

1 AN ACT concerning safe neighborhoods.

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

4 Section 1. This Act may be referred to as the Safe
5 Neighborhoods Reform Act.

6 Section 5. The Criminal Identification Act is amended by
7 changing Section 2.1 as follows:

8 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

9 Sec. 2.1. For the purpose of maintaining complete and
10 accurate criminal records of the Department of State Police, it
11 is necessary for all policing bodies of this State, the clerk
12 of the circuit court, the Illinois Department of Corrections,
13 the sheriff of each county, and State's Attorney of each county
14 to submit certain criminal arrest, charge, and disposition
15 information to the Department for filing at the earliest time
16 possible. Unless otherwise noted herein, it shall be the duty
17 of all policing bodies of this State, the clerk of the circuit
18 court, the Illinois Department of Corrections, the sheriff of
19 each county, and the State's Attorney of each county to report
20 such information as provided in this Section, both in the form
21 and manner required by the Department and within 30 days of the
22 criminal history event. Specifically:

1 (a) Arrest Information. All agencies making arrests for
2 offenses which are required by statute to be collected,
3 maintained or disseminated by the Department of State Police
4 shall be responsible for furnishing daily to the Department
5 fingerprints, charges and descriptions of all persons who are
6 arrested for such offenses. All such agencies shall also notify
7 the Department of all decisions by the arresting agency not to
8 refer such arrests for prosecution. With approval of the
9 Department, an agency making such arrests may enter into
10 arrangements with other agencies for the purpose of furnishing
11 daily such fingerprints, charges and descriptions to the
12 Department upon its behalf.

13 (b) Charge Information. The State's Attorney of each county
14 shall notify the Department of all charges filed and all
15 petitions filed alleging that a minor is delinquent, including
16 all those added subsequent to the filing of a case, and whether
17 charges were not filed in cases for which the Department has
18 received information required to be reported pursuant to
19 paragraph (a) of this Section. With approval of the Department,
20 the State's Attorney may enter into arrangements with other
21 agencies for the purpose of furnishing the information required
22 by this subsection (b) to the Department upon the State's
23 Attorney's behalf.

24 (c) Disposition Information. The clerk of the circuit court
25 of each county shall furnish the Department, in the form and
26 manner required by the Supreme Court, with all final

1 dispositions of cases for which the Department has received
2 information required to be reported pursuant to paragraph (a)
3 or (d) of this Section. Such information shall include, for
4 each charge, all (1) judgments of not guilty, judgments of
5 guilty including the sentence pronounced by the court with
6 statutory citations to the relevant sentencing provision,
7 findings that a minor is delinquent and any sentence made based
8 on those findings, discharges and dismissals in the court; (2)
9 reviewing court orders filed with the clerk of the circuit
10 court which reverse or remand a reported conviction or findings
11 that a minor is delinquent or that vacate or modify a sentence
12 or sentence made following a trial that a minor is delinquent;
13 (3) continuances to a date certain in furtherance of an order
14 of supervision granted under Section 5-6-1 of the Unified Code
15 of Corrections or an order of probation granted under Section
16 10 of the Cannabis Control Act, Section 410 of the Illinois
17 Controlled Substances Act, Section 70 of the Methamphetamine
18 Control and Community Protection Act, Section 12-4.3 or
19 subdivision (b)(1) of Section 12-3.05 of the Criminal Code of
20 1961 or the Criminal Code of 2012, Section 10-102 of the
21 Illinois Alcoholism and Other Drug Dependency Act, Section
22 40-10 of the Alcoholism and Other Drug Abuse and Dependency
23 Act, Section 10 of the Steroid Control Act, or Section 5-615 of
24 the Juvenile Court Act of 1987; and (4) judgments or court
25 orders terminating or revoking a sentence to or juvenile
26 disposition of probation, supervision or conditional discharge

1 and any resentencing or new court orders entered by a juvenile
2 court relating to the disposition of a minor's case involving
3 delinquency after such revocation.

4 (d) Fingerprints After Sentencing.

5 (1) After the court pronounces sentence, sentences a
6 minor following a trial in which a minor was found to be
7 delinquent or issues an order of supervision or an order of
8 probation granted under Section 10 of the Cannabis Control
9 Act, Section 410 of the Illinois Controlled Substances Act,
10 Section 70 of the Methamphetamine Control and Community
11 Protection Act, Section 12-4.3 or subdivision (b)(1) of
12 Section 12-3.05 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, Section 10-102 of the Illinois
14 Alcoholism and Other Drug Dependency Act, Section 40-10 of
15 the Alcoholism and Other Drug Abuse and Dependency Act,
16 Section 10 of the Steroid Control Act, or Section 5-615 of
17 the Juvenile Court Act of 1987 for any offense which is
18 required by statute to be collected, maintained, or
19 disseminated by the Department of State Police, the State's
20 Attorney of each county shall ask the court to order a law
21 enforcement agency to fingerprint immediately all persons
22 appearing before the court who have not previously been
23 fingerprinted for the same case. The court shall so order
24 the requested fingerprinting, if it determines that any
25 such person has not previously been fingerprinted for the
26 same case. The law enforcement agency shall submit such

1 fingerprints to the Department daily.

2 (2) After the court pronounces sentence or makes a
3 disposition of a case following a finding of delinquency
4 for any offense which is not required by statute to be
5 collected, maintained, or disseminated by the Department
6 of State Police, the prosecuting attorney may ask the court
7 to order a law enforcement agency to fingerprint
8 immediately all persons appearing before the court who have
9 not previously been fingerprinted for the same case. The
10 court may so order the requested fingerprinting, if it
11 determines that any so sentenced person has not previously
12 been fingerprinted for the same case. The law enforcement
13 agency may retain such fingerprints in its files.

14 (e) Corrections Information. The Illinois Department of
15 Corrections and the sheriff of each county shall furnish the
16 Department with all information concerning the receipt,
17 escape, execution, death, release, pardon, parole, commutation
18 of sentence, granting of executive clemency or discharge of an
19 individual who has been sentenced or committed to the agency's
20 custody for any offenses which are mandated by statute to be
21 collected, maintained or disseminated by the Department of
22 State Police. For an individual who has been charged with any
23 such offense and who escapes from custody or dies while in
24 custody, all information concerning the receipt and escape or
25 death, whichever is appropriate, shall also be so furnished to
26 the Department.

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

2 Section 15. The Criminal Code of 2012 is amended by
3 changing Sections 19-1, 24-1.1, and 24-1.6 as follows:

4 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

5 Sec. 19-1. Burglary.

6 (a) A person commits burglary when without authority he or
7 she knowingly enters or without authority remains within a
8 building, housetrailer, watercraft, aircraft, motor vehicle,
9 railroad car, or any part thereof, with intent to commit
10 therein a felony or theft. This offense shall not include the
11 offenses set out in Section 4-102 of the Illinois Vehicle Code.

12 (b) Sentence.

13 Burglary committed in, and without causing damage to, a
14 watercraft, aircraft, motor vehicle, railroad car, or any part
15 thereof is a Class 3 felony. Burglary committed in a building,
16 housetrailer, or any part thereof or while causing damage to a
17 watercraft, aircraft, motor vehicle, railroad car, or any part
18 thereof is a Class 2 felony. A burglary committed in a school,
19 day care center, day care home, group day care home, or part
20 day child care facility, or place of worship is a Class 1
21 felony, except that this provision does not apply to a day care
22 center, day care home, group day care home, or part day child
23 care facility operated in a private residence used as a
24 dwelling.

1 (c) Regarding penalties prescribed in subsection (b) for
2 violations committed in a day care center, day care home, group
3 day care home, or part day child care facility, the time of
4 day, time of year, and whether children under 18 years of age
5 were present in the day care center, day care home, group day
6 care home, or part day child care facility are irrelevant.

7 (Source: P.A. 96-556, eff. 1-1-10; 97-1108, eff. 1-1-13.)

8 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

9 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
10 Felons or Persons in the Custody of the Department of
11 Corrections Facilities.

12 (a) It is unlawful for a person to knowingly possess on or
13 about his person or on his land or in his own abode or fixed
14 place of business any weapon prohibited under Section 24-1 of
15 this Act or any firearm or any firearm ammunition if the person
16 has been convicted of a felony under the laws of this State or
17 any other jurisdiction. This Section shall not apply if the
18 person has been granted relief by the Director of the
19 Department of State Police under Section 10 of the Firearm
20 Owners Identification Card Act.

21 (b) It is unlawful for any person confined in a penal
22 institution, which is a facility of the Illinois Department of
23 Corrections, to possess any weapon prohibited under Section
24 24-1 of this Code or any firearm or firearm ammunition,
25 regardless of the intent with which he possesses it.

1 (c) It shall be an affirmative defense to a violation of
2 subsection (b), that such possession was specifically
3 authorized by rule, regulation, or directive of the Illinois
4 Department of Corrections or order issued pursuant thereto.

5 (d) The defense of necessity is not available to a person
6 who is charged with a violation of subsection (b) of this
7 Section.

8 (e) Sentence. Violation of this Section by a person not
9 confined in a penal institution shall be a Class 3 felony for
10 which the person shall be sentenced to no less than 2 years and
11 no more than 10 years. A ~~and any~~ second or subsequent violation
12 of this Section shall be a Class 2 felony for which the person
13 shall be sentenced to a term of imprisonment of not less than 3
14 years and not more than 14 years, except as provided for in
15 Section 5-4.5-110 of the Unified Code of Corrections. Violation
16 of this Section by a person not confined in a penal institution
17 who has been convicted of a forcible felony, a felony violation
18 of Article 24 of this Code or of the Firearm Owners
19 Identification Card Act, stalking or aggravated stalking, or a
20 Class 2 or greater felony under the Illinois Controlled
21 Substances Act, the Cannabis Control Act, or the
22 Methamphetamine Control and Community Protection Act is a Class
23 2 felony for which the person shall be sentenced to not less
24 than 3 years and not more than 14 years, except as provided for
25 in Section 5-4.5-110 of the Unified Code of Corrections.
26 Violation of this Section by a person who is on parole or

1 mandatory supervised release is a Class 2 felony for which the
2 person shall be sentenced to not less than 3 years and not more
3 than 14 years, except as provided for in Section 5-4.5-110 of
4 the Unified Code of Corrections. Violation of this Section by a
5 person not confined in a penal institution is a Class X felony
6 when the firearm possessed is a machine gun. Any person who
7 violates this Section while confined in a penal institution,
8 which is a facility of the Illinois Department of Corrections,
9 is guilty of a Class 1 felony, if he possesses any weapon
10 prohibited under Section 24-1 of this Code regardless of the
11 intent with which he possesses it, a Class X felony if he
12 possesses any firearm, firearm ammunition or explosive, and a
13 Class X felony for which the offender shall be sentenced to not
14 less than 12 years and not more than 50 years when the firearm
15 possessed is a machine gun. A violation of this Section while
16 wearing or in possession of body armor as defined in Section
17 33F-1 is a Class X felony punishable by a term of imprisonment
18 of not less than 10 years and not more than 40 years. The
19 possession of each firearm or firearm ammunition in violation
20 of this Section constitutes a single and separate violation.

21 (Source: P.A. 97-237, eff. 1-1-12.)

22 (720 ILCS 5/24-1.6)

23 Sec. 24-1.6. Aggravated unlawful use of a weapon.

24 (a) A person commits the offense of aggravated unlawful use
25 of a weapon when he or she knowingly:

1 (1) Carries on or about his or her person or in any
2 vehicle or concealed on or about his or her person except
3 when on his or her land or in his or her abode, legal
4 dwelling, or fixed place of business, or on the land or in
5 the legal dwelling of another person as an invitee with
6 that person's permission, any pistol, revolver, stun gun or
7 taser or other firearm; or

8 (2) Carries or possesses on or about his or her person,
9 upon any public street, alley, or other public lands within
10 the corporate limits of a city, village or incorporated
11 town, except when an invitee thereon or therein, for the
12 purpose of the display of such weapon or the lawful
13 commerce in weapons, or except when on his or her own land
14 or in his or her own abode, legal dwelling, or fixed place
15 of business, or on the land or in the legal dwelling of
16 another person as an invitee with that person's permission,
17 any pistol, revolver, stun gun or taser or other firearm;
18 and

19 (3) One of the following factors is present:

20 (A) the firearm, other than a pistol, revolver, or
21 handgun, possessed was uncased, loaded, and
22 immediately accessible at the time of the offense; or

23 (A-5) the pistol, revolver, or handgun possessed
24 was uncased, loaded, and immediately accessible at the
25 time of the offense and the person possessing the
26 pistol, revolver, or handgun has not been issued a

1 currently valid license under the Firearm Concealed
2 Carry Act; or

3 (B) the firearm, other than a pistol, revolver, or
4 handgun, possessed was uncased, unloaded, and the
5 ammunition for the weapon was immediately accessible
6 at the time of the offense; or

7 (B-5) the pistol, revolver, or handgun possessed
8 was uncased, unloaded, and the ammunition for the
9 weapon was immediately accessible at the time of the
10 offense and the person possessing the pistol,
11 revolver, or handgun has not been issued a currently
12 valid license under the Firearm Concealed Carry Act; or

13 (C) the person possessing the firearm has not been
14 issued a currently valid Firearm Owner's
15 Identification Card; or

16 (D) the person possessing the weapon was
17 previously adjudicated a delinquent minor under the
18 Juvenile Court Act of 1987 for an act that if committed
19 by an adult would be a felony; or

20 (E) the person possessing the weapon was engaged in
21 a misdemeanor violation of the Cannabis Control Act, in
22 a misdemeanor violation of the Illinois Controlled
23 Substances Act, or in a misdemeanor violation of the
24 Methamphetamine Control and Community Protection Act;
25 or

26 (F) (blank); or

1 (G) the person possessing the weapon had an ~~a~~ order
2 of protection issued against him or her within the
3 previous 2 years; or

4 (H) the person possessing the weapon was engaged in
5 the commission or attempted commission of a
6 misdemeanor involving the use or threat of violence
7 against the person or property of another; or

8 (I) the person possessing the weapon was under 21
9 years of age and in possession of a handgun, unless the
10 person under 21 is engaged in lawful activities under
11 the Wildlife Code or described in subsection
12 24-2(b) (1), (b) (3), or 24-2(f).

13 (a-5) "Handgun" as used in this Section has the meaning
14 given to it in Section 5 of the Firearm Concealed Carry Act.

15 (b) "Stun gun or taser" as used in this Section has the
16 same definition given to it in Section 24-1 of this Code.

17 (c) This Section does not apply to or affect the
18 transportation or possession of weapons that:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container by a person
23 who has been issued a currently valid Firearm Owner's
24 Identification Card.

25 (d) Sentence.

26 (1) Aggravated unlawful use of a weapon is a Class 4

1 felony; a second or subsequent offense is a Class 2 felony
2 for which the person shall be sentenced to a term of
3 imprisonment of not less than 3 years and not more than 7
4 years, except as provided for in Section 5-4.5-110 of the
5 Unified Code of Corrections.

6 (2) Except as otherwise provided in paragraphs (3) and
7 (4) of this subsection (d), a first offense of aggravated
8 unlawful use of a weapon committed with a firearm by a
9 person 18 years of age or older where the factors listed in
10 both items (A) and (C) or both items (A-5) and (C) of
11 paragraph (3) of subsection (a) are present is a Class 4
12 felony, for which the person shall be sentenced to a term
13 of imprisonment of not less than one year and not more than
14 3 years.

15 (3) Aggravated unlawful use of a weapon by a person who
16 has been previously convicted of a felony in this State or
17 another jurisdiction is a Class 2 felony for which the
18 person shall be sentenced to a term of imprisonment of not
19 less than 3 years and not more than 7 years, except as
20 provided for in Section 5-4.5-110 of the Unified Code of
21 Corrections.

22 (4) Aggravated unlawful use of a weapon while wearing
23 or in possession of body armor as defined in Section 33F-1
24 by a person who has not been issued a valid Firearms
25 Owner's Identification Card in accordance with Section 5 of
26 the Firearm Owners Identification Card Act is a Class X

1 felony.

2 (e) The possession of each firearm in violation of this
3 Section constitutes a single and separate violation.

