



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3551

Introduced 2/14/2020, by Sen. John F. Curran

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Enhances the penalties for certain violations of the statutes concerning unlawful use or possession of weapons by felons, aggravated unlawful use of a weapon, unlawful possession of a firearm by a street gang member, vehicular hijacking, and aggravated vehicular hijacking. Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for unlawful use or possession of a weapon by felons or unlawful possession of a firearm by a street gang member shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides that a prisoner serving a sentence for aggravated unlawful use of a weapon, except for a first offense or a first offense in which the offender is at least 18 years of age and illegally carries or possesses a firearm without being issued a currently valid Firearm Owner's Identification Card, shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides that a person convicted of unlawful use or possession of weapons by felons, or persons in the custody of the Department of Corrections facilities, aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction, or unlawful possession of a firearm by a street gang member is ineligible for the county impact incarceration program.

LRB101 19869 RLC 69389 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Sections 18-3, 18-4, 24-1.1, 24-1.6, and 24-1.8 as follows:

6 (720 ILCS 5/18-3)

7 Sec. 18-3. Vehicular hijacking.

8 (a) A person commits vehicular hijacking when he or she  
9 knowingly takes a motor vehicle from the person or the  
10 immediate presence of another by the use of force or by  
11 threatening the imminent use of force.

12 (b) Sentence. Vehicular hijacking is a Class 1 felony for  
13 which a term of imprisonment of not less than 5 years shall be  
14 imposed.

15 (Source: P.A. 97-1108, eff. 1-1-13.)

16 (720 ILCS 5/18-4)

17 Sec. 18-4. Aggravated vehicular hijacking.

18 (a) A person commits aggravated vehicular hijacking when he  
19 or she violates Section 18-3; and

20 (1) the person from whose immediate presence the motor  
21 vehicle is taken is a person with a physical disability or  
22 a person 60 years of age or over; or

1 (2) a person under 16 years of age is a passenger in  
2 the motor vehicle at the time of the offense; or

3 (3) he or she carries on or about his or her person, or  
4 is otherwise armed with a dangerous weapon, other than a  
5 firearm; or

6 (4) he or she carries on or about his or her person or  
7 is otherwise armed with a firearm; or

8 (5) he or she, during the commission of the offense,  
9 personally discharges a firearm; or

10 (6) he or she, during the commission of the offense,  
11 personally discharges a firearm that proximately causes  
12 great bodily harm, permanent disability, permanent  
13 disfigurement, or death to another person.

14 (b) Sentence. Aggravated vehicular hijacking in violation  
15 of subsections (a) (1) or (a) (2) is a Class X felony for which a  
16 term of imprisonment of not less than 7 years shall be imposed.

17 A violation of subsection (a) (3) is a Class X felony for which  
18 a term of imprisonment of not less than 10 ~~7~~ years shall be  
19 imposed. A violation of subsection (a) (4) is a Class X felony  
20 for which 20 ~~15~~ years shall be added to the term of  
21 imprisonment imposed by the court. A violation of subsection  
22 (a) (5) is a Class X felony for which 25 ~~20~~ years shall be added  
23 to the term of imprisonment imposed by the court. A violation  
24 of subsection (a) (6) is a Class X felony for which 30 ~~25~~ years  
25 or up to a term of natural life shall be added to the term of  
26 imprisonment imposed by the court.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

3 Sec. 24-1.1. Unlawful use or possession of weapons by  
4 felons or persons in the custody of the Department of  
5 Corrections facilities.

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

15 (b) It is unlawful for any person confined in a penal  
16 institution, which is a facility of the Illinois Department of  
17 Corrections, to possess any weapon prohibited under Section  
18 24-1 of this Code or any firearm or firearm ammunition,  
19 regardless of the intent with which he possesses it.

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

24 (d) The defense of necessity is not available to a person  
25 who is charged with a violation of subsection (b) of this

1 Section.

2 (e) Sentence. Violation of this Section by a person not  
3 confined in a penal institution shall be a Class 3 felony for  
4 which the person shall be sentenced to no less than 3 ~~2~~ years  
5 and no more than 10 years. A second or subsequent violation of  
6 this Section shall be a Class 2 felony for which the person  
7 shall be sentenced to a term of imprisonment of not less than 4  
8 ~~3~~ years and not more than 14 years, except as provided for in  
9 Section 5-4.5-110 of the Unified Code of Corrections. Violation  
10 of this Section by a person not confined in a penal institution  
11 who has been convicted of a forcible felony, a felony violation  
12 of Article 24 of this Code or of the Firearm Owners  
13 Identification Card Act, stalking or aggravated stalking, or a  
14 Class 2 or greater felony under the Illinois Controlled  
15 Substances Act, the Cannabis Control Act, or the  
16 Methamphetamine Control and Community Protection Act is a Class  
17 2 felony for which the person shall be sentenced to not less  
18 than 4 ~~3~~ years and not more than 14 years, except as provided  
19 for in Section 5-4.5-110 of the Unified Code of Corrections.  
20 Violation of this Section by a person who is on parole or  
21 mandatory supervised release is a Class 2 felony for which the  
22 person shall be sentenced to not less than 4 ~~3~~ years and not  
23 more than 14 years, except as provided for in Section 5-4.5-110  
24 of the Unified Code of Corrections. Violation of this Section  
25 by a person not confined in a penal institution is a Class X  
26 felony when the firearm possessed is a machine gun. Any person

