

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 Illinois Criminal Justice Information Act is
5 amended by changing Section 7 as follows:

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

7 Sec. 7. Powers and Duties. The Authority shall have the
8 following powers, duties and responsibilities:

9 (a) To develop and operate comprehensive information
10 systems for the improvement and coordination of all aspects
11 of law enforcement, prosecution and corrections;

12 (b) To define, develop, evaluate and correlate State
13 and local programs and projects associated with the
14 improvement of law enforcement and the administration of
15 criminal justice;

16 (c) To act as a central repository and clearing house
17 for federal, state and local research studies, plans,
18 projects, proposals and other information relating to all
19 aspects of criminal justice system improvement and to
20 encourage educational programs for citizen support of
21 State and local efforts to make such improvements;

22 (d) To undertake research studies to aid in
23 accomplishing its purposes;

1 (e) To monitor the operation of existing criminal
2 justice information systems in order to protect the
3 constitutional rights and privacy of individuals about
4 whom criminal history record information has been
5 collected;

6 (f) To provide an effective administrative forum for
7 the protection of the rights of individuals concerning
8 criminal history record information;

9 (g) To issue regulations, guidelines and procedures
10 which ensure the privacy and security of criminal history
11 record information consistent with State and federal laws;

12 (h) To act as the sole administrative appeal body in
13 the State of Illinois to conduct hearings and make final
14 determinations concerning individual challenges to the
15 completeness and accuracy of criminal history record
16 information;

17 (i) To act as the sole, official, criminal justice body
18 in the State of Illinois to conduct annual and periodic
19 audits of the procedures, policies, and practices of the
20 State central repositories for criminal history record
21 information to verify compliance with federal and state
22 laws and regulations governing such information;

23 (j) To advise the Authority's Statistical Analysis
24 Center;

25 (k) To apply for, receive, establish priorities for,
26 allocate, disburse and spend grants of funds that are made

1 available by and received on or after January 1, 1983 from
2 private sources or from the United States pursuant to the
3 federal Crime Control Act of 1973, as amended, and similar
4 federal legislation, and to enter into agreements with the
5 United States government to further the purposes of this
6 Act, or as may be required as a condition of obtaining
7 federal funds;

8 (l) To receive, expend and account for such funds of
9 the State of Illinois as may be made available to further
10 the purposes of this Act;

11 (m) To enter into contracts and to cooperate with units
12 of general local government or combinations of such units,
13 State agencies, and criminal justice system agencies of
14 other states for the purpose of carrying out the duties of
15 the Authority imposed by this Act or by the federal Crime
16 Control Act of 1973, as amended;

17 (n) To enter into contracts and cooperate with units of
18 general local government outside of Illinois, other
19 states' agencies, and private organizations outside of
20 Illinois to provide computer software or design that has
21 been developed for the Illinois criminal justice system, or
22 to participate in the cooperative development or design of
23 new software or systems to be used by the Illinois criminal
24 justice system. Revenues received as a result of such
25 arrangements shall be deposited in the Criminal Justice
26 Information Systems Trust Fund; =

1 (o) To establish general policies concerning criminal
2 justice information systems and to promulgate such rules,
3 regulations and procedures as are necessary to the
4 operation of the Authority and to the uniform consideration
5 of appeals and audits;

6 (p) To advise and to make recommendations to the
7 Governor and the General Assembly on policies relating to
8 criminal justice information systems;

9 (q) To direct all other agencies under the jurisdiction
10 of the Governor to provide whatever assistance and
11 information the Authority may lawfully require to carry out
12 its functions;

13 (r) To exercise any other powers that are reasonable
14 and necessary to fulfill the responsibilities of the
15 Authority under this Act and to comply with the
16 requirements of applicable federal law or regulation;

17 (s) To exercise the rights, powers and duties which
18 have been vested in the Authority by the "Illinois Uniform
19 Conviction Information Act", enacted by the 85th General
20 Assembly, as hereafter amended;

21 (t) To exercise the rights, powers and duties which
22 have been vested in the Authority by the Illinois Motor
23 Vehicle Theft Prevention Act;

24 (u) To exercise the rights, powers, and duties vested
25 in the Authority by the Illinois Public Safety Agency
26 Network Act; ~~and~~

1 (v) To provide technical assistance in the form of
2 training to local governmental entities within Illinois
3 requesting such assistance for the purposes of procuring
4 grants for gang intervention and gang prevention programs
5 or other criminal justice programs from the United States
6 Department of Justice; and -

7 (w) To conduct strategic planning and provide
8 technical assistance to implement comprehensive trauma
9 recovery services for violent crime victims in underserved
10 communities with high levels of violent crime, with the
11 goal of providing a safe, community-based, culturally
12 competent environment in which to access services
13 necessary to facilitate recovery from the effects of
14 chronic and repeat exposure to trauma. Services may
15 include, but are not limited to, behavioral health
16 treatment, financial recovery, family support and
17 relocation assistance, and support in navigating the legal
18 system.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Legislative Research Unit, as
24 required by Section 3.1 of "An Act to revise the law in
25 relation to the General Assembly", approved February 25, 1874,
26 as amended, and filing such additional copies with the State

1 Government Report Distribution Center for the General Assembly
2 as is required under paragraph (t) of Section 7 of the State
3 Library Act.

4 (Source: P.A. 97-435, eff. 1-1-12.)

5 Section 10. The Unified Code of Corrections is amended by
6 changing Sections 3-6-3, 5-4-1, and 5-5-3 as follows:

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

8 Sec. 3-6-3. Rules and regulations for sentence credit.

9 (a) (1) The Department of Corrections shall prescribe rules
10 and regulations for awarding and revoking sentence credit for
11 persons committed to the Department which shall be subject to
12 review by the Prisoner Review Board.

