

# SB3798



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3798

Introduced 2/14/2020, by Sen. Jason Plummer

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3  
730 ILCS 5/5-5-3.2

Amends the Unified Code of Corrections. Provides that the court shall add 3 years of imprisonment to the sentence imposed upon a defendant who, at the time of the commission of the offense, was a holder of an elective office or who was appointed to fill a vacancy in that office and who is convicted of a felony relating to or arising out of or in connection with his or her service as a member of that office. Provides that a person convicted of the offense may not receive a period of probation, a term of periodic imprisonment, or conditional discharge and shall, in addition to the added 3 years, be sentenced to not less than the minimum term of imprisonment set forth in the Code for the offense. Defines "elective office". Effective immediately.

LRB101 15458 RLC 64792 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 Unified Code of Corrections is amended by  
5 changing Sections 5-5-3 and 5-5-3.2 as follows:

6 (730 ILCS 5/5-5-3)

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) A violation of Section 401.1 or 407 of the Illinois  
22 Controlled Substances Act, or a violation of subdivision  
23 (c)(1.5) of Section 401 of that Act which relates to more

1 than 5 grams of a substance containing fentanyl or an  
2 analog thereof.

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

7 (E) (Blank).

8 (F) A Class 1 or greater felony if the offender had  
9 been convicted of a Class 1 or greater felony, including  
10 any state or federal conviction for an offense that  
11 contained, at the time it was committed, the same elements  
12 as an offense now (the date of the offense committed after  
13 the prior Class 1 or greater felony) classified as a Class  
14 1 or greater felony, within 10 years of the date on which  
15 the offender committed the offense for which he or she is  
16 being sentenced, except as otherwise provided in Section  
17 40-10 of the Substance Use Disorder Act.

18 (F-3) A Class 2 or greater felony sex offense or felony  
19 firearm offense if the offender had been convicted of a  
20 Class 2 or greater felony, including any state or federal  
21 conviction for an offense that contained, at the time it  
22 was committed, the same elements as an offense now (the  
23 date of the offense committed after the prior Class 2 or  
24 greater felony) classified as a Class 2 or greater felony,  
25 within 10 years of the date on which the offender committed  
26 the offense for which he or she is being sentenced, except

1 as otherwise provided in Section 40-10 of the Substance Use  
2 Disorder Act.

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

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

8 (H) Criminal sexual assault.

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

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

14 Before July 1, 1994, for the purposes of this  
15 paragraph, "organized gang" means an association of 5 or  
16 more persons, with an established hierarchy, that  
17 encourages members of the association to perpetrate crimes  
18 or provides support to the members of the association who  
19 do commit crimes.

20 Beginning July 1, 1994, for the purposes of this  
21 paragraph, "organized gang" has the meaning ascribed to it  
22 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
23 Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the offense  
26 of hate crime when the underlying offense upon which the

1 hate crime is based is felony aggravated assault or felony  
2 mob action.

3 (M) A second or subsequent conviction for the offense  
4 of institutional vandalism if the damage to the property  
5 exceeds \$300.

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

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

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

14 (Q) A violation of subsection (b) or (b-5) of Section  
15 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012.

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

19 (S) (Blank).

20 (T) (Blank).

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

1 another state.

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

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

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

21 (Y) A conviction for unlawful possession of a firearm  
22 by a street gang member when the firearm was loaded or  
23 contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was  
25 serving a term of probation or conditional discharge for a  
26 felony.

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

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

5 (CC) Knowingly selling, offering for sale, holding for  
6 sale, or using 2,000 or more counterfeit items or  
7 counterfeit items having a retail value in the aggregate of  
8 \$500,000 or more.

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

14 (EE) A conviction for a violation of paragraph (2) of  
15 subsection (a) of Section 24-3B of the Criminal Code of  
16 2012.