1 who violates this Section while confined in a penal  
2 institution, which is a facility of the Illinois Department of  
3 Corrections, is guilty of a Class 1 felony, if he possesses any  
4 weapon prohibited under Section 24-1 of this Code regardless of  
5 the intent with which he possesses it, a Class X felony if he  
6 possesses any firearm, firearm ammunition or explosive, and a  
7 Class X felony for which the offender shall be sentenced to not  
8 less than 12 years and not more than 50 years when the firearm  
9 possessed is a machine gun. A violation of this Section while  
10 wearing or in possession of body armor as defined in Section  
11 33F-1 is a Class X felony punishable by a term of imprisonment  
12 of not less than 10 years and not more than 40 years. The  
13 possession of each firearm or firearm ammunition in violation  
14 of this Section constitutes a single and separate violation. A  
15 sentence of county impact incarceration under Section 5-8-1.2  
16 of the Unified Code of Corrections is not authorized for a  
17 violation of this Section.

18 (Source: P.A. 100-3, eff. 1-1-18.)

19 (720 ILCS 5/24-1.6)

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

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

23 (1) Carries on or about his or her person or in any  
24 vehicle or concealed on or about his or her person except  
25 when on his or her land or in his or her abode, legal

1 dwelling, or fixed place of business, or on the land or in  
2 the legal dwelling of another person as an invitee with  
3 that person's permission, any pistol, revolver, stun gun or  
4 taser or other firearm; or

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

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

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

20 (A-5) the pistol, revolver, or handgun possessed  
21 was uncased, loaded, and immediately accessible at the  
22 time of the offense and the person possessing the  
23 pistol, revolver, or handgun has not been issued a  
24 currently valid license under the Firearm Concealed  
25 Carry Act; or

26 (B) the firearm, other than a pistol, revolver, or

1 handgun, possessed was uncased, unloaded, and the  
2 ammunition for the weapon was immediately accessible  
3 at the time of the offense; or

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

10 (C) the person possessing the firearm has not been  
11 issued a currently valid Firearm Owner's  
12 Identification Card; or

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

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

23 (F) (blank); or

24 (G) the person possessing the weapon had an order  
25 of protection issued against him or her within the  
26 previous 2 years; or



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

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

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

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

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

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

17 (ii) are not immediately accessible; or

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

22 (d) Sentence.

23 (1) Aggravated unlawful use of a weapon is a Class 4  
24 felony; a second or subsequent offense is a Class 2 felony  
25 for which the person shall be sentenced to a term of  
26 imprisonment of not less than 4 ~~3~~ years and not more than

1        10 7 years, except as provided for in Section 5-4.5-110 of  
2 the Unified Code of Corrections.

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

12            (3) Aggravated unlawful use of a weapon by a person who  
13 has been previously convicted of a felony in this State or  
14 another jurisdiction is a Class 2 felony for which the  
15 person shall be sentenced to a term of imprisonment of not  
16 less than 4 3 years and not more than 10 7 years, except as  
17 provided for in Section 5-4.5-110 of the Unified Code of  
18 Corrections. A sentence of county impact incarceration  
19 under Section 5-8-1.2 of the Unified Code of Corrections is  
20 not authorized for a violation of this paragraph (3).

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

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

3 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

4 (720 ILCS 5/24-1.8)

5 Sec. 24-1.8. Unlawful possession of a firearm by a street  
6 gang member.

7 (a) A person commits unlawful possession of a firearm by a  
8 street gang member when he or she knowingly:

9 (1) possesses, carries, or conceals on or about his or  
10 her person a firearm and firearm ammunition while on any  
11 street, road, alley, gangway, sidewalk, or any other lands,  
12 except when inside his or her own abode or inside his or  
13 her fixed place of business, and has not been issued a  
14 currently valid Firearm Owner's Identification Card and is  
15 a member of a street gang; or

16 (2) possesses or carries in any vehicle a firearm and  
17 firearm ammunition which are both immediately accessible  
18 at the time of the offense while on any street, road,  
19 alley, or any other lands, except when inside his or her  
20 own abode or garage, and has not been issued a currently  
21 valid Firearm Owner's Identification Card and is a member  
22 of a street gang.

23 (b) Unlawful possession of a firearm by a street gang  
24 member is a Class 2 felony for which the person, if sentenced  
25 to a term of imprisonment, shall be sentenced to no less than 4

1 3 years and no more than 10 years. A period of probation, a  
2 term of periodic imprisonment or conditional discharge shall  
3 not be imposed for the offense of unlawful possession of a  
4 firearm by a street gang member when the firearm was loaded or  
5 contained firearm ammunition and the court shall sentence the  
6 offender to not less than the minimum term of imprisonment  
7 authorized for the Class 2 felony. A sentence of county impact  
8 incarceration under Section 5-8-1.2 of the Unified Code of  
9 Corrections is not authorized for a violation of this Section.

10 (c) For purposes of this Section:

11 "Street gang" or "gang" has the meaning ascribed to it  
12 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
13 Prevention Act.

14 "Street gang member" or "gang member" has the meaning  
15 ascribed to it in Section 10 of the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act.

17 (Source: P.A. 96-829, eff. 12-3-09.)

18 Section 10. The Unified Code of Corrections is amended by  
19 changing Sections 3-6-3, 5-5-3, and 5-8-1.2 as follows:

20 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

22 (a) (1) The Department of Corrections shall prescribe rules  
23 and regulations for awarding and revoking sentence credit for  
24 persons committed to the Department which shall be subject to

1 review by the Prisoner Review Board.