4 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

5 Section 20. The Cannabis Control Act is amended by changing
6 Sections 5.2 and 10 as follows:

7 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

8 Sec. 5.2. Delivery of cannabis on school grounds.

9 (a) Any person who violates subsection (e) of Section 5 in
10 any school, on the real property comprising any school, or any
11 conveyance owned, leased or contracted by a school to transport
12 students to or from school or a school related activity, or on
13 any public way within 500 ~~1,000~~ feet of the real property
14 comprising any school, or in any conveyance owned, leased or
15 contracted by a school to transport students to or from school
16 or a school related activity, and at the time of the violation
17 persons under the age of 18 are present, the offense is
18 committed during school hours, or the offense is committed at
19 times when persons under the age of 18 are reasonably expected
20 to be present in the school, in the conveyance, on the real
21 property, or on the public way, such as when after-school
22 activities are occurring, is guilty of a Class 1 felony, the
23 fine for which shall not exceed \$200,000;

24 (b) Any person who violates subsection (d) of Section 5 in

1 any school, on the real property comprising any school, or any
2 conveyance owned, leased or contracted by a school to transport
3 students to or from school or a school related activity, or on
4 any public way within 500 ~~1,000~~ feet of the real property
5 comprising any school, or in any conveyance owned, leased or
6 contracted by a school to transport students to or from school
7 or a school related activity, and at the time of the violation
8 persons under the age of 18 are present, the offense is
9 committed during school hours, or the offense is committed at
10 times when persons under the age of 18 are reasonably expected
11 to be present in the school, in the conveyance, on the real
12 property, or on the public way, such as when after-school
13 activities are occurring, is guilty of a Class 2 felony, the
14 fine for which shall not exceed \$100,000;

15 (c) Any person who violates subsection (c) of Section 5 in
16 any school, on the real property comprising any school, or any
17 conveyance owned, leased or contracted by a school to transport
18 students to or from school or a school related activity, or on
19 any public way within 500 ~~1,000~~ feet of the real property
20 comprising any school, or in any conveyance owned, leased or
21 contracted by a school to transport students to or from school
22 or a school related activity, and at the time of the violation
23 persons under the age of 18 are present, the offense is
24 committed during school hours, or the offense is committed at
25 times when persons under the age of 18 are reasonably expected
26 to be present in the school, in the conveyance, on the real

1 property, or on the public way, such as when after-school
2 activities are occurring, is guilty of a Class 3 felony, the
3 fine for which shall not exceed \$50,000;

4 (d) Any person who violates subsection (b) of Section 5 in
5 any school, on the real property comprising any school, or any
6 conveyance owned, leased or contracted by a school to transport
7 students to or from school or a school related activity, or on
8 any public way within 500 ~~1,000~~ feet of the real property
9 comprising any school, or in any conveyance owned, leased or
10 contracted by a school to transport students to or from school
11 or a school related activity, and at the time of the violation
12 persons under the age of 18 are present, the offense is
13 committed during school hours, or the offense is committed at
14 times when persons under the age of 18 are reasonably expected
15 to be present in the school, in the conveyance, on the real
16 property, or on the public way, such as when after-school
17 activities are occurring, is guilty of a Class 4 felony, the
18 fine for which shall not exceed \$25,000;

19 (e) Any person who violates subsection (a) of Section 5 in
20 any school, on the real property comprising any school, or in
21 any conveyance owned, leased or contracted by a school to
22 transport students to or from school or a school related
23 activity, on any public way within 500 ~~1,000~~ feet of the real
24 property comprising any school, or any conveyance owned, leased
25 or contracted by a school to transport students to or from
26 school or a school related activity, and at the time of the

1 violation persons under the age of 18 are present, the offense
2 is committed during school hours, or the offense is committed
3 at times when persons under the age of 18 are reasonably
4 expected to be present in the school, in the conveyance, on the
5 real property, or on the public way, such as when after-school
6 activities are occurring, is guilty of a Class A misdemeanor.

7 (Source: P.A. 87-544.)

8 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

9 Sec. 10. (a) Whenever any person who has not previously
10 been convicted of, ~~or placed on probation or court supervision~~
11 ~~for,~~ any felony offense under this Act or any law of the United
12 States or of any State relating to cannabis, or controlled
13 substances as defined in the Illinois Controlled Substances
14 Act, pleads guilty to or is found guilty of violating Sections
15 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court
16 may, without entering a judgment and with the consent of such
17 person, sentence him to probation.

18 (b) When a person is placed on probation, the court shall
19 enter an order specifying a period of probation of 24 months,
20 and shall defer further proceedings in the case until the
21 conclusion of the period or until the filing of a petition
22 alleging violation of a term or condition of probation.

23 (c) The conditions of probation shall be that the person:
24 (1) not violate any criminal statute of any jurisdiction; (2)
25 refrain from possession of a firearm or other dangerous weapon;

1 (3) submit to periodic drug testing at a time and in a manner
2 as ordered by the court, but no less than 3 times during the
3 period of the probation, with the cost of the testing to be
4 paid by the probationer; and (4) perform no less than 30 hours
5 of community service, provided community service is available
6 in the jurisdiction and is funded and approved by the county
7 board.

8 (d) The court may, in addition to other conditions, require
9 that the person:

10 (1) make a report to and appear in person before or
11 participate with the court or such courts, person, or
12 social service agency as directed by the court in the order
13 of probation;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational
16 training;

17 (4) undergo medical or psychiatric treatment; or
18 treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

24 (7-5) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of his
3 or her blood or urine or both for tests to determine the
4 presence of any illicit drug;

5 (8) and in addition, if a minor:

6 (i) reside with his parents or in a foster home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 (iv) contribute to his own support at home or in a
10 foster home.

11 (e) Upon violation of a term or condition of probation, the
12 court may enter a judgment on its original finding of guilt and
13 proceed as otherwise provided.

14 (f) Upon fulfillment of the terms and conditions of
15 probation, the court shall discharge such person and dismiss
16 the proceedings against him.

17 (g) A disposition of probation is considered to be a
18 conviction for the purposes of imposing the conditions of
19 probation and for appeal, however, discharge and dismissal
20 under this Section is not a conviction for purposes of
21 disqualification or disabilities imposed by law upon
22 conviction of a crime (including the additional penalty imposed
23 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
24 of this Act).

25 (h) A person may not have more than one discharge ~~Discharge~~
26 and dismissal under this Section within a 4-year period,

1 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
2 ~~70 of the Methamphetamine Control and Community Protection Act,~~
3 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
4 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
5 ~~or the Criminal Code of 2012 may occur only once with respect~~
6 ~~to any person.~~

7 (i) If a person is convicted of an offense under this Act,
8 the Illinois Controlled Substances Act, or the Methamphetamine
9 Control and Community Protection Act within 5 years subsequent
10 to a discharge and dismissal under this Section, the discharge
11 and dismissal under this Section shall be admissible in the
12 sentencing proceeding for that conviction as a factor in
13 aggravation.

14 (j) Notwithstanding subsection (a), before a person is
15 sentenced to probation under this Section, the court may refer
16 the person to the drug court established in that judicial
17 circuit pursuant to Section 15 of the Drug Court Treatment Act.
18 The drug court team shall evaluate the person's likelihood of
19 successfully completing a sentence of probation under this
20 Section and shall report the results of its evaluation to the
21 court. If the drug court team finds that the person suffers
22 from a substance abuse problem that makes him or her
23 substantially unlikely to successfully complete a sentence of
24 probation under this Section, then the drug court shall set
25 forth its findings in the form of a written order, and the
26 person shall not be sentenced to probation under this Section,

1 but shall ~~may~~ be considered for the drug court program.

2 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

3 Section 25. The Illinois Controlled Substances Act is
4 amended by changing Sections 407 and 410 as follows:

5 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

6 Sec. 407. (a) (1) (A) Any person 18 years of age or over who
7 violates any subsection of Section 401 or subsection (b) of
8 Section 404 by delivering a controlled, counterfeit or
9 look-alike substance to a person under 18 years of age may be
10 sentenced to imprisonment for a term up to twice the maximum
11 term and fined an amount up to twice that amount otherwise
12 authorized by the pertinent subsection of Section 401 and
13 Subsection (b) of Section 404.

14 (B) (Blank).

15 (2) Except as provided in paragraph (3) of this subsection,
16 any person who violates:

17 (A) subsection (c) of Section 401 by delivering or
18 possessing with intent to deliver a controlled,
19 counterfeit, or look-alike substance in or on, or within
20 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
21 guilty of a Class 1 felony, the fine for which shall not
22 exceed \$250,000;

23 (B) subsection (d) of Section 401 by delivering or
24 possessing with intent to deliver a controlled,

1 counterfeit, or look-alike substance in or on, or within
2 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
3 guilty of a Class 2 felony, the fine for which shall not
4 exceed \$200,000;

5 (C) subsection (e) of Section 401 or subsection (b) of
6 Section 404 by delivering or possessing with intent to
7 deliver a controlled, counterfeit, or look-alike substance
8 in or on, or within 500 ~~1,000~~ feet of, a truck stop or
9 safety rest area, is guilty of a Class 3 felony, the fine
10 for which shall not exceed \$150,000;

11 (D) subsection (f) of Section 401 by delivering or
12 possessing with intent to deliver a controlled,
13 counterfeit, or look-alike substance in or on, or within
14 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
15 guilty of a Class 3 felony, the fine for which shall not
16 exceed \$125,000;

17 (E) subsection (g) of Section 401 by delivering or
18 possessing with intent to deliver a controlled,
19 counterfeit, or look-alike substance in or on, or within
20 500 ~~1,000~~ feet of, a truck stop or safety rest area, is
21 guilty of a Class 3 felony, the fine for which shall not
22 exceed \$100,000;

23 (F) subsection (h) of Section 401 by delivering or
24 possessing with intent to deliver a controlled,
25 counterfeit, or look-alike substance in or on, or within
26 500 ~~1,000~~ feet of, a truck stop or safety rest area, is

1 guilty of a Class 3 felony, the fine for which shall not
2 exceed \$75,000;

3 (3) Any person who violates paragraph (2) of this
4 subsection (a) by delivering or possessing with intent to
5 deliver a controlled, counterfeit, or look-alike substance in
6 or on, or within 500 ~~1,000~~ feet of a truck stop or a safety rest
7 area, following a prior conviction or convictions of paragraph
8 (2) of this subsection (a) may be sentenced to a term of
9 imprisonment up to 2 times the maximum term and fined an amount
10 up to 2 times the amount otherwise authorized by Section 401.

11 (4) For the purposes of this subsection (a):

12 (A) "Safety rest area" means a roadside facility
13 removed from the roadway with parking and facilities
14 designed for motorists' rest, comfort, and information
15 needs; and

16 (B) "Truck stop" means any facility (and its parking
17 areas) used to provide fuel or service, or both, to any
18 commercial motor vehicle as defined in Section 18b-101 of
19 the Illinois Vehicle Code.

20 (b) Any person who violates:

21 (1) subsection (c) of Section 401 in any school, on or
22 within 500 feet of the real property comprising any school,
23 or in any conveyance owned, leased or contracted by a
24 school to transport students to or from school or a school
25 related activity, and at the time of the violation persons
26 under the age of 18 are present, the offense is committed

1 during school hours, or the offense is committed at times
2 when persons under the age of 18 are reasonably expected to
3 be present in the school, in the conveyance, or on the real
4 property, such as when after-school activities are
5 occurring ~~or residential property owned, operated or~~
6 ~~managed by a public housing agency or leased by a public~~
7 ~~housing agency as part of a scattered site or mixed income~~
8 ~~development, or in any public park or,~~ on or within 500
9 feet of the real property comprising any ~~school or~~
10 ~~residential property owned, operated or managed by a public~~
11 ~~housing agency or leased by a public housing agency as part~~
12 ~~of a scattered site or mixed income development, or public~~
13 ~~park or within 1,000 feet of the real property comprising~~
14 ~~any school or residential property owned, operated or~~
15 ~~managed by a public housing agency or leased by a public~~
16 ~~housing agency as part of a scattered site or mixed income~~
17 ~~development, or public park,~~ on the real property
18 comprising any church, synagogue, or other building,
19 structure, or place used primarily for religious worship,
20 or within 500 ~~1,000~~ feet of the real property comprising
21 any church, synagogue, or other building, structure, or
22 place used primarily for religious worship, on the real
23 property comprising any of the following places,
24 buildings, or structures used primarily for housing or
25 providing space for activities for senior citizens:
26 nursing homes, assisted-living centers, senior citizen

1 housing complexes, or senior centers oriented toward
2 daytime activities, or within 500 ~~1,000~~ feet of the real
3 property comprising any of the following places,
4 buildings, or structures used primarily for housing or
5 providing space for activities for senior citizens:
6 nursing homes, assisted-living centers, senior citizen
7 housing complexes, or senior centers oriented toward
8 daytime activities and at the time of the violation persons
9 are present or reasonably expected to be present in the
10 church, synagogue, or other building, structure, or place
11 used primarily for religious worship during worship
12 services, or in buildings or structures used primarily for
13 housing or providing space for activities for senior
14 citizens: nursing homes, assisted-living centers, senior
15 citizen housing complexes, or senior centers oriented
16 toward daytime activities during the hours those places,
17 buildings, or structures are open for those activities, or
18 on the real property is guilty of a Class X felony, the
19 fine for which shall not exceed \$500,000;

20 (2) subsection (d) of Section 401 in any school, on or
21 within 500 feet of the real property comprising any school,
22 or in any conveyance owned, leased or contracted by a
23 school to transport students to or from school or a school
24 related activity, and at the time of the violation persons
25 under the age of 18 are present, the offense is committed
26 during school hours, or the offense is committed at times

1 when persons under the age of 18 are reasonably expected to
2 be present in the school, in the conveyance, or on the real
3 property, such as when after-school activities are
4 occurring ~~or residential property owned, operated or~~
5 ~~managed by a public housing agency or leased by a public~~
6 ~~housing agency as part of a scattered site or mixed income~~
7 ~~development, or in any public park or~~ 7 ~~on or within 500~~
8 feet of the real property comprising any ~~school or~~
9 ~~residential property owned, operated or managed by a public~~
10 ~~housing agency or leased by a public housing agency as part~~
11 ~~of a scattered site or mixed income development, or public~~
12 ~~park or within 1,000 feet of the real property comprising~~
13 ~~any school or residential property owned, operated or~~
14 ~~managed by a public housing agency or leased by a public~~
15 ~~housing agency as part of a scattered site or mixed income~~
16 ~~development, or public park,~~ on the real property
17 comprising any church, synagogue, or other building,
18 structure, or place used primarily for religious worship,
19 or within 500 ~~1,000~~ feet of the real property comprising
20 any church, synagogue, or other building, structure, or
21 place used primarily for religious worship, on the real
22 property comprising any of the following places,
23 buildings, or structures used primarily for housing or
24 providing space for activities for senior citizens:
25 nursing homes, assisted-living centers, senior citizen
26 housing complexes, or senior centers oriented toward

1 daytime activities, or within 500 ~~1,000~~ feet of the real
2 property comprising any of the following places,
3 buildings, or structures used primarily for housing or
4 providing space for activities for senior citizens:
5 nursing homes, assisted-living centers, senior citizen
6 housing complexes, or senior centers oriented toward
7 daytime activities and at the time of the violation persons
8 are present or reasonably expected to be present in the
9 church, synagogue, or other building, structure, or place
10 used primarily for religious worship during worship
11 services, or in buildings or structures used primarily for
12 housing or providing space for activities for senior
13 citizens: nursing homes, assisted-living centers, senior
14 citizen housing complexes, or senior centers oriented
15 toward daytime activities during the hours those places,
16 buildings, or structures are open for those activities, or
17 on the real property is guilty of a Class 1 felony, the
18 fine for which shall not exceed \$250,000;

19 (3) subsection (e) of Section 401 or Subsection (b) of
20 Section 404 in any school, on or within 500 feet of the
21 real property comprising any school, or in any conveyance
22 owned, leased or contracted by a school to transport
23 students to or from school or a school related activity,
24 and at the time of the violation persons under the age of
25 18 are present, the offense is committed during school
26 hours, or the offense is committed at times when persons

1 under the age of 18 are reasonably expected to be present
2 in the school, in the conveyance, or on the real property,
3 such as when after-school activities are occurring ~~or~~
4 ~~residential property owned, operated or managed by a public~~
5 ~~housing agency or leased by a public housing agency as part~~
6 ~~of a scattered site or mixed income development, or in any~~
7 public park ~~or~~, on or within 500 feet of the real property
8 comprising any ~~school or residential property owned,~~
9 ~~operated or managed by a public housing agency or leased by~~
10 ~~a public housing agency as part of a scattered site or~~
11 ~~mixed income development, or public park or within 1,000~~
12 ~~feet of the real property comprising any school or~~
13 ~~residential property owned, operated or managed by a public~~
14 ~~housing agency or leased by a public housing agency as part~~
15 ~~of a scattered site or mixed income development, or public~~
16 ~~park,~~ on the real property comprising any church,
17 synagogue, or other building, structure, or place used
18 primarily for religious worship, or within 500 ~~1,000~~ feet
19 of the real property comprising any church, synagogue, or
20 other building, structure, or place used primarily for
21 religious worship, on the real property comprising any of
22 the following places, buildings, or structures used
23 primarily for housing or providing space for activities for
24 senior citizens: nursing homes, assisted-living centers,
25 senior citizen housing complexes, or senior centers
26 oriented toward daytime activities, or within 500 ~~1,000~~

