

1 AN ACT concerning courts.

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

4 Section 3. The Juvenile Court Act of 1987 is amended by  
5 changing the heading of Part 7A of Article V and by changing  
6 Sections 5-710, 5-7A-101, 5-7A-110, 5-7A-115, 5-7A-120, and  
7 5-7A-125 as follows:

8 (705 ILCS 405/5-710)

9 Sec. 5-710. Kinds of sentencing orders.

10 (1) The following kinds of sentencing orders may be made in  
11 respect of wards of the court:

12 (a) Except as provided in Sections 5-805, 5-810, and  
13 5-815, a minor who is found guilty under Section 5-620 may  
14 be:

15 (i) put on probation or conditional discharge and  
16 released to his or her parents, guardian or legal  
17 custodian, provided, however, that any such minor who  
18 is not committed to the Department of Juvenile Justice  
19 under this subsection and who is found to be a  
20 delinquent for an offense which is first degree murder,  
21 a Class X felony, or a forcible felony shall be placed  
22 on probation;

23 (ii) placed in accordance with Section 5-740, with

1 or without also being put on probation or conditional  
2 discharge;

3 (iii) required to undergo a substance abuse  
4 assessment conducted by a licensed provider and  
5 participate in the indicated clinical level of care;

6 (iv) on and after the effective date of this  
7 amendatory Act of the 98th General Assembly and before  
8 January 1, 2017, placed in the guardianship of the  
9 Department of Children and Family Services, but only if  
10 the delinquent minor is under 16 years of age or,  
11 pursuant to Article II of this Act, a minor for whom an  
12 independent basis of abuse, neglect, or dependency  
13 exists. On and after January 1, 2017, placed in the  
14 guardianship of the Department of Children and Family  
15 Services, but only if the delinquent minor is under 15  
16 years of age or, pursuant to Article II of this Act, a  
17 minor for whom an independent basis of abuse, neglect,  
18 or dependency exists. An independent basis exists when  
19 the allegations or adjudication of abuse, neglect, or  
20 dependency do not arise from the same facts, incident,  
21 or circumstances which give rise to a charge or  
22 adjudication of delinquency;

23 (v) placed in detention for a period not to exceed  
24 30 days, either as the exclusive order of disposition  
25 or, where appropriate, in conjunction with any other  
26 order of disposition issued under this paragraph,

1 provided that any such detention shall be in a juvenile  
2 detention home and the minor so detained shall be 10  
3 years of age or older. However, the 30-day limitation  
4 may be extended by further order of the court for a  
5 minor under age 15 committed to the Department of  
6 Children and Family Services if the court finds that  
7 the minor is a danger to himself or others. The minor  
8 shall be given credit on the sentencing order of  
9 detention for time spent in detention under Sections  
10 5-501, 5-601, 5-710, or 5-720 of this Article as a  
11 result of the offense for which the sentencing order  
12 was imposed. The court may grant credit on a sentencing  
13 order of detention entered under a violation of  
14 probation or violation of conditional discharge under  
15 Section 5-720 of this Article for time spent in  
16 detention before the filing of the petition alleging  
17 the violation. A minor shall not be deprived of credit  
18 for time spent in detention before the filing of a  
19 violation of probation or conditional discharge  
20 alleging the same or related act or acts. The  
21 limitation that the minor shall only be placed in a  
22 juvenile detention home does not apply as follows:

23 Persons 18 years of age and older who have a  
24 petition of delinquency filed against them may be  
25 confined in an adult detention facility. In making a  
26 determination whether to confine a person 18 years of

1 age or older who has a petition of delinquency filed  
2 against the person, these factors, among other  
3 matters, shall be considered:

4 (A) the age of the person;

5 (B) any previous delinquent or criminal  
6 history of the person;

7 (C) any previous abuse or neglect history of  
8 the person;

9 (D) any mental health history of the person;  
10 and

11 (E) any educational history of the person;

12 (vi) ordered partially or completely emancipated  
13 in accordance with the provisions of the Emancipation  
14 of Minors Act;

15 (vii) subject to having his or her driver's license  
16 or driving privileges suspended for such time as  
17 determined by the court but only until he or she  
18 attains 18 years of age;

19 (viii) put on probation or conditional discharge  
20 and placed in detention under Section 3-6039 of the  
21 Counties Code for a period not to exceed the period of  
22 incarceration permitted by law for adults found guilty  
23 of the same offense or offenses for which the minor was  
24 adjudicated delinquent, and in any event no longer than  
25 upon attainment of age 21; this subdivision (viii)  
26 notwithstanding any contrary provision of the law;

1 (ix) ordered to undergo a medical or other  
2 procedure to have a tattoo symbolizing allegiance to a  
3 street gang removed from his or her body; or

4 (x) placed in electronic monitoring or home  
5 detention under Part 7A of this Article.

6 (b) A minor found to be guilty may be committed to the  
7 Department of Juvenile Justice under Section 5-750 if the  
8 minor is at least 13 years and under 20 years of age,  
9 provided that the commitment to the Department of Juvenile  
10 Justice shall be made only if the minor was found guilty of  
11 a felony offense or first degree murder. The court shall  
12 include in the sentencing order any pre-custody credits the  
13 minor is entitled to under Section 5-4.5-100 of the Unified  
14 Code of Corrections. The time during which a minor is in  
15 custody before being released upon the request of a parent,  
16 guardian or legal custodian shall also be considered as  
17 time spent in custody.

18 (c) When a minor is found to be guilty for an offense  
19 which is a violation of the Illinois Controlled Substances  
20 Act, the Cannabis Control Act, or the Methamphetamine  
21 Control and Community Protection Act and made a ward of the  
22 court, the court may enter a disposition order requiring  
23 the minor to undergo assessment, counseling or treatment in  
24 a substance abuse program approved by the Department of  
25 Human Services.

26 (2) Any sentencing order other than commitment to the

1 Department of Juvenile Justice may provide for protective  
2 supervision under Section 5-725 and may include an order of  
3 protection under Section 5-730.

4 (3) Unless the sentencing order expressly so provides, it  
5 does not operate to close proceedings on the pending petition,  
6 but is subject to modification until final closing and  
7 discharge of the proceedings under Section 5-750.

8 (4) In addition to any other sentence, the court may order  
9 any minor found to be delinquent to make restitution, in  
10 monetary or non-monetary form, under the terms and conditions  
11 of Section 5-5-6 of the Unified Code of Corrections, except  
12 that the "presentencing hearing" referred to in that Section  
13 shall be the sentencing hearing for purposes of this Section.  
14 The parent, guardian or legal custodian of the minor may be  
15 ordered by the court to pay some or all of the restitution on  
16 the minor's behalf, pursuant to the Parental Responsibility  
17 Law. The State's Attorney is authorized to act on behalf of any  
18 victim in seeking restitution in proceedings under this  
19 Section, up to the maximum amount allowed in Section 5 of the  
20 Parental Responsibility Law.

