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1 AMENDMENT TO SENATE BILL 1980

2 AMENDMENT NO. _____. Amend Senate Bill 1980 by replacing
3 everything after the enacting clause with the following:

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

6 Section 5. Purpose. The criminal justice priorities of the
7 General Assembly in enacting this Act are to:

8 (1) promote public safety;

9 (2) pursue justice;

10 (3) preserve and value all life;

11 (4) acknowledge and confront racial disparities in the
12 justice system;

13 (5) provide and fund education to help reduce crime;

14 (6) provide grief and trauma programs for victims and
15 families of victims of violence throughout the State of
16 Illinois, especially in areas with a high concentration of

1 violence;

2 (7) provide job training to reduce unemployment and
3 stimulate economic growth;

4 (8) increase and provide victim services;

5 (9) provide and increase treatment, services, and
6 programming for offenders to help promote successful reentry to
7 society; and

8 (10) reduce the State's overreliance on imprisonment.

9 Section 10. The Department of State Police Law of the Civil
10 Administrative Code of Illinois is amended by adding Section
11 2605-605 as follows:

12 (20 ILCS 2605/2605-605 new)

13 Sec. 2605-605. Violent Crime Suppression Task Force.

14 Subject to appropriation, the Director of State Police
15 shall establish a statewide multi-jurisdictional Violent Crime
16 Suppression Task Force led by the Department of State Police
17 dedicated to combating gun violence and other violent crime
18 with the primary mission of preservation of life and reducing
19 the occurrence and the fear of crime. The objective of the Task
20 Force shall include, but not be limited to, reducing and
21 preventing illegal possession and use of firearms,
22 firearm-related homicides and other violent crimes.

23 (1) The Task Force shall develop and acquire
24 information, training, tools, and resources necessary to

1 implement a data-driven approach to policing, with an
2 emphasis on intelligence development.

3 (2) The Task Force may utilize information sharing,
4 partnerships, crime analysis, and evidence-based practices
5 to assist in the reduction of firearm-related homicides and
6 shootings.

7 (3) The Task Force may utilize violence suppression
8 strategies including, but not limited to: targeted
9 missions in identified locations that have shown to be the
10 most prone to gun violence; focused deterrence against
11 violent gangs and groups considered responsible for the
12 most violence in communities; and other methods deemed
13 necessary to interrupt cycles of violence or prevent
14 retaliation.

15 (4) The Task Force shall recognize and utilize best
16 practices of community policing and may develop potential
17 partnerships with faith-based and community organizations
18 to achieve its goals.

19 (5) The Task Force shall identify and utilize best
20 practices in drug-diversion programs and other
21 community-based services to redirect low-level offenders.

22 (6) In consultation with the Chief Procurement
23 Officer, the Department of State Police may obtain
24 contracts for software, commodities, resources, and
25 equipment to assist the Task Force with achieving the
26 requirements of this Section. Any contracts necessary to

1 support the delivery of necessary software, commodities,
2 resources, and equipment are not subject to the Illinois
3 Procurement Code, except for Sections 20-60, 20-65, 20-70,
4 and 20-160 and Article 50 of that Code, provided that the
5 Chief Procurement Officer may, in writing with
6 justification, waive any certification required under
7 Article 50 of the Illinois Procurement Code.

8 Section 15. The Criminal Identification Act is amended by
9 changing Section 2.1 as follows:

10 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

11 Sec. 2.1. For the purpose of maintaining complete and
12 accurate criminal records of the Department of State Police, it
13 is necessary for all policing bodies of this State, the clerk
14 of the circuit court, the Illinois Department of Corrections,
15 the sheriff of each county, and State's Attorney of each county
16 to submit certain criminal arrest, charge, and disposition
17 information to the Department for filing at the earliest time
18 possible. Unless otherwise noted herein, it shall be the duty
19 of all policing bodies of this State, the clerk of the circuit
20 court, the Illinois Department of Corrections, the sheriff of
21 each county, and the State's Attorney of each county to report
22 such information as provided in this Section, both in the form
23 and manner required by the Department and within 30 days of the
24 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 20. The Criminal Code of 2012 is amended by
3 changing Sections 16-1, 16-25, 19-1, 24-1.1, and 24-1.6 as
4 follows:

5 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

6 Sec. 16-1. Theft.

7 (a) A person commits theft when he or she knowingly:

8 (1) Obtains or exerts unauthorized control over
9 property of the owner; or

10 (2) Obtains by deception control over property of the
11 owner; or

12 (3) Obtains by threat control over property of the
13 owner; or

14 (4) Obtains control over stolen property knowing the
15 property to have been stolen or under such circumstances as
16 would reasonably induce him or her to believe that the
17 property was stolen; or

18 (5) Obtains or exerts control over property in the
19 custody of any law enforcement agency which any law
20 enforcement officer or any individual acting in behalf of a
21 law enforcement agency explicitly represents to the person
22 as being stolen or represents to the person such
23 circumstances as would reasonably induce the person to
24 believe that the property was stolen, and

1 (A) Intends to deprive the owner permanently of the
2 use or benefit of the property; or

3 (B) Knowingly uses, conceals or abandons the
4 property in such manner as to deprive the owner
5 permanently of such use or benefit; or

6 (C) Uses, conceals, or abandons the property
7 knowing such use, concealment or abandonment probably
8 will deprive the owner permanently of such use or
9 benefit.

10 (b) Sentence.

11 (1) Theft of property not from the person and not
12 exceeding \$2,000 ~~\$500~~ in value is a Class A misdemeanor.

13 (1.1) Theft of property not from the person and not
14 exceeding \$2,000 ~~\$500~~ in value is a Class 4 felony if the
15 theft was committed in a school or place of worship or if
16 the theft was of governmental property.

17 (2) A person who has been convicted of theft of
18 property not from the person and not exceeding \$2,000 ~~\$500~~
19 in value who has been previously convicted of felony ~~any~~
20 ~~type of theft, robbery, armed robbery, burglary,~~
21 ~~residential burglary, possession of burglary tools, home~~
22 ~~invasion, forgery, a violation of Section 4-103, 4-103.1,~~
23 ~~4-103.2, or 4-103.3 of the Illinois Vehicle Code relating~~
24 ~~to the possession of a stolen or converted motor vehicle,~~
25 ~~or a violation of Section 17-36 of the Criminal Code of~~
26 ~~1961 or the Criminal Code of 2012, or Section 8 of the~~

1 ~~Illinois Credit Card and Debit Card Act~~ is guilty of a
2 Class 4 felony.

3 (3) (Blank).

4 (4) Theft of property from the person not exceeding
5 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
6 and not exceeding \$10,000 in value, is a Class 3 felony.

7 (4.1) Theft of property from the person not exceeding
8 \$500 in value, or theft of property exceeding \$2,000 ~~\$500~~
9 and not exceeding \$10,000 in value, is a Class 2 felony if
10 the theft was committed in a school or place of worship or
11 if the theft was of governmental property.

12 (5) Theft of property exceeding \$10,000 and not
13 exceeding \$100,000 in value is a Class 2 felony.

14 (5.1) Theft of property exceeding \$10,000 and not
15 exceeding \$100,000 in value is a Class 1 felony if the
16 theft was committed in a school or place of worship or if
17 the theft was of governmental property.

18 (6) Theft of property exceeding \$100,000 and not
19 exceeding \$500,000 in value is a Class 1 felony.

20 (6.1) Theft of property exceeding \$100,000 in value is
21 a Class X felony if the theft was committed in a school or
22 place of worship or if the theft was of governmental
23 property.

24 (6.2) Theft of property exceeding \$500,000 and not
25 exceeding \$1,000,000 in value is a Class 1
26 non-probationable felony.

1 (6.3) Theft of property exceeding \$1,000,000 in value
2 is a Class X felony.

3 (7) Theft by deception, as described by paragraph (2)
4 of subsection (a) of this Section, in which the offender
5 obtained money or property valued at \$5,000 or more from a
6 victim 60 years of age or older is a Class 2 felony.

7 (8) Theft by deception, as described by paragraph (2)
8 of subsection (a) of this Section, in which the offender
9 falsely poses as a landlord or agent or employee of the
10 landlord and obtains a rent payment or a security deposit
11 from a tenant is a Class 3 felony if the rent payment or
12 security deposit obtained does not exceed \$500.

13 (9) Theft by deception, as described by paragraph (2)
14 of subsection (a) of this Section, in which the offender
15 falsely poses as a landlord or agent or employee of the
16 landlord and obtains a rent payment or a security deposit
17 from a tenant is a Class 2 felony if the rent payment or
18 security deposit obtained exceeds \$500 and does not exceed
19 \$10,000.

20 (10) Theft by deception, as described by paragraph (2)
21 of subsection (a) of this Section, in which the offender
22 falsely poses as a landlord or agent or employee of the
23 landlord and obtains a rent payment or a security deposit
24 from a tenant is a Class 1 felony if the rent payment or
25 security deposit obtained exceeds \$10,000 and does not
26 exceed \$100,000.

1 (11) Theft by deception, as described by paragraph (2)
2 of subsection (a) of this Section, in which the offender
3 falsely poses as a landlord or agent or employee of the
4 landlord and obtains a rent payment or a security deposit
5 from a tenant is a Class X felony if the rent payment or
6 security deposit obtained exceeds \$100,000.

7 (c) When a charge of theft of property exceeding a
8 specified value is brought, the value of the property involved
9 is an element of the offense to be resolved by the trier of
10 fact as either exceeding or not exceeding the specified value.

11 (d) Theft by lessee; permissive inference. The trier of
12 fact may infer evidence that a person intends to deprive the
13 owner permanently of the use or benefit of the property (1) if
14 a lessee of the personal property of another fails to return it
15 to the owner within 10 days after written demand from the owner
16 for its return or (2) if a lessee of the personal property of
17 another fails to return it to the owner within 24 hours after
18 written demand from the owner for its return and the lessee had
19 presented identification to the owner that contained a
20 materially fictitious name, address, or telephone number. A
21 notice in writing, given after the expiration of the leasing
22 agreement, addressed and mailed, by registered mail, to the
23 lessee at the address given by him and shown on the leasing
24 agreement shall constitute proper demand.

25 (e) Permissive inference; evidence of intent that a person
26 obtains by deception control over property. The trier of fact

1 may infer that a person "knowingly obtains by deception control
2 over property of the owner" when he or she fails to return,
3 within 45 days after written demand from the owner, the
4 downpayment and any additional payments accepted under a
5 promise, oral or in writing, to perform services for the owner
6 for consideration of \$3,000 or more, and the promisor knowingly
7 without good cause failed to substantially perform pursuant to
8 the agreement after taking a down payment of 10% or more of the
9 agreed upon consideration. This provision shall not apply where
10 the owner initiated the suspension of performance under the
11 agreement, or where the promisor responds to the notice within
12 the 45-day notice period. A notice in writing, addressed and
13 mailed, by registered mail, to the promisor at the last known
14 address of the promisor, shall constitute proper demand.

15 (f) Offender's interest in the property.

16 (1) It is no defense to a charge of theft of property
17 that the offender has an interest therein, when the owner
18 also has an interest to which the offender is not entitled.

19 (2) Where the property involved is that of the
20 offender's spouse, no prosecution for theft may be
21 maintained unless the parties were not living together as
22 man and wife and were living in separate abodes at the time
23 of the alleged theft.

24 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
25 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
26 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,

1 eff. 1-25-13.)

2 (720 ILCS 5/16-25)

3 Sec. 16-25. Retail theft.

4 (a) A person commits retail theft when he or she knowingly:

5 (1) Takes possession of, carries away, transfers or
6 causes to be carried away or transferred any merchandise
7 displayed, held, stored or offered for sale in a retail
8 mercantile establishment with the intention of retaining
9 such merchandise or with the intention of depriving the
10 merchant permanently of the possession, use or benefit of
11 such merchandise without paying the full retail value of
12 such merchandise; or

13 (2) Alters, transfers, or removes any label, price tag,
14 marking, indicia of value or any other markings which aid
15 in determining value affixed to any merchandise displayed,
16 held, stored or offered for sale in a retail mercantile
17 establishment and attempts to purchase such merchandise at
18 less than the full retail value with the intention of
19 depriving the merchant of the full retail value of such
20 merchandise; or

21 (3) Transfers any merchandise displayed, held, stored
22 or offered for sale in a retail mercantile establishment
23 from the container in or on which such merchandise is
24 displayed to any other container with the intention of
25 depriving the merchant of the full retail value of such

1 merchandise; or

2 (4) Under-rings with the intention of depriving the
3 merchant of the full retail value of the merchandise; or

4 (5) Removes a shopping cart from the premises of a
5 retail mercantile establishment without the consent of the
6 merchant given at the time of such removal with the
7 intention of depriving the merchant permanently of the
8 possession, use or benefit of such cart; or

9 (6) Represents to a merchant that he, she, or another
10 is the lawful owner of property, knowing that such
11 representation is false, and conveys or attempts to convey
12 that property to a merchant who is the owner of the
13 property in exchange for money, merchandise credit or other
14 property of the merchant; or

15 (7) Uses or possesses any theft detection shielding
16 device or theft detection device remover with the intention
17 of using such device to deprive the merchant permanently of
18 the possession, use or benefit of any merchandise
19 displayed, held, stored or offered for sale in a retail
20 mercantile establishment without paying the full retail
21 value of such merchandise; or

22 (8) Obtains or exerts unauthorized control over
23 property of the owner and thereby intends to deprive the
24 owner permanently of the use or benefit of the property
25 when a lessee of the personal property of another fails to
26 return it to the owner, or if the lessee fails to pay the

1 full retail value of such property to the lessor in
2 satisfaction of any contractual provision requiring such,
3 within 10 days after written demand from the owner for its
4 return. A notice in writing, given after the expiration of
5 the leasing agreement, by registered mail, to the lessee at
6 the address given by the lessee and shown on the leasing
7 agreement shall constitute proper demand.

8 (b) Theft by emergency exit. A person commits theft by
9 emergency exit when he or she commits a retail theft as defined
10 in subdivisions (a) (1) through (a) (8) of this Section and to
11 facilitate the theft he or she leaves the retail mercantile
12 establishment by use of a designated emergency exit.

13 (c) Permissive inference. If any person:

14 (1) conceals upon his or her person or among his or her
15 belongings unpurchased merchandise displayed, held, stored
16 or offered for sale in a retail mercantile establishment;
17 and

18 (2) removes that merchandise beyond the last known
19 station for receiving payments for that merchandise in that
20 retail mercantile establishment,

21 then the trier of fact may infer that the person possessed,
22 carried away or transferred such merchandise with the intention
23 of retaining it or with the intention of depriving the merchant
24 permanently of the possession, use or benefit of such
25 merchandise without paying the full retail value of such
26 merchandise.

1 To "conceal" merchandise means that, although there may be
2 some notice of its presence, that merchandise is not visible
3 through ordinary observation.

4 (d) Venue. Multiple thefts committed by the same person as
5 part of a continuing course of conduct in different
6 jurisdictions that have been aggregated in one jurisdiction may
7 be prosecuted in any jurisdiction in which one or more of the
8 thefts occurred.

9 (e) For the purposes of this Section, "theft detection
10 shielding device" means any laminated or coated bag or device
11 designed and intended to shield merchandise from detection by
12 an electronic or magnetic theft alarm sensor.

13 (f) Sentence.

14 (1) A violation of any of subdivisions (a)(1) through
15 (a)(6) and (a)(8) of this Section, the full retail value of
16 which does not exceed \$2,000 ~~\$300~~ for property other than
17 motor fuel or \$150 for motor fuel, is a Class A
18 misdemeanor. A violation of subdivision (a)(7) of this
19 Section is a Class A misdemeanor for a first offense and a
20 Class 4 felony for a second or subsequent offense. Theft by
21 emergency exit of property, the full retail value of which
22 does not exceed \$2,000 ~~\$300~~, is a Class 4 felony.

23 (2) A person who has been convicted of retail theft of
24 property under any of subdivisions (a)(1) through (a)(6)
25 and (a)(8) of this Section, the full retail value of which
26 does not exceed \$2,000 ~~\$300~~ for property other than motor

1 fuel or \$150 for motor fuel, and who has been previously
2 convicted of any type of theft, robbery, armed robbery,
3 burglary, residential burglary, possession of burglary
4 tools, home invasion, unlawful use of a credit card, or
5 forgery is guilty of a Class 4 felony. A person who has
6 been convicted of theft by emergency exit of property, the
7 full retail value of which does not exceed \$2,000 ~~\$300~~, and
8 who has been previously convicted of felony ~~any type of~~
9 ~~theft, robbery, armed robbery, burglary, residential~~
10 ~~burglary, possession of burglary tools, home invasion,~~
11 ~~unlawful use of a credit card, or forgery~~ is guilty of a
12 Class 3 felony.

13 (3) Any retail theft of property under any of
14 subdivisions (a)(1) through (a)(6) and (a)(8) of this
15 Section, the full retail value of which exceeds \$2,000 ~~\$300~~
16 for property other than motor fuel or \$150 for motor fuel
17 in a single transaction, or in separate transactions
18 committed by the same person as part of a continuing course
19 of conduct from one or more mercantile establishments over
20 a period of one year, is a Class 3 felony. Theft by
21 emergency exit of property, the full retail value of which
22 exceeds \$2,000 ~~\$300~~ in a single transaction, or in separate
23 transactions committed by the same person as part of a
24 continuing course of conduct from one or more mercantile
25 establishments over a period of one year, is a Class 2
26 felony. When a charge of retail theft of property or theft

1 by emergency exit of property, the full value of which
2 exceeds \$2,000 ~~\$300~~, is brought, the value of the property
3 involved is an element of the offense to be resolved by the
4 trier of fact as either exceeding or not exceeding \$2,000
5 ~~\$300~~.

6 (Source: P.A. 97-597, eff. 1-1-12.)

7 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

8 Sec. 19-1. Burglary.

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

15 (b) Sentence.

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

1 care facility operated in a private residence used as a
2 dwelling.

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

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

10 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

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

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

23 (b) It is unlawful for any person confined in a penal
24 institution, which is a facility of the Illinois Department of
25 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,
2 regardless of the intent with which he possesses it.

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

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

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

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

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

24 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

25 (A-5) the pistol, revolver, or handgun possessed
26 was uncased, loaded, and immediately accessible at the

1 time of the offense and the person possessing the
2 pistol, revolver, or handgun has not been issued a
3 currently valid license under the Firearm Concealed
4 Carry Act; or

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

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

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

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

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

1 or

2 (F) (blank); or

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

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

10 (I) the person possessing the weapon was under 21
11 years of age and in possession of a handgun, unless the
12 person under 21 is engaged in lawful activities under
13 the Wildlife Code or described in subsection
14 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

22 (ii) are not immediately accessible; or

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

1 (d) Sentence.

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

8 (2) Except as otherwise provided in paragraphs (3) and
9 (4) of this subsection (d), a first offense of aggravated
10 unlawful use of a weapon committed with a firearm by a
11 person 18 years of age or older where the factors listed in
12 both items (A) and (C) or both items (A-5) and (C) of
13 paragraph (3) of subsection (a) are present is a Class 4
14 felony, for which the person shall be sentenced to a term
15 of imprisonment of not less than one year and not more than
16 3 years.

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

24 (4) Aggravated unlawful use of a weapon while wearing
25 or in possession of body armor as defined in Section 33F-1
26 by a person who has not been issued a valid Firearms

1 Owner's Identification Card in accordance with Section 5 of
2 the Firearm Owners Identification Card Act is a Class X
3 felony.

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

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

7 Section 25. The Cannabis Control Act is amended by changing
8 Sections 4, 5, 5.1, 5.2, 7, 8, and 10 as follows:

9 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

10 Sec. 4. It is unlawful for any person knowingly to possess
11 cannabis. Any person who violates this section with respect to:

12 (a) not more than 30 ~~10~~ grams of any substance
13 containing cannabis is guilty of a civil law violation
14 punishable by a ~~minimum~~ fine not to exceed \$125 ~~of \$100 and~~
15 ~~a maximum fine of \$200~~. The proceeds of the fine shall be
16 payable to the clerk of the circuit court. Within 30 days
17 after the deposit of the fine, the clerk shall distribute
18 the proceeds of the fine as follows:

19 (1) \$10 of the fine to the circuit clerk and \$10 of
20 the fine to the law enforcement agency that issued the
21 citation; the proceeds of each \$10 fine distributed to
22 the circuit clerk and each \$10 fine distributed to the
23 law enforcement agency that issued the citation for the
24 violation shall be used to defer the cost of automatic

1 expungements under paragraph (2.5) of subsection (a)
2 of Section 5.2 of the Criminal Identification Act;

3 (2) \$15 to the county to fund drug addiction
4 services;

5 (3) \$10 to the Office of the State's Attorneys
6 Appellate Prosecutor for use in training programs;

7 (4) \$10 to the State's Attorney; and

8 (5) any remainder of the fine to the law
9 enforcement agency that issued the citation for the
10 violation.

11 With respect to funds designated for the Department of
12 State Police, the moneys shall be remitted by the circuit
13 court clerk to the Department of State Police within one
14 month after receipt for deposit into the State Police
15 Operations Assistance Fund. With respect to funds
16 designated for the Department of Natural Resources, the
17 Department of Natural Resources shall deposit the moneys
18 into the Conservation Police Operations Assistance Fund;

19 (b) (blank); ~~more than 10 grams but not more than 30~~
20 ~~grams of any substance containing cannabis is guilty of a~~
21 ~~Class B misdemeanor;~~

22 (c) more than 30 grams but not more than 500 ~~100~~ grams
23 of any substance containing cannabis is guilty of a Class A
24 misdemeanor; ~~provided, that if any offense under this~~
25 ~~subsection (c) is a subsequent offense, the offender shall~~
26 ~~be guilty of a Class 4 felony;~~

1 (d) (blank); ~~more than 100 grams but not more than 500~~
2 ~~grams of any substance containing cannabis is guilty of a~~
3 ~~Class 4 felony; provided that if any offense under this~~
4 ~~subsection (d) is a subsequent offense, the offender shall~~
5 ~~be guilty of a Class 3 felony;~~

6 (e) more than 500 grams but not more than 2,000 grams
7 of any substance containing cannabis is guilty of a Class 4
8 ~~3~~ felony;

9 (f) more than 2,000 grams but not more than 5,000 grams
10 of any substance containing cannabis is guilty of a Class 3
11 ~~2~~ felony;

12 (g) more than 5,000 grams of any substance containing
13 cannabis is guilty of a Class 2 ~~1~~ felony.

14 (Source: P.A. 99-697, eff. 7-29-16.)

15 (720 ILCS 550/5) (from Ch. 56 1/2, par. 705)

16 Sec. 5. It is unlawful for any person knowingly to
17 manufacture, deliver, or possess with intent to deliver, or
18 manufacture, cannabis. Any person who violates this section
19 with respect to:

20 (a) not more than 10 ~~2.5~~ grams of any substance containing
21 cannabis is guilty of a Class B misdemeanor;

22 (b) (blank) ~~more than 2.5 grams but not more than 10 grams~~
23 ~~of any substance containing cannabis is guilty of a Class A~~
24 ~~misdemeanor;~~

25 (c) more than 10 grams but not more than 30 grams of any

1 substance containing cannabis is guilty of a Class A
2 misdemeanor ~~4 felony~~;

3 (d) more than 30 grams but not more than 500 grams of any
4 substance containing cannabis is guilty of a Class 4 ~~3~~ felony
5 for which a fine not to exceed \$50,000 may be imposed;

6 (e) more than 500 grams but not more than 2,000 grams of
7 any substance containing cannabis is guilty of a Class 3 ~~2~~
8 felony for which a fine not to exceed \$100,000 may be imposed;

9 (f) more than 2,000 grams ~~but not more than 5,000 grams~~ of
10 any substance containing cannabis is guilty of a Class 2 ~~1~~
11 felony for which a fine not to exceed \$150,000 may be imposed;

12 (g) (blank). ~~more than 5,000 grams of any substance~~
13 ~~containing cannabis is guilty of a Class X felony for which a~~
14 ~~fine not to exceed \$200,000 may be imposed.~~

15 (Source: P.A. 90-397, eff. 8-15-97.)

16 (720 ILCS 550/5.1) (from Ch. 56 1/2, par. 705.1)

17 Sec. 5.1. Cannabis Trafficking. (a) Except for purposes
18 authorized by this Act, any person who knowingly brings or
19 causes to be brought into this State for the purpose of
20 manufacture or delivery or with the intent to manufacture or
21 deliver 2,500 grams or more of cannabis in this State or any
22 other state or country is guilty of cannabis trafficking.

23 (a-5) A person convicted of cannabis trafficking shall be
24 sentenced as authorized by Section 5 of this Act, based upon
25 the amount of the cannabis brought or caused to be brought into

1 this State, if the person at sentencing proves by a
2 preponderance of the evidence that he or she:

3 (1) received little or no compensation from the illegal
4 transport of the cannabis into this State and had minimal
5 knowledge of the scope and structure of the enterprise to
6 manufacture or deliver the cannabis transported; or

7 (2) was not involved in the organization or planning of
8 the enterprise to manufacture or deliver the cannabis
9 transported.

10 (b) Except as otherwise provided in subsection (a-5) of
11 this Section, a A person convicted of cannabis trafficking is
12 guilty of a Class 1 felony shall be sentenced to a term of
13 imprisonment not less than twice the minimum term and fined an
14 amount as authorized by subsection (f) or (g) of Section 5 of
15 this Act, based upon the amount of cannabis brought or caused
16 to be brought into this State, and not more than twice the
17 maximum term of imprisonment and fined twice the amount as
18 authorized by subsection (f) or (g) of Section 5 of this Act,
19 based upon the amount of cannabis brought or caused to be
20 brought into this State.

21 (Source: P.A. 90-397, eff. 8-15-97.)

22 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

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

24 (a.01) Any person who violates subsection (f) of Section 5
25 in any school, on the real property comprising any school, or

1 any conveyance owned, leased or contracted by a school to
2 transport students to or from school or a school-related
3 activity, or on any public way within 500 feet of the real
4 property comprising any school, or any conveyance owned, leased
5 or contracted by a school to transport students to or from
6 school or a school-related activity, is guilty of a Class 1
7 felony;

8 (a) Any person who violates subsection (e) of Section 5 in
9 any school, on the real property comprising any school, or any
10 conveyance owned, leased or contracted by a school to transport
11 students to or from school or a school-related ~~school-related~~
12 activity, or on any public way within 500 ~~1,000~~ feet of the
13 real property comprising any school, or in any conveyance
14 owned, leased or contracted by a school to transport students
15 to or from school or a school-related ~~school-related~~ activity
16 and at the time of the violation persons under the age of 18
17 are present, the offense is committed during school hours, or
18 the offense is committed at times when persons under the age of
19 18 are reasonably expected to be present in the school, in the
20 conveyance, on the real property, or on the public way, such as
21 when after-school activities are occurring, is guilty of a
22 Class 2 ~~1~~ felony, the fine for which shall not exceed \$200,000;

23 (b) Any person who violates subsection (d) of Section 5 in
24 any school, on the real property comprising any school, or any
25 conveyance owned, leased or contracted by a school to transport
26 students to or from school or a school-related ~~school-related~~

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

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

1 activities are occurring, is guilty of a Class 4 ~~3~~ felony, the
2 fine for which shall not exceed \$50,000;

3 (d) (Blank) ~~Any person who violates subsection (b) of~~
4 ~~Section 5 in any school, on the real property comprising any~~
5 ~~school, or any conveyance owned, leased or contracted by a~~
6 ~~school to transport students to or from school or a school~~
7 ~~related activity, or on any public way within 1,000 feet of the~~
8 ~~real property comprising any school, or any conveyance owned,~~
9 ~~leased or contracted by a school to transport students to or~~
10 ~~from school or a school related activity, is guilty of a Class~~
11 ~~4 felony, the fine for which shall not exceed \$25,000;~~

12 (e) (Blank) ~~Any person who violates subsection (a) of~~
13 ~~Section 5 in any school, on the real property comprising any~~
14 ~~school, or any conveyance owned, leased or contracted by a~~
15 ~~school to transport students to or from school or a school~~
16 ~~related activity, on any public way within 1,000 feet of the~~
17 ~~real property comprising any school, or any conveyance owned,~~
18 ~~leased or contracted by a school to transport students to or~~
19 ~~from school or a school related activity, is guilty of a Class~~
20 ~~A misdemeanor.~~

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

22 (720 ILCS 550/7) (from Ch. 56 1/2, par. 707)

23 Sec. 7. Delivery of cannabis by a person at least 18 years
24 of age to a person under 18 years of age who is at least 3 years
25 his or her junior.

1 (a) Any person who is at least 18 years of age who violates
2 subsection (f) of Section 5 of this Act by delivering cannabis
3 to a person under 18 years of age who is at least 3 years his
4 junior ~~may, at the discretion of the court, be sentenced to a~~
5 maximum term of imprisonment that is equal to the maximum term
6 of imprisonment for the underlying offense plus the minimum
7 term of imprisonment for the underlying offense. ~~may be~~
8 sentenced to imprisonment for a term up to twice the maximum
9 term otherwise authorized by Section 5.

10 (b) Any person under 18 years of age who violates Section 4
11 or 5 of this Act may be treated by the court in accordance with
12 the Juvenile Court Act of 1987.

13 (Source: P.A. 85-1209.)

14 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

15 Sec. 8. It is unlawful for any person knowingly to produce
16 the cannabis sativa plant or to possess such plants unless
17 production or possession has been authorized pursuant to the
18 provisions of Section 11 or 15.2 of the Act. Any person who
19 violates this Section with respect to production or possession
20 of:

21 (a) Not more than 5 plants is guilty of a Class B ~~A~~
22 misdemeanor.

