



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### HB3989

by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

205 ILCS 657/90	
720 ILCS 5/29B-1	from Ch. 38, par. 29B-1
720 ILCS 5/29B-2 new	
720 ILCS 5/29B-3 new	
725 ILCS 5/111-4	
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3

Amends the Transmitters of Money Act. Deletes provision that a person who engages in conduct requiring a license under the Act and fails to obtain a license from the Director is guilty of a Class 3 felony. Amends the Criminal Code of 2012. In the statute concerning money laundering, provides that the laundering of property of a value exceeding \$1,000,000 is a Class X felony. Creates the offense of engaging in monetary transactions in criminally derived property and the offense of unlawful money transmitting business. Defines offenses and establishes penalties. Amends the Code of Criminal Procedure of 1963. Provides that 2 or more acts or transactions involving money laundering, engaging in monetary transactions in criminally derived property, unlawful money transmitting business, online sale of stolen property, online theft by deception, electronic fencing, or workers' compensation fraud, may be charged as a single offense in a single count of the same indictment, information, or complaint, if the acts or transactions by one or more defendants are in furtherance of a single intention and design or if the property, labor, or services obtained are of the same person or are of several persons having a common interest in the property, labor, or services. Amends the Unified Code of Corrections to make conforming changes.

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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 Transmitters of Money Act is amended by  
5 changing Section 90 as follows:

6 (205 ILCS 657/90)

7 Sec. 90. Enforcement.

8 (a) If it appears to the Director that a person has  
9 committed or is about to commit a violation of this Act, a rule  
10 promulgated under this Act, or an order of the Director, the  
11 Director may apply to the circuit court for an order enjoining  
12 the person from violating or continuing to violate this Act,  
13 the rule, or order and for injunctive or other relief that the  
14 nature of the case may require and may, in addition, request  
15 the court to assess a civil penalty up to \$1,000 along with  
16 costs and attorney fees.

17 (b) If the Director finds, after an investigation that he  
18 considers appropriate, that a licensee or other person is  
19 engaged in practices contrary to this Act or to the rules  
20 promulgated under this Act, the Director may issue an order  
21 directing the licensee or person to cease and desist the  
22 violation. The Director may, in addition to or without the  
23 issuance of a cease and desist order, assess an administrative

1 penalty up to \$1,000 against a licensee for each violation of  
2 this Act or the rules promulgated under this Act. The issuance  
3 of an order under this Section shall not be a prerequisite to  
4 the taking of any action by the Director under this or any  
5 other Section of this Act. The Director shall serve notice of  
6 his action, including a statement of the reasons for his  
7 actions, either personally or by certified mail, return receipt  
8 requested. Service by mail shall be deemed completed if the  
9 notice is deposited in the post office, postage paid, addressed  
10 to the last known address for a license.

11 (c) In the case of the issuance of a cease and desist order  
12 or assessment order, a hearing may be requested in writing  
13 within 30 days after the date of service. The hearing shall be  
14 held at the time and place designated by the Director in either  
15 the City of Springfield or the City of Chicago. The Director  
16 and any administrative law judge designated by him shall have  
17 the power to administer oaths and affirmations, subpoena  
18 witnesses and compel their attendance, take evidence,  
19 authorize the taking of depositions, and require the production  
20 of books, papers, correspondence, and other records or  
21 information that he considers relevant or material to the  
22 inquiry.

23 (d) After the Director's final determination under a  
24 hearing under this Section, a party to the proceedings whose  
25 interests are affected by the Director's final determination  
26 shall be entitled to judicial review of that final

1 determination under the Administrative Review Law.

2 (e) The costs for administrative hearings shall be set by  
3 rule.

4 (f) Except as otherwise provided in this Act, a violation  
5 of this Act shall subject to the party violating it to a fine  
6 of \$1,000 for each offense.

7 (g) Each transaction in violation of this Act or the rules  
8 promulgated under this Act and each day that a violation  
9 continues shall be a separate offense.

10 (h) A person who ~~engages in conduct requiring a license~~  
11 ~~under this Act and fails to obtain a license from the Director~~  
12 ~~or~~ knowingly makes a false statement, misrepresentation, or  
13 false certification in an application, financial statement,  
14 account record, report, or other document filed or required to  
15 be maintained or filed under this Act or who knowingly makes a  
16 false entry or omits a material entry in a document is guilty  
17 of a Class 3 felony.

18 (i) The Director is authorized to compromise, settle, and  
19 collect civil penalties and administrative penalties, as set by  
20 rule, with any person for violations of this Act or of any rule  
21 or order issued or promulgated under this Act. Any person who,  
22 without the required license, engages in conduct requiring a  
23 license under this Act shall be liable to the Department in an  
24 amount equal to the greater of (i) \$5,000 or (ii) an amount of  
25 money accepted for transmission plus an amount equal to 3 times  
26 the amount accepted for transmission. The Department shall

1 cause any funds so recovered to be deposited in the TOMA  
2 Consumer Protection Fund.

3 (j) The Director may enter into consent orders at any time  
4 with a person to resolve a matter arising under this Act. A  
5 consent order must be signed by the person to whom it is issued  
6 and must indicate agreement to the terms contained in it. A  
7 consent order need not constitute an admission by a person that  
8 this Act or a rule or order issued or promulgated under this  
9 Act has been violated, nor need it constitute a finding by the  
10 Director that the person has violated this Act or a rule or  
11 order promulgated under this Act.

12 (k) Notwithstanding the issuance of a consent order, the  
13 Director may seek civil or criminal penalties or compromise  
14 civil penalties concerning matter encompassed by the consent  
15 order unless the consent order by its terms expressly precludes  
16 the Director from doing so.

17 (l) Appeals from all final orders and judgments entered by  
18 the circuit court under this Section in review of a decision of  
19 the Director may be taken as in other civil actions by any  
20 party to the proceeding.

21 (Source: P.A. 93-535, eff. 1-1-04.)