21 (5) Any sentencing order where the minor is committed or  
22 placed in accordance with Section 5-740 shall provide for the  
23 parents or guardian of the estate of the minor to pay to the  
24 legal custodian or guardian of the person of the minor such  
25 sums as are determined by the custodian or guardian of the  
26 person of the minor as necessary for the minor's needs. The

1 payments may not exceed the maximum amounts provided for by  
2 Section 9.1 of the Children and Family Services Act.

3 (6) Whenever the sentencing order requires the minor to  
4 attend school or participate in a program of training, the  
5 truant officer or designated school official shall regularly  
6 report to the court if the minor is a chronic or habitual  
7 truant under Section 26-2a of the School Code. Notwithstanding  
8 any other provision of this Act, in instances in which  
9 educational services are to be provided to a minor in a  
10 residential facility where the minor has been placed by the  
11 court, costs incurred in the provision of those educational  
12 services must be allocated based on the requirements of the  
13 School Code.

14 (7) In no event shall a guilty minor be committed to the  
15 Department of Juvenile Justice for a period of time in excess  
16 of that period for which an adult could be committed for the  
17 same act. The court shall include in the sentencing order a  
18 limitation on the period of confinement not to exceed the  
19 maximum period of imprisonment the court could impose under  
20 Article V of the Unified Code of Corrections.

21 (7.5) In no event shall a guilty minor be committed to the  
22 Department of Juvenile Justice or placed in detention when the  
23 act for which the minor was adjudicated delinquent would not be  
24 illegal if committed by an adult.

25 (7.6) In no event shall a guilty minor be committed to the  
26 Department of Juvenile Justice for an offense which is a Class

1 4 felony under Section 19-4 (criminal trespass to a residence),  
2 21-1 (criminal damage to property), 21-1.01 (criminal damage to  
3 government supported property), 21-1.3 (criminal defacement of  
4 property), 26-1 (disorderly conduct), or 31-4 (obstructing  
5 justice)<sup>7</sup> of the Criminal Code of 2012.

6 (7.75) In no event shall a guilty minor be committed to the  
7 Department of Juvenile Justice for an offense that is a Class 3  
8 or Class 4 felony violation of the Illinois Controlled  
9 Substances Act unless the commitment occurs upon a third or  
10 subsequent judicial finding of a violation of probation for  
11 substantial noncompliance with court-ordered ~~court-ordered~~  
12 treatment or programming.

13 (8) A minor found to be guilty for reasons that include a  
14 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012 shall be ordered to perform community  
16 service for not less than 30 and not more than 120 hours, if  
17 community service is available in the jurisdiction. The  
18 community service shall include, but need not be limited to,  
19 the cleanup and repair of the damage that was caused by the  
20 violation or similar damage to property located in the  
21 municipality or county in which the violation occurred. The  
22 order may be in addition to any other order authorized by this  
23 Section.

24 (8.5) A minor found to be guilty for reasons that include a  
25 violation of Section 3.02 or Section 3.03 of the Humane Care  
26 for Animals Act or paragraph (d) of subsection (1) of Section



1 21-1 of the Criminal Code of 1961 or paragraph (4) of  
2 subsection (a) of Section 21-1 of the Criminal Code of 2012  
3 shall be ordered to undergo medical or psychiatric treatment  
4 rendered by a psychiatrist or psychological treatment rendered  
5 by a clinical psychologist. The order may be in addition to any  
6 other order authorized by this Section.

7 (9) In addition to any other sentencing order, the court  
8 shall order any minor found to be guilty for an act which would  
9 constitute, predatory criminal sexual assault of a child,  
10 aggravated criminal sexual assault, criminal sexual assault,  
11 aggravated criminal sexual abuse, or criminal sexual abuse if  
12 committed by an adult to undergo medical testing to determine  
13 whether the defendant has any sexually transmissible disease  
14 including a test for infection with human immunodeficiency  
15 virus (HIV) or any other identified causative agency of  
16 acquired immunodeficiency syndrome (AIDS). Any medical test  
17 shall be performed only by appropriately licensed medical  
18 practitioners and may include an analysis of any bodily fluids  
19 as well as an examination of the minor's person. Except as  
20 otherwise provided by law, the results of the test shall be  
21 kept strictly confidential by all medical personnel involved in  
22 the testing and must be personally delivered in a sealed  
23 envelope to the judge of the court in which the sentencing  
24 order was entered for the judge's inspection in camera. Acting  
25 in accordance with the best interests of the victim and the  
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court  
2 shall notify the minor of the results of the test for infection  
3 with the human immunodeficiency virus (HIV). The court shall  
4 also notify the victim if requested by the victim, and if the  
5 victim is under the age of 15 and if requested by the victim's  
6 parents or legal guardian, the court shall notify the victim's  
7 parents or the legal guardian, of the results of the test for  
8 infection with the human immunodeficiency virus (HIV). The  
9 court shall provide information on the availability of HIV  
10 testing and counseling at the Department of Public Health  
11 facilities to all parties to whom the results of the testing  
12 are revealed. The court shall order that the cost of any test  
13 shall be paid by the county and may be taxed as costs against  
14 the minor.

15 (10) When a court finds a minor to be guilty the court  
16 shall, before entering a sentencing order under this Section,  
17 make a finding whether the offense committed either: (a) was  
18 related to or in furtherance of the criminal activities of an  
19 organized gang or was motivated by the minor's membership in or  
20 allegiance to an organized gang, or (b) involved a violation of  
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961  
22 or the Criminal Code of 2012, a violation of any Section of  
23 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
24 2012, or a violation of any statute that involved the wrongful  
25 use of a firearm. If the court determines the question in the  
26 affirmative, and the court does not commit the minor to the

1 Department of Juvenile Justice, the court shall order the minor  
2 to perform community service for not less than 30 hours nor  
3 more than 120 hours, provided that community service is  
4 available in the jurisdiction and is funded and approved by the  
5 county board of the county where the offense was committed. The  
6 community service shall include, but need not be limited to,  
7 the cleanup and repair of any damage caused by a violation of  
8 Section 21-1.3 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012 and similar damage to property located in the  
10 municipality or county in which the violation occurred. When  
11 possible and reasonable, the community service shall be  
12 performed in the minor's neighborhood. This order shall be in  
13 addition to any other order authorized by this Section except  
14 for an order to place the minor in the custody of the  
15 Department of Juvenile Justice. For the purposes of this  
16 Section, "organized gang" has the meaning ascribed to it in  
17 Section 10 of the Illinois Streetgang Terrorism Omnibus  
18 Prevention Act.

19 (11) If the court determines that the offense was committed  
20 in furtherance of the criminal activities of an organized gang,  
21 as provided in subsection (10), and that the offense involved  
22 the operation or use of a motor vehicle or the use of a  
23 driver's license or permit, the court shall notify the  
24 Secretary of State of that determination and of the period for  
25 which the minor shall be denied driving privileges. If, at the  
26 time of the determination, the minor does not hold a driver's

1 license or permit, the court shall provide that the minor shall  
2 not be issued a driver's license or permit until his or her  
3 18th birthday. If the minor holds a driver's license or permit  
4 at the time of the determination, the court shall provide that  
5 the minor's driver's license or permit shall be revoked until  
6 his or her 21st birthday, or until a later date or occurrence  
7 determined by the court. If the minor holds a driver's license  
8 at the time of the determination, the court may direct the  
9 Secretary of State to issue the minor a judicial driving  
10 permit, also known as a JDP. The JDP shall be subject to the  
11 same terms as a JDP issued under Section 6-206.1 of the  
12 Illinois Vehicle Code, except that the court may direct that  
13 the JDP be effective immediately.