23 (b) More than 5, but not more than 20 plants, is guilty of
24 a Class A ~~misdemeanor~~ ~~4-felony~~.

25 (c) More than 20, but not more than 50 plants, is guilty of

1 a Class 4 ~~3~~ felony.

2 (d) More than 50, but not more than 200 plants, is guilty
3 of a Class 3 ~~2~~ felony for which a fine not to exceed \$100,000
4 may be imposed and for which liability for the cost of
5 conducting the investigation and eradicating such plants may be
6 assessed. Compensation for expenses incurred in the
7 enforcement of this provision shall be transmitted to and
8 deposited in the treasurer's office at the level of government
9 represented by the Illinois law enforcement agency whose
10 officers or employees conducted the investigation or caused the
11 arrest or arrests leading to the prosecution, to be
12 subsequently made available to that law enforcement agency as
13 expendable receipts for use in the enforcement of laws
14 regulating controlled substances and cannabis. If such seizure
15 was made by a combination of law enforcement personnel
16 representing different levels of government, the court levying
17 the assessment shall determine the allocation of such
18 assessment. The proceeds of assessment awarded to the State
19 treasury shall be deposited in a special fund known as the Drug
20 Traffic Prevention Fund.

21 (e) More than 200 plants is guilty of a Class 2 ~~1~~ felony
22 for which a fine not to exceed \$100,000 may be imposed and for
23 which liability for the cost of conducting the investigation
24 and eradicating such plants may be assessed. Compensation for
25 expenses incurred in the enforcement of this provision shall be
26 transmitted to and deposited in the treasurer's office at the

1 level of government represented by the Illinois law enforcement
2 agency whose officers or employees conducted the investigation
3 or caused the arrest or arrests leading to the prosecution, to
4 be subsequently made available to that law enforcement agency
5 as expendable receipts for use in the enforcement of laws
6 regulating controlled substances and cannabis. If such seizure
7 was made by a combination of law enforcement personnel
8 representing different levels of government, the court levying
9 the assessment shall determine the allocation of such
10 assessment. The proceeds of assessment awarded to the State
11 treasury shall be deposited in a special fund known as the Drug
12 Traffic Prevention Fund.

13 (Source: P.A. 98-1072, eff. 1-1-15.)

14 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

15 Sec. 10. (a) Whenever any person who has not previously
16 been convicted of, ~~or placed on probation or court supervision~~
17 ~~for~~, any felony offense under this Act or any law of the United
18 States or of any State relating to cannabis, or controlled
19 substances as defined in the Illinois Controlled Substances
20 Act, pleads guilty to or is found guilty of violating Sections
21 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of this Act, the court
22 may, without entering a judgment and with the consent of such
23 person, sentence him to probation.

24 (b) When a person is placed on probation, the court shall
25 enter an order specifying a period of probation of 24 months,

1 and shall defer further proceedings in the case until the
2 conclusion of the period or until the filing of a petition
3 alleging violation of a term or condition of probation.

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

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

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

20 (2) pay a fine and costs;

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

23 (4) undergo medical or psychiatric treatment; or
24 treatment for drug addiction or alcoholism;

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

1 (6) support his dependents;

2 (7) refrain from possessing a firearm or other
3 dangerous weapon;

4 (7-5) refrain from having in his or her body the
5 presence of any illicit drug prohibited by the Cannabis
6 Control Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act,
8 unless prescribed by a physician, and submit samples of his
9 or her blood or urine or both for tests to determine the
10 presence of any illicit drug;

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

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

13 (ii) attend school;

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

15 (iv) contribute to his own support at home or in a
16 foster home.

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

20 (f) Upon fulfillment of the terms and conditions of
21 probation, the court shall discharge such person and dismiss
22 the proceedings against him.

23 (g) A disposition of probation is considered to be a
24 conviction for the purposes of imposing the conditions of
25 probation and for appeal, however, discharge and dismissal
26 under this Section is not a conviction for purposes of

1 disqualification or disabilities imposed by law upon
2 conviction of a crime (including the additional penalty imposed
3 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
4 of this Act).

5 (h) (Blank). ~~Discharge and dismissal under this Section,~~
6 ~~Section 410 of the Illinois Controlled Substances Act, Section~~
7 ~~70 of the Methamphetamine Control and Community Protection Act,~~
8 ~~Section 5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections,~~
9 ~~or subsection (c) of Section 11-14 of the Criminal Code of 1961~~
10 ~~or the Criminal Code of 2012 may occur only once with respect~~
11 ~~to any person.~~

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

19 (j) Notwithstanding subsection (a), before a person is
20 sentenced to probation under this Section, the court may refer
21 the person to the drug court established in that judicial
22 circuit pursuant to Section 15 of the Drug Court Treatment Act.
23 The drug court team shall evaluate the person's likelihood of
24 successfully completing a sentence of probation under this
25 Section and shall report the results of its evaluation to the
26 court. If the drug court team finds that the person suffers

1 from a substance abuse problem that makes him or her
2 substantially unlikely to successfully complete a sentence of
3 probation under this Section, then the drug court shall set
4 forth its findings in the form of a written order, and the
5 person shall not be sentenced to probation under this Section,
6 but shall ~~may~~ be considered for the drug court program.

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

8 (720 ILCS 550/9 rep.)

9 Section 30. The Cannabis Control Act is amended by
10 repealing Section 9.

11 Section 35. The Illinois Controlled Substances Act is
12 amended by changing Sections 401, 401.1, 402, 404, 405.2, 407,
13 407.1, 407.2, and 410 as follows:

14 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

15 Sec. 401. Manufacture or delivery, or possession with
16 intent to manufacture or deliver, a controlled substance, a
17 counterfeit substance, or controlled substance analog. Except
18 as authorized by this Act, it is unlawful for any person
19 knowingly to manufacture or deliver, or possess with intent to
20 manufacture or deliver, a controlled substance other than
21 methamphetamine and other than bath salts as defined in the
22 Bath Salts Prohibition Act sold or offered for sale in a retail
23 mercantile establishment as defined in Section 16-0.1 of the

1 Criminal Code of 2012, a counterfeit substance, or a controlled
2 substance analog. A violation of this Act with respect to each
3 of the controlled substances listed herein constitutes a single
4 and separate violation of this Act. For purposes of this
5 Section, "controlled substance analog" or "analog" means a
6 substance, other than a controlled substance, that has a
7 chemical structure substantially similar to that of a
8 controlled substance in Schedule I or II, or that was
9 specifically designed to produce an effect substantially
10 similar to that of a controlled substance in Schedule I or II.
11 Examples of chemical classes in which controlled substance
12 analogs are found include, but are not limited to, the
13 following: phenethylamines, N-substituted piperidines,
14 morphinans, ecgonines, quinazolinones, substituted indoles,
15 and arylcycloalkylamines. For purposes of this Act, a
16 controlled substance analog shall be treated in the same manner
17 as the controlled substance to which it is substantially
18 similar.

19 (a) Any person who violates this Section with respect to
20 the following amounts of controlled or counterfeit substances
21 or controlled substance analogs, notwithstanding any of the
22 provisions of subsections (c), (d), ~~(e)~~, (f), (g) or (h) to the
23 contrary, ~~is guilty of a Class X felony~~ and shall be sentenced
24 for the class of offense to a term of imprisonment as provided
25 in this subsection (a) and fined as provided in subsection (b):

26 (1) (A) a Class 2 felony ~~not less than 6 years and not~~

1 ~~more than 30 years~~ with respect to 15 grams or more but
2 less than 100 grams of a substance containing heroin,
3 or an analog thereof;

4 (B) a Class 1 felony ~~not less than 9 years and not~~
5 ~~more than 40 years~~ with respect to 100 grams or more
6 but less than 900 ~~400~~ grams of a substance containing
7 heroin, or an analog thereof;

8 (C) (blank); ~~not less than 12 years and not more~~
9 ~~than 50 years with respect to 400 grams or more but~~
10 ~~less than 900 grams of a substance containing heroin,~~
11 ~~or an analog thereof;~~

12 (D) a Class 1 felony for which the person, if
13 sentenced to a term of imprisonment, shall be sentenced
14 to not less than 6 ~~15~~ years and not more than 30 ~~60~~
15 years with respect to 900 grams or more of any
16 substance containing heroin, or an analog thereof;

17 (1.5) (A) a Class 2 felony ~~not less than 6 years and~~
18 ~~not more than 30 years~~ with respect to 15 grams or more
19 but less than 100 grams of a substance containing
20 fentanyl, or an analog thereof;

21 (B) a Class 1 felony ~~not less than 9 years and not~~
22 ~~more than 40 years~~ with respect to 100 grams or more
23 but less than 900 ~~400~~ grams of a substance containing
24 fentanyl, or an analog thereof;

25 (C) (blank); ~~not less than 12 years and not more~~
26 ~~than 50 years with respect to 400 grams or more but~~

1 ~~less than 900 grams of a substance containing fentanyl,~~
2 ~~or an analog thereof;~~

3 (D) a Class 1 felony for which the person, if
4 sentenced to a term of imprisonment, shall be sentenced
5 to not less than 6 15 years and not more than 30 60
6 years with respect to 900 grams or more of a substance
7 containing fentanyl, or an analog thereof;

8 (2) (A) a Class 2 felony ~~not less than 6 years and not~~
9 ~~more than 30 years~~ with respect to 15 grams or more but
10 less than 100 grams of a substance containing cocaine,
11 or an analog thereof;

12 (B) a Class 1 felony ~~not less than 9 years and not~~
13 ~~more than 40 years~~ with respect to 100 grams or more
14 but less than 900 400 grams of a substance containing
15 cocaine, or an analog thereof;

16 (C) (blank); ~~not less than 12 years and not more~~
17 ~~than 50 years with respect to 400 grams or more but~~
18 ~~less than 900 grams of a substance containing cocaine,~~
19 ~~or an analog thereof;~~

20 (D) a Class 1 felony for which the person, if
21 sentenced to a term of imprisonment, shall be sentenced
22 to not less than 6 15 years and not more than 30 60
23 years with respect to 900 grams or more of any
24 substance containing cocaine, or an analog thereof;

25 (3) (A) a Class 2 felony ~~not less than 6 years and not~~
26 ~~more than 30 years~~ with respect to 15 grams or more but

1 less than 100 grams of a substance containing morphine,
2 or an analog thereof;

3 (B) a Class 1 felony ~~not less than 9 years and not~~
4 ~~more than 40 years~~ with respect to 100 grams or more
5 but less than 900 ~~400~~ grams of a substance containing
6 morphine, or an analog thereof;

7 (C) (blank); ~~not less than 12 years and not more~~
8 ~~than 50 years with respect to 400 grams or more but~~
9 ~~less than 900 grams of a substance containing morphine,~~
10 ~~or an analog thereof;~~

11 (D) a Class 1 felony for which the person, if
12 sentenced to a term of imprisonment, shall be sentenced
13 to not less than 6 ~~15~~ years and not more than 30 ~~60~~
14 years with respect to 900 grams or more of a substance
15 containing morphine, or an analog thereof;

16 (4) a Class 1 felony with respect to 200 grams or more
17 of any substance containing peyote, or an analog thereof;

18 (5) a Class 1 felony with respect to 200 grams or more
19 of any substance containing a derivative of barbituric acid
20 or any of the salts of a derivative of barbituric acid, or
21 an analog thereof;

22 (6) a Class 1 felony with respect to 200 grams or more
23 of any substance containing amphetamine or any salt of an
24 optical isomer of amphetamine, or an analog thereof;

25 (6.5) (blank);

26 (6.6) (blank);

1 (7) (A) a Class 2 felony ~~not less than 6 years and not~~
2 ~~more than 30 years~~ with respect to: (i) 15 grams or
3 more but less than 100 grams of a substance containing
4 lysergic acid diethylamide (LSD), or an analog
5 thereof, or (ii) 15 or more objects or 15 or more
6 segregated parts of an object or objects but less than
7 200 objects or 200 segregated parts of an object or
8 objects containing in them or having upon them any
9 amounts of any substance containing lysergic acid
10 diethylamide (LSD), or an analog thereof;

11 (B) a Class 1 felony ~~not less than 9 years and not~~
12 ~~more than 40 years~~ with respect to: (i) 100 grams or
13 more but less than 900 ~~400~~ grams of a substance
14 containing lysergic acid diethylamide (LSD), or an
15 analog thereof, or (ii) 200 or more objects or 200 or
16 more segregated parts of an object or objects but less
17 than 1500 ~~600~~ objects or less than 1500 ~~600~~ segregated
18 parts of an object or objects containing in them or
19 having upon them any amount of any substance containing
20 lysergic acid diethylamide (LSD), or an analog
21 thereof;

22 (C) (blank); ~~not less than 12 years and not more~~
23 ~~than 50 years with respect to: (i) 400 grams or more~~
24 ~~but less than 900 grams of a substance containing~~
25 ~~lysergic acid diethylamide (LSD), or an analog~~
26 ~~thereof, or (ii) 600 or more objects or 600 or more~~

1 ~~segregated parts of an object or objects but less than~~
2 ~~1500 objects or 1500 segregated parts of an object or~~
3 ~~objects containing in them or having upon them any~~
4 ~~amount of any substance containing lysergic acid~~
5 ~~diethylamide (LSD), or an analog thereof;~~

6 (D) a Class 1 felony for which the person, if
7 sentenced to a term of imprisonment, shall be sentenced
8 to not less than 6 15 years and not more than 30 60
9 years with respect to: (i) 900 grams or more of any
10 substance containing lysergic acid diethylamide (LSD),
11 or an analog thereof, or (ii) 1500 or more objects or
12 1500 or more segregated parts of an object or objects
13 containing in them or having upon them any amount of a
14 substance containing lysergic acid diethylamide (LSD),
15 or an analog thereof;

16 (7.5) (A) a Class 2 felony ~~not less than 6 years and~~
17 ~~not more than 30 years~~ with respect to: (i) 15 grams or
18 more but less than 100 grams of a substance listed in
19 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
20 (20), (20.1), (21), (25), or (26) of subsection (d) of
21 Section 204, or an analog or derivative thereof, or
22 (ii) 15 or more pills, tablets, caplets, capsules, or
23 objects but less than 200 pills, tablets, caplets,
24 capsules, or objects containing in them or having upon
25 them any amounts of any substance listed in paragraph
26 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),

1 (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

3 (B) a Class 1 felony ~~not less than 9 years and not~~
4 ~~more than 40 years~~ with respect to: (i) 100 grams or
5 more but less than 400 grams of a substance listed in
6 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
7 (20), (20.1), (21), (25), or (26) of subsection (d) of
8 Section 204, or an analog or derivative thereof, or
9 (ii) 200 or more pills, tablets, caplets, capsules, or
10 objects but less than 600 pills, tablets, caplets,
11 capsules, or objects containing in them or having upon
12 them any amount of any substance listed in paragraph
13 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
14 (20.1), (21), (25), or (26) of subsection (d) of
15 Section 204, or an analog or derivative thereof;

16 (C) a Class 1 felony for which the person, if
17 sentenced to a term of imprisonment, shall be sentenced
18 to not less than 6 ~~12~~ years and not more than 30 ~~50~~
19 years with respect to: (i) 400 grams or more ~~but less~~
20 ~~than 900 grams~~ of a substance listed in paragraph (1),
21 (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1),
22 (21), (25), or (26) of subsection (d) of Section 204,
23 or an analog or derivative thereof, or (ii) 600 or more
24 pills, tablets, caplets, capsules, or objects ~~but less~~
25 ~~than 1,500 pills, tablets, caplets, capsules, or~~
26 ~~objects~~ containing in them or having upon them any

1 amount of any substance listed in paragraph (1), (2),
2 (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21),
3 (25), or (26) of subsection (d) of Section 204, or an
4 analog or derivative thereof;

5 (D) (blank); ~~not less than 15 years and not more~~
6 ~~than 60 years with respect to: (i) 900 grams or more of~~
7 ~~any substance listed in paragraph (1), (2), (2.1),~~
8 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
9 ~~(26) of subsection (d) of Section 204, or an analog or~~
10 ~~derivative thereof, or (ii) 1,500 or more pills,~~
11 ~~tablets, caplets, capsules, or objects containing in~~
12 ~~them or having upon them any amount of a substance~~
13 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
14 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
15 ~~subsection (d) of Section 204, or an analog or~~
16 ~~derivative thereof;~~

17 (8) a Class 1 felony with respect to 30 grams or more
18 of any substance containing pentazocine or any of the
19 salts, isomers and salts of isomers of pentazocine, or an
20 analog thereof;

21 (9) a Class 1 felony with respect to 30 grams or more
22 of any substance containing methaqualone or any of the
23 salts, isomers and salts of isomers of methaqualone, or an
24 analog thereof;

25 (10) a Class 1 felony with respect to 30 grams or more
26 of any substance containing phencyclidine or any of the

1 salts, isomers and salts of isomers of phencyclidine (PCP),
2 or an analog thereof;

3 (10.5) a Class 1 felony with respect to 30 grams or
4 more of any substance containing ketamine or any of the
5 salts, isomers and salts of isomers of ketamine, or an
6 analog thereof;

7 (10.6) a Class 1 felony with respect to 100 grams or
8 more of any substance containing hydrocodone, or any of the
9 salts, isomers and salts of isomers of hydrocodone, or an
10 analog thereof;

11 (10.7) a Class 1 felony with respect to 100 grams or
12 more of any substance containing dihydrocodeinone, or any
13 of the salts, isomers and salts of isomers of
14 dihydrocodeinone, or an analog thereof;

15 (10.8) a Class 1 felony with respect to 100 grams or
16 more of any substance containing dihydrocodeine, or any of
17 the salts, isomers and salts of isomers of dihydrocodeine,
18 or an analog thereof;

19 (10.9) a Class 1 felony with respect to 100 grams or
20 more of any substance containing oxycodone, or any of the
21 salts, isomers and salts of isomers of oxycodone, or an
22 analog thereof;

23 (11) a Class 1 felony with respect to 200 grams or more
24 of any substance containing any other controlled substance
25 classified in Schedules I or II, or an analog thereof,
26 which is not otherwise included in this subsection.

1 (b) Any person sentenced with respect to violations of
2 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
3 involving 100 grams or more of the controlled substance named
4 therein, may in addition to the penalties provided therein, be
5 fined an amount not more than \$500,000 or the full street value
6 of the controlled or counterfeit substance or controlled
7 substance analog, whichever is greater. The term "street value"
8 shall have the meaning ascribed in Section 110-5 of the Code of
9 Criminal Procedure of 1963. Any person sentenced with respect
10 to any other provision of subsection (a), may in addition to
11 the penalties provided therein, be fined an amount not to
12 exceed \$500,000.

13 (b-1) Excluding violations of this Act when the controlled
14 substance is fentanyl, any person sentenced to a term of
15 imprisonment with respect to violations of Section 401, 401.1,
16 405, 405.1, 405.2, or 407, when it is proven that the person
17 knew or should have known that the substance containing the
18 controlled substance contained ~~contains~~ any amount of
19 fentanyl, a term of imprisonment not to exceed 3 years may, at
20 the discretion of the court, ~~shall~~ be added to the term of
21 imprisonment imposed by the court, and the maximum sentence for
22 the offense, if the additional term is imposed, shall be
23 increased by that period of time not to exceed 3 years.

24 (c) Any person who violates this Section with regard to the
25 following amounts of controlled or counterfeit substances or
26 controlled substance analogs, notwithstanding any of the

1 provisions of subsections (a), (b), (d), ~~(e)~~, (f), (g) or (h)
2 to the contrary, shall be sentenced for the class of offense as
3 provided in this subsection (c) is guilty of a Class 1 felony.
4 ~~The fine for violation of this subsection (c) shall not be more~~
5 ~~than \$250,000:~~

6 (1) a Class 3 felony with respect to 1 gram or more but
7 less than 15 grams of any substance containing heroin, or
8 an analog thereof;

9 (1.5) a Class 3 felony with respect to 1 gram or more
10 but less than 15 grams of any substance containing
11 fentanyl, or an analog thereof;

12 (2) a Class 3 felony with respect to 1 gram or more but
13 less than 15 grams of any substance containing cocaine, or
14 an analog thereof;

15 (3) a Class 3 felony with respect to 5 ~~10~~ grams or more
16 but less than 15 grams of any substance containing
17 morphine, or an analog thereof;

18 (4) a Class 2 felony with respect to 50 grams or more
19 but less than 200 grams of any substance containing peyote,
20 or an analog thereof;

21 (4.5) a Class 3 felony with respect to 10 grams or more
22 but less than 50 grams of any substance containing peyote,
23 or an analog thereof;

24 (5) a Class 2 felony with respect to 50 grams or more
25 but less than 200 grams of any substance containing a
26 derivative of barbituric acid or any of the salts of a

1 derivative of barbituric acid, or an analog thereof;

2 (5.5) a Class 3 felony with respect to 10 grams or more
3 but less than 50 grams of any substance containing a
4 derivative of barbituric acid or any of the salts of a
5 derivative of barbituric acid, or an analog thereof;

6 (6) a Class 2 felony with respect to 50 grams or more
7 but less than 200 grams of any substance containing
8 amphetamine or any salt of an optical isomer of
9 amphetamine, or an analog thereof;

10 (6.1) a Class 3 felony with respect to 10 grams or more
11 but less than 50 grams of any substance containing
12 amphetamine or any salt of an optical isomer of
13 amphetamine, or an analog thereof;

14 (6.5) (blank);

15 (7) a Class 3 felony with respect to (i) 5 grams or
16 more but less than 15 grams of any substance containing
17 lysergic acid diethylamide (LSD), or an analog thereof, or
18 (ii) more than 10 objects or more than 10 segregated parts
19 of an object or objects but less than 15 objects or less
20 than 15 segregated parts of an object containing in them or
21 having upon them any amount of any substance containing
22 lysergic acid diethylamide (LSD), or an analog thereof;

23 (7.5) a Class 3 felony with respect to (i) 5 grams or
24 more but less than 15 grams of any substance listed in
25 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
26 (20.1), (21), (25), or (26) of subsection (d) of Section

1 204, or an analog or derivative thereof, or (ii) more than
2 10 pills, tablets, caplets, capsules, or objects but less
3 than 15 pills, tablets, caplets, capsules, or objects
4 containing in them or having upon them any amount of any
5 substance listed in paragraph (1), (2), (2.1), (2.2), (3),
6 (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or derivative
8 thereof;

9 (8) a Class 2 felony with respect to 10 grams or more
10 but less than 30 grams of any substance containing
11 pentazocine or any of the salts, isomers and salts of
12 isomers of pentazocine, or an analog thereof;

13 (8.5) a Class 3 felony with respect to 5 grams or more
14 but less than 10 grams of pentazocine, or an analog
15 thereof;

16 (9) a Class 2 felony with respect to 10 grams or more
17 but less than 30 grams of any substance containing
18 methaqualone or any of the salts, isomers and salts of
19 isomers of methaqualone, or an analog thereof;

20 (9.5) a Class 3 felony with respect to 5 grams or more
21 but less than 10 grams of any substance containing
22 methaqualone or any of the salts, isomers and salts of
23 isomers of methaqualone, or an analog thereof;

24 (10) a Class 2 felony with respect to 10 grams or more
25 but less than 30 grams of any substance containing
26 phencyclidine or any of the salts, isomers and salts of

1 isomers of phencyclidine (PCP), or an analog thereof;

2 (10.1) a Class 3 felony with respect to 5 grams or more
3 but less than 10 grams of any substance containing
4 phencyclidine or any of the salts, isomers and salts of
5 isomers of phencyclidine (PCP), or an analog thereof;

6 (10.5) a Class 2 felony with respect to 10 grams or
7 more but less than 30 grams of any substance containing
8 ketamine or any of the salts, isomers and salts of isomers
9 of ketamine, or an analog thereof;

10 (10.5-1) a Class 3 felony with respect to 5 grams or
11 more but less than 10 grams of any substance containing
12 ketamine or any of the salts, isomers and salts of isomers
13 of ketamine, or an analog thereof;

14 (10.6) a Class 2 felony with respect to 50 grams or
15 more but less than 100 grams of any substance containing
16 hydrocodone, or any of the salts, isomers and salts of
17 isomers of hydrocodone, or an analog thereof;

18 (10.6-1) a Class 3 felony with respect to 10 grams or
19 more but less than 50 grams of any substance containing
20 hydrocodone, or any of the salts, isomers and salts of
21 isomers of hydrocodone, or an analog thereof;

22 (10.7) a Class 2 felony with respect to 50 grams or
23 more but less than 100 grams of any substance containing
24 dihydrocodeinone, or any of the salts, isomers and salts of
25 isomers of dihydrocodeinone, or an analog thereof;

26 (10.7-1) a Class 3 felony with respect to 10 grams or

1 more but less than 50 grams of any substance containing
2 dihydrocodeinone, or any of the salts, isomers and salts of
3 isomers of dihydrocodeinone, or an analog thereof;

4 (10.8) a Class 2 felony with respect to 50 grams or
5 more but less than 100 grams of any substance containing
6 dihydrocodeine, or any of the salts, isomers and salts of
7 isomers of dihydrocodeine, or an analog thereof;

8 (10.8-1) a Class 3 felony with respect to 10 grams or
9 more but less than 50 grams of any substance containing
10 dihydrocodeine, or any of the salts, isomers and salts of
11 isomers of dihydrocodeine, or an analog thereof;

12 (10.9) a Class 2 felony with respect to 50 grams or
13 more but less than 100 grams of any substance containing
14 oxycodone, or any of the salts, isomers and salts of
15 isomers of oxycodone, or an analog thereof;

16 (10.9-1) a Class 3 felony with respect to 10 grams or
17 more but less than 50 grams of any substance containing
18 oxycodone, or any of the salts, isomers and salts of
19 isomers of oxycodone, or an analog thereof;

20 (11) a Class 2 felony with respect to 50 grams or more
21 but less than 200 grams of any substance containing a
22 substance classified in Schedules I or II, or an analog
23 thereof, which is not otherwise included in this subsection
24 (c).

25 (11.1) a Class 3 felony with respect to 10 grams or
26 more but less than 50 grams of any substance

1 containing a substance classified in Schedules I or II, or
2 an analog thereof, which is not otherwise included in this
3 subsection (c);

4 (c-5) (Blank).

5 (d) Any person who violates this Section with regard to any
6 other amount of a controlled or counterfeit substance
7 ~~containing dihydrocodeinone or dihydrocodeine or~~ classified in
8 Schedules I or II, or an analog thereof, which is not otherwise
9 included in subsection (a), (b), or (c), which is (i) a
10 ~~narcotic drug, (ii) lysergic acid diethylamide (LSD) or an~~
11 ~~analog thereof, (iii) any substance containing amphetamine or~~
12 ~~fentanyl or any salt or optical isomer of amphetamine or~~
13 ~~fentanyl, or an analog thereof, or (iv) any substance~~
14 ~~containing N-Benzylpiperazine (BZP) or any salt or optical~~
15 ~~isomer of N-Benzylpiperazine (BZP), or an analog thereof, is~~
16 guilty of a Class 4 ~~2~~ felony. ~~The fine for violation of this~~
17 ~~subsection (d) shall not be more than \$200,000.~~

18 (d-5) (Blank).

19 (e) (Blank). ~~Any person who violates this Section with~~
20 ~~regard to any other amount of a controlled substance other than~~
21 ~~methamphetamine or counterfeit substance classified in~~
22 ~~Schedule I or II, or an analog thereof, which substance is not~~
23 ~~included under subsection (d) of this Section, is guilty of a~~
24 ~~Class 3 felony. The fine for violation of this subsection (e)~~
25 ~~shall not be more than \$150,000.~~

26 (f) Any person who violates this Section with regard to 10

1 grams or more ~~any other amount~~ of a controlled or counterfeit
2 substance classified in Schedule III, which is not otherwise
3 included in subsection (a), (b), or (c), is guilty of a Class 3
4 felony. ~~The fine for violation of this subsection (f) shall not~~
5 ~~be more than \$125,000.~~

6 (f-1) Any person who violates this Section with regard to
7 any other amount of a controlled or counterfeit substance
8 classified in Schedule III which is not otherwise included in
9 subsection (a), (b), or (c), is guilty of a Class 4 felony.

10 (g) Any person who violates this Section with regard to 10
11 grams or more ~~any other amount~~ of a controlled or counterfeit
12 substance classified in Schedule IV is guilty of a Class 3
13 felony. ~~The fine for violation of this subsection (g) shall not~~
14 ~~be more than \$100,000.~~

15 (g-1) Any person who violates this Section with regard to
16 any other amount of a controlled or counterfeit substance
17 classified in Schedule IV which is not otherwise included in
18 subsection (a), (b), or (c), is guilty of a Class 4 felony.

19 (h) Any person who violates this Section with regard to 10
20 grams or more ~~any other amount~~ of a controlled or counterfeit
21 substance classified in Schedule V, which is not otherwise
22 included in subsection (a), (b), or (c), is guilty of a Class 3
23 felony. ~~The fine for violation of this subsection (h) shall not~~
24 ~~be more than \$75,000.~~

25 (h-1) Any person who violates this Section with regard to
26 any other amount of a controlled or counterfeit substance

1 classified in Schedule V, which is not otherwise included in
2 subsection (a), (b), or (c), is guilty of a Class 4 felony.