22 Section 10. The Criminal Code of 2012 is amended by  
23 changing Section 29B-1 and by adding Sections 29B-2 and 29B-3  
24 as follows:

1 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

2 Sec. 29B-1. (a) A person commits the offense of money  
3 laundering:

4 (1) when, knowing that the property involved in a  
5 financial transaction represents the proceeds of some form  
6 of unlawful activity, he or she conducts or attempts to  
7 conduct such a financial transaction which in fact involves  
8 criminally derived property:

9 (A) with the intent to promote the carrying on of  
10 the unlawful activity from which the criminally  
11 derived property was obtained; or

12 (B) where he or she knows or reasonably should know  
13 that the financial transaction is designed in whole or  
14 in part:

15 (i) to conceal or disguise the nature, the  
16 location, the source, the ownership or the control  
17 of the criminally derived property; or

18 (ii) to avoid a transaction reporting  
19 requirement under State law; or

20 (1.5) when he or she transports, transmits, or  
21 transfers, or attempts to transport, transmit, or transfer  
22 a monetary instrument:

23 (A) with the intent to promote the carrying on of  
24 the unlawful activity from which the criminally  
25 derived property was obtained; or

26 (B) knowing, or having reason to know, that the

1 financial transaction is designed in whole or in part:

2 (i) to conceal or disguise the nature, the  
3 location, the source, the ownership or the control  
4 of the criminally derived property; or

5 (ii) to avoid a transaction reporting  
6 requirement under State law; or

7 (2) when, with the intent to:

8 (A) promote the carrying on of a specified criminal  
9 activity as defined in this Article; or

10 (B) conceal or disguise the nature, location,  
11 source, ownership, or control of property believed to  
12 be the proceeds of a specified criminal activity as  
13 defined by subdivision (b) (6); or

14 (C) avoid a transaction reporting requirement  
15 under State law,

16 he or she conducts or attempts to conduct a financial  
17 transaction involving property he or she believes to be the  
18 proceeds of specified criminal activity as defined by  
19 subdivision (b) (6) or property used to conduct or  
20 facilitate specified criminal activity as defined by  
21 subdivision (b) (6).

22 (b) As used in this Section:

23 (0.5) "Knowing that the property involved in a  
24 financial transaction represents the proceeds of some form  
25 of unlawful activity" means that the person knew the  
26 property involved in the transaction represented proceeds

1 from some form, though not necessarily which form, of  
2 activity that constitutes a felony under State, federal, or  
3 foreign law.

4 (1) "Financial transaction" means a purchase, sale,  
5 loan, pledge, gift, transfer, delivery or other  
6 disposition utilizing criminally derived property, and  
7 with respect to financial institutions, includes a  
8 deposit, withdrawal, transfer between accounts, exchange  
9 of currency, loan, extension of credit, purchase or sale of  
10 any stock, bond, certificate of deposit or other monetary  
11 instrument, use of safe deposit box, or any other payment,  
12 transfer or delivery by, through, or to a financial  
13 institution. For purposes of clause (a) (2) of this Section,  
14 the term "financial transaction" also means a transaction  
15 which without regard to whether the funds, monetary  
16 instruments, or real or personal property involved in the  
17 transaction are criminally derived, any transaction which  
18 in any way or degree: (1) involves the movement of funds by  
19 wire or any other means; (2) involves one or more monetary  
20 instruments; or (3) the transfer of title to any real or  
21 personal property. The receipt by an attorney of bona fide  
22 fees for the purpose of legal representation is not a  
23 financial transaction for purposes of this Section.

24 (2) "Financial institution" means any bank; saving and  
25 loan association; trust company; agency or branch of a  
26 foreign bank in the United States; currency exchange;



1 credit union, mortgage banking institution; pawnbroker;  
2 loan or finance company; operator of a credit card system;  
3 issuer, redeemer or cashier of travelers checks, checks or  
4 money orders; dealer in precious metals, stones or jewels;  
5 broker or dealer in securities or commodities; investment  
6 banker; or investment company.

7 (3) "Monetary instrument" means United States coins  
8 and currency; coins and currency of a foreign country;  
9 travelers checks; personal checks, bank checks, and money  
10 orders; investment securities; bearer negotiable  
11 instruments; bearer investment securities; or bearer  
12 securities and certificates of stock in such form that  
13 title thereto passes upon delivery.

14 (4) "Criminally derived property" means: (A) any  
15 property, real or personal, constituting or derived from  
16 proceeds obtained, directly or indirectly, from activity  
17 that constitutes a felony under State, federal, or foreign  
18 law; or (B) any property represented to be property  
19 constituting or derived from proceeds obtained, directly  
20 or indirectly, from activity that constitutes a felony  
21 under State, federal, or foreign law.

22 (5) "Conduct" or "conducts" includes, in addition to  
23 its ordinary meaning, initiating, concluding, or  
24 participating in initiating or concluding a transaction.

25 (6) "Specified criminal activity" means any violation  
26 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation

1 of Article 29D of this Code.

2 (7) "Director" means the Director of State Police or  
3 his or her designated agents.

4 (8) "Department" means the Department of State Police  
5 of the State of Illinois or its successor agency.

6 (9) "Transaction reporting requirement under State  
7 law" means any violation as defined under the Currency  
8 Reporting Act.

9 (c) Sentence.

10 (1) Laundering of criminally derived property of a  
11 value not exceeding \$10,000 is a Class 3 felony;

12 (2) Laundering of criminally derived property of a  
13 value exceeding \$10,000 but not exceeding \$100,000 is a  
14 Class 2 felony;

15 (3) Laundering of criminally derived property of a  
16 value exceeding \$100,000 but not exceeding \$500,000 is a  
17 Class 1 felony;

18 (4) Money laundering in violation of subsection (a)(2)  
19 of this Section is a Class X felony;

20 (5) Laundering of criminally derived property of a  
21 value exceeding \$500,000 is a Class 1 non-probationable  
22 felony;

23 (6) In a prosecution under clause (a)(1.5)(B)(ii) of  
24 this Section, the sentences are as follows:

25 (A) Laundering of property of a value not exceeding  
26 \$10,000 is a Class 3 felony;

1 (B) Laundering of property of a value exceeding  
2 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

3 (C) Laundering of property of a value exceeding  
4 \$100,000 but not exceeding \$500,000 is a Class 1  
5 felony;

6 (D) Laundering of property of a value exceeding  
7 \$500,000 but not exceeding \$1,000,000 is a Class 1  
8 non-probationable felony.

9 (E) Laundering of property of a value exceeding  
10 \$1,000,000 is a Class X felony.

11 (d) Evidence. In a prosecution under this Article, either  
12 party may introduce the following evidence pertaining to the  
13 issue of whether the property or proceeds were known to be some  
14 form of criminally derived property or from some form of  
15 unlawful activity:

16 (1) A financial transaction was conducted or  
17 structured or attempted in violation of the reporting  
18 requirements of any State or federal law; or

19 (2) A financial transaction was conducted or attempted  
20 with the use of a false or fictitious name or a forged  
21 instrument; or

22 (3) A falsely altered or completed written instrument  
23 or a written instrument that contains any materially false  
24 personal identifying information was made, used, offered  
25 or presented, whether accepted or not, in connection with a  
26 financial transaction; or

1           (4) A financial transaction was structured or  
2 attempted to be structured so as to falsely report the  
3 actual consideration or value of the transaction; or

4           (5) A money transmitter, a person engaged in a trade or  
5 business or any employee of a money transmitter or a person  
6 engaged in a trade or business, knows or reasonably should  
7 know that false personal identifying information has been  
8 presented and incorporates the false personal identifying  
9 information into any report or record; or

10          (6) The criminally derived property is transported or  
11 possessed in a fashion inconsistent with the ordinary or  
12 usual means of transportation or possession of such  
13 property and where the property is discovered in the  
14 absence of any documentation or other indicia of legitimate  
15 origin or right to such property; or

16          (7) A person pays or receives substantially less than  
17 face value for one or more monetary instruments; or

18          (8) A person engages in a transaction involving one or  
19 more monetary instruments, where the physical condition or  
20 form of the monetary instrument or instruments makes it  
21 apparent that they are not the product of bona fide  
22 business or financial transactions.