2 (1.5) As otherwise provided by law, sentence credit may be  
3 awarded for the following:

4 (A) successful completion of programming while in  
5 custody of the Department or while in custody prior to  
6 sentencing;

7 (B) compliance with the rules and regulations of the  
8 Department; or

9 (C) service to the institution, service to a community,  
10 or service to the State.

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

1 with respect to the offense of attempt to commit terrorism  
2 committed on or after January 1, 2013 (the effective date of  
3 Public Act 97-990) or with respect to offenses listed in clause  
4 (viii) committed on or after the effective date of this  
5 amendatory Act of the 101st General Assembly, the following:

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

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

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

11          (iv) that a prisoner serving a sentence for aggravated  
12          discharge of a firearm, whether or not the conduct leading  
13          to conviction for the offense resulted in great bodily harm  
14          to the victim, shall receive no more than 4.5 days of  
15          sentence credit for each month of his or her sentence of  
16          imprisonment;

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

1 conspiracy, street gang criminal drug conspiracy,  
2 participation in methamphetamine manufacturing, aggravated  
3 participation in methamphetamine manufacturing, delivery  
4 of methamphetamine, possession with intent to deliver  
5 methamphetamine, aggravated delivery of methamphetamine,  
6 aggravated possession with intent to deliver  
7 methamphetamine, methamphetamine conspiracy when the  
8 substance containing the controlled substance or  
9 methamphetamine is 100 grams or more shall receive no more  
10 than 7.5 days sentence credit for each month of his or her  
11 sentence of imprisonment;

12 (vi) that a prisoner serving a sentence for a second or  
13 subsequent offense of luring a minor shall receive no more  
14 than 4.5 days of sentence credit for each month of his or  
15 her sentence of imprisonment; ~~and~~

16 (vii) that a prisoner serving a sentence for aggravated  
17 domestic battery shall receive no more than 4.5 days of  
18 sentence credit for each month of his or her sentence of  
19 imprisonment; and -

20 (viii) that a prisoner serving a sentence for a  
21 violation of Section 24-1.1, 24-1.6, except for a sentence  
22 for a first offense under paragraph (1) of subsection (d)  
23 of Section 24-1.6 or a sentence under paragraph (2) of  
24 subsection (d) of Section 24-1.6, or 24-1.8 of the Criminal  
25 Code of 2012 shall receive no more than 4.5 days of  
26 sentence credit for each month of his or her sentence of



1           imprisonment.

2           (2.1) For all offenses, other than those enumerated in  
3 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
4 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 subdivision (a)(2)(v) committed on or after August 13, 2007  
7 (the effective date of Public Act 95-134) or subdivision  
8 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
9 date of Public Act 95-625) or subdivision (a)(2)(vii) committed  
10 on or after July 23, 2010 (the effective date of Public Act  
11 96-1224), and other than the offense of aggravated driving  
12 under the influence of alcohol, other drug or drugs, or  
13 intoxicating compound or compounds, or any combination thereof  
14 as defined in subparagraph (F) of paragraph (1) of subsection  
15 (d) of Section 11-501 of the Illinois Vehicle Code, and other  
16 than the offense of aggravated driving under the influence of  
17 alcohol, other drug or drugs, or intoxicating compound or  
18 compounds, or any combination thereof as defined in  
19 subparagraph (C) of paragraph (1) of subsection (d) of Section  
20 11-501 of the Illinois Vehicle Code committed on or after  
21 January 1, 2011 (the effective date of Public Act 96-1230), the  
22 rules and regulations shall provide that a prisoner who is  
23 serving a term of imprisonment shall receive one day of  
24 sentence credit for each day of his or her sentence of  
25 imprisonment or recommitment under Section 3-3-9. Each day of  
26 sentence credit shall reduce by one day the prisoner's period

1 of imprisonment or recommitment under Section 3-3-9.

2 (2.2) A prisoner serving a term of natural life  
3 imprisonment or a prisoner who has been sentenced to death  
4 shall receive no sentence credit.

5 (2.3) Except as provided in paragraph (4.7) of this  
6 subsection (a), the rules and regulations on sentence credit  
7 shall provide that a prisoner who is serving a sentence for  
8 aggravated driving under the influence of alcohol, other drug  
9 or drugs, or intoxicating compound or compounds, or any  
10 combination thereof as defined in subparagraph (F) of paragraph  
11 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
12 Code, shall receive no more than 4.5 days of sentence credit  
13 for each month of his or her sentence of imprisonment.

14 (2.4) Except as provided in paragraph (4.7) of this  
15 subsection (a), the rules and regulations on sentence credit  
16 shall provide with respect to the offenses of aggravated  
17 battery with a machine gun or a firearm equipped with any  
18 device or attachment designed or used for silencing the report  
19 of a firearm or aggravated discharge of a machine gun or a  
20 firearm equipped with any device or attachment designed or used  
21 for silencing the report of a firearm, committed on or after  
22 July 15, 1999 (the effective date of Public Act 91-121), that a  
23 prisoner serving a sentence for any of these offenses shall  
24 receive no more than 4.5 days of sentence credit for each month  
25 of his or her sentence of imprisonment.