3 (i) This Section does not apply to the manufacture,
4 possession or distribution of a substance in conformance with
5 the provisions of an approved new drug application or an
6 exemption for investigational use within the meaning of Section
7 505 of the Federal Food, Drug and Cosmetic Act.

8 (j) (Blank).

9 (Source: P.A. 99-371, eff. 1-1-16; 99-585, eff. 1-1-17.)

10 (720 ILCS 570/401.1) (from Ch. 56 1/2, par. 1401.1)

11 Sec. 401.1. Controlled Substance Trafficking.

12 (a) Except for purposes as authorized by this Act, any
13 person who knowingly brings or causes to be brought into this
14 State 400 grams or more of a controlled substance or 600 or
15 more objects or 600 or more segregated parts of an object or
16 objects containing in them or having upon them any amounts of
17 any substance containing lysergic acid diethylamide (LSD), or
18 an analog thereof or 600 or more pills, tablets, caplets,
19 capsules, or objects containing in them or having upon them any
20 amount of any substance listed in paragraph (1), (2), (2.1),
21 (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
22 subsection (d) of Section 204, or an analog or derivative
23 thereof for the purpose of manufacture or delivery or with the
24 intent to manufacture or deliver a controlled substance other
25 than methamphetamine or counterfeit substance in this or any

1 other state or country is guilty of controlled substance
2 trafficking.

3 (b) Except as otherwise provided in subsection (b-5) of
4 this Section, a A person convicted of controlled substance
5 trafficking shall be sentenced for the class of an offense that
6 is one class higher than the amount authorized by Section 401
7 of this Act for the manufacture or delivery, or possession with
8 intent to manufacture or deliver, based upon the amount of
9 controlled or counterfeit substance brought or caused to be
10 brought into this State. If the sentence for the underlying
11 offense under Section 401 of this Act is a Class 1 felony for
12 which the offender may be sentenced to a term of imprisonment
13 of not less than 6 years and not more than 30 years, the
14 penalty for controlled substance trafficking is a Class 1
15 felony for which the person may be sentenced to a term of
16 imprisonment of not less 9 years and not more than 40 years ~~to~~
17 ~~a term of imprisonment not less than twice the minimum term and~~
18 ~~fined an amount as authorized by Section 401 of this Act, based~~
19 ~~upon the amount of controlled or counterfeit substance brought~~
20 ~~or caused to be brought into this State, and not more than~~
21 ~~twice the maximum term of imprisonment and fined twice the~~
22 ~~amount as authorized by Section 401 of this Act, based upon the~~
23 ~~amount of controlled or counterfeit substance brought or caused~~
24 ~~to be brought into this State.~~

25 (b-5) A person convicted of controlled substance
26 trafficking shall be sentenced as authorized by Section 401 of

1 this Act, based upon the amount of the controlled or
2 counterfeit substance brought or caused to be brought into this
3 State, if the person at sentencing proves by a preponderance of
4 the evidence that he or she:

5 (1) received little or no compensation from the illegal
6 transport of the substance into this State and had minimal
7 knowledge of the scope and structure of the enterprise to
8 manufacture or deliver the illegal substance transported;
9 or

10 (2) was not involved in the organization or planning of
11 the enterprise to manufacture or deliver the illegal
12 substance transported.

13 (c) (Blank) ~~It shall be a Class 2 felony for which a fine~~
14 ~~not to exceed \$100,000 may be imposed for any person to~~
15 ~~knowingly use a cellular radio telecommunication device in the~~
16 ~~furtherance of controlled substance trafficking. This penalty~~
17 ~~shall be in addition to any other penalties imposed by law.~~

18 (Source: P.A. 94-556, eff. 9-11-05.)

19 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

20 Sec. 402. Except as otherwise authorized by this Act, it is
21 unlawful for any person knowingly to possess a controlled or
22 counterfeit substance or controlled substance analog. A
23 violation of this Act with respect to each of the controlled
24 substances listed herein constitutes a single and separate
25 violation of this Act. For purposes of this Section,

1 "controlled substance analog" or "analog" means a substance,
2 other than a controlled substance, that has a chemical
3 structure substantially similar to that of a controlled
4 substance in Schedule I or II, or that was specifically
5 designed to produce an effect substantially similar to that of
6 a controlled substance in Schedule I or II. Examples of
7 chemical classes in which controlled substance analogs are
8 found include, but are not limited to, the following:
9 phenethylamines, N-substituted piperidines, morphinans,
10 ecgonines, quinazolinones, substituted indoles, and
11 arylcycloalkylamines. For purposes of this Act, a controlled
12 substance analog shall be treated in the same manner as the
13 controlled substance to which it is substantially similar.

14 (a) Any person who violates this Section with respect to
15 the following controlled or counterfeit substances and
16 amounts, notwithstanding any of the provisions of subsections
17 (c) and (d) to the contrary, ~~is guilty of a Class 1 felony and~~
18 shall, if sentenced to a term of imprisonment, be sentenced for
19 the class of offense as provided in this subsection (a) and
20 fined as provided in subsection (b):

21 (1) (A) a Class 3 felony ~~not less than 4 years and not~~
22 ~~more than 15 years~~ with respect to 15 grams or more but
23 less than 100 grams of a substance containing heroin;

24 (B) a Class 2 felony ~~not less than 6 years and not~~
25 ~~more than 30 years~~ with respect to 100 grams or more
26 but less than 400 grams of a substance containing

1 heroin;

2 (C) a Class 1 felony ~~not less than 8 years and not~~
3 ~~more than 40 years~~ with respect to 400 grams or more
4 ~~but less than 900 grams~~ of any substance containing
5 heroin;

6 (D) (blank) ~~not less than 10 years and not more~~
7 ~~than 50 years with respect to 900 grams or more of any~~
8 ~~substance containing heroin;~~

9 (1.5) (A) a Class 3 felony with respect to 15 grams or
10 more but less than 100 grams of a substance containing
11 fentanyl;

12 (B) a Class 2 felony with respect to 100 grams or
13 more but less than 400 grams of a substance containing
14 fentanyl;

15 (C) a Class 1 felony with respect to 400 grams or
16 more of a substance containing fentanyl;

17 (2) (A) a Class 3 felony ~~not less than 4 years and not~~
18 ~~more than 15 years~~ with respect to 15 grams or more but
19 less than 100 grams of any substance containing
20 cocaine;

21 (B) a Class 2 felony ~~not less than 6 years and not~~
22 ~~more than 30 years~~ with respect to 100 grams or more
23 but less than 400 grams of any substance containing
24 cocaine;

25 (C) a Class 1 felony ~~not less than 8 years and not~~
26 ~~more than 40 years~~ with respect to 400 grams or more

1 ~~but less than 900 grams~~ of any substance containing
2 cocaine;

3 (D) (blank) ~~not less than 10 years and not more~~
4 ~~than 50 years with respect to 900 grams or more of any~~
5 ~~substance containing cocaine;~~

6 (3) (A) a Class 3 felony ~~not less than 4 years and not~~
7 ~~more than 15 years~~ with respect to 15 grams or more but
8 less than 100 grams of any substance containing
9 morphine;

10 (B) a Class 2 felony ~~not less than 6 years and not~~
11 ~~more than 30 years~~ with respect to 100 grams or more
12 but less than 400 grams of any substance containing
13 morphine;

14 (C) a Class 1 felony ~~not less than 6 years and not~~
15 ~~more than 40 years~~ with respect to 400 grams or more
16 ~~but less than 900 grams~~ of any substance containing
17 morphine;

18 (D) (blank) ~~not less than 10 years and not more~~
19 ~~than 50 years with respect to 900 grams or more of any~~
20 ~~substance containing morphine;~~

21 (4) a Class 2 felony with respect to 200 grams or more
22 of any substance containing peyote;

23 (4.5) a Class 4 felony with respect to 15 grams or more
24 but less than 200 grams of a substance containing peyote;

25 (5) a Class 2 felony with respect to 200 grams or more
26 of any substance containing a derivative of barbituric acid

1 or any of the salts of a derivative of barbituric acid;

2 (5.5) a Class 4 felony with respect to 15 grams or more
3 but less than 200 grams of a substance containing a
4 derivative of barbituric acid or any of the salts of a
5 derivative of barbituric acid;

6 (6) a Class 2 felony with respect to 200 grams or more
7 of any substance containing amphetamine or any salt of an
8 optical isomer of amphetamine;

9 (6.1) a Class 4 felony with respect to 15 grams or more
10 but less than 200 grams of a substance containing
11 amphetamine or any salt of an optical isomer of
12 amphetamine;

13 (6.5) (blank);

14 (7) (A) a Class 3 felony ~~not less than 4 years and not~~
15 ~~more than 15 years~~ with respect to: (i) 15 grams or
16 more but less than 100 grams of any substance
17 containing lysergic acid diethylamide (LSD), or an
18 analog thereof, or (ii) 15 or more objects or 15 or
19 more segregated parts of an object or objects but less
20 than 200 objects or 200 segregated parts of an object
21 or objects containing in them or having upon them any
22 amount of any substance containing lysergic acid
23 diethylamide (LSD), or an analog thereof;

24 (B) a Class 2 felony ~~not less than 6 years and not~~
25 ~~more than 30 years~~ with respect to: (i) 100 grams or
26 more but less than 400 grams of any substance

1 containing lysergic acid diethylamide (LSD), or an
2 analog thereof, or (ii) 200 or more objects or 200 or
3 more segregated parts of an object or objects but less
4 than 600 objects or less than 600 segregated parts of
5 an object or objects containing in them or having upon
6 them any amount of any substance containing lysergic
7 acid diethylamide (LSD), or an analog thereof;

8 (C) a Class 1 felony ~~not less than 8 years and not~~
9 ~~more than 40 years~~ with respect to: (i) 400 grams or
10 more ~~but less than 900 grams~~ of any substance
11 containing lysergic acid diethylamide (LSD), or an
12 analog thereof, or (ii) 600 or more objects or 600 or
13 more segregated parts of an object or objects ~~but less~~
14 ~~than 1500 objects or 1500 segregated parts of an object~~
15 ~~or objects~~ containing in them or having upon them any
16 amount of any substance containing lysergic acid
17 diethylamide (LSD), or an analog thereof;

18 (D) (blank) ~~not less than 10 years and not more~~
19 ~~than 50 years with respect to: (i) 900 grams or more of~~
20 ~~any substance containing lysergic acid diethylamide~~
21 ~~(LSD), or an analog thereof, or (ii) 1500 or more~~
22 ~~objects or 1500 or more segregated parts of an object~~
23 ~~or objects containing in them or having upon them any~~
24 ~~amount of a substance containing lysergic acid~~
25 ~~diethylamide (LSD), or an analog thereof;~~

26 (7.5) (A) a Class 3 felony ~~not less than 4 years and~~

1 ~~not more than 15 years~~ with respect to: (i) 15 grams or
2 more but less than 100 grams of any substance listed in
3 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
4 (20), (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof, or
6 (ii) 15 or more pills, tablets, caplets, capsules, or
7 objects but less than 200 pills, tablets, caplets,
8 capsules, or objects containing in them or having upon
9 them any amount of any substance listed in paragraph
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
11 (20.1), (21), (25), or (26) of subsection (d) of
12 Section 204, or an analog or derivative thereof;

13 (B) a Class 2 felony ~~not less than 6 years and not~~
14 ~~more than 30 years~~ with respect to: (i) 100 grams or
15 more but less than 400 grams of any substance listed in
16 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
17 (20), (20.1), (21), (25), or (26) of subsection (d) of
18 Section 204, or an analog or derivative thereof, or
19 (ii) 200 or more pills, tablets, caplets, capsules, or
20 objects but less than 600 pills, tablets, caplets,
21 capsules, or objects containing in them or having upon
22 them any amount of any substance listed in paragraph
23 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
24 (20.1), (21), (25), or (26) of subsection (d) of
25 Section 204, or an analog or derivative thereof;

26 (C) a Class 1 felony ~~not less than 8 years and not~~

1 ~~more than 40 years~~ with respect to: (i) 400 grams or
2 more ~~but less than 900 grams~~ of any substance listed in
3 paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19),
4 (20), (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof, or
6 (ii) 600 or more pills, tablets, caplets, capsules, or
7 objects ~~but less than 1,500 pills, tablets, caplets,~~
8 ~~capsules, or objects~~ containing in them or having upon
9 them any amount of any substance listed in paragraph
10 (1), (2), (2.1), (2.2), (3), (14.1), (19), (20),
11 (20.1), (21), (25), or (26) of subsection (d) of
12 Section 204, or an analog or derivative thereof;

13 (D) (blank) ~~not less than 10 years and not more~~
14 ~~than 50 years with respect to: (i) 900 grams or more of~~
15 ~~any substance listed in paragraph (1), (2), (2.1),~~
16 ~~(2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or~~
17 ~~(26) of subsection (d) of Section 204, or an analog or~~
18 ~~derivative thereof, or (ii) 1,500 or more pills,~~
19 ~~tablets, caplets, capsules, or objects containing in~~
20 ~~them or having upon them any amount of a substance~~
21 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
22 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
23 ~~subsection (d) of Section 204, or an analog or~~
24 ~~derivative thereof;~~

25 (8) a Class 2 felony with respect to 30 grams or more
26 of any substance containing pentazocine or any of the

1 salts, isomers and salts of isomers of pentazocine, or an
2 analog thereof;

3 (8.5) a Class 4 felony with respect to 15 grams or more
4 but less than 30 grams of a substance containing
5 pentazocine or any of the salts, isomers and salts of
6 isomers of pentazocine, or an analog thereof;

7 (9) a Class 2 felony with respect to 30 grams or more
8 of any substance containing methaqualone or any of the
9 salts, isomers and salts of isomers of methaqualone;

10 (9.5) a Class 4 felony with respect to 15 grams or more
11 but less than 30 grams of a substance containing
12 methaqualone or any of the salts, isomers and salts of
13 isomers of methaqualone;

14 (10) a Class 2 felony with respect to 30 grams or more
15 of any substance containing phencyclidine or any of the
16 salts, isomers and salts of isomers of phencyclidine (PCP);

17 (10.1) a Class 4 felony with respect to 15 grams or
18 more but less than 30 grams of a substance containing
19 phencyclidine or any of the salts, isomers and salts of
20 isomers of phencyclidine (PCP);

21 (10.5) a Class 2 felony with respect to 30 grams or
22 more of any substance containing ketamine or any of the
23 salts, isomers and salts of isomers of ketamine;

24 (10.6) a Class 4 felony with respect to 15 grams or
25 more but less than 30 grams of any substance containing
26 ketamine or any of the salts, isomers and salts of isomers

1 of ketamine;

2 (11) a Class 2 felony with respect to 200 grams or more
3 of any substance containing any substance classified as a
4 narcotic drug in Schedules I or II, or an analog thereof,
5 which is not otherwise included in this subsection; =

6 (12) a Class 3 felony with respect to 15 grams or more
7 but less than 200 grams of any substance containing any
8 substance classified as a narcotic drug in Schedules I or
9 II, or an analog thereof, which is not otherwise included
10 in this subsection.

11 (b) Any person sentenced with respect to violations of
12 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
13 involving 100 grams or more of the controlled substance named
14 therein, may in addition to the penalties provided therein, be
15 fined an amount not to exceed \$200,000 or the full street value
16 of the controlled or counterfeit substances, whichever is
17 greater. The term "street value" shall have the meaning
18 ascribed in Section 110-5 of the Code of Criminal Procedure of
19 1963. Any person sentenced with respect to any other provision
20 of subsection (a), may in addition to the penalties provided
21 therein, be fined an amount not to exceed \$200,000.

22 (c) Any person who violates this Section with regard to an
23 amount of a controlled substance other than methamphetamine or
24 counterfeit substance not set forth in subsection (a) or (d) is
25 guilty of a Class A misdemeanor ~~4-felony~~. The fine for a
26 violation punishable under this subsection (c) shall not be

1 more than \$2,500 ~~\$25,000~~.

2 (d) Any person who violates this Section with regard to any
3 amount of anabolic steroid is guilty of a Class C misdemeanor
4 for the first offense and a Class B misdemeanor for a
5 subsequent offense committed within 2 years of a prior
6 conviction.

7 (Source: P.A. 99-371, eff. 1-1-16.)

8 (720 ILCS 570/404) (from Ch. 56 1/2, par. 1404)

9 Sec. 404. (a) For the purposes of this Section:

10 (1) "Advertise" means the attempt, by publication,
11 dissemination, solicitation or circulation, to induce
12 directly or indirectly any person to acquire, or enter into
13 an obligation to acquire, any substance within the scope of
14 this Section.

15 (2) "Distribute" has the meaning ascribed to it in
16 subsection (s) of Section 102 of this Act but as relates to
17 look-alike substances.

18 (3) "Manufacture" means the producing, preparing,
19 compounding, processing, encapsulating, packaging,
20 repackaging, labeling or relabeling of a look-alike
21 substance.

22 (b) It is unlawful for any person knowingly to manufacture,
23 distribute, advertise, or possess with intent to manufacture or
24 distribute a look-alike substance. Any person who violates this
25 subsection (b) shall be guilty of a Class 4 ~~3~~ felony, the fine

1 for which shall not exceed \$150,000.

2 (c) (Blank) ~~It is unlawful for any person knowingly to~~
3 ~~possess a look-alike substance. Any person who violates this~~
4 ~~subsection (c) is guilty of a petty offense. Any person~~
5 ~~convicted of a subsequent offense under this subsection (c)~~
6 ~~shall be guilty of a Class C misdemeanor.~~

7 (d) In any prosecution brought under this Section, it is
8 not a defense to a violation of this Section that the defendant
9 believed the look-alike substance actually to be a controlled
10 substance.

11 (e) Nothing in this Section applies to:

12 (1) The manufacture, processing, packaging,
13 distribution or sale of noncontrolled substances to
14 licensed medical practitioners for use as placebos in
15 professional practice or research.

16 (2) Persons acting in the course and legitimate scope
17 of their employment as law enforcement officers.

18 (3) The retention of production samples of
19 noncontrolled substances produced prior to the effective
20 date of this amendatory Act of 1982, where such samples are
21 required by federal law.

22 (f) Nothing in this Section or in this Act applies to the
23 lawful manufacture, processing, packaging, advertising or
24 distribution of a drug or drugs by any person registered
25 pursuant to Section 510 of the Federal Food, Drug, and Cosmetic
26 Act (21 U.S.C. 360).

1 (Source: P.A. 83-1362.)

2 (720 ILCS 570/405.2)

3 Sec. 405.2. Streetgang criminal drug conspiracy.

4 (a) Any person who engages in a streetgang criminal drug
5 conspiracy, as defined in this Section, is guilty of an offense
6 that is one class higher than the underlying offense under
7 subsection (a) or (c) of Section 401 of this Act or under the
8 Methamphetamine Control and Community Protection Act except
9 Section 60 of that Act. If the sentence for the underlying
10 offense is a term of imprisonment of not less than 6 years and
11 not more than 30 years, the penalty for streetgang criminal
12 drug conspiracy is a Class 1 felony for which the person may be
13 sentenced to a term of imprisonment of not less 9 years and not
14 more than 40 years. ~~a Class X felony for which the offender~~
15 ~~shall be sentenced to a term of imprisonment as follows:~~

16 (1) (blank) ~~not less than 15 years and not more than 60~~
17 ~~years for a violation of subsection (a) of Section 401;~~

18 (2) (blank) ~~not less than 10 years and not more than 30~~
19 ~~years for a violation of subsection (c) of Section 401.~~

20 For the purposes of this Section, a person engages in a
21 streetgang criminal drug conspiracy when:

22 (i) he or she violates any of the provisions of
23 subsection (a) or (c) of Section 401 of this Act or any
24 provision of the Methamphetamine Control and Community
25 Protection Act except Section 60 of that Act; and

1 (ii) such violation is part of a conspiracy undertaken
2 or carried out with 2 or more other persons; and

3 (iii) such conspiracy is in furtherance of the
4 activities of an organized gang as defined in the Illinois
5 Streetgang Terrorism Omnibus Prevention Act; and

6 (iv) he or she occupies a position of organizer, a
7 supervising person, or any other position of management
8 with those persons identified in clause (ii) of this
9 subsection (a).

10 The fine for a violation of this Section shall not be more
11 than \$500,000, and the offender shall be subject to the
12 forfeitures prescribed in subsection (b).

13 (b) Subject to the provisions of Section 8 of the Drug
14 Asset Forfeiture Procedure Act, any person who is convicted
15 under this Section of engaging in a streetgang criminal drug
16 conspiracy shall forfeit to the State of Illinois:

17 (1) the receipts obtained by him or her in such
18 conspiracy; and

19 (2) any of his or her interests in, claims against,
20 receipts from, or property or rights of any kind affording
21 a source of influence over, such conspiracy.

22 (c) The circuit court may enter such injunctions,
23 restraining orders, directions or prohibitions, or may take
24 such other actions, including the acceptance of satisfactory
25 performance bonds, in connection with any property, claim,
26 receipt, right or other interest subject to forfeiture under

1 this Section, as it deems proper.

2 (Source: P.A. 94-556, eff. 9-11-05.)

3 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

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

16 (B) (Blank).

17 (2) (Blank). ~~Except as provided in paragraph (3) of this~~
18 ~~subsection, any person who violates:~~

19 ~~(A) subsection (c) of Section 401 by delivering or~~
20 ~~possessing with intent to deliver a controlled,~~
21 ~~counterfeit, or look-alike substance in or on, or within~~
22 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
23 ~~of a Class 1 felony, the fine for which shall not exceed~~
24 ~~\$250,000;~~

25 ~~(B) subsection (d) of Section 401 by delivering or~~

1 ~~possessing with intent to deliver a controlled,~~
2 ~~counterfeit, or look alike substance in or on, or within~~
3 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
4 ~~of a Class 2 felony, the fine for which shall not exceed~~
5 ~~\$200,000;~~

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

12 ~~(D) subsection (f) of Section 401 by delivering or~~
13 ~~possessing with intent to deliver a controlled,~~
14 ~~counterfeit, or look alike substance in or on, or within~~
15 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
16 ~~of a Class 3 felony, the fine for which shall not exceed~~
17 ~~\$125,000;~~

18 ~~(E) subsection (g) of Section 401 by delivering or~~
19 ~~possessing with intent to deliver a controlled,~~
20 ~~counterfeit, or look alike substance in or on, or within~~
21 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
22 ~~of a Class 3 felony, the fine for which shall not exceed~~
23 ~~\$100,000;~~

24 ~~(F) subsection (h) of Section 401 by delivering or~~
25 ~~possessing with intent to deliver a controlled,~~
26 ~~counterfeit, or look alike substance in or on, or within~~

1 ~~1,000 feet of, a truck stop or safety rest area, is guilty~~
2 ~~of a Class 3 felony, the fine for which shall not exceed~~
3 ~~\$75,000;~~

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

12 (4) (Blank). ~~For the purposes of this subsection (a):~~

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

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

21 (b) Any person who violates any subsection of Section 401
22 or subsection (b) of Section 404 in any school, or any
23 conveyance owned, leased or contracted by a school to transport
24 students to or from school or a school-related activity, or
25 public park, on the real property comprising any school, or
26 within 500 feet of the real property comprising any school,

1 while persons under 18 years of age are present, during school
2 hours, or at times when persons under 18 years of age are
3 reasonably expected to be present, shall be sentenced to a
4 class of offense that is one class higher than the sentence
5 otherwise authorized by the pertinent subsection of Section 401
6 or subsection (b) of Section 404. If the sentence otherwise
7 authorized by the pertinent subsection of Section 401 or
8 subsection (b) of Section 404 is a Class 1 felony for which the
9 person may be sentenced to a term of imprisonment of not less
10 than 4 years and not more than 15 years, the penalty for an
11 offense under this Section is a Class 1 felony for which the
12 person may be sentenced to a term of imprisonment of not less
13 than 6 years and not more than 30 years. If the sentence
14 otherwise authorized by the pertinent subsection of Section 401
15 or subsection (b) of Section 404 is a Class 1 felony for which
16 the person may be sentenced to a term of imprisonment of not
17 less than 6 years and not more than 30 years, the penalty for
18 an offense under this Section is a Class 1 felony for which the
19 person may be sentenced to a term of imprisonment of not less
20 than 9 years and not more than 40 years.÷

21 ~~(1) subsection (c) of Section 401 in any school, or any~~
22 ~~conveyance owned, leased or contracted by a school to~~
23 ~~transport students to or from school or a school related~~
24 ~~activity, or residential property owned, operated or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

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

1 ~~for which shall not exceed \$500,000;~~

2 ~~(2) subsection (d) of Section 401 in any school, or any~~
3 ~~conveyance owned, leased or contracted by a school to~~
4 ~~transport students to or from school or a school related~~
5 ~~activity, 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 public park, on the real property~~
9 ~~comprising any school or residential property owned,~~
10 ~~operated or managed by a public housing agency or leased by~~
11 ~~a public housing agency as part of a scattered site or~~
12 ~~mixed income development, or public park or within 1,000~~
13 ~~feet of the real property comprising any school or~~
14 ~~residential property owned, operated or managed by a public~~
15 ~~housing agency or leased by a public housing agency as part~~
16 ~~of a scattered site or mixed income development, or public~~
17 ~~park, on the real property comprising any church,~~
18 ~~synagogue, or other building, structure, or place used~~
19 ~~primarily for religious worship, or within 1,000 feet of~~
20 ~~the real property comprising any church, synagogue, or~~
21 ~~other building, structure, or place used primarily for~~
22 ~~religious worship, on the real property comprising any of~~
23 ~~the following places, buildings, or structures used~~
24 ~~primarily for housing or providing space for activities for~~
25 ~~senior citizens: nursing homes, assisted living centers,~~
26 ~~senior citizen housing complexes, or senior centers~~

1 ~~oriented toward daytime activities, or within 1,000 feet of~~
2 ~~the real 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 is guilty of a Class 1 felony, the fine~~
8 ~~for which shall not exceed \$250,000;~~

9 ~~(3) subsection (c) of Section 401 or Subsection (b) of~~
10 ~~Section 404 in any school, or any conveyance owned, leased~~
11 ~~or contracted by a school to transport students to or from~~
12 ~~school or a school related activity, or residential~~
13 ~~property owned, operated or managed by a public housing~~
14 ~~agency or leased by a public housing agency as part of a~~
15 ~~scattered site or mixed income development, or public~~
16 ~~park, on the real property comprising any school or~~
17 ~~residential property owned, operated or managed by a public~~
18 ~~housing agency or leased by a public housing agency as part~~
19 ~~of a scattered site or mixed income development, or public~~
20 ~~park or within 1,000 feet of the real property comprising~~
21 ~~any school or residential property owned, operated or~~
22 ~~managed by a public housing agency or leased by a public~~
23 ~~housing agency as part of a scattered site or mixed income~~
24 ~~development, or public park, on the real property~~
25 ~~comprising any church, synagogue, or other building,~~
26 ~~structure, or place used primarily for religious worship,~~

1 ~~or within 1,000 feet of the real property comprising any~~
2 ~~church, synagogue, or other building, structure, or place~~
3 ~~used primarily for religious worship, on the real property~~
4 ~~comprising any of the following places, buildings, or~~
5 ~~structures used primarily for housing or providing space~~
6 ~~for activities for senior citizens: nursing homes,~~
7 ~~assisted living centers, senior citizen housing complexes,~~
8 ~~or senior centers oriented toward daytime activities, or~~
9 ~~within 1,000 feet of the real property comprising any of~~
10 ~~the following places, buildings, or structures used~~
11 ~~primarily for housing or providing space for activities for~~
12 ~~senior citizens: nursing homes, assisted living centers,~~
13 ~~senior citizen housing complexes, or senior centers~~
14 ~~oriented toward daytime activities is guilty of a Class 2~~
15 ~~felony, the fine for which shall not exceed \$200,000;~~

16 ~~(4) subsection (f) of Section 401 in any school, or any~~
17 ~~conveyance owned, leased or contracted by a school to~~
18 ~~transport students to or from school or a school related~~
19 ~~activity, or residential property owned, operated or~~
20 ~~managed by a public housing agency or leased by a public~~
21 ~~housing agency as part of a scattered site or mixed income~~
22 ~~development, or public park, on the real property~~
23 ~~comprising any school or residential property owned,~~
24 ~~operated or managed by a public housing agency or leased by~~
25 ~~a public housing agency as part of a scattered site or~~
26 ~~mixed income development, or public park or within 1,000~~

1 ~~feet of the real property comprising any school or~~
2 ~~residential property owned, operated or managed by a public~~
3 ~~housing agency or leased by a public housing agency as part~~
4 ~~of a scattered site or mixed income development, or public~~
5 ~~park, on the real property comprising any church,~~
6 ~~synagogue, or other building, structure, or place used~~
7 ~~primarily for religious worship, or within 1,000 feet of~~
8 ~~the real property comprising any church, synagogue, or~~
9 ~~other building, structure, or place used primarily for~~
10 ~~religious worship, on the real property comprising any of~~
11 ~~the following places, buildings, or structures used~~
12 ~~primarily for housing or providing space for activities for~~
13 ~~senior citizens: nursing homes, assisted living centers,~~
14 ~~senior citizen housing complexes, or senior centers~~
15 ~~oriented toward daytime activities, or within 1,000 feet of~~
16 ~~the real property comprising any of the following places,~~
17 ~~buildings, or structures used primarily for housing or~~
18 ~~providing space for activities for senior citizens:~~
19 ~~nursing homes, assisted living centers, senior citizen~~
20 ~~housing complexes, or senior centers oriented toward~~
21 ~~daytime activities is guilty of a Class 2 felony, the fine~~
22 ~~for which shall not exceed \$150,000;~~

23 ~~(5) subsection (g) of Section 401 in any school, or any~~
24 ~~conveyance owned, leased or contracted by a school to~~
25 ~~transport students to or from school or a school related~~
26 ~~activity, 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 public park, on the real property~~
4 ~~comprising any school or residential property owned,~~
5 ~~operated or managed by a public housing agency or leased by~~
6 ~~a public housing agency as part of a scattered site or~~
7 ~~mixed income development, or public park or within 1,000~~
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, on the real property comprising any church,~~
13 ~~synagogue, or other building, structure, or place used~~
14 ~~primarily for religious worship, or within 1,000 feet of~~
15 ~~the real property comprising any church, synagogue, or~~
16 ~~other building, structure, or place used primarily for~~
17 ~~religious worship, on the real property comprising any of~~
18 ~~the following places, buildings, or structures used~~
19 ~~primarily for housing or providing space for activities for~~
20 ~~senior citizens: nursing homes, assisted living centers,~~
21 ~~senior citizen housing complexes, or senior centers~~
22 ~~oriented toward daytime activities, or within 1,000 feet of~~
23 ~~the real 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 is guilty of a Class 2 felony, the fine~~
3 ~~for which shall not exceed \$125,000;~~

4 ~~(6) subsection (h) of Section 401 in any school, or any~~
5 ~~conveyance owned, leased or contracted by a school to~~
6 ~~transport students to or from school or a school related~~
7 ~~activity, or residential property owned, operated or~~
8 ~~managed by a public housing agency or leased by a public~~
9 ~~housing agency as part of a scattered site or mixed income~~
10 ~~development, or public park, on the real property~~
11 ~~comprising any school or residential property owned,~~
12 ~~operated or managed by a public housing agency or leased by~~
13 ~~a public housing agency as part of a scattered site or~~
14 ~~mixed income development, or public park or within 1,000~~
15 ~~feet of the real property comprising any school or~~
16 ~~residential property owned, operated or managed by a public~~
17 ~~housing agency or leased by a public housing agency as part~~
18 ~~of a scattered site or mixed income development, or public~~
19 ~~park, on the real property comprising any church,~~
20 ~~synagogue, or other building, structure, or place used~~
21 ~~primarily for religious worship, or within 1,000 feet of~~
22 ~~the real property comprising any church, synagogue, or~~
23 ~~other building, structure, or place used primarily for~~
24 ~~religious worship, on the real property comprising any of~~
25 ~~the following places, buildings, or structures used~~
26 ~~primarily for housing or providing space for activities for~~

1 ~~senior citizens: nursing homes, assisted living centers,~~
2 ~~senior citizen housing complexes, or senior centers~~
3 ~~oriented toward daytime activities, or within 1,000 feet of~~
4 ~~the real property comprising any of the following places,~~
5 ~~buildings, or structures used primarily for housing or~~
6 ~~providing space for activities for senior citizens:~~
7 ~~nursing homes, assisted living centers, senior citizen~~
8 ~~housing complexes, or senior centers oriented toward~~
9 ~~daytime activities is guilty of a Class 2 felony, the fine~~
10 ~~for which shall not exceed \$100,000.~~

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

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

17 (720 ILCS 570/407.1) (from Ch. 56 1/2, par. 1407.1)

18 Sec. 407.1. Any person 18 years of age or over who violates
19 any subsection of Section 401 or ~~, Section 404 or Section 405~~
20 by using, engaging or employing a person under 18 years of age
21 to deliver a controlled, counterfeit or look-alike substance
22 may, at the discretion of the court, be sentenced to a maximum
23 term of imprisonment that is equal to the maximum term of
24 imprisonment for the underlying offense plus the minimum term
25 of imprisonment for the underlying offense for a term up to

1 ~~three times the maximum amount authorized by the pertinent~~
2 ~~subsection of Section 401, Section 404 or Section 405.~~

3 (Source: P.A. 91-297, eff. 1-1-00.)