23          (e) Duty to enforce this Article.

24           (1) It is the duty of the Department of State Police,  
25 and its agents, officers, and investigators, to enforce all  
26 provisions of this Article, except those specifically

1 delegated, and to cooperate with all agencies charged with  
2 the enforcement of the laws of the United States, or of any  
3 state, relating to money laundering. Only an agent,  
4 officer, or investigator designated by the Director may be  
5 authorized in accordance with this Section to serve seizure  
6 notices, warrants, subpoenas, and summonses under the  
7 authority of this State.

8 (2) Any agent, officer, investigator, or peace officer  
9 designated by the Director may: (A) make seizure of  
10 property pursuant to the provisions of this Article; and  
11 (B) perform such other law enforcement duties as the  
12 Director designates. It is the duty of all State's  
13 Attorneys to prosecute violations of this Article and  
14 institute legal proceedings as authorized under this  
15 Article.

16 (f) Protective orders.

17 (1) Upon application of the State, the court may enter  
18 a restraining order or injunction, require the execution of  
19 a satisfactory performance bond, or take any other action  
20 to preserve the availability of property described in  
21 subsection (h) for forfeiture under this Article:

22 (A) upon the filing of an indictment, information,  
23 or complaint charging a violation of this Article for  
24 which forfeiture may be ordered under this Article and  
25 alleging that the property with respect to which the  
26 order is sought would be subject to forfeiture under

1           this Article; or

2                   (B) prior to the filing of such an indictment,  
3 information, or complaint, if, after notice to persons  
4 appearing to have an interest in the property and  
5 opportunity for a hearing, the court determines that:

6                           (i) there is probable cause to believe that the  
7 State will prevail on the issue of forfeiture and  
8 that failure to enter the order will result in the  
9 property being destroyed, removed from the  
10 jurisdiction of the court, or otherwise made  
11 unavailable for forfeiture; and

12                           (ii) the need to preserve the availability of  
13 the property through the entry of the requested  
14 order outweighs the hardship on any party against  
15 whom the order is to be entered.

16                   Provided, however, that an order entered pursuant  
17 to subparagraph (B) shall be effective for not more  
18 than 90 days, unless extended by the court for good  
19 cause shown or unless an indictment, information,  
20 complaint, or administrative notice has been filed.

21           (2) A temporary restraining order under this  
22 subsection may be entered upon application of the State  
23 without notice or opportunity for a hearing when an  
24 indictment, information, complaint, or administrative  
25 notice has not yet been filed with respect to the property,  
26 if the State demonstrates that there is probable cause to

1 believe that the property with respect to which the order  
2 is sought would be subject to forfeiture under this Section  
3 and that provision of notice will jeopardize the  
4 availability of the property for forfeiture. Such a  
5 temporary order shall expire not more than 30 days after  
6 the date on which it is entered, unless extended for good  
7 cause shown or unless the party against whom it is entered  
8 consents to an extension for a longer period. A hearing  
9 requested concerning an order entered under this paragraph  
10 shall be held at the earliest possible time and prior to  
11 the expiration of the temporary order.

12 (3) The court may receive and consider, at a hearing  
13 held pursuant to this subsection (f), evidence and  
14 information that would be inadmissible under the Illinois  
15 rules of evidence.

16 (4) Order to repatriate and deposit.

17 (A) In general. Pursuant to its authority to enter  
18 a pretrial restraining order under this Section, the  
19 court may order a defendant to repatriate any property  
20 that may be seized and forfeited and to deposit that  
21 property pending trial with the Illinois State Police  
22 or another law enforcement agency designated by the  
23 Illinois State Police.

24 (B) Failure to comply. Failure to comply with an  
25 order under this subsection (f) is punishable as a  
26 civil or criminal contempt of court.

1           (g) Warrant of seizure. The State may request the issuance  
2 of a warrant authorizing the seizure of property described in  
3 subsection (h) in the same manner as provided for a search  
4 warrant. If the court determines that there is probable cause  
5 to believe that the property to be seized would be subject to  
6 forfeiture, the court shall issue a warrant authorizing the  
7 seizure of such property.

8           (h) Forfeiture.

9           (1) The following are subject to forfeiture:

10           (A) any property, real or personal, constituting,  
11 derived from, or traceable to any proceeds the person  
12 obtained directly or indirectly, as a result of a  
13 violation of this Article;

14           (B) any of the person's property used, or intended  
15 to be used, in any manner or part, to commit, or to  
16 facilitate the commission of, a violation of this  
17 Article;

18           (C) all conveyances, including aircraft, vehicles  
19 or vessels, which are used, or intended for use, to  
20 transport, or in any manner to facilitate the  
21 transportation, sale, receipt, possession, or  
22 concealment of property described in subparagraphs (A)  
23 and (B), but:

24           (i) no conveyance used by any person as a  
25 common carrier in the transaction of business as a  
26 common carrier is subject to forfeiture under this



1 Section unless it appears that the owner or other  
2 person in charge of the conveyance is a consenting  
3 party or privy to a violation of this Article;

4 (ii) no conveyance is subject to forfeiture  
5 under this Section by reason of any act or omission  
6 which the owner proves to have been committed or  
7 omitted without his or her knowledge or consent;

8 (iii) a forfeiture of a conveyance encumbered  
9 by a bona fide security interest is subject to the  
10 interest of the secured party if he or she neither  
11 had knowledge of nor consented to the act or  
12 omission;

13 (D) all real property, including any right, title,  
14 and interest (including, but not limited to, any  
15 leasehold interest or the beneficial interest in a land  
16 trust) in the whole of any lot or tract of land and any  
17 appurtenances or improvements, which is used or  
18 intended to be used, in any manner or part, to commit,  
19 or in any manner to facilitate the commission of, any  
20 violation of this Article or that is the proceeds of  
21 any violation or act that constitutes a violation of  
22 this Article.

23 (2) Property subject to forfeiture under this Article  
24 may be seized by the Director or any peace officer upon  
25 process or seizure warrant issued by any court having  
26 jurisdiction over the property. Seizure by the Director or

1 any peace officer without process may be made:

2 (A) if the seizure is incident to a seizure  
3 warrant;

4 (B) if the property subject to seizure has been the  
5 subject of a prior judgment in favor of the State in a  
6 criminal proceeding, or in an injunction or forfeiture  
7 proceeding based upon this Article;

8 (C) if there is probable cause to believe that the  
9 property is directly or indirectly dangerous to health  
10 or safety;

11 (D) if there is probable cause to believe that the  
12 property is subject to forfeiture under this Article  
13 and the property is seized under circumstances in which  
14 a warrantless seizure or arrest would be reasonable; or

15 (E) in accordance with the Code of Criminal  
16 Procedure of 1963.

