



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB0188

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Creates the offense of theft of public funds. Provides that a person commits the offense when he or she: (1) embezzles, steals, purloins, obtains by fraud, or knowingly converts to his or her use or the use of another, or without authority sells, conveys, or disposes of, any record, voucher, money, or thing of value of the State or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State or any department or agency of the State, or any unit of local government or school district; or (2) receives, conceals, or retains the record, voucher, money, thing of value, or property of the State or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State or any department or agency of the State, or any unit of local government or school district with intent to convert it to his or her use or gain, knowing it to have been embezzled, stolen, purloined, obtained by fraud, or converted. Establishes penalties based on the value of the property unlawfully obtained. Changes the statute concerning misapplication of funds. Includes embezzling, stealing, obtaining by fraud, or otherwise without authority knowingly converting to the use of any person other than the rightful owner or intentionally misapplying, property that is owned by, or is under the care, custody, or control of the State or of any agency of the State, a unit of local government, or school district.

LRB099 02695 RLC 22702 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 33E-16 and by adding Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. Theft of public funds.

8 (a) A person commits theft of public funds when he or she:

9 (1) embezzles, steals, purloins, obtains by fraud, or  
10 knowingly converts to his or her use or the use of another,  
11 or without authority sells, conveys, or disposes of, any  
12 record, voucher, money, or thing of value of this State or  
13 any department or agency of this State, or of any unit of  
14 local government or school district, or any property made  
15 or being made under contract for this State or any  
16 department or agency of this State, or any unit of local  
17 government or school district; or

18 (2) receives, conceals, or retains the record,  
19 voucher, money, thing of value, or property described in  
20 paragraph (1) with intent to convert it to his or her use  
21 or gain, knowing it to have been embezzled, stolen,  
22 purloined, obtained by fraud, or converted.

23 (b) For the purposes of this Section, "value" means face,

1 par, or market value, or cost price, either wholesale or  
2 retail, whichever is greater.

3 (c) Sentence.

4 (1) Theft of public funds involving property not  
5 exceeding \$300 in value is a Class 4 felony.

6 (2) Theft of public funds involving property exceeding  
7 \$300 and not exceeding \$10,000 in value, is a Class 2  
8 felony.

9 (3) Theft of public funds involving property exceeding  
10 \$10,000 and not exceeding \$100,000 in value is a Class 1  
11 felony.

12 (4) Theft of public funds involving property exceeding  
13 \$100,000 and not exceeding \$500,000 in value is a Class X  
14 felony.

15 (5) Theft of public funds involving property exceeding  
16 \$500,000 in value is a Class 1 non-probationable felony.

17 (720 ILCS 5/33E-16)

18 Sec. 33E-16. Misapplication of funds.

19 (a) An officer, director, agent, or employee of, or  
20 affiliated in any capacity with this State or any agency of  
21 this State, or any unit of local government or school district  
22 commits misapplication of funds when he or she, embezzles,  
23 steals, obtains by fraud, or otherwise without authority  
24 knowingly converts to the use of any person other than the  
25 rightful owner or intentionally misapplies, property that is

1 owned by, or is under the care, custody, or control of this  
2 State or of any agency of this State, a unit of local  
3 government, or school district ~~knowingly misapplies any of the~~  
4 ~~moneys, funds, or credits of the unit of local government or~~  
5 ~~school district.~~

6 (b) Sentence. Misapplication of funds is a Class 3 felony.

7 (Source: P.A. 97-1108, eff. 1-1-13.)

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

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

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

21 (A) First degree murder where the death penalty is not  
22 imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

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

6 (D-5) A violation of subdivision (c) (1) of Section 401  
7 of the Illinois Controlled Substances Act which relates to  
8 3 or more grams of a substance containing heroin or an  
9 analog thereof.

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

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

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

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
2 Dependency Act.

3 (H) Criminal sexual assault.

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

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

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

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

19 (K) Vehicular hijacking.

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

24 (M) A second or subsequent conviction for the offense  
25 of institutional vandalism if the damage to the property  
26 exceeds \$300.

