, or assigned computer or information
14 technology specialist, including the retrieval and copying
15 of all data from the computer or device and any internal or
16 external peripherals and removal of such information,
17 equipment, or device to conduct a more thorough inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 offender's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a computer or
24 any other device with Internet capability imposed by the
25 court.

26 (s) An offender placed on supervision for an offense that

1 is a sex offense as defined in Section 2 of the Sex Offender
2 Registration Act that is committed on or after January 1, 2010
3 (the effective date of Public Act 96-362) that requires the
4 person to register as a sex offender under that Act, may not
5 knowingly use any computer scrub software on any computer that
6 the sex offender uses.

7 (t) An offender placed on supervision for a sex offense as
8 defined in the Sex Offender Registration Act committed on or
9 after January 1, 2010 (the effective date of Public Act 96-262)
10 shall refrain from accessing or using a social networking
11 website as defined in Section 17-0.5 of the Criminal Code of
12 2012.

13 (u) Jurisdiction over an offender may be transferred from
14 the sentencing court to the court of another circuit with the
15 concurrence of both courts. Further transfers or retransfers of
16 jurisdiction are also authorized in the same manner. The court
17 to which jurisdiction has been transferred shall have the same
18 powers as the sentencing court. The probation department within
19 the circuit to which jurisdiction has been transferred may
20 impose probation fees upon receiving the transferred offender,
21 as provided in subsection (i). The probation department from
22 the original sentencing court shall retain all probation fees
23 collected prior to the transfer.

24 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
25 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
26 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article

1 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
2 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

3 (730 ILCS 5/5-6-3.3)

4 Sec. 5-6-3.3. Offender Initiative Program.

5 (a) Statement of purpose. The General Assembly seeks to
6 continue other successful programs that promote public safety,
7 conserve valuable resources, and reduce recidivism by
8 defendants who can lead productive lives by creating the
9 Offender Initiative Program.

10 (a-1) Whenever any person who has not previously been
11 convicted of, or placed on probation or conditional discharge
12 for, any felony offense under the laws of this State, the laws
13 of any other state, or the laws of the United States, is
14 arrested for and charged with a probationable felony offense of
15 theft, retail theft, forgery, possession of a stolen motor
16 vehicle, burglary, possession of burglary tools, possession of
17 cannabis, possession of a controlled substance, or possession
18 of methamphetamine, the court, with the consent of the
19 defendant and the State's Attorney, may continue this matter to
20 allow a defendant to participate and complete the Offender
21 Initiative Program.

22 (a-2) Exemptions. A defendant shall not be eligible for
23 this Program if the offense he or she has been arrested for and
24 charged with is a violent offense. For purposes of this
25 Program, a "violent offense" is any offense where bodily harm

1 was inflicted or where force was used against any person or
2 threatened against any person, any offense involving sexual
3 conduct, sexual penetration, or sexual exploitation, any
4 offense of domestic violence, domestic battery, violation of an
5 order of protection, stalking, hate crime, driving under the
6 influence of drugs or alcohol, and any offense involving the
7 possession of a firearm or dangerous weapon. A defendant shall
8 not be eligible for this Program if he or she has previously
9 been adjudicated a delinquent minor for the commission of a
10 violent offense as defined in this subsection.

11 (b) When a defendant is placed in the Program, after both
12 the defendant and State's Attorney waive preliminary hearing
13 pursuant to Section 109-3 of the Code of Criminal Procedure of
14 1963, the court shall enter an order specifying that the
15 proceedings shall be suspended while the defendant is
16 participating in a Program of not less 12 months.

17 (c) The conditions of the Program shall be that the
18 defendant:

19 (1) not violate any criminal statute of this State or
20 any other jurisdiction;

21 (2) refrain from possessing a firearm or other
22 dangerous weapon;

23 (3) make full restitution to the victim or property
24 owner pursuant to Section 5-5-6 of this Code;

25 (4) obtain employment or perform not less than 30 hours
26 of community service, provided community service is

1 available in the county and is funded and approved by the
2 county board; and

3 (5) attend educational courses designed to prepare the
4 defendant for obtaining a high school diploma or to work
5 toward passing high school equivalency testing ~~the high~~
6 ~~school level test of General Educational Development~~
7 ~~(G.E.D.)~~ or to work toward completing a vocational training
8 program.