4 (720 ILCS 570/407.2) (from Ch. 56 1/2, par. 1407.2)

5 Sec. 407.2. Delivery of a controlled substance to a
6 pregnant woman.

7 (a) Any person who violates any subsection ~~(a)~~ of Section
8 401 of this Act by delivering a controlled substance to a woman
9 he knows to be pregnant may, at the discretion of the court, be
10 sentenced to a maximum term of imprisonment that is equal to
11 the maximum term of imprisonment for the underlying offense
12 plus the minimum term of imprisonment for the underlying
13 offense ~~a term twice the maximum amount authorized by Section~~
14 ~~401 of this Act.~~

15 (b) (Blank). ~~Any person who delivers an amount of a~~
16 ~~controlled substance set forth in subsections (c) and (d) of~~
17 ~~Section 401 of this Act to a woman he knows to be pregnant~~
18 ~~commits a Class 1 felony. The fine for a violation of this~~
19 ~~subsection (b) shall not be more than \$250,000.~~

20 (Source: P.A. 86-1459; 87-754.)

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

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

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

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

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

25 (1) make a report to and appear in person before or
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of probation;

3 (2) pay a fine and costs;

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

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

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

11 (6) support his or her dependents;

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

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

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

22 (ii) attend school;

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

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

26 (e) Upon violation of a term or condition of probation, the

1 court may enter a judgment on its original finding of guilt and
2 proceed as otherwise provided.

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

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

12 (h) (Blank). ~~There may be only one discharge and dismissal~~
13 ~~under this Section, Section 10 of the Cannabis Control Act,~~
14 ~~Section 70 of the Methamphetamine Control and Community~~
15 ~~Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code~~
16 ~~of Corrections, or subsection (c) of Section 11-14 of the~~
17 ~~Criminal Code of 1961 or the Criminal Code of 2012 with respect~~
18 ~~to any person.~~

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

26 (j) Notwithstanding subsection (a), before a person is

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

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

15 (720 ILCS 570/405 rep.)

16 (720 ILCS 570/405.1 rep.)

17 (720 ILCS 570/408 rep.)

18 Section 40. The Illinois Controlled Substances Act is
19 amended by repealing Sections 405, 405.1, and 408.

20 Section 45. The Drug Paraphernalia Control Act is amended
21 by changing Section 3.5 as follows:

22 (720 ILCS 600/3.5)

23 Sec. 3.5. Possession of drug paraphernalia.

1 (a) A person who knowingly possesses an item of drug
2 paraphernalia with the intent to use it in ingesting, inhaling,
3 or otherwise introducing cannabis or a controlled substance
4 into the human body, or in preparing cannabis or a controlled
5 substance for that use, is guilty of a Class A misdemeanor for
6 which the court shall impose a minimum fine of \$750 in addition
7 to any other penalty prescribed for a Class A misdemeanor. This
8 subsection (a) does not apply to a person who is legally
9 authorized to possess hypodermic syringes or needles under the
10 Hypodermic Syringes and Needles Act.

11 (b) In determining intent under subsection (a), the trier
12 of fact may take into consideration the proximity of the
13 cannabis or controlled substances to drug paraphernalia or the
14 presence of cannabis or a controlled substance on the drug
15 paraphernalia.

16 (c) If a person violates subsection (a) of Section 4 of the
17 Cannabis Control Act, the penalty for possession of any drug
18 paraphernalia seized during the violation for that offense
19 shall be a civil law violation punishable by a ~~minimum~~ fine not
20 to exceed \$125 ~~of \$100 and a maximum fine of \$200~~. The proceeds
21 of the fine shall be payable to the clerk of the circuit court.
22 Within 30 days after the deposit of the fine, the clerk shall
23 distribute the proceeds of the fine as follows:

24 (1) \$10 of the fine to the circuit clerk and \$10 of the
25 fine to the law enforcement agency that issued the
26 citation; the proceeds of each \$10 fine distributed to the

1 circuit clerk and each \$10 fine distributed to the law
2 enforcement agency that issued the citation for the
3 violation shall be used to defer the cost of automatic
4 expungements under paragraph (2.5) of subsection (a) of
5 Section 5.2 of the Criminal Identification Act;

6 (2) \$15 to the county to fund drug addiction services;

7 (3) \$10 to the Office of the State's Attorneys
8 Appellate Prosecutor for use in training programs;

9 (4) \$10 to the State's Attorney; and

10 (5) any remainder of the fine to the law enforcement
11 agency that issued the citation for the violation.

12 With respect to funds designated for the Department of
13 State Police, the moneys shall be remitted by the circuit court
14 clerk to the Department of State Police within one month after
15 receipt for deposit into the State Police Operations Assistance
16 Fund. With respect to funds designated for the Department of
17 Natural Resources, the Department of Natural Resources shall
18 deposit the moneys into the Conservation Police Operations
19 Assistance Fund.

20 (Source: P.A. 99-697, eff. 7-29-16.)

21 Section 50. The Methamphetamine Control and Community
22 Protection Act is amended by changing Sections 15, 20, 25, 30,
23 35, 40, 45, 50, 55, 56, 60, and 70 and by adding Sections 55.1,
24 55.2, 55.3, 55.4, and 55.5 as follows:

1 (720 ILCS 646/15)

2 Sec. 15. Participation in methamphetamine manufacturing.

3 (a) Participation in methamphetamine manufacturing.

4 (1) It is unlawful to knowingly participate in the
5 manufacture of methamphetamine with the intent that
6 methamphetamine or a substance containing methamphetamine
7 be produced.

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

10 (A) A person who participates in the manufacture of
11 less than 15 grams of methamphetamine or a substance
12 containing methamphetamine is guilty of a Class 2 ~~4~~
13 felony.

14 (B) A person who participates in the manufacture of
15 15 or more grams but less than 100 grams of
16 methamphetamine or a substance containing
17 methamphetamine is guilty of a Class 1 ~~*~~ felony,
18 ~~subject to a term of imprisonment of not less than 6~~
19 ~~years and not more than 30 years,~~ and subject to a fine
20 not to exceed \$100,000 or the street value of the
21 methamphetamine manufactured, whichever is greater.

22 (C) A person who participates in the manufacture of
23 100 or more grams but less than 400 grams of
24 methamphetamine or a substance containing
25 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
26 which the person may be sentenced ~~subject~~ to a term of

1 imprisonment of not less than 6 ~~9~~ years and not more
2 than 30 ~~40~~ years, and subject to a fine not to exceed
3 \$200,000 or the street value of the methamphetamine
4 manufactured, whichever is greater.

5 (D) A person who participates in the manufacture of
6 400 or more grams but less than 900 grams of
7 methamphetamine or a substance containing
8 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
9 which the person may be sentenced ~~subject~~ to a term of
10 imprisonment of not less than 6 ~~12~~ years and not more
11 than 30 ~~50~~ years, and subject to a fine not to exceed
12 \$300,000 or the street value of the methamphetamine
13 manufactured, whichever is greater.

14 (E) A person who participates in the manufacture of
15 900 grams or more of methamphetamine or a substance
16 containing methamphetamine is guilty of a Class 1 ~~*~~
17 felony, for which the person may be sentenced ~~subject~~
18 to a term of imprisonment of not less than 6 ~~15~~ years
19 and not more than 30 ~~60~~ years, and subject to a fine
20 not to exceed \$400,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (b) Aggravated participation in methamphetamine
23 manufacturing.

24 (1) It is unlawful to engage in aggravated
25 participation in the manufacture of methamphetamine. A
26 person engages in aggravated participation in the

1 manufacture of methamphetamine when the person violates
2 paragraph (1) of subsection (a) and:

3 (A) the person knowingly does so in a multi-unit
4 dwelling;

5 (B) the person knowingly does so in a structure or
6 vehicle where a child under the age of 18, a person
7 with a disability, or a person 60 years of age or older
8 who is incapable of adequately providing for his or her
9 own health and personal care resides, is present, or is
10 endangered by the manufacture of methamphetamine;

11 (C) the person does so in a structure or vehicle
12 where a woman the person knows to be pregnant
13 (including but not limited to the person herself)
14 resides, is present, or is endangered by the
15 methamphetamine manufacture;

16 (D) the person knowingly does so in a structure or
17 vehicle protected by one or more ~~firearms~~, explosive
18 devices, booby traps, ~~alarm systems, surveillance~~
19 ~~systems, guard dogs,~~ or dangerous animals;

20 (E) the methamphetamine manufacturing in which the
21 person participates is a contributing cause of the
22 death, serious bodily injury, disability, or
23 disfigurement of another person, including but not
24 limited to an emergency service provider;

25 (F) the methamphetamine manufacturing in which the
26 person participates is a contributing cause of a fire

1 or explosion that damages property belonging to
2 another person;

3 (G) the person knowingly organizes, directs, or
4 finances the methamphetamine manufacturing or
5 activities carried out in support of the
6 methamphetamine manufacturing; or

7 (H) the methamphetamine manufacturing occurs
8 within 500 ~~1,000~~ feet of a place of worship or
9 parsonage, or within 500 ~~1,000~~ feet of the real
10 property comprising any school at a time when children,
11 clergy, patrons, staff, or other persons are present or
12 any activity sanctioned by the place of worship or
13 parsonage or school is taking place.

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

16 (A) A person who participates in the manufacture of
17 less than 15 grams of methamphetamine or a substance
18 containing methamphetamine is guilty of a Class 1 ~~*~~
19 ~~felony, subject to a term of imprisonment of not less~~
20 ~~than 6 years and not more than 30 years,~~ and subject to
21 a fine not to exceed \$100,000 or the street value of
22 the methamphetamine, whichever is greater.

23 (B) A person who participates in the manufacture of
24 15 or more grams but less than 100 grams of
25 methamphetamine or a substance containing
26 methamphetamine is guilty of a Class 1 ~~*~~ felony, for

1 which the person may be sentenced ~~subject~~ to a term of
2 imprisonment of not less than 6 ~~9~~ years and not more
3 than 30 ~~40~~ years, and subject to a fine not to exceed
4 \$200,000 or the street value of the methamphetamine,
5 whichever is greater.

6 (C) A person who participates in the manufacture of
7 100 or more grams but less than 400 grams of
8 methamphetamine or a substance containing
9 methamphetamine is guilty of a Class 1 ~~*~~ felony, for
10 which the person may be sentenced ~~subject~~ to a term of
11 imprisonment of not less than 6 ~~12~~ years and not more
12 than 30 ~~50~~ years, and subject to a fine not to exceed
13 \$300,000 or the street value of the methamphetamine,
14 whichever is greater.

15 (D) A person who participates in the manufacture of
16 400 grams or more of methamphetamine or a substance
17 containing methamphetamine is guilty of a Class 1 ~~*~~
18 felony, for which the person may be sentenced ~~subject~~
19 to a term of imprisonment of not less than 6 ~~15~~ years
20 and not more than 30 ~~60~~ years, and subject to a fine
21 not to exceed \$400,000 or the street value of the
22 methamphetamine, whichever is greater.

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

24 (720 ILCS 646/20)

25 Sec. 20. Methamphetamine precursor.

1 (a) Methamphetamine precursor or substance containing any
2 methamphetamine precursor ~~in standard dosage form~~.

3 (1) It is unlawful to knowingly possess, procure,
4 transport, store, or deliver any methamphetamine precursor
5 or substance containing any methamphetamine precursor ~~in~~
6 ~~standard dosage form~~ with the intent that it be used to
7 manufacture methamphetamine or a substance containing
8 methamphetamine.

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

11 (A) A person who possesses, procures, transports,
12 stores, or delivers less than 15 grams of
13 methamphetamine precursor or substance containing any
14 methamphetamine precursor is guilty of a Class 4 ~~2~~
15 felony.

16 (B) A person who possesses, procures, transports,
17 stores, or delivers 15 or more grams but less than 30
18 grams of methamphetamine precursor or substance
19 containing any methamphetamine precursor is guilty of
20 a Class 3 ~~1~~ felony.

21 (C) A person who possesses, procures, transports,
22 stores, or delivers 30 or more grams but less than 150
23 grams of methamphetamine precursor or substance
24 containing any methamphetamine precursor is guilty of
25 a Class 2 ~~*~~ felony, ~~subject to a term of imprisonment~~
26 ~~of not less than 6 years and not more than 30 years,~~

1 and subject to a fine not to exceed \$100,000.

2 (D) A person who possesses, procures, transports,
3 stores, or delivers 150 or more grams but less than 500
4 grams of methamphetamine precursor or substance
5 containing any methamphetamine precursor is guilty of
6 a Class 1 * felony, ~~subject to a term of imprisonment~~
7 ~~of not less than 8 years and not more than 40 years,~~
8 and subject to a fine not to exceed \$200,000.

9 (E) A person who possesses, procures, transports,
10 stores, or delivers 500 or more grams of
11 methamphetamine precursor or substance containing any
12 methamphetamine precursor is guilty of a Class 1 *
13 felony, for which the person may be sentenced ~~subject~~
14 to a term of imprisonment of not less than 6 ~~10~~ years
15 and not more than 30 ~~50~~ years, and subject to a fine
16 not to exceed \$300,000.

17 (b) (Blank). ~~Methamphetamine precursor or substance~~
18 ~~containing any methamphetamine precursor in any form other than~~
19 ~~a standard dosage form.~~

20 ~~(1) It is unlawful to knowingly possess, procure,~~
21 ~~transport, store, or deliver any methamphetamine precursor~~
22 ~~or substance containing any methamphetamine precursor in~~
23 ~~any form other than a standard dosage form with the intent~~
24 ~~that it be used to manufacture methamphetamine or a~~
25 ~~substance containing methamphetamine.~~

26 ~~(2) A person who violates paragraph (1) of this~~

1 ~~subsection (b) is subject to the following penalties:~~

2 ~~(A) A person who violates paragraph (1) of this~~
3 ~~subsection (b) with the intent that less than 10 grams~~
4 ~~of methamphetamine or a substance containing~~
5 ~~methamphetamine be manufactured is guilty of a Class 2~~
6 ~~felony.~~

7 ~~(B) A person who violates paragraph (1) of this~~
8 ~~subsection (b) with the intent that 10 or more grams~~
9 ~~but less than 20 grams of methamphetamine or a~~
10 ~~substance containing methamphetamine be manufactured~~
11 ~~is guilty of a Class 1 felony.~~

12 ~~(C) A person who violates paragraph (1) of this~~
13 ~~subsection (b) with the intent that 20 or more grams~~
14 ~~but less than 100 grams of methamphetamine or a~~
15 ~~substance containing methamphetamine be manufactured~~
16 ~~is guilty of a Class X felony, subject to a term of~~
17 ~~imprisonment of not less than 6 years and not more than~~
18 ~~30 years, and subject to a fine not to exceed \$100,000.~~

19 ~~(D) A person who violates paragraph (1) of this~~
20 ~~subsection (b) with the intent that 100 or more grams~~
21 ~~but less than 350 grams of methamphetamine or a~~
22 ~~substance containing methamphetamine be manufactured~~
23 ~~is guilty of a Class X felony, subject to a term of~~
24 ~~imprisonment of not less than 8 years and not more than~~
25 ~~40 years, and subject to a fine not to exceed \$200,000.~~

26 ~~(E) A person who violates paragraph (1) of this~~

1 ~~subsection (b) with the intent that 350 or more grams~~
2 ~~of methamphetamine or a substance containing~~
3 ~~methamphetamine be manufactured is guilty of a Class X~~
4 ~~felony, subject to a term of imprisonment of not less~~
5 ~~than 10 years and not more than 50 years, and subject~~
6 ~~to a fine not to exceed \$300,000.~~

7 (c) Rule of evidence. The presence of any methamphetamine
8 precursor in a sealed, factory imprinted container, including,
9 but not limited to, a bottle, box, package, or blister pack, at
10 the time of seizure by law enforcement, is prima facie evidence
11 that the methamphetamine precursor located within the
12 container is in fact the material so described and in the
13 amount listed on the container. The factory imprinted container
14 is admissible for a violation of this Act for purposes of
15 proving the contents of the container.

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

17 (720 ILCS 646/25)

18 Sec. 25. Anhydrous ammonia.

19 (a) Possession, procurement, transportation, storage, or
20 delivery of anhydrous ammonia with the intent that it be used
21 to manufacture methamphetamine.

22 (1) It is unlawful to knowingly engage in the
23 possession, procurement, transportation, storage, or
24 delivery of anhydrous ammonia or to attempt to engage in
25 any of these activities or to assist another in engaging in

1 any of these activities with the intent that the anhydrous
2 ammonia be used to manufacture methamphetamine.

3 (2) A person who violates paragraph (1) of this
4 subsection (a) is guilty of a Class 2 ~~1~~ felony.

5 (b) Aggravated possession, procurement, transportation,
6 storage, or delivery of anhydrous ammonia with the intent that
7 it be used to manufacture methamphetamine.

8 (1) It is unlawful to knowingly engage in the
9 aggravated possession, procurement, transportation,
10 storage, or delivery of anhydrous ammonia with the intent
11 that it be used to manufacture methamphetamine. A person
12 commits this offense when the person engages in the
13 possession, procurement, transportation, storage, or
14 delivery of anhydrous ammonia or attempts to engage in any
15 of these activities or assists another in engaging in any
16 of these activities with the intent that the anhydrous
17 ammonia be used to manufacture methamphetamine 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, or a person
22 with a disability, or a person who is 60 years of age
23 or older who is incapable of adequately providing for
24 his or her own health and personal care resides, is
25 present, or is endangered by the anhydrous ammonia;

26 (C) the person's possession, procurement,

1 transportation, storage, or delivery of anhydrous
2 ammonia is a contributing cause of the death, serious
3 bodily injury, disability, or disfigurement of another
4 person; or

5 (D) the person's possession, procurement,
6 transportation, storage, or delivery of anhydrous
7 ammonia is a contributing cause of a fire or explosion
8 that damages property belonging to another person.

9 (2) A person who violates paragraph (1) of this
10 subsection (b) is guilty of a Class 1 ~~2~~ felony, ~~subject to~~
11 ~~a term of imprisonment of not less than 6 years and not~~
12 ~~more than 30 years,~~ and subject to a fine not to exceed
13 \$100,000.

14 (c) Possession, procurement, transportation, storage, or
15 delivery of anhydrous ammonia in an unauthorized container.

16 (1) It is unlawful to knowingly possess, procure,
17 transport, store, or deliver anhydrous ammonia in an
18 unauthorized container.

19 (1.5) (Blank) ~~It is unlawful to attempt to possess,~~
20 ~~procure, transport, store, or deliver anhydrous ammonia in~~
21 ~~an unauthorized container.~~

22 (2) A person who violates paragraph (1) of this
23 subsection (c) is guilty of a Class 4 ~~3~~ felony. ~~A person~~
24 ~~who violates paragraph (1.5) of this subsection (c) is~~
25 ~~guilty of a Class 4 felony.~~

26 (3) Affirmative defense. It is an affirmative defense

1 that the person charged possessed, procured, transported,
2 stored, or delivered anhydrous ammonia in a manner that
3 substantially complied with the rules governing anhydrous
4 ammonia equipment found in 8 Illinois Administrative Code
5 Section 215, in 92 Illinois Administrative Code Sections
6 171 through 180, or in any provision of the Code of Federal
7 Regulations incorporated by reference into these Sections
8 of the Illinois Administrative Code.

9 (d) Tampering with anhydrous ammonia equipment.

10 (1) It is unlawful to knowingly tamper with anhydrous
11 ammonia equipment. A person tampers with anhydrous ammonia
12 equipment when, without authorization from the lawful
13 owner, the person:

14 (A) removes or attempts to remove anhydrous
15 ammonia from the anhydrous ammonia equipment used by
16 the lawful owner;

17 (B) damages or attempts to damage the anhydrous
18 ammonia equipment used by the lawful owner; or

19 (C) vents or attempts to vent anhydrous ammonia
20 into the environment.

21 (2) A person who violates paragraph (1) of this
22 subsection (d) is guilty of a Class 3 felony.

23 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;
24 95-690, eff. 1-1-08.)

25 (720 ILCS 646/30)

1 Sec. 30. Methamphetamine manufacturing material.

2 (a) It is unlawful to knowingly engage in the possession,
3 procurement, transportation, storage, or delivery of any
4 methamphetamine manufacturing material, other than a
5 methamphetamine precursor, substance containing a
6 methamphetamine precursor, or anhydrous ammonia, with the
7 intent that it be used to manufacture methamphetamine.

8 (b) A person who violates subsection (a) of this Section is
9 guilty of a Class 3 ~~2~~ felony.

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

11 (720 ILCS 646/35)

12 Sec. 35. Use of property.

13 (a) It is unlawful for a person knowingly to use or allow
14 the use of a vehicle, a structure, real property, or personal
15 property within the person's control to help bring about a
16 violation of this Act.

17 (b) A person who violates subsection (a) of this Section is
18 guilty of a Class 3 ~~2~~ felony.

19 (Source: P.A. 94-556, eff. 9-11-05.)

20 (720 ILCS 646/40)

21 Sec. 40. Protection of methamphetamine manufacturing.

22 (a) It is unlawful to engage in the protection of
23 methamphetamine manufacturing. A person engages in the
24 protection of methamphetamine manufacturing when:

1 (1) the person knows that others have been
2 participating, are participating, or will be participating
3 in the manufacture of methamphetamine; and

4 (2) with the intent to help prevent detection of or
5 interference with the methamphetamine manufacturing, the
6 person serves as a lookout for or guard of the
7 methamphetamine manufacturing.

8 (b) A person who violates subsection (a) of this Section is
9 guilty of a Class 3 ~~2~~ felony.

10 (Source: P.A. 94-556, eff. 9-11-05.)

11 (720 ILCS 646/45)

12 Sec. 45. Methamphetamine manufacturing waste.

13 (a) It is unlawful to knowingly burn, place in a trash
14 receptacle, or dispose of methamphetamine manufacturing waste,
15 knowing that the waste was used in the manufacturing of
16 methamphetamine.

17 (b) A person who violates subsection (a) of this Section is
18 guilty of a Class 3 ~~2~~ felony.

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

20 (720 ILCS 646/50)

21 Sec. 50. Methamphetamine-related child endangerment.

22 (a) Methamphetamine-related child endangerment.

23 (1) It is unlawful to engage in
24 methamphetamine-related child endangerment. A person

1 engages in methamphetamine-related child endangerment when
2 the person knowingly endangers the life and health of a
3 child by exposing or allowing exposure of the child to a
4 methamphetamine manufacturing environment.

5 (2) A person who violates paragraph (1) of this
6 subsection (a) is guilty of a Class 2 felony.

7 (b) Aggravated methamphetamine-related child endangerment.

8 (1) It is unlawful to engage in aggravated
9 methamphetamine-related child endangerment. A person
10 engages in aggravated methamphetamine-related child
11 endangerment when the person violates paragraph (1) of this
12 subsection (a) of this Section and the child experiences
13 death, great bodily harm, disability, or disfigurement as a
14 result of the methamphetamine-related child endangerment.

15 (2) A person who violates paragraph (1) of this
16 subsection (b) is guilty of a Class 1 * felony, ~~subject to~~
17 ~~a term of imprisonment of not less than 6 years and not~~
18 ~~more than 30 years,~~ and subject to a fine not to exceed
19 \$100,000.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 (720 ILCS 646/55)

22 Sec. 55. Methamphetamine delivery.

23 (a) Delivery or possession with intent to deliver
24 methamphetamine or a substance containing methamphetamine.

25 (1) It is unlawful knowingly to engage in the delivery

1 or possession with intent to deliver methamphetamine or a
2 substance containing methamphetamine.

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

5 (A) A person who delivers or possesses with intent
6 to deliver less than one gram ~~5 grams~~ of
7 methamphetamine or a substance containing
8 methamphetamine is guilty of a Class 4 ~~2~~ felony.

9 (B) A person who delivers or possesses with intent
10 to deliver one ~~5~~ or more grams but less than 15 grams
11 of methamphetamine or a substance containing
12 methamphetamine is guilty of a Class 3 ~~4~~ felony.

13 (C) A person who delivers or possesses with intent
14 to deliver 15 or more grams but less than 100 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 2 ~~*~~ felony,
17 ~~subject to a term of imprisonment of not less than 6~~
18 ~~years and not more than 30 years,~~ and subject to a fine
19 not to exceed \$100,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (D) A person who delivers or possesses with intent
22 to deliver 100 or more grams but less than 400 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class 1 ~~*~~ felony,
25 ~~subject to a term of imprisonment of not less than 9~~
26 ~~years and not more than 40 years,~~ and subject to a fine

1 not to exceed \$200,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (E) A person who delivers or possesses with intent
4 to deliver 400 or more grams but less than 900 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class 1 * felony,
7 ~~subject to a term of imprisonment of not less than 12~~
8 ~~years and not more than 50 years,~~ and subject to a fine
9 not to exceed \$300,000 or the street value of the
10 methamphetamine, whichever is greater.

11 (F) A person who delivers or possesses with intent
12 to deliver 900 or more grams of methamphetamine or a
13 substance containing methamphetamine is guilty of a
14 Class 1 * felony, for which the person may be sentenced
15 ~~subject~~ to a term of imprisonment of not less than 6 ~~15~~
16 years and not more than 30 ~~60~~ years, and subject to a
17 fine not to exceed \$400,000 or the street value of the
18 methamphetamine, whichever is greater.