26 (2.5) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit  
2 shall provide that a prisoner who is serving a sentence for  
3 aggravated arson committed on or after July 27, 2001 (the  
4 effective date of Public Act 92-176) shall receive no more than  
5 4.5 days of sentence credit for each month of his or her  
6 sentence of imprisonment.

7 (2.6) Except as provided in paragraph (4.7) of this  
8 subsection (a), the rules and regulations on sentence credit  
9 shall provide that a prisoner who is serving a sentence for  
10 aggravated driving under the influence of alcohol, other drug  
11 or drugs, or intoxicating compound or compounds or any  
12 combination thereof as defined in subparagraph (C) of paragraph  
13 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
14 Code committed on or after January 1, 2011 (the effective date  
15 of Public Act 96-1230) shall receive no more than 4.5 days of  
16 sentence credit for each month of his or her sentence of  
17 imprisonment.

18 (3) In addition to the sentence credits earned under  
19 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection (a),  
20 the rules and regulations shall also provide that the Director  
21 may award up to 180 days of earned sentence credit for good  
22 conduct in specific instances as the Director deems proper. The  
23 good conduct may include, but is not limited to, compliance  
24 with the rules and regulations of the Department, service to  
25 the Department, service to a community, or service to the  
26 State.

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

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

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

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

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

1 (C) has met the eligibility criteria established by  
2 rule for earned sentence credit.

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

5 (3.5) The Department shall provide annual written reports  
6 to the Governor and the General Assembly on the award of earned  
7 sentence credit no later than February 1 of each year. The  
8 Department must publish both reports on its website within 48  
9 hours of transmitting the reports to the Governor and the  
10 General Assembly. The reports must include:

11 (A) the number of inmates awarded earned sentence  
12 credit;

13 (B) the average amount of earned sentence credit  
14 awarded;

15 (C) the holding offenses of inmates awarded earned  
16 sentence credit; and

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

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

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

20 (B) The Department shall award sentence credit under this  
21 paragraph (4) accumulated prior to the effective date of this  
22 amendatory Act of the 101st General Assembly in an amount  
23 specified in subparagraph (C) of this paragraph (4) to an  
24 inmate serving a sentence for an offense committed prior to  
25 June 19, 1998, if the Department determines that the inmate is  
26 entitled to this sentence credit, based upon:

1           (i) documentation provided by the Department that the  
2           inmate engaged in any full-time substance abuse programs,  
3           correctional industry assignments, educational programs,  
4           behavior modification programs, life skills courses, or  
5           re-entry planning provided by the Department under this  
6           paragraph (4) and satisfactorily completed the assigned  
7           program as determined by the standards of the Department  
8           during the inmate's current term of incarceration; or

9           (ii) the inmate's own testimony in the form of an  
10          affidavit or documentation, or a third party's  
11          documentation or testimony in the form of an affidavit that  
12          the inmate likely engaged in any full-time substance abuse  
13          programs, correctional industry assignments, educational  
14          programs, behavior modification programs, life skills  
15          courses, or re-entry planning provided by the Department  
16          under paragraph (4) and satisfactorily completed the  
17          assigned program as determined by the standards of the  
18          Department during the inmate's current term of  
19          incarceration.

20          (C) If the inmate can provide documentation that he or she  
21          is entitled to sentence credit under subparagraph (B) in excess  
22          of 45 days of participation in those programs, the inmate shall  
23          receive 90 days of sentence credit. If the inmate cannot  
24          provide documentation of more than 45 days of participation  
25          those programs, the inmate shall receive 45 days of sentence  
26          credit. In the event of a disagreement between the Department

1 and the inmate as to the amount of credit accumulated under  
2 subparagraph (B), if the Department provides documented proof  
3 of a lesser amount of days of participation in those programs,  
4 that proof shall control. If the Department provides no  
5 documentary proof, the inmate's proof as set forth in clause  
6 (ii) of subparagraph (B) shall control as to the amount of  
7 sentence credit provided.

8 (D) If the inmate has been convicted of a sex offense as  
9 defined in Section 2 of the Sex Offender Registration Act,  
10 sentencing credits under subparagraph (B) of this paragraph (4)  
11 shall be awarded by the Department only if the conditions set  
12 forth in paragraph (4.6) of subsection (a) are satisfied. No  
13 inmate serving a term of natural life imprisonment shall  
14 receive sentence credit under subparagraph (B) of this  
15 paragraph (4).

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

26 Availability of these programs shall be subject to the



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

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

1 shall be revoked. The Department may also award 90 days of  
2 sentence credit to any committed person who passed high school  
3 equivalency testing while he or she was held in pre-trial  
4 detention prior to the current commitment to the Department of  
5 Corrections.

6 Except as provided in paragraph (4.7) of this subsection  
7 (a), the rules and regulations shall provide that an additional  
8 180 days of sentence credit shall be awarded to any prisoner  
9 who obtains a bachelor's degree while the prisoner is committed  
10 to the Department of Corrections. The sentence credit awarded  
11 under this paragraph (4.1) shall be in addition to, and shall  
12 not affect, the award of sentence credit under any other  
13 paragraph of this Section, but shall also be under the  
14 guidelines and restrictions set forth in paragraph (4) of this  
15 subsection (a). The sentence credit provided for in this  
16 paragraph shall be available only to those prisoners who have  
17 not earned a bachelor's degree prior to the current commitment  
18 to the Department of Corrections. If, after an award of the  
19 bachelor's degree sentence credit has been made, the Department  
20 determines that the prisoner was not eligible, then the award  
21 shall be revoked. The Department may also award 180 days of  
22 sentence credit to any committed person who earned a bachelor's  
23 degree while he or she was held in pre-trial detention prior to  
24 the current commitment to the Department of Corrections.