13 (1.5) As otherwise provided by law, sentence credit may be
14 awarded for the following:

15 (A) successful completion of programming while in
16 custody of the Department or while in custody prior to
17 sentencing;

18 (B) compliance with the rules and regulations of the
19 Department; or

20 (C) service to the institution, service to a community,
21 or service to the State.

22 (2) The rules and regulations on sentence credit shall
23 provide, with respect to offenses listed in clause (i), (ii),
24 or (iii) of this paragraph (2) committed on or after June 19,

1 1998 or with respect to the offense listed in clause (iv) of
2 this paragraph (2) committed on or after June 23, 2005 (the
3 effective date of Public Act 94-71) or with respect to offense
4 listed in clause (vi) committed on or after June 1, 2008 (the
5 effective date of Public Act 95-625) or with respect to the
6 offense of being an armed habitual criminal committed on or
7 after August 2, 2005 (the effective date of Public Act 94-398)
8 or with respect to the offenses listed in clause (v) of this
9 paragraph (2) committed on or after August 13, 2007 (the
10 effective date of Public Act 95-134) or with respect to the
11 offense of aggravated domestic battery committed on or after
12 July 23, 2010 (the effective date of Public Act 96-1224) or
13 with respect to the offense of attempt to commit terrorism
14 committed on or after January 1, 2013 (the effective date of
15 Public Act 97-990), the following:

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

20 (ii) that a prisoner serving a sentence for attempt to
21 commit terrorism, attempt to commit first degree murder,
22 solicitation of murder, solicitation of murder for hire,
23 intentional homicide of an unborn child, predatory
24 criminal sexual assault of a child, aggravated criminal
25 sexual assault, criminal sexual assault, aggravated
26 kidnapping, aggravated battery with a firearm as described

1 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
2 (e) (4) of Section 12-3.05, heinous battery as described in
3 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
4 being an armed habitual criminal, aggravated battery of a
5 senior citizen as described in Section 12-4.6 or
6 subdivision (a) (4) of Section 12-3.05, or aggravated
7 battery of a child as described in Section 12-4.3 or
8 subdivision (b) (1) of Section 12-3.05 shall receive no more
9 than 4.5 days of sentence credit for each month of his or
10 her sentence of imprisonment;

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

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

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

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

26 (vii) that a prisoner serving a sentence for aggravated

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

4 (2.1) For all offenses, other than those enumerated in
5 subdivision (a)(2)(i), (ii), or (iii) committed on or after
6 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
7 June 23, 2005 (the effective date of Public Act 94-71) or
8 subdivision (a)(2)(v) committed on or after August 13, 2007
9 (the effective date of Public Act 95-134) or subdivision
10 (a)(2)(vi) committed on or after June 1, 2008 (the effective
11 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
12 on or after July 23, 2010 (the effective date of Public Act
13 96-1224), and other than the offense of aggravated driving
14 under the influence of alcohol, other drug or drugs, or
15 intoxicating compound or compounds, or any combination thereof
16 as defined in subparagraph (F) of paragraph (1) of subsection
17 (d) of Section 11-501 of the Illinois Vehicle Code, and other
18 than the offense of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof as defined in
21 subparagraph (C) of paragraph (1) of subsection (d) of Section
22 11-501 of the Illinois Vehicle Code committed on or after
23 January 1, 2011 (the effective date of Public Act 96-1230), the
24 rules and regulations shall provide that a prisoner who is
25 serving a term of imprisonment shall receive one day of
26 sentence credit for each day of his or her sentence of

1 imprisonment or recommitment under Section 3-3-9. Each day of
2 sentence credit shall reduce by one day the prisoner's period
3 of imprisonment or recommitment under Section 3-3-9.

4 (2.2) A prisoner serving a term of natural life
5 imprisonment or a prisoner who has been sentenced to death
6 shall receive no sentence credit.

7 (2.3) The rules and regulations on sentence credit shall
8 provide that a prisoner who is serving a sentence for
9 aggravated driving under the influence of alcohol, other drug
10 or drugs, or intoxicating compound or compounds, or any
11 combination thereof as defined in subparagraph (F) of paragraph
12 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
13 Code, shall receive no more than 4.5 days of sentence credit
14 for each month of his or her sentence of imprisonment.

15 (2.4) The rules and regulations on sentence credit shall
16 provide with respect to the offenses of aggravated battery with
17 a machine gun or a firearm equipped with any device or
18 attachment designed or used for silencing the report of a
19 firearm or aggravated discharge of a machine gun or a firearm
20 equipped with any device or attachment designed or used for
21 silencing the report of a firearm, committed on or after July
22 15, 1999 (the effective date of Public Act 91-121), that a
23 prisoner serving a sentence for any of these offenses shall
24 receive no more than 4.5 days of sentence credit for each month
25 of his or her sentence of imprisonment.

26 (2.5) The rules and regulations on sentence credit shall

1 provide that a prisoner who is serving a sentence for
2 aggravated arson committed on or after July 27, 2001 (the
3 effective date of Public Act 92-176) shall receive no more than
4 4.5 days of sentence credit for each month of his or her
5 sentence of imprisonment.

6 (2.6) The rules and regulations on sentence credit shall
7 provide that a prisoner who is serving a sentence for
8 aggravated driving under the influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds or any
10 combination thereof as defined in subparagraph (C) of paragraph
11 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
12 Code committed on or after January 1, 2011 (the effective date
13 of Public Act 96-1230) shall receive no more than 4.5 days of
14 sentence credit for each month of his or her sentence of
15 imprisonment.