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

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

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

9           (Q) A violation of subsection (b) or (b-5) of Section  
10 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012.

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

14           (S) (Blank).

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

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

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

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

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

15 (X) A violation of subsection (a) of Section 31-1a of  
16 the Criminal Code of 1961 or the Criminal Code of 2012.

17 (Y) A conviction for unlawful possession of a firearm  
18 by a street gang member when the firearm was loaded or  
19 contained firearm ammunition.

20 (Z) A Class 1 felony committed while he or she was  
21 serving a term of probation or conditional discharge for a  
22 felony.

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

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



1 (CC) Knowingly selling, offering for sale, holding for  
2 sale, or using 2,000 or more counterfeit items or  
3 counterfeit items having a retail value in the aggregate of  
4 \$500,000 or more.

5 (DD) A conviction for aggravated assault under  
6 paragraph (6) of subsection (c) of Section 12-2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012 if the  
8 firearm is aimed toward the person against whom the firearm  
9 is being used.

10 (EE) Theft of public funds involving property  
11 exceeding \$500,000 in value.

12 (3) (Blank).

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

17 (4.1) (Blank).

18 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
19 this subsection (c), a minimum of 100 hours of community  
20 service shall be imposed for a second violation of Section  
21 6-303 of the Illinois Vehicle Code.

22 (4.3) A minimum term of imprisonment of 30 days or 300  
23 hours of community service, as determined by the court, shall  
24 be imposed for a second violation of subsection (c) of Section  
25 6-303 of the Illinois Vehicle Code.

26 (4.4) Except as provided in paragraphs (4.5), (4.6), and

1 (4.9) of this subsection (c), a minimum term of imprisonment of  
2 30 days or 300 hours of community service, as determined by the  
3 court, shall be imposed for a third or subsequent violation of  
4 Section 6-303 of the Illinois Vehicle Code.

5 (4.5) A minimum term of imprisonment of 30 days shall be  
6 imposed for a third violation of subsection (c) of Section  
7 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this  
9 subsection (c), a minimum term of imprisonment of 180 days  
10 shall be imposed for a fourth or subsequent violation of  
11 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

12 (4.7) A minimum term of imprisonment of not less than 30  
13 consecutive days, or 300 hours of community service, shall be  
14 imposed for a violation of subsection (a-5) of Section 6-303 of  
15 the Illinois Vehicle Code, as provided in subsection (b-5) of  
16 that Section.

17 (4.8) A mandatory prison sentence shall be imposed for a  
18 second violation of subsection (a-5) of Section 6-303 of the  
19 Illinois Vehicle Code, as provided in subsection (c-5) of that  
20 Section. The person's driving privileges shall be revoked for a  
21 period of not less than 5 years from the date of his or her  
22 release from prison.

23 (4.9) A mandatory prison sentence of not less than 4 and  
24 not more than 15 years shall be imposed for a third violation  
25 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
26 Code, as provided in subsection (d-2.5) of that Section. The

1 person's driving privileges shall be revoked for the remainder  
2 of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony  
4 shall be imposed, and the person shall be eligible for an  
5 extended term sentence, for a fourth or subsequent violation of  
6 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
7 as provided in subsection (d-3.5) of that Section. The person's  
8 driving privileges shall be revoked for the remainder of his or  
9 her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

16 (5.1) In addition to any other penalties imposed, and  
17 except as provided in paragraph (5.2) or (5.3), a person  
18 convicted of violating subsection (c) of Section 11-907 of the  
19 Illinois Vehicle Code shall have his or her driver's license,  
20 permit, or privileges suspended for at least 90 days but not  
21 more than one year, if the violation resulted in damage to the  
22 property of another person.

23 (5.2) In addition to any other penalties imposed, and  
24 except as provided in paragraph (5.3), a person convicted of  
25 violating subsection (c) of Section 11-907 of the Illinois  
26 Vehicle Code shall have his or her driver's license, permit, or

1 privileges suspended for at least 180 days but not more than 2  
2 years, if the violation resulted in injury to another person.

