

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 adding  
5 Section 24-3B as follows:

6 (720 ILCS 5/24-3B new)

7 Sec. 24-3B. Firearms trafficking.

8 (a) A person commits firearms trafficking when he or she  
9 has not been issued a currently valid Firearm Owner's  
10 Identification Card and knowingly:

11 (1) brings, or causes to be brought, into this State, a  
12 firearm or firearm ammunition for the purpose of sale,  
13 delivery, or transfer to any other person or with the  
14 intent to sell, deliver, or transfer the firearm or firearm  
15 ammunition to any other person; or

16 (2) brings, or causes to be brought, into this State, a  
17 firearm and firearm ammunition for the purpose of sale,  
18 delivery, or transfer to any other person or with the  
19 intent to sell, deliver, or transfer the firearm and  
20 firearm ammunition to any other person.

21 (b) Sentence.

22 (1) Firearms trafficking is a Class 1 felony for which  
23 the person, if sentenced to a term of imprisonment, shall

1           be sentenced to not less than 4 years and not more than 20  
2           years.

3           (2) Firearms trafficking by a person who has been  
4           previously convicted of firearms trafficking, gunrunning,  
5           or a felony offense for the unlawful sale, delivery, or  
6           transfer of a firearm or firearm ammunition in this State  
7           or another jurisdiction is a Class X felony.

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) A conviction for a violation of paragraph (2) of  
11 subsection (a) of Section 24-3B of the Criminal Code of  
12 2012.

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
20 this subsection (c), a minimum of 100 hours of community  
21 service shall be imposed for a second violation of Section  
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300  
24 hours of community service, as determined by the court, shall  
25 be imposed for a second violation of subsection (c) of Section  
26 6-303 of the Illinois Vehicle Code.

1           (4.4) Except as provided in paragraphs (4.5), (4.6), and  
2           (4.9) of this subsection (c), a minimum term of imprisonment of  
3           30 days or 300 hours of community service, as determined by the  
4           court, shall be imposed for a third or subsequent violation of  
5           Section 6-303 of the Illinois Vehicle Code.

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

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

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

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

24          (4.9) A mandatory prison sentence of not less than 4 and  
25          not more than 15 years shall be imposed for a third violation  
26          of subsection (a-5) of Section 6-303 of the Illinois Vehicle



1 Code, as provided in subsection (d-2.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

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

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

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

1 Vehicle Code shall have his or her driver's license, permit, or  
2 privileges suspended for at least 180 days but not more than 2  
3 years, if the violation resulted in injury to another person.

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

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

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

22 (6) (Blank).

23 (7) (Blank).

24 (8) (Blank).

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

1 natural life imprisonment.

2 (10) (Blank).

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

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

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

1 103 of the Illinois Domestic Violence Act of 1986 or convicted  
2 of domestic battery or aggravated domestic battery may be  
3 required to attend a Partner Abuse Intervention Program under  
4 protocols set forth by the Illinois Department of Human  
5 Services under such terms and conditions imposed by the court.  
6 The costs of such classes shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal  
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 or the Criminal Code of 2012 results in conviction  
2 of a defendant who was a family member of the victim at the  
3 time of the commission of the offense, the court shall consider  
4 the safety and welfare of the victim and may impose a sentence  
5 of probation only where:

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

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

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

13 (i) removal from the household;

14 (ii) restricted contact with the victim;

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

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

18 and

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

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

1 counseling as a result of the offense.

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

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

12 (f) (Blank).

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

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

1 the convicted defendant.

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

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



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

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

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

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

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

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

1 developmental disability or otherwise mentally incapable of  
2 completing the educational or vocational program.

3 (k) (Blank).

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

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

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

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

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

1 Attorney General of the United States or his or her designated  
2 agent when:

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

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

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

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

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

1 removal, or painting over the defacement.

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

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

16 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
17 99-143, eff. 7-27-15.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.