1 feet of the real property comprising any of the following
2 places, buildings, or structures used primarily for
3 housing or providing space for activities for senior
4 citizens: nursing homes, assisted-living centers, senior
5 citizen housing complexes, or senior centers oriented
6 toward daytime activities and at the time of the violation
7 persons are present or reasonably expected to be present in
8 the church, synagogue, or other building, structure, or
9 place used primarily for religious worship during worship
10 services, or in buildings or structures used primarily for
11 housing or providing space for activities for senior
12 citizens: nursing homes, assisted-living centers, senior
13 citizen housing complexes, or senior centers oriented
14 toward daytime activities during the hours those places,
15 buildings, or structures are open for those activities, or
16 on the real property is guilty of a Class 2 felony, the
17 fine for which shall not exceed \$200,000;

18 (4) subsection (f) of Section 401 in any school, on or
19 within 500 feet of the real property comprising any school,
20 or in any conveyance owned, leased or contracted by a
21 school to transport students to or from school or a school
22 related activity, and at the time of the violation persons
23 under the age of 18 are present, the offense is committed
24 during school hours, or the offense is committed at times
25 when persons under the age of 18 are reasonably expected to
26 be present in the school, in the conveyance, or on the real

1 property, such as when after-school activities are
2 occurring ~~or residential property owned, operated or~~
3 ~~managed by a public housing agency or leased by a public~~
4 ~~housing agency as part of a scattered site or mixed income~~
5 ~~development, or in any public park or,~~ on or within 500
6 feet of the real property comprising any ~~school or~~
7 ~~residential property owned, operated or managed by a public~~
8 ~~housing agency or leased by a public housing agency as part~~
9 ~~of a scattered site or mixed income development, or public~~
10 ~~park or within 1,000 feet of the real property comprising~~
11 ~~any school or residential property owned, operated or~~
12 ~~managed by a public housing agency or leased by a public~~
13 ~~housing agency as part of a scattered site or mixed income~~
14 ~~development, or public park,~~ on the real property
15 comprising any church, synagogue, or other building,
16 structure, or place used primarily for religious worship,
17 or within 500 ~~1,000~~ feet of the real property comprising
18 any church, synagogue, or other building, structure, or
19 place used primarily for religious worship, on the real
20 property comprising any of the following places,
21 buildings, or structures used primarily for housing or
22 providing space for activities for senior citizens:
23 nursing homes, assisted-living centers, senior citizen
24 housing complexes, or senior centers oriented toward
25 daytime activities, or within 500 ~~1,000~~ feet of the real
26 property comprising any of the following places,

1 buildings, or structures used primarily for housing or
2 providing space for activities for senior citizens:
3 nursing homes, assisted-living centers, senior citizen
4 housing complexes, or senior centers oriented toward
5 daytime activities and at the time of the violation persons
6 are present or reasonably expected to be present in the
7 church, synagogue, or other building, structure, or place
8 used primarily for religious worship during worship
9 services, or in buildings or structures used primarily for
10 housing or providing space for activities for senior
11 citizens: nursing homes, assisted-living centers, senior
12 citizen housing complexes, or senior centers oriented
13 toward daytime activities during the hours those places,
14 buildings, or structures are open for those activities, or
15 on the real property is guilty of a Class 2 felony, the
16 fine for which shall not exceed \$150,000;

17 (5) subsection (g) of Section 401 in any school, on or
18 within 500 feet of the real property comprising any school,
19 or in any conveyance owned, leased or contracted by a
20 school to transport students to or from school or a school
21 related activity, and at the time of the violation persons
22 under the age of 18 are present, the offense is committed
23 during school hours, or the offense is committed at times
24 when persons under the age of 18 are reasonably expected to
25 be present in the school, in the conveyance, or on the real
26 property, such as when after-school activities are

1 occurring ~~or residential property owned, operated or~~
2 ~~managed by a public housing agency or leased by a public~~
3 ~~housing agency as part of a scattered site or mixed income~~
4 ~~development, or in any public park or, on or within 500~~
5 feet of the real property comprising any ~~school or~~
6 ~~residential property owned, operated or managed by a public~~
7 ~~housing agency or leased by a public housing agency as part~~
8 ~~of a scattered site or mixed income development, or public~~
9 ~~park or within 1,000 feet of the real property comprising~~
10 ~~any school or residential property owned, operated or~~
11 ~~managed by a public housing agency or leased by a public~~
12 ~~housing agency as part of a scattered site or mixed income~~
13 ~~development, or public park,~~ on the real property
14 comprising any church, synagogue, or other building,
15 structure, or place used primarily for religious worship,
16 or within 500 ~~1,000~~ feet of the real property comprising
17 any church, synagogue, or other building, structure, or
18 place used primarily for religious worship, on the real
19 property comprising any of the following places,
20 buildings, or structures used primarily for housing or
21 providing space for activities for senior citizens:
22 nursing homes, assisted-living centers, senior citizen
23 housing complexes, or senior centers oriented toward
24 daytime activities, or within 500 ~~1,000~~ feet of the real
25 property comprising any of the following places,
26 buildings, or structures used primarily for housing or

1 providing space for activities for senior citizens:
2 nursing homes, assisted-living centers, senior citizen
3 housing complexes, or senior centers oriented toward
4 daytime activities and at the time of the violation persons
5 are present or reasonably expected to be present in the
6 church, synaogue, or other building, structure, or place
7 used primarily for religious worship during worship
8 services, or in buildings or structures used primarily for
9 housing or providing space for activities for senior
10 citizens: nursing homes, assisted-living centers, senior
11 citizen housing complexes, or senior centers oriented
12 toward daytime activities during the hours those places,
13 buildings, or structures are open for those activities, or
14 on the real property is guilty of a Class 2 felony, the
15 fine for which shall not exceed \$125,000;

16 (6) subsection (h) of Section 401 in any school, on or
17 within 500 feet of the real property comprising any school,
18 or in any conveyance owned, leased or contracted by a
19 school to transport students to or from school or a school
20 related activity, and at the time of the violation persons
21 under the age of 18 are present, the offense is committed
22 during school hours, or the offense is committed at times
23 when persons under the age of 18 are reasonably expected to
24 be present in the school, in the conveyance, or on the real
25 property, such as when after-school activities are
26 occurring ~~or residential property owned, operated or~~

1 ~~managed by a public housing agency or leased by a public~~
2 ~~housing agency as part of a scattered site or mixed income~~
3 ~~development, or in any public park ~~or,~~ on or within 500~~
4 ~~feet of the real property comprising any ~~school or~~~~
5 ~~residential property owned, operated or managed by a public~~
6 ~~housing agency or leased by a public housing agency as part~~
7 ~~of a scattered site or mixed income development, or public~~
8 ~~park or within 1,000 feet of the real property comprising~~
9 ~~any school or residential property owned, operated or~~
10 ~~managed by a public housing agency or leased by a public~~
11 ~~housing agency as part of a scattered site or mixed income~~
12 ~~development, or public park, on the real property~~
13 comprising any church, synagogue, or other building,
14 structure, or place used primarily for religious worship,
15 or within 500 ~~1,000~~ feet of the real property comprising
16 any church, synagogue, or other building, structure, or
17 place used primarily for religious worship, on the real
18 property comprising any of the following places,
19 buildings, or structures used primarily for housing or
20 providing space for activities for senior citizens:
21 nursing homes, assisted-living centers, senior citizen
22 housing complexes, or senior centers oriented toward
23 daytime activities, or within 500 ~~1,000~~ feet of the real
24 property comprising any of the following places,
25 buildings, or structures used primarily for housing or
26 providing space for activities for senior citizens:

1 nursing homes, assisted-living centers, senior citizen
2 housing complexes, or senior centers oriented toward
3 daytime activities and at the time of the violation persons
4 are present or reasonably expected to be present in the
5 church, synagogue, or other building, structure, or place
6 used primarily for religious worship during worship
7 services, or in buildings or structures used primarily for
8 housing or providing space for activities for senior
9 citizens: nursing homes, assisted-living centers, senior
10 citizen housing complexes, or senior centers oriented
11 toward daytime activities during the hours those places,
12 buildings, or structures are open for those activities, or
13 on the real property is guilty of a Class 2 felony, the
14 fine for which shall not exceed \$100,000.

15 (c) Regarding penalties prescribed in subsection (b) for
16 violations committed in a school or on or within 500 ~~1,000~~ feet
17 of school property, the time of day and, time of year ~~and~~
18 ~~whether classes were currently in session~~ at the time of the
19 offense is irrelevant.

20 (Source: P.A. 93-223, eff. 1-1-04; 94-556, eff. 9-11-05.)

21 (720 ILCS 570/410) (from Ch. 56 1/2, par. 1410)

22 Sec. 410. (a) Whenever any person who has not previously
23 been convicted of, ~~or placed on probation or court supervision~~
24 ~~for~~ any felony offense under this Act or any law of the United
25 States or of any State relating to cannabis or controlled

1 substances, pleads guilty to or is found guilty of possession
2 of a controlled or counterfeit substance under subsection (c)
3 of Section 402 or of unauthorized possession of prescription
4 form under Section 406.2, the court, without entering a
5 judgment and with the consent of such person, may sentence him
6 or her to probation.

7 (b) When a person is placed on probation, the court shall
8 enter an order specifying a period of probation of 24 months
9 and shall defer further proceedings in the case until the
10 conclusion of the period or until the filing of a petition
11 alleging violation of a term or condition of probation.

12 (c) The conditions of probation shall be that the person:
13 (1) not violate any criminal statute of any jurisdiction; (2)
14 refrain from possessing a firearm or other dangerous weapon;
15 (3) submit to periodic drug testing at a time and in a manner
16 as ordered by the court, but no less than 3 times during the
17 period of the probation, with the cost of the testing to be
18 paid by the probationer; and (4) perform no less than 30 hours
19 of community service, provided community service is available
20 in the jurisdiction and is funded and approved by the county
21 board.

22 (d) The court may, in addition to other conditions, require
23 that the person:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of probation;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational
4 training;

5 (4) undergo medical or psychiatric treatment; or
6 treatment or rehabilitation approved by the Illinois
7 Department of Human Services;

8 (5) attend or reside in a facility established for the
9 instruction or residence of defendants on probation;

10 (6) support his or her dependents;

11 (6-5) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her blood or urine or both for tests to determine the
17 presence of any illicit drug;

18 (7) and in addition, if a minor:

19 (i) reside with his or her parents or in a foster
20 home;

21 (ii) attend school;

22 (iii) attend a non-residential program for youth;

23 (iv) contribute to his or her own support at home
24 or in a foster home.

25 (e) Upon violation of a term or condition of probation, the
26 court may enter a judgment on its original finding of guilt and

1 proceed as otherwise provided.

2 (f) Upon fulfillment of the terms and conditions of
3 probation, the court shall discharge the person and dismiss the
4 proceedings against him or her.

5 (g) A disposition of probation is considered to be a
6 conviction for the purposes of imposing the conditions of
7 probation and for appeal, however, discharge and dismissal
8 under this Section is not a conviction for purposes of this Act
9 or for purposes of disqualifications or disabilities imposed by
10 law upon conviction of a crime.

11 (h) A person may not have more than ~~There may be only one~~
12 discharge and dismissal under this Section within a 4-year
13 period, ~~Section 10 of the Cannabis Control Act, Section 70 of~~
14 ~~the Methamphetamine Control and Community Protection Act,~~
15 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
16 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
17 ~~or the Criminal Code of 2012 with respect to any person.~~

18 (i) If a person is convicted of an offense under this Act,
19 the Cannabis Control Act, or the Methamphetamine Control and
20 Community Protection Act within 5 years subsequent to a
21 discharge and dismissal under this Section, the discharge and
22 dismissal under this Section shall be admissible in the
23 sentencing proceeding for that conviction as evidence in
24 aggravation.

25 (j) Notwithstanding subsection (a), before a person is
26 sentenced to probation under this Section, the court may refer

1 the person to the drug court established in that judicial
2 circuit pursuant to Section 15 of the Drug Court Treatment Act.
3 The drug court team shall evaluate the person's likelihood of
4 successfully completing a sentence of probation under this
5 Section and shall report the results of its evaluation to the
6 court. If the drug court team finds that the person suffers
7 from a substance abuse problem that makes him or her
8 substantially unlikely to successfully complete a sentence of
9 probation under this Section, then the drug court shall set
10 forth its findings in the form of a written order, and the
11 person shall not be sentenced to probation under this Section,
12 but shall ~~may~~ be considered for the drug court program.

13 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

14 Section 30. The Methamphetamine Control and Community
15 Protection Act is amended by changing Sections 15, 55, and 70
16 as follows:

17 (720 ILCS 646/15)

18 Sec. 15. Participation in methamphetamine manufacturing.

19 (a) Participation in methamphetamine manufacturing.

20 (1) It is unlawful to knowingly participate in the
21 manufacture of methamphetamine with the intent that
22 methamphetamine or a substance containing methamphetamine
23 be produced.

24 (2) A person who violates paragraph (1) of this

1 subsection (a) is subject to the following penalties:

2 (A) A person who participates in the manufacture of
3 less than 15 grams of methamphetamine or a substance
4 containing methamphetamine is guilty of a Class 1
5 felony.

6 (B) A person who participates in the manufacture of
7 15 or more grams but less than 100 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class X felony, subject
10 to a term of imprisonment of not less than 6 years and
11 not more than 30 years, and subject to a fine not to
12 exceed \$100,000 or the street value of the
13 methamphetamine manufactured, whichever is greater.

14 (C) A person who participates in the manufacture of
15 100 or more grams but less than 400 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class X felony, subject
18 to a term of imprisonment of not less than 9 years and
19 not more than 40 years, and subject to a fine not to
20 exceed \$200,000 or the street value of the
21 methamphetamine manufactured, whichever is greater.

22 (D) A person who participates in the manufacture of
23 400 or more grams but less than 900 grams of
24 methamphetamine or a substance containing
25 methamphetamine is guilty of a Class X felony, subject
26 to a term of imprisonment of not less than 12 years and

1 not more than 50 years, and subject to a fine not to
2 exceed \$300,000 or the street value of the
3 methamphetamine manufactured, whichever is greater.

4 (E) A person who participates in the manufacture of
5 900 grams or more of methamphetamine or a substance
6 containing methamphetamine is guilty of a Class X
7 felony, subject to a term of imprisonment of not less
8 than 15 years and not more than 60 years, and subject
9 to a fine not to exceed \$400,000 or the street value of
10 the methamphetamine, whichever is greater.

11 (b) Aggravated participation in methamphetamine
12 manufacturing.

13 (1) It is unlawful to engage in aggravated
14 participation in the manufacture of methamphetamine. A
15 person engages in aggravated participation in the
16 manufacture of methamphetamine when the person violates
17 paragraph (1) of subsection (a) and:

18 (A) the person knowingly does so in a multi-unit
19 dwelling;

20 (B) the person knowingly does so in a structure or
21 vehicle where a child under the age of 18, a person
22 with a disability, or a person 60 years of age or older
23 who is incapable of adequately providing for his or her
24 own health and personal care resides, is present, or is
25 endangered by the manufacture of methamphetamine;

26 (C) the person does so in a structure or vehicle

1 where a woman the person knows to be pregnant
2 (including but not limited to the person herself)
3 resides, is present, or is endangered by the
4 methamphetamine manufacture;

5 (D) the person knowingly does so in a structure or
6 vehicle protected by one or more firearms, explosive
7 devices, booby traps, alarm systems, surveillance
8 systems, guard dogs, or dangerous animals;

9 (E) the methamphetamine manufacturing in which the
10 person participates is a contributing cause of the
11 death, serious bodily injury, disability, or
12 disfigurement of another person, including but not
13 limited to an emergency service provider;

14 (F) the methamphetamine manufacturing in which the
15 person participates is a contributing cause of a fire
16 or explosion that damages property belonging to
17 another person;

18 (G) the person knowingly organizes, directs, or
19 finances the methamphetamine manufacturing or
20 activities carried out in support of the
21 methamphetamine manufacturing; or

22 (H) the methamphetamine manufacturing occurs
23 within 500 ~~1,000~~ feet of a place of worship or
24 parsonage, or within 500 ~~1,000~~ feet of the real
25 property comprising any school at a time when children,
26 clergy, patrons, staff, or other persons are present or

1 any activity sanctioned by the place of worship or
2 parsonage or school is taking place.