3 (5.3) In addition to any other penalties imposed, a person  
4 convicted of violating subsection (c) of Section 11-907 of the  
5 Illinois Vehicle Code shall have his or her driver's license,  
6 permit, or privileges suspended for 2 years, if the violation  
7 resulted in the death of another person.

8 (5.4) In addition to any other penalties imposed, a person  
9 convicted of violating Section 3-707 of the Illinois Vehicle  
10 Code shall have his or her driver's license, permit, or  
11 privileges suspended for 3 months and until he or she has paid  
12 a reinstatement fee of \$100.

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

21 (6) (Blank).

22 (7) (Blank).

23 (8) (Blank).

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

1 (10) (Blank).

2 (11) The court shall impose a minimum fine of \$1,000 for a  
3 first offense and \$2,000 for a second or subsequent offense  
4 upon a person convicted of or placed on supervision for battery  
5 when the individual harmed was a sports official or coach at  
6 any level of competition and the act causing harm to the sports  
7 official or coach occurred within an athletic facility or  
8 within the immediate vicinity of the athletic facility at which  
9 the sports official or coach was an active participant of the  
10 athletic contest held at the athletic facility. For the  
11 purposes of this paragraph (11), "sports official" means a  
12 person at an athletic contest who enforces the rules of the  
13 contest, such as an umpire or referee; "athletic facility"  
14 means an indoor or outdoor playing field or recreational area  
15 where sports activities are conducted; and "coach" means a  
16 person recognized as a coach by the sanctioning authority that  
17 conducted the sporting event.

18 (12) A person may not receive a disposition of court  
19 supervision for a violation of Section 5-16 of the Boat  
20 Registration and Safety Act if that person has previously  
21 received a disposition of court supervision for a violation of  
22 that Section.

23 (13) A person convicted of or placed on court supervision  
24 for an assault or aggravated assault when the victim and the  
25 offender are family or household members as defined in Section  
26 103 of the Illinois Domestic Violence Act of 1986 or convicted

1 of domestic battery or aggravated domestic battery may be  
2 required to attend a Partner Abuse Intervention Program under  
3 protocols set forth by the Illinois Department of Human  
4 Services under such terms and conditions imposed by the court.  
5 The costs of such classes shall be paid by the offender.

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

24 (e) In cases where prosecution for aggravated criminal  
25 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012 results in conviction

1 of a defendant who was a family member of the victim at the  
2 time of the commission of the offense, the court shall consider  
3 the safety and welfare of the victim and may impose a sentence  
4 of probation only where:

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

6 (A) the defendant is willing to undergo a court  
7 approved counseling program for a minimum duration of 2  
8 years; or

9 (B) the defendant is willing to participate in a  
10 court approved plan including but not limited to the  
11 defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the  
15 family;

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

17 and

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

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

1 Probation may be revoked or modified pursuant to Section  
2 5-6-4; except where the court determines at the hearing that  
3 the defendant violated a condition of his or her probation  
4 restricting contact with the victim or other family members or  
5 commits another offense with the victim or other family  
6 members, the court shall revoke the defendant's probation and  
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and  
9 "victim" shall have the meanings ascribed to them in Section  
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under  
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
14 11-14.3, 11-14.4 except for an offense that involves keeping a  
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, the defendant shall undergo medical  
19 testing to determine whether the defendant has any sexually  
20 transmissible disease, including a test for infection with  
21 human immunodeficiency virus (HIV) or any other identified  
22 causative agent of acquired immunodeficiency syndrome (AIDS).  
23 Any such medical test shall be performed only by appropriately  
24 licensed medical practitioners and may include an analysis of  
25 any bodily fluids as well as an examination of the defendant's  
26 person. Except as otherwise provided by law, the results of



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

1 (g-5) When an inmate is tested for an airborne communicable  
2 disease, as determined by the Illinois Department of Public  
3 Health including but not limited to tuberculosis, the results  
4 of the test shall be personally delivered by the warden or his  
5 or her designee in a sealed envelope to the judge of the court  
6 in which the inmate must appear for the judge's inspection in  
7 camera if requested by the judge. Acting in accordance with the  
8 best interests of those in the courtroom, the judge shall have  
9 the discretion to determine what if any precautions need to be  
10 taken to prevent transmission of the disease in the courtroom.