25 Except as provided in paragraph (4.7) of this subsection  
26 (a), the rules and regulations shall provide that an additional

1 180 days of sentence credit shall be awarded to any prisoner  
2 who obtains a master's or professional degree while the  
3 prisoner is committed to the Department of Corrections. The  
4 sentence credit awarded under this paragraph (4.1) shall be in  
5 addition to, and shall not affect, the award of sentence credit  
6 under any other paragraph of this Section, but shall also be  
7 under the guidelines and restrictions set forth in paragraph  
8 (4) of this subsection (a). The sentence credit provided for in  
9 this paragraph shall be available only to those prisoners who  
10 have not previously earned a master's or professional degree  
11 prior to the current commitment to the Department of  
12 Corrections. If, after an award of the master's or professional  
13 degree sentence credit has been made, the Department determines  
14 that the prisoner was not eligible, then the award shall be  
15 revoked. The Department may also award 180 days of sentence  
16 credit to any committed person who earned a master's or  
17 professional degree while he or she was held in pre-trial  
18 detention prior to the current commitment to the Department of  
19 Corrections.

20 (4.5) The rules and regulations on sentence credit shall  
21 also provide that when the court's sentencing order recommends  
22 a prisoner for substance abuse treatment and the crime was  
23 committed on or after September 1, 2003 (the effective date of  
24 Public Act 93-354), the prisoner shall receive no sentence  
25 credit awarded under clause (3) of this subsection (a) unless  
26 he or she participates in and completes a substance abuse

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

19 (4.6) The rules and regulations on sentence credit shall  
20 also provide that a prisoner who has been convicted of a sex  
21 offense as defined in Section 2 of the Sex Offender  
22 Registration Act shall receive no sentence credit unless he or  
23 she either has successfully completed or is participating in  
24 sex offender treatment as defined by the Sex Offender  
25 Management Board. However, prisoners who are waiting to receive  
26 treatment, but who are unable to do so due solely to the lack

1 of resources on the part of the Department, may, at the  
2 Director's sole discretion, be awarded sentence credit at a  
3 rate as the Director shall determine.

4 (4.7) On or after the effective date of this amendatory Act  
5 of the 100th General Assembly, sentence credit under paragraph  
6 (3), (4), or (4.1) of this subsection (a) may be awarded to a  
7 prisoner who is serving a sentence for an offense described in  
8 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
9 on or after the effective date of this amendatory Act of the  
10 100th General Assembly; provided, the award of the credits  
11 under this paragraph (4.7) shall not reduce the sentence of the  
12 prisoner to less than the following amounts:

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

15 (ii) 60% of his or her sentence if the prisoner is  
16 required to serve 75% of his or her sentence, except if the  
17 prisoner is serving a sentence for gunrunning his or her  
18 sentence shall not be reduced to less than 75%.

19 (iii) 100% of his or her sentence if the prisoner is  
20 required to serve 100% of his or her sentence.

21 (5) Whenever the Department is to release any inmate  
22 earlier than it otherwise would because of a grant of earned  
23 sentence credit under paragraph (3) of subsection (a) of this  
24 Section given at any time during the term, the Department shall  
25 give reasonable notice of the impending release not less than  
26 14 days prior to the date of the release to the State's

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

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

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

1 penalized more than one year of sentence credit for any one  
2 infraction.

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

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

1 requested by the Director.

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

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

20 For purposes of this subsection (d):

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

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



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

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

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

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

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

1 subsequent petition for relief from judgment under Section  
2 2-1401 of the Code of Civil Procedure.

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

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

13 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;  
14 101-440, eff. 1-1-20.)

15 (730 ILCS 5/5-5-3)

16 Sec. 5-5-3. Disposition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) (1) (Blank).

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

1 (A) First degree murder where the death penalty is not  
2 imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

10 (D-5) A violation of subdivision (c)(1) of Section 401  
11 of the Illinois Controlled Substances Act which relates to  
12 3 or more grams of a substance containing heroin or an  
13 analog thereof.

14 (E) (Blank).

15 (F) A Class 1 or greater felony if the offender had  
16 been convicted of a Class 1 or greater felony, including  
17 any state or federal conviction for an offense that  
18 contained, at the time it was committed, the same elements  
19 as an offense now (the date of the offense committed after  
20 the prior Class 1 or greater felony) classified as a Class  
21 1 or greater felony, within 10 years of the date on which  
22 the offender committed the offense for which he or she is  
23 being sentenced, except as otherwise provided in Section  
24 40-10 of the Substance Use Disorder Act.

25 (F-3) A Class 2 or greater felony sex offense or felony  
26 firearm offense if the offender had been convicted of a

1 Class 2 or greater felony, including any state or federal  
2 conviction for an offense that contained, at the time it  
3 was committed, the same elements as an offense now (the  
4 date of the offense committed after the prior Class 2 or  
5 greater felony) classified as a Class 2 or greater felony,  
6 within 10 years of the date on which the offender committed  
7 the offense for which he or she is being sentenced, except  
8 as otherwise provided in Section 40-10 of the Substance Use  
9 Disorder Act.