17 (3) In the event of seizure pursuant to paragraph (2),  
18 forfeiture proceedings shall be instituted in accordance  
19 with subsections (i) through (r).

20 (4) Property taken or detained under this Section shall  
21 not be subject to replevin, but is deemed to be in the  
22 custody of the Director subject only to the order and  
23 judgments of the circuit court having jurisdiction over the  
24 forfeiture proceedings and the decisions of the State's  
25 Attorney under this Article. When property is seized under  
26 this Article, the seizing agency shall promptly conduct an

1 inventory of the seized property and estimate the  
2 property's value and shall forward a copy of the inventory  
3 of seized property and the estimate of the property's value  
4 to the Director. Upon receiving notice of seizure, the  
5 Director may:

6 (A) place the property under seal;

7 (B) remove the property to a place designated by  
8 the Director;

9 (C) keep the property in the possession of the  
10 seizing agency;

11 (D) remove the property to a storage area for  
12 safekeeping or, if the property is a negotiable  
13 instrument or money and is not needed for evidentiary  
14 purposes, deposit it in an interest bearing account;

15 (E) place the property under constructive seizure  
16 by posting notice of pending forfeiture on it, by  
17 giving notice of pending forfeiture to its owners and  
18 interest holders, or by filing notice of pending  
19 forfeiture in any appropriate public record relating  
20 to the property; or

21 (F) provide for another agency or custodian,  
22 including an owner, secured party, or lienholder, to  
23 take custody of the property upon the terms and  
24 conditions set by the Director.

25 (5) When property is forfeited under this Article, the  
26 Director shall sell all such property unless such property

1 is required by law to be destroyed or is harmful to the  
2 public, and shall distribute the proceeds of the sale,  
3 together with any moneys forfeited or seized, in accordance  
4 with paragraph (6). However, upon the application of the  
5 seizing agency or prosecutor who was responsible for the  
6 investigation, arrest or arrests and prosecution which  
7 lead to the forfeiture, the Director may return any item of  
8 forfeited property to the seizing agency or prosecutor for  
9 official use in the enforcement of laws, if the agency or  
10 prosecutor can demonstrate that the item requested would be  
11 useful to the agency or prosecutor in its enforcement  
12 efforts. When any real property returned to the seizing  
13 agency is sold by the agency or its unit of government, the  
14 proceeds of the sale shall be delivered to the Director and  
15 distributed in accordance with paragraph (6).

16 (6) All monies and the sale proceeds of all other  
17 property forfeited and seized under this Article shall be  
18 distributed as follows:

19 (A) 65% shall be distributed to the metropolitan  
20 enforcement group, local, municipal, county, or State  
21 law enforcement agency or agencies which conducted or  
22 participated in the investigation resulting in the  
23 forfeiture. The distribution shall bear a reasonable  
24 relationship to the degree of direct participation of  
25 the law enforcement agency in the effort resulting in  
26 the forfeiture, taking into account the total value of

1           the property forfeited and the total law enforcement  
2           effort with respect to the violation of the law upon  
3           which the forfeiture is based. Amounts distributed to  
4           the agency or agencies shall be used for the  
5           enforcement of laws.

6           (B) (i) 12.5% shall be distributed to the Office of  
7           the State's Attorney of the county in which the  
8           prosecution resulting in the forfeiture was  
9           instituted, deposited in a special fund in the county  
10          treasury and appropriated to the State's Attorney for  
11          use in the enforcement of laws. In counties over  
12          3,000,000 population, 25% shall be distributed to the  
13          Office of the State's Attorney for use in the  
14          enforcement of laws. If the prosecution is undertaken  
15          solely by the Attorney General, the portion provided  
16          hereunder shall be distributed to the Attorney General  
17          for use in the enforcement of laws.

18          (ii) 12.5% shall be distributed to the Office  
19          of the State's Attorneys Appellate Prosecutor and  
20          deposited in the Narcotics Profit Forfeiture Fund  
21          of that office to be used for additional expenses  
22          incurred in the investigation, prosecution and  
23          appeal of cases arising under laws. The Office of  
24          the State's Attorneys Appellate Prosecutor shall  
25          not receive distribution from cases brought in  
26          counties with over 3,000,000 population.

1 (C) 10% shall be retained by the Department of  
2 State Police for expenses related to the  
3 administration and sale of seized and forfeited  
4 property.

5 Moneys and the sale proceeds distributed to the  
6 Department of State Police under this Article shall be  
7 deposited in the Money Laundering Asset Recovery Fund  
8 created in the State treasury and shall be used by the  
9 Department of State Police for State law enforcement  
10 purposes.

11 (i) Notice to owner or interest holder.

12 (1) Whenever notice of pending forfeiture or service of  
13 an in rem complaint is required under the provisions of  
14 this Article, such notice or service shall be given as  
15 follows:

16 (A) If the owner's or interest holder's name and  
17 current address are known, then by either personal  
18 service or mailing a copy of the notice by certified  
19 mail, return receipt requested, to that address. For  
20 purposes of notice under this Section, if a person has  
21 been arrested for the conduct giving rise to the  
22 forfeiture, then the address provided to the arresting  
23 agency at the time of arrest shall be deemed to be that  
24 person's known address. Provided, however, if an owner  
25 or interest holder's address changes prior to the  
26 effective date of the notice of pending forfeiture, the

1 owner or interest holder shall promptly notify the  
2 seizing agency of the change in address or, if the  
3 owner or interest holder's address changes subsequent  
4 to the effective date of the notice of pending  
5 forfeiture, the owner or interest holder shall  
6 promptly notify the State's Attorney of the change in  
7 address; or

8 (B) If the property seized is a conveyance, to the  
9 address reflected in the office of the agency or  
10 official in which title or interest to the conveyance  
11 is required by law to be recorded, then by mailing a  
12 copy of the notice by certified mail, return receipt  
13 requested, to that address; or

14 (C) If the owner's or interest holder's address is  
15 not known, and is not on record as provided in  
16 paragraph (B), then by publication for 3 successive  
17 weeks in a newspaper of general circulation in the  
18 county in which the seizure occurred.

19 (2) Notice served under this Article is effective upon  
20 personal service, the last date of publication, or the  
21 mailing of written notice, whichever is earlier.

22 (j) Notice to State's Attorney. The law enforcement agency  
23 seizing property for forfeiture under this Article shall,  
24 within 90 days after seizure, notify the State's Attorney for  
25 the county, either where an act or omission giving rise to the  
26 forfeiture occurred or where the property was seized, of the

1 seizure of the property and the facts and circumstances giving  
2 rise to the seizure and shall provide the State's Attorney with  
3 the inventory of the property and its estimated value. When the  
4 property seized for forfeiture is a vehicle, the law  
5 enforcement agency seizing the property shall immediately  
6 notify the Secretary of State that forfeiture proceedings are  
7 pending regarding such vehicle.

