

1 AN ACT concerning vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of
8 alcohol, other drug or drugs, intoxicating compound or
9 compounds or any combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood
13 or breath is 0.08 or more based on the definition of
14 blood and breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating
17 compound or combination of intoxicating compounds to a
18 degree that renders the person incapable of driving
19 safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds to a
25 degree that renders the person incapable of safely
26 driving; or

27 (6) there is any amount of a drug, substance, or
28 compound in the person's breath, blood, or urine
29 resulting from the unlawful use or consumption of
30 cannabis listed in the Cannabis Control Act, a controlled
31 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3) and (d) of
9 this Section, every person convicted of violating this
10 Section or a similar provision of a local ordinance, shall be
11 guilty of a Class A misdemeanor and, in addition to any other
12 criminal or administrative action, for any second conviction
13 of violating this Section or a similar provision of a law of
14 another state or local ordinance committed within 5 years of
15 a previous violation of this Section or a similar provision
16 of a local ordinance shall be mandatorily sentenced to a
17 minimum of 48 consecutive hours of imprisonment or assigned
18 to a minimum of 100 hours of community service as may be
19 determined by the court. Every person convicted of violating
20 this Section or a similar provision of a local ordinance
21 shall be subject to a mandatory minimum fine of \$500 and a
22 mandatory 5 days of community service in a program benefiting
23 children if the person committed a violation of paragraph (a)
24 or a similar provision of a local ordinance while
25 transporting a person under age 16. Every person convicted a
26 second time for violating this Section or a similar provision
27 of a local ordinance within 5 years of a previous violation
28 of this Section or a similar provision of a law of another
29 state or local ordinance shall be subject to a mandatory
30 minimum fine of \$500 and 10 days of mandatory community
31 service in a program benefiting children if the current
32 offense was committed while transporting a person under age
33 16. The imprisonment or assignment under this subsection
34 shall not be subject to suspension nor shall the person be

1 eligible for probation in order to reduce the sentence or
2 assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section, Section 11-501.1, paragraph
7 (b) of Section 11-401, or Section 9-3 of the Criminal
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time
10 during a period in which his or her driving privileges
11 are revoked or suspended where the revocation or
12 suspension was for a violation of this Section, Section
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
14 of the Criminal Code of 1961 is guilty of a Class 3
15 felony.

16 (3) A person who violates this Section a fourth or
17 subsequent time during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of this
20 Section, Section 11-501.1, paragraph (b) of Section
21 11-401, or Section 9-3 of the Criminal Code of 1961 is
22 guilty of a Class 1 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a child
26 under age 16 in the vehicle at the time of the offense shall
27 have his or her punishment under this Act enhanced by 2 days
28 of imprisonment for a first offense, 10 days of imprisonment
29 for a second offense, 30 days of imprisonment for a third
30 offense, and 90 days of imprisonment for a fourth or
31 subsequent offense, in addition to the fine and community
32 service required under subsection (c) and the possible
33 imprisonment required under subsection (d). The imprisonment
34 or assignment under this subsection shall not be subject to

1 suspension nor shall the person be eligible for probation in
2 order to reduce the sentence or assignment.

3 (d) (1) Every person convicted of committing a violation
4 of this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of this
9 Section, or a similar provision of a law of another state
10 or a local ordinance when the cause of action is the same
11 as or substantially similar to this Section, for the
12 third or subsequent time;

13 (B) the person committed a violation of paragraph
14 (a) while driving a school bus with children on board;

15 (C) the person in committing a violation of
16 paragraph (a) was involved in a motor vehicle accident
17 that resulted in great bodily harm or permanent
18 disability or disfigurement to another, when the
19 violation was a proximate cause of the injuries; or

20 (D) the person committed a violation of paragraph
21 (a) for a second time and has been previously convicted
22 of violating Section 9-3 of the Criminal Code of 1961
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person has
27 previously been convicted under subparagraph (C) of this
28 paragraph (1).

29 (2) Aggravated driving under the influence of alcohol,
30 other drug or drugs, or intoxicating compound or compounds,
31 or any combination thereof is a Class 4 felony for which a
32 person, if sentenced to a term of imprisonment, shall be
33 sentenced to not less than one year and not more than 3 years
34 for a violation of subparagraph (A), (B) or (D) of paragraph

1 (1) of this subsection (d) and not less than one year and not
2 more than 12 years for a violation of subparagraph (C) of
3 paragraph (1) of this subsection (d). For any prosecution
4 under this subsection (d), a certified copy of the driving
5 abstract of the defendant shall be admitted as proof of any
6 prior conviction.