10 (F-5) A violation of Section 24-1, 24-1.1, ~~or 24-1.6,~~  
11 or 24-1.8 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 for which imprisonment is prescribed in those  
13 Sections.

14 (G) Residential burglary, except as otherwise provided  
15 in Section 40-10 of the Substance Use Disorder Act.

16 (H) Criminal sexual assault.

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

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

22 Before July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" means an association of 5 or  
24 more persons, with an established hierarchy, that  
25 encourages members of the association to perpetrate crimes  
26 or provides support to the members of the association who

1 do commit crimes.

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

6 (K) Vehicular hijacking.

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

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

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

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

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

22 (Q) A violation of subsection (b) or (b-5) of Section  
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012.

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

1 (S) (Blank).

2 (T) (Blank).

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

10 (V) A violation of paragraph (4) of subsection (c) of  
11 Section 11-20.1B or paragraph (4) of subsection (c) of  
12 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
13 (6) of subsection (a) of Section 11-20.1 of the Criminal  
14 Code of 2012 when the victim is under 13 years of age and  
15 the defendant has previously been convicted under the laws  
16 of this State or any other state of the offense of child  
17 pornography, aggravated child pornography, aggravated  
18 criminal sexual abuse, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, or any of the  
20 offenses formerly known as rape, deviate sexual assault,  
21 indecent liberties with a child, or aggravated indecent  
22 liberties with a child where the victim was under the age  
23 of 18 years or an offense that is substantially equivalent  
24 to those offenses.

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

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

3 (Y) A conviction for unlawful possession of a firearm  
4 by a street gang member when the firearm was loaded or  
5 contained firearm ammunition.

6 (Z) A Class 1 felony committed while he or she was  
7 serving a term of probation or conditional discharge for a  
8 felony.

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

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

13 (CC) Knowingly selling, offering for sale, holding for  
14 sale, or using 2,000 or more counterfeit items or  
15 counterfeit items having a retail value in the aggregate of  
16 \$500,000 or more.

17 (DD) A conviction for aggravated assault under  
18 paragraph (6) of subsection (c) of Section 12-2 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012 if the  
20 firearm is aimed toward the person against whom the firearm  
21 is being used.

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

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be  
2 imposed for a violation of paragraph (c) of Section 6-303 of  
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
6 this subsection (c), a minimum of 100 hours of community  
7 service shall be imposed for a second violation of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300  
10 hours of community service, as determined by the court, shall  
11 be imposed for a second violation of subsection (c) of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
14 (4.9) of this subsection (c), a minimum term of imprisonment of  
15 30 days or 300 hours of community service, as determined by the  
16 court, shall be imposed for a third or subsequent violation of  
17 Section 6-303 of the Illinois Vehicle Code. The court may give  
18 credit toward the fulfillment of community service hours for  
19 participation in activities and treatment as determined by  
20 court services.

21 (4.5) A minimum term of imprisonment of 30 days shall be  
22 imposed for a third violation of subsection (c) of Section  
23 6-303 of the Illinois Vehicle Code.

24 (4.6) Except as provided in paragraph (4.10) of this  
25 subsection (c), a minimum term of imprisonment of 180 days  
26 shall be imposed for a fourth or subsequent violation of



1 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

2 (4.7) A minimum term of imprisonment of not less than 30  
3 consecutive days, or 300 hours of community service, shall be  
4 imposed for a violation of subsection (a-5) of Section 6-303 of  
5 the Illinois Vehicle Code, as provided in subsection (b-5) of  
6 that Section.

7 (4.8) A mandatory prison sentence shall be imposed for a  
8 second violation of subsection (a-5) of Section 6-303 of the  
9 Illinois Vehicle Code, as provided in subsection (c-5) of that  
10 Section. The person's driving privileges shall be revoked for a  
11 period of not less than 5 years from the date of his or her  
12 release from prison.

13 (4.9) A mandatory prison sentence of not less than 4 and  
14 not more than 15 years shall be imposed for a third violation  
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
16 Code, as provided in subsection (d-2.5) of that Section. The  
17 person's driving privileges shall be revoked for the remainder  
18 of his or her life.

19 (4.10) A mandatory prison sentence for a Class 1 felony  
20 shall be imposed, and the person shall be eligible for an  
21 extended term sentence, for a fourth or subsequent violation of  
22 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
23 as provided in subsection (d-3.5) of that Section. The person's  
24 driving privileges shall be revoked for the remainder of his or  
25 her life.

26 (5) The court may sentence a corporation or unincorporated

1 association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

4 (C) make restitution to the victim under Section 5-5-6  
5 of this Code.

6 (5.1) In addition to any other penalties imposed, and  
7 except as provided in paragraph (5.2) or (5.3), a person  
8 convicted of violating subsection (c) of Section 11-907 of the  
9 Illinois Vehicle Code shall have his or her driver's license,  
10 permit, or privileges suspended for at least 90 days but not  
11 more than one year, if the violation resulted in damage to the  
12 property of another person.

13 (5.2) In addition to any other penalties imposed, and  
14 except as provided in paragraph (5.3), a person convicted of  
15 violating subsection (c) of Section 11-907 of the Illinois  
16 Vehicle Code shall have his or her driver's license, permit, or  
17 privileges suspended for at least 180 days but not more than 2  
18 years, if the violation resulted in injury to another person.