3 (2) A person who violates paragraph (1) of this
4 subsection (b) is subject to the following penalties:

5 (A) A person who participates in the manufacture of
6 less than 15 grams of methamphetamine or a substance
7 containing methamphetamine is guilty of a Class X
8 felony, subject to a term of imprisonment of not less
9 than 6 years and not more than 30 years, and subject to
10 a fine not to exceed \$100,000 or the street value of
11 the methamphetamine, whichever is greater.

12 (B) A person who participates in the manufacture of
13 15 or more grams but less than 100 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 9 years and
17 not more than 40 years, and subject to a fine not to
18 exceed \$200,000 or the street value of the
19 methamphetamine, whichever is greater.

20 (C) A person who participates in the manufacture of
21 100 or more grams but less than 400 grams of
22 methamphetamine or a substance containing
23 methamphetamine is guilty of a Class X felony, subject
24 to a term of imprisonment of not less than 12 years and
25 not more than 50 years, and subject to a fine not to
26 exceed \$300,000 or the street value of the

1 methamphetamine, whichever is greater.

2 (D) A person who participates in the manufacture of
3 400 grams or more of methamphetamine or a substance
4 containing methamphetamine is guilty of a Class X
5 felony, subject to a term of imprisonment of not less
6 than 15 years and not more than 60 years, and subject
7 to a fine not to exceed \$400,000 or the street value of
8 the methamphetamine, whichever is greater.

9 (Source: P.A. 98-980, eff. 1-1-15.)

10 (720 ILCS 646/55)

11 Sec. 55. Methamphetamine delivery.

12 (a) Delivery or possession with intent to deliver
13 methamphetamine or a substance containing methamphetamine.

14 (1) It is unlawful knowingly to engage in the delivery
15 or possession with intent to deliver methamphetamine or a
16 substance containing methamphetamine.

17 (2) A person who violates paragraph (1) of this
18 subsection (a) is subject to the following penalties:

19 (A) A person who delivers or possesses with intent
20 to deliver less than 5 grams of methamphetamine or a
21 substance containing methamphetamine is guilty of a
22 Class 2 felony.

23 (B) A person who delivers or possesses with intent
24 to deliver 5 or more grams but less than 15 grams of
25 methamphetamine or a substance containing

1 methamphetamine is guilty of a Class 1 felony.

2 (C) A person who delivers or possesses with intent
3 to deliver 15 or more grams but less than 100 grams of
4 methamphetamine or a substance containing
5 methamphetamine is guilty of a Class X felony, subject
6 to a term of imprisonment of not less than 6 years and
7 not more than 30 years, and subject to a fine not to
8 exceed \$100,000 or the street value of the
9 methamphetamine, whichever is greater.

10 (D) A person who delivers or possesses with intent
11 to deliver 100 or more grams but less than 400 grams of
12 methamphetamine or a substance containing
13 methamphetamine is guilty of a Class X felony, subject
14 to a term of imprisonment of not less than 9 years and
15 not more than 40 years, and subject to a fine not to
16 exceed \$200,000 or the street value of the
17 methamphetamine, whichever is greater.

18 (E) A person who delivers or possesses with intent
19 to deliver 400 or more grams but less than 900 grams of
20 methamphetamine or a substance containing
21 methamphetamine is guilty of a Class X felony, subject
22 to a term of imprisonment of not less than 12 years and
23 not more than 50 years, and subject to a fine not to
24 exceed \$300,000 or the street value of the
25 methamphetamine, whichever is greater.

26 (F) A person who delivers or possesses with intent

1 to deliver 900 or more grams of methamphetamine or a
2 substance containing methamphetamine is guilty of a
3 Class X felony, subject to a term of imprisonment of
4 not less than 15 years and not more than 60 years, and
5 subject to a fine not to exceed \$400,000 or the street
6 value of the methamphetamine, whichever is greater.

7 (b) Aggravated delivery or possession with intent to
8 deliver methamphetamine or a substance containing
9 methamphetamine.

10 (1) It is unlawful to engage in the aggravated delivery
11 or possession with intent to deliver methamphetamine or a
12 substance containing methamphetamine. A person engages in
13 the aggravated delivery or possession with intent to
14 deliver methamphetamine or a substance containing
15 methamphetamine when the person violates paragraph (1) of
16 subsection (a) of this Section and:

17 (A) the person is at least 18 years of age and
18 knowingly delivers or possesses with intent to deliver
19 the methamphetamine or substance containing
20 methamphetamine to a person under 18 years of age;

21 (B) the person is at least 18 years of age and
22 knowingly uses, engages, employs, or causes another
23 person to use, engage, or employ a person under 18
24 years of age to deliver the methamphetamine or
25 substance containing methamphetamine;

26 (C) the person knowingly delivers or possesses

1 with intent to deliver the methamphetamine or
2 substance containing methamphetamine in any structure
3 or vehicle protected by one or more firearms, explosive
4 devices, booby traps, alarm systems, surveillance
5 systems, guard dogs, or dangerous animals;

6 (D) the person knowingly delivers or possesses
7 with intent to deliver the methamphetamine or
8 substance containing methamphetamine in any school, on
9 any real property comprising any school, or in any
10 conveyance owned, leased, or contracted by a school to
11 transport students to or from school or a
12 school-related activity and at the time of the
13 violation persons under the age of 18 are present, the
14 offense is committed during school hours, or the
15 offense is committed at times when persons under the
16 age of 18 are reasonably expected to be present in the
17 school, in the conveyance, or on the real property,
18 such as when after-school activities are occurring;

19 (E) the person delivers or causes another person to
20 deliver the methamphetamine or substance containing
21 methamphetamine to a woman that the person knows to be
22 pregnant; or

23 (F) (blank).

24 (2) A person who violates paragraph (1) of this
25 subsection (b) is subject to the following penalties:

26 (A) A person who delivers or possesses with intent

1 to deliver less than 5 grams of methamphetamine or a
2 substance containing methamphetamine is guilty of a
3 Class 1 felony.

4 (B) A person who delivers or possesses with intent
5 to deliver 5 or more grams but less than 15 grams of
6 methamphetamine or a substance containing
7 methamphetamine is guilty of a Class X felony, subject
8 to a term of imprisonment of not less than 6 years and
9 not more than 30 years, and subject to a fine not to
10 exceed \$100,000 or the street value of the
11 methamphetamine, whichever is greater.

12 (C) A person who delivers or possesses with intent
13 to deliver 15 or more grams but less than 100 grams of
14 methamphetamine or a substance containing
15 methamphetamine is guilty of a Class X felony, subject
16 to a term of imprisonment of not less than 8 years and
17 not more than 40 years, and subject to a fine not to
18 exceed \$200,000 or the street value of the
19 methamphetamine, whichever is greater.

20 (D) A person who delivers or possesses with intent
21 to deliver 100 or more grams of methamphetamine or a
22 substance containing methamphetamine is guilty of a
23 Class X felony, subject to a term of imprisonment of
24 not less than 10 years and not more than 50 years, and
25 subject to a fine not to exceed \$300,000 or the street
26 value of the methamphetamine, whichever is greater.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

2 (720 ILCS 646/70)

3 Sec. 70. Probation.

4 (a) Whenever any person who has not previously been
5 convicted of, ~~or placed on probation or court supervision for~~
6 any felony offense under this Act, the Illinois Controlled
7 Substances Act, the Cannabis Control Act, or any law of the
8 United States or of any state relating to cannabis or
9 controlled substances, pleads guilty to or is found guilty of
10 possession of less than 15 grams of methamphetamine under
11 paragraph (1) or (2) of subsection (b) of Section 60 of this
12 Act, the court, without entering a judgment and with the
13 consent of the person, may sentence him or her to probation.

14 (b) When a person is placed on probation, the court shall
15 enter an order specifying a period of probation of 24 months
16 and shall defer further proceedings in the case until the
17 conclusion of the period or until the filing of a petition
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:

20 (1) not violate any criminal statute of any
21 jurisdiction;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) submit to periodic drug testing at a time and in a
25 manner as ordered by the court, but no less than 3 times

1 during the period of the probation, with the cost of the
2 testing to be paid by the probationer; and

3 (4) perform no less than 30 hours of community service,
4 if community service is available in the jurisdiction and
5 is funded and approved by the county board.

6 (d) The court may, in addition to other conditions, require
7 that the person take one or more of the following actions:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the order
11 of probation;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical or psychiatric treatment; or
16 treatment or rehabilitation approved by the Illinois
17 Department of Human Services;

18 (5) attend or reside in a facility established for the
19 instruction or residence of defendants on probation;

20 (6) support his or her dependents;

21 (7) refrain from having in his or her body the presence
22 of any illicit drug prohibited by this Act, the Cannabis
23 Control Act, or the Illinois Controlled Substances Act,
24 unless prescribed by a physician, and submit samples of his
25 or her blood or urine or both for tests to determine the
26 presence of any illicit drug; or

1 (8) if a minor:

2 (i) reside with his or her parents or in a foster
3 home;

4 (ii) attend school;

5 (iii) attend a non-residential program for youth;

6 or

7 (iv) contribute to his or her own support at home
8 or in a foster home.

9 (e) Upon violation of a term or condition of probation, the
10 court may enter a judgment on its original finding of guilt and
11 proceed as otherwise provided.

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge the person and dismiss the
14 proceedings against the person.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, discharge and dismissal
18 under this Section is not a conviction for purposes of this Act
19 or for purposes of disqualifications or disabilities imposed by
20 law upon conviction of a crime.

21 (h) A person may not have more than ~~There may be only~~ one
22 discharge and dismissal under this Section within a 4-year
23 period, ~~Section 410 of the Illinois Controlled Substances Act,~~
24 ~~Section 10 of the Cannabis Control Act, Section 5-6-3.3 or~~
25 ~~5-6-3.4 of the Unified Code of Corrections, or subsection (c)~~
26 ~~of Section 11-14 of the Criminal Code of 1961 or the Criminal~~

1 ~~Code of 2012 with respect to any person.~~

2 (i) If a person is convicted of an offense under this Act,
3 the Cannabis Control Act, or the Illinois Controlled Substances
4 Act within 5 years subsequent to a discharge and dismissal
5 under this Section, the discharge and dismissal under this
6 Section are admissible in the sentencing proceeding for that
7 conviction as evidence in aggravation.

8 (j) Notwithstanding subsection (a), before a person is
9 sentenced to probation under this Section, the court may refer
10 the person to the drug court established in that judicial
11 circuit pursuant to Section 15 of the Drug Court Treatment Act.
12 The drug court team shall evaluate the person's likelihood of
13 successfully completing a sentence of probation under this
14 Section and shall report the results of its evaluation to the
15 court. If the drug court team finds that the person suffers
16 from a substance abuse problem that makes him or her
17 substantially unlikely to successfully complete a sentence of
18 probation under this Section, then the drug court shall set
19 forth its findings in the form of a written order, and the
20 person shall not be sentenced to probation under this Section,
21 but shall ~~may~~ be considered for the drug court program.

22 (Source: P.A. 98-164, eff. 1-1-14; 99-480, eff. 9-9-15.)

23 Section 35. The Unified Code of Corrections is amended by
24 changing Sections 3-3-8, 3-6-3, 5-4.5-95, 5-6-3.3, 5-6-3.4,
25 and 5-8-8 and by adding Section 5-4.5-110 as follows:

1 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

2 Sec. 3-3-8. Length of parole and mandatory supervised
3 release; discharge.

4 (a) The length of parole for a person sentenced under the
5 law in effect prior to the effective date of this amendatory
6 Act of 1977 and the length of mandatory supervised release for
7 those sentenced under the law in effect on and after such
8 effective date shall be as set out in Section 5-8-1 unless
9 sooner terminated under paragraph (b) of this Section.

10 (b) The Prisoner Review Board may enter an order releasing
11 and discharging one from parole or mandatory supervised
12 release, and his or her commitment to the Department, when it
13 determines that he or she is likely to remain at liberty
14 without committing another offense.

15 (b-1) Provided that the subject is in compliance with the
16 terms and conditions of his or her parole or mandatory
17 supervised release, the Prisoner Review Board may reduce the
18 period of a parolee or releasee's parole or mandatory
19 supervised release by 90 days upon the parolee or releasee
20 receiving a high school diploma or upon passage of high school
21 equivalency testing during the period of his or her parole or
22 mandatory supervised release. This reduction in the period of a
23 subject's term of parole or mandatory supervised release shall
24 be available only to subjects who have not previously earned a
25 high school diploma or who have not previously passed high

1 school equivalency testing.

2 (b-2) The Prisoner Review Board may release a low-risk and
3 need subject person from mandatory supervised release as
4 determined by an appropriate evidence-based risk and need
5 assessment.

6 (c) The order of discharge shall become effective upon
7 entry of the order of the Board. The Board shall notify the
8 clerk of the committing court of the order. Upon receipt of
9 such copy, the clerk shall make an entry on the record judgment
10 that the sentence or commitment has been satisfied pursuant to
11 the order.

12 (d) Rights of the person discharged under this Section
13 shall be restored under Section 5-5-5.

14 (Source: P.A. 98-558, eff. 1-1-14; 98-718, eff. 1-1-15; 99-268,
15 eff. 1-1-16; 99-628, eff. 1-1-17.)

16 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

17 (Text of Section before amendment by P.A. 99-938)

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

19 (a) (1) The Department of Corrections shall prescribe rules
20 and regulations for awarding and revoking sentence credit for
21 persons committed to the Department which shall be subject to
22 review by the Prisoner Review Board.

23 (1.5) As otherwise provided by law, sentence credit may be
24 awarded for the following:

25 (A) successful completion of programming while in

1 custody of the Department or while in custody prior to
2 sentencing;

3 (B) compliance with the rules and regulations of the
4 Department; or

5 (C) service to the institution, service to a community,
6 or service to the State.

7 (2) The rules and regulations on sentence credit shall
8 provide, with respect to offenses listed in clause (i), (ii),
9 or (iii) of this paragraph (2) committed on or after June 19,
10 1998 or with respect to the offense listed in clause (iv) of
11 this paragraph (2) committed on or after June 23, 2005 (the
12 effective date of Public Act 94-71) or with respect to offense
13 listed in clause (vi) committed on or after June 1, 2008 (the
14 effective date of Public Act 95-625) or with respect to the
15 offense of being an armed habitual criminal committed on or
16 after August 2, 2005 (the effective date of Public Act 94-398)
17 or with respect to the offenses listed in clause (v) of this
18 paragraph (2) committed on or after August 13, 2007 (the
19 effective date of Public Act 95-134) or with respect to the
20 offense of aggravated domestic battery committed on or after
21 July 23, 2010 (the effective date of Public Act 96-1224) or
22 with respect to the offense of attempt to commit terrorism
23 committed on or after January 1, 2013 (the effective date of
24 Public Act 97-990), the following:

25 (i) that a prisoner who is serving a term of
26 imprisonment for first degree murder or for the offense of

1 terrorism shall receive no sentence credit and shall serve
2 the entire sentence imposed by the court;

3 (ii) that a prisoner serving a sentence for attempt to
4 commit terrorism, attempt to commit first degree murder,
5 solicitation of murder, solicitation of murder for hire,
6 intentional homicide of an unborn child, predatory
7 criminal sexual assault of a child, aggravated criminal
8 sexual assault, criminal sexual assault, aggravated
9 kidnapping, aggravated battery with a firearm as described
10 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
11 (e) (4) of Section 12-3.05, heinous battery as described in
12 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
13 being an armed habitual criminal, aggravated battery of a
14 senior citizen as described in Section 12-4.6 or
15 subdivision (a) (4) of Section 12-3.05, or aggravated
16 battery of a child as described in Section 12-4.3 or
17 subdivision (b) (1) of Section 12-3.05 shall receive no more
18 than 4.5 days of sentence credit for each month of his or
19 her sentence of imprisonment;

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular hijacking,
22 aggravated discharge of a firearm, or armed violence with a
23 category I weapon or category II weapon, when the court has
24 made and entered a finding, pursuant to subsection (c-1) of
25 Section 5-4-1 of this Code, that the conduct leading to
26 conviction for the enumerated offense resulted in great

1 bodily harm to a victim, shall receive no more than 4.5
2 days of sentence credit for each month of his or her
3 sentence of imprisonment;

4 (iv) that a prisoner serving a sentence for aggravated
5 discharge of a firearm, whether or not the conduct leading
6 to conviction for the offense resulted in great bodily harm
7 to the victim, shall receive no more than 4.5 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment;

10 (v) that a person serving a sentence for gunrunning,
11 narcotics racketeering, controlled substance trafficking,
12 methamphetamine trafficking, drug-induced homicide,
13 aggravated methamphetamine-related child endangerment,
14 money laundering pursuant to clause (c) (4) or (5) of
15 Section 29B-1 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or a Class X felony conviction for delivery
17 of a controlled substance, possession of a controlled
18 substance with intent to manufacture or deliver,
19 calculated criminal drug conspiracy, criminal drug
20 conspiracy, street gang criminal drug conspiracy,
21 participation in methamphetamine manufacturing, aggravated
22 participation in methamphetamine manufacturing, delivery
23 of methamphetamine, possession with intent to deliver
24 methamphetamine, aggravated delivery of methamphetamine,
25 aggravated possession with intent to deliver
26 methamphetamine, methamphetamine conspiracy when the

1 substance containing the controlled substance or
2 methamphetamine is 100 grams or more shall receive no more
3 than 7.5 days sentence credit for each month of his or her
4 sentence of imprisonment;

5 (vi) that a prisoner serving a sentence for a second or
6 subsequent offense of luring a minor shall receive no more
7 than 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment; and

9 (vii) that a prisoner serving a sentence for aggravated
10 domestic battery shall receive no more than 4.5 days of
11 sentence credit for each month of his or her sentence of
12 imprisonment.