7 (e) After a finding of guilt and prior to any final
8 sentencing, or an order for supervision, for an offense based
9 upon an arrest for a violation of this Section or a similar
10 provision of a local ordinance, individuals shall be required
11 to undergo a professional evaluation to determine if an
12 alcohol, drug, or intoxicating compound abuse problem exists
13 and the extent of the problem. Programs conducting these
14 evaluations shall be licensed by the Department of Human
15 Services. The cost of any professional evaluation shall be
16 paid for by the individual required to undergo the
17 professional evaluation.

18 (f) Every person found guilty of violating this Section,
19 whose operation of a motor vehicle while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the
22 expense of an emergency response as provided under Section
23 5-5-3 of the Unified Code of Corrections.

24 (g) The Secretary of State shall revoke the driving
25 privileges of any person convicted under this Section or a
26 similar provision of a local ordinance.

27 (h) Every person sentenced under subsection (d) of this
28 Section and who receives a term of probation or conditional
29 discharge shall be required to serve a minimum term of either
30 30 days community service or, beginning July 1, 1993, 48
31 consecutive hours of imprisonment as a condition of the
32 probation or conditional discharge. This mandatory minimum
33 term of imprisonment or assignment of community service shall
34 not be suspended and shall not be subject to reduction by the

1 court.

2 (i) The Secretary of State may use ignition interlock
3 device requirements when granting driving relief to
4 individuals who have been arrested for a second or subsequent
5 offense of this Section or a similar provision of a local
6 ordinance. The Secretary shall establish by rule and
7 regulation the procedures for use of the interlock system.

8 (j) In addition to any other penalties and liabilities,
9 a person who is found guilty of or pleads guilty to violating
10 this Section, including any person placed on court
11 supervision for violating this Section, shall be fined \$100,
12 payable to the circuit clerk, who shall distribute the money
13 to the law enforcement agency that made the arrest. In the
14 event that more than one agency is responsible for the
15 arrest, the \$100 shall be shared equally. Any moneys
16 received by a law enforcement agency under this subsection
17 (j) shall be used to purchase law enforcement equipment that
18 will assist in the prevention of alcohol related criminal
19 violence throughout the State. This shall include, but is
20 not limited to, in-car video cameras, radar and laser speed
21 detection devices, and alcohol breath testers. Any moneys
22 received by the Department of State Police under this
23 subsection (j) shall be deposited into the State Police DUI
24 Fund and shall be used to purchase law enforcement equipment
25 that will assist in the prevention of alcohol related
26 criminal violence throughout the State.

27 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
28 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
29 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,
30 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

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

1 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
2 Sec. 5-5-3. Disposition.

3 (a) Every person convicted of an offense shall be
4 sentenced as provided in this Section.

5 (b) The following options shall be appropriate
6 dispositions, alone or in combination, for all felonies and
7 misdemeanors other than those identified in subsection (c) of
8 this Section:

9 (1) A period of probation.

10 (2) A term of periodic imprisonment.

11 (3) A term of conditional discharge.

12 (4) A term of imprisonment.

13 (5) An order directing the offender to clean up and
14 repair the damage, if the offender was convicted under
15 paragraph (h) of Section 21-1 of the Criminal Code of
16 1961.

17 (6) A fine.

18 (7) An order directing the offender to make
19 restitution to the victim under Section 5-5-6 of this
20 Code.

21 (8) A sentence of participation in a county impact
22 incarceration program under Section 5-8-1.2 of this Code.

23 Whenever an individual is sentenced for an offense based
24 upon an arrest for a violation of Section 11-501 of the
25 Illinois Vehicle Code, or a similar provision of a local
26 ordinance, and the professional evaluation recommends
27 remedial or rehabilitative treatment or education, neither
28 the treatment nor the education shall be the sole disposition
29 and either or both may be imposed only in conjunction with
30 another disposition. The court shall monitor compliance with
31 any remedial education or treatment recommendations contained
32 in the professional evaluation. Programs conducting alcohol
33 or other drug evaluation or remedial education must be
34 licensed by the Department of Human Services. However, if

1 the individual is not a resident of Illinois, the court may
2 accept an alcohol or other drug evaluation or remedial
3 education program in the state of such individual's
4 residence. Programs providing treatment must be licensed
5 under existing applicable alcoholism and drug treatment
6 licensure standards.