16 (3) The rules and regulations shall also provide that the
17 Director may award up to 180 days of earned ~~additional~~ sentence
18 credit for good conduct in specific instances as the Director
19 deems proper. The good conduct may include, but is not limited
20 to, compliance with the rules and regulations of the
21 Department, service to the Department, service to a community,
22 or service to the State. ~~However, the Director shall not award~~
23 ~~more than 90 days of sentence credit for good conduct to any~~
24 ~~prisoner who is serving a sentence for conviction of first~~
25 ~~degree murder, reckless homicide while under the influence of~~
26 ~~alcohol or any other drug, or aggravated driving under the~~

1 ~~influence of alcohol, other drug or drugs, or intoxicating~~
2 ~~compound or compounds, or any combination thereof as defined in~~
3 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
4 ~~11-501 of the Illinois Vehicle Code, aggravated kidnapping,~~
5 ~~kidnapping, predatory criminal sexual assault of a child,~~
6 ~~aggravated criminal sexual assault, criminal sexual assault,~~
7 ~~deviate sexual assault, aggravated criminal sexual abuse,~~
8 ~~aggravated indecent liberties with a child, indecent liberties~~
9 ~~with a child, child pornography, heinous battery as described~~
10 ~~in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,~~
11 ~~aggravated battery of a spouse, aggravated battery of a spouse~~
12 ~~with a firearm, stalking, aggravated stalking, aggravated~~
13 ~~battery of a child as described in Section 12-4.3 or~~
14 ~~subdivision (b)(1) of Section 12-3.05, endangering the life or~~
15 ~~health of a child, or cruelty to a child. Notwithstanding the~~
16 ~~foregoing, sentence credit for good conduct shall not be~~
17 ~~awarded on a sentence of imprisonment imposed for conviction~~
18 ~~of: (i) one of the offenses enumerated in subdivision~~
19 ~~(a)(2)(i), (ii), or (iii) when the offense is committed on or~~
20 ~~after June 19, 1998 or subdivision (a)(2)(iv) when the offense~~
21 ~~is committed on or after June 23, 2005 (the effective date of~~
22 ~~Public Act 94-71) or subdivision (a)(2)(v) when the offense is~~
23 ~~committed on or after August 13, 2007 (the effective date of~~
24 ~~Public Act 95-134) or subdivision (a)(2)(vi) when the offense~~
25 ~~is committed on or after June 1, 2008 (the effective date of~~
26 ~~Public Act 95-625) or subdivision (a)(2)(vii) when the offense~~

1 ~~is committed on or after July 23, 2010 (the effective date of~~
2 ~~Public Act 96-1224), (ii) aggravated driving under the~~
3 ~~influence of alcohol, other drug or drugs, or intoxicating~~
4 ~~compound or compounds, or any combination thereof as defined in~~
5 ~~subparagraph (F) of paragraph (1) of subsection (d) of Section~~
6 ~~11-501 of the Illinois Vehicle Code, (iii) one of the offenses~~
7 ~~enumerated in subdivision (a)(2.4) when the offense is~~
8 ~~committed on or after July 15, 1999 (the effective date of~~
9 ~~Public Act 91-121), (iv) aggravated arson when the offense is~~
10 ~~committed on or after July 27, 2001 (the effective date of~~
11 ~~Public Act 92-176), (v) offenses that may subject the offender~~
12 ~~to commitment under the Sexually Violent Persons Commitment~~
13 ~~Act, or (vi) aggravated driving under the influence of alcohol,~~
14 ~~other drug or drugs, or intoxicating compound or compounds or~~
15 ~~any combination thereof as defined in subparagraph (C) of~~
16 ~~paragraph (1) of subsection (d) of Section 11-501 of the~~
17 ~~Illinois Vehicle Code committed on or after January 1, 2011~~
18 ~~(the effective date of Public Act 96-1230).~~

19 Eligible inmates for an award of earned sentence credit
20 under this paragraph (3) may be selected to receive the credit
21 at the Director's or his or her designee's sole discretion.
22 Eligibility for the additional earned sentence credit under
23 this paragraph (3) shall be based on, but is not limited to,
24 the results of any available risk/needs assessment or other
25 relevant assessments or evaluations administered by the
26 Department using a validated instrument, the circumstances of

1 the crime, any history of conviction for a forcible felony
2 enumerated in Section 2-8 of the Criminal Code of 2012, the
3 inmate's behavior and disciplinary history while incarcerated,
4 and the inmate's commitment to rehabilitation, including
5 participation in programming offered by the Department.
6 ~~Consideration may be based on, but not limited to, any~~
7 ~~available risk assessment analysis on the inmate, any history~~
8 ~~of conviction for violent crimes as defined by the Rights of~~
9 ~~Crime Victims and Witnesses Act, facts and circumstances of the~~
10 ~~inmate's holding offense or offenses, and the potential for~~
11 ~~rehabilitation.~~

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

19 (A) is eligible for the earned sentence credit;

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

22 (B-1) has received a risk/needs assessment or other
23 relevant evaluation or assessment administered by the
24 Department using a validated instrument; and

25 (C) has met the eligibility criteria established under
26 paragraph (4) of this subsection (a) and by rule for earned

1 sentence credit.

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

4 (3.5) The Department shall provide annual written reports
5 to the Governor and the General Assembly on the award of earned
6 sentence credit no later than February 1 of each year ~~for good~~
7 ~~conduct, with the first report due January 1, 2014.~~ The
8 Department must publish both reports on its website within 48
9 hours of transmitting the reports to the Governor and the
10 General Assembly. The reports must include:

11 (A) the number of inmates awarded earned sentence
12 credit ~~for good conduct~~;

13 (B) the average amount of earned sentence credit ~~for~~
14 ~~good conduct~~ awarded;

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

17 (D) the number of earned sentence credit ~~for good~~
18 ~~conduct~~ revocations.