11 (h) Whenever a defendant is convicted of an offense under  
12 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
13 defendant shall undergo medical testing to determine whether  
14 the defendant has been exposed to human immunodeficiency virus  
15 (HIV) or any other identified causative agent of acquired  
16 immunodeficiency syndrome (AIDS). Except as otherwise provided  
17 by law, the results of such test shall be kept strictly  
18 confidential by all medical personnel involved in the testing  
19 and must be personally delivered in a sealed envelope to the  
20 judge of the court in which the conviction was entered for the  
21 judge's inspection in camera. Acting in accordance with the  
22 best interests of the public, the judge shall have the  
23 discretion to determine to whom, if anyone, the results of the  
24 testing may be revealed. The court shall notify the defendant  
25 of a positive test showing an infection with the human  
26 immunodeficiency virus (HIV). The court shall provide

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

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

21 (j) In cases when prosecution for any violation of Section  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
23 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
25 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
26 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, any violation of the Illinois Controlled  
2 Substances Act, any violation of the Cannabis Control Act, or  
3 any violation of the Methamphetamine Control and Community  
4 Protection Act results in conviction, a disposition of court  
5 supervision, or an order of probation granted under Section 10  
6 of the Cannabis Control Act, Section 410 of the Illinois  
7 Controlled Substances Act, or Section 70 of the Methamphetamine  
8 Control and Community Protection Act of a defendant, the court  
9 shall determine whether the defendant is employed by a facility  
10 or center as defined under the Child Care Act of 1969, a public  
11 or private elementary or secondary school, or otherwise works  
12 with children under 18 years of age on a daily basis. When a  
13 defendant is so employed, the court shall order the Clerk of  
14 the Court to send a copy of the judgment of conviction or order  
15 of supervision or probation to the defendant's employer by  
16 certified mail. If the employer of the defendant is a school,  
17 the Clerk of the Court shall direct the mailing of a copy of  
18 the judgment of conviction or order of supervision or probation  
19 to the appropriate regional superintendent of schools. The  
20 regional superintendent of schools shall notify the State Board  
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted  
23 of a felony and who has not been previously convicted of a  
24 misdemeanor or felony and who is sentenced to a term of  
25 imprisonment in the Illinois Department of Corrections shall as  
26 a condition of his or her sentence be required by the court to

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

1 educational or vocational program.

2 (k) (Blank).

3 (l) (A) Except as provided in paragraph (C) of subsection  
4 (1), whenever a defendant, who is an alien as defined by the  
5 Immigration and Nationality Act, is convicted of any felony or  
6 misdemeanor offense, the court after sentencing the defendant  
7 may, upon motion of the State's Attorney, hold sentence in  
8 abeyance and remand the defendant to the custody of the  
9 Attorney General of the United States or his or her designated  
10 agent to be deported when:

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

14 (2) the deportation of the defendant would not  
15 deprecate the seriousness of the defendant's conduct and  
16 would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as provided in  
18 this Chapter V.

19 (B) If the defendant has already been sentenced for a  
20 felony or misdemeanor offense, or has been placed on probation  
21 under Section 10 of the Cannabis Control Act, Section 410 of  
22 the Illinois Controlled Substances Act, or Section 70 of the  
23 Methamphetamine Control and Community Protection Act, the  
24 court may, upon motion of the State's Attorney to suspend the  
25 sentence imposed, commit the defendant to the custody of the  
26 Attorney General of the United States or his or her designated

1 agent when:

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

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

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

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

21 (m) A person convicted of criminal defacement of property  
22 under Section 21-1.3 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, in which the property damage exceeds  
24 \$300 and the property damaged is a school building, shall be  
25 ordered to perform community service that may include cleanup,  
26 removal, or painting over the defacement.

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

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

15           (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;  
16 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.  
17 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,  
18 eff. 7-16-14.)



1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/16-1.4 new

4 720 ILCS 5/33E-16

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