9 (d) The court may, in addition to other conditions, require
10 that the defendant:

11 (1) undergo medical or psychiatric treatment, or
12 treatment or rehabilitation approved by the Illinois
13 Department of Human Services;

14 (2) refrain from having in his or her body the presence
15 of any illicit drug prohibited by the Methamphetamine
16 Control and Community Protection Act, the Cannabis Control
17 Act or the Illinois Controlled Substances Act, unless
18 prescribed by a physician, and submit samples of his or her
19 blood or urine or both for tests to determine the presence
20 of any illicit drug;

21 (3) submit to periodic drug testing at a time, manner,
22 and frequency as ordered by the court;

23 (4) pay fines, fees and costs; and

24 (5) in addition, if a minor:

25 (i) reside with his or her parents or in a foster
26 home;

- 1 (ii) attend school;
- 2 (iii) attend a non-residential program for youth;
- 3 or
- 4 (iv) contribute to his or her own support at home
- 5 or in a foster home.

6 (e) When the State's Attorney makes a factually specific

7 offer of proof that the defendant has failed to successfully

8 complete the Program or has violated any of the conditions of

9 the Program, the court shall enter an order that the defendant

10 has not successfully completed the Program and continue the

11 case for arraignment pursuant to Section 113-1 of the Code of

12 Criminal Procedure of 1963 for further proceedings as if the

13 defendant had not participated in the Program.

14 (f) Upon fulfillment of the terms and conditions of the

15 Program, the State's Attorney shall dismiss the case or the

16 court shall discharge the person and dismiss the proceedings

17 against the person.

18 (g) There may be only one discharge and dismissal under

19 this Section with respect to any person.

20 (Source: P.A. 97-1118, eff. 1-1-13.)

21 (730 ILCS 5/5-6-3.4)

22 Sec. 5-6-3.4. Second Chance Probation.

23 (a) Whenever any person who has not previously been

24 convicted of, or placed on probation or conditional discharge

25 for, any felony offense under the laws of this State, the laws

1 of any other state, or the laws of the United States, including
2 probation under Section 410 of the Illinois Controlled
3 Substances Act, Section 70 of the Methamphetamine Control and
4 Community Protection Act, Section 10 of the Cannabis Control
5 Act, subsection (c) of Section 11-14 of the Criminal Code of
6 2012, Treatment Alternatives for Criminal Justice Clients
7 (TASC) under Article 40 of the Alcoholism and Other Drug Abuse
8 and Dependency Act, or prior successful completion of the
9 Offender Initiative Program under Section 5-6-3.3 of this Code,
10 and pleads guilty to, or is found guilty of, a probationable
11 felony offense of possession of a controlled substance that is
12 punishable as a Class 4 felony; possession of methamphetamine
13 that is punishable as a Class 4 felony; theft that is
14 punishable as a Class 3 felony based on the value of the
15 property or punishable as a Class 4 felony if the theft was
16 committed in a school or place of worship or if the theft was
17 of governmental property; retail theft that is punishable as a
18 Class 3 felony based on the value of the property; criminal
19 damage to property that is punishable as a Class 4 felony;
20 criminal damage to government supported property that is
21 punishable as a Class 4 felony; or possession of cannabis which
22 is punishable as a Class 4 felony, the court, with the consent
23 of the defendant and the State's Attorney, may, without
24 entering a judgment, sentence the defendant to probation under
25 this Section.

26 (a-1) Exemptions. A defendant is not eligible for this

1 probation if the offense he or she pleads guilty to, or is
2 found guilty of, is a violent offense, or he or she has
3 previously been convicted of a violent offense. For purposes of
4 this probation, a "violent offense" is any offense where bodily
5 harm was inflicted or where force was used against any person
6 or threatened against any person, any offense involving sexual
7 conduct, sexual penetration, or sexual exploitation, any
8 offense of domestic violence, domestic battery, violation of an
9 order of protection, stalking, hate crime, driving under the
10 influence of drugs or alcohol, and any offense involving the
11 possession of a firearm or dangerous weapon. A defendant shall
12 not be eligible for this probation if he or she has previously
13 been adjudicated a delinquent minor for the commission of a
14 violent offense as defined in this subsection.