13 (2.1) For all offenses, other than those enumerated in
14 subdivision (a)(2)(i), (ii), or (iii) committed on or after
15 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
16 June 23, 2005 (the effective date of Public Act 94-71) or
17 subdivision (a)(2)(v) committed on or after August 13, 2007
18 (the effective date of Public Act 95-134) or subdivision
19 (a)(2)(vi) committed on or after June 1, 2008 (the effective
20 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
21 on or after July 23, 2010 (the effective date of Public Act
22 96-1224), and other than the offense of aggravated driving
23 under the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination thereof
25 as defined in subparagraph (F) of paragraph (1) of subsection
26 (d) of Section 11-501 of the Illinois Vehicle Code, and other

1 than the offense of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof as defined in
4 subparagraph (C) of paragraph (1) of subsection (d) of Section
5 11-501 of the Illinois Vehicle Code committed on or after
6 January 1, 2011 (the effective date of Public Act 96-1230), the
7 rules and regulations shall provide that a prisoner who is
8 serving a term of imprisonment shall receive one day of
9 sentence credit for each day of his or her sentence of
10 imprisonment or recommitment under Section 3-3-9. Each day of
11 sentence credit shall reduce by one day the prisoner's period
12 of imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no sentence credit.

16 (2.3) The rules and regulations on sentence credit shall
17 provide that a prisoner who is serving a sentence for
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds, or any
20 combination thereof as defined in subparagraph (F) of paragraph
21 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
22 Code, shall receive no more than 4.5 days of sentence credit
23 for each month of his or her sentence of imprisonment.

24 (2.4) The rules and regulations on sentence credit shall
25 provide with respect to the offenses of aggravated battery with
26 a machine gun or a firearm equipped with any device or

1 attachment designed or used for silencing the report of a
2 firearm or aggravated discharge of a machine gun or a firearm
3 equipped with any device or attachment designed or used for
4 silencing the report of a firearm, committed on or after July
5 15, 1999 (the effective date of Public Act 91-121), that a
6 prisoner serving a sentence for any of these offenses shall
7 receive no more than 4.5 days of sentence credit for each month
8 of his or her sentence of imprisonment.

9 (2.5) The rules and regulations on sentence credit shall
10 provide that a prisoner who is serving a sentence for
11 aggravated arson committed on or after July 27, 2001 (the
12 effective date of Public Act 92-176) shall receive no more than
13 4.5 days of sentence credit for each month of his or her
14 sentence of imprisonment.

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

25 (3) The rules and regulations shall also provide that the
26 Director may award up to 180 days additional sentence credit

1 for good conduct in specific instances as the Director deems
2 proper. The good conduct may include, but is not limited to,
3 compliance with the rules and regulations of the Department,
4 service to the Department, service to a community, or service
5 to the State. However, the Director shall not award more than
6 90 days of sentence credit for good conduct to any prisoner who
7 is serving a sentence for conviction of first degree murder,
8 reckless homicide while under the influence of alcohol or any
9 other drug, or aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof as defined in
12 subparagraph (F) of paragraph (1) of subsection (d) of Section
13 11-501 of the Illinois Vehicle Code, aggravated kidnapping,
14 kidnapping, predatory criminal sexual assault of a child,
15 aggravated criminal sexual assault, criminal sexual assault,
16 deviate sexual assault, aggravated criminal sexual abuse,
17 aggravated indecent liberties with a child, indecent liberties
18 with a child, child pornography, heinous battery as described
19 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
20 aggravated battery of a spouse, aggravated battery of a spouse
21 with a firearm, stalking, aggravated stalking, aggravated
22 battery of a child as described in Section 12-4.3 or
23 subdivision (b)(1) of Section 12-3.05, endangering the life or
24 health of a child, or cruelty to a child. Notwithstanding the
25 foregoing, sentence credit for good conduct shall not be
26 awarded on a sentence of imprisonment imposed for conviction

1 of: (i) one of the offenses enumerated in subdivision
2 (a)(2)(i), (ii), or (iii) when the offense is committed on or
3 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
4 is committed on or after June 23, 2005 (the effective date of
5 Public Act 94-71) or subdivision (a)(2)(v) when the offense is
6 committed on or after August 13, 2007 (the effective date of
7 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
8 is committed on or after June 1, 2008 (the effective date of
9 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
10 is committed on or after July 23, 2010 (the effective date of
11 Public Act 96-1224), (ii) aggravated driving under the
12 influence of alcohol, other drug or drugs, or intoxicating
13 compound or compounds, or any combination thereof as defined in
14 subparagraph (F) of paragraph (1) of subsection (d) of Section
15 11-501 of the Illinois Vehicle Code, (iii) one of the offenses
16 enumerated in subdivision (a)(2.4) when the offense is
17 committed on or after July 15, 1999 (the effective date of
18 Public Act 91-121), (iv) aggravated arson when the offense is
19 committed on or after July 27, 2001 (the effective date of
20 Public Act 92-176), (v) offenses that may subject the offender
21 to commitment under the Sexually Violent Persons Commitment
22 Act, or (vi) aggravated driving under the influence of alcohol,
23 other drug or drugs, or intoxicating compound or compounds or
24 any combination thereof as defined in subparagraph (C) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230).

2 Eligible inmates for an award of sentence credit under this
3 paragraph (3) may be selected to receive the credit at the
4 Director's or his or her designee's sole discretion.
5 Consideration may be based on, but not limited to, any
6 available risk assessment analysis on the inmate, any history
7 of conviction for violent crimes as defined by the Rights of
8 Crime Victims and Witnesses Act, facts and circumstances of the
9 inmate's holding offense or offenses, and the potential for
10 rehabilitation.

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

18 (A) is eligible for the sentence credit;

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

21 (C) has met the eligibility criteria established by
22 rule.

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

25 (3.5) The Department shall provide annual written reports
26 to the Governor and the General Assembly on the award of

1 sentence credit for good conduct, with the first report due
2 January 1, 2014. The Department must publish both reports on
3 its website within 48 hours of transmitting the reports to the
4 Governor and the General Assembly. The reports must include:

5 (A) the number of inmates awarded sentence credit for
6 good conduct;

7 (B) the average amount of sentence credit for good
8 conduct awarded;

9 (C) the holding offenses of inmates awarded sentence
10 credit for good conduct; and

11 (D) the number of sentence credit for good conduct
12 revocations.

13 (4) The rules and regulations shall also provide that the
14 sentence credit accumulated and retained under paragraph (2.1)
15 of subsection (a) of this Section by any inmate during specific
16 periods of time in which such inmate is engaged full-time in
17 substance abuse programs, correctional industry assignments,
18 educational programs, behavior modification programs, life
19 skills courses, or re-entry planning provided by the Department
20 under this paragraph (4) and satisfactorily completes the
21 assigned program as determined by the standards of the
22 Department, shall be multiplied by a factor of 1.25 for program
23 participation before August 11, 1993 and 1.50 for program
24 participation on or after that date. The rules and regulations
25 shall also provide that sentence credit, subject to the same
26 offense limits and multiplier provided in this paragraph, may

1 be provided to an inmate who was held in pre-trial detention
2 prior to his or her current commitment to the Department of
3 Corrections and successfully completed a full-time, 60-day or
4 longer substance abuse program, educational program, behavior
5 modification program, life skills course, or re-entry planning
6 provided by the county department of corrections or county
7 jail. Calculation of this county program credit shall be done
8 at sentencing as provided in Section 5-4.5-100 of this Code and
9 shall be included in the sentencing order. However, no inmate
10 shall be eligible for the additional sentence credit under this
11 paragraph (4) or (4.1) of this subsection (a) while assigned to
12 a boot camp or electronic detention, or if convicted of an
13 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of
14 this Section that is committed on or after June 19, 1998 or
15 subdivision (a)(2)(iv) of this Section that is committed on or
16 after June 23, 2005 (the effective date of Public Act 94-71) or
17 subdivision (a)(2)(v) of this Section that is committed on or
18 after August 13, 2007 (the effective date of Public Act 95-134)
19 or subdivision (a)(2)(vi) when the offense is committed on or
20 after June 1, 2008 (the effective date of Public Act 95-625) or
21 subdivision (a)(2)(vii) when the offense is committed on or
22 after July 23, 2010 (the effective date of Public Act 96-1224),
23 or if convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds or any combination thereof as defined in subparagraph
26 (F) of paragraph (1) of subsection (d) of Section 11-501 of the

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

23 Educational, vocational, substance abuse, behavior
24 modification programs, life skills courses, re-entry planning,
25 and correctional industry programs under which sentence credit
26 may be increased under this paragraph (4) and paragraph (4.1)

1 of this subsection (a) shall be evaluated by the Department on
2 the basis of documented standards. The Department shall report
3 the results of these evaluations to the Governor and the
4 General Assembly by September 30th of each year. The reports
5 shall include data relating to the recidivism rate among
6 program participants.

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

18 (4.1) The rules and regulations shall also provide that an
19 additional 90 days of sentence credit shall be awarded to any
20 prisoner who passes high school equivalency testing while the
21 prisoner is committed to the Department of Corrections. The
22 sentence credit awarded under this paragraph (4.1) shall be in
23 addition to, and shall not affect, the award of sentence credit
24 under any other paragraph of this Section, but shall also be
25 pursuant to the guidelines and restrictions set forth in
26 paragraph (4) of subsection (a) of this Section. The sentence

1 credit provided for in this paragraph shall be available only
2 to those prisoners who have not previously earned a high school
3 diploma or a high school equivalency certificate. If, after an
4 award of the high school equivalency testing sentence credit
5 has been made, the Department determines that the prisoner was
6 not eligible, then the award shall be revoked. The Department
7 may also award 90 days of sentence credit to any committed
8 person who passed high school equivalency testing while he or
9 she was held in pre-trial detention prior to the current
10 commitment to the Department of Corrections.

11 (4.5) The rules and regulations on sentence credit shall
12 also provide that when the court's sentencing order recommends
13 a prisoner for substance abuse treatment and the crime was
14 committed on or after September 1, 2003 (the effective date of
15 Public Act 93-354), the prisoner shall receive no sentence
16 credit awarded under clause (3) of this subsection (a) unless
17 he or she participates in and completes a substance abuse
18 treatment program. The Director may waive the requirement to
19 participate in or complete a substance abuse treatment program
20 and award the sentence credit in specific instances if the
21 prisoner is not a good candidate for a substance abuse
22 treatment program for medical, programming, or operational
23 reasons. Availability of substance abuse treatment shall be
24 subject to the limits of fiscal resources appropriated by the
25 General Assembly for these purposes. If treatment is not
26 available and the requirement to participate and complete the

1 treatment has not been waived by the Director, the prisoner
2 shall be placed on a waiting list under criteria established by
3 the Department. The Director may allow a prisoner placed on a
4 waiting list to participate in and complete a substance abuse
5 education class or attend substance abuse self-help meetings in
6 lieu of a substance abuse treatment program. A prisoner on a
7 waiting list who is not placed in a substance abuse program
8 prior to release may be eligible for a waiver and receive
9 sentence credit under clause (3) of this subsection (a) at the
10 discretion of the Director.

11 (4.6) The rules and regulations on sentence credit shall
12 also provide that a prisoner who has been convicted of a sex
13 offense as defined in Section 2 of the Sex Offender
14 Registration Act shall receive no sentence credit unless he or
15 she either has successfully completed or is participating in
16 sex offender treatment as defined by the Sex Offender
17 Management Board. However, prisoners who are waiting to receive
18 treatment, but who are unable to do so due solely to the lack
19 of resources on the part of the Department, may, at the
20 Director's sole discretion, be awarded sentence credit at a
21 rate as the Director shall determine.

22 (5) Whenever the Department is to release any inmate
23 earlier than it otherwise would because of a grant of sentence
24 credit for good conduct under paragraph (3) of subsection (a)
25 of this Section given at any time during the term, the
26 Department shall give reasonable notice of the impending

1 release not less than 14 days prior to the date of the release
2 to the State's Attorney of the county where the prosecution of
3 the inmate took place, and if applicable, the State's Attorney
4 of the county into which the inmate will be released. The
5 Department must also make identification information and a
6 recent photo of the inmate being released accessible on the
7 Internet by means of a hyperlink labeled "Community
8 Notification of Inmate Early Release" on the Department's World
9 Wide Web homepage. The identification information shall
10 include the inmate's: name, any known alias, date of birth,
11 physical characteristics, commitment offense and county where
12 conviction was imposed. The identification information shall
13 be placed on the website within 3 days of the inmate's release
14 and the information may not be removed until either: completion
15 of the first year of mandatory supervised release or return of
16 the inmate to custody of the Department.

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

21 (c) The Department shall prescribe rules and regulations
22 for revoking sentence credit, including revoking sentence
23 credit awarded for good conduct under paragraph (3) of
24 subsection (a) of this Section. The Department shall prescribe
25 rules and regulations for suspending or reducing the rate of
26 accumulation of sentence credit for specific rule violations,

1 during imprisonment. These rules and regulations shall provide
2 that no inmate may be penalized more than one year of sentence
3 credit for any one infraction.

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

22 The Director of the Department of Corrections, in
23 appropriate cases, may restore up to 30 days of sentence
24 credits which have been revoked, suspended or reduced. Any
25 restoration of sentence credits in excess of 30 days shall be
26 subject to review by the Prisoner Review Board. However, the

1 Board may not restore sentence credit in excess of the amount
2 requested by the Director.

3 Nothing contained in this Section shall prohibit the
4 Prisoner Review Board from ordering, pursuant to Section
5 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
6 sentence imposed by the court that was not served due to the
7 accumulation of sentence credit.

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

21 For purposes of this subsection (d):

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

26 (A) it lacks an arguable basis either in law or in

1 fact;

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

5 (C) the claims, defenses, and other legal
6 contentions therein are not warranted by existing law
7 or by a nonfrivolous argument for the extension,
8 modification, or reversal of existing law or the
9 establishment of new law;

10 (D) the allegations and other factual contentions
11 do not have evidentiary support or, if specifically so
12 identified, are not likely to have evidentiary support
13 after a reasonable opportunity for further
14 investigation or discovery; or

15 (E) the denials of factual contentions are not
16 warranted on the evidence, or if specifically so
17 identified, are not reasonably based on a lack of
18 information or belief.

19 (2) "Lawsuit" means a motion pursuant to Section 116-3
20 of the Code of Criminal Procedure of 1963, a habeas corpus
21 action under Article X of the Code of Civil Procedure or
22 under federal law (28 U.S.C. 2254), a petition for claim
23 under the Court of Claims Act, an action under the federal
24 Civil Rights Act (42 U.S.C. 1983), or a second or
25 subsequent petition for post-conviction relief under
26 Article 122 of the Code of Criminal Procedure of 1963

1 whether filed with or without leave of court or a second or
2 subsequent petition for relief from judgment under Section
3 2-1401 of the Code of Civil Procedure.

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

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

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

16 (Text of Section after amendment by P.A. 99-938)

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

18 (a) (1) The Department of Corrections shall prescribe rules
19 and regulations for awarding and revoking sentence credit for
20 persons committed to the Department which shall be subject to
21 review by the Prisoner Review Board.