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

1 assigned program as determined by the standards of the
2 Department, shall be multiplied by a factor of 1.25 for program
3 participation before August 11, 1993 and 1.50 for program
4 participation on or after that date. The rules and regulations
5 shall also provide that sentence credit, subject to the same
6 offense limits and multiplier provided in this paragraph, may
7 be provided to an inmate who was held in pre-trial detention
8 prior to his or her current commitment to the Department of
9 Corrections and successfully completed a full-time, 60-day or
10 longer substance abuse program, educational program, behavior
11 modification program, life skills course, or re-entry planning
12 provided by the county department of corrections or county
13 jail. Calculation of this county program credit shall be done
14 at sentencing as provided in Section 5-4.5-100 of this Code and
15 shall be included in the sentencing order. However, no inmate
16 shall be eligible for the additional sentence credit under this
17 paragraph (4) or (4.1) of this subsection (a) while assigned to
18 a boot camp or electronic detention, or if convicted of an
19 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of
20 this Section that is committed on or after June 19, 1998 or
21 subdivision (a)(2)(iv) of this Section that is committed on or
22 after June 23, 2005 (the effective date of Public Act 94-71) or
23 subdivision (a)(2)(v) of this Section that is committed on or
24 after August 13, 2007 (the effective date of Public Act 95-134)
25 or subdivision (a)(2)(vi) when the offense is committed on or
26 after June 1, 2008 (the effective date of Public Act 95-625) or

1 subdivision (a)(2)(vii) when the offense is committed on or
2 after July 23, 2010 (the effective date of Public Act 96-1224),
3 or if convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds or any combination thereof as defined in subparagraph
6 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code, or if convicted of aggravated driving
8 under the influence of alcohol, other drug or drugs, or
9 intoxicating compound or compounds or any combination thereof
10 as defined in subparagraph (C) of paragraph (1) of subsection
11 (d) of Section 11-501 of the Illinois Vehicle Code committed on
12 or after January 1, 2011 (the effective date of Public Act
13 96-1230), or if convicted of an offense enumerated in paragraph
14 (a)(2.4) of this Section that is committed on or after July 15,
15 1999 (the effective date of Public Act 91-121), or first degree
16 murder, a Class X felony, criminal sexual assault, felony
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 aggravated battery with a firearm as described in Section
19 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
20 Section 12-3.05, or any predecessor or successor offenses with
21 the same or substantially the same elements, or any inchoate
22 offenses relating to the foregoing offenses. ~~No inmate shall be~~
23 ~~eligible for the additional good conduct credit under this~~
24 ~~paragraph (4) who (i) has previously received increased good~~
25 ~~conduct credit under this paragraph (4) and has subsequently~~
26 ~~been convicted of a felony, or (ii) has previously served more~~

1 ~~than one prior sentence of imprisonment for a felony in an~~
2 ~~adult correctional facility.~~

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

13 Availability of these programs shall be subject to the
14 limits of fiscal resources appropriated by the General Assembly
15 for these purposes. Eligible inmates who are denied immediate
16 admission shall be placed on a waiting list under criteria
17 established by the Department. The inability of any inmate to
18 become engaged in any such programs by reason of insufficient
19 program resources or for any other reason established under the
20 rules and regulations of the Department shall not be deemed a
21 cause of action under which the Department or any employee or
22 agent of the Department shall be liable for damages to the
23 inmate.

24 (4.1) The rules and regulations shall also provide that an
25 additional 90 days of sentence credit shall be awarded to any
26 prisoner who passes high school equivalency testing while the

1 prisoner is committed to the Department of Corrections. The
2 sentence credit awarded under this paragraph (4.1) shall be in
3 addition to, and shall not affect, the award of sentence credit
4 under any other paragraph of this Section, but shall also be
5 pursuant to the guidelines and restrictions set forth in
6 paragraph (4) of subsection (a) of this Section. The sentence
7 credit provided for in this paragraph shall be available only
8 to those prisoners who have not previously earned a high school
9 diploma or a high school equivalency certificate. If, after an
10 award of the high school equivalency testing sentence credit
11 has been made, the Department determines that the prisoner was
12 not eligible, then the award shall be revoked. The Department
13 may also award 90 days of sentence credit to any committed
14 person who passed high school equivalency testing while he or
15 she was held in pre-trial detention prior to the current
16 commitment to the Department of Corrections.

17 (4.5) The rules and regulations on sentence credit shall
18 also provide that when the court's sentencing order recommends
19 a prisoner for substance abuse treatment and the crime was
20 committed on or after September 1, 2003 (the effective date of
21 Public Act 93-354), the prisoner shall receive no sentence
22 credit awarded under clause (3) of this subsection (a) unless
23 he or she participates in and completes a substance abuse
24 treatment program. The Director may waive the requirement to
25 participate in or complete a substance abuse treatment program
26 ~~and award the sentence credit~~ in specific instances if the

1 prisoner is not a good candidate for a substance abuse
2 treatment program for medical, programming, or operational
3 reasons. Availability of substance abuse treatment shall be
4 subject to the limits of fiscal resources appropriated by the
5 General Assembly for these purposes. If treatment is not
6 available and the requirement to participate and complete the
7 treatment has not been waived by the Director, the prisoner
8 shall be placed on a waiting list under criteria established by
9 the Department. The Director may allow a prisoner placed on a
10 waiting list to participate in and complete a substance abuse
11 education class or attend substance abuse self-help meetings in
12 lieu of a substance abuse treatment program. A prisoner on a
13 waiting list who is not placed in a substance abuse program
14 prior to release may be eligible for a waiver and receive
15 sentence credit under clause (3) of this subsection (a) at the
16 discretion of the Director.