14 (12) If a minor is found to be guilty of a violation of  
15 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
16 by Minors Act, the court may, in its discretion, and upon  
17 recommendation by the State's Attorney, order that minor and  
18 his or her parents or legal guardian to attend a smoker's  
19 education or youth diversion program as defined in that Act if  
20 that program is available in the jurisdiction where the  
21 offender resides. Attendance at a smoker's education or youth  
22 diversion program shall be time-credited against any community  
23 service time imposed for any first violation of subsection  
24 (a-7) of Section 1 of that Act. In addition to any other  
25 penalty that the court may impose for a violation of subsection  
26 (a-7) of Section 1 of that Act, the court, upon request by the

1 State's Attorney, may in its discretion require the offender to  
2 remit a fee for his or her attendance at a smoker's education  
3 or youth diversion program.

4 For purposes of this Section, "smoker's education program"  
5 or "youth diversion program" includes, but is not limited to, a  
6 seminar designed to educate a person on the physical and  
7 psychological effects of smoking tobacco products and the  
8 health consequences of smoking tobacco products that can be  
9 conducted with a locality's youth diversion program.

10 In addition to any other penalty that the court may impose  
11 under this subsection (12):

12 (a) If a minor violates subsection (a-7) of Section 1  
13 of the Prevention of Tobacco Use by Minors Act, the court  
14 may impose a sentence of 15 hours of community service or a  
15 fine of \$25 for a first violation.

16 (b) A second violation by a minor of subsection (a-7)  
17 of Section 1 of that Act that occurs within 12 months after  
18 the first violation is punishable by a fine of \$50 and 25  
19 hours of community service.

20 (c) A third or subsequent violation by a minor of  
21 subsection (a-7) of Section 1 of that Act that occurs  
22 within 12 months after the first violation is punishable by  
23 a \$100 fine and 30 hours of community service.

24 (d) Any second or subsequent violation not within the  
25 12-month time period after the first violation is  
26 punishable as provided for a first violation.

1 (Source: P.A. 98-536, eff. 8-23-13; 98-803, eff. 1-1-15;  
2 99-268, eff. 1-1-16; 99-628, eff. 1-1-17; 99-879, eff. 1-1-17;  
3 revised 9-2-16.)

4 (705 ILCS 405/Art. V Pt. 7A heading)

5 PART 7A. JUVENILE ELECTRONIC MONITORING AND HOME DETENTION LAW

6 (Source: P.A. 96-293, eff. 1-1-10.)

7 (705 ILCS 405/5-7A-101)

8 Sec. 5-7A-101. Short title. This Part may be cited as the  
9 Juvenile Electronic Monitoring and Home Detention Law.

10 (Source: P.A. 96-293, eff. 1-1-10.)

11 (705 ILCS 405/5-7A-110)

12 Sec. 5-7A-110. Application.

13 (a) Except as provided in subsection (d), a minor subject  
14 to an adjudicatory hearing or adjudicated delinquent for an act  
15 that if committed by an adult would be an excluded offense may  
16 not be placed in an electronic monitoring or home detention  
17 program, except upon order of the court upon good cause shown.

18 (b) A minor adjudicated delinquent for an act that if  
19 committed by an adult would be a Class 1 felony, other than an  
20 excluded offense, may be placed in an electronic monitoring or  
21 home detention program.

22 (c) A minor adjudicated delinquent for an act that if  
23 committed by an adult would be a Class X felony, other than an

1 excluded offense, may be placed in an electronic monitoring or  
2 home detention program, provided that the person was sentenced  
3 on or after the effective date of this amendatory Act of the  
4 96th General Assembly and provided that the court has not  
5 prohibited the program for the minor in the sentencing order.

6 (d) Applications for electronic monitoring or home  
7 detention may include the following:

- 8 (1) pre-adjudicatory detention;
- 9 (2) probation;
- 10 (3) furlough;
- 11 (4) post-trial incarceration; or
- 12 (5) any other disposition under this Article.

13 (Source: P.A. 96-293, eff. 1-1-10.)

14 (705 ILCS 405/5-7A-115)

15 Sec. 5-7A-115. Program description. The supervising  
16 authority may promulgate rules that prescribe reasonable  
17 guidelines under which an electronic monitoring and home  
18 detention program shall operate. These rules shall include, but  
19 not be limited, ~~r~~ to, l the following:

20 (A) The participant shall remain within the interior  
21 premises or within the property boundaries of his or her  
22 residence at all times during the hours designated by the  
23 supervising authority. Such instances of approved absences  
24 from the home may include, but are not limited to, the  
25 following:

1           (1) working or employment approved by the court or  
2 traveling to or from approved employment;

3           (2) unemployed and seeking employment approved for  
4 the participant by the court;

5           (3) undergoing medical, psychiatric, mental health  
6 treatment, counseling, or other treatment programs  
7 approved for the participant by the court;

8           (4) attending an educational institution or a  
9 program approved for the participant by the court;

10          (5) attending a regularly scheduled religious  
11 service at a place of worship;

12          (6) participating in community work release or  
13 community service programs approved for the  
14 participant by the supervising authority; or

15          (7) for another compelling reason consistent with  
16 the public interest, as approved by the supervising  
17 authority.

18          (B) The participant shall admit any person or agent  
19 designated by the supervising authority into his or her  
20 residence at any time for purposes of verifying the  
21 participant's compliance with the conditions of his or her  
22 detention.

23          (C) The participant shall make the necessary  
24 arrangements to allow for any person or agent designated by  
25 the supervising authority to visit the participant's place  
26 of education or employment at any time, based upon the



1 approval of the educational institution or employer or  
2 both, for the purpose of verifying the participant's  
3 compliance with the conditions of his or her detention.

4 (D) The participant shall acknowledge and participate  
5 with the approved electronic monitoring device as  
6 designated by the supervising authority at any time for the  
7 purpose of verifying the participant's compliance with the  
8 conditions of his or her detention.

9 (E) The participant shall maintain the following:

10 (1) a working telephone in the participant's home;

11 (2) a monitoring device in the participant's home,  
12 or on the participant's person, or both; and

13 (3) a monitoring device in the participant's home  
14 and on the participant's person in the absence of a  
15 telephone.

16 (F) The participant shall obtain approval from the  
17 supervising authority before the participant changes  
18 residence or the schedule described in paragraph (A) of  
19 this Section.

20 (G) The participant shall not commit another act that  
21 if committed by an adult would constitute a crime during  
22 the period of home detention ordered by the court.

23 (H) Notice to the participant that violation of the  
24 order for home detention may subject the participant to an  
25 adjudicatory hearing for escape as described in Section  
26 5-7A-120.

1 (I) The participant shall abide by other conditions as  
2 set by the supervising authority.

3 (Source: P.A. 96-293, eff. 1-1-10; revised 10-25-16.)