22 (1.5) As otherwise provided by law, sentence credit may be
23 awarded for the following:

24 (A) successful completion of programming while in
25 custody of the Department or while in custody prior to

1 sentencing;

2 (B) compliance with the rules and regulations of the
3 Department; or

4 (C) service to the institution, service to a community,
5 or service to the State.

6 (2) Except as provided in paragraph (4.7) of this
7 subsection (a), the ~~The~~ rules and regulations on sentence
8 credit shall provide, with respect to offenses listed in clause
9 (i), (ii), or (iii) of this paragraph (2) committed on or after
10 June 19, 1998 or with respect to the offense listed in clause
11 (iv) of this paragraph (2) committed on or after June 23, 2005
12 (the effective date of Public Act 94-71) or with respect to
13 offense listed in clause (vi) committed on or after June 1,
14 2008 (the effective date of Public Act 95-625) or with respect
15 to the offense of being an armed habitual criminal committed on
16 or after August 2, 2005 (the effective date of Public Act
17 94-398) or with respect to the offenses listed in clause (v) of
18 this paragraph (2) committed on or after August 13, 2007 (the
19 effective date of Public Act 95-134) or with respect to the
20 offense of aggravated domestic battery committed on or after
21 July 23, 2010 (the effective date of Public Act 96-1224) or
22 with respect to the offense of attempt to commit terrorism
23 committed on or after January 1, 2013 (the effective date of
24 Public Act 97-990), the following:

25 (i) that a prisoner who is serving a term of
26 imprisonment for first degree murder or for the offense of

1 terrorism shall receive no sentence credit and shall serve
2 the entire sentence imposed by the court;

3 (ii) that a prisoner serving a sentence for attempt to
4 commit terrorism, attempt to commit first degree murder,
5 solicitation of murder, solicitation of murder for hire,
6 intentional homicide of an unborn child, predatory
7 criminal sexual assault of a child, aggravated criminal
8 sexual assault, criminal sexual assault, aggravated
9 kidnapping, aggravated battery with a firearm as described
10 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
11 (e) (4) of Section 12-3.05, heinous battery as described in
12 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
13 being an armed habitual criminal, aggravated battery of a
14 senior citizen as described in Section 12-4.6 or
15 subdivision (a) (4) of Section 12-3.05, or aggravated
16 battery of a child as described in Section 12-4.3 or
17 subdivision (b) (1) of Section 12-3.05 shall receive no more
18 than 4.5 days of sentence credit for each month of his or
19 her sentence of imprisonment;

20 (iii) that a prisoner serving a sentence for home
21 invasion, armed robbery, aggravated vehicular hijacking,
22 aggravated discharge of a firearm, or armed violence with a
23 category I weapon or category II weapon, when the court has
24 made and entered a finding, pursuant to subsection (c-1) of
25 Section 5-4-1 of this Code, that the conduct leading to
26 conviction for the enumerated offense resulted in great

1 bodily harm to a victim, shall receive no more than 4.5
2 days of sentence credit for each month of his or her
3 sentence of imprisonment;

4 (iv) that a prisoner serving a sentence for aggravated
5 discharge of a firearm, whether or not the conduct leading
6 to conviction for the offense resulted in great bodily harm
7 to the victim, shall receive no more than 4.5 days of
8 sentence credit for each month of his or her sentence of
9 imprisonment;

10 (v) that a person serving a sentence for gunrunning,
11 narcotics racketeering, controlled substance trafficking,
12 methamphetamine trafficking, drug-induced homicide,
13 aggravated methamphetamine-related child endangerment,
14 money laundering pursuant to clause (c) (4) or (5) of
15 Section 29B-1 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or a Class X felony conviction for delivery
17 of a controlled substance, possession of a controlled
18 substance with intent to manufacture or deliver,
19 calculated criminal drug conspiracy, criminal drug
20 conspiracy, street gang criminal drug conspiracy,
21 participation in methamphetamine manufacturing, aggravated
22 participation in methamphetamine manufacturing, delivery
23 of methamphetamine, possession with intent to deliver
24 methamphetamine, aggravated delivery of methamphetamine,
25 aggravated possession with intent to deliver
26 methamphetamine, methamphetamine conspiracy when the

1 substance containing the controlled substance or
2 methamphetamine is 100 grams or more shall receive no more
3 than 7.5 days sentence credit for each month of his or her
4 sentence of imprisonment;

5 (vi) that a prisoner serving a sentence for a second or
6 subsequent offense of luring a minor shall receive no more
7 than 4.5 days of sentence credit for each month of his or
8 her sentence of imprisonment; and

9 (vii) that a prisoner serving a sentence for aggravated
10 domestic battery shall receive no more than 4.5 days of
11 sentence credit for each month of his or her sentence of
12 imprisonment.

13 (2.1) For all offenses, other than those enumerated in
14 subdivision (a)(2)(i), (ii), or (iii) committed on or after
15 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
16 June 23, 2005 (the effective date of Public Act 94-71) or
17 subdivision (a)(2)(v) committed on or after August 13, 2007
18 (the effective date of Public Act 95-134) or subdivision
19 (a)(2)(vi) committed on or after June 1, 2008 (the effective
20 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
21 on or after July 23, 2010 (the effective date of Public Act
22 96-1224), and other than the offense of aggravated driving
23 under the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination thereof
25 as defined in subparagraph (F) of paragraph (1) of subsection
26 (d) of Section 11-501 of the Illinois Vehicle Code, and other

1 than the offense of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof as defined in
4 subparagraph (C) of paragraph (1) of subsection (d) of Section
5 11-501 of the Illinois Vehicle Code committed on or after
6 January 1, 2011 (the effective date of Public Act 96-1230), the
7 rules and regulations shall provide that a prisoner who is
8 serving a term of imprisonment shall receive one day of
9 sentence credit for each day of his or her sentence of
10 imprisonment or recommitment under Section 3-3-9. Each day of
11 sentence credit shall reduce by one day the prisoner's period
12 of imprisonment or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life
14 imprisonment or a prisoner who has been sentenced to death
15 shall receive no sentence credit.

16 (2.3) Except as provided in paragraph (4.7) of this
17 subsection (a), the ~~The~~ rules and regulations on sentence
18 credit shall provide that a prisoner who is serving a sentence
19 for aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or any
21 combination thereof as defined in subparagraph (F) of paragraph
22 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
23 Code, shall receive no more than 4.5 days of sentence credit
24 for each month of his or her sentence of imprisonment.

25 (2.4) Except as provided in paragraph (4.7) of this
26 subsection (a), the ~~The~~ rules and regulations on sentence

1 credit shall provide with respect to the offenses of aggravated
2 battery with a machine gun or a firearm equipped with any
3 device or attachment designed or used for silencing the report
4 of a firearm or aggravated discharge of a machine gun or a
5 firearm equipped with any device or attachment designed or used
6 for silencing the report of a firearm, committed on or after
7 July 15, 1999 (the effective date of Public Act 91-121), that a
8 prisoner serving a sentence for any of these offenses shall
9 receive no more than 4.5 days of sentence credit for each month
10 of his or her sentence of imprisonment.

11 (2.5) Except as provided in paragraph (4.7) of this
12 subsection (a), the ~~The~~ rules and regulations on sentence
13 credit shall provide that a prisoner who is serving a sentence
14 for aggravated arson committed on or after July 27, 2001 (the
15 effective date of Public Act 92-176) shall receive no more than
16 4.5 days of sentence credit for each month of his or her
17 sentence of imprisonment.

18 (2.6) Except as provided in paragraph (4.7) of this
19 subsection (a), the ~~The~~ rules and regulations on sentence
20 credit shall provide that a prisoner who is serving a sentence
21 for aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds or any
23 combination thereof as defined in subparagraph (C) of paragraph
24 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
25 Code committed on or after January 1, 2011 (the effective date
26 of Public Act 96-1230) shall receive no more than 4.5 days of

1 sentence credit for each month of his or her sentence of
2 imprisonment.

3 (3) Except as provided in paragraph (4.7) of this
4 subsection (a), the ~~The~~ rules and regulations shall also
5 provide that the Director may award up to 180 days of earned
6 sentence credit for good conduct in specific instances as the
7 Director deems proper. The good conduct may include, but is not
8 limited to, compliance with the rules and regulations of the
9 Department, service to the Department, service to a community,
10 or service to the State.

11 Eligible inmates for an award of earned sentence credit
12 under this paragraph (3) may be selected to receive the credit
13 at the Director's or his or her designee's sole discretion.
14 Eligibility for the additional earned sentence credit under
15 this paragraph (3) shall be based on, but is not limited to,
16 the results of any available risk/needs assessment or other
17 relevant assessments or evaluations administered by the
18 Department using a validated instrument, the circumstances of
19 the crime, any history of conviction for a forcible felony
20 enumerated in Section 2-8 of the Criminal Code of 2012, the
21 inmate's behavior and disciplinary history while incarcerated,
22 and the inmate's commitment to rehabilitation, including
23 participation in programming offered by the Department.

24 The Director shall not award sentence credit under this
25 paragraph (3) to an inmate unless the inmate has served a
26 minimum of 60 days of the sentence; except nothing in this

1 paragraph shall be construed to permit the Director to extend
2 an inmate's sentence beyond that which was imposed by the
3 court. Prior to awarding credit under this paragraph (3), the
4 Director shall make a written determination that the inmate:

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

6 (B) has served a minimum of 60 days, or as close to 60
7 days as the sentence will allow;

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

11 (C) has met the eligibility criteria established under
12 paragraph (4) of this subsection (a) and by rule for earned
13 sentence credit.

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

16 (3.5) The Department shall provide annual written reports
17 to the Governor and the General Assembly on the award of earned
18 sentence credit no later than February 1 of each year. The
19 Department must publish both reports on its website within 48
20 hours of transmitting the reports to the Governor and the
21 General Assembly. The reports must include:

22 (A) the number of inmates awarded earned sentence
23 credit;

24 (B) the average amount of earned sentence credit
25 awarded;

26 (C) the holding offenses of inmates awarded earned

1 sentence credit; and

2 (D) the number of earned sentence credit revocations.

3 (4) Except as provided in paragraph (4.7) of this
4 subsection (a), the ~~The~~ rules and regulations shall also
5 provide that the sentence credit accumulated and retained under
6 paragraph (2.1) of subsection (a) of this Section by any inmate
7 during specific periods of time in which such inmate is engaged
8 full-time in substance abuse programs, correctional industry
9 assignments, educational programs, behavior modification
10 programs, life skills courses, or re-entry planning provided by
11 the Department under this paragraph (4) and satisfactorily
12 completes the assigned program as determined by the standards
13 of the Department, shall be multiplied by a factor of 1.25 for
14 program participation before August 11, 1993 and 1.50 for
15 program participation on or after that date. The rules and
16 regulations shall also provide that sentence credit, subject to
17 the same offense limits and multiplier provided in this
18 paragraph, may be provided to an inmate who was held in
19 pre-trial detention prior to his or her current commitment to
20 the Department of Corrections and successfully completed a
21 full-time, 60-day or longer substance abuse program,
22 educational program, behavior modification program, life
23 skills course, or re-entry planning provided by the county
24 department of corrections or county jail. Calculation of this
25 county program credit shall be done at sentencing as provided
26 in Section 5-4.5-100 of this Code and shall be included in the

1 sentencing order. However, no inmate shall be eligible for the
2 additional sentence credit under this paragraph (4) or (4.1) of
3 this subsection (a) while assigned to a boot camp or electronic
4 detention, ~~or if convicted of an offense enumerated in~~
5 ~~subdivision (a) (2) (i), (ii), or (iii) of this Section that is~~
6 ~~committed on or after June 19, 1998 or subdivision (a) (2) (iv)~~
7 ~~of this Section that is committed on or after June 23, 2005~~
8 ~~(the effective date of Public Act 94 71) or subdivision~~
9 ~~(a) (2) (v) of this Section that is committed on or after August~~
10 ~~13, 2007 (the effective date of Public Act 95 134) or~~
11 ~~subdivision (a) (2) (vi) when the offense is committed on or~~
12 ~~after June 1, 2008 (the effective date of Public Act 95 625) or~~
13 ~~subdivision (a) (2) (vii) when the offense is committed on or~~
14 ~~after July 23, 2010 (the effective date of Public Act 96 1224),~~
15 ~~or if convicted of aggravated driving under the influence of~~
16 ~~alcohol, other drug or drugs, or intoxicating compound or~~
17 ~~compounds or any combination thereof as defined in subparagraph~~
18 ~~(F) of paragraph (1) of subsection (d) of Section 11 501 of the~~
19 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~
20 ~~under the influence of alcohol, other drug or drugs, or~~
21 ~~intoxicating compound or compounds or any combination thereof~~
22 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~
23 ~~(d) of Section 11 501 of the Illinois Vehicle Code committed on~~
24 ~~or after January 1, 2011 (the effective date of Public Act~~
25 ~~96 1230), or if convicted of an offense enumerated in paragraph~~
26 ~~(a) (2.4) of this Section that is committed on or after July 15,~~

1 ~~1999 (the effective date of Public Act 91-121), or first degree~~
2 ~~murder, a Class X felony, criminal sexual assault, felony~~
3 ~~criminal sexual abuse, aggravated criminal sexual abuse,~~
4 ~~aggravated battery with a firearm as described in Section~~
5 ~~12-4.2 or subdivision (c)(1), (c)(2), (c)(3), or (c)(4) of~~
6 ~~Section 12-3.05, or any predecessor or successor offenses with~~
7 ~~the same or substantially the same elements, or any inchoate~~
8 ~~offenses relating to the foregoing offenses.~~

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

19 Availability of these programs shall be subject to the
20 limits of fiscal resources appropriated by the General Assembly
21 for these purposes. Eligible inmates who are denied immediate
22 admission shall be placed on a waiting list under criteria
23 established by the Department. The inability of any inmate to
24 become engaged in any such programs by reason of insufficient
25 program resources or for any other reason established under the
26 rules and regulations of the Department shall not be deemed a

1 cause of action under which the Department or any employee or
2 agent of the Department shall be liable for damages to the
3 inmate.

4 (4.1) Except as provided in paragraph (4.7) of this
5 subsection (a), the ~~The~~ rules and regulations shall also
6 provide that an additional 90 days of sentence credit shall be
7 awarded to any prisoner who passes high school equivalency
8 testing while the prisoner is committed to the Department of
9 Corrections. The sentence credit awarded under this paragraph
10 (4.1) shall be in addition to, and shall not affect, the award
11 of sentence credit under any other paragraph of this Section,
12 but shall also be pursuant to the guidelines and restrictions
13 set forth in paragraph (4) of subsection (a) of this Section.
14 The sentence credit provided for in this paragraph shall be
15 available only to those prisoners who have not previously
16 earned a high school diploma or a high school equivalency
17 certificate. If, after an award of the high school equivalency
18 testing sentence credit has been made, the Department
19 determines that the prisoner was not eligible, then the award
20 shall be revoked. The Department may also award 90 days of
21 sentence credit to any committed person who passed high school
22 equivalency testing while he or she was held in pre-trial
23 detention prior to the current commitment to the Department of
24 Corrections.

25 (4.5) The rules and regulations on sentence credit shall
26 also provide that when the court's sentencing order recommends

1 a prisoner for substance abuse treatment and the crime was
2 committed on or after September 1, 2003 (the effective date of
3 Public Act 93-354), the prisoner shall receive no sentence
4 credit awarded under clause (3) of this subsection (a) unless
5 he or she participates in and completes a substance abuse
6 treatment program. The Director may waive the requirement to
7 participate in or complete a substance abuse treatment program
8 in specific instances if the prisoner is not a good candidate
9 for a substance abuse treatment program for medical,
10 programming, or operational reasons. Availability of substance
11 abuse treatment shall be subject to the limits of fiscal
12 resources appropriated by the General Assembly for these
13 purposes. If treatment is not available and the requirement to
14 participate and complete the treatment has not been waived by
15 the Director, the prisoner shall be placed on a waiting list
16 under criteria established by the Department. The Director may
17 allow a prisoner placed on a waiting list to participate in and
18 complete a substance abuse education class or attend substance
19 abuse self-help meetings in lieu of a substance abuse treatment
20 program. A prisoner on a waiting list who is not placed in a
21 substance abuse program prior to release may be eligible for a
22 waiver and receive sentence credit under clause (3) of this
23 subsection (a) at the discretion of the Director.