8 (k) Non-judicial forfeiture. If non-real property that  
9 exceeds \$20,000 in value excluding the value of any conveyance,  
10 or if real property is seized under the provisions of this  
11 Article, the State's Attorney shall institute judicial in rem  
12 forfeiture proceedings as described in subsection (l) of this  
13 Section within 45 days from receipt of notice of seizure from  
14 the seizing agency under subsection (j) of this Section.  
15 However, if non-real property that does not exceed \$20,000 in  
16 value excluding the value of any conveyance is seized, the  
17 following procedure shall be used:

18 (1) If, after review of the facts surrounding the  
19 seizure, the State's Attorney is of the opinion that the  
20 seized property is subject to forfeiture, then within 45  
21 days after the receipt of notice of seizure from the  
22 seizing agency, the State's Attorney shall cause notice of  
23 pending forfeiture to be given to the owner of the property  
24 and all known interest holders of the property in  
25 accordance with subsection (i) of this Section.

26 (2) The notice of pending forfeiture must include a



1 description of the property, the estimated value of the  
2 property, the date and place of seizure, the conduct giving  
3 rise to forfeiture or the violation of law alleged, and a  
4 summary of procedures and procedural rights applicable to  
5 the forfeiture action.

6 (3) (A) Any person claiming an interest in property  
7 which is the subject of notice under paragraph (1) of this  
8 subsection (k), must, in order to preserve any rights or  
9 claims to the property, within 45 days after the effective  
10 date of notice as described in subsection (i) of this  
11 Section, file a verified claim with the State's Attorney  
12 expressing his or her interest in the property. The claim  
13 must set forth:

14 (i) the caption of the proceedings as set forth on  
15 the notice of pending forfeiture and the name of the  
16 claimant;

17 (ii) the address at which the claimant will accept  
18 mail;

19 (iii) the nature and extent of the claimant's  
20 interest in the property;

21 (iv) the date, identity of the transferor, and  
22 circumstances of the claimant's acquisition of the  
23 interest in the property;

24 (v) the name and address of all other persons known  
25 to have an interest in the property;

26 (vi) the specific provision of law relied on in

1           asserting the property is not subject to forfeiture;  
2           (vii) all essential facts supporting each  
3           assertion; and  
4           (viii) the relief sought.

5           (B) If a claimant files the claim and deposits with the  
6           State's Attorney a cost bond, in the form of a cashier's  
7           check payable to the clerk of the court, in the sum of 10%  
8           of the reasonable value of the property as alleged by the  
9           State's Attorney or the sum of \$100, whichever is greater,  
10          upon condition that, in the case of forfeiture, the  
11          claimant must pay all costs and expenses of forfeiture  
12          proceedings, then the State's Attorney shall institute  
13          judicial in rem forfeiture proceedings and deposit the cost  
14          bond with the clerk of the court as described in subsection  
15          (1) of this Section within 45 days after receipt of the  
16          claim and cost bond. In lieu of a cost bond, a person  
17          claiming interest in the seized property may file, under  
18          penalty of perjury, an indigency affidavit which has been  
19          approved by a circuit court judge.

20          (C) If none of the seized property is forfeited in the  
21          judicial in rem proceeding, the clerk of the court shall  
22          return to the claimant, unless the court orders otherwise,  
23          90% of the sum which has been deposited and shall retain as  
24          costs 10% of the money deposited. If any of the seized  
25          property is forfeited under the judicial forfeiture  
26          proceeding, the clerk of the court shall transfer 90% of

1 the sum which has been deposited to the State's Attorney  
2 prosecuting the civil forfeiture to be applied to the costs  
3 of prosecution and the clerk shall retain as costs 10% of  
4 the sum deposited.

5 (4) If no claim is filed or bond given within the 45  
6 day period as described in paragraph (3) of this subsection  
7 (k), the State's Attorney shall declare the property  
8 forfeited and shall promptly notify the owner and all known  
9 interest holders of the property and the Director of State  
10 Police of the declaration of forfeiture and the Director  
11 shall dispose of the property in accordance with law.

12 (1) Judicial in rem procedures. If property seized under  
13 the provisions of this Article is non-real property that  
14 exceeds \$20,000 in value excluding the value of any conveyance,  
15 or is real property, or a claimant has filed a claim and a cost  
16 bond under paragraph (3) of subsection (k) of this Section, the  
17 following judicial in rem procedures shall apply:

18 (1) If, after a review of the facts surrounding the  
19 seizure, the State's Attorney is of the opinion that the  
20 seized property is subject to forfeiture, then within 45  
21 days of the receipt of notice of seizure by the seizing  
22 agency or the filing of the claim and cost bond, whichever  
23 is later, the State's Attorney shall institute judicial  
24 forfeiture proceedings by filing a verified complaint for  
25 forfeiture and, if the claimant has filed a claim and cost  
26 bond, by depositing the cost bond with the clerk of the

1 court. When authorized by law, a forfeiture must be ordered  
2 by a court on an action in rem brought by a State's  
3 Attorney under a verified complaint for forfeiture.

4 (2) During the probable cause portion of the judicial  
5 in rem proceeding wherein the State presents its  
6 case-in-chief, the court must receive and consider, among  
7 other things, all relevant hearsay evidence and  
8 information. The laws of evidence relating to civil actions  
9 apply to all other portions of the judicial in rem  
10 proceeding.

11 (3) Only an owner of or interest holder in the property  
12 may file an answer asserting a claim against the property  
13 in the action in rem. For purposes of this Section, the  
14 owner or interest holder shall be referred to as claimant.  
15 Upon motion of the State, the court shall first hold a  
16 hearing, wherein any claimant must establish by a  
17 preponderance of the evidence, that he or she has a lawful,  
18 legitimate ownership interest in the property and that it  
19 was obtained through a lawful source.

20 (4) The answer must be signed by the owner or interest  
21 holder under penalty of perjury and must set forth:

22 (A) the caption of the proceedings as set forth on  
23 the notice of pending forfeiture and the name of the  
24 claimant;

25 (B) the address at which the claimant will accept  
26 mail;

1 (C) the nature and extent of the claimant's  
2 interest in the property;

3 (D) the date, identity of transferor, and  
4 circumstances of the claimant's acquisition of the  
5 interest in the property;

6 (E) the name and address of all other persons known  
7 to have an interest in the property;

8 (F) all essential facts supporting each assertion;  
9 and

10 (G) the precise relief sought.

11 (5) The answer must be filed with the court within 45  
12 days after service of the civil in rem complaint.

13 (6) The hearing must be held within 60 days after  
14 filing of the answer unless continued for good cause.