4 (705 ILCS 405/5-7A-120)

5 Sec. 5-7A-120. Escape; failure to comply with a condition  
6 of the juvenile electronic ~~home~~ monitoring or home detention  
7 program. A minor charged with or adjudicated delinquent for an  
8 act that, if committed by an adult, would constitute a felony  
9 or misdemeanor, conditionally released from the supervising  
10 authority through a juvenile electronic ~~home~~ monitoring or home  
11 detention program, who knowingly violates a condition of the  
12 juvenile electronic ~~home~~ monitoring or home detention program  
13 shall be adjudicated a delinquent minor for such act and shall  
14 be subject to an additional sentencing order under Section  
15 5-710.

16 (Source: P.A. 96-293, eff. 1-1-10; 97-333, eff. 8-12-11.)

17 (705 ILCS 405/5-7A-125)

18 Sec. 5-7A-125. Consent of the participant. Before entering  
19 an order for commitment for juvenile electronic monitoring ~~home~~  
20 ~~detention~~, the supervising authority shall inform the  
21 participant and other persons residing in the home of the  
22 nature and extent of the approved electronic monitoring devices  
23 by doing the following:

24 (A) Securing the written consent of the participant in

1 the program to comply with the rules and regulations of the  
2 program as stipulated in paragraphs (A) through (I) of  
3 Section 5-7A-115.

4 (B) Where possible, securing the written consent of  
5 other persons residing in the home of the participant,  
6 including the parent or legal guardian of the minor and of  
7 the person in whose name the telephone is registered, at  
8 the time of the order for ~~or~~ commitment for electronic  
9 monitoring ~~home detention~~ is entered and acknowledge the  
10 nature and extent of approved electronic monitoring  
11 devices.

12 (C) Ensure that the approved electronic devices are  
13 minimally intrusive upon the privacy of the participant and  
14 other persons residing in the home while remaining in  
15 compliance with paragraphs (B) through (D) of Section  
16 5-7A-115.

17 (Source: P.A. 96-293, eff. 1-1-10; 97-333, eff. 8-12-11.)

18 Section 5. The Juvenile Drug Court Treatment Act is amended  
19 by adding Section 40 as follows:

20 (705 ILCS 410/40 new)

21 Sec. 40. Electronic monitoring. The drug court program may  
22 also, subject to the approval of the Chief Judge of the  
23 Circuit, establish a program for electronic monitoring of  
24 juveniles subject to the jurisdiction of the juvenile drug

1 court program as a less restrictive alternative to detention,  
2 consistent with any available evidence-based risk assessment  
3 or substance abuse treatment eligibility screening.

4 Section 10. The Criminal Code of 2012 is amended by  
5 changing Section 11-9.2 as follows:

6 (720 ILCS 5/11-9.2)

7 Sec. 11-9.2. Custodial sexual misconduct.

8 (a) A person commits custodial sexual misconduct when: (1)  
9 he or she is an employee of a penal system and engages in  
10 sexual conduct or sexual penetration with a person who is in  
11 the custody of that penal system or (2) he or she is an  
12 employee of a treatment and detention facility and engages in  
13 sexual conduct or sexual penetration with a person who is in  
14 the custody of that treatment and detention facility.

15 (b) A probation or supervising officer, surveillance  
16 agent, or aftercare specialist commits custodial sexual  
17 misconduct when the probation or supervising officer,  
18 surveillance agent, or aftercare specialist engages in sexual  
19 conduct or sexual penetration with a probationer, parolee, or  
20 releasee or person serving a term of conditional release who is  
21 under the supervisory, disciplinary, or custodial authority of  
22 the officer or agent or employee so engaging in the sexual  
23 conduct or sexual penetration.

24 (c) Custodial sexual misconduct is a Class 3 felony.

1           (d) Any person convicted of violating this Section  
2 immediately shall forfeit his or her employment with a penal  
3 system, treatment and detention facility, or conditional  
4 release program.

5           (e) For purposes of this Section, the consent of the  
6 probationer, parolee, releasee, or inmate in custody of the  
7 penal system or person detained or civilly committed under the  
8 Sexually Violent Persons Commitment Act shall not be a defense  
9 to a prosecution under this Section. A person is deemed  
10 incapable of consent, for purposes of this Section, when he or  
11 she is a probationer, parolee, releasee, or inmate in custody  
12 of a penal system or person detained or civilly committed under  
13 the Sexually Violent Persons Commitment Act.

14           (f) This Section does not apply to:

15           (1) Any employee, probation or supervising officer,  
16 surveillance agent, or aftercare specialist who is  
17 lawfully married to a person in custody if the marriage  
18 occurred before the date of custody.

19           (2) Any employee, probation or supervising officer,  
20 surveillance agent, or aftercare specialist who has no  
21 knowledge, and would have no reason to believe, that the  
22 person with whom he or she engaged in custodial sexual  
23 misconduct was a person in custody.

24           (g) In this Section:

25           (0.5) "Aftercare specialist" means any person employed  
26 by the Department of Juvenile Justice to supervise and

1 facilitate services for persons placed on aftercare  
2 release.

3 (1) "Custody" means:

4 (i) pretrial incarceration or detention;

5 (ii) incarceration or detention under a sentence  
6 or commitment to a State or local penal institution;

7 (iii) parole, aftercare release, or mandatory  
8 supervised release;

9 (iv) electronic monitoring or home detention;

10 (v) probation;

11 (vi) detention or civil commitment either in  
12 secure care or in the community under the Sexually  
13 Violent Persons Commitment Act.

14 (2) "Penal system" means any system which includes  
15 institutions as defined in Section 2-14 of this Code or a  
16 county shelter care or detention home established under  
17 Section 1 of the County Shelter Care and Detention Home  
18 Act.

19 (2.1) "Treatment and detention facility" means any  
20 Department of Human Services facility established for the  
21 detention or civil commitment of persons under the Sexually  
22 Violent Persons Commitment Act.

23 (2.2) "Conditional release" means a program of  
24 treatment and services, vocational services, and alcohol  
25 or other drug abuse treatment provided to any person  
26 civilly committed and conditionally released to the

1 community under the Sexually Violent Persons Commitment  
2 Act;

3 (3) "Employee" means:

4 (i) an employee of any governmental agency of this  
5 State or any county or municipal corporation that has  
6 by statute, ordinance, or court order the  
7 responsibility for the care, control, or supervision  
8 of pretrial or sentenced persons in a penal system or  
9 persons detained or civilly committed under the  
10 Sexually Violent Persons Commitment Act;

11 (ii) a contractual employee of a penal system as  
12 defined in paragraph (g) (2) of this Section who works  
13 in a penal institution as defined in Section 2-14 of  
14 this Code;

15 (iii) a contractual employee of a "treatment and  
16 detention facility" as defined in paragraph (g) (2.1)  
17 of this Code or a contractual employee of the  
18 Department of Human Services who provides supervision  
19 of persons serving a term of conditional release as  
20 defined in paragraph (g) (2.2) of this Code.

21 (4) "Sexual conduct" or "sexual penetration" means any  
22 act of sexual conduct or sexual penetration as defined in  
23 Section 11-0.1 of this Code.