24 (4.6) The rules and regulations on sentence credit shall
25 also provide that a prisoner who has been convicted of a sex
26 offense as defined in Section 2 of the Sex Offender

1 Registration Act shall receive no sentence credit unless he or
2 she either has successfully completed or is participating in
3 sex offender treatment as defined by the Sex Offender
4 Management Board. However, prisoners who are waiting to receive
5 treatment, but who are unable to do so due solely to the lack
6 of resources on the part of the Department, may, at the
7 Director's sole discretion, be awarded sentence credit at a
8 rate as the Director shall determine.

9 (4.7) On or after the effective date of this amendatory Act
10 of the 100th General Assembly, sentence credit under paragraph
11 (3), (4), or (4.1) of this subsection (a) may be awarded to a
12 prisoner who is serving a sentence for an offense described in
13 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
14 on or after the effective date of this amendatory Act of the
15 100th General Assembly; provided, the award of the credits
16 under this paragraph (4.7) shall not reduce the sentence of the
17 prisoner to less than the following amounts:

18 (i) 85% of his or her sentence if the prisoner is
19 required to serve 85% of his or her sentence; or

20 (ii) 60% of his or her sentence if the prisoner is
21 required to serve 75% of his or her sentence, except if the
22 prisoner is serving a sentence for gunrunning his or her
23 sentence shall not be reduced to less than 75%.

24 This paragraph (4.7) shall not apply to a prisoner serving
25 a sentence for an offense described in subparagraph (i) of
26 paragraph (2) of this subsection (a).

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

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

26 (c) The Department shall prescribe rules and regulations

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

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

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

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

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

26 For purposes of this subsection (d):

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

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

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

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

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

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

24 (2) "Lawsuit" means a motion pursuant to Section 116-3
25 of the Code of Criminal Procedure of 1963, a habeas corpus
26 action under Article X of the Code of Civil Procedure or

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

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

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

19 (Source: P.A. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
20 eff. 1-1-16; 99-642, eff. 7-28-16; 99-938, eff. 1-1-18.)

21 (730 ILCS 5/5-4.5-95)

22 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

23 (a) HABITUAL CRIMINALS.

24 (1) Every person who has been twice convicted in any
25 state or federal court of an offense that contains the same

1 elements as an offense now (the date of the offense
2 committed after the 2 prior convictions) classified in
3 Illinois as a Class X felony, criminal sexual assault,
4 aggravated kidnapping, or first degree murder, and who is
5 thereafter convicted of a Class X felony, criminal sexual
6 assault, or first degree murder, committed after the 2
7 prior convictions, shall be adjudged an habitual criminal.

8 (2) The 2 prior convictions need not have been for the
9 same offense.

10 (3) Any convictions that result from or are connected
11 with the same transaction, or result from offenses
12 committed at the same time, shall be counted for the
13 purposes of this Section as one conviction.

14 (4) This Section does not apply unless each of the
15 following requirements are satisfied:

16 (A) The third offense was committed after July 3,
17 1980.

18 (B) The third offense was committed within 20 years
19 of the date that judgment was entered on the first
20 conviction; provided, however, that time spent in
21 custody shall not be counted.

22 (C) The third offense was committed after
23 conviction on the second offense.

24 (D) The second offense was committed after
25 conviction on the first offense.

26 (5) Anyone who, having attained the age of 18 at the

1 time of the third offense, is adjudged an habitual criminal
2 shall be sentenced to a term of natural life imprisonment.

3 (6) A prior conviction shall not be alleged in the
4 indictment, and no evidence or other disclosure of that
5 conviction shall be presented to the court or the jury
6 during the trial of an offense set forth in this Section
7 unless otherwise permitted by the issues properly raised in
8 that trial. After a plea or verdict or finding of guilty
9 and before sentence is imposed, the prosecutor may file
10 with the court a verified written statement signed by the
11 State's Attorney concerning any former conviction of an
12 offense set forth in this Section rendered against the
13 defendant. The court shall then cause the defendant to be
14 brought before it; shall inform the defendant of the
15 allegations of the statement so filed, and of his or her
16 right to a hearing before the court on the issue of that
17 former conviction and of his or her right to counsel at
18 that hearing; and unless the defendant admits such
19 conviction, shall hear and determine the issue, and shall
20 make a written finding thereon. If a sentence has
21 previously been imposed, the court may vacate that sentence
22 and impose a new sentence in accordance with this Section.

23 (7) A duly authenticated copy of the record of any
24 alleged former conviction of an offense set forth in this
25 Section shall be prima facie evidence of that former
26 conviction; and a duly authenticated copy of the record of

1 the defendant's final release or discharge from probation
2 granted, or from sentence and parole supervision (if any)
3 imposed pursuant to that former conviction, shall be prima
4 facie evidence of that release or discharge.

5 (8) Any claim that a previous conviction offered by the
6 prosecution is not a former conviction of an offense set
7 forth in this Section because of the existence of any
8 exceptions described in this Section, is waived unless duly
9 raised at the hearing on that conviction, or unless the
10 prosecution's proof shows the existence of the exceptions
11 described in this Section.

12 (9) If the person so convicted shows to the
13 satisfaction of the court before whom that conviction was
14 had that he or she was released from imprisonment, upon
15 either of the sentences upon a pardon granted for the
16 reason that he or she was innocent, that conviction and
17 sentence shall not be considered under this Section.

18 (b) When a defendant, over the age of 21 years, is
19 convicted of a Class 1 or Class 2 felony, except for an offense
20 listed in subsection (c) of this Section, after having twice
21 been convicted in any state or federal court of an offense that
22 contains the same elements as an offense now (the date the
23 Class 1 or Class 2 felony was committed) classified in Illinois
24 as a Class 2 or greater Class felony, except for an offense
25 listed in subsection (c) of this Section, and those charges are
26 separately brought and tried and arise out of different series

1 of acts, that defendant shall be sentenced as a Class X
2 offender. This subsection does not apply unless:

3 (1) the first felony was committed after February 1,
4 1978 (the effective date of Public Act 80-1099);

5 (2) the second felony was committed after conviction on
6 the first; and

7 (3) the third felony was committed after conviction on
8 the second.

9 (c) Subsection (b) of this Section does not apply to Class
10 1 or Class 2 felony convictions for a violation of Section 16-1
11 of the Criminal Code of 2012.

12 A person sentenced as a Class X offender under this
13 subsection (b) is not eligible to apply for treatment as a
14 condition of probation as provided by Section 40-10 of the
15 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
16 301/40-10).

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

18 (730 ILCS 5/5-4.5-110 new)

19 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
20 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

21 (a) DEFINITIONS. For the purposes of this Section:

22 "Firearm" has the meaning ascribed to it in Section 1.1
23 of the Firearm Owners Identification Card Act.

24 "Qualifying predicate offense" means the following
25 offenses under the Criminal Code of 2012:

1 (A) aggravated unlawful use of a weapon under
2 Section 24-1.6 or similar offense under the Criminal
3 Code of 1961, when the weapon is a firearm;

4 (B) unlawful use or possession of a weapon by a
5 felon under Section 24-1.1 or similar offense under the
6 Criminal Code of 1961, when the weapon is a firearm;

7 (C) first degree murder under Section 9-1 or
8 similar offense under the Criminal Code of 1961;

9 (D) attempted first degree murder with a firearm or
10 similar offense under the Criminal Code of 1961;

11 (E) aggravated kidnapping with a firearm under
12 paragraph (6) or (7) of subsection (a) of Section 10-2
13 or similar offense under the Criminal Code of 1961;

14 (F) aggravated battery with a firearm under
15 subsection (e) of Section 12-3.05 or similar offense
16 under the Criminal Code of 1961;

17 (G) aggravated criminal sexual assault under
18 Section 11-1.30 or similar offense under the Criminal
19 Code of 1961;

20 (H) predatory criminal sexual assault of a child
21 under Section 11-1.40 or similar offense under the
22 Criminal Code of 1961;

23 (I) armed robbery under Section 18-2 or similar
24 offense under the Criminal Code of 1961;

25 (J) vehicular hijacking under Section 18-3 or
26 similar offense under the Criminal Code of 1961;

1 (K) aggravated vehicular hijacking under Section
2 18-4 or similar offense under the Criminal Code of
3 1961;

4 (L) home invasion with a firearm under paragraph
5 (3), (4), or (5) of subsection (a) of Section 19-6 or
6 similar offense under the Criminal Code of 1961;

7 (M) aggravated discharge of a firearm under
8 Section 24-1.2 or similar offense under the Criminal
9 Code of 1961;

10 (N) aggravated discharge of a machine gun or a
11 firearm equipped with a device designed or used for
12 silencing the report of a firearm under Section
13 24-1.2-5 or similar offense under the Criminal Code of
14 1961;

15 (O) unlawful use of firearm projectiles under
16 Section 24-2.1 or similar offense under the Criminal
17 Code of 1961;

18 (P) manufacture, sale, or transfer of bullets or
19 shells represented to be armor piercing bullets,
20 dragon's breath shotgun shells, bolo shells, or
21 flechette shells under Section 24-2.2 or similar
22 offense under the Criminal Code of 1961;

23 (Q) unlawful sale or delivery of firearms under
24 Section 24-3 or similar offense under the Criminal Code
25 of 1961;

26 (R) unlawful discharge of firearm projectiles

1 under Section 24-3.2 or similar offense under the
2 Criminal Code of 1961;

3 (S) unlawful sale or delivery of firearms on school
4 premises of any school under Section 24-3.3 or similar
5 offense under the Criminal Code of 1961;

6 (T) unlawful purchase of a firearm under Section
7 24-3.5 or similar offense under the Criminal Code of
8 1961;

9 (U) use of a stolen firearm in the commission of an
10 offense under Section 24-3.7 or similar offense under
11 the Criminal Code of 1961;

12 (V) possession of a stolen firearm under Section
13 24-3.8 or similar offense under the Criminal Code of
14 1961;

15 (W) aggravated possession of a stolen firearm
16 under Section 24-3.9 or similar offense under the
17 Criminal Code of 1961;

18 (X) gunrunning under Section 24-3A or similar
19 offense under the Criminal Code of 1961;

20 (Y) defacing identification marks of firearms
21 under Section 24-5 or similar offense under the
22 Criminal Code of 1961; and

23 (Z) armed violence under Section 33A-2 or similar
24 offense under the Criminal Code of 1961.

25 (b) APPLICABILITY. On or after the effective date of this
26 amendatory Act of the 100th General Assembly, when a person is

1 convicted of unlawful use or possession of a weapon by a felon,
2 when the weapon is a firearm, or aggravated unlawful use of a
3 weapon, when the weapon is a firearm, after being previously
4 convicted of a qualifying predicate offense the person shall be
5 subject to the sentencing guidelines under this Section.

6 (c) SENTENCING GUIDELINES.

7 (1) When a person is convicted of unlawful use or
8 possession of a weapon by a felon, when the weapon is a
9 firearm, and that person has been previously convicted of a
10 qualifying predicate offense, the person shall be
11 sentenced to a term of imprisonment within the sentencing
12 range of not less than 7 years and not more than 14 years,
13 unless the court finds that a departure from the sentencing
14 guidelines under this paragraph is warranted under
15 subsection (d) of this Section.

16 (2) When a person is convicted of aggravated unlawful
17 use of a weapon, when the weapon is a firearm, and that
18 person has been previously convicted of a qualifying
19 predicate offense, the person shall be sentenced to a term
20 of imprisonment within the sentencing range of not less
21 than 6 years and not more than 7 years, unless the court
22 finds that a departure from the sentencing guidelines under
23 this paragraph is warranted under subsection (d) of this
24 Section.

25 (d) DEPARTURE FROM SENTENCING GUIDELINES.

26 (1) At the sentencing hearing conducted under Section

1 5-4-1 of this Code, the court may depart from the
2 sentencing guidelines provided in subsection (c) of this
3 Section and impose a sentence otherwise authorized by law
4 for the offense if the court, after considering any factor
5 under paragraph (2) of this subsection (d) relevant to the
6 nature and circumstances of the crime and to the history
7 and character of the defendant, finds on the record
8 substantial and compelling justification that the sentence
9 within the sentencing guidelines would be unduly harsh and
10 that a sentence otherwise authorized by law would be
11 consistent with public safety and does not deprecate the
12 seriousness of the offense.

13 (2) In deciding whether to depart from the sentencing
14 guidelines under this paragraph, the court shall consider:

15 (A) the age, immaturity, or limited mental
16 capacity of the defendant at the time of commission of
17 the qualifying predicate or current offense, including
18 whether the defendant was suffering from a mental or
19 physical condition insufficient to constitute a
20 defense but significantly reduced the defendant's
21 culpability;

22 (B) the nature and circumstances of the qualifying
23 predicate offense;

24 (C) the time elapsed since the qualifying
25 predicate offense;

26 (D) the nature and circumstances of the current

1 offense;

2 (E) the defendant's prior criminal history;

3 (F) whether the defendant committed the qualifying
4 predicate or current offense under specific and
5 credible duress, coercion, threat, or compulsion;

6 (G) whether the defendant aided in the
7 apprehension of another felon or testified truthfully
8 on behalf of another prosecution of a felony; and

9 (H) whether departure is in the interest of the
10 person's rehabilitation, including employment or
11 educational or vocational training, after taking into
12 account any past rehabilitation efforts or
13 dispositions of probation or supervision, and the
14 defendant's cooperation or response to rehabilitation.

15 (3) When departing from the sentencing guidelines
16 under this Section, the court shall specify on the record,
17 the particular evidence, information, factor or factors,
18 or other reasons which led to the departure from the
19 sentencing guidelines. When departing from the sentencing
20 range in accordance with this subsection (d), the court
21 shall indicate on the sentencing order which departure
22 factor or factors outlined in paragraph (2) of this
23 subsection (d) led to the sentence imposed. The sentencing
24 order shall be filed with the clerk of the court and shall
25 be a public record.

1 (730 ILCS 5/5-6-3.3)

2 Sec. 5-6-3.3. Offender Initiative Program.

3 (a) Statement of purpose. The General Assembly seeks to
4 continue other successful programs that promote public safety,
5 conserve valuable resources, and reduce recidivism by
6 defendants who can lead productive lives by creating the
7 Offender Initiative Program.

8 (a-1) Whenever any person who has not previously been
9 convicted of, ~~or placed on probation or conditional discharge~~
10 ~~for~~, any felony offense under the laws of this State, the laws
11 of any other state, or the laws of the United States, is
12 arrested for and charged with a probationable felony offense of
13 theft, retail theft, forgery, possession of a stolen motor
14 vehicle, burglary, possession of burglary tools, deceptive
15 practices, disorderly conduct, criminal damage or trespass to
16 property under Article 21 of the Criminal Code of 2012,
17 criminal trespass to a residence, obstructing justice, or an
18 offense involving fraudulent identification, or possession of
19 cannabis, possession of a controlled substance, or possession
20 of methamphetamine, the court, with the consent of the
21 defendant and the State's Attorney, may continue this matter to
22 allow a defendant to participate and complete the Offender
23 Initiative Program.

24 (a-2) Exemptions. A defendant shall not be eligible for
25 this Program if the offense he or she has been arrested for and
26 charged with is a violent offense. For purposes of this

1 Program, a "violent offense" is any offense where bodily harm
2 was inflicted or where force was used against any person or
3 threatened against any person, any offense involving sexual
4 conduct, sexual penetration, or sexual exploitation, any
5 offense of domestic violence, domestic battery, violation of an
6 order of protection, stalking, hate crime, ~~driving under the~~
7 ~~influence of drugs or alcohol,~~ and any offense involving the
8 possession of a firearm or dangerous weapon. A defendant shall
9 not be eligible for this Program if he or she has previously
10 been adjudicated a delinquent minor for the commission of a
11 violent offense as defined in this subsection.

12 (b) When a defendant is placed in the Program, after both
13 the defendant and State's Attorney waive preliminary hearing
14 pursuant to Section 109-3 of the Code of Criminal Procedure of
15 1963, the court shall enter an order specifying that the
16 proceedings shall be suspended while the defendant is
17 participating in a Program of not less 12 months.

18 (c) The conditions of the Program shall be that the
19 defendant:

20 (1) not violate any criminal statute of this State or
21 any other jurisdiction;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) make full restitution to the victim or property
25 owner pursuant to Section 5-5-6 of this Code;

26 (4) obtain employment or perform not less than 30 hours

1 of community service, provided community service is
2 available in the county and is funded and approved by the
3 county board; and

4 (5) attend educational courses designed to prepare the
5 defendant for obtaining a high school diploma or to work
6 toward passing high school equivalency testing or to work
7 toward completing a vocational training program.