15 (b) When a defendant is placed on probation, the court
16 shall enter an order specifying a period of probation of not
17 less than 24 months and shall defer further proceedings in the
18 case until the conclusion of the period or until the filing of
19 a petition alleging violation of a term or condition of
20 probation.

21 (c) The conditions of probation shall be that the
22 defendant:

23 (1) not violate any criminal statute of this State or
24 any other jurisdiction;

25 (2) refrain from possessing a firearm or other
26 dangerous weapon;

1 (3) make full restitution to the victim or property
2 owner under Section 5-5-6 of this Code;

3 (4) obtain or attempt to obtain employment;

4 (5) pay fines and costs;

5 (6) attend educational courses designed to prepare the
6 defendant for obtaining a high school diploma or to work
7 toward passing high school equivalency testing ~~the high~~
8 ~~school level test of General Educational Development~~
9 ~~(G.E.D.)~~ or to work toward completing a vocational training
10 program;

11 (7) submit to periodic drug testing at a time and in a
12 manner as ordered by the court, but no less than 3 times
13 during the period of probation, with the cost of the
14 testing to be paid by the defendant; and

15 (8) perform a minimum of 30 hours of community service.

16 (d) The court may, in addition to other conditions, require
17 that the defendant:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of probation;

22 (2) undergo medical or psychiatric treatment, or
23 treatment or rehabilitation approved by the Illinois
24 Department of Human Services;

25 (3) attend or reside in a facility established for the
26 instruction or residence of defendants on probation;

1 (4) support his or her dependents; or

2 (5) refrain from having in his or her body the presence
3 of any illicit drug prohibited by the Methamphetamine
4 Control and Community Protection Act, the Cannabis Control
5 Act, or the Illinois Controlled Substances Act, unless
6 prescribed by a physician, and submit samples of his or her
7 blood or urine or both for tests to determine the presence
8 of any illicit drug.

9 (e) Upon violation of a term or condition of probation, the
10 court may enter a judgment on its original finding of guilt and
11 proceed as otherwise provided by law.

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss the
14 proceedings against the person.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal; however, a discharge and dismissal
18 under this Section is not a conviction for purposes of this
19 Code or for purposes of disqualifications or disabilities
20 imposed by law upon conviction of a crime.

21 (h) There may be only one discharge and dismissal under
22 this Section, Section 410 of the Illinois Controlled Substances
23 Act, Section 70 of the Methamphetamine Control and Community
24 Protection Act, Section 10 of the Cannabis Control Act,
25 Treatment Alternatives for Criminal Justice Clients (TASC)
26 under Article 40 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, the Offender Initiative Program under Section
2 5-6-3.3 of this Code, and subsection (c) of Section 11-14 of
3 the Criminal Code of 2012 with respect to any person.

4 (i) If a person is convicted of any offense which occurred
5 within 5 years subsequent to a discharge and dismissal under
6 this Section, the discharge and dismissal under this Section
7 shall be admissible in the sentencing proceeding for that
8 conviction as evidence in aggravation.

9 (Source: P.A. 98-164, eff. 1-1-14.)

10 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

11 Sec. 5-7-1. Sentence of Periodic Imprisonment.

12 (a) A sentence of periodic imprisonment is a sentence of
13 imprisonment during which the committed person may be released
14 for periods of time during the day or night or for periods of
15 days, or both, or if convicted of a felony, other than first
16 degree murder, a Class X or Class 1 felony, committed to any
17 county, municipal, or regional correctional or detention
18 institution or facility in this State for such periods of time
19 as the court may direct. Unless the court orders otherwise, the
20 particular times and conditions of release shall be determined
21 by the Department of Corrections, the sheriff, or the
22 Superintendent of the house of corrections, who is
23 administering the program.