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

1 rate as the Director shall determine.

2 (5) Whenever the Department is to release any inmate
3 earlier than it otherwise would because of a grant of earned
4 sentence credit ~~for good conduct~~ under paragraph (3) of
5 subsection (a) of this Section given at any time during the
6 term, the Department shall give reasonable notice of the
7 impending release not less than 14 days prior to the date of
8 the release to the State's Attorney of the county where the
9 prosecution of the inmate took place, and if applicable, the
10 State's Attorney of the county into which the inmate will be
11 released. The Department must also make identification
12 information and a recent photo of the inmate being released
13 accessible on the Internet by means of a hyperlink labeled
14 "Community Notification of Inmate Early Release" on the
15 Department's World Wide Web homepage. The identification
16 information shall include the inmate's: name, any known alias,
17 date of birth, physical characteristics, commitment offense
18 and county where conviction was imposed. The identification
19 information shall be placed on the website within 3 days of the
20 inmate's release and the information may not be removed until
21 either: completion of the first year of mandatory supervised
22 release or return of the inmate to custody of the Department.

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

1 (c) The Department shall prescribe rules and regulations
2 for revoking sentence credit, including revoking sentence
3 credit awarded ~~for good conduct~~ under paragraph (3) of
4 subsection (a) of this Section. The Department shall prescribe
5 rules and regulations for suspending or reducing the rate of
6 accumulation of sentence credit for specific rule violations,
7 during imprisonment. These rules and regulations shall provide
8 that no inmate may be penalized more than one year of sentence
9 credit for any one infraction.

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

1 beyond the length requested by the Department.

2 The Director of the Department of Corrections, in
3 appropriate cases, may restore up to 30 days of sentence
4 credits which have been revoked, suspended or reduced. Any
5 restoration of sentence credits in excess of 30 days shall be
6 subject to review by the Prisoner Review Board. However, the
7 Board may not restore sentence credit in excess of the amount
8 requested by the Director.

9 Nothing contained in this Section shall prohibit the
10 Prisoner Review Board from ordering, pursuant to Section
11 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
12 sentence imposed by the court that was not served due to the
13 accumulation of sentence credit.

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

1 For purposes of this subsection (d):

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

6 (A) it lacks an arguable basis either in law or in
7 fact;

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

11 (C) the claims, defenses, and other legal
12 contentions therein are not warranted by existing law
13 or by a nonfrivolous argument for the extension,
14 modification, or reversal of existing law or the
15 establishment of new law;

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

21 (E) the denials of factual contentions are not
22 warranted on the evidence, or if specifically so
23 identified, are not reasonably based on a lack of
24 information or belief.

25 (2) "Lawsuit" means a motion pursuant to Section 116-3
26 of the Code of Criminal Procedure of 1963, a habeas corpus

1 action under Article X of the Code of Civil Procedure or
2 under federal law (28 U.S.C. 2254), a petition for claim
3 under the Court of Claims Act, an action under the federal
4 Civil Rights Act (42 U.S.C. 1983), or a second or
5 subsequent petition for post-conviction relief under
6 Article 122 of the Code of Criminal Procedure of 1963
7 whether filed with or without leave of court or a second or
8 subsequent petition for relief from judgment under Section
9 2-1401 of the Code of Civil Procedure.

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

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

20 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
21 eff. 1-1-16; 99-642, eff. 7-28-16.)

22 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

23 Sec. 5-4-1. Sentencing Hearing.

24 (a) Except when the death penalty is sought under hearing
25 procedures otherwise specified, after a determination of

1 guilt, a hearing shall be held to impose the sentence. However,
2 prior to the imposition of sentence on an individual being
3 sentenced for an offense based upon a charge for a violation of
4 Section 11-501 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance, the individual must undergo a
6 professional evaluation to determine if an alcohol or other
7 drug abuse problem exists and the extent of such a problem.
8 Programs conducting these evaluations shall be licensed by the
9 Department of Human Services. However, if the individual is not
10 a resident of Illinois, the court may, in its discretion,
11 accept an evaluation from a program in the state of such
12 individual's residence. The court may in its sentencing order
13 approve an eligible defendant for placement in a Department of
14 Corrections impact incarceration program as provided in
15 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
16 order recommend a defendant for placement in a Department of
17 Corrections substance abuse treatment program as provided in
18 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
19 upon the defendant being accepted in a program by the
20 Department of Corrections. At the hearing the court shall:

21 (1) consider the evidence, if any, received upon the
22 trial;

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration
25 based on the financial impact statement filed with the
26 clerk of the court by the Department of Corrections;

1 (4) consider evidence and information offered by the
2 parties in aggravation and mitigation;

3 (4.5) consider substance abuse treatment, eligibility
4 screening, and an assessment, if any, of the defendant by
5 an agent designated by the State of Illinois to provide
6 assessment services for the Illinois courts;

7 (5) hear arguments as to sentencing alternatives;

8 (6) afford the defendant the opportunity to make a
9 statement in his own behalf;