19 (5.3) In addition to any other penalties imposed, a person  
20 convicted of violating subsection (c) of Section 11-907 of the  
21 Illinois Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for 2 years, if the violation  
23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person  
25 convicted of violating Section 3-707 of the Illinois Vehicle  
26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid  
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person  
4 convicted of violating Section 3-707 of the Illinois Vehicle  
5 Code during a period in which his or her driver's license,  
6 permit, or privileges were suspended for a previous violation  
7 of that Section shall have his or her driver's license, permit,  
8 or privileges suspended for an additional 6 months after the  
9 expiration of the original 3-month suspension and until he or  
10 she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

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

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a  
19 first offense and \$2,000 for a second or subsequent offense  
20 upon a person convicted of or placed on supervision for battery  
21 when the individual harmed was a sports official or coach at  
22 any level of competition and the act causing harm to the sports  
23 official or coach occurred within an athletic facility or  
24 within the immediate vicinity of the athletic facility at which  
25 the sports official or coach was an active participant of the  
26 athletic contest held at the athletic facility. For the

1 purposes of this paragraph (11), "sports official" means a  
2 person at an athletic contest who enforces the rules of the  
3 contest, such as an umpire or referee; "athletic facility"  
4 means an indoor or outdoor playing field or recreational area  
5 where sports activities are conducted; and "coach" means a  
6 person recognized as a coach by the sanctioning authority that  
7 conducted the sporting event.

8 (12) A person may not receive a disposition of court  
9 supervision for a violation of Section 5-16 of the Boat  
10 Registration and Safety Act if that person has previously  
11 received a disposition of court supervision for a violation of  
12 that Section.

13 (13) A person convicted of or placed on court supervision  
14 for an assault or aggravated assault when the victim and the  
15 offender are family or household members as defined in Section  
16 103 of the Illinois Domestic Violence Act of 1986 or convicted  
17 of domestic battery or aggravated domestic battery may be  
18 required to attend a Partner Abuse Intervention Program under  
19 protocols set forth by the Illinois Department of Human  
20 Services under such terms and conditions imposed by the court.  
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is  
23 vacated, the case shall be remanded to the trial court. The  
24 trial court shall hold a hearing under Section 5-4-1 of this  
25 Code which may include evidence of the defendant's life, moral  
26 character and occupation during the time since the original

1 sentence was passed. The trial court shall then impose sentence  
2 upon the defendant. The trial court may impose any sentence  
3 which could have been imposed at the original trial subject to  
4 Section 5-5-4 of this Code. If a sentence is vacated on appeal  
5 or on collateral attack due to the failure of the trier of fact  
6 at trial to determine beyond a reasonable doubt the existence  
7 of a fact (other than a prior conviction) necessary to increase  
8 the 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 the Criminal  
9 and Traffic Assessment 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 earned sentence credit as provided under Section  
9 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 has a substance use disorder, as defined  
23 in the Substance Use Disorder Act, to a treatment program  
24 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. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
5 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

6 (730 ILCS 5/5-8-1.2)

7 Sec. 5-8-1.2. County impact incarceration.

8 (a) Legislative intent. It is the finding of the General  
9 Assembly that certain non-violent offenders eligible for  
10 sentences of incarceration may benefit from the rehabilitative  
11 aspects of a county impact incarceration program. It is the  
12 intent of the General Assembly that such programs be  
13 implemented as provided by this Section. This Section shall not  
14 be construed to allow violent offenders to participate in a  
15 county impact incarceration program.

16 (b) Under the direction of the Sheriff and with the  
17 approval of the County Board of Commissioners, the Sheriff, in  
18 any county with more than 3,000,000 inhabitants, may establish  
19 and operate a county impact incarceration program for eligible  
20 offenders. If the court finds under Section 5-4-1 that an  
21 offender convicted of a felony meets the eligibility  
22 requirements of the Sheriff's county impact incarceration  
23 program, the court may sentence the offender to the county  
24 impact incarceration program. The Sheriff shall be responsible  
25 for monitoring all offenders who are sentenced to the county

1 impact incarceration program, including the mandatory period  
2 of monitored release following the 120 to 180 days of impact  
3 incarceration. Offenders assigned to the county impact  
4 incarceration program under an intergovernmental agreement  
5 between the county and the Illinois Department of Corrections  
6 are exempt from the provisions of this mandatory period of  
7 monitored release. In the event the offender is not accepted  
8 for placement in the county impact incarceration program, the  
9 court shall proceed to sentence the offender to any other  
10 disposition authorized by this Code. If the offender does not  
11 successfully complete the program, the offender's failure to do  
12 so shall constitute a violation of the sentence to the county  
13 impact incarceration program.

14 (c) In order to be eligible to be sentenced to a county  
15 impact incarceration program by the court, the person shall  
16 meet all of the following requirements:

17 (1) The person must be not less than 17 years of age  
18 nor more than 35 years of age.

19 (2) The person has not previously participated in the  
20 impact incarceration program and has not previously served  
21 more than one prior sentence of imprisonment for a felony  
22 in an adult correctional facility.

23 (3) The person has not been convicted of a Class X  
24 felony, first or second degree murder, armed violence,  
25 aggravated kidnapping, criminal sexual assault, aggravated  
26 criminal sexual abuse or a subsequent conviction for



1 criminal sexual abuse, forcible detention, ~~or~~ arson,  
2 unlawful use or possession of weapons by felons or persons  
3 in the custody of the Department of Corrections facilities,  
4 aggravated unlawful use of a weapon by a person who has  
5 been previously convicted of a felony in this State or  
6 another jurisdiction, or unlawful possession of a firearm  
7 by a street gang member and has not been convicted  
8 previously of any of those offenses.