24 (b) A sentence of periodic imprisonment may be imposed to
25 permit the defendant to:

- 1 (1) seek employment;
- 2 (2) work;
- 3 (3) conduct a business or other self-employed
- 4 occupation including housekeeping;
- 5 (4) attend to family needs;
- 6 (5) attend an educational institution, including
- 7 vocational education;
- 8 (6) obtain medical or psychological treatment;
- 9 (7) perform work duties at a county, municipal, or
- 10 regional correctional or detention institution or
- 11 facility;
- 12 (8) continue to reside at home with or without
- 13 supervision involving the use of an approved electronic
- 14 monitoring device, subject to Article 8A of Chapter V; or
- 15 (9) for any other purpose determined by the court.

16 (c) Except where prohibited by other provisions of this
17 Code, the court may impose a sentence of periodic imprisonment
18 for a felony or misdemeanor on a person who is 17 years of age
19 or older. The court shall not impose a sentence of periodic
20 imprisonment if it imposes a sentence of imprisonment upon the
21 defendant in excess of 90 days.

22 (d) A sentence of periodic imprisonment shall be for a
23 definite term of from 3 to 4 years for a Class 1 felony, 18 to
24 30 months for a Class 2 felony, and up to 18 months, or the
25 longest sentence of imprisonment that could be imposed for the
26 offense, whichever is less, for all other offenses; however, no

1 person shall be sentenced to a term of periodic imprisonment
2 longer than one year if he is committed to a county
3 correctional institution or facility, and in conjunction with
4 that sentence participate in a county work release program
5 comparable to the work and day release program provided for in
6 Article 13 of the Unified Code of Corrections in State
7 facilities. The term of the sentence shall be calculated upon
8 the basis of the duration of its term rather than upon the
9 basis of the actual days spent in confinement. No sentence of
10 periodic imprisonment shall be subject to the good time credit
11 provisions of Section 3-6-3 of this Code.

12 (e) When the court imposes a sentence of periodic
13 imprisonment, it shall state:

14 (1) the term of such sentence;

15 (2) the days or parts of days which the defendant is to
16 be confined;

17 (3) the conditions.

18 (f) The court may issue an order of protection pursuant to
19 the Illinois Domestic Violence Act of 1986 as a condition of a
20 sentence of periodic imprisonment. The Illinois Domestic
21 Violence Act of 1986 shall govern the issuance, enforcement and
22 recording of orders of protection issued under this Section. A
23 copy of the order of protection shall be transmitted to the
24 person or agency having responsibility for the case.

25 (f-5) An offender sentenced to a term of periodic
26 imprisonment for a felony sex offense as defined in the Sex

1 Offender Management Board Act shall be required to undergo and
2 successfully complete sex offender treatment by a treatment
3 provider approved by the Board and conducted in conformance
4 with the standards developed under the Sex Offender Management
5 Board Act.

6 (g) An offender sentenced to periodic imprisonment who
7 undergoes mandatory drug or alcohol testing, or both, or is
8 assigned to be placed on an approved electronic monitoring
9 device, shall be ordered to pay the costs incidental to such
10 mandatory drug or alcohol testing, or both, and costs
11 incidental to such approved electronic monitoring in
12 accordance with the defendant's ability to pay those costs. The
13 county board with the concurrence of the Chief Judge of the
14 judicial circuit in which the county is located shall establish
15 reasonable fees for the cost of maintenance, testing, and
16 incidental expenses related to the mandatory drug or alcohol
17 testing, or both, and all costs incidental to approved
18 electronic monitoring, of all offenders with a sentence of
19 periodic imprisonment. The concurrence of the Chief Judge shall
20 be in the form of an administrative order. The fees shall be
21 collected by the clerk of the circuit court. The clerk of the
22 circuit court shall pay all moneys collected from these fees to
23 the county treasurer who shall use the moneys collected to
24 defray the costs of drug testing, alcohol testing, and
25 electronic monitoring. The county treasurer shall deposit the
26 fees collected in the county working cash fund under Section

1 6-27001 or Section 6-29002 of the Counties Code, as the case
2 may be.