24 (5) "Probation officer" means any person employed in a  
25 probation or court services department as defined in  
26 Section 9b of the Probation and Probation Officers Act.

1           (6) "Supervising officer" means any person employed to  
2 supervise persons placed on parole or mandatory supervised  
3 release with the duties described in Section 3-14-2 of the  
4 Unified Code of Corrections.

5           (7) "Surveillance agent" means any person employed or  
6 contracted to supervise persons placed on conditional  
7 release in the community under the Sexually Violent Persons  
8 Commitment Act.

9 (Source: P.A. 98-558, eff. 1-1-14.)

10           Section 15. The Unified Code of Corrections is amended by  
11 changing Sections 5-1-10, 5-4.5-20, 5-4.5-25, 5-4.5-30,  
12 5-4.5-35, 5-4.5-40, 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65,  
13 5-8-1, 5-8A-3, 5-8A-4.1, 5-8A-5, and 5-8A-6 as follows:

14           (730 ILCS 5/5-1-10) (from Ch. 38, par. 1005-1-10)

15           Sec. 5-1-10. Imprisonment. "Imprisonment" means  
16 incarceration in a correctional institution under a sentence of  
17 imprisonment and does not include "periodic imprisonment"  
18 under Article 7. "Imprisonment" also includes electronic  
19 monitoring or home detention served by an offender after (i)  
20 the offender has been committed to the custody of the sheriff  
21 to serve the sentence and (ii) the sheriff has placed the  
22 offender in an electronic monitoring or home detention program  
23 in accordance with Article 8A of Chapter V of this Code.

24 (Source: P.A. 98-161, eff. 1-1-14.)



1 (730 ILCS 5/5-4.5-20)

2 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first  
3 degree murder:

4 (a) TERM. The defendant shall be sentenced to imprisonment  
5 or, if appropriate, death under Section 9-1 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).  
7 Imprisonment shall be for a determinate term of (1) not less  
8 than 20 years and not more than 60 years; (2) not less than 60  
9 years and not more than 100 years when an extended term is  
10 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural  
11 life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

12 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
13 shall not be imposed.

14 (c) IMPACT INCARCERATION. The impact incarceration program  
15 or the county impact incarceration program is not an authorized  
16 disposition.

17 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
18 probation or conditional discharge shall not be imposed.

19 (e) FINE. Fines may be imposed as provided in Section  
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
24 be concurrent or consecutive as provided in Section 5-8-4 (730  
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

1 (h) DRUG COURT. Drug court is not an authorized  
2 disposition.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
4 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
5 detention prior to judgment.

6 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
7 for rules and regulations for sentence credit.

8 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic  
9 monitoring and home detention are not authorized dispositions  
10 ~~is not an authorized disposition,~~ except in limited  
11 circumstances as provided in Section 5-8A-3 (730 ILCS  
12 5/5-8A-3).

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
14 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or  
15 mandatory supervised release term shall be 3 years upon release  
16 from imprisonment.

17 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

18 (730 ILCS 5/5-4.5-25)

19 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X  
20 felony:

21 (a) TERM. The sentence of imprisonment shall be a  
22 determinate sentence of not less than 6 years and not more than  
23 30 years. The sentence of imprisonment for an extended term  
24 Class X felony, as provided in Section 5-8-2 (730 ILCS  
25 5/5-8-2), shall be not less than 30 years and not more than 60

1 years.

2 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment  
3 shall not be imposed.

4 (c) IMPACT INCARCERATION. The impact incarceration program  
5 or the county impact incarceration program is not an authorized  
6 disposition.

7 (d) PROBATION; CONDITIONAL DISCHARGE. A period of  
8 probation or conditional discharge shall not be imposed.

9 (e) FINE. Fines may be imposed as provided in Section  
10 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
14 be concurrent or consecutive as provided in Section 5-8-4 (730  
15 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
17 Act (730 ILCS 166/20) concerning eligibility for a drug court  
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
20 ILCS 5/5-4.5-100) concerning no credit for time spent in home  
21 detention prior to judgment.

22 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)  
23 for rules and regulations for sentence credit.

24 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
25 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
26 electronic monitoring and home detention.

1           (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
2 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
3 5/5-8-1), the parole or mandatory supervised release term shall  
4 be 3 years upon release from imprisonment.

5 (Source: P.A. 97-697, eff. 6-22-12.)

6 (730 ILCS 5/5-4.5-30)

7           Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1  
8 felony:

9           (a) TERM. The sentence of imprisonment, other than for  
10 second degree murder, shall be a determinate sentence of not  
11 less than 4 years and not more than 15 years. The sentence of  
12 imprisonment for second degree murder shall be a determinate  
13 sentence of not less than 4 years and not more than 20 years.  
14 The sentence of imprisonment for an extended term Class 1  
15 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall  
16 be a term not less than 15 years and not more than 30 years.

17           (b) PERIODIC IMPRISONMENT. A sentence of periodic  
18 imprisonment shall be for a definite term of from 3 to 4 years,  
19 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
20 ILCS 5/5-5-3 or 5/5-7-1).

21           (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
22 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
23 the impact incarceration program or the county impact  
24 incarceration program.

25           (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
2 period of probation or conditional discharge shall not exceed 4  
3 years. The court shall specify the conditions of probation or  
4 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
5 5/5-6-3). In no case shall an offender be eligible for a  
6 disposition of probation or conditional discharge for a Class 1  
7 felony committed while he or she was serving a term of  
8 probation or conditional discharge for a felony.

9 (e) FINE. Fines may be imposed as provided in Section  
10 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
14 be concurrent or consecutive as provided in Section 5-8-4 (730  
15 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
17 Act (730 ILCS 166/20) concerning eligibility for a drug court  
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
20 ILCS 5/5-4.5-100) concerning credit for time spent in home  
21 detention prior to judgment.

22 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
23 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
24 (730 ILCS 130/) for rules and regulations for sentence credit.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
3 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
4 5/5-8-1), the parole or mandatory supervised release term shall  
5 be 2 years upon release from imprisonment.

6 (Source: P.A. 97-697, eff. 6-22-12.)

7 (730 ILCS 5/5-4.5-35)

8 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2  
9 felony:

10 (a) TERM. The sentence of imprisonment shall be a  
11 determinate sentence of not less than 3 years and not more than  
12 7 years. The sentence of imprisonment for an extended term  
13 Class 2 felony, as provided in Section 5-8-2 (730 ILCS  
14 5/5-8-2), shall be a term not less than 7 years and not more  
15 than 14 years.

16 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
17 imprisonment shall be for a definite term of from 18 to 30  
18 months, except as otherwise provided in Section 5-5-3 or 5-7-1  
19 (730 ILCS 5/5-5-3 or 5/5-7-1).

20 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
21 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
22 the impact incarceration program or the county impact  
23 incarceration program.

24 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
25 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the

1 period of probation or conditional discharge shall not exceed 4  
2 years. The court shall specify the conditions of probation or  
3 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
4 5/5-6-3).