10 (7) afford the victim of a violent crime or a violation
11 of Section 11-501 of the Illinois Vehicle Code, or a
12 similar provision of a local ordinance, or a qualified
13 individual affected by: (i) a violation of Section 405,
14 405.1, 405.2, or 407 of the Illinois Controlled Substances
15 Act or a violation of Section 55 or Section 65 of the
16 Methamphetamine Control and Community Protection Act, or
17 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
18 except as described in subdivisions (a)(2)(A) and
19 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 committed by the defendant the opportunity to make a
22 statement concerning the impact on the victim and to offer
23 evidence in aggravation or mitigation; provided that the
24 statement and evidence offered in aggravation or
25 mitigation must first be prepared in writing in conjunction
26 with the State's Attorney before it may be presented orally

1 at the hearing. Any sworn testimony offered by the victim
2 is subject to the defendant's right to cross-examine. All
3 statements and evidence offered under this paragraph (7)
4 shall become part of the record of the court. For the
5 purpose of this paragraph (7), "qualified individual"
6 means any person who (i) lived or worked within the
7 territorial jurisdiction where the offense took place when
8 the offense took place; and (ii) is familiar with various
9 public places within the territorial jurisdiction where
10 the offense took place when the offense took place. For the
11 purposes of this paragraph (7), "qualified individual"
12 includes any peace officer, or any member of any duly
13 organized State, county, or municipal peace unit assigned
14 to the territorial jurisdiction where the offense took
15 place when the offense took place;

16 (8) in cases of reckless homicide afford the victim's
17 spouse, guardians, parents or other immediate family
18 members an opportunity to make oral statements;

19 (9) in cases involving a felony sex offense as defined
20 under the Sex Offender Management Board Act, consider the
21 results of the sex offender evaluation conducted pursuant
22 to Section 5-3-2 of this Act; and

23 (10) make a finding of whether a motor vehicle was used
24 in the commission of the offense for which the defendant is
25 being sentenced.

26 (b) All sentences shall be imposed by the judge based upon

1 his independent assessment of the elements specified above and
2 any agreement as to sentence reached by the parties. The judge
3 who presided at the trial or the judge who accepted the plea of
4 guilty shall impose the sentence unless he is no longer sitting
5 as a judge in that court. Where the judge does not impose
6 sentence at the same time on all defendants who are convicted
7 as a result of being involved in the same offense, the
8 defendant or the State's Attorney may advise the sentencing
9 court of the disposition of any other defendants who have been
10 sentenced.

11 (b-1) In imposing a sentence of imprisonment or periodic
12 imprisonment for a Class 3 or Class 4 felony for which a
13 sentence of probation or conditional discharge is an available
14 sentence, if the defendant has no prior sentence of probation
15 or conditional discharge and no prior conviction for a violent
16 crime, the defendant shall not be sentenced to imprisonment
17 before review and consideration of a presentence report and
18 determination and explanation of why the particular evidence,
19 information, factor in aggravation, factual finding, or other
20 reasons support a sentencing determination that one or more of
21 the factors under subsection (a) of Section 5-6-1 of this Code
22 apply and that probation or conditional discharge is not an
23 appropriate sentence.

24 (c) In imposing a sentence for a violent crime or for an
25 offense of operating or being in physical control of a vehicle
26 while under the influence of alcohol, any other drug or any

1 combination thereof, or a similar provision of a local
2 ordinance, when such offense resulted in the personal injury to
3 someone other than the defendant, the trial judge shall specify
4 on the record the particular evidence, information, factors in
5 mitigation and aggravation or other reasons that led to his
6 sentencing determination. The full verbatim record of the
7 sentencing hearing shall be filed with the clerk of the court
8 and shall be a public record.

9 (c-1) In imposing a sentence for the offense of aggravated
10 kidnapping for ransom, home invasion, armed robbery,
11 aggravated vehicular hijacking, aggravated discharge of a
12 firearm, or armed violence with a category I weapon or category
13 II weapon, the trial judge shall make a finding as to whether
14 the conduct leading to conviction for the offense resulted in
15 great bodily harm to a victim, and shall enter that finding and
16 the basis for that finding in the record.

17 (c-2) If the defendant is sentenced to prison, other than
18 when a sentence of natural life imprisonment or a sentence of
19 death is imposed, at the time the sentence is imposed the judge
20 shall state on the record in open court the approximate period
21 of time the defendant will serve in custody according to the
22 then current statutory rules and regulations for sentence
23 credit found in Section 3-6-3 and other related provisions of
24 this Code. This statement is intended solely to inform the
25 public, has no legal effect on the defendant's actual release,
26 and may not be relied on by the defendant on appeal.

1 The judge's statement, to be given after pronouncing the
2 sentence, other than when the sentence is imposed for one of
3 the offenses enumerated in paragraph (a) (4) ~~(a) (3)~~ of Section
4 3-6-3, shall include the following:

5 "The purpose of this statement is to inform the public of
6 the actual period of time this defendant is likely to spend in
7 prison as a result of this sentence. The actual period of
8 prison time served is determined by the statutes of Illinois as
9 applied to this sentence by the Illinois Department of
10 Corrections and the Illinois Prisoner Review Board. In this
11 case, assuming the defendant receives all of his or her
12 sentence credit, the period of estimated actual custody is ...
13 years and ... months, less up to 180 days additional earned
14 sentence credit ~~for good conduct~~. If the defendant, because of
15 his or her own misconduct or failure to comply with the
16 institutional regulations, does not receive those credits, the
17 actual time served in prison will be longer. The defendant may
18 also receive an additional one-half day sentence credit for
19 each day of participation in vocational, industry, substance
20 abuse, and educational programs as provided for by Illinois
21 statute."