19 (b) (Blank). ~~Aggravated delivery or possession with intent~~
20 ~~to deliver methamphetamine or a substance containing~~
21 ~~methamphetamine.~~

22 ~~(1) It is unlawful to engage in the aggravated delivery~~
23 ~~or possession with intent to deliver methamphetamine or a~~
24 ~~substance containing methamphetamine. A person engages in~~
25 ~~the aggravated delivery or possession with intent to~~
26 ~~deliver methamphetamine or a substance containing~~

1 ~~methamphetamine when the person violates paragraph (1) of~~
2 ~~subsection (a) of this Section and:~~

3 ~~(A) the person is at least 18 years of age and~~
4 ~~knowingly delivers or possesses with intent to deliver~~
5 ~~the methamphetamine or substance containing~~
6 ~~methamphetamine to a person under 18 years of age;~~

7 ~~(B) the person is at least 18 years of age and~~
8 ~~knowingly uses, engages, employs, or causes another~~
9 ~~person to use, engage, or employ a person under 18~~
10 ~~years of age to deliver the methamphetamine or~~
11 ~~substance containing methamphetamine;~~

12 ~~(C) the person knowingly delivers or possesses~~
13 ~~with intent to deliver the methamphetamine or~~
14 ~~substance containing methamphetamine in any structure~~
15 ~~or vehicle protected by one or more firearms, explosive~~
16 ~~devices, booby traps, alarm systems, surveillance~~
17 ~~systems, guard dogs, or dangerous animals;~~

18 ~~(D) the person knowingly delivers or possesses~~
19 ~~with intent to deliver the methamphetamine or~~
20 ~~substance containing methamphetamine in any school, on~~
21 ~~any real property comprising any school, or in any~~
22 ~~conveyance owned, leased, or contracted by a school to~~
23 ~~transport students to or from school or a~~
24 ~~school-related activity;~~

25 ~~(E) the person delivers or causes another person to~~
26 ~~deliver the methamphetamine or substance containing~~

1 ~~methamphetamine to a woman that the person knows to be~~
2 ~~pregnant; or~~

3 ~~(F) (blank).~~

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

6 ~~(A) A person who delivers or possesses with intent~~
7 ~~to deliver less than 5 grams of methamphetamine or a~~
8 ~~substance containing methamphetamine is guilty of a~~
9 ~~Class 1 felony.~~

10 ~~(B) A person who delivers or possesses with intent~~
11 ~~to deliver 5 or more grams but less than 15 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 6 years and~~
15 ~~not more than 30 years, and subject to a fine not to~~
16 ~~exceed \$100,000 or the street value of the~~
17 ~~methamphetamine, whichever is greater.~~

18 ~~(C) A person who delivers or possesses with intent~~
19 ~~to deliver 15 or more grams but less than 100 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 8 years and~~
23 ~~not more than 40 years, and subject to a fine not to~~
24 ~~exceed \$200,000 or the street value of the~~
25 ~~methamphetamine, whichever is greater.~~

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

1 ~~to deliver 100 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 10 years and not more than 50 years, and~~
5 ~~subject to a fine not to exceed \$300,000 or the street~~
6 ~~value of the methamphetamine, whichever is greater.~~

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

8 (720 ILCS 646/55.1 new)

9 Sec. 55.1. Methamphetamine delivery by a person at least 18
10 years of age to a person under 18 years of age. Any person who
11 is at least 18 years of age who violates any subsection of
12 Section 55 by delivering methamphetamine or substance
13 containing methamphetamine to a person under 18 years of age
14 may, at the discretion of the court, be sentenced to a maximum
15 term of imprisonment that is equal to the maximum term of
16 imprisonment for the underlying offense plus the minimum term
17 of imprisonment for the underlying offense.

18 (720 ILCS 646/55.2 new)

19 Sec. 55.2. Employing person under 18 years of age to
20 deliver methamphetamine. Any person who is at least 18 years of
21 age who violates any subsection of Section 55 by using,
22 engaging, or employing, or causing another person to use,
23 engage, or employ a person under 18 years of age to deliver
24 methamphetamine or substance containing methamphetamine may,

1 at the discretion of the court, be sentenced to a maximum term
2 of imprisonment that is equal to the maximum term of
3 imprisonment for the underlying offense plus the minimum term
4 of imprisonment for the underlying offense.

5 (720 ILCS 646/55.3 new)

6 Sec. 55.3. Delivery of methamphetamine or possession with
7 intent to deliver methamphetamine-protected structure or
8 vehicle. Any person who violates any subsection of Section 55
9 by knowingly delivering or possessing with intent to deliver
10 methamphetamine or substance containing methamphetamine in any
11 structure or vehicle protected by one or more explosive
12 devices, booby traps, or dangerous animals may, at the
13 discretion of the court, be sentenced to a maximum term of
14 imprisonment that is equal to the maximum term of imprisonment
15 for the underlying offense plus the minimum term of
16 imprisonment for the underlying offense.

17 (720 ILCS 646/55.4 new)

18 Sec. 55.4. Methamphetamine delivery or possession with
19 intent to deliver methamphetamine on school grounds. Any person
20 who violates any subsection of Section 55 by delivering or
21 possessing with intent to deliver methamphetamine or substance
22 containing methamphetamine in any school, on any real property
23 comprising any school, or in any conveyance owned, leased, or
24 contracted by a school to transport students to or from school

1 or a school-related activity shall be sentenced to a class of
2 offense that is one class higher than the sentence otherwise
3 authorized by the pertinent subsection of Section 55. If the
4 sentence otherwise authorized by the pertinent subsection of
5 Section 55 is a Class 1 felony for which the person may be
6 sentenced to a term of imprisonment of not less than 4 years
7 and not more than 15 years, the penalty for an offense under
8 this Section is a Class 1 felony for which the person may be
9 sentenced to a term of imprisonment of not less than 6 years
10 and not more than 30 years. If the sentence otherwise
11 authorized by the pertinent subsection of Section 55 is a Class
12 1 felony for which the person may be sentenced to a term of
13 imprisonment of not less than 6 years and not more than 30
14 years, the penalty for an offense under this Section is a Class
15 1 felony for which the person may be sentenced to a term of
16 imprisonment of not less than 9 years and not more than 40
17 years.

18 (720 ILCS 646/55.5 new)

19 Sec. 55.5. Methamphetamine delivery to pregnant woman. Any
20 person who violates any subsection of Section 55 by delivering
21 or causing to be delivered methamphetamine or substance
22 containing methamphetamine to a woman that the person knows to
23 be pregnant may, at the discretion of the court, be sentenced
24 to a maximum term of imprisonment that is equal to the maximum
25 term of imprisonment for the underlying offense plus the

1 minimum term of imprisonment for the underlying offense.

2 (720 ILCS 646/56)

3 Sec. 56. Methamphetamine trafficking.

4 (a) Except for purposes as authorized by this Act, any
5 person who knowingly brings, or causes to be brought, into this
6 State 400 grams or more of methamphetamine or 500 grams or more
7 of , anhydrous ammonia, or a methamphetamine precursor or any
8 amount of anhydrous ammonia for the purpose of manufacture or
9 delivery of methamphetamine or with the intent to manufacture
10 or deliver methamphetamine is guilty of methamphetamine
11 trafficking.

12 (a-5) A person convicted of methamphetamine trafficking
13 shall be sentenced as authorized by Section 55 of this Act,
14 based upon the amount of the methamphetamine brought or caused
15 to be brought into this State, if the person at sentencing
16 proves by a preponderance of the evidence that he or she:

17 (1) received little or no compensation from the illegal
18 transport of the methamphetamine into this State and had
19 minimal knowledge of the scope and structure of the
20 enterprise to manufacture or deliver the methamphetamine
21 transported; or

22 (2) was not involved in the organization or planning of
23 the enterprise to manufacture or deliver the
24 methamphetamine transported.

25 (b) Except as otherwise provided in subsection (a-5), a A

1 person convicted of methamphetamine trafficking shall be
2 sentenced ~~to a term of imprisonment of not less than twice the~~
3 ~~minimum term and not more than twice the maximum term of~~
4 ~~imprisonment~~ based upon the amount of methamphetamine brought
5 or caused to be brought into this State, as provided in
6 ~~subsection (a) of~~ Section 55 of this Act that is one class
7 higher than the underlying offense. If the underlying offense
8 is a Class 1 felony for which the offender may be sentenced to
9 a term of imprisonment of not less than 6 years and not more
10 than 30 years, the penalty for methamphetamine trafficking is a
11 Class 1 felony for which the person may be sentenced to a term
12 of imprisonment of not less 9 years and not more than 40 years.

13 (c) (Blank) ~~A person convicted of methamphetamine~~
14 ~~trafficking based upon a methamphetamine precursor shall be~~
15 ~~sentenced to a term of imprisonment of not less than twice the~~
16 ~~minimum term and not more than twice the maximum term of~~
17 ~~imprisonment based upon the amount of methamphetamine~~
18 ~~precursor provided in subsection (a) or (b) of Section 20 of~~
19 ~~this Act brought or caused to be brought into this State.~~

20 (d) A person convicted of methamphetamine trafficking
21 based upon anhydrous ammonia under paragraph (1) of subsection
22 (a) of Section 25 of this Act is guilty of a Class 1 felony
23 ~~shall be sentenced to a term of imprisonment of not less than~~
24 ~~twice the minimum term and not more than twice the maximum term~~
25 ~~of imprisonment provided in paragraph (1) of subsection (a) of~~
26 ~~Section 25 of this Act.~~

1 (Source: P.A. 94-830, eff. 6-5-06.)

2 (720 ILCS 646/60)

3 Sec. 60. Methamphetamine possession.

4 (a) It is unlawful knowingly to possess methamphetamine or
5 a substance containing methamphetamine.

6 (b) A person who violates subsection (a) is subject to the
7 following penalties:

8 (1) A person who possesses less than 15 ~~5~~ grams of
9 methamphetamine or a substance containing methamphetamine
10 is guilty of a Class A misdemeanor ~~3 felony~~.

11 (2) (Blank). ~~A person who possesses 5 or more grams but~~
12 ~~less than 15 grams of methamphetamine or a substance~~
13 ~~containing methamphetamine is guilty of a Class 2 felony.~~

14 (3) A person who possesses 15 or more grams but less
15 than 100 grams of methamphetamine or a substance containing
16 methamphetamine is guilty of a Class 3 ~~4~~ felony.

17 (4) A person who possesses 100 or more grams but less
18 than 400 grams of methamphetamine or a substance containing
19 methamphetamine is guilty of a Class 2 ~~*~~ felony, ~~subject to~~
20 ~~a term of imprisonment of not less than 6 years and not~~
21 ~~more than 30 years,~~ and subject to a fine not to exceed
22 \$100,000.

23 (5) A person who possesses 400 or more grams but less
24 than 900 grams of methamphetamine or a substance containing
25 methamphetamine is guilty of a Class 1 ~~*~~ felony, ~~subject to~~

1 ~~a term of imprisonment of not less than 8 years and not~~
2 ~~more than 40 years,~~ and subject to a fine not to exceed
3 \$200,000.

4 (6) A person who possesses 900 or more grams of
5 methamphetamine or a substance containing methamphetamine
6 is guilty of a Class 1 * felony, ~~subject to a term of~~
7 ~~imprisonment of not less than 10 years and not more than 50~~
8 ~~years,~~ and subject to a fine not to exceed \$300,000.

9 (Source: P.A. 94-556, eff. 9-11-05.)

10 (720 ILCS 646/70)

11 Sec. 70. Probation.

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

22 (b) When a person is placed on probation, the court shall
23 enter an order specifying a period of probation of 24 months
24 and shall defer further proceedings in the case until the
25 conclusion of the period or until the filing of a petition

1 alleging violation of a term or condition of probation.

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

3 (1) not violate any criminal statute of any
4 jurisdiction;

5 (2) refrain from possessing a firearm or other
6 dangerous weapon;

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

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

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

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

20 (2) pay a fine and costs;

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

23 (4) undergo medical or psychiatric treatment; or
24 treatment or rehabilitation approved by the Illinois
25 Department of Human Services;

26 (5) attend or reside in a facility established for the

1 instruction or residence of defendants on probation;

2 (6) support his or her dependents;

3 (7) refrain from having in his or her body the presence
4 of any illicit drug prohibited by this Act, the Cannabis
5 Control Act, or the Illinois Controlled Substances Act,
6 unless prescribed by a physician, and submit samples of his
7 or her blood or urine or both for tests to determine the
8 presence of any illicit drug; or

9 (8) if a minor:

10 (i) reside with his or her parents or in a foster
11 home;

12 (ii) attend school;

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

14 or

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

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

20 (f) Upon fulfillment of the terms and conditions of
21 probation, the court shall discharge the person and dismiss the
22 proceedings against the person.

23 (g) A disposition of probation is considered to be a
24 conviction for the purposes of imposing the conditions of
25 probation and for appeal, however, discharge and dismissal
26 under this Section is not a conviction for purposes of this Act

1 or for purposes of disqualifications or disabilities imposed by
2 law upon conviction of a crime.

3 (h) (Blank). ~~There may be only one discharge and dismissal~~
4 ~~under this Section, Section 410 of the Illinois Controlled~~
5 ~~Substances Act, Section 10 of the Cannabis Control Act, Section~~
6 ~~5-6-3.3 or 5-6-3.4 of the Unified Code of Corrections, or~~
7 ~~subsection (c) of Section 11-14 of the Criminal Code of 1961 or~~
8 ~~the Criminal Code of 2012 with respect to any person.~~

9 (i) If a person is convicted of an offense under this Act,
10 the Cannabis Control Act, or the Illinois Controlled Substances
11 Act within 5 years subsequent to a discharge and dismissal
12 under this Section, the discharge and dismissal under this
13 Section are admissible in the sentencing proceeding for that
14 conviction as evidence in aggravation.

15 (j) Notwithstanding subsection (a), before a person is
16 sentenced to probation under this Section, the court may refer
17 the person to the drug court established in that judicial
18 circuit pursuant to Section 15 of the Drug Court Treatment Act.
19 The drug court team shall evaluate the person's likelihood of
20 successfully completing a sentence of probation under this
21 Section and shall report the results of its evaluation to the
22 court. If the drug court team finds that the person suffers
23 from a substance abuse problem that makes him or her
24 substantially unlikely to successfully complete a sentence of
25 probation under this Section, then the drug court shall set
26 forth its findings in the form of a written order, and the

1 person shall not be sentenced to probation under this Section,
2 but shall ~~may~~ be considered for the drug court program.

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

4 (720 ILCS 646/65 rep.)

5 (720 ILCS 646/100 rep.)

6 Section 55. The Methamphetamine Control and Community
7 Protection Act is amended by repealing Sections 65 and 100.

8 Section 60. The Unified Code of Corrections is amended by
9 changing Sections 3-3-8, 3-6-3, 5-4-1, 5-4.5-95, 5-5-3,
10 5-6-3.3, 5-6-3.4, 5-8-1, 5-8-2, 5-8-6, and 5-8-8 and by adding
11 Sections 5-4.5-110 and 5-6-3.6 as follows:

12 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

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

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

21 (b) The Prisoner Review Board may enter an order releasing
22 and discharging one from parole or mandatory supervised
23 release, and his or her commitment to the Department, when it

1 determines that he or she is likely to remain at liberty
2 without committing another offense.

3 (b-1) Provided that the subject is in compliance with the
4 terms and conditions of his or her parole or mandatory
5 supervised release, the Prisoner Review Board may reduce the
6 period of a parolee or releasee's parole or mandatory
7 supervised release by 90 days upon the parolee or releasee
8 receiving a high school diploma or upon passage of high school
9 equivalency testing during the period of his or her parole or
10 mandatory supervised release. This reduction in the period of a
11 subject's term of parole or mandatory supervised release shall
12 be available only to subjects who have not previously earned a
13 high school diploma or who have not previously passed high
14 school equivalency testing.

15 (b-2) The Prisoner Review Board shall release a low-risk
16 and need subject person from mandatory supervised release as
17 determined by an appropriate evidence-based risk and need
18 assessment.

19 (c) The order of discharge shall become effective upon
20 entry of the order of the Board. The Board shall notify the
21 clerk of the committing court of the order. Upon receipt of
22 such copy, the clerk shall make an entry on the record judgment
23 that the sentence or commitment has been satisfied pursuant to
24 the order.

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

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

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

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

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

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

10 (1.5) As otherwise provided by law, sentence credit may be
11 awarded for the following:

12 (A) successful completion of programming while in
13 custody of the Department or while in custody prior to
14 sentencing;

15 (B) compliance with the rules and regulations of the
16 Department; or

17 (C) service to the institution, service to a community,
18 or service to the State.

19 (2) The rules and regulations on sentence credit shall
20 provide, with respect to offenses listed in clause (i), (ii),
21 or (iii) of this paragraph (2) committed on or after June 19,
22 1998 or with respect to the offense listed in clause (iv) of
23 this paragraph (2) committed on or after June 23, 2005 (the
24 effective date of Public Act 94-71) or with respect to offense
25 listed in clause (vi) committed on or after June 1, 2008 (the

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

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

16 (ii) that a prisoner serving a sentence for attempt to
17 commit terrorism, attempt to commit first degree murder,
18 solicitation of murder, solicitation of murder for hire,
19 intentional homicide of an unborn child, predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, criminal sexual assault, aggravated
22 kidnapping, aggravated battery with a firearm as described
23 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
24 (e) (4) of Section 12-3.05, heinous battery as described in
25 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
26 being an armed habitual criminal, aggravated battery of a

1 senior citizen as described in Section 12-4.6 or
2 subdivision (a)(4) of Section 12-3.05, or aggravated
3 battery of a child as described in Section 12-4.3 or
4 subdivision (b)(1) of Section 12-3.05 shall receive no more
5 than 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment;

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

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

23 (v) that a person serving a sentence for gunrunning,
24 narcotics racketeering, controlled substance trafficking,
25 methamphetamine trafficking, drug-induced homicide,
26 aggravated methamphetamine-related child endangerment,

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

18 (vi) that a prisoner serving a sentence for a second or
19 subsequent offense of luring a minor shall receive no more
20 than 4.5 days of sentence credit for each month of his or
21 her sentence of imprisonment; and

22 (vii) that a prisoner serving a sentence for aggravated
23 domestic battery shall receive no more than 4.5 days of
24 sentence credit for each month of his or her sentence of
25 imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a)(2)(i), (ii), or (iii) committed on or after
2 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 subdivision (a)(2)(v) committed on or after August 13, 2007
5 (the effective date of Public Act 95-134) or subdivision
6 (a)(2)(vi) committed on or after June 1, 2008 (the effective
7 date of Public Act 95-625) or subdivision (a)(2)(vii) committed
8 on or after July 23, 2010 (the effective date of Public Act
9 96-1224), and other than the offense of aggravated driving
10 under the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination thereof
12 as defined in subparagraph (F) of paragraph (1) of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, and other
14 than the offense of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of Section
18 11-501 of the Illinois Vehicle Code committed on or after
19 January 1, 2011 (the effective date of Public Act 96-1230), the
20 rules and regulations shall provide that a prisoner who is
21 serving a term of imprisonment shall receive one day of
22 sentence credit for each day of his or her sentence of
23 imprisonment or recommitment under Section 3-3-9. Each day of
24 sentence credit shall reduce by one day the prisoner's period
25 of imprisonment or recommitment under Section 3-3-9.

26 (2.2) A prisoner serving a term of natural life

1 imprisonment or a prisoner who has been sentenced to death
2 shall receive no sentence credit.

3 (2.3) The rules and regulations on sentence credit shall
4 provide that a prisoner who is serving a sentence for
5 aggravated driving under the influence of alcohol, other drug
6 or drugs, or intoxicating compound or compounds, or any
7 combination thereof as defined in subparagraph (F) of paragraph
8 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
9 Code, shall receive no more than 4.5 days of sentence credit
10 for each month of his or her sentence of imprisonment.

11 (2.4) The rules and regulations on sentence credit shall
12 provide with respect to the offenses of aggravated battery with
13 a machine gun or a firearm equipped with any device or
14 attachment designed or used for silencing the report of a
15 firearm or aggravated discharge of a machine gun or a firearm
16 equipped with any device or attachment designed or used for
17 silencing the report of a firearm, committed on or after July
18 15, 1999 (the effective date of Public Act 91-121), that a
19 prisoner serving a sentence for any of these offenses shall
20 receive no more than 4.5 days of sentence credit for each month
21 of his or her sentence of imprisonment.

22 (2.5) The rules and regulations on sentence credit shall
23 provide that a prisoner who is serving a sentence for
24 aggravated arson committed on or after July 27, 2001 (the
25 effective date of Public Act 92-176) shall receive no more than
26 4.5 days of sentence credit for each month of his or her

1 sentence of imprisonment.

2 (2.6) The rules and regulations on sentence credit shall
3 provide that a prisoner who is serving a sentence for
4 aggravated driving under the influence of alcohol, other drug
5 or drugs, or intoxicating compound or compounds or any
6 combination thereof as defined in subparagraph (C) of paragraph
7 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
8 Code committed on or after January 1, 2011 (the effective date
9 of Public Act 96-1230) shall receive no more than 4.5 days of
10 sentence credit for each month of his or her sentence of
11 imprisonment.

12 (3) The rules and regulations shall also provide that the
13 Director may award up to 180 days additional sentence credit
14 for good conduct in specific instances as the Director deems
15 proper. The good conduct may include, but is not limited to,
16 compliance with the rules and regulations of the Department,
17 service to the Department, service to a community, or service
18 to the State. However, the Director shall not award more than
19 90 days of sentence credit for good conduct to any prisoner who
20 is serving a sentence for conviction of first degree murder,
21 reckless homicide while under the influence of alcohol or any
22 other drug, or aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof as defined in
25 subparagraph (F) of paragraph (1) of subsection (d) of Section
26 11-501 of the Illinois Vehicle Code, aggravated kidnapping,

1 kidnapping, predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, criminal sexual assault,
3 deviate sexual assault, aggravated criminal sexual abuse,
4 aggravated indecent liberties with a child, indecent liberties
5 with a child, child pornography, heinous battery as described
6 in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05,
7 aggravated battery of a spouse, aggravated battery of a spouse
8 with a firearm, stalking, aggravated stalking, aggravated
9 battery of a child as described in Section 12-4.3 or
10 subdivision (b)(1) of Section 12-3.05, endangering the life or
11 health of a child, or cruelty to a child. Notwithstanding the
12 foregoing, sentence credit for good conduct shall not be
13 awarded on a sentence of imprisonment imposed for conviction
14 of: (i) one of the offenses enumerated in subdivision
15 (a)(2)(i), (ii), or (iii) when the offense is committed on or
16 after June 19, 1998 or subdivision (a)(2)(iv) when the offense
17 is committed on or after June 23, 2005 (the effective date of
18 Public Act 94-71) or subdivision (a)(2)(v) when the offense is
19 committed on or after August 13, 2007 (the effective date of
20 Public Act 95-134) or subdivision (a)(2)(vi) when the offense
21 is committed on or after June 1, 2008 (the effective date of
22 Public Act 95-625) or subdivision (a)(2)(vii) when the offense
23 is committed on or after July 23, 2010 (the effective date of
24 Public Act 96-1224), (ii) aggravated driving under the
25 influence of alcohol, other drug or drugs, or intoxicating
26 compound or compounds, or any combination thereof as defined in

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

15 Eligible inmates for an award of sentence credit under this
16 paragraph (3) may be selected to receive the credit at the
17 Director's or his or her designee's sole discretion.
18 Consideration may be based on, but not limited to, any
19 available risk assessment analysis on the inmate, any history
20 of conviction for violent crimes as defined by the Rights of
21 Crime Victims and Witnesses Act, facts and circumstances of the
22 inmate's holding offense or offenses, and the potential for
23 rehabilitation.

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 sentence credit;

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

8 (C) has met the eligibility criteria established by
9 rule.

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

12 (3.5) The Department shall provide annual written reports
13 to the Governor and the General Assembly on the award of
14 sentence credit for good conduct, with the first report due
15 January 1, 2014. The Department must publish both reports on
16 its website within 48 hours of transmitting the reports to the
17 Governor and the General Assembly. The reports must include:

18 (A) the number of inmates awarded sentence credit for
19 good conduct;

20 (B) the average amount of sentence credit for good
21 conduct awarded;

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

24 (D) the number of sentence credit for good conduct
25 revocations.

26 (4) The rules and regulations shall also provide that the

1 sentence credit accumulated and retained under paragraph (2.1)
2 of subsection (a) of this Section by any inmate during specific
3 periods of time in which such inmate is engaged full-time in
4 substance abuse programs, correctional industry assignments,
5 educational programs, behavior modification programs, life
6 skills courses, or re-entry planning provided by the Department
7 under this paragraph (4) and satisfactorily completes the
8 assigned program as determined by the standards of the
9 Department, shall be multiplied by a factor of 1.25 for program
10 participation before August 11, 1993 and 1.50 for program
11 participation on or after that date. The rules and regulations
12 shall also provide that sentence credit, subject to the same
13 offense limits and multiplier provided in this paragraph, may
14 be provided to an inmate who was held in pre-trial detention
15 prior to his or her current commitment to the Department of
16 Corrections and successfully completed a full-time, 60-day or
17 longer substance abuse program, educational program, behavior
18 modification program, life skills course, or re-entry planning
19 provided by the county department of corrections or county
20 jail. Calculation of this county program credit shall be done
21 at sentencing as provided in Section 5-4.5-100 of this Code and
22 shall be included in the sentencing order. However, no inmate
23 shall be eligible for the additional sentence credit under this
24 paragraph (4) or (4.1) of this subsection (a) while assigned to
25 a boot camp or electronic detention, or if convicted of an
26 offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of

1 this Section that is committed on or after June 19, 1998 or
2 subdivision (a)(2)(iv) of this Section that is committed on or
3 after June 23, 2005 (the effective date of Public Act 94-71) or
4 subdivision (a)(2)(v) of this Section that is committed on or
5 after August 13, 2007 (the effective date of Public Act 95-134)
6 or subdivision (a)(2)(vi) when the offense is committed on or
7 after June 1, 2008 (the effective date of Public Act 95-625) or
8 subdivision (a)(2)(vii) when the offense is committed on or
9 after July 23, 2010 (the effective date of Public Act 96-1224),
10 or if convicted of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds or any combination thereof as defined in subparagraph
13 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
14 Illinois Vehicle Code, or if convicted of aggravated driving
15 under the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds or any combination thereof
17 as defined in subparagraph (C) of paragraph (1) of subsection
18 (d) of Section 11-501 of the Illinois Vehicle Code committed on
19 or after January 1, 2011 (the effective date of Public Act
20 96-1230), or if convicted of an offense enumerated in paragraph
21 (a)(2.4) of this Section that is committed on or after July 15,
22 1999 (the effective date of Public Act 91-121), or first degree
23 murder, a Class X felony, criminal sexual assault, felony
24 criminal sexual abuse, aggravated criminal sexual abuse,
25 aggravated battery with a firearm as described in Section
26 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of

1 Section 12-3.05, or any predecessor or successor offenses with
2 the same or substantially the same elements, or any inchoate
3 offenses relating to the foregoing offenses. No inmate shall be
4 eligible for the additional good conduct credit under this
5 paragraph (4) who (i) has previously received increased good
6 conduct credit under this paragraph (4) and has subsequently
7 been convicted of a felony, or (ii) has previously served more
8 than one prior sentence of imprisonment for a felony in an
9 adult correctional facility.

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

20 Availability of these programs shall be subject to the
21 limits of fiscal resources appropriated by the General Assembly
22 for these purposes. Eligible inmates who are denied immediate
23 admission shall be placed on a waiting list under criteria
24 established by the Department. The inability of any inmate to
25 become engaged in any such programs by reason of insufficient
26 program resources or for any other reason established under the

1 rules and regulations of the Department shall not be deemed a
2 cause of action under which the Department or any employee or
3 agent of the Department shall be liable for damages to the
4 inmate.

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

24 (4.5) The rules and regulations on sentence credit shall
25 also provide that when the court's sentencing order recommends
26 a prisoner for substance abuse treatment and the crime was

1 committed on or after September 1, 2003 (the effective date of
2 Public Act 93-354), the prisoner shall receive no sentence
3 credit awarded under clause (3) of this subsection (a) unless
4 he or she participates in and completes a substance abuse
5 treatment program. The Director may waive the requirement to
6 participate in or complete a substance abuse treatment program
7 and award the sentence credit in specific instances if the
8 prisoner is not a good candidate for a substance abuse
9 treatment program for medical, programming, or operational
10 reasons. Availability of substance abuse treatment shall be
11 subject to the limits of fiscal resources appropriated by the
12 General Assembly for these purposes. If treatment is not
13 available and the requirement to participate and complete the
14 treatment has not been waived by the Director, the prisoner
15 shall be placed on a waiting list under criteria established by
16 the Department. The Director may allow a prisoner placed on a
17 waiting list to participate in and complete a substance abuse
18 education class or attend substance abuse self-help meetings in
19 lieu of a substance abuse treatment program. A prisoner on a
20 waiting list who is not placed in a substance abuse program
21 prior to release may be eligible for a waiver and receive
22 sentence credit under clause (3) of this subsection (a) at the
23 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 (5) Whenever the Department is to release any inmate
10 earlier than it otherwise would because of a grant of sentence
11 credit for good conduct under paragraph (3) of subsection (a)
12 of this Section given at any time during the term, the
13 Department shall give reasonable notice of the impending
14 release not less than 14 days prior to the date of the release
15 to the State's Attorney of the county where the prosecution of
16 the inmate took place, and if applicable, the State's Attorney
17 of the county into which the inmate will be released. The
18 Department must also make identification information and a
19 recent photo of the inmate being released accessible on the
20 Internet by means of a hyperlink labeled "Community
21 Notification of Inmate Early Release" on the Department's World
22 Wide Web homepage. The identification information shall
23 include the inmate's: name, any known alias, date of birth,
24 physical characteristics, commitment offense and county where
25 conviction was imposed. The identification information shall
26 be placed on the website within 3 days of the inmate's release

1 and the information may not be removed until either: completion
2 of the first year of mandatory supervised release or return of
3 the inmate to custody of the Department.