5 (e) FINE. Fines may be imposed as provided in Section  
6 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
10 be concurrent or consecutive as provided in Section 5-8-4 (730  
11 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

12 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
13 Act (730 ILCS 166/20) concerning eligibility for a drug court  
14 program.

15 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
16 ILCS 5/5-4.5-100) concerning credit for time spent in home  
17 detention prior to judgment.

18 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
19 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
20 (730 ILCS 130/) for rules and regulations for sentence credit.

21 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
22 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
23 electronic monitoring and home detention.

24 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
25 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
26 5/5-8-1), the parole or mandatory supervised release term shall

1 be 2 years upon release from imprisonment.

2 (Source: P.A. 97-697, eff. 6-22-12.)

3 (730 ILCS 5/5-4.5-40)

4 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3  
5 felony:

6 (a) TERM. The sentence of imprisonment shall be a  
7 determinate sentence of not less than 2 years and not more than  
8 5 years. The sentence of imprisonment for an extended term  
9 Class 3 felony, as provided in Section 5-8-2 (730 ILCS  
10 5/5-8-2), shall be a term not less than 5 years and not more  
11 than 10 years.

12 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
13 imprisonment shall be for a definite term of up to 18 months,  
14 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
15 ILCS 5/5-5-3 or 5/5-7-1).

16 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
17 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
18 the impact incarceration program or the county impact  
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
22 period of probation or conditional discharge shall not exceed  
23 30 months. The court shall specify the conditions of probation  
24 or conditional discharge as set forth in Section 5-6-3 (730  
25 ILCS 5/5-6-3).



1 (e) FINE. Fines may be imposed as provided in Section  
2 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

3 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
4 concerning restitution.

5 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
6 be concurrent or consecutive as provided in Section 5-8-4 (730  
7 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

8 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
9 Act (730 ILCS 166/20) concerning eligibility for a drug court  
10 program.

11 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
12 ILCS 5/5-4.5-100) concerning credit for time spent in home  
13 detention prior to judgment.

14 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
15 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
16 (730 ILCS 130/) for rules and regulations for sentence credit.

17 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
18 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
19 electronic monitoring and home detention.

20 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
21 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
22 5/5-8-1), the parole or mandatory supervised release term shall  
23 be one year upon release from imprisonment.

24 (Source: P.A. 97-697, eff. 6-22-12.)

25 (730 ILCS 5/5-4.5-45)

1           Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4  
2 felony:

3           (a) TERM. The sentence of imprisonment shall be a  
4 determinate sentence of not less than one year and not more  
5 than 3 years. The sentence of imprisonment for an extended term  
6 Class 4 felony, as provided in Section 5-8-2 (730 ILCS  
7 5/5-8-2), shall be a term not less than 3 years and not more  
8 than 6 years.

9           (b) PERIODIC IMPRISONMENT. A sentence of periodic  
10 imprisonment shall be for a definite term of up to 18 months,  
11 except as otherwise provided in Section 5-5-3 or 5-7-1 (730  
12 ILCS 5/5-5-3 or 5/5-7-1).

13           (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2  
14 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for  
15 the impact incarceration program or the county impact  
16 incarceration program.

17           (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
18 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
19 period of probation or conditional discharge shall not exceed  
20 30 months. The court shall specify the conditions of probation  
21 or conditional discharge as set forth in Section 5-6-3 (730  
22 ILCS 5/5-6-3).

23           (e) FINE. Fines may be imposed as provided in Section  
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

25           (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
2 be concurrent or consecutive as provided in Section 5-8-4 (730  
3 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
5 Act (730 ILCS 166/20) concerning eligibility for a drug court  
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
8 ILCS 5/5-4.5-100) concerning credit for time spent in home  
9 detention prior to judgment.

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730  
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act  
12 (730 ILCS 130/) for rules and regulations for sentence credit.

13 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
14 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
15 electronic monitoring and home detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as  
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or  
18 5/5-8-1), the parole or mandatory supervised release term shall  
19 be one year upon release from imprisonment.

20 (Source: P.A. 97-697, eff. 6-22-12.)

21 (730 ILCS 5/5-4.5-55)

22 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class  
23 A misdemeanor:

24 (a) TERM. The sentence of imprisonment shall be a  
25 determinate sentence of less than one year.

1           (b) PERIODIC IMPRISONMENT. A sentence of periodic  
2 imprisonment shall be for a definite term of less than one  
3 year, except as otherwise provided in Section 5-5-3 or 5-7-1  
4 (730 ILCS 5/5-5-3 or 5/5-7-1).

5           (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
6 5/5-8-1.2) concerning eligibility for the county impact  
7 incarceration program.

8           (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
9 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the  
10 period of probation or conditional discharge shall not exceed 2  
11 years. The court shall specify the conditions of probation or  
12 conditional discharge as set forth in Section 5-6-3 (730 ILCS  
13 5/5-6-3).

14           (e) FINE. A fine not to exceed \$2,500 for each offense or  
15 the amount specified in the offense, whichever is greater, may  
16 be imposed. A fine may be imposed in addition to a sentence of  
17 conditional discharge, probation, periodic imprisonment, or  
18 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
19 Art. 9) for imposition of additional amounts and determination  
20 of amounts and payment.

21           (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
22 concerning restitution.

23           (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
24 be concurrent or consecutive as provided in Section 5-8-4 (730  
25 ILCS 5/5-8-4).

26           (h) DRUG COURT. See Section 20 of the Drug Court Treatment

1 Act (730 ILCS 166/20) concerning eligibility for a drug court  
2 program.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
4 ILCS 5/5-4.5-100) concerning credit for time spent in home  
5 detention prior to judgment.

6 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
7 Behavior Allowance Act (730 ILCS 130/) for rules and  
8 regulations for good behavior allowance.

9 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
10 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
11 electronic monitoring and home detention.

12 (Source: P.A. 97-697, eff. 6-22-12.)

13 (730 ILCS 5/5-4.5-60)

14 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class  
15 B misdemeanor:

16 (a) TERM. The sentence of imprisonment shall be a  
17 determinate sentence of not more than 6 months.

18 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
19 imprisonment shall be for a definite term of up to 6 months or  
20 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

21 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
22 5/5-8-1.2) concerning eligibility for the county impact  
23 incarceration program.

24 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
25 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or

1 conditional discharge shall not exceed 2 years. The court shall  
2 specify the conditions of probation or conditional discharge as  
3 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

4 (e) FINE. A fine not to exceed \$1,500 for each offense or  
5 the amount specified in the offense, whichever is greater, may  
6 be imposed. A fine may be imposed in addition to a sentence of  
7 conditional discharge, probation, periodic imprisonment, or  
8 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
9 Art. 9) for imposition of additional amounts and determination  
10 of amounts and payment.

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
14 be concurrent or consecutive as provided in Section 5-8-4 (730  
15 ILCS 5/5-8-4).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
17 Act (730 ILCS 166/20) concerning eligibility for a drug court  
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
20 ILCS 5/5-4.5-100) concerning credit for time spent in home  
21 detention prior to judgment.

22 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
23 Behavior Allowance Act (730 ILCS 130/) for rules and  
24 regulations for good behavior allowance.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (Source: P.A. 97-697, eff. 6-22-12.)