15 (7) The State shall show the existence of probable  
16 cause for forfeiture of the property. If the State shows  
17 probable cause, the claimant has the burden of showing by a  
18 preponderance of the evidence that the claimant's interest  
19 in the property is not subject to forfeiture.

20 (8) If the State does not show existence of probable  
21 cause, the court shall order the interest in the property  
22 returned or conveyed to the claimant and shall order all  
23 other property forfeited to the State. If the State does  
24 show existence of probable cause, the court shall order all  
25 property forfeited to the State.

26 (9) A defendant convicted in any criminal proceeding is

1 precluded from later denying the essential allegations of  
2 the criminal offense of which the defendant was convicted  
3 in any proceeding under this Article regardless of the  
4 pendency of an appeal from that conviction. However,  
5 evidence of the pendency of an appeal is admissible.

6 (10) An acquittal or dismissal in a criminal proceeding  
7 does not preclude civil proceedings under this Article;  
8 however, for good cause shown, on a motion by the State's  
9 Attorney, the court may stay civil forfeiture proceedings  
10 during the criminal trial for a related criminal indictment  
11 or information alleging a money laundering violation. Such  
12 a stay shall not be available pending an appeal. Property  
13 subject to forfeiture under this Article shall not be  
14 subject to return or release by a court exercising  
15 jurisdiction over a criminal case involving the seizure of  
16 such property unless such return or release is consented to  
17 by the State's Attorney.

18 (11) All property declared forfeited under this  
19 Article vests in this State on the commission of the  
20 conduct giving rise to forfeiture together with the  
21 proceeds of the property after that time. Any such property  
22 or proceeds subsequently transferred to any person remain  
23 subject to forfeiture and thereafter shall be ordered  
24 forfeited.

25 (12) A civil action under this Article must be  
26 commenced within 5 years after the last conduct giving rise

1 to forfeiture became known or should have become known or 5  
2 years after the forfeitable property is discovered,  
3 whichever is later, excluding any time during which either  
4 the property or claimant is out of the State or in  
5 confinement or during which criminal proceedings relating  
6 to the same conduct are in progress.

7 (m) Stay of time periods. If property is seized for  
8 evidence and for forfeiture, the time periods for instituting  
9 judicial and non-judicial forfeiture proceedings shall not  
10 begin until the property is no longer necessary for evidence.

11 (n) Settlement of claims. Notwithstanding other provisions  
12 of this Article, the State's Attorney and a claimant of seized  
13 property may enter into an agreed-upon settlement concerning  
14 the seized property in such an amount and upon such terms as  
15 are set out in writing in a settlement agreement.

16 (o) Property constituting attorney fees. Nothing in this  
17 Article applies to property which constitutes reasonable bona  
18 fide attorney's fees paid to an attorney for services rendered  
19 or to be rendered in the forfeiture proceeding or criminal  
20 proceeding relating directly thereto where such property was  
21 paid before its seizure, before the issuance of any seizure  
22 warrant or court order prohibiting transfer of the property and  
23 where the attorney, at the time he or she received the property  
24 did not know that it was property subject to forfeiture under  
25 this Article.

26 (p) Construction. It is the intent of the General Assembly

1 that the forfeiture provisions of this Article be liberally  
2 construed so as to effect their remedial purpose. The  
3 forfeiture of property and other remedies hereunder shall be  
4 considered to be in addition to, and not exclusive of, any  
5 sentence or other remedy provided by law.

6 (q) Judicial review. If property has been declared  
7 forfeited under subsection (k) of this Section, any person who  
8 has an interest in the property declared forfeited may, within  
9 30 days after the effective date of the notice of the  
10 declaration of forfeiture, file a claim and cost bond as  
11 described in paragraph (3) of subsection (k) of this Section.  
12 If a claim and cost bond is filed under this Section, then the  
13 procedures described in subsection (l) of this Section apply.

14 (r) Burden of proof of exemption or exception. It is not  
15 necessary for the State to negate any exemption or exception in  
16 this Article in any complaint, information, indictment or other  
17 pleading or in any trial, hearing, or other proceeding under  
18 this Article. The burden of proof of any exemption or exception  
19 is upon the person claiming it.

20 (s) Review of administrative decisions. All administrative  
21 findings, rulings, final determinations, findings, and  
22 conclusions of the State's Attorney's Office under this Article  
23 are final and conclusive decisions of the matters involved. Any  
24 person aggrieved by the decision may obtain review of the  
25 decision pursuant to the provisions of the Administrative  
26 Review Law and the rules adopted pursuant to that Law. Pending



1 final decision on such review, the administrative acts, orders,  
2 and rulings of the State's Attorney's Office remain in full  
3 force and effect unless modified or suspended by order of court  
4 pending final judicial decision. Pending final decision on such  
5 review, the acts, orders, and rulings of the State's Attorney's  
6 Office remain in full force and effect, unless stayed by order  
7 of court. However, no stay of any decision of the  
8 administrative agency shall issue unless the person aggrieved  
9 by the decision establishes by a preponderance of the evidence  
10 that good cause exists for the stay. In determining good cause,  
11 the court shall find that the aggrieved party has established a  
12 substantial likelihood of prevailing on the merits and that  
13 granting the stay will not have an injurious effect on the  
14 general public.

15 (Source: P.A. 96-275, eff. 8-11-09; 96-710, eff. 1-1-10;  
16 96-1000, eff. 7-2-10; 96-1234, eff. 7-23-10.)

17 (720 ILCS 5/29B-2 new)

18 Sec. 29B-2. Engaging in monetary transactions in  
19 criminally derived property.

20 (a) A person commits engaging in monetary transactions in  
21 criminally derived property when he or she knowingly engages or  
22 attempts to engage in a monetary transaction in criminally  
23 derived property of a value greater than \$10,000.

24 (b) In a prosecution for an offense under this Section, the  
25 State is not required to prove the defendant knew that the

1 offense from which the criminally derived property was derived  
2 constituted a felony under State, federal, or foreign law.

3 (c) Engaging in monetary transactions in property derived  
4 from specified unlawful activity occurs in the county from  
5 which the monetary transaction is sent, if the monetary  
6 transaction is sent from within this State, and the county  
7 within this State in which a monetary transaction is received.

8 (d) As used in this Section:

9 (1) "Monetary transaction" means the deposit,  
10 withdrawal, transfer, or exchange of funds or a monetary  
11 instrument (as defined in paragraph (3) of subsection (b)  
12 of Section 29B-1 of this Code) by, through, or to a  
13 financial institution (as defined in paragraph (2) of  
14 subsection (b) of Section 29B-1 of this Code), including  
15 any transaction that would be a financial transaction under  
16 paragraph (1) of subsection (b) of Section 29B-1 of this  
17 Code, but that term does not include any transaction  
18 necessary to preserve a person's right to representation as  
19 guaranteed by the Sixth Amendment to the United States  
20 Constitution.

21 (2) "Criminally derived property" has the meaning  
22 given that term in paragraph (4) of subsection (b) of  
23 Section 29B-1 of this Code.