7 In addition to any other fine or penalty required by law,
8 any individual convicted of a violation of Section 11-501 of
9 the Illinois Vehicle Code or a similar provision of local
10 ordinance, whose operation of a motor vehicle while in
11 violation of Section 11-501 or such ordinance proximately
12 caused an incident resulting in an appropriate emergency
13 response, shall be required to make restitution to a public
14 agency for the costs of that emergency response. Such
15 restitution shall not exceed \$500 per public agency for each
16 such emergency response. For the purpose of this paragraph,
17 emergency response shall mean any incident requiring a
18 response by: a police officer as defined under Section 1-162
19 of the Illinois Vehicle Code; a fireman carried on the rolls
20 of a regularly constituted fire department; and an ambulance
21 as defined under Section 4.05 of the Emergency Medical
22 Services (EMS) Systems Act.

23 Neither a fine nor restitution shall be the sole
24 disposition for a felony and either or both may be imposed
25 only in conjunction with another disposition.

26 (c) (1) When a defendant is found guilty of first degree
27 murder the State may either seek a sentence of
28 imprisonment under Section 5-8-1 of this Code, or where
29 appropriate seek a sentence of death under Section 9-1 of
30 the Criminal Code of 1961.

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

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

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

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

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

13 (E) A violation of Section 5.1 or 9 of the
14 Cannabis Control Act.

15 (F) A Class 2 or greater felony if the
16 offender had been convicted of a Class 2 or greater
17 felony within 10 years of the date on which the
18 offender committed the offense for which he or she
19 is being sentenced, except as otherwise provided in
20 Section 40-10 of the Alcoholism and Other Drug Abuse
21 and Dependency Act.

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

25 (H) Criminal sexual assault, except as
26 otherwise provided in subsection (e) of this
27 Section.

28 (I) Aggravated battery of a senior citizen.

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

31 Before July 1, 1994, for the purposes of this
32 paragraph, "organized gang" means an association of
33 5 or more persons, with an established hierarchy,
34 that encourages members of the association to

1 perpetrate crimes or provides support to the members
2 of the association who do commit crimes.

3 Beginning July 1, 1994, for the purposes of
4 this paragraph, "organized gang" has the meaning
5 ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (K) Vehicular hijacking.

8 (L) A second or subsequent conviction for the
9 offense of hate crime when the underlying offense
10 upon which the hate crime is based is felony
11 aggravated assault or felony mob action.

12 (M) A second or subsequent conviction for the
13 offense of institutional vandalism if the damage to
14 the property exceeds \$300.

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

18 (O) A violation of Section 12-6.1 of the
19 Criminal Code of 1961.

20 (P) A violation of paragraph (1), (2), (3),
21 (4), (5), or (7) of subsection (a) of Section
22 11-20.1 of the Criminal Code of 1961.

23 (Q) A violation of Section 20-1.2 of the
24 Criminal Code of 1961.

25 (R) A violation of Section 24-3A of the
26 Criminal Code of 1961.

27 (S) A violation of Section 11-501(c-1)(3) of
28 the Illinois Vehicle Code.

29 (3) A minimum term of imprisonment of not less than
30 48 consecutive hours or 100 hours of community service as
31 may be determined by the court shall be imposed for a
32 second or subsequent violation committed within 5 years
33 of a previous violation of Section 11-501 of the Illinois
34 Vehicle Code or a similar provision of a local ordinance.

1 (4) A minimum term of imprisonment of not less than
2 7 consecutive days or 30 days of community service shall
3 be imposed for a violation of paragraph (c) of Section
4 6-303 of the Illinois Vehicle Code.

5 (4.1) A minimum term of 30 consecutive days of
6 imprisonment, 40 days of 24 hour periodic imprisonment or
7 720 hours of community service, as may be determined by
8 the court, shall be imposed for a violation of Section
9 11-501 of the Illinois Vehicle Code during a period in
10 which the defendant's driving privileges are revoked or
11 suspended, where the revocation or suspension was for a
12 violation of Section 11-501 or Section 11-501.1 of that
13 Code.

14 (5) The court may sentence an offender convicted of
15 a business offense or a petty offense or a corporation or
16 unincorporated association convicted of any offense to:

- 17 (A) a period of conditional discharge;
- 18 (B) a fine;
- 19 (C) make restitution to the victim under
20 Section 5-5-6 of this Code.

21 (6) In no case shall an offender be eligible for a
22 disposition of probation or conditional discharge for a
23 Class 1 felony committed while he was serving a term of
24 probation or conditional discharge for a felony.

