



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0318

by Rep. Scott Drury

#### SYNOPSIS AS INTRODUCED:

See Index

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

LRB100 04204 SLF 14210 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

6 (720 ILCS 5/16-1.4 new)

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

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

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

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

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

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

3 (c) Sentence.

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

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

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

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

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

17 (720 ILCS 5/33E-16)

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

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

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

6 (b) Sentence. Misapplication of funds is a Class 3 felony.  
7 (Source: P.A. 97-1108, eff. 1-1-13.)

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

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

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

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

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

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

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

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

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

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

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

26 (G) Residential burglary, except as otherwise provided

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

3 (H) Criminal sexual assault.

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

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

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

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

19 (K) Vehicular hijacking.

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

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

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

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

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

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

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

14           (S) (Blank).

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

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

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

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

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

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

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

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

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

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



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

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

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

13 (FF) Theft of public funds involving property  
14 exceeding \$500,000 in value.

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 sentence credit for good conduct as provided  
23 under Section 3-6-3.

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

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

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

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

18 (Source: P.A. 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.)



1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/16-1.4 new

4 720 ILCS 5/33E-16

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