22 ~~When the sentence is imposed for one of the offenses~~
23 ~~enumerated in paragraph (a) (3) of Section 3-6-3, other than~~
24 ~~when the sentence is imposed for one of the offenses enumerated~~
25 ~~in paragraph (a) (2) of Section 3-6-3 committed on or after June~~
26 ~~19, 1998, and other than when the sentence is imposed for~~

1 ~~reckless homicide as defined in subsection (c) of Section 9-3~~
2 ~~of the Criminal Code of 1961 or the Criminal Code of 2012 if~~
3 ~~the offense was committed on or after January 1, 1999, and~~
4 ~~other than when the sentence is imposed for aggravated arson if~~
5 ~~the offense was committed on or after July 27, 2001 (the~~
6 ~~effective date of Public Act 92-176), and other than when the~~
7 ~~sentence is imposed for aggravated driving under the influence~~
8 ~~of alcohol, other drug or drugs, or intoxicating compound or~~
9 ~~compounds, or any combination thereof as defined in~~
10 ~~subparagraph (C) of paragraph (1) of subsection (d) of Section~~
11 ~~11-501 of the Illinois Vehicle Code committed on or after~~
12 ~~January 1, 2011 (the effective date of Public Act 96-1230), the~~
13 ~~judge's statement, to be given after pronouncing the sentence,~~
14 ~~shall include the following:~~

15 ~~"The purpose of this statement is to inform the public of~~
16 ~~the actual period of time this defendant is likely to spend in~~
17 ~~prison as a result of this sentence. The actual period of~~
18 ~~prison time served is determined by the statutes of Illinois as~~
19 ~~applied to this sentence by the Illinois Department of~~
20 ~~Corrections and the Illinois Prisoner Review Board. In this~~
21 ~~case, assuming the defendant receives all of his or her~~
22 ~~sentence credit, the period of estimated actual custody is ...~~
23 ~~years and ... months, less up to 90 days additional sentence~~
24 ~~credit for good conduct. If the defendant, because of his or~~
25 ~~her own misconduct or failure to comply with the institutional~~
26 ~~regulations, does not receive those credits, the actual time~~

1 ~~served in prison will be longer. The defendant may also receive~~
2 ~~an additional one-half day sentence credit for each day of~~
3 ~~participation in vocational, industry, substance abuse, and~~
4 ~~educational programs as provided for by Illinois statute."~~

5 When the sentence is imposed for one of the offenses
6 enumerated in paragraph (a)(2) of Section 3-6-3, other than
7 first degree murder, and the offense was committed on or after
8 June 19, 1998, and when the sentence is imposed for reckless
9 homicide as defined in subsection (e) of Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 if the
11 offense was committed on or after January 1, 1999, and when the
12 sentence is imposed for aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of Section
16 11-501 of the Illinois Vehicle Code, and when the sentence is
17 imposed for aggravated arson if the offense was committed on or
18 after July 27, 2001 (the effective date of Public Act 92-176),
19 and when the sentence is imposed for aggravated driving under
20 the influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as defined in
22 subparagraph (C) of paragraph (1) of subsection (d) of Section
23 11-501 of the Illinois Vehicle Code committed on or after
24 January 1, 2011 (the effective date of Public Act 96-1230), the
25 judge's statement, to be given after pronouncing the sentence,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois as
5 applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, the defendant is entitled to no more than 4 1/2 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment. Therefore, this defendant will serve at least 85%
10 of his or her sentence. Assuming the defendant receives 4 1/2
11 days credit for each month of his or her sentence, the period
12 of estimated actual custody is ... years and ... months. If the
13 defendant, because of his or her own misconduct or failure to
14 comply with the institutional regulations receives lesser
15 credit, the actual time served in prison will be longer."

16 When a sentence of imprisonment is imposed for first degree
17 murder and the offense was committed on or after June 19, 1998,
18 the judge's statement, to be given after pronouncing the
19 sentence, shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois as
24 applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, the defendant is not entitled to sentence credit.

1 Therefore, this defendant will serve 100% of his or her
2 sentence."

3 When the sentencing order recommends placement in a
4 substance abuse program for any offense that results in
5 incarceration in a Department of Corrections facility and the
6 crime was committed on or after September 1, 2003 (the
7 effective date of Public Act 93-354), the judge's statement, in
8 addition to any other judge's statement required under this
9 Section, to be given after pronouncing the sentence, shall
10 include the following:

11 "The purpose of this statement is to inform the public of
12 the actual period of time this defendant is likely to spend in
13 prison as a result of this sentence. The actual period of
14 prison time served is determined by the statutes of Illinois as
15 applied to this sentence by the Illinois Department of
16 Corrections and the Illinois Prisoner Review Board. In this
17 case, the defendant shall receive no earned sentence credit ~~for~~
18 ~~good conduct~~ under clause (3) of subsection (a) of Section
19 3-6-3 until he or she participates in and completes a substance
20 abuse treatment program or receives a waiver from the Director
21 of Corrections pursuant to clause (4.5) of subsection (a) of
22 Section 3-6-3."

23 (c-4) Before the sentencing hearing and as part of the
24 presentence investigation under Section 5-3-1, the court shall
25 inquire of the defendant whether the defendant is currently
26 serving in or is a veteran of the Armed Forces of the United

1 States. If the defendant is currently serving in the Armed
2 Forces of the United States or is a veteran of the Armed Forces
3 of the United States and has been diagnosed as having a mental
4 illness by a qualified psychiatrist or clinical psychologist or
5 physician, the court may:

6 (1) order that the officer preparing the presentence
7 report consult with the United States Department of
8 Veterans Affairs, Illinois Department of Veterans'
9 Affairs, or another agency or person with suitable
10 knowledge or experience for the purpose of providing the
11 court with information regarding treatment options
12 available to the defendant, including federal, State, and
13 local programming; and

14 (2) consider the treatment recommendations of any
15 diagnosing or treating mental health professionals
16 together with the treatment options available to the
17 defendant in imposing sentence.