3 (730 ILCS 5/5-4.5-65)

4 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class  
5 C misdemeanor:

6 (a) TERM. The sentence of imprisonment shall be a  
7 determinate sentence of not more than 30 days.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic  
9 imprisonment shall be for a definite term of up to 30 days or  
10 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS  
12 5/5-8-1.2) concerning eligibility for the county impact  
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided  
15 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or  
16 conditional discharge shall not exceed 2 years. The court shall  
17 specify the conditions of probation or conditional discharge as  
18 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

19 (e) FINE. A fine not to exceed \$1,500 for each offense or  
20 the amount specified in the offense, whichever is greater, may  
21 be imposed. A fine may be imposed in addition to a sentence of  
22 conditional discharge, probation, periodic imprisonment, or  
23 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,  
24 Art. 9) for imposition of additional amounts and determination  
25 of amounts and payment.

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)  
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall  
4 be concurrent or consecutive as provided in Section 5-8-4 (730  
5 ILCS 5/5-8-4).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment  
7 Act (730 ILCS 166/20) concerning eligibility for a drug court  
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730  
10 ILCS 5/5-4.5-100) concerning credit for time spent in home  
11 detention prior to judgment.

12 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good  
13 Behavior Allowance Act (730 ILCS 130/) for rules and  
14 regulations for good behavior allowance.

15 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section  
16 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for  
17 electronic monitoring and home detention.

18 (Source: P.A. 97-697, eff. 6-22-12.)

19 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

20 Sec. 5-8-1. Natural life imprisonment; enhancements for  
21 use of a firearm; mandatory supervised release terms.

22 (a) Except as otherwise provided in the statute defining  
23 the offense or in Article 4.5 of Chapter V, a sentence of  
24 imprisonment for a felony shall be a determinate sentence set  
25 by the court under this Section, according to the following



1 limitations:

2 (1) for first degree murder,

3 (a) (blank),

4 (b) if a trier of fact finds beyond a reasonable  
5 doubt that the murder was accompanied by exceptionally  
6 brutal or heinous behavior indicative of wanton  
7 cruelty or, except as set forth in subsection (a) (1) (c)  
8 of this Section, that any of the aggravating factors  
9 listed in subsection (b) or (b-5) of Section 9-1 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 are  
11 present, the court may sentence the defendant, subject  
12 to Section 5-4.5-105, to a term of natural life  
13 imprisonment, or

14 (c) the court shall sentence the defendant to a  
15 term of natural life imprisonment if the defendant, at  
16 the time of the commission of the murder, had attained  
17 the age of 18, and

18 (i) has previously been convicted of first  
19 degree murder under any state or federal law, or

20 (ii) is found guilty of murdering more than one  
21 victim, or

22 (iii) is found guilty of murdering a peace  
23 officer, fireman, or emergency management worker  
24 when the peace officer, fireman, or emergency  
25 management worker was killed in the course of  
26 performing his official duties, or to prevent the

1 peace officer or fireman from performing his  
2 official duties, or in retaliation for the peace  
3 officer, fireman, or emergency management worker  
4 from performing his official duties, and the  
5 defendant knew or should have known that the  
6 murdered individual was a peace officer, fireman,  
7 or emergency management worker, or

8 (iv) is found guilty of murdering an employee  
9 of an institution or facility of the Department of  
10 Corrections, or any similar local correctional  
11 agency, when the employee was killed in the course  
12 of performing his official duties, or to prevent  
13 the employee from performing his official duties,  
14 or in retaliation for the employee performing his  
15 official duties, or

16 (v) is found guilty of murdering an emergency  
17 medical technician - ambulance, emergency medical  
18 technician - intermediate, emergency medical  
19 technician - paramedic, ambulance driver or other  
20 medical assistance or first aid person while  
21 employed by a municipality or other governmental  
22 unit when the person was killed in the course of  
23 performing official duties or to prevent the  
24 person from performing official duties or in  
25 retaliation for performing official duties and the  
26 defendant knew or should have known that the

1 murdered individual was an emergency medical  
2 technician - ambulance, emergency medical  
3 technician - intermediate, emergency medical  
4 technician - paramedic, ambulance driver, or other  
5 medical assistant or first aid personnel, or

6 (vi) (blank), or

7 (vii) is found guilty of first degree murder  
8 and the murder was committed by reason of any  
9 person's activity as a community policing  
10 volunteer or to prevent any person from engaging in  
11 activity as a community policing volunteer. For  
12 the purpose of this Section, "community policing  
13 volunteer" has the meaning ascribed to it in  
14 Section 2-3.5 of the Criminal Code of 2012.

15 For purposes of clause (v), "emergency medical  
16 technician - ambulance", "emergency medical technician  
17 - intermediate", "emergency medical technician -  
18 paramedic", have the meanings ascribed to them in the  
19 Emergency Medical Services (EMS) Systems Act.

20 (d) (i) if the person committed the offense while  
21 armed with a firearm, 15 years shall be added to  
22 the term of imprisonment imposed by the court;

23 (ii) if, during the commission of the offense,  
24 the person personally discharged a firearm, 20  
25 years shall be added to the term of imprisonment  
26 imposed by the court;

1 (iii) if, during the commission of the  
2 offense, the person personally discharged a  
3 firearm that proximately caused great bodily harm,  
4 permanent disability, permanent disfigurement, or  
5 death to another person, 25 years or up to a term  
6 of natural life shall be added to the term of  
7 imprisonment imposed by the court.

8 (2) (blank);

9 (2.5) for a person who has attained the age of 18 years  
10 at the time of the commission of the offense and who is  
11 convicted under the circumstances described in subdivision  
12 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection  
13 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30  
14 or paragraph (2) of subsection (d) of Section 12-14,  
15 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)  
16 of subsection (b) of Section 12-14.1, subdivision (b) (2) of  
17 Section 11-1.40 or paragraph (2) of subsection (b) of  
18 Section 12-14.1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, the sentence shall be a term of  
20 natural life imprisonment.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Subject to earlier termination under Section 3-3-8, the  
24 parole or mandatory supervised release term shall be written as  
25 part of the sentencing order and shall be as follows:

26 (1) for first degree murder or a Class X felony except

1 for the offenses of predatory criminal sexual assault of a  
2 child, aggravated criminal sexual assault, and criminal  
3 sexual assault if committed on or after the effective date  
4 of this amendatory Act of the 94th General Assembly and  
5 except for the offense of aggravated child pornography  
6 under Section 11-20.1B, 11-20.3, or 11-20.1 with  
7 sentencing under subsection (c-5) of Section 11-20.1 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012, if  
9 committed on or after January 1, 2009, 3 years;

10 (2) for a Class 1 felony or a Class 2 felony except for  
11 the offense of criminal sexual assault if committed on or  
12 after the effective date of this amendatory Act of the 94th  
13 General Assembly and except for the offenses of manufacture  
14 and dissemination of child pornography under clauses  
15 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
16 of 1961 or the Criminal Code of 2012, if committed on or  
17 after January 1, 2009, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory  
20 criminal sexual assault of a child, aggravated criminal  
21 sexual assault, or criminal sexual assault, on or after the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly, or who commit the offense of aggravated child  
24 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
25 with sentencing under subsection (c-5) of Section 11-20.1  
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 manufacture of child pornography, or dissemination of  
2 child pornography after January 1, 2009, the term of  
3 mandatory supervised release shall range from a minimum of  
4 3 years to a maximum of the natural life of the defendant;

5 (5) if the victim is under 18 years of age, for a  
6 second or subsequent offense of aggravated criminal sexual  
7 abuse or felony criminal sexual abuse, 4 years, at least  
8 the first 2 years of which the defendant shall serve in an  
9 electronic monitoring or home detention program under  
10 Article 8A of Chapter V of this Code;

11 (6) for a felony domestic battery, aggravated domestic  
12 battery, stalking, aggravated stalking, and a felony  
13 violation of an order of protection, 4 years.