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

8 (c) The Department shall prescribe rules and regulations
9 for revoking sentence credit, including revoking sentence
10 credit awarded for good conduct under paragraph (3) of
11 subsection (a) of this Section. The Department shall prescribe
12 rules and regulations for suspending or reducing the rate of
13 accumulation of sentence credit for specific rule violations,
14 during imprisonment. These rules and regulations shall provide
15 that no inmate may be penalized more than one year of sentence
16 credit for any one infraction.

17 When the Department seeks to revoke, suspend or reduce the
18 rate of accumulation of any sentence credits for an alleged
19 infraction of its rules, it shall bring charges therefor
20 against the prisoner sought to be so deprived of sentence
21 credits before the Prisoner Review Board as provided in
22 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
23 amount of credit at issue exceeds 30 days or when during any 12
24 month period, the cumulative amount of credit revoked exceeds
25 30 days except where the infraction is committed or discovered
26 within 60 days of scheduled release. In those cases, the

1 Department of Corrections may revoke up to 30 days of sentence
2 credit. The Board may subsequently approve the revocation of
3 additional sentence credit, if the Department seeks to revoke
4 sentence credit in excess of 30 days. However, the Board shall
5 not be empowered to review the Department's decision with
6 respect to the loss of 30 days of sentence credit within any
7 calendar year for any prisoner or to increase any penalty
8 beyond the length requested by the Department.

9 The Director of the Department of Corrections, in
10 appropriate cases, may restore up to 30 days of sentence
11 credits which have been revoked, suspended or reduced. Any
12 restoration of sentence credits in excess of 30 days shall be
13 subject to review by the Prisoner Review Board. However, the
14 Board may not restore sentence credit in excess of the amount
15 requested by the Director.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of sentence credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of sentence credit by bringing
2 charges against the prisoner sought to be deprived of the
3 sentence credits before the Prisoner Review Board as provided
4 in subparagraph (a) (8) of Section 3-3-2 of this Code. If the
5 prisoner has not accumulated 180 days of sentence credit at the
6 time of the finding, then the Prisoner Review Board may revoke
7 all sentence credit accumulated by the prisoner.

8 For purposes of this subsection (d):

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

13 (A) it lacks an arguable basis either in law or in
14 fact;

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

18 (C) the claims, defenses, and other legal
19 contentions therein are not warranted by existing law
20 or by a nonfrivolous argument for the extension,
21 modification, or reversal of existing law or the
22 establishment of new law;

23 (D) the allegations and other factual contentions
24 do not have evidentiary support or, if specifically so
25 identified, are not likely to have evidentiary support
26 after a reasonable opportunity for further

1 investigation or discovery; or

2 (E) the denials of factual contentions are not
3 warranted on the evidence, or if specifically so
4 identified, are not reasonably based on a lack of
5 information or belief.

6 (2) "Lawsuit" means a motion pursuant to Section 116-3
7 of the Code of Criminal Procedure of 1963, a habeas corpus
8 action under Article X of the Code of Civil Procedure or
9 under federal law (28 U.S.C. 2254), a petition for claim
10 under the Court of Claims Act, an action under the federal
11 Civil Rights Act (42 U.S.C. 1983), or a second or
12 subsequent petition for post-conviction relief under
13 Article 122 of the Code of Criminal Procedure of 1963
14 whether filed with or without leave of court or a second or
15 subsequent petition for relief from judgment under Section
16 2-1401 of the Code of Civil Procedure.

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

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

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

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

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

5 (a) (1) The Department of Corrections shall prescribe rules
6 and regulations for awarding and revoking sentence credit for
7 persons committed to the Department which shall be subject to
8 review by the Prisoner Review Board.

9 (1.5) As otherwise provided by law, sentence credit may be
10 awarded for the following:

11 (A) successful completion of programming while in
12 custody of the Department or while in custody prior to
13 sentencing;

14 (B) compliance with the rules and regulations of the
15 Department; or

16 (C) service to the institution, service to a community,
17 or service to the State.

18 (2) Except as provided in paragraph (4.7) of this
19 subsection (a), the ~~The~~ rules and regulations on sentence
20 credit shall provide, with respect to offenses listed in clause
21 (i), (ii), or (iii) of this paragraph (2) committed on or after
22 June 19, 1998 or with respect to the offense listed in clause
23 (iv) of this paragraph (2) committed on or after June 23, 2005
24 (the effective date of Public Act 94-71) or with respect to
25 offense listed in clause (vi) committed on or after June 1,

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

12 (i) that a prisoner who is serving a term of
13 imprisonment ~~for first degree murder or~~ for the offense of
14 terrorism shall receive no sentence credit and shall serve
15 the entire sentence imposed by the court;

16 (i-5) that a prisoner who is serving a term of
17 imprisonment for first degree murder shall receive no more
18 than 7.5 days of sentence credit for each month of his or
19 her sentence of imprisonment;

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

1 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
2 (e) (4) of Section 12-3.05, heinous battery as described in
3 Section 12-4.1 or subdivision (a) (2) of Section 12-3.05,
4 being an armed habitual criminal, aggravated battery of a
5 senior citizen as described in Section 12-4.6 or
6 subdivision (a) (4) of Section 12-3.05, or aggravated
7 battery of a child as described in Section 12-4.3 or
8 subdivision (b) (1) of Section 12-3.05 shall receive no more
9 than 8.5 ~~4.5~~ days of sentence credit for each month of his
10 or her sentence of imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular hijacking,
13 aggravated discharge of a firearm, or armed violence with a
14 category I weapon or category II weapon, when the court has
15 made and entered a finding, pursuant to subsection (c-1) of
16 Section 5-4-1 of this Code, that the conduct leading to
17 conviction for the enumerated offense resulted in great
18 bodily harm to a victim, shall receive no more than 8.5 ~~4.5~~
19 days of sentence credit for each month of his or her
20 sentence of imprisonment;

21 (iv) that a prisoner serving a sentence for aggravated
22 discharge of a firearm, whether or not the conduct leading
23 to conviction for the offense resulted in great bodily harm
24 to the victim, shall receive no more than 8.5 ~~4.5~~ days of
25 sentence credit for each month of his or her sentence of
26 imprisonment;

1 (v) that a person serving a sentence for gunrunning,
2 ~~narcotics racketeering, controlled substance trafficking,~~
3 ~~methamphetamine trafficking,~~ drug-induced homicide, or
4 aggravated methamphetamine-related child endangerment,
5 ~~money laundering pursuant to clause (c) (4) or (5) of~~
6 ~~Section 29B 1 of the Criminal Code of 1961 or the Criminal~~
7 ~~Code of 2012, or a Class X felony conviction for delivery~~
8 ~~of a controlled substance, possession of a controlled~~
9 ~~substance with intent to manufacture or deliver,~~
10 ~~calculated criminal drug conspiracy, criminal drug~~
11 ~~conspiracy, street gang criminal drug conspiracy,~~
12 ~~participation in methamphetamine manufacturing, aggravated~~
13 ~~participation in methamphetamine manufacturing, delivery~~
14 ~~of methamphetamine, possession with intent to deliver~~
15 ~~methamphetamine, aggravated delivery of methamphetamine,~~
16 ~~aggravated possession with intent to deliver~~
17 ~~methamphetamine, methamphetamine conspiracy when the~~
18 ~~substance containing the controlled substance or~~
19 ~~methamphetamine is 100 grams or more shall receive no more~~
20 than 10.5 ~~7.5~~ days sentence credit for each month of his or
21 her sentence of imprisonment;

22 (vi) that a prisoner serving a sentence for a second or
23 subsequent offense of luring a minor shall receive no more
24 than 8.5 ~~4.5~~ days of sentence credit for each month of his
25 or her sentence of imprisonment; and

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

1 domestic battery shall receive no more than 8.5 ~~4.5~~ days of
2 sentence credit for each month of his or her sentence of
3 imprisonment.

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

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

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

7 (2.3) Except as provided in paragraph (4.7) of this
8 subsection (a), the ~~The~~ rules and regulations on sentence
9 credit shall provide that a prisoner who is serving a sentence
10 for aggravated driving under the influence of alcohol, other
11 drug or drugs, or intoxicating compound or compounds, or any
12 combination thereof as defined in subparagraph (F) of paragraph
13 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
14 Code, shall receive no more than 8.5 ~~4.5~~ days of sentence
15 credit for each month of his or her sentence of imprisonment.

16 (2.4) Except as provided in paragraph (4.7) of this
17 subsection (a), the ~~The~~ rules and regulations on sentence
18 credit shall provide with respect to the offenses of aggravated
19 battery with a machine gun or a firearm equipped with any
20 device or attachment designed or used for silencing the report
21 of a firearm or aggravated discharge of a machine gun or a
22 firearm equipped with any device or attachment designed or used
23 for silencing the report of a firearm, committed on or after
24 July 15, 1999 (the effective date of Public Act 91-121), that a
25 prisoner serving a sentence for any of these offenses shall
26 receive no more than 8.5 ~~4.5~~ days of sentence credit for each

1 month of his or her sentence of imprisonment.

2 (2.5) Except as provided in paragraph (4.7) of this
3 subsection (a), the ~~The~~ rules and regulations on sentence
4 credit shall provide that a prisoner who is serving a sentence
5 for aggravated arson committed on or after July 27, 2001 (the
6 effective date of Public Act 92-176) shall receive no more than
7 8.5 ~~4.5~~ days of sentence credit for each month of his or her
8 sentence of imprisonment.

9 (2.6) Except as provided in paragraph (4.7) of this
10 subsection (a), the ~~The~~ rules and regulations on sentence
11 credit shall provide that a prisoner who is serving a sentence
12 for aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds or any
14 combination thereof as defined in subparagraph (C) of paragraph
15 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
16 Code committed on or after January 1, 2011 (the effective date
17 of Public Act 96-1230) shall receive no more than 8.5 ~~4.5~~ days
18 of sentence credit for each month of his or her sentence of
19 imprisonment.

20 (3) Except as provided in paragraph (4.7) of this
21 subsection (a), the ~~The~~ rules and regulations shall also
22 provide that the Director may award up to 180 days of earned
23 sentence credit for good conduct in specific instances as the
24 Director deems proper. The good conduct may include, but is not
25 limited to, compliance with the rules and regulations of the
26 Department, service to the Department, service to a community,

1 or service to the State.

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

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

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

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

25 (B-1) has received a risk/needs assessment or other
26 relevant evaluation or assessment administered by the

1 Department using a validated instrument; and

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

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

7 (3.5) The Department shall provide annual written reports
8 to the Governor and the General Assembly on the award of earned
9 sentence credit no later than February 1 of each year. The
10 Department must publish both reports on its website within 48
11 hours of transmitting the reports to the Governor and the
12 General Assembly. The reports must include:

13 (A) the number of inmates awarded earned sentence
14 credit;

15 (B) the average amount of earned sentence credit
16 awarded;

17 (C) the holding offenses of inmates awarded earned
18 sentence credit; and

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

20 (4) Except as provided in paragraph (4.7) of this
21 subsection (a), the ~~The~~ rules and regulations shall also
22 provide that the sentence credit accumulated and retained under
23 paragraph (2.1) of subsection (a) of this Section by any inmate
24 during specific periods of time in which such inmate is engaged
25 full-time in substance abuse programs, correctional industry
26 assignments, educational programs, behavior modification

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

1 ~~13, 2007 (the effective date of Public Act 95-134) or~~
2 ~~subdivision (a)(2)(vi) when the offense is committed on or~~
3 ~~after June 1, 2008 (the effective date of Public Act 95-625) or~~
4 ~~subdivision (a)(2)(vii) when the offense is committed on or~~
5 ~~after July 23, 2010 (the effective date of Public Act 96-1224),~~
6 ~~or if convicted of aggravated driving under the influence of~~
7 ~~alcohol, other drug or drugs, or intoxicating compound or~~
8 ~~compounds or any combination thereof as defined in subparagraph~~
9 ~~(F) of paragraph (1) of subsection (d) of Section 11-501 of the~~
10 ~~Illinois Vehicle Code, or if convicted of aggravated driving~~
11 ~~under the influence of alcohol, other drug or drugs, or~~
12 ~~intoxicating compound or compounds or any combination thereof~~
13 ~~as defined in subparagraph (C) of paragraph (1) of subsection~~
14 ~~(d) of Section 11-501 of the Illinois Vehicle Code committed on~~
15 ~~or after January 1, 2011 (the effective date of Public Act~~
16 ~~96-1230), or if convicted of an offense enumerated in paragraph~~
17 ~~(a)(2.4) of this Section that is committed on or after July 15,~~
18 ~~1999 (the effective date of Public Act 91-121), or first degree~~
19 ~~murder, a Class X felony, criminal sexual assault, felony~~
20 ~~eriminal sexual abuse, aggravated criminal sexual abuse,~~
21 ~~aggravated battery with a firearm as described in Section~~
22 ~~12-4.2 or subdivision (c)(1), (c)(2), (c)(3), or (c)(4) of~~
23 ~~Section 12-3.05, or any predecessor or successor offenses with~~
24 ~~the same or substantially the same elements, or any inchoate~~
25 ~~offenses relating to the foregoing offenses.~~

26 Educational, vocational, substance abuse, behavior

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

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

21 (4.1) Except as provided in paragraph (4.7) of this
22 subsection (a), the ~~The~~ rules and regulations shall also
23 provide that an additional 90 days of sentence credit shall be
24 awarded to any prisoner who passes high school equivalency
25 testing while the prisoner is committed to the Department of
26 Corrections. The sentence credit awarded under this paragraph

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

16 (4.5) The rules and regulations on sentence credit shall
17 also provide that when the court's sentencing order recommends
18 a prisoner for substance abuse treatment and the crime was
19 committed on or after September 1, 2003 (the effective date of
20 Public Act 93-354), the prisoner shall receive no sentence
21 credit awarded under clause (3) of this subsection (a) unless
22 he or she participates in and completes a substance abuse
23 treatment program. The Director may waive the requirement to
24 participate in or complete a substance abuse treatment program
25 in specific instances if the prisoner is not a good candidate
26 for a substance abuse treatment program for medical,

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

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

26 (4.7) On or after the effective date of this amendatory Act

1 of the 100th General Assembly, sentence credit under paragraph
2 (3), (4), or (4.1) of this subsection (a) may be awarded to a
3 prisoner who is serving a sentence for an offense described in
4 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
5 on or after the effective date of this amendatory Act of the
6 100th General Assembly; provided, the award of the credits
7 under this paragraph (4.7) shall not reduce the sentence of the
8 prisoner to less than the following amounts:

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

11 (ii) 60% of his or her sentence if the prisoner is
12 required to serve 75% of his or her sentence, except if the
13 prisoner is serving a sentence for gunrunning his or her
14 sentence shall not be reduced to less than 75%.

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

18 (5) Whenever the Department is to release any inmate
19 earlier than it otherwise would because of a grant of earned
20 sentence credit under paragraph (3) of subsection (a) of this
21 Section given at any time during the term, the Department shall
22 give reasonable notice of the impending release not less than
23 14 days prior to the date of the release to the State's
24 Attorney of the county where the prosecution of the inmate took
25 place, and if applicable, the State's Attorney of the county
26 into which the inmate will be released. The Department must

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

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

17 (c) The Department shall prescribe rules and regulations
18 for revoking sentence credit, including revoking sentence
19 credit awarded under paragraph (3) of subsection (a) of this
20 Section. The Department shall prescribe rules and regulations
21 for suspending or reducing the rate of accumulation of sentence
22 credit for specific rule violations, during imprisonment.
23 These rules and regulations shall provide that no inmate may be
24 penalized more than one year of sentence credit for any one
25 infraction.

26 When the Department seeks to revoke, suspend or reduce the

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

18 The Director of the Department of Corrections, in
19 appropriate cases, may restore up to 30 days of sentence
20 credits which have been revoked, suspended or reduced. Any
21 restoration of sentence credits in excess of 30 days shall be
22 subject to review by the Prisoner Review Board. However, the
23 Board may not restore sentence credit in excess of the amount
24 requested by the Director.

25 Nothing contained in this Section shall prohibit the
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
2 sentence imposed by the court that was not served due to the
3 accumulation of sentence credit.

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

17 For purposes of this subsection (d):

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

22 (A) it lacks an arguable basis either in law or in
23 fact;

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

1 (C) the claims, defenses, and other legal
2 contentions therein are not warranted by existing law
3 or by a nonfrivolous argument for the extension,
4 modification, or reversal of existing law or the
5 establishment of new law;

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

11 (E) the denials of factual contentions are not
12 warranted on the evidence, or if specifically so
13 identified, are not reasonably based on a lack of
14 information or belief.

15 (2) "Lawsuit" means a motion pursuant to Section 116-3
16 of the Code of Criminal Procedure of 1963, a habeas corpus
17 action under Article X of the Code of Civil Procedure or
18 under federal law (28 U.S.C. 2254), a petition for claim
19 under the Court of Claims Act, an action under the federal
20 Civil Rights Act (42 U.S.C. 1983), or a second or
21 subsequent petition for post-conviction relief under
22 Article 122 of the Code of Criminal Procedure of 1963
23 whether filed with or without leave of court or a second or
24 subsequent petition for relief from judgment under Section
25 2-1401 of the Code of Civil Procedure.

26 (e) Nothing in Public Act 90-592 or 90-593 affects the

1 validity of Public Act 89-404.

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

10 (g) The changes made to this Section by this amendatory Act
11 of the 100th General Assembly apply to prisoners sentenced
12 before the effective date of this amendatory Act of the 100th
13 General Assembly serving sentences of imprisonment on or after
14 the effective date of this amendatory Act of the 100th General
15 Assembly and to prisoners sentenced on or after the effective
16 date of this amendatory Act of the 100th General Assembly.
17 Nothing in this amendatory Act of the 100th General Assembly
18 shall be construed to permit the award of any additional
19 sentence credit provided in this amendatory Act of the 100th
20 General Assembly for any service of imprisonment before the
21 effective date of this amendatory Act of the 100th General
22 Assembly.

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

25 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

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

2 Sec. 5-4-1. Sentencing hearing.

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

25 (1) consider the evidence, if any, received upon the
26 trial;

1 (2) consider any presentence reports;

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

5 (4) consider evidence and information offered by the
6 parties in aggravation and mitigation;

7 (4.5) consider substance abuse treatment, eligibility
8 screening, and an assessment, if any, of the defendant by
9 an agent designated by the State of Illinois to provide
10 assessment services for the Illinois courts;

11 (5) hear arguments as to sentencing alternatives;

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

14 (7) afford the victim of a violent crime or a violation
15 of Section 11-501 of the Illinois Vehicle Code, or a
16 similar provision of a local ordinance, or a qualified
17 individual affected by: (i) a violation of Section 405,
18 405.1, 405.2, or 407 of the Illinois Controlled Substances
19 Act or a violation of Section 55 or Section 65 of the
20 Methamphetamine Control and Community Protection Act, or
21 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
22 except as described in subdivisions (a)(2)(A) and
23 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 committed by the defendant the opportunity to make a
26 statement concerning the impact on the victim and to offer

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

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

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

1 (10) make a finding of whether a motor vehicle was used
2 in the commission of the offense for which the defendant is
3 being sentenced.

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

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

1 appropriate sentence.

2 (c) In imposing a sentence for a violent crime or for an
3 offense of operating or being in physical control of a vehicle
4 while under the influence of alcohol, any other drug or any
5 combination thereof, or a similar provision of a local
6 ordinance, when such offense resulted in the personal injury to
7 someone other than the defendant, the trial judge shall specify
8 on the record the particular evidence, information, factors in
9 mitigation and aggravation or other reasons that led to his
10 sentencing determination. The full verbatim record of the
11 sentencing hearing shall be filed with the clerk of the court
12 and shall be a public record.

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

21 (c-2) If the defendant is sentenced to prison, other than
22 when a sentence of natural life imprisonment or a sentence of
23 death is imposed, at the time the sentence is imposed the judge
24 shall state on the record in open court the approximate period
25 of time the defendant will serve in custody according to the
26 then current statutory rules and regulations for sentence

1 credit found in Section 3-6-3 and other related provisions of
2 this Code. This statement is intended solely to inform the
3 public, has no legal effect on the defendant's actual release,
4 and may not be relied on by the defendant on appeal.

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

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

25 When the sentence is imposed for one of the offenses
26 enumerated in paragraph (a) (3) of Section 3-6-3, other than

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

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, assuming the defendant receives all of his or her
25 sentence credit, the period of estimated actual custody is ...
26 years and ... months, less up to 90 days additional sentence

1 credit for good conduct. If the defendant, because of his or
2 her own misconduct or failure to comply with the institutional
3 regulations, does not receive those credits, the actual time
4 served in prison will be longer. The defendant may also receive
5 an additional one-half day sentence credit for each day of
6 participation in vocational, industry, substance abuse, and
7 educational programs as provided for by Illinois statute."

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

1 January 1, 2011 (the effective date of Public Act 96-1230), the
2 judge's statement, to be given after pronouncing the sentence,
3 shall include the following:

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

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

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant is not entitled to sentence credit.
4 Therefore, this defendant will serve 100% of his or her
5 sentence."

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

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

26 (c-4) Before the sentencing hearing and as part of the

1 presentence investigation under Section 5-3-1, the court shall
2 inquire of the defendant whether the defendant is currently
3 serving in or is a veteran of the Armed Forces of the United
4 States. If the defendant is currently serving in the Armed
5 Forces of the United States or is a veteran of the Armed Forces
6 of the United States and has been diagnosed as having a mental
7 illness by a qualified psychiatrist or clinical psychologist or
8 physician, the court may:

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

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

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

26 (c-6) In imposing a sentence, the trial judge shall

1 specify, on the record, the particular evidence and other
2 reasons which led to his or her determination that a motor
3 vehicle was used in the commission of the offense.

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

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

24 (1) the sentence imposed;

25 (2) any statement by the court of the basis for
26 imposing the sentence;

1 (3) any presentence reports;

2 (3.5) any sex offender evaluations;

3 (3.6) any substance abuse treatment eligibility
4 screening and assessment of the defendant by an agent
5 designated by the State of Illinois to provide assessment
6 services for the Illinois courts;

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

11 (4.1) any finding of great bodily harm made by the
12 court with respect to an offense enumerated in subsection
13 (c-1);

14 (5) all statements filed under subsection (d) of this
15 Section;

16 (6) any medical or mental health records or summaries
17 of the defendant;

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

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

23 (9) all additional matters which the court directs the
24 clerk to transmit.

25 (f) In cases in which the court finds that a motor vehicle
26 was used in the commission of the offense for which the

1 defendant is being sentenced, the clerk of the court shall,
2 within 5 days thereafter, forward a report of such conviction
3 to the Secretary of State.

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

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

6 Sec. 5-4-1. Sentencing hearing.

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

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
2 upon the defendant being accepted in a program by the
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration
8 based on the financial impact statement filed with the
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility
13 screening, and an assessment, if any, of the defendant by
14 an agent designated by the State of Illinois to provide
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

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

19 (7) afford the victim of a violent crime or a violation
20 of Section 11-501 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, or a qualified
22 individual affected by: (i) a violation of Section ~~405,~~
23 ~~405.1,~~ 405.2~~7~~ or 407 of the Illinois Controlled Substances
24 Act or a violation of Section 55 or Section 65 of the
25 Methamphetamine Control and Community Protection Act, or
26 (ii) a Class 4 felony violation of Section 11-14, 11-14.3

1 except as described in subdivisions (a)(2)(A) and
2 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
3 Criminal Code of 1961 or the Criminal Code of 2012,
4 committed by the defendant the opportunity to make a
5 statement concerning the impact on the victim and to offer
6 evidence in aggravation or mitigation; provided that the
7 statement and evidence offered in aggravation or
8 mitigation must first be prepared in writing in conjunction
9 with the State's Attorney before it may be presented orally
10 at the hearing. Any sworn testimony offered by the victim
11 is subject to the defendant's right to cross-examine. All
12 statements and evidence offered under this paragraph (7)
13 shall become part of the record of the court. For the
14 purpose of this paragraph (7), "qualified individual"
15 means any person who (i) lived or worked within the
16 territorial jurisdiction where the offense took place when
17 the offense took place; and (ii) is familiar with various
18 public places within the territorial jurisdiction where
19 the offense took place when the offense took place. For the
20 purposes of this paragraph (7), "qualified individual"
21 includes any peace officer, or any member of any duly
22 organized State, county, or municipal peace unit assigned
23 to the territorial jurisdiction where the offense took
24 place when the offense took place;

25 (8) in cases of reckless homicide afford the victim's
26 spouse, guardians, parents or other immediate family

1 members an opportunity to make oral statements;

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

6 (10) make a finding of whether a motor vehicle was used
7 in the commission of the offense for which the defendant is
8 being sentenced.

9 (b) All sentences shall be imposed by the judge based upon
10 his independent assessment of the elements specified above and
11 any agreement as to sentence reached by the parties. The judge
12 who presided at the trial or the judge who accepted the plea of
13 guilty shall impose the sentence unless he is no longer sitting
14 as a judge in that court. Where the judge does not impose
15 sentence at the same time on all defendants who are convicted
16 as a result of being involved in the same offense, the
17 defendant or the State's Attorney may advise the sentencing
18 court of the disposition of any other defendants who have been
19 sentenced.

20 (b-1) In imposing a sentence of imprisonment or periodic
21 imprisonment for a Class 3 or Class 4 felony for which a
22 sentence of probation or conditional discharge is an available
23 sentence, if the defendant has no prior sentence of probation
24 or conditional discharge and no prior conviction for a violent
25 crime, the defendant shall not be sentenced to imprisonment
26 before review and consideration of a presentence report and

1 determination and explanation of why the particular evidence,
2 information, factor in aggravation, factual finding, or other
3 reasons support a sentencing determination that one or more of
4 the factors under subsection (a) of Section 5-6-1 of this Code
5 apply and that probation or conditional discharge is not an
6 appropriate sentence.

7 (c) In imposing a sentence for a violent crime or for an
8 offense of operating or being in physical control of a vehicle
9 while under the influence of alcohol, any other drug or any
10 combination thereof, or a similar provision of a local
11 ordinance, when such offense resulted in the personal injury to
12 someone other than the defendant, the trial judge shall specify
13 on the record the particular evidence, information, factors in
14 mitigation and aggravation or other reasons that led to his
15 sentencing determination. The full verbatim record of the
16 sentencing hearing shall be filed with the clerk of the court
17 and shall be a public record.

18 (c-1) In imposing a sentence for the offense of aggravated
19 kidnapping for ransom, home invasion, armed robbery,
20 aggravated vehicular hijacking, aggravated discharge of a
21 firearm, or armed violence with a category I weapon or category
22 II weapon, the trial judge shall make a finding as to whether
23 the conduct leading to conviction for the offense resulted in
24 great bodily harm to a victim, and shall enter that finding and
25 the basis for that finding in the record.

26 (c-2) If the defendant is sentenced to prison, other than

1 when a sentence of natural life imprisonment or a sentence of
2 death is imposed, at the time the sentence is imposed the judge
3 shall state on the record in open court the approximate period
4 of time the defendant will serve in custody according to the
5 then current statutory rules and regulations for sentence
6 credit found in Section 3-6-3 and other related provisions of
7 this Code. This statement is intended solely to inform the
8 public, has no legal effect on the defendant's actual release,
9 and may not be relied on by the defendant on appeal.

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

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend in
16 prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois as
18 applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, assuming the defendant receives all of his or her
21 sentence credit, the period of estimated actual custody is ...
22 years and ... months, less up to 180 days additional earned
23 sentence credit. If the defendant, because of his or her own
24 misconduct or failure to comply with the institutional
25 regulations, does not receive those credits, the actual time
26 served in prison will be longer. The defendant may also receive

1 an additional one-half day sentence credit for each day of
2 participation in vocational, industry, substance abuse, and
3 educational programs as provided for by Illinois statute."

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

26 "The purpose of this statement is to inform the public of

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

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

19 "The purpose of this statement is to inform the public of
20 the actual period of time this defendant is likely to spend in
21 prison as a result of this sentence. The actual period of
22 prison time served is determined by the statutes of Illinois as
23 applied to this sentence by the Illinois Department of
24 Corrections and the Illinois Prisoner Review Board. In this
25 case, the defendant is not entitled to sentence credit.
26 Therefore, this defendant will serve 100% of his or her

1 sentence."

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

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

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

1 of the United States and has been diagnosed as having a mental
2 illness by a qualified psychiatrist or clinical psychologist or
3 physician, the court may:

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

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

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

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

25 (c-7) In imposing a sentence for a Class 3 or 4 felony,
26 other than a violent crime as defined in Section 3 of the

1 Rights of Crime Victims and Witnesses Act, the court shall
2 determine and indicate in the sentencing order whether the
3 defendant has 4 or more or fewer than 4 months remaining on his
4 or her sentence accounting for time served.

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

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

25 (1) the sentence imposed;

26 (2) any statement by the court of the basis for

1 imposing the sentence;

2 (3) any presentence reports;

3 (3.5) any sex offender evaluations;

4 (3.6) any substance abuse treatment eligibility
5 screening and assessment of the defendant by an agent
6 designated by the State of Illinois to provide assessment
7 services for the Illinois courts;

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

12 (4.1) any finding of great bodily harm made by the
13 court with respect to an offense enumerated in subsection
14 (c-1);

15 (5) all statements filed under subsection (d) of this
16 Section;

17 (6) any medical or mental health records or summaries
18 of the defendant;

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

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

24 (9) all additional matters which the court directs the
25 clerk to transmit.