9 (4) The person has been found in violation of probation  
10 for an offense that is a Class 2, 3, or 4 felony that is not  
11 a forcible felony as defined in Section 2-8 of the Criminal  
12 Code of 2012 or a violent crime as defined in subsection  
13 (c) of Section 3 of the Rights of Crime Victims and  
14 Witnesses Act who otherwise could be sentenced to a term of  
15 incarceration; or the person is convicted of an offense  
16 that is a Class 2, 3, or 4 felony that is not a forcible  
17 felony as defined in Section 2-8 of the Criminal Code of  
18 2012 or a violent crime as defined in subsection (c) of  
19 Section 3 of the Rights of Crime Victims and Witnesses Act  
20 who has previously served a sentence of probation for any  
21 felony offense and who otherwise could be sentenced to a  
22 term of incarceration.

23 (5) The person must be physically able to participate  
24 in strenuous physical activities or labor.

25 (6) The person must not have any mental disorder or  
26 disability that would prevent participation in a county

1 impact incarceration program.

2 (7) The person was recommended and approved for  
3 placement in the county impact incarceration program by the  
4 Sheriff and consented in writing to participation in the  
5 county impact incarceration program and to the terms and  
6 conditions of the program. The Sheriff may consider, among  
7 other matters, whether the person has any outstanding  
8 detainers or warrants, whether the person has a history of  
9 escaping or absconding, whether participation in the  
10 county impact incarceration program may pose a risk to the  
11 safety or security of any person and whether space is  
12 available.

13 (c-5) The county impact incarceration program shall  
14 include, among other matters, mandatory physical training and  
15 labor, military formation and drills, regimented activities,  
16 uniformity of dress and appearance, education and counseling,  
17 including drug counseling where appropriate.

18 (d) Privileges including visitation, commissary, receipt  
19 and retention of property and publications and access to  
20 television, radio, and a library may be suspended or  
21 restricted, notwithstanding provisions to the contrary in this  
22 Code.

23 (e) The Sheriff shall issue written rules and requirements  
24 for the program. Persons shall be informed of rules of behavior  
25 and conduct. Persons participating in the county impact  
26 incarceration program shall adhere to all rules and all

1 requirements of the program.

2 (f) Participation in the county impact incarceration  
3 program shall be for a period of 120 to 180 days followed by a  
4 mandatory term of monitored release for at least 8 months and  
5 no more than 12 months supervised by the Sheriff. The period of  
6 time a person shall serve in the impact incarceration program  
7 shall not be reduced by the accumulation of good time. The  
8 court may also sentence the person to a period of probation to  
9 commence at the successful completion of the county impact  
10 incarceration program.

11 (g) If the person successfully completes the county impact  
12 incarceration program, the Sheriff shall certify the person's  
13 successful completion of the program to the court and to the  
14 county's State's Attorney. Upon successful completion of the  
15 county impact incarceration program and mandatory term of  
16 monitored release and if there is an additional period of  
17 probation given, the person shall at that time begin his or her  
18 probationary sentence under the supervision of the Adult  
19 Probation Department.

20 (h) A person may be removed from the county impact  
21 incarceration program for a violation of the terms or  
22 conditions of the program or in the event he or she is for any  
23 reason unable to participate. The failure to complete the  
24 program for any reason, including the 8 to 12 month monitored  
25 release period, shall be deemed a violation of the county  
26 impact incarceration sentence. The Sheriff shall give notice to

1 the State's Attorney of the person's failure to complete the  
2 program. The Sheriff shall file a petition for violation of the  
3 county impact incarceration sentence with the court and the  
4 State's Attorney may proceed on the petition under Section  
5 5-6-4 of this Code. The Sheriff shall promulgate rules and  
6 regulations governing conduct which could result in removal  
7 from the program or in a determination that the person has not  
8 successfully completed the program.

9 The mandatory conditions of every county impact  
10 incarceration sentence shall include that the person either  
11 while in the program or during the period of monitored release:

12 (1) not violate any criminal statute of any  
13 jurisdiction;

14 (2) report or appear in person before any such person  
15 or agency as directed by the court or the Sheriff;

16 (3) refrain from possessing a firearm or other  
17 dangerous weapon;

18 (4) not leave the State without the consent of the  
19 court or, in circumstances in which the reason for the  
20 absence is of such an emergency nature that prior consent  
21 by the court is not possible, without the prior  
22 notification and approval of the Sheriff; and

23 (5) permit representatives of the Sheriff to visit at  
24 the person's home or elsewhere to the extent necessary for  
25 the Sheriff to monitor compliance with the program. Persons  
26 shall have access to such rules, which shall provide that a

1 person shall receive notice of any such violation.

2 (i) The Sheriff may terminate the county impact  
3 incarceration program at any time.

4 (j) The Sheriff shall report to the county board on or  
5 before September 30th of each year on the county impact  
6 incarceration program, including the composition of the  
7 program by the offenders, by county of commitment, sentence,  
8 age, offense, and race.

9 (Source: P.A. 100-201, eff. 8-18-17.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/18-3

4 720 ILCS 5/18-4

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

6 720 ILCS 5/24-1.6

7 720 ILCS 5/24-1.8

8 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

9 730 ILCS 5/5-5-3

10 730 ILCS 5/5-8-1.2