14 (e) (Blank).

15 (f) (Blank).

16 (Source: P.A. 99-69, eff. 1-1-16; 99-875, eff. 1-1-17.)

17 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

18 Sec. 5-8A-3. Application.

19 (a) Except as provided in subsection (d), a person charged  
20 with or convicted of an excluded offense may not be placed in  
21 an electronic monitoring or home detention program, except for  
22 bond pending trial or appeal or while on parole, aftercare  
23 release, or mandatory supervised release.

24 (b) A person serving a sentence for a conviction of a Class  
25 1 felony, other than an excluded offense, may be placed in an

1 electronic monitoring or home detention program for a period  
2 not to exceed the last 90 days of incarceration.

3 (c) A person serving a sentence for a conviction of a Class  
4 X felony, other than an excluded offense, may be placed in an  
5 electronic monitoring or home detention program for a period  
6 not to exceed the last 90 days of incarceration, provided that  
7 the person was sentenced on or after August 11, 1993 (the  
8 effective date of Public Act 88-311) ~~this amendatory Act of~~  
9 ~~1993~~ and provided that the court has not prohibited the program  
10 for the person in the sentencing order.

11 (d) A person serving a sentence for conviction of an  
12 offense other than for predatory criminal sexual assault of a  
13 child, aggravated criminal sexual assault, criminal sexual  
14 assault, aggravated criminal sexual abuse, or felony criminal  
15 sexual abuse, may be placed in an electronic monitoring or home  
16 detention program for a period not to exceed the last 12 months  
17 of incarceration, provided that (i) the person is 55 years of  
18 age or older; (ii) the person is serving a determinate  
19 sentence; (iii) the person has served at least 25% of the  
20 sentenced prison term; and (iv) placement in an electronic ~~home~~  
21 monitoring or home detention program is approved by the  
22 Prisoner Review Board or the Department of Juvenile Justice.

23 (e) A person serving a sentence for conviction of a Class  
24 2, 3, or 4 felony offense which is not an excluded offense may  
25 be placed in an electronic monitoring or home detention program  
26 pursuant to Department administrative directives.

1 (f) Applications for electronic monitoring or home  
2 detention may include the following:

3 (1) pretrial or pre-adjudicatory detention;

4 (2) probation;

5 (3) conditional discharge;

6 (4) periodic imprisonment;

7 (5) parole, aftercare release, or mandatory supervised  
8 release;

9 (6) work release;

10 (7) furlough; or

11 (8) post-trial incarceration.

12 (g) A person convicted of an offense described in clause  
13 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
14 shall be placed in an electronic monitoring or home detention  
15 program for at least the first 2 years of the person's  
16 mandatory supervised release term.

17 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14;  
18 99-628, eff. 1-1-17; 99-797, eff. 8-12-16; revised 9-1-16.)

19 (730 ILCS 5/5-8A-4.1)

20 Sec. 5-8A-4.1. Escape; failure to comply with a condition  
21 of the electronic monitoring or home detention program.

22 (a) A person charged with or convicted of a felony, or  
23 charged with or adjudicated delinquent for an act which, if  
24 committed by an adult, would constitute a felony, conditionally  
25 released from the supervising authority through an electronic



1 monitoring or home detention program, who knowingly violates a  
2 condition of the electronic ~~home~~ monitoring or home detention  
3 program is guilty of a Class 3 felony.

4 (b) A person charged with or convicted of a misdemeanor, or  
5 charged with or adjudicated delinquent for an act which, if  
6 committed by an adult, would constitute a misdemeanor,  
7 conditionally released from the supervising authority through  
8 an electronic monitoring or home detention program, who  
9 knowingly violates a condition of the electronic monitoring or  
10 home detention program is guilty of a Class B misdemeanor.

11 (c) A person who violates this Section while armed with a  
12 dangerous weapon is guilty of a Class 1 felony.

13 (Source: P.A. 99-797, eff. 8-12-16.)

14 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

15 Sec. 5-8A-5. Consent of the participant. Before entering an  
16 order for commitment for electronic monitoring, the  
17 supervising authority shall inform the participant and other  
18 persons residing in the home of the nature and extent of the  
19 approved electronic monitoring devices by doing the following:

20 (A) Securing the written consent of the participant in  
21 the program to comply with the rules and regulations of the  
22 program as stipulated in subsections (A) through (I) of  
23 Section 5-8A-4.

24 (B) Where possible, securing the written consent of  
25 other persons residing in the home of the participant,

1 including the person in whose name the telephone is  
2 registered, at the time of the order for ~~or~~ commitment for  
3 electronic monitoring ~~home detention~~ is entered and  
4 acknowledge the nature and extent of approved electronic  
5 monitoring devices.

6 (C) Ensure ~~Insure~~ that the approved electronic devices  
7 be minimally intrusive upon the privacy of the participant  
8 and other persons residing in the home while remaining in  
9 compliance with subsections (B) through (D) of Section  
10 5-8A-4.

11 ~~(D)~~ This Section does not apply to persons subject to  
12 electronic monitoring ~~Electronic Monitoring~~ or home detention  
13 as a term or condition of parole, aftercare release, or  
14 mandatory supervised release under subsection (d) of Section  
15 5-8-1 of this Code.

16 (Source: P.A. 98-558, eff. 1-1-14; 99-797, eff. 8-12-16;  
17 revised 10-27-16.)

18 (730 ILCS 5/5-8A-6)

19 Sec. 5-8A-6. Electronic monitoring of certain sex  
20 offenders. For a sexual predator subject to electronic ~~home~~  
21 monitoring under paragraph (7.7) of subsection (a) of Section  
22 3-3-7, the Department of Corrections must use a system that  
23 actively monitors and identifies the offender's current  
24 location and timely reports or records the offender's presence  
25 and that alerts the Department of the offender's presence

1 within a prohibited area described in Section 11-9.3 of the  
2 Criminal Code of 2012, in a court order, or as a condition of  
3 the offender's parole, mandatory supervised release, or  
4 extended mandatory supervised release and the offender's  
5 departure from specified geographic limitations. To the extent  
6 that he or she is able to do so, which the Department of  
7 Corrections by rule shall determine, the offender must pay for  
8 the cost of the electronic monitoring.

9 (Source: P.A. 99-797, eff. 8-12-16.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.