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

10 (i) A defendant at least 17 years of age who is convicted
11 of a misdemeanor or felony in a county of 3,000,000 or more
12 inhabitants and who has not been previously convicted of a
13 misdemeanor or a felony and who is sentenced to a term of
14 periodic imprisonment may as a condition of his or her sentence
15 be required by the court to attend educational courses designed
16 to prepare the defendant for a high school diploma and to work
17 toward receiving a high school diploma or to work toward
18 passing high school equivalency testing ~~the high school level~~
19 ~~Test of General Educational Development (GED)~~ or to work toward
20 completing a vocational training program approved by the court.
21 The defendant sentenced to periodic imprisonment must attend a
22 public institution of education to obtain the educational or
23 vocational training required by this subsection (i). The
24 defendant sentenced to a term of periodic imprisonment shall be
25 required to pay for the cost of the educational courses or high
26 school equivalency testing ~~GED test~~, if a fee is charged for

1 those courses or testing ~~test~~. The court shall revoke the
2 sentence of periodic imprisonment of the defendant who wilfully
3 fails to comply with this subsection (i). The court shall
4 resentence the defendant whose sentence of periodic
5 imprisonment has been revoked as provided in Section 5-7-2.
6 This subsection (i) does not apply to a defendant who has a
7 high school diploma or has successfully passed high school
8 equivalency testing ~~the GED test~~. This subsection (i) does not
9 apply to a defendant who is determined by the court to be
10 developmentally disabled or otherwise mentally incapable of
11 completing the educational or vocational program.

12 (Source: P.A. 93-616, eff. 1-1-04.)

13 (730 ILCS 5/5-8-1.3)

14 Sec. 5-8-1.3. Pilot residential and transition treatment
15 program for women.

16 (a) The General Assembly recognizes:

17 (1) that drug-offending women with children who have
18 been in and out of the criminal justice system for years
19 are a serious problem;

20 (2) that the intergenerational cycle of women
21 continuously being part of the criminal justice system
22 needs to be broken;

23 (3) that the effects of drug offending women with
24 children disrupts family harmony and creates an atmosphere
25 that is not conducive to healthy childhood development;

1 (4) that there is a need for an effective residential
2 community supervision model to provide help to women to
3 become drug free, recover from trauma, focus on healthy
4 mother-child relationships, and establish economic
5 independence and long-term support;

6 (5) that certain non-violent women offenders with
7 children eligible for sentences of incarceration, may
8 benefit from the rehabilitative aspects of gender
9 responsive treatment programs and services. This Section
10 shall not be construed to allow violent offenders to
11 participate in a treatment program.

12 (b) Under the direction of the sheriff and with the
13 approval of the county board of commissioners, the sheriff, in
14 any county with more than 3,000,000 inhabitants, may operate a
15 residential and transition treatment program for women
16 established by the Illinois Department of Corrections if
17 funding has been provided by federal, local or private
18 entities. If the court finds during the sentencing hearing
19 conducted under Section 5-4-1 that a woman convicted of a
20 felony meets the eligibility requirements of the sheriff's
21 residential and transition treatment program for women, the
22 court may refer the offender to the sheriff's residential and
23 transition treatment program for women for consideration as a
24 participant as an alternative to incarceration in the
25 penitentiary. The sheriff shall be responsible for supervising
26 all women who are placed in the residential and transition

1 treatment program for women for the 12-month period. In the
2 event that the woman is not accepted for placement in the
3 sheriff's residential and transition treatment program for
4 women, the court shall proceed to sentence the woman to any
5 other disposition authorized by this Code. If the woman does
6 not successfully complete the residential and transition
7 treatment program for women, the woman's failure to do so shall
8 constitute a violation of the sentence to the residential and
9 transition treatment program for women.

10 (c) In order to be eligible to be a participant in the
11 pilot residential and transition treatment program for women,
12 the participant shall meet all of the following conditions:

13 (1) The woman has not been convicted of a violent crime
14 as defined in subsection (c) of Section 3 of the Rights of
15 Crime Victims and Witnesses Act, a Class X felony, first or
16 second degree murder, armed violence, aggravated
17 kidnapping, criminal sexual assault, aggravated criminal
18 sexual abuse or a subsequent conviction for criminal sexual
19 abuse, forcible detention, or arson and has not been
20 previously convicted of any of those offenses.