18 For the purposes of this subsection (c-4), "qualified
19 psychiatrist" means a reputable physician licensed in Illinois
20 to practice medicine in all its branches, who has specialized
21 in the diagnosis and treatment of mental and nervous disorders
22 for a period of not less than 5 years.

23 (c-6) In imposing a sentence, the trial judge shall
24 specify, on the record, the particular evidence and other
25 reasons which led to his or her determination that a motor
26 vehicle was used in the commission of the offense.

1 (d) When the defendant is committed to the Department of
2 Corrections, the State's Attorney shall and counsel for the
3 defendant may file a statement with the clerk of the court to
4 be transmitted to the department, agency or institution to
5 which the defendant is committed to furnish such department,
6 agency or institution with the facts and circumstances of the
7 offense for which the person was committed together with all
8 other factual information accessible to them in regard to the
9 person prior to his commitment relative to his habits,
10 associates, disposition and reputation and any other facts and
11 circumstances which may aid such department, agency or
12 institution during its custody of such person. The clerk shall
13 within 10 days after receiving any such statements transmit a
14 copy to such department, agency or institution and a copy to
15 the other party, provided, however, that this shall not be
16 cause for delay in conveying the person to the department,
17 agency or institution to which he has been committed.

18 (e) The clerk of the court shall transmit to the
19 department, agency or institution, if any, to which the
20 defendant is committed, the following:

21 (1) the sentence imposed;

22 (2) any statement by the court of the basis for
23 imposing the sentence;

24 (3) any presentence reports;

25 (3.5) any sex offender evaluations;

26 (3.6) any substance abuse treatment eligibility

1 screening and assessment of the defendant by an agent
2 designated by the State of Illinois to provide assessment
3 services for the Illinois courts;

4 (4) the number of days, if any, which the defendant has
5 been in custody and for which he is entitled to credit
6 against the sentence, which information shall be provided
7 to the clerk by the sheriff;

8 (4.1) any finding of great bodily harm made by the
9 court with respect to an offense enumerated in subsection
10 (c-1);

11 (5) all statements filed under subsection (d) of this
12 Section;

13 (6) any medical or mental health records or summaries
14 of the defendant;

15 (7) the municipality where the arrest of the offender
16 or the commission of the offense has occurred, where such
17 municipality has a population of more than 25,000 persons;

18 (8) all statements made and evidence offered under
19 paragraph (7) of subsection (a) of this Section; and

20 (9) all additional matters which the court directs the
21 clerk to transmit.

22 (f) In cases in which the court finds that a motor vehicle
23 was used in the commission of the offense for which the
24 defendant is being sentenced, the clerk of the court shall,
25 within 5 days thereafter, forward a report of such conviction
26 to the Secretary of State.

1 (Source: P.A. 99-861, eff. 1-1-17.)

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment
8 or conditional discharge shall not be imposed for the following
9 offenses. The court shall sentence the offender to not less
10 than the minimum term of imprisonment set forth in this Code
11 for the following offenses, and may order a fine or restitution
12 or both in conjunction with such term of imprisonment:

13 (A) First degree murder where the death penalty is not
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

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

22 (D-5) A violation of subdivision (c) (1) of Section 401
23 of the Illinois Controlled Substances Act which relates to
24 3 or more grams of a substance containing heroin or an
25 analog thereof.

1 (E) (Blank). ~~A violation of Section 5.1 or 9 of the~~
2 ~~Cannabis Control Act.~~

3 (F) A Class 1 2 or greater felony if the offender had
4 been convicted of a Class 1 2 or greater felony, including
5 any state or federal conviction for an offense that
6 contained, at the time it was committed, the same elements
7 as an offense now (the date of the offense committed after
8 the prior Class 1 2 or greater felony) classified as a
9 Class 1 2 or greater felony, within 10 years of the date on
10 which the offender committed the offense for which he or
11 she is being sentenced, except as otherwise provided in
12 Section 40-10 of the Alcoholism and Other Drug Abuse and
13 Dependency Act.

14 (F-3) A Class 2 or greater felony sex offense or felony
15 firearm offense if the offender had been convicted of a
16 Class 2 or greater felony, including any state or federal
17 conviction for an offense that contained, at the time it
18 was committed, the same elements as an offense now (the
19 date of the offense committed after the prior Class 2 or
20 greater felony) classified as a Class 2 or greater felony,
21 within 10 years of the date on which the offender committed
22 the offense for which he or she is being sentenced, except
23 as otherwise provided in Section 40-10 of the Alcoholism
24 and Other Drug Abuse and Dependency Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
26 the Criminal Code of 1961 or the Criminal Code of 2012 for

1 which imprisonment is prescribed in those Sections.

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

5 (H) Criminal sexual assault.

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

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

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

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

21 (K) Vehicular hijacking.

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

26 (M) A second or subsequent conviction for the offense

1 of institutional vandalism if the damage to the property
2 exceeds \$300.

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

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

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

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

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

16 (S) (Blank).

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

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

26 (V) A violation of paragraph (4) of subsection (c) of

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

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

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

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

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

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

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

3 (CC) Knowingly selling, offering for sale, holding for
4 sale, or using 2,000 or more counterfeit items or
5 counterfeit items having a retail value in the aggregate of
6 \$500,000 or more.

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

12 (EE) A conviction for a violation of paragraph (2) of
13 subsection (a) of Section 24-3B of the Criminal Code of
14 2012.

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 a person with a
3 developmental disability or otherwise mentally incapable of
4 completing the 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 earned sentence credit ~~for good conduct~~ as
23 provided 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. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
19 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)