25 (7) When a defendant is adjudged a habitual
26 criminal under Article 33B of the Criminal Code of 1961,
27 the court shall sentence the defendant to a term of
28 natural life imprisonment.

29 (8) When a defendant, over the age of 21 years, is
30 convicted of a Class 1 or Class 2 felony, after having
31 twice been convicted of any Class 2 or greater Class
32 felonies in Illinois, and such charges are separately
33 brought and tried and arise out of different series of
34 acts, such defendant shall be sentenced as a Class X

1 offender. This paragraph shall not apply unless (1) the
2 first felony was committed after the effective date of
3 this amendatory Act of 1977; and (2) the second felony
4 was committed after conviction on the first; and (3) the
5 third felony was committed after conviction on the
6 second.

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

10 (d) In any case in which a sentence originally imposed
11 is vacated, the case shall be remanded to the trial court.
12 The trial court shall hold a hearing under Section 5-4-1 of
13 the Unified Code of Corrections which may include evidence of
14 the defendant's life, moral character and occupation during
15 the time since the original sentence was passed. The trial
16 court shall then impose sentence upon the defendant. The
17 trial court may impose any sentence which could have been
18 imposed at the original trial subject to Section 5-5-4 of the
19 Unified Code of Corrections.

20 (e) In cases where prosecution for criminal sexual
21 assault or aggravated criminal sexual abuse under Section
22 12-13 or 12-16 of the Criminal Code of 1961 results in
23 conviction of a defendant who was a family member of the
24 victim at the time of the commission of the offense, the
25 court shall consider the safety and welfare of the victim and
26 may impose a sentence of probation only where:

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

29 (A) the defendant is willing to undergo a
30 court approved counseling program for a minimum
31 duration of 2 years; or

32 (B) the defendant is willing to participate in
33 a court approved plan including but not limited to
34 the defendant's:

- 1 (i) removal from the household;
- 2 (ii) restricted contact with the victim;
- 3 (iii) continued financial support of the
- 4 family;
- 5 (iv) restitution for harm done to the
- 6 victim; and
- 7 (v) compliance with any other measures
- 8 that the court may deem appropriate; and

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

16 Probation may be revoked or modified pursuant to Section
17 5-6-4; except where the court determines at the hearing that
18 the defendant violated a condition of his or her probation
19 restricting contact with the victim or other family members
20 or commits another offense with the victim or other family
21 members, the court shall revoke the defendant's probation and
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and
24 "victim" shall have the meanings ascribed to them in Section
25 12-12 of the Criminal Code of 1961.

26 (f) This Article shall not deprive a court in other
27 proceedings to order a forfeiture of property, to suspend or
28 cancel a license, to remove a person from office, or to
29 impose any other civil penalty.

30 (g) Whenever a defendant is convicted of an offense
31 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
32 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
33 12-15 or 12-16 of the Criminal Code of 1961, the defendant
34 shall undergo medical testing to determine whether the

1 defendant has any sexually transmissible disease, including a
2 test for infection with human immunodeficiency virus (HIV) or
3 any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Any such medical test
5 shall be performed only by appropriately licensed medical
6 practitioners and may include an analysis of any bodily
7 fluids as well as an examination of the defendant's person.
8 Except as otherwise provided by law, the results of such test
9 shall be kept strictly confidential by all medical personnel
10 involved in the testing and must be personally delivered in a
11 sealed envelope to the judge of the court in which the
12 conviction was entered for the judge's inspection in camera.
13 Acting in accordance with the best interests of the victim
14 and the public, the judge shall have the discretion to
15 determine to whom, if anyone, the results of the testing may
16 be revealed. The court shall notify the defendant of the test
17 results. The court shall also notify the victim if requested
18 by the victim, and if the victim is under the age of 15 and
19 if requested by the victim's parents or legal guardian, the
20 court shall notify the victim's parents or legal guardian of
21 the test results. The court shall provide information on the
22 availability of HIV testing and counseling at Department of
23 Public Health facilities to all parties to whom the results
24 of the testing are revealed and shall direct the State's
25 Attorney to provide the information to the victim when
26 possible. A State's Attorney may petition the court to obtain
27 the results of any HIV test administered under this Section,
28 and the court shall grant the disclosure if the State's
29 Attorney shows it is relevant in order to prosecute a charge
30 of criminal transmission of HIV under Section 12-16.2 of the
31 Criminal Code of 1961 against the defendant. The court shall
32 order that the cost of any such test shall be paid by the
33 county and may be taxed as costs against the convicted
34 defendant.