21 (2) The woman must undergo an initial assessment
22 evaluation to determine the treatment and program plan.

23 (3) The woman was recommended and accepted for
24 placement in the pilot residential and transition
25 treatment program for women by the Department of
26 Corrections and has consented in writing to participation

1 in the program under the terms and conditions of the
2 program. The Department of Corrections may consider
3 whether space is available.

4 (d) The program may include a substance abuse treatment
5 program designed for women offenders, mental health, trauma,
6 and medical treatment; parenting skills and family
7 relationship counseling, preparation for a high school
8 equivalency ~~GED~~ or vocational certificate; life skills
9 program; job readiness and job skill training, and a community
10 transition development plan.

11 (e) With the approval of the Department of Corrections, the
12 sheriff shall issue requirements for the program and inform the
13 participants who shall sign an agreement to adhere to all rules
14 and all requirements for the pilot residential and transition
15 treatment program.

16 (f) Participation in the pilot residential and transition
17 treatment program for women shall be for a period not to exceed
18 12 months. The period may not be reduced by accumulation of
19 good time.

20 (g) If the woman successfully completes the pilot
21 residential and transition treatment program for women, the
22 sheriff shall notify the Department of Corrections, the court,
23 and the State's Attorney of the county of the woman's
24 successful completion.

25 (h) A woman may be removed from the pilot residential and
26 transition treatment program for women for violation of the

1 terms and conditions of the program or in the event she is
2 unable to participate. The failure to complete the program
3 shall be deemed a violation of the conditions of the program.
4 The sheriff shall give notice to the Department of Corrections,
5 the court, and the State's Attorney of the woman's failure to
6 complete the program. The Department of Corrections or its
7 designee shall file a petition alleging that the woman has
8 violated the conditions of the program with the court. The
9 State's Attorney may proceed on the petition under Section
10 5-4-1 of this Code.

11 (i) The conditions of the pilot residential and transition
12 treatment program for women shall include that the woman while
13 in the program:

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

16 (2) report or appear in person before any person or
17 agency as directed by the court, the sheriff, or Department
18 of Corrections;

19 (3) refrain from possessing a firearm or other
20 dangerous weapon;

21 (4) consent to drug testing;

22 (5) not leave the State without the consent of the
23 court or, in circumstances in which reason for the absence
24 is of such an emergency nature that prior consent by the
25 court is not possible, without prior notification and
26 approval of the Department of Corrections;

1 (6) upon placement in the program, must agree to follow
2 all requirements of the program.

3 (j) The Department of Corrections or the sheriff may
4 terminate the program at any time by mutual agreement or with
5 30 days prior written notice by either the Department of
6 Corrections or the sheriff.

7 (k) The Department of Corrections may enter into a joint
8 contract with a county with more than 3,000,000 inhabitants to
9 establish and operate a pilot residential and treatment program
10 for women.

11 (l) The Director of the Department of Corrections shall
12 have the authority to develop rules to establish and operate a
13 pilot residential and treatment program for women that shall
14 include criteria for selection of the participants of the
15 program in conjunction and approval by the sentencing court.
16 Violent crime offenders are not eligible to participate in the
17 program.

18 (m) The Department shall report to the Governor and the
19 General Assembly before September 30th of each year on the
20 pilot residential and treatment program for women, including
21 the composition of the program by offenders, sentence, age,
22 offense, and race. Reporting is only required if the pilot
23 residential and treatment program for women is operational.

24 (n) The Department of Corrections or the sheriff may
25 terminate the program with 30 days prior written notice.

26 (o) A county with more than 3,000,000 inhabitants is

1 authorized to apply for funding from federal, local or private
2 entities to create a Residential and Treatment Program for
3 Women. This sentencing option may not go into effect until the
4 funding is secured for the program and the program has been
5 established.

6 (Source: P.A. 97-800, eff. 7-13-12.)

7 Section 995. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

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7	20 ILCS 1705/15.4	
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9	105 ILCS 5/2-3.66	from Ch. 122, par. 2-3.66
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