24 (e) Duty to enforce; protective orders; seizure warrants;  
25 and forfeiture. All provisions of subsections (e) through (s)  
26 of Section 29B-1 of this Code are incorporated by reference

1 into this Section.

2 (f) Sentence.

3 (1) Engaging in monetary transactions in criminally  
4 derived property exceeding \$10,000 but not exceeding  
5 \$100,000 is a Class 2 felony.

6 (2) Engaging in monetary transactions in criminally  
7 derived property exceeding \$100,000 but not exceeding  
8 \$500,000 is a Class 1 felony.

9 (3) Engaging in monetary transactions in criminally  
10 derived property exceeding \$500,000 but not exceeding  
11 \$1,000,000 is a Class 1 non-probationable felony.

12 (4) Engaging in monetary transactions in criminally  
13 derived property exceeding \$1,000,000 is a Class X felony.

14 (g) Fines. The court may impose an alternate fine to that  
15 imposable under paragraph (f) of not more than twice the amount  
16 of the criminally derived property involved in the transaction.

17 (720 ILCS 5/29B-3 new)

18 Sec. 29B-3. Unlawful money transmitting business.

19 (a) A person commits unlawful money transmitting business  
20 when he or she knowingly conducts, controls, manages,  
21 supervises, directs, or owns all or part of an unlawful money  
22 transmitting business.

23 (b) As used in this Section:

24 "Money transmitting" means the transmission of money  
25 by any means, including transporting, transferring,

1 exchanging, or transmitting to or from locations within the  
2 United States or to and from locations outside of the  
3 United States by payment instrument, facsimile or  
4 electronic transfer, or otherwise, and includes bill  
5 payment services.

6 "Money transmitting business" means any business other  
7 than the exemptions under Section 15 of the Transmitters of  
8 Money Act, which provides check cashing, currency  
9 exchange, money transmitting or remittance services, or  
10 issues, sells, or redeems money orders, travelers' checks,  
11 prepaid access devices, digital currencies, or other  
12 similar instruments, or any other person or association of  
13 persons, formal or informal, engaging as a business in  
14 transporting, transferring, exchanging, or transmitting  
15 currency or funds in any form, including any person or  
16 association of persons, formal or informal, engaging as a  
17 business in any informal money transfer system, monetary  
18 value represented in digital electronic format, or any  
19 network of persons who engage as a business in facilitating  
20 the transfer of money domestically or internationally  
21 outside of the conventional financial institutions system.

22 "Payment instrument" means a check, draft, money  
23 order, traveler's check, stored value card, digital  
24 currencies, or other similar instrument, or other  
25 instrument or memorandum, written order or written receipt  
26 for the transmission or payment of money sold or issued to

1 one or more persons whether or not that instrument or order  
2 is negotiable. Payment instrument does not include an  
3 instrument that is redeemable by the issuer in merchandise  
4 or service, a credit card voucher, or a letter of credit. A  
5 written order for the transmission or payment of money that  
6 results in the issuance of a check, draft, money order,  
7 traveler's check, or other instrument or memorandum is not  
8 a payment instrument.

9 "Unlawful money transmitting business" means a money  
10 transmitting business which:

11 (1) is operated without an appropriate money  
12 transmitting license as required under Section 10 of  
13 the Transmitters of Money Act, whether or not the  
14 defendant knew that the operation was required to be  
15 licensed or that the operation was so punishable; or

16 (2) otherwise involves the transportation,  
17 transfer, exchange, or transmission of funds that are  
18 known to the defendant to have been derived from a  
19 criminal offense or are intended to be used to promote  
20 or support unlawful activity.

21 (c) Duty to enforce; protective orders; seizure warrants;  
22 and forfeiture. All provisions of subsections (e) through (s)  
23 of Section 29B-1 of this Code are incorporated by reference  
24 into this Section.

25 (d) Sentence.

26 (1) Unlawful money transmitting business where the

1       value of the funds does not exceed \$10,000 is a Class 3  
2       felony.

3       (2) Unlawful money transmitting business where the  
4       value of the funds exceeds \$10,000 but does not exceed  
5       \$100,000 is a Class 2 felony.

6       (3) Unlawful money transmitting business where the  
7       value of the funds exceeds \$100,000 but does not exceed  
8       \$500,000 is a Class 1 felony.

9       (4) Unlawful money transmitting business where the  
10       value of the funds exceeds \$500,000 but does not exceed  
11       \$1,000,000 is a Class 1 non-probationable felony.

12       (5) Unlawful money transmitting business where the  
13       value of the funds exceeds \$1,000,000 is a Class X felony.

14       Section 15. The Code of Criminal Procedure of 1963 is  
15       amended by changing Section 111-4 as follows:

16       (725 ILCS 5/111-4)

17       Sec. 111-4. Joinder of offenses and defendants.

18       (a) Two or more offenses may be charged in the same  
19       indictment, information or complaint in a separate count for  
20       each offense if the offenses charged, whether felonies or  
21       misdemeanors or both, are based on the same act or on 2 or more  
22       acts which are part of the same comprehensive transaction.

23       (b) Two or more defendants may be charged in the same  
24       indictment, information or complaint if they are alleged to

1 have participated in the same act or in the same comprehensive  
2 transaction out of which the offense or offenses arose. Such  
3 defendants may be charged in one or more counts together or  
4 separately and all of the defendants need not be charged in  
5 each count.

6 (c) Two or more acts or transactions in violation of any  
7 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and  
8 8A-5 of the Illinois Public Aid Code, Section 14 of the  
9 Illinois Wage Payment and Collection Act, Section 25.5 of the  
10 Workers' Compensation Act, Sections 16-1, 16-1.3, 16-2, 16-3,  
11 16-5, 16-7, 16-8, 16-10, 16-25, 16-30, 16-40, 16A-3, 16B-2,  
12 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30, 16H-45,  
13 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-6.3, 17-10.6, 17-30,  
14 17-56, ~~or~~ 17-60, 29B-1, 29B-2, or 29B-3, or item (ii) of  
15 subsection (a) or (b) of Section 17-9, or subdivision (a)(1)  
16 ~~(a)(2)~~ of Section 17-10.5, ~~or subsection (a), (b), (c), (d),~~  
17 ~~(g), (h), or (i) of Section 17-10.6~~, or subsection (a) of  
18 Section 17-32 of the Criminal Code of 1961 or the Criminal Code  
19 of 2012 and Section 118 of Division I of the Criminal  
20 Jurisprudence Act, may be charged as a single offense in a  
21 single count of the same indictment, information or complaint,  
22 if such acts or transactions by one or more defendants are in  
23 furtherance of a single intention and design or if the  
24 property, labor or services obtained are of the same person or  
25 are of several persons having a common interest in such  
26 property, labor or services. In such a charge, the period

1 between the dates of the first and the final such acts or  
2 transactions may be alleged as the date of the offense and, if  
3 any such act or transaction by any defendant was committed in  
4 the county where the prosecution was commenced, such county may  
5 be alleged as the county of the offense.