8 (d) The court may, in addition to other conditions, require
9 that the defendant:

10 (1) undergo medical or psychiatric treatment, or
11 treatment or rehabilitation approved by the Illinois
12 Department of Human Services;

13 (2) refrain from having in his or her body the presence
14 of any illicit drug prohibited by the Methamphetamine
15 Control and Community Protection Act, the Cannabis Control
16 Act or the Illinois Controlled Substances Act, unless
17 prescribed by a physician, and submit samples of his or her
18 blood or urine or both for tests to determine the presence
19 of any illicit drug;

20 (3) submit to periodic drug testing at a time, manner,
21 and frequency as ordered by the court;

22 (4) pay fines, fees and costs; and

23 (5) in addition, if a minor:

24 (i) reside with his or her parents or in a foster
25 home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 or

3 (iv) contribute to his or her own support at home

4 or in a foster home.

5 (e) When the State's Attorney makes a factually specific
6 offer of proof that the defendant has failed to successfully
7 complete the Program or has violated any of the conditions of
8 the Program, the court shall enter an order that the defendant
9 has not successfully completed the Program and continue the
10 case for arraignment pursuant to Section 113-1 of the Code of
11 Criminal Procedure of 1963 for further proceedings as if the
12 defendant had not participated in the Program.

13 (f) Upon fulfillment of the terms and conditions of the
14 Program, the State's Attorney shall dismiss the case or the
15 court shall discharge the person and dismiss the proceedings
16 against the person.

17 (g) A person may only have ~~There may be only~~ one discharge
18 and dismissal under this Section within a 4-year period ~~with~~
19 ~~respect to any person.~~

20 (h) Notwithstanding subsection (a-1), if the court finds
21 that the defendant suffers from a substance abuse problem, then
22 before the person participates in the Program under this
23 Section, the court may refer the person to the drug court
24 established in that judicial circuit pursuant to Section 15 of
25 the Drug Court Treatment Act. The drug court team shall
26 evaluate the person's likelihood of successfully fulfilling

1 the terms and conditions of the Program under this Section and
2 shall report the results of its evaluation to the court. If the
3 drug court team finds that the person suffers from a substance
4 abuse problem that makes him or her substantially unlikely to
5 successfully fulfill the terms and conditions of the Program,
6 then the drug court shall set forth its findings in the form of
7 a written order, and the person shall be ineligible to
8 participate in the Program under this Section, but shall ~~may~~ be
9 considered for the drug court program.

10 (Source: P.A. 98-718, eff. 1-1-15; 99-480, eff. 9-9-15.)

11 (730 ILCS 5/5-6-3.4)

12 Sec. 5-6-3.4. Second Chance Probation.

13 (a) Whenever any person who has not previously been
14 convicted of, ~~or placed on probation or conditional discharge~~
15 ~~for,~~ any felony offense under the laws of this State, the laws
16 of any other state, or the laws of the United States, ~~including~~
17 ~~probation under Section 410 of the Illinois Controlled~~
18 ~~Substances Act, Section 70 of the Methamphetamine Control and~~
19 ~~Community Protection Act, Section 10 of the Cannabis Control~~
20 ~~Act, subsection (c) of Section 11-14 of the Criminal Code of~~
21 ~~2012, Treatment Alternatives for Criminal Justice Clients~~
22 ~~(TASC) under Article 40 of the Alcoholism and Other Drug Abuse~~
23 ~~and Dependency Act, or prior successful completion of the~~
24 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
25 and pleads guilty to, or is found guilty of, a probationable

1 ~~felony offense of possession of less than 15 grams of a~~
2 ~~controlled substance that is punishable as a Class 4 felony;~~
3 ~~possession of less than 15 grams of methamphetamine that is~~
4 ~~punishable as a Class 4 felony; or a probationable felony~~
5 ~~offense of possession of cannabis, theft, retail theft,~~
6 ~~forgery, deceptive practices, possession of a stolen motor~~
7 ~~vehicle, burglary, possession of burglary tools, disorderly~~
8 ~~conduct, criminal damage or trespass to property under Article~~
9 ~~21 of the Criminal Code of 2012, criminal trespass to a~~
10 ~~residence, an offense involving fraudulent identification, or~~
11 ~~obstructing justice; theft that is punishable as a Class 3~~
12 ~~felony based on the value of the property or punishable as a~~
13 ~~Class 4 felony if the theft was committed in a school or place~~
14 ~~of worship or if the theft was of governmental property; retail~~
15 ~~theft that is punishable as a Class 3 felony based on the value~~
16 ~~of the property; criminal damage to property that is punishable~~
17 ~~as a Class 4 felony; criminal damage to government supported~~
18 ~~property that is punishable as a Class 4 felony; or possession~~
19 ~~of cannabis which is punishable as a Class 4 felony, the court,~~
20 ~~with the consent of the defendant and the State's Attorney,~~
21 ~~may, without entering a judgment, sentence the defendant to~~
22 ~~probation under this Section.~~

23 (a-1) Exemptions. A defendant is not eligible for this
24 probation if the offense he or she pleads guilty to, or is
25 found guilty of, is a violent offense, or he or she has
26 previously been convicted of a violent offense. For purposes of

1 this probation, a "violent offense" is any offense where bodily
2 harm was inflicted or where force was used against any person
3 or threatened against any person, any offense involving sexual
4 conduct, sexual penetration, or sexual exploitation, any
5 offense of domestic violence, domestic battery, violation of an
6 order of protection, stalking, hate crime, ~~driving under the~~
7 ~~influence of drugs or alcohol,~~ and any offense involving the
8 possession of a firearm or dangerous weapon. A defendant shall
9 not be eligible for this probation if he or she has previously
10 been adjudicated a delinquent minor for the commission of a
11 violent offense as defined in this subsection.

12 (b) When a defendant is placed on probation, the court
13 shall enter an order specifying a period of probation of not
14 less than 24 months and shall defer further proceedings in the
15 case until the conclusion of the period or until the filing of
16 a petition alleging violation of a term or condition of
17 probation.

18 (c) The conditions of probation shall be that the
19 defendant:

20 (1) not violate any criminal statute of this State or
21 any other jurisdiction;

22 (2) refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) make full restitution to the victim or property
25 owner under Section 5-5-6 of this Code;

26 (4) obtain or attempt to obtain employment;

1 (5) pay fines and costs;

2 (6) attend educational courses designed to prepare the
3 defendant for obtaining a high school diploma or to work
4 toward passing high school equivalency testing or to work
5 toward completing a vocational training program;

6 (7) submit to periodic drug testing at a time and in a
7 manner as ordered by the court, but no less than 3 times
8 during the period of probation, with the cost of the
9 testing to be paid by the defendant; and

10 (8) perform a minimum of 30 hours of community service.

11 (d) The court may, in addition to other conditions, require
12 that the defendant:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) undergo medical or psychiatric treatment, or
18 treatment or rehabilitation approved by the Illinois
19 Department of Human Services;

20 (3) attend or reside in a facility established for the
21 instruction or residence of defendants on probation;

22 (4) support his or her dependents; or

23 (5) refrain from having in his or her body the presence
24 of any illicit drug prohibited by the Methamphetamine
25 Control and Community Protection Act, the Cannabis Control
26 Act, or the Illinois Controlled Substances Act, unless

1 prescribed by a physician, and submit samples of his or her
2 blood or urine or both for tests to determine the presence
3 of any illicit drug.

4 (e) Upon violation of a term or condition of probation, the
5 court may enter a judgment on its original finding of guilt and
6 proceed as otherwise provided by law.

7 (f) Upon fulfillment of the terms and conditions of
8 probation, the court shall discharge the person and dismiss the
9 proceedings against the person.

10 (g) A disposition of probation is considered to be a
11 conviction for the purposes of imposing the conditions of
12 probation and for appeal; however, a discharge and dismissal
13 under this Section is not a conviction for purposes of this
14 Code or for purposes of disqualifications or disabilities
15 imposed by law upon conviction of a crime.

16 (h) A person may only have ~~There may be only~~ one discharge
17 and dismissal under this Section within a 4-year period,
18 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
19 ~~70 of the Methamphetamine Control and Community Protection Act,~~
20 ~~Section 10 of the Cannabis Control Act, Treatment Alternatives~~
21 ~~for Criminal Justice Clients (TASC) under Article 40 of the~~
22 ~~Alcoholism and Other Drug Abuse and Dependency Act, the~~
23 ~~Offender Initiative Program under Section 5-6-3.3 of this Code,~~
24 ~~and subsection (c) of Section 11-14 of the Criminal Code of~~
25 ~~2012 with respect to any person.~~

26 (i) If a person is convicted of any offense which occurred

1 within 5 years subsequent to a discharge and dismissal under
2 this Section, the discharge and dismissal under this Section
3 shall be admissible in the sentencing proceeding for that
4 conviction as evidence in aggravation.

5 (j) Notwithstanding subsection (a), if the court finds that
6 the defendant suffers from a substance abuse problem, then
7 before the person is placed on probation under this Section,
8 the court may refer the person to the drug court established in
9 that judicial circuit pursuant to Section 15 of the Drug Court
10 Treatment Act. The drug court team shall evaluate the person's
11 likelihood of successfully fulfilling the terms and conditions
12 of probation under this Section and shall report the results of
13 its evaluation to the court. If the drug court team finds that
14 the person suffers from a substance abuse problem that makes
15 him or her substantially unlikely to successfully fulfill the
16 terms and conditions of probation under this Section, then the
17 drug court shall set forth its findings in the form of a
18 written order, and the person shall be ineligible to be placed
19 on probation under this Section, but shall ~~may~~ be considered
20 for the drug court program.

21 (Source: P.A. 98-164, eff. 1-1-14; 98-718, eff. 1-1-15; 99-480,
22 eff. 9-9-15.)

23 (730 ILCS 5/5-8-8)

24 (Section scheduled to be repealed on December 31, 2020)

25 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

1 (a) Creation. There is created under the jurisdiction of
2 the Governor the Illinois Sentencing Policy Advisory Council,
3 hereinafter referred to as the Council.

4 (b) Purposes and goals. The purpose of the Council is to
5 review sentencing policies and practices and examine how these
6 policies and practices impact the criminal justice system as a
7 whole in the State of Illinois. In carrying out its duties, the
8 Council shall be mindful of and aim to achieve the purposes of
9 sentencing in Illinois, which are set out in Section 1-1-2 of
10 this Code:

11 (1) prescribe sanctions proportionate to the
12 seriousness of the offenses and permit the recognition of
13 differences in rehabilitation possibilities among
14 individual offenders;

15 (2) forbid and prevent the commission of offenses;

16 (3) prevent arbitrary or oppressive treatment of
17 persons adjudicated offenders or delinquents; and

18 (4) restore offenders to useful citizenship.

19 (c) Council composition.

20 (1) The Council shall consist of the following members:

21 (A) the President of the Senate, or his or her
22 designee;

23 (B) the Minority Leader of the Senate, or his or
24 her designee;

25 (C) the Speaker of the House, or his or her
26 designee;

1 (D) the Minority Leader of the House, or his or her
2 designee;

3 (E) the Governor, or his or her designee;

4 (F) the Attorney General, or his or her designee;

5 (G) two retired judges, who may have been circuit,
6 appellate, or supreme court judges; retired judges
7 shall be selected by the members of the Council
8 designated in clauses (c) (1) (A) through (L);

9 (G-5) (blank);

10 (H) the Cook County State's Attorney, or his or her
11 designee;

12 (I) the Cook County Public Defender, or his or her
13 designee;

14 (J) a State's Attorney not from Cook County,
15 appointed by the State's Attorney's Appellate
16 Prosecutor;

17 (K) the State Appellate Defender, or his or her
18 designee;

19 (L) the Director of the Administrative Office of
20 the Illinois Courts, or his or her designee;

21 (M) a victim of a violent felony or a
22 representative of a crime victims' organization,
23 selected by the members of the Council designated in
24 clauses (c) (1) (A) through (L);

25 (N) a representative of a community-based
26 organization, selected by the members of the Council

1 designated in clauses (c) (1) (A) through (L);

2 (O) a criminal justice academic researcher, to be
3 selected by the members of the Council designated in
4 clauses (c) (1) (A) through (L);

5 (P) a representative of law enforcement from a unit
6 of local government to be selected by the members of
7 the Council designated in clauses (c) (1) (A) through
8 (L);

9 (Q) a sheriff selected by the members of the
10 Council designated in clauses (c) (1) (A) through (L);
11 and

12 (R) ex-officio members shall include:

13 (i) the Director of Corrections, or his or her
14 designee;

15 (ii) the Chair of the Prisoner Review Board, or
16 his or her designee;

17 (iii) the Director of the Illinois State
18 Police, or his or her designee; and

19 (iv) the Director of the Illinois Criminal
20 Justice Information Authority, or his or her
21 designee.

22 (1.5) The Chair and Vice Chair shall be elected from
23 among its members by a majority of the members of the
24 Council.

25 (2) Members of the Council who serve because of their
26 public office or position, or those who are designated as

1 members by such officials, shall serve only as long as they
2 hold such office or position.

3 (3) Council members shall serve without compensation
4 but shall be reimbursed for travel and per diem expenses
5 incurred in their work for the Council.

6 (4) The Council may exercise any power, perform any
7 function, take any action, or do anything in furtherance of
8 its purposes and goals upon the appointment of a quorum of
9 its members. The term of office of each member of the
10 Council ends on the date of repeal of this amendatory Act
11 of the 96th General Assembly.

12 (d) Duties. The Council shall perform, as resources permit,
13 duties including:

14 (1) Collect and analyze information including
15 sentencing data, crime trends, and existing correctional
16 resources to support legislative and executive action
17 affecting the use of correctional resources on the State
18 and local levels.

19 (2) Prepare criminal justice population projections
20 annually, including correctional and community-based
21 supervision populations.

22 (3) Analyze data relevant to proposed sentencing
23 legislation and its effect on current policies or
24 practices, and provide information to support
25 evidence-based sentencing.

26 (4) Ensure that adequate resources and facilities are

1 available for carrying out sentences imposed on offenders
2 and that rational priorities are established for the use of
3 those resources. To do so, the Council shall prepare
4 criminal justice resource statements, identifying the
5 fiscal and practical effects of proposed criminal
6 sentencing legislation, including, but not limited to, the
7 correctional population, court processes, and county or
8 local government resources.

9 (4.5) Study and conduct a thorough analysis of
10 sentencing under Section 5-4.5-110 of this Code. The
11 Sentencing Policy Advisory Council shall provide annual
12 reports to the Governor and General Assembly, including the
13 total number of persons sentenced under Section 5-4.5-110
14 of this Code, the total number of departures from sentences
15 under Section 5-4.5-110 of this Code, and an analysis of
16 trends in sentencing and departures. On or before December
17 31, 2022, the Sentencing Policy Advisory Council shall
18 provide a report to the Governor and General Assembly on
19 the effectiveness of sentencing under Section 5-4.5-110 of
20 this Code, including recommendations on whether sentencing
21 under Section 5-4.5-110 of this Code should be adjusted or
22 continued.

23 (5) Perform such other studies or tasks pertaining to
24 sentencing policies as may be requested by the Governor or
25 the Illinois General Assembly.

26 (6) Perform such other functions as may be required by

1 law or as are necessary to carry out the purposes and goals
2 of the Council prescribed in subsection (b).

3 (7) Publish a report on the trends in sentencing for
4 offenders described in subsection (b-1) of Section 5-4-1 of
5 this Code, the impact of the trends on the prison and
6 probation populations, and any changes in the racial
7 composition of the prison and probation populations that
8 can be attributed to the changes made by adding subsection
9 (b-1) of Section 5-4-1 to this Code by Public Act 99-861
10 ~~this amendatory Act of the 99th General Assembly.~~

11 (e) Authority.

12 (1) The Council shall have the power to perform the
13 functions necessary to carry out its duties, purposes and
14 goals under this Act. In so doing, the Council shall
15 utilize information and analysis developed by the Illinois
16 Criminal Justice Information Authority, the Administrative
17 Office of the Illinois Courts, and the Illinois Department
18 of Corrections.

19 (2) Upon request from the Council, each executive
20 agency and department of State and local government shall
21 provide information and records to the Council in the
22 execution of its duties.

23 (f) Report. The Council shall report in writing annually to
24 the General Assembly, the Illinois Supreme Court, and the
25 Governor.

26 (g) This Section is repealed on December 31, 2020.

1 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
2 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

3 Section 95. No acceleration or delay. Where this Act makes
4 changes in a statute that is represented in this Act by text
5 that is not yet or no longer in effect (for example, a Section
6 represented by multiple versions), the use of that text does
7 not accelerate or delay the taking effect of (i) the changes
8 made by this Act or (ii) provisions derived from any other
9 Public Act.