26 (f) In cases in which the court finds that a motor vehicle

1 was used in the commission of the offense for which the
2 defendant is being sentenced, the clerk of the court shall,
3 within 5 days thereafter, forward a report of such conviction
4 to the Secretary of State.

5 (Source: P.A. 99-861, eff. 1-1-17; 99-938, eff. 1-1-18.)

6 (730 ILCS 5/5-4.5-95)

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

8 (a) HABITUAL CRIMINALS.

9 (1) Every person who has been twice convicted in any
10 state or federal court of an offense that contains the same
11 elements as an offense now (the date of the offense
12 committed after the 2 prior convictions) classified in
13 Illinois as a Class X felony, criminal sexual assault,
14 aggravated kidnapping, or first degree murder, and who is
15 thereafter convicted of a Class X felony, criminal sexual
16 assault, or first degree murder, committed after the 2
17 prior convictions, shall be adjudged an habitual criminal.

18 (2) The 2 prior convictions need not have been for the
19 same offense.

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

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

1 (A) The third offense was committed after July 3,
2 1980.

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

7 (C) The third offense was committed after
8 conviction on the second offense.

9 (D) The second offense was committed after
10 conviction on the first offense.

11 (5) Anyone who, having attained the age of 18 at the
12 time of the third offense, is adjudged an habitual criminal
13 shall be sentenced to a term of natural life imprisonment.

14 (6) A prior conviction shall not be alleged in the
15 indictment, and no evidence or other disclosure of that
16 conviction shall be presented to the court or the jury
17 during the trial of an offense set forth in this Section
18 unless otherwise permitted by the issues properly raised in
19 that trial. After a plea or verdict or finding of guilty
20 and before sentence is imposed, the prosecutor may file
21 with the court a verified written statement signed by the
22 State's Attorney concerning any former conviction of an
23 offense set forth in this Section rendered against the
24 defendant. The court shall then cause the defendant to be
25 brought before it; shall inform the defendant of the
26 allegations of the statement so filed, and of his or her

1 right to a hearing before the court on the issue of that
2 former conviction and of his or her right to counsel at
3 that hearing; and unless the defendant admits such
4 conviction, shall hear and determine the issue, and shall
5 make a written finding thereon. If a sentence has
6 previously been imposed, the court may vacate that sentence
7 and impose a new sentence in accordance with this Section.

8 (7) A duly authenticated copy of the record of any
9 alleged former conviction of an offense set forth in this
10 Section shall be prima facie evidence of that former
11 conviction; and a duly authenticated copy of the record of
12 the defendant's final release or discharge from probation
13 granted, or from sentence and parole supervision (if any)
14 imposed pursuant to that former conviction, shall be prima
15 facie evidence of that release or discharge.

16 (8) Any claim that a previous conviction offered by the
17 prosecution is not a former conviction of an offense set
18 forth in this Section because of the existence of any
19 exceptions described in this Section, is waived unless duly
20 raised at the hearing on that conviction, or unless the
21 prosecution's proof shows the existence of the exceptions
22 described in this Section.

23 (9) If the person so convicted shows to the
24 satisfaction of the court before whom that conviction was
25 had that he or she was released from imprisonment, upon
26 either of the sentences upon a pardon granted for the

1 reason that he or she was innocent, that conviction and
2 sentence shall not be considered under this Section.

3 (10) This subsection (a) does not apply to a violation
4 of the Cannabis Control Act, the Illinois Controlled
5 Substances Act, or the Methamphetamine Control and
6 Community Protection Act.

7 (b) When a defendant, over the age of 21 years, is
8 convicted of a Class 1 or Class 2 felony that is a forcible
9 felony as defined in Section 2-8 of the Criminal Code of 2012,
10 except for an offense listed in subsection (c) of this Section,
11 after having twice been convicted in any state or federal court
12 of an offense that contains the same elements as an offense now
13 (the date the Class 1 or Class 2 forcible felony was committed)
14 classified in Illinois as a Class 2 or greater Class felony
15 that is a forcible felony as defined in Section 2-8 of the
16 Criminal Code of 2012, except for an offense listed in
17 subsection (c) of this Section, and those charges are
18 separately brought and tried and arise out of different series
19 of acts, that defendant shall be sentenced as a Class X
20 offender. This subsection does not apply unless:

21 (1) the first felony was committed after February 1,
22 1978 (the effective date of Public Act 80-1099);

23 (2) the second felony was committed after conviction on
24 the first; and

25 (3) the third felony was committed after conviction on
26 the second.

1 This subsection (b) does not apply to a violation of the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 or the Methamphetamine Control and Community Protection Act.
4 This subsection (b) does not apply to Class 1 or Class 2 felony
5 convictions for a violation of Section 16-1 of the Criminal
6 Code of 2012.

7 A person sentenced as a Class X offender under this
8 subsection (b) is not eligible to apply for treatment as a
9 condition of probation as provided by Section 40-10 of the
10 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
11 301/40-10).

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

13 (730 ILCS 5/5-4.5-110 new)

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

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

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

19 "Qualifying predicate offense" means the following
20 offenses under the Criminal Code of 2012:

21 (A) unlawful use or possession of a weapon by a
22 felon under Section 24-1.1 or similar offense under the
23 Criminal Code of 1961, when the weapon is a firearm;

24 (B) first degree murder under Section 9-1 or
25 similar offense under the Criminal Code of 1961;

1 (C) attempted first degree murder with a firearm or
2 similar offense under the Criminal Code of 1961;

3 (D) aggravated kidnapping with a firearm under
4 paragraph (6) or (7) of subsection (a) of Section 10-2
5 or similar offense under the Criminal Code of 1961;

6 (E) aggravated battery with a firearm under
7 subsection (e) of Section 12-3.05 or similar offense
8 under the Criminal Code of 1961;

9 (F) aggravated criminal sexual assault under
10 Section 11-1.30 or similar offense under the Criminal
11 Code of 1961;

12 (G) predatory criminal sexual assault of a child
13 under Section 11-1.40 or similar offense under the
14 Criminal Code of 1961;

15 (H) armed robbery under Section 18-2 or similar
16 offense under the Criminal Code of 1961;

17 (I) vehicular hijacking under Section 18-3 or
18 similar offense under the Criminal Code of 1961;

19 (J) aggravated vehicular hijacking under Section
20 18-4 or similar offense under the Criminal Code of
21 1961;

22 (K) home invasion with a firearm under paragraph
23 (3), (4), or (5) of subsection (a) of Section 19-6 or
24 similar offense under the Criminal Code of 1961;

25 (L) aggravated discharge of a firearm under
26 Section 24-1.2 or similar offense under the Criminal

1 Code of 1961;

2 (M) aggravated discharge of a machine gun or a
3 firearm equipped with a device designed or used for
4 silencing the report of a firearm under Section
5 24-1.2-5 or similar offense under the Criminal Code of
6 1961;

7 (N) unlawful use of firearm projectiles under
8 Section 24-2.1 or similar offense under the Criminal
9 Code of 1961;

10 (O) manufacture, sale, or transfer of bullets or
11 shells represented to be armor piercing bullets,
12 dragon's breath shotgun shells, bolo shells, or
13 flechette shells under Section 24-2.2 or similar
14 offense under the Criminal Code of 1961;

15 (P) unlawful sale or delivery of firearms under
16 Section 24-3 or similar offense under the Criminal Code
17 of 1961;

18 (Q) unlawful discharge of firearm projectiles
19 under Section 24-3.2 or similar offense under the
20 Criminal Code of 1961;

21 (R) unlawful sale or delivery of firearms on school
22 premises of any school under Section 24-3.3 or similar
23 offense under the Criminal Code of 1961;

24 (S) unlawful purchase of a firearm under Section
25 24-3.5 or similar offense under the Criminal Code of
26 1961;

1 (T) use of a stolen firearm in the commission of an
2 offense under Section 24-3.7 or similar offense under
3 the Criminal Code of 1961;

4 (U) possession of a stolen firearm under Section
5 24-3.8 or similar offense under the Criminal Code of
6 1961;

7 (V) aggravated possession of a stolen firearm
8 under Section 24-3.9 or similar offense under the
9 Criminal Code of 1961;

10 (W) gunrunning under Section 24-3A or similar
11 offense under the Criminal Code of 1961;

12 (X) defacing identification marks of firearms
13 under Section 24-5 or similar offense under the
14 Criminal Code of 1961; and

15 (Y) armed violence under Section 33A-2 or similar
16 offense under the Criminal Code of 1961.

17 (b) APPLICABILITY. For an offense committed on or after the
18 effective date of this amendatory Act of the 100th General
19 Assembly and before January 1, 2023, when a person is convicted
20 of unlawful use or possession of a weapon by a felon, when the
21 weapon is a firearm, or aggravated unlawful use of a weapon,
22 when the weapon is a firearm, after being previously convicted
23 of a qualifying predicate offense the person shall be subject
24 to the sentencing guidelines under this Section.

25 (c) SENTENCING GUIDELINES.

26 (1) When a person is convicted of unlawful use or

1 possession of a weapon by a felon, when the weapon is a
2 firearm, and that person has been previously convicted of a
3 qualifying predicate offense, the person shall be
4 sentenced to a term of imprisonment within the sentencing
5 range of not less than 7 years and not more than 14 years,
6 unless the court finds that a departure from the sentencing
7 guidelines under this paragraph is warranted under
8 subsection (d) of this Section.

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

18 (3) The sentencing guidelines in paragraphs (1) and (2)
19 of this subsection (c) apply only to offenses committed on
20 and after the effective date of this amendatory Act of the
21 100th General Assembly and before January 1, 2023.

22 (d) DEPARTURE FROM SENTENCING GUIDELINES.

23 (1) At the sentencing hearing conducted under Section
24 5-4-1 of this Code, the court may depart from the
25 sentencing guidelines provided in subsection (c) of this
26 Section and impose a sentence otherwise authorized by law

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

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

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

19 (B) the nature and circumstances of the qualifying
20 predicate offense;

21 (C) the time elapsed since the qualifying
22 predicate offense;

23 (D) the nature and circumstances of the current
24 offense;

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

26 (F) whether the defendant committed the qualifying

1 predicate or current offense under specific and
2 credible duress, coercion, threat, or compulsion;

3 (G) whether the defendant aided in the
4 apprehension of another felon or testified truthfully
5 on behalf of another prosecution of a felony; and

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

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

23 (e) This Section is repealed on January 1, 2023.

24 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

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

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

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

11 (A) First degree murder where the death penalty is not
12 imposed.

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

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

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

24 (E) A violation of Section 5.1 or 9 of the Cannabis
25 Control Act.

26 (F) A Class 2 or greater felony if the offender had

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

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

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

17 (H) Criminal sexual assault.

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

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

23 Before July 1, 1994, for the purposes of this
24 paragraph, "organized gang" means an association of 5 or
25 more persons, with an established hierarchy, that
26 encourages members of the association to perpetrate crimes

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

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

7 (K) Vehicular hijacking.

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

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

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

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

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

23 (Q) A violation of subsection (b) or (b-5) of Section
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

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

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

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

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

12 (V) A violation of paragraph (4) of subsection (c) of
13 Section 11-20.1B or paragraph (4) of subsection (c) of
14 Section 11-20.3 of the Criminal Code of 1961, or paragraph
15 (6) of subsection (a) of Section 11-20.1 of the Criminal
16 Code of 2012 when the victim is under 13 years of age and
17 the defendant has previously been convicted under the laws
18 of this State or any other state of the offense of child
19 pornography, aggravated child pornography, aggravated
20 criminal sexual abuse, aggravated criminal sexual assault,
21 predatory criminal sexual assault of a child, or any of the
22 offenses formerly known as rape, deviate sexual assault,
23 indecent liberties with a child, or aggravated indecent
24 liberties with a child where the victim was under the age
25 of 18 years or an offense that is substantially equivalent
26 to those offenses.

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

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

5 (Y) A conviction for unlawful possession of a firearm
6 by a street gang member when the firearm was loaded or
7 contained firearm ammunition.

8 (Z) A Class 1 felony committed while he or she was
9 serving a term of probation or conditional discharge for a
10 felony.

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

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

15 (CC) Knowingly selling, offering for sale, holding for
16 sale, or using 2,000 or more counterfeit items or
17 counterfeit items having a retail value in the aggregate of
18 \$500,000 or more.

19 (DD) A conviction for aggravated assault under
20 paragraph (6) of subsection (c) of Section 12-2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 if the
22 firearm is aimed toward the person against whom the firearm
23 is being used.

24 (EE) A conviction for a violation of paragraph (2) of
25 subsection (a) of Section 24-3B of the Criminal Code of
26 2012.

1 (3) (Blank).

2 (4) A minimum term of imprisonment of not less than 10
3 consecutive days or 30 days of community service shall be
4 imposed for a violation of paragraph (c) of Section 6-303 of
5 the Illinois Vehicle Code.

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
8 this subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300
12 hours of community service, as determined by the court, shall
13 be imposed for a second violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6), and
16 (4.9) of this subsection (c), a minimum term of imprisonment of
17 30 days or 300 hours of community service, as determined by the
18 court, shall be imposed for a third or subsequent violation of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.5) A minimum term of imprisonment of 30 days shall be
21 imposed for a third violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this
24 subsection (c), a minimum term of imprisonment of 180 days
25 shall be imposed for a fourth or subsequent violation of
26 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

1 (4.7) A minimum term of imprisonment of not less than 30
2 consecutive days, or 300 hours of community service, shall be
3 imposed for a violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (b-5) of
5 that Section.

6 (4.8) A mandatory prison sentence shall be imposed for a
7 second violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (c-5) of that
9 Section. The person's driving privileges shall be revoked for a
10 period of not less than 5 years from the date of his or her
11 release from prison.

12 (4.9) A mandatory prison sentence of not less than 4 and
13 not more than 15 years shall be imposed for a third violation
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
15 Code, as provided in subsection (d-2.5) of that Section. The
16 person's driving privileges shall be revoked for the remainder
17 of his or her life.

18 (4.10) A mandatory prison sentence for a Class 1 felony
19 shall be imposed, and the person shall be eligible for an
20 extended term sentence, for a fourth or subsequent violation of
21 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
22 as provided in subsection (d-3.5) of that Section. The person's
23 driving privileges shall be revoked for the remainder of his or
24 her life.

25 (5) The court may sentence a corporation or unincorporated
26 association convicted of any offense to:

1 (A) a period of conditional discharge;

2 (B) a fine;

3 (C) make restitution to the victim under Section 5-5-6
4 of this Code.

5 (5.1) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.2) or (5.3), a person
7 convicted of violating subsection (c) of Section 11-907 of the
8 Illinois Vehicle Code shall have his or her driver's license,
9 permit, or privileges suspended for at least 90 days but not
10 more than one year, if the violation resulted in damage to the
11 property of another person.

12 (5.2) In addition to any other penalties imposed, and
13 except as provided in paragraph (5.3), a person convicted of
14 violating subsection (c) of Section 11-907 of the Illinois
15 Vehicle Code shall have his or her driver's license, permit, or
16 privileges suspended for at least 180 days but not more than 2
17 years, if the violation resulted in injury to another person.

18 (5.3) In addition to any other penalties imposed, a person
19 convicted of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 2 years, if the violation
22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person
24 convicted of violating Section 3-707 of the Illinois Vehicle
25 Code shall have his or her driver's license, permit, or
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code during a period in which his or her driver's license,
5 permit, or privileges were suspended for a previous violation
6 of that Section shall have his or her driver's license, permit,
7 or privileges suspended for an additional 6 months after the
8 expiration of the original 3-month suspension and until he or
9 she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000 for a
18 first offense and \$2,000 for a second or subsequent offense
19 upon a person convicted of or placed on supervision for battery
20 when the individual harmed was a sports official or coach at
21 any level of competition and the act causing harm to the sports
22 official or coach occurred within an athletic facility or
23 within the immediate vicinity of the athletic facility at which
24 the sports official or coach was an active participant of the
25 athletic contest held at the athletic facility. For the
26 purposes of this paragraph (11), "sports official" means a

1 person at an athletic contest who enforces the rules of the
2 contest, such as an umpire or referee; "athletic facility"
3 means an indoor or outdoor playing field or recreational area
4 where sports activities are conducted; and "coach" means a
5 person recognized as a coach by the sanctioning authority that
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court
8 supervision for a violation of Section 5-16 of the Boat
9 Registration and Safety Act if that person has previously
10 received a disposition of court supervision for a violation of
11 that Section.

12 (13) A person convicted of or placed on court supervision
13 for an assault or aggravated assault when the victim and the
14 offender are family or household members as defined in Section
15 103 of the Illinois Domestic Violence Act of 1986 or convicted
16 of domestic battery or aggravated domestic battery may be
17 required to attend a Partner Abuse Intervention Program under
18 protocols set forth by the Illinois Department of Human
19 Services under such terms and conditions imposed by the court.
20 The costs of such classes shall be paid by the offender.

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of the
24 Unified Code of Corrections which may include evidence of the
25 defendant's life, moral character and occupation during the
26 time since the original sentence was passed. The trial court

1 shall then impose sentence upon the defendant. The trial court
2 may impose any sentence which could have been imposed at the
3 original trial subject to Section 5-5-4 of the Unified Code of
4 Corrections. If a sentence is vacated on appeal or on
5 collateral attack due to the failure of the trier of fact at
6 trial to determine beyond a reasonable doubt the existence of a
7 fact (other than a prior conviction) necessary to increase the
8 punishment for the offense beyond the statutory maximum
9 otherwise applicable, either the defendant may be re-sentenced
10 to a term within the range otherwise provided or, if the State
11 files notice of its intention to again seek the extended
12 sentence, the defendant shall be afforded a new trial.

13 (e) In cases where prosecution for aggravated criminal
14 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
15 Code of 1961 or the Criminal Code of 2012 results in conviction
16 of a defendant who was a family member of the victim at the
17 time of the commission of the offense, the court shall consider
18 the safety and welfare of the victim and may impose a sentence
19 of probation only where:

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

21 (A) the defendant is willing to undergo a court
22 approved counseling program for a minimum duration of 2
23 years; or

24 (B) the defendant is willing to participate in a
25 court approved plan including but not limited to the
26 defendant's:

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

9 (2) the court orders the defendant to pay for the

10 victim's counseling services, to the extent that the court

11 finds, after considering the defendant's income and

12 assets, that the defendant is financially capable of paying

13 for such services, if the victim was under 18 years of age

14 at the time the offense was committed and requires

15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section

17 5-6-4; except where the court determines at the hearing that

18 the defendant violated a condition of his or her probation

19 restricting contact with the victim or other family members or

20 commits another offense with the victim or other family

21 members, the court shall revoke the defendant's probation and

22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and

24 "victim" shall have the meanings ascribed to them in Section

25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
3 11-14.3, 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the defendant shall undergo medical
8 testing to determine whether the defendant has any sexually
9 transmissible disease, including a test for infection with
10 human immunodeficiency virus (HIV) or any other identified
11 causative agent of acquired immunodeficiency syndrome (AIDS).
12 Any such medical test shall be performed only by appropriately
13 licensed medical practitioners and may include an analysis of
14 any bodily fluids as well as an examination of the defendant's
15 person. Except as otherwise provided by law, the results of
16 such test shall be kept strictly confidential by all medical
17 personnel involved in the testing and must be personally
18 delivered in a sealed envelope to the judge of the court in
19 which the conviction was entered for the judge's inspection in
20 camera. Acting in accordance with the best interests of the
21 victim and the public, the judge shall have the discretion to
22 determine to whom, if anyone, the results of the testing may be
23 revealed. The court shall notify the defendant of the test
24 results. The court shall also notify the victim if requested by
25 the victim, and if the victim is under the age of 15 and if
26 requested by the victim's parents or legal guardian, the court

1 shall notify the victim's parents or legal guardian of the test
2 results. The court shall provide information on the
3 availability of HIV testing and counseling at Department of
4 Public Health facilities to all parties to whom the results of
5 the testing are revealed and shall direct the State's Attorney
6 to provide the information to the victim when possible. A
7 State's Attorney may petition the court to obtain the results
8 of any HIV test administered under this Section, and the court
9 shall grant the disclosure if the State's Attorney shows it is
10 relevant in order to prosecute a charge of criminal
11 transmission of HIV under Section 12-5.01 or 12-16.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 against the
13 defendant. The court shall order that the cost of any such test
14 shall be paid by the county and may be taxed as costs against
15 the convicted defendant.

16 (g-5) When an inmate is tested for an airborne communicable
17 disease, as determined by the Illinois Department of Public
18 Health including but not limited to tuberculosis, the results
19 of the test shall be personally delivered by the warden or his
20 or her designee in a sealed envelope to the judge of the court
21 in which the inmate must appear for the judge's inspection in
22 camera if requested by the judge. Acting in accordance with the
23 best interests of those in the courtroom, the judge shall have
24 the discretion to determine what if any precautions need to be
25 taken to prevent transmission of the disease in the courtroom.

26 (h) Whenever a defendant is convicted of an offense under

1 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
2 defendant shall undergo medical testing to determine whether
3 the defendant has been exposed to human immunodeficiency virus
4 (HIV) or any other identified causative agent of acquired
5 immunodeficiency syndrome (AIDS). Except as otherwise provided
6 by law, the results of such test shall be kept strictly
7 confidential by all medical personnel involved in the testing
8 and must be personally delivered in a sealed envelope to the
9 judge of the court in which the conviction was entered for the
10 judge's inspection in camera. Acting in accordance with the
11 best interests of the public, the judge shall have the
12 discretion to determine to whom, if anyone, the results of the
13 testing may be revealed. The court shall notify the defendant
14 of a positive test showing an infection with the human
15 immunodeficiency virus (HIV). The court shall provide
16 information on the availability of HIV testing and counseling
17 at Department of Public Health facilities to all parties to
18 whom the results of the testing are revealed and shall direct
19 the State's Attorney to provide the information to the victim
20 when possible. A State's Attorney may petition the court to
21 obtain the results of any HIV test administered under this
22 Section, and the court shall grant the disclosure if the
23 State's Attorney shows it is relevant in order to prosecute a
24 charge of criminal transmission of HIV under Section 12-5.01 or
25 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
26 2012 against the defendant. The court shall order that the cost

1 of any such test shall be paid by the county and may be taxed as
2 costs against the convicted defendant.

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

10 (j) In cases when prosecution for any violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
15 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, any violation of the Illinois Controlled
17 Substances Act, any violation of the Cannabis Control Act, or
18 any violation of the Methamphetamine Control and Community
19 Protection Act results in conviction, a disposition of court
20 supervision, or an order of probation granted under Section 10
21 of the Cannabis Control Act, Section 410 of the Illinois
22 Controlled Substances Act, or Section 70 of the Methamphetamine
23 Control and Community Protection Act of a defendant, the court
24 shall determine whether the defendant is employed by a facility
25 or center as defined under the Child Care Act of 1969, a public
26 or private elementary or secondary school, or otherwise works

1 with children under 18 years of age on a daily basis. When a
2 defendant is so employed, the court shall order the Clerk of
3 the Court to send a copy of the judgment of conviction or order
4 of supervision or probation to the defendant's employer by
5 certified mail. If the employer of the defendant is a school,
6 the Clerk of the Court shall direct the mailing of a copy of
7 the judgment of conviction or order of supervision or probation
8 to the appropriate regional superintendent of schools. The
9 regional superintendent of schools shall notify the State Board
10 of Education of any notification under this subsection.

11 (j-5) A defendant at least 17 years of age who is convicted
12 of a felony and who has not been previously convicted of a
13 misdemeanor or felony and who is sentenced to a term of
14 imprisonment in the Illinois Department of Corrections shall as
15 a condition of his or her sentence be required by the court to
16 attend educational courses designed to prepare the defendant
17 for a high school diploma and to work toward a high school
18 diploma or to work toward passing high school equivalency
19 testing or to work toward completing a vocational training
20 program offered by the Department of Corrections. If a
21 defendant fails to complete the educational training required
22 by his or her sentence during the term of incarceration, the
23 Prisoner Review Board shall, as a condition of mandatory
24 supervised release, require the defendant, at his or her own
25 expense, to pursue a course of study toward a high school
26 diploma or passage of high school equivalency testing. The

1 Prisoner Review Board shall revoke the mandatory supervised
2 release of a defendant who wilfully fails to comply with this
3 subsection (j-5) upon his or her release from confinement in a
4 penal institution while serving a mandatory supervised release
5 term; however, the inability of the defendant after making a
6 good faith effort to obtain financial aid or pay for the
7 educational training shall not be deemed a wilful failure to
8 comply. The Prisoner Review Board shall recommit the defendant
9 whose mandatory supervised release term has been revoked under
10 this subsection (j-5) as provided in Section 3-3-9. This
11 subsection (j-5) does not apply to a defendant who has a high
12 school diploma or has successfully passed high school
13 equivalency testing. This subsection (j-5) does not apply to a
14 defendant who is determined by the court to be a person with a
15 developmental disability or otherwise mentally incapable of
16 completing the educational or vocational program.

17 (k) (Blank).

18 (l) (A) Except as provided in paragraph (C) of subsection
19 (l), whenever a defendant, who is an alien as defined by the
20 Immigration and Nationality Act, is convicted of any felony or
21 misdemeanor offense, the court after sentencing the defendant
22 may, upon motion of the State's Attorney, hold sentence in
23 abeyance and remand the defendant to the custody of the
24 Attorney General of the United States or his or her designated
25 agent to be deported when:

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under the
2 Immigration and Nationality Act, and

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

6 Otherwise, the defendant shall be sentenced as provided in
7 this Chapter V.

8 (B) If the defendant has already been sentenced for a
9 felony or misdemeanor offense, or has been placed on probation
10 under Section 10 of the Cannabis Control Act, Section 410 of
11 the Illinois Controlled Substances Act, or Section 70 of the
12 Methamphetamine Control and Community Protection Act, the
13 court may, upon motion of the State's Attorney to suspend the
14 sentence imposed, commit the defendant to the custody of the
15 Attorney General of the United States or his or her designated
16 agent when:

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

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

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

26 (D) Upon motion of the State's Attorney, if a defendant

1 sentenced under this Section returns to the jurisdiction of the
2 United States, the defendant shall be recommitted to the
3 custody of the county from which he or she was sentenced.
4 Thereafter, the defendant shall be brought before the
5 sentencing court, which may impose any sentence that was
6 available under Section 5-5-3 at the time of initial
7 sentencing. In addition, the defendant shall not be eligible
8 for additional sentence credit for good conduct as provided
9 under Section 3-6-3.

10 (m) A person convicted of criminal defacement of property
11 under Section 21-1.3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, in which the property damage exceeds
13 \$300 and the property damaged is a school building, shall be
14 ordered to perform community service that may include cleanup,
15 removal, or painting over the defacement.

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
5 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)

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

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

17 (A) First degree murder where the death penalty is not
18 imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) (Blank). ~~A violation of Section 401.1 or 407 of the~~
22 ~~Illinois Controlled Substances Act, or a violation of~~
23 ~~subdivision (c) (1.5) of Section 401 of that Act which~~
24 ~~relates to more than 5 grams of a substance containing~~
25 ~~fentanyl or an analog thereof.~~

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

5 (E) (Blank).

6 (F) A Class 1 or greater felony if the offender had
7 been convicted of a Class 1 or greater felony, including
8 any state or federal conviction for an offense that
9 contained, at the time it was committed, the same elements
10 as an offense now (the date of the offense committed after
11 the prior Class 1 or greater felony) classified as a Class
12 1 or greater felony, within 10 years of the date on which
13 the offender committed the offense for which he or she is
14 being sentenced, except as otherwise provided in Section
15 40-10 of the Alcoholism and Other Drug Abuse and Dependency
16 Act. This subparagraph (F) does not apply to a violation of
17 the Cannabis Control Act, the Illinois Controlled
18 Substances Act, or the Methamphetamine Control and
19 Community Protection Act.

20 (F-3) A Class 2 or greater felony sex offense or felony
21 firearm offense if the offender had been convicted of a
22 Class 2 or greater felony, including any state or federal
23 conviction for an offense that contained, at the time it
24 was committed, the same elements as an offense now (the
25 date of the offense committed after the prior Class 2 or
26 greater felony) classified as a Class 2 or greater felony,

1 within 10 years of the date on which the offender committed
2 the offense for which he or she is being sentenced, except
3 as otherwise provided in Section 40-10 of the Alcoholism
4 and Other Drug Abuse and Dependency Act.

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

8 (G) (Blank). ~~Residential burglary, except as otherwise~~
9 ~~provided in Section 40-10 of the Alcoholism and Other Drug~~
10 ~~Abuse and Dependency Act.~~

11 (H) Criminal sexual assault.

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

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

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

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

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

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

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

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

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303
25 of the Illinois Vehicle Code committed while his or her
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

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

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

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

24 (Y) A conviction for unlawful possession of a firearm
25 by a street gang member when the firearm was loaded or
26 contained firearm ammunition.

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

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

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

8 (CC) Knowingly selling, offering for sale, holding for
9 sale, or using 2,000 or more counterfeit items or
10 counterfeit items having a retail value in the aggregate of
11 \$500,000 or more.

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

17 (EE) A conviction for a violation of paragraph (2) of
18 subsection (a) of Section 24-3B of the Criminal Code of
19 2012.

20 (3) (Blank).