6 (Source: P.A. 96-354, eff. 8-13-09; 96-1207, eff. 7-22-10;  
7 96-1407, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.  
8 8-12-11; 97-597, eff. 1-1-12; 97-1150, eff. 1-25-13.)

9 Section 20. The Unified Code of Corrections is amended by  
10 changing Section 5-5-3 as follows:

11 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

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

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

24 (B) Attempted first degree murder.



1 (C) A Class X felony.

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

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

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

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

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

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

4           (H) Criminal sexual assault.

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

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

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

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

20          (K) Vehicular hijacking.

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

25          (M) A second or subsequent conviction for the offense  
26          of institutional vandalism if the damage to the property

1 exceeds \$300.

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

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

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

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

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

15 (S) (Blank).

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

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

25 (V) A violation of paragraph (4) of subsection (c) of  
26 Section 11-20.1B or paragraph (4) of subsection (c) of

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

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

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

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

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

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

26 (BB) Laundering of criminally derived property of a

1 value exceeding \$500,000.

2 (CC) Knowingly selling, offering for sale, holding for  
3 sale, or using 2,000 or more counterfeit items or  
4 counterfeit items having a retail value in the aggregate of  
5 \$500,000 or more.

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

11 (EE) Engaging in monetary transactions in criminally  
12 derived property exceeding \$500,000.

13 (FF) Unlawful money transmitting business where the  
14 value of the funds exceeds \$500,000.

15 (3) (Blank).

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

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
22 this subsection (c), a minimum of 100 hours of community  
23 service shall be imposed for a second violation of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300  
26 hours of community service, as determined by the court, shall

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

3 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
4 (4.9) of this subsection (c), a minimum term of imprisonment of  
5 30 days or 300 hours of community service, as determined by the  
6 court, shall be imposed for a third or subsequent violation of  
7 Section 6-303 of the Illinois Vehicle Code.

8 (4.5) A minimum term of imprisonment of 30 days shall be  
9 imposed for a third violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

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

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

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

26 (4.9) A mandatory prison sentence of not less than 4 and

1 not more than 15 years shall be imposed for a third violation  
2 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
3 Code, as provided in subsection (d-2.5) of that Section. The  
4 person's driving privileges shall be revoked for the remainder  
5 of his or her life.

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

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

15 (A) a period of conditional discharge;

16 (B) a fine;

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

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

26 (5.2) In addition to any other penalties imposed, and

1     except as provided in paragraph (5.3), a person convicted of  
2     violating subsection (c) of Section 11-907 of the Illinois  
3     Vehicle Code shall have his or her driver's license, permit, or  
4     privileges suspended for at least 180 days but not more than 2  
5     years, if the violation resulted in injury to another person.

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

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

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

24           (6) (Blank).

25           (7) (Blank).

26           (8) (Blank).



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

4           (10) (Blank).

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

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

26           (13) A person convicted of or placed on court supervision

1 for an assault or aggravated assault when the victim and the  
2 offender are family or household members as defined in Section  
3 103 of the Illinois Domestic Violence Act of 1986 or convicted  
4 of domestic battery or aggravated domestic battery may be  
5 required to attend a Partner Abuse Intervention Program under  
6 protocols set forth by the Illinois Department of Human  
7 Services under such terms and conditions imposed by the court.  
8 The costs of such classes shall be paid by the offender.

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

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

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

9 (A) the defendant is willing to undergo a court  
10 approved counseling program for a minimum duration of 2  
11 years; or

12 (B) the defendant is willing to participate in a  
13 court approved plan including but not limited to the  
14 defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the  
18 family;

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

20 and

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

23 (2) the court orders the defendant to pay for the  
24 victim's counseling services, to the extent that the court  
25 finds, after considering the defendant's income and  
26 assets, that the defendant is financially capable of paying

1 for such services, if the victim was under 18 years of age  
2 at the time the offense was committed and requires  
3 counseling as a result of the offense.

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

11 For the purposes of this Section, "family member" and  
12 "victim" shall have the meanings ascribed to them in Section  
13 11-0.1 of the Criminal Code of 2012.

14 (f) (Blank).

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

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

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

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

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

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

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

24 (j) In cases when prosecution for any violation of Section  
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
26 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
2 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
3 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
4 Code of 2012, any violation of the Illinois Controlled  
5 Substances Act, any violation of the Cannabis Control Act, or  
6 any violation of the Methamphetamine Control and Community  
7 Protection Act results in conviction, a disposition of court  
8 supervision, or an order of probation granted under Section 10  
9 of the Cannabis Control Act, Section 410 of the Illinois  
10 Controlled Substances Act, or Section 70 of the Methamphetamine  
11 Control and Community Protection Act of a defendant, the court  
12 shall determine whether the defendant is employed by a facility  
13 or center as defined under the Child Care Act of 1969, a public  
14 or private elementary or secondary school, or otherwise works  
15 with children under 18 years of age on a daily basis. When a  
16 defendant is so employed, the court shall order the Clerk of  
17 the Court to send a copy of the judgment of conviction or order  
18 of supervision or probation to the defendant's employer by  
19 certified mail. If the employer of the defendant is a school,  
20 the Clerk of the Court shall direct the mailing of a copy of  
21 the judgment of conviction or order of supervision or probation  
22 to the appropriate regional superintendent of schools. The  
23 regional superintendent of schools shall notify the State Board  
24 of Education of any notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted  
26 of a felony and who has not been previously convicted of a



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

1     equivalency testing. This subsection (j-5) does not apply to a  
2     defendant who is determined by the court to be developmentally  
3     disabled or otherwise mentally incapable of completing the  
4     educational or vocational program.

5             (k) (Blank).

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

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

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

20    Otherwise, the defendant shall be sentenced as provided in  
21    this Chapter V.

22             (B) If the defendant has already been sentenced for a  
23    felony or misdemeanor offense, or has been placed on probation  
24    under Section 10 of the Cannabis Control Act, Section 410 of  
25    the Illinois Controlled Substances Act, or Section 70 of the  
26    Methamphetamine Control and Community Protection Act, the

1 court may, upon motion of the State's Attorney to suspend the  
2 sentence imposed, commit the defendant to the custody of the  
3 Attorney General of the United States or his or her designated  
4 agent when:

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

8 (2) the deportation of the defendant would not  
9 deprecate the seriousness of the defendant's conduct and  
10 would not be inconsistent with the ends of justice.

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

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

24 (m) A person convicted of criminal defacement of property  
25 under Section 21-1.3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, in which the property damage exceeds

1 \$300 and the property damaged is a school building, shall be  
2 ordered to perform community service that may include cleanup,  
3 removal, or painting over the defacement.

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

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

18 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;  
19 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.  
20 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,  
21 eff. 7-16-14.)