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

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

1 shall grant the disclosure if the State's Attorney shows it
2 is relevant in order to prosecute a charge of criminal
3 transmission of HIV under Section 12-16.2 of the Criminal
4 Code of 1961 against the defendant. The court shall order
5 that the cost of any such test shall be paid by the county
6 and may be taxed as costs against the convicted defendant.

7 (i) All fines and penalties imposed under this Section
8 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
9 Vehicle Code, or a similar provision of a local ordinance,
10 and any violation of the Child Passenger Protection Act, or a
11 similar provision of a local ordinance, shall be collected
12 and disbursed by the circuit clerk as provided under Section
13 27.5 of the Clerks of Courts Act.

14 (j) In cases when prosecution for any violation of
15 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
16 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
17 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
18 12-16 of the Criminal Code of 1961, any violation of the
19 Illinois Controlled Substances Act, or any violation of the
20 Cannabis Control Act results in conviction, a disposition of
21 court supervision, or an order of probation granted under
22 Section 10 of the Cannabis Control Act or Section 410 of the
23 Illinois Controlled Substance Act of a defendant, the court
24 shall determine whether the defendant is employed by a
25 facility or center as defined under the Child Care Act of
26 1969, a public or private elementary or secondary school, or
27 otherwise works with children under 18 years of age on a
28 daily basis. When a defendant is so employed, the court
29 shall order the Clerk of the Court to send a copy of the
30 judgment of conviction or order of supervision or probation
31 to the defendant's employer by certified mail. If the
32 employer of the defendant is a school, the Clerk of the Court
33 shall direct the mailing of a copy of the judgment of
34 conviction or order of supervision or probation to the

1 appropriate regional superintendent of schools. The regional
2 superintendent of schools shall notify the State Board of
3 Education of any notification under this subsection.

4 (j-5) A defendant at least 17 years of age who is
5 convicted of a felony and who has not been previously
6 convicted of a misdemeanor or felony and who is sentenced to
7 a term of imprisonment in the Illinois Department of
8 Corrections shall as a condition of his or her sentence be
9 required by the court to attend educational courses designed
10 to prepare the defendant for a high school diploma and to
11 work toward a high school diploma or to work toward passing
12 the high school level Test of General Educational Development
13 (GED) or to work toward completing a vocational training
14 program offered by the Department of Corrections. If a
15 defendant fails to complete the educational training required
16 by his or her sentence during the term of incarceration, the
17 Prisoner Review Board shall, as a condition of mandatory
18 supervised release, require the defendant, at his or her own
19 expense, to pursue a course of study toward a high school
20 diploma or passage of the GED test. The Prisoner Review
21 Board shall revoke the mandatory supervised release of a
22 defendant who wilfully fails to comply with this subsection
23 (j-5) upon his or her release from confinement in a penal
24 institution while serving a mandatory supervised release
25 term; however, the inability of the defendant after making a
26 good faith effort to obtain financial aid or pay for the
27 educational training shall not be deemed a wilful failure to
28 comply. The Prisoner Review Board shall recommit the
29 defendant whose mandatory supervised release term has been
30 revoked under this subsection (j-5) as provided in Section
31 3-3-9. This subsection (j-5) does not apply to a defendant
32 who has a high school diploma or has successfully passed the
33 GED test. This subsection (j-5) does not apply to a defendant
34 who is determined by the court to be developmentally disabled

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

3 (k) A court may not impose a sentence or disposition for
4 a felony or misdemeanor that requires the defendant to be
5 implanted or injected with or to use any form of birth
6 control.

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

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

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

23 Otherwise, the defendant shall be sentenced as
24 provided in this Chapter V.

25 (B) If the defendant has already been sentenced for
26 a felony or misdemeanor offense, or has been placed on
27 probation under Section 10 of the Cannabis Control Act or
28 Section 410 of the Illinois Controlled Substances Act,
29 the court may, upon motion of the State's Attorney to
30 suspend the sentence imposed, commit the defendant to the
31 custody of the Attorney General of the United States or
32 his or her designated agent when:

33 (1) a final order of deportation has been
34 issued against the defendant pursuant to proceedings

1 under the Immigration and Nationality Act, and

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

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

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

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

25 (Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680,
26 eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98;
27 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff.
28 12-22-99; 91-695, eff. 4-13-00.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.