21 (4) A minimum term of imprisonment of not less than 10
22 consecutive days or 30 days of community service shall be
23 imposed for a violation of paragraph (c) of Section 6-303 of
24 the Illinois Vehicle Code.

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court, shall
6 be imposed for a second violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and
9 (4.9) of this subsection (c), a minimum term of imprisonment of
10 30 days or 300 hours of community service, as determined by the
11 court, shall be imposed for a third or subsequent violation of
12 Section 6-303 of the Illinois Vehicle Code.

13 (4.5) A minimum term of imprisonment of 30 days shall be
14 imposed for a third violation of subsection (c) of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this
17 subsection (c), a minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

20 (4.7) A minimum term of imprisonment of not less than 30
21 consecutive days, or 300 hours of community service, shall be
22 imposed for a violation of subsection (a-5) of Section 6-303 of
23 the Illinois Vehicle Code, as provided in subsection (b-5) of
24 that Section.

25 (4.8) A mandatory prison sentence shall be imposed for a
26 second violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (c-5) of that
2 Section. The person's driving privileges shall be revoked for a
3 period of not less than 5 years from the date of his or her
4 release from prison.

5 (4.9) A mandatory prison sentence of not less than 4 and
6 not more than 15 years shall be imposed for a third violation
7 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
8 Code, as provided in subsection (d-2.5) of that Section. The
9 person's driving privileges shall be revoked for the remainder
10 of his or her life.

11 (4.10) A mandatory prison sentence for a Class 1 felony
12 shall be imposed, and the person shall be eligible for an
13 extended term sentence, for a fourth or subsequent violation of
14 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
15 as provided in subsection (d-3.5) of that Section. The person's
16 driving privileges shall be revoked for the remainder of his or
17 her life.

18 (5) The court may sentence a corporation or unincorporated
19 association convicted of any offense to:

20 (A) a period of conditional discharge;

21 (B) a fine;

22 (C) make restitution to the victim under Section 5-5-6
23 of this Code.

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 90 days but not
3 more than one year, if the violation resulted in damage to the
4 property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted of
7 violating subsection (c) of Section 11-907 of the Illinois
8 Vehicle Code shall have his or her driver's license, permit, or
9 privileges suspended for at least 180 days but not more than 2
10 years, if the violation resulted in injury to another person.

11 (5.3) In addition to any other penalties imposed, a person
12 convicted of violating subsection (c) of Section 11-907 of the
13 Illinois Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for 2 years, if the violation
15 resulted in the death of another person.

16 (5.4) In addition to any other penalties imposed, a person
17 convicted of violating Section 3-707 of the Illinois Vehicle
18 Code shall have his or her driver's license, permit, or
19 privileges suspended for 3 months and until he or she has paid
20 a reinstatement fee of \$100.

21 (5.5) In addition to any other penalties imposed, a person
22 convicted of violating Section 3-707 of the Illinois Vehicle
23 Code during a period in which his or her driver's license,
24 permit, or privileges were suspended for a previous violation
25 of that Section shall have his or her driver's license, permit,
26 or privileges suspended for an additional 6 months after the

1 expiration of the original 3-month suspension and until he or
2 she has paid a reinstatement fee of \$100.

3 (6) (Blank).

4 (7) (Blank).

5 (8) (Blank).

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

9 (10) (Blank).

10 (11) The court shall impose a minimum fine of \$1,000 for a
11 first offense and \$2,000 for a second or subsequent offense
12 upon a person convicted of or placed on supervision for battery
13 when the individual harmed was a sports official or coach at
14 any level of competition and the act causing harm to the sports
15 official or coach occurred within an athletic facility or
16 within the immediate vicinity of the athletic facility at which
17 the sports official or coach was an active participant of the
18 athletic contest held at the athletic facility. For the
19 purposes of this paragraph (11), "sports official" means a
20 person at an athletic contest who enforces the rules of the
21 contest, such as an umpire or referee; "athletic facility"
22 means an indoor or outdoor playing field or recreational area
23 where sports activities are conducted; and "coach" means a
24 person recognized as a coach by the sanctioning authority that
25 conducted the sporting event.

26 (12) A person may not receive a disposition of court

1 supervision for a violation of Section 5-16 of the Boat
2 Registration and Safety Act if that person has previously
3 received a disposition of court supervision for a violation of
4 that Section.

5 (13) A person convicted of or placed on court supervision
6 for an assault or aggravated assault when the victim and the
7 offender are family or household members as defined in Section
8 103 of the Illinois Domestic Violence Act of 1986 or convicted
9 of domestic battery or aggravated domestic battery may be
10 required to attend a Partner Abuse Intervention Program under
11 protocols set forth by the Illinois Department of Human
12 Services under such terms and conditions imposed by the court.
13 The costs of such classes shall be paid by the offender.

14 (d) In any case in which a sentence originally imposed is
15 vacated, the case shall be remanded to the trial court. The
16 trial court shall hold a hearing under Section 5-4-1 of the
17 Unified Code of Corrections which may include evidence of the
18 defendant's life, moral character and occupation during the
19 time since the original sentence was passed. The trial court
20 shall then impose sentence upon the defendant. The trial court
21 may impose any sentence which could have been imposed at the
22 original trial subject to Section 5-5-4 of the Unified Code of
23 Corrections. If a sentence is vacated on appeal or on
24 collateral attack due to the failure of the trier of fact at
25 trial to determine beyond a reasonable doubt the existence of a
26 fact (other than a prior conviction) necessary to increase the

1 punishment for the offense beyond the statutory maximum
2 otherwise applicable, either the defendant may be re-sentenced
3 to a term within the range otherwise provided or, if the State
4 files notice of its intention to again seek the extended
5 sentence, the defendant shall be afforded a new trial.

6 (e) In cases where prosecution for aggravated criminal
7 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
8 Code of 1961 or the Criminal Code of 2012 results in conviction
9 of a defendant who was a family member of the victim at the
10 time of the commission of the offense, the court shall consider
11 the safety and welfare of the victim and may impose a sentence
12 of probation only where:

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

14 (A) the defendant is willing to undergo a court
15 approved counseling program for a minimum duration of 2
16 years; or

17 (B) the defendant is willing to participate in a
18 court approved plan including but not limited to the
19 defendant's:

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

24 (iv) restitution for harm done to the victim;

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

2 (2) the court orders the defendant to pay for the
3 victim's counseling services, to the extent that the court
4 finds, after considering the defendant's income and
5 assets, that the defendant is financially capable of paying
6 for such services, if the victim was under 18 years of age
7 at the time the offense was committed and requires
8 counseling as a result of the offense.

9 Probation may be revoked or modified pursuant to Section
10 5-6-4; except where the court determines at the hearing that
11 the defendant violated a condition of his or her probation
12 restricting contact with the victim or other family members or
13 commits another offense with the victim or other family
14 members, the court shall revoke the defendant's probation and
15 impose a term of imprisonment.

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 11-0.1 of the Criminal Code of 2012.

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
22 11-14.3, 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
24 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the defendant shall undergo medical

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

1 of any HIV test administered under this Section, and the court
2 shall grant the disclosure if the State's Attorney shows it is
3 relevant in order to prosecute a charge of criminal
4 transmission of HIV under Section 12-5.01 or 12-16.2 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 against the
6 defendant. The court shall order that the cost of any such test
7 shall be paid by the county and may be taxed as costs against
8 the convicted defendant.

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

19 (h) Whenever a defendant is convicted of an offense under
20 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
21 defendant shall undergo medical testing to determine whether
22 the defendant has been exposed to human immunodeficiency virus
23 (HIV) or any other identified causative agent of acquired
24 immunodeficiency syndrome (AIDS). Except as otherwise provided
25 by law, the results of such test shall be kept strictly
26 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the
2 judge of the court in which the conviction was entered for the
3 judge's inspection in camera. Acting in accordance with the
4 best interests of the public, the judge shall have the
5 discretion to determine to whom, if anyone, the results of the
6 testing may be revealed. The court shall notify the defendant
7 of a positive test showing an infection with the human
8 immunodeficiency virus (HIV). The court shall provide
9 information on the availability of HIV testing and counseling
10 at Department of Public Health facilities to all parties to
11 whom the results of the testing are revealed and shall direct
12 the State's Attorney to provide the information to the victim
13 when possible. A State's Attorney may petition the court to
14 obtain the results of any HIV test administered under this
15 Section, and the court shall grant the disclosure if the
16 State's Attorney shows it is relevant in order to prosecute a
17 charge of criminal transmission of HIV under Section 12-5.01 or
18 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
19 2012 against the defendant. The court shall order that the cost
20 of any such test shall be paid by the county and may be taxed as
21 costs against the convicted defendant.

22 (i) All fines and penalties imposed under this Section for
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and
25 any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (j) In cases when prosecution for any violation of Section
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
5 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
7 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
8 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, any violation of the Illinois Controlled
10 Substances Act, any violation of the Cannabis Control Act, or
11 any violation of the Methamphetamine Control and Community
12 Protection Act results in conviction, a disposition of court
13 supervision, or an order of probation granted under Section 10
14 of the Cannabis Control Act, Section 410 of the Illinois
15 Controlled Substances Act, or Section 70 of the Methamphetamine
16 Control and Community Protection Act of a defendant, the court
17 shall determine whether the defendant is employed by a facility
18 or center as defined under the Child Care Act of 1969, a public
19 or private elementary or secondary school, or otherwise works
20 with children under 18 years of age on a daily basis. When a
21 defendant is so employed, the court shall order the Clerk of
22 the Court to send a copy of the judgment of conviction or order
23 of supervision or probation to the defendant's employer by
24 certified mail. If the employer of the defendant is a school,
25 the Clerk of the Court shall direct the mailing of a copy of
26 the judgment of conviction or order of supervision or probation

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

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

1 comply. The Prisoner Review Board shall recommit the defendant
2 whose mandatory supervised release term has been revoked under
3 this subsection (j-5) as provided in Section 3-3-9. This
4 subsection (j-5) does not apply to a defendant who has a high
5 school diploma or has successfully passed high school
6 equivalency testing. This subsection (j-5) does not apply to a
7 defendant who is determined by the court to be a person with a
8 developmental disability or otherwise mentally incapable of
9 completing the educational or vocational program.

10 (k) (Blank).

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

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under the
21 Immigration and Nationality Act, and

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

25 Otherwise, the defendant shall be sentenced as provided in
26 this Chapter V.

1 (B) If the defendant has already been sentenced for a
2 felony or misdemeanor offense, or has been placed on probation
3 under Section 10 of the Cannabis Control Act, Section 410 of
4 the Illinois Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act, the
6 court may, upon motion of the State's Attorney to suspend the
7 sentence imposed, commit the defendant to the custody of the
8 Attorney General of the United States or his or her designated
9 agent when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

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

19 (D) Upon motion of the State's Attorney, if a defendant
20 sentenced under this Section returns to the jurisdiction of the
21 United States, the defendant shall be recommitted to the
22 custody of the county from which he or she was sentenced.
23 Thereafter, the defendant shall be brought before the
24 sentencing court, which may impose any sentence that was
25 available under Section 5-5-3 at the time of initial
26 sentencing. In addition, the defendant shall not be eligible

1 for additional earned sentence credit as provided under Section
2 3-6-3.

3 (m) A person convicted of criminal defacement of property
4 under Section 21-1.3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, in which the property damage exceeds
6 \$300 and the property damaged is a school building, shall be
7 ordered to perform community service that may include cleanup,
8 removal, or painting over the defacement.

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

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

23 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
24 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
25 1-1-18.)

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) (Blank). ~~There may be only one discharge and dismissal~~
18 ~~under this Section with respect to any person.~~

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

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

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

10 (730 ILCS 5/5-6-3.4)

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

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

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

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

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

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

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

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

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

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

25 (4) obtain or attempt to obtain employment;

26 (5) pay fines and costs;

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

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

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

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

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

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

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

21 (4) support his or her dependents; or

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

1 blood or urine or both for tests to determine the presence
2 of any illicit drug.

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

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

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

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

24 (i) If a person is convicted of any offense which occurred
25 within 5 years subsequent to a discharge and dismissal under
26 this Section, the discharge and dismissal under this Section

1 shall be admissible in the sentencing proceeding for that
2 conviction as evidence in aggravation.

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

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

21 (730 ILCS 5/5-6-3.6 new)

22 Sec. 5-6-3.6. First Time Weapon Offender Diversion
23 Program.

24 (a) The General Assembly has sought to promote public
25 safety, reduce recidivism, and conserve valuable resources of

1 the criminal justice system through the creation of diversion
2 programs for non-violent offenders. This amendatory Act of the
3 100th General Assembly establishes a pilot program for
4 first-time, non-violent offenders charged with certain weapons
5 offenses. The General Assembly recognizes some persons,
6 particularly young adults in areas of high crime or poverty,
7 may have experienced trauma that contributes to poor decision
8 making skills, and the creation of a diversionary program poses
9 a greater benefit to the community and the person than
10 incarceration. Under this program, if a person under 26 years
11 of age at the time of the commission of the offense pleads
12 guilty to or is found guilty of an unlawful use of weapons
13 offense under Section 24-1 of the Criminal Code of 2012 or
14 aggravated unlawful use of a weapon offense under Section
15 24-1.6 of the Criminal Code of 2012, if punishable as a Class 4
16 felony or lower, the court, without entering a judgment and
17 with the consent of the defendant and approval of the State's
18 Attorney, may sentence him or her to a First Time Weapon
19 Offender Diversion Program.

20 (b) A defendant is not eligible for this Program if:

21 (1) he or she has previously been convicted or placed
22 on probation or conditional discharge for a felony under
23 the laws of this State, the laws of any other state, or the
24 laws of the United States;

25 (2) the offense involved the infliction of bodily harm
26 against another person; or

1 (3) he or she had a prior successful completion of the
2 First Time Weapon Offender Diversion Program under this
3 Section;

4 (4) he or she has previously been adjudicated a
5 delinquent minor for the commission of a felony;

6 (5) he or she has an existing order of protection
7 issued against him or her; or

8 (6) he or she is over 26 years of age at the time of the
9 commission of the offense.

10 (b-5) In considering whether a defendant shall be sentenced
11 to the First Time Weapon Offender Program, the court shall
12 consider the following:

13 (1) the age, immaturity, or limited mental capacity of
14 the defendant;

15 (2) the nature and circumstances of the offense;

16 (3) whether participation in the Program is in the
17 interest of the defendant's rehabilitation, including any
18 employment or involvement in community, educational,
19 training, or vocational programs; and

20 (4) whether the defendant suffers from trauma, as
21 supported by documentation or evaluation by a licensed
22 professional.

23 (c) For an offense committed on or after the effective date
24 of this amendatory Act of the 100th General Assembly and before
25 January 1, 2023, whenever an eligible person pleads guilty to
26 an unlawful use of weapons offense under Section 24-1 of the

1 Criminal Code of 2012 or aggravated unlawful use of a weapon
2 offense under Section 24-1.6 of the Criminal Code of 2012,
3 which is punishable as a Class 4 felony or lower, the court,
4 with the consent of the defendant and the State's Attorney,
5 may, without entering a judgment, sentence the defendant to
6 complete the First Time Weapon Offender Diversion Program. When
7 a defendant is placed in the Program, the court shall defer
8 further proceedings in the case until the conclusion of the
9 period or until the filing of a petition alleging violation of
10 a term or condition of the Program. Upon violation of a term or
11 condition of the Program the court may enter a judgment on its
12 original finding of guilt and proceed as otherwise provided by
13 law. Upon fulfillment of the terms and conditions the Program,
14 the court shall discharge the person and dismiss the
15 proceedings against the person.

16 (d) The Program shall be 12 months, as determined by court
17 at the recommendation of program administrator and the State's
18 Attorney.

19 (e) The conditions of the Program shall be that the
20 defendant:

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

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

25 (3) obtain or attempt to obtain employment;

26 (4) attend educational courses designed to prepare the

1 defendant for obtaining a high school diploma or to work
2 toward passing high school equivalency testing or to work
3 toward completing a vocational training program;

4 (5) refrain from having in his or her body the presence
5 of any illicit drug prohibited by the Methamphetamine
6 Control and Community Protection Act, the Cannabis Control
7 Act, or the Illinois Controlled Substances Act, unless
8 prescribed by a physician, and submit samples of his or her
9 blood or urine or both for tests to determine the presence
10 of any illicit drug;

11 (6) perform a minimum of 50 hours of community service;

12 (7) attend and participate in any Program activities
13 deemed required by the Program administrator, including
14 but not limited: counseling sessions, in-person and over
15 the phone check-ins, and educational classes; and

16 (8) pay all fines, assessments, fees, and costs.

17 (f) The Program may, in addition to other conditions,
18 require that the defendant:

19 (1) wear an ankle bracelet with GPS tracking;

20 (2) undergo medical or psychiatric treatment, or
21 treatment or rehabilitation approved by the Department of
22 Human Services; and

23 (3) attend or reside in a facility established for the
24 instruction or residence of defendants on probation.

25 (g) Each clerk of the circuit court shall report annually
26 to the Illinois Sentencing Policy Advisory Council:

1 (1) the number of persons who were accepted into the
2 First Time Weapon Offender Diversion Program;

3 (2) the number of persons who successfully completed
4 the Program; and

5 (3) the number of persons who violated the conditions
6 of the Program.

7 (h) This Section is repealed on January 1, 2023.

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

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

11 (a) Except as otherwise provided in the statute defining
12 the offense or in Article 4.5 of Chapter V, a sentence of
13 imprisonment for a felony shall be a determinate sentence set
14 by the court under this Section, according to the following
15 limitations:

16 (1) for first degree murder,

17 (a) (blank),

18 (b) if a trier of fact finds beyond a reasonable
19 doubt that the murder was accompanied by exceptionally
20 brutal or heinous behavior indicative of wanton
21 cruelty or, except as set forth in subsection (a) (1) (c)
22 of this Section, that any of the aggravating factors
23 listed in subsection (b) or (b-5) of Section 9-1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 are
25 present, the court may sentence the defendant, subject

1 to Section 5-4.5-105, to a term of natural life
2 imprisonment, or

3 (c) the court shall sentence the defendant to a
4 term of natural life imprisonment if the defendant, at
5 the time of the commission of the murder, had attained
6 the age of 18, and

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

9 (ii) is found guilty of murdering more than one
10 victim, or

11 (iii) is found guilty of murdering a peace
12 officer, fireman, or emergency management worker
13 when the peace officer, fireman, or emergency
14 management worker was killed in the course of
15 performing his official duties, or to prevent the
16 peace officer or fireman from performing his
17 official duties, or in retaliation for the peace
18 officer, fireman, or emergency management worker
19 from performing his official duties, and the
20 defendant knew or should have known that the
21 murdered individual was a peace officer, fireman,
22 or emergency management worker, or

23 (iv) is found guilty of murdering an employee
24 of an institution or facility of the Department of
25 Corrections, or any similar local correctional
26 agency, when the employee was killed in the course

1 of performing his official duties, or to prevent
2 the employee from performing his official duties,
3 or in retaliation for the employee performing his
4 official duties, or

5 (v) is found guilty of murdering an emergency
6 medical technician - ambulance, emergency medical
7 technician - intermediate, emergency medical
8 technician - paramedic, ambulance driver or other
9 medical assistance or first aid person while
10 employed by a municipality or other governmental
11 unit when the person was killed in the course of
12 performing official duties or to prevent the
13 person from performing official duties or in
14 retaliation for performing official duties and the
15 defendant knew or should have known that the
16 murdered individual was an emergency medical
17 technician - ambulance, emergency medical
18 technician - intermediate, emergency medical
19 technician - paramedic, ambulance driver, or other
20 medical assistant or first aid personnel, or

21 (vi) (blank), or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

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

12 (ii) if, during the commission of the offense,
13 the person personally discharged a firearm, 20
14 years shall be added to the term of imprisonment
15 imposed by the court;

16 (iii) if, during the commission of the
17 offense, the person personally discharged a
18 firearm that proximately caused great bodily harm,
19 permanent disability, permanent disfigurement, or
20 death to another person, 25 years or up to a term
21 of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (2) (blank);

24 (2.5) for a person who has attained the age of 18 years
25 at the time of the commission of the offense and who is
26 convicted under the circumstances described in subdivision

1 (b) (1) (B) of Section 11-1.20 or paragraph (3) of subsection
2 (b) of Section 12-13, subdivision (d) (2) of Section 11-1.30
3 or paragraph (2) of subsection (d) of Section 12-14,
4 subdivision (b) (1.2) of Section 11-1.40 or paragraph (1.2)
5 of subsection (b) of Section 12-14.1, subdivision (b) (2) of
6 Section 11-1.40 or paragraph (2) of subsection (b) of
7 Section 12-14.1 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the sentence shall be a term of
9 natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

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

15 (1) for first degree murder ~~or a Class X felony except~~
16 ~~for the offenses of predatory criminal sexual assault of a~~
17 ~~child, aggravated criminal sexual assault, and criminal~~
18 ~~sexual assault if committed on or after the effective date~~
19 ~~of this amendatory Act of the 94th General Assembly and~~
20 ~~except for the offense of aggravated child pornography~~
21 ~~under Section 11-20.1B, 11-20.3, or 11-20.1 with~~
22 ~~sentencing under subsection (c-5) of Section 11-20.1 of the~~
23 ~~Criminal Code of 1961 or the Criminal Code of 2012, if~~
24 ~~committed on or after January 1, 2009, 3 years;~~

25 (1.5) for a Class X felony except for the offenses of
26 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, and criminal sexual assault if
2 committed on or after December 13, 2005 (the effective date
3 of Public Act 94-715) and except for the offense of
4 aggravated child pornography under Section 11-20.1B.
5 11-20.3, or 11-20.1 with sentencing under subsection (c-5)
6 of Section 11-20.1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, if committed on or after January 1,
8 2009, 18 months;

9 (2) for a Class 1 felony or a Class 2 felony except for
10 the offense of criminal sexual assault if committed on or
11 after December 13, 2005 (the effective date of Public Act
12 94-715) ~~this amendatory Act of the 94th General Assembly~~
13 and except for the offenses of manufacture and
14 dissemination of child pornography under clauses (a)(1)
15 and (a)(2) of Section 11-20.1 of the Criminal Code of 1961
16 or the Criminal Code of 2012, if committed on or after
17 January 1, 2009, 18 months ~~2 years~~;

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

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

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

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

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

14 (e) (Blank).

15 (f) (Blank).

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

17 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

18 Sec. 5-8-2. Extended Term.

19 (a) A judge shall not sentence an offender to a term of
20 imprisonment in excess of the maximum sentence authorized by
21 Article 4.5 of Chapter V for an offense or offenses within the
22 class of the most serious offense of which the offender was
23 convicted unless the factors in aggravation set forth in
24 Section 5-5-3.2 or clause (a)(1)(b) of Section 5-8-1 were found
25 to be present. If the pre-trial and trial proceedings were

1 conducted in compliance with subsection (c-5) of Section 111-3
2 of the Code of Criminal Procedure of 1963, the judge may
3 sentence an offender to an extended term as provided in Article
4 4.5 of Chapter V (730 ILCS 5/Ch. V, Art. 4.5).

5 (b) If the conviction was by plea, it shall appear on the
6 record that the plea was entered with the defendant's knowledge
7 that a sentence under this Section was a possibility. If it
8 does not so appear on the record, the defendant shall not be
9 subject to such a sentence unless he is first given an
10 opportunity to withdraw his plea without prejudice.

11 (c) An extended term as provided in Article 4.5 of Chapter
12 V of this Code shall not be imposed for a violation of the
13 Cannabis Control Act, the Illinois Controlled Substances Act,
14 or the Methamphetamine Control and Community Protection Act.

15 (Source: P.A. 95-1052, eff. 7-1-09; 96-1200, eff. 7-22-10.)

16 (730 ILCS 5/5-8-6) (from Ch. 38, par. 1005-8-6)

17 Sec. 5-8-6. Place of confinement.

18 (a) Except as otherwise provided in this subsection (a),
19 offenders ~~Offenders~~ sentenced to a term of imprisonment for a
20 felony shall be committed to the penitentiary system of the
21 Department of Corrections. However, such sentence shall not
22 limit the powers of the Department of Children and Family
23 Services in relation to any child under the age of one year in
24 the sole custody of a person so sentenced, nor in relation to
25 any child delivered by a female so sentenced while she is so

1 confined as a consequence of such sentence. Except as otherwise
2 provided in this subsection (a), a ~~A~~ person sentenced for a
3 felony may be assigned by the Department of Corrections to any
4 of its institutions, facilities or programs. An offender
5 sentenced to a term of imprisonment for a Class 3 or 4 felony,
6 other than a violent crime as defined in Section 3 of the
7 Rights of Crime Victims and Witnesses Act, in which the
8 sentencing order indicates that the offender has less than 4
9 months remaining on his or her sentence accounting for time
10 served may not be confined in the penitentiary system of the
11 Department of Corrections but may be assigned to electronic
12 home detention under Article 8A of this Chapter V, an adult
13 transition center, or another facility or program within the
14 Department of Corrections.

15 (b) Offenders sentenced to a term of imprisonment for less
16 than one year shall be committed to the custody of the sheriff.
17 A person committed to the Department of Corrections, prior to
18 July 14, 1983, for less than one year may be assigned by the
19 Department to any of its institutions, facilities or programs.

20 (c) All offenders under 18 years of age when sentenced to
21 imprisonment shall be committed to the Department of Juvenile
22 Justice and the court in its order of commitment shall set a
23 definite term. The provisions of Section 3-3-3 shall be a part
24 of such commitment as fully as though written in the order of
25 commitment. The place of confinement for sentences imposed
26 before the effective date of this amendatory Act of the 99th

1 General Assembly are not affected or abated by this amendatory
2 Act of the 99th General Assembly.

3 (d) No defendant shall be committed to the Department of
4 Corrections for the recovery of a fine or costs.

5 (e) When a court sentences a defendant to a term of
6 imprisonment concurrent with a previous and unexpired sentence
7 of imprisonment imposed by any district court of the United
8 States, it may commit the offender to the custody of the
9 Attorney General of the United States. The Attorney General of
10 the United States, or the authorized representative of the
11 Attorney General of the United States, shall be furnished with
12 the warrant of commitment from the court imposing sentence,
13 which warrant of commitment shall provide that, when the
14 offender is released from federal confinement, whether by
15 parole or by termination of sentence, the offender shall be
16 transferred by the Sheriff of the committing county to the
17 Department of Corrections. The court shall cause the Department
18 to be notified of such sentence at the time of commitment and
19 to be provided with copies of all records regarding the
20 sentence.

21 (Source: P.A. 99-628, eff. 1-1-17.)

22 (730 ILCS 5/5-8-8)

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

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

25 (a) Creation. There is created under the jurisdiction of

1 the Governor the Illinois Sentencing Policy Advisory Council,
2 hereinafter referred to as the Council.

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

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

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

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

17 (4) restore offenders to useful citizenship.

18 (c) Council composition.

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

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

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

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

26 (D) the Minority Leader of the House, or his or her

1 designee;

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

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

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

8 (G-5) (blank);

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

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

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

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

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

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

24 (N) a representative of a community-based
25 organization, selected by the members of the Council
26 designated in clauses (c) (1) (A) through (L);

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

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

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

11 (R) ex-officio members shall include:

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

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

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

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

21 (1.5) The Chair and Vice Chair shall be elected from
22 among its members by a majority of the members of the
23 Council.

24 (2) Members of the Council who serve because of their
25 public office or position, or those who are designated as
26 members by such officials, shall serve only as long as they

1 hold such office or position.

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

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

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

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

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

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

25 (4) Ensure that adequate resources and facilities are
26 available for carrying out sentences imposed on offenders

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

8 (4.5) Study and conduct a thorough analysis of
9 sentencing under Section 5-4.5-110 of this Code. The
10 Sentencing Policy Advisory Council shall provide annual
11 reports to the Governor and General Assembly, including the
12 total number of persons sentenced under Section 5-4.5-110
13 of this Code, the total number of departures from sentences
14 under Section 5-4.5-110 of this Code, and an analysis of
15 trends in sentencing and departures. On or before December
16 31, 2022, the Sentencing Policy Advisory Council shall
17 provide a report to the Governor and General Assembly on
18 the effectiveness of sentencing under Section 5-4.5-110 of
19 this Code, including recommendations on whether sentencing
20 under Section 5-4.5-110 of this Code should be adjusted or
21 continued.

22 (4.6) Study and conduct a thorough analysis of the
23 First Time Weapon Offender Diversion Program created under
24 Section 5-6-3.6 of this Code and provide annual reports to
25 the Governor and General Assembly on the effectiveness of
26 the Program, including recommendations on whether

1 sentencing under Section 5-6-3.6 of this Code should be
2 adjusted or continued.

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

6 (6) Perform such other functions as may be required by
7 law or as are necessary to carry out the purposes and goals
8 of the Council prescribed in subsection (b).

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

17 (e) Authority.

18 (1) The Council shall have the power to perform the
19 functions necessary to carry out its duties, purposes and
20 goals under this Act. In so doing, the Council shall
21 utilize information and analysis developed by the Illinois
22 Criminal Justice Information Authority, the Administrative
23 Office of the Illinois Courts, and the Illinois Department
24 of Corrections.

25 (2) Upon request from the Council, each executive
26 agency and department of State and local government shall

1 provide information and records to the Council in the
2 execution of its duties.

3 (f) Report. The Council shall report in writing annually to
4 the General Assembly, the Illinois Supreme Court, and the
5 Governor.

6 (g) This Section is repealed on December 31, 2020.
7 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
8 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)

9 Section 95. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act."