17 (FF) A conviction for an offense described in  
18 subsection (f) of Section 5-5-3.2 of this Code.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10  
21 consecutive days or 30 days of community service shall be  
22 imposed for a violation of paragraph (c) of Section 6-303 of  
23 the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
26 this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court, shall  
5 be imposed for a second violation of subsection (c) of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
8 (4.9) of this subsection (c), a minimum term of imprisonment of  
9 30 days or 300 hours of community service, as determined by the  
10 court, shall be imposed for a third or subsequent violation of  
11 Section 6-303 of the Illinois Vehicle Code. The court may give  
12 credit toward the fulfillment of community service hours for  
13 participation in activities and treatment as determined by  
14 court services.

15 (4.5) A minimum term of imprisonment of 30 days shall be  
16 imposed for a third violation of subsection (c) of Section  
17 6-303 of the Illinois Vehicle Code.

18 (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

22 (4.7) A minimum term of imprisonment of not less than 30  
23 consecutive days, or 300 hours of community service, shall be  
24 imposed for a violation of subsection (a-5) of Section 6-303 of  
25 the Illinois Vehicle Code, as provided in subsection (b-5) of  
26 that Section.



1           (4.8) A mandatory prison sentence shall be imposed for a  
2 second violation of subsection (a-5) of Section 6-303 of the  
3 Illinois Vehicle Code, as provided in subsection (c-5) of that  
4 Section. The person's driving privileges shall be revoked for a  
5 period of not less than 5 years from the date of his or her  
6 release from prison.

7           (4.9) A mandatory prison sentence of not less than 4 and  
8 not more than 15 years shall be imposed for a third violation  
9 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
10 Code, as provided in subsection (d-2.5) of that Section. The  
11 person's driving privileges shall be revoked for the remainder  
12 of his or her life.

13           (4.10) A mandatory prison sentence for a Class 1 felony  
14 shall be imposed, and the person shall be eligible for an  
15 extended term sentence, for a fourth or subsequent violation of  
16 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
17 as provided in subsection (d-3.5) of that Section. The person's  
18 driving privileges shall be revoked for the remainder of his or  
19 her life.

20           (5) The court may sentence a corporation or unincorporated  
21 association convicted of any offense to:

22                   (A) a period of conditional discharge;

23                   (B) a fine;

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

26           (5.1) In addition to any other penalties imposed, and

1     except as provided in paragraph (5.2) or (5.3), a person  
2     convicted of violating subsection (c) of Section 11-907 of the  
3     Illinois Vehicle Code shall have his or her driver's license,  
4     permit, or privileges suspended for at least 90 days but not  
5     more than one year, if the violation resulted in damage to the  
6     property of another person.

7           (5.2) In addition to any other penalties imposed, and  
8     except as provided in paragraph (5.3), a person convicted of  
9     violating subsection (c) of Section 11-907 of the Illinois  
10    Vehicle Code shall have his or her driver's license, permit, or  
11    privileges suspended for at least 180 days but not more than 2  
12    years, if the violation resulted in injury to another person.

13           (5.3) In addition to any other penalties imposed, a person  
14    convicted of violating subsection (c) of Section 11-907 of the  
15    Illinois Vehicle Code shall have his or her driver's license,  
16    permit, or privileges suspended for 2 years, if the violation  
17    resulted in the death of another person.

18           (5.4) In addition to any other penalties imposed, a person  
19    convicted of violating Section 3-707 of the Illinois Vehicle  
20    Code shall have his or her driver's license, permit, or  
21    privileges suspended for 3 months and until he or she has paid  
22    a reinstatement fee of \$100.

23           (5.5) In addition to any other penalties imposed, a person  
24    convicted of violating Section 3-707 of the Illinois Vehicle  
25    Code during a period in which his or her driver's license,  
26    permit, or privileges were suspended for a previous violation

1 of that Section shall have his or her driver's license, permit,  
2 or privileges suspended for an additional 6 months after the  
3 expiration of the original 3-month suspension and until he or  
4 she has paid a reinstatement fee of \$100.

5 (6) (Blank).

6 (7) (Blank).

7 (8) (Blank).

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

11 (10) (Blank).

12 (11) The court shall impose a minimum fine of \$1,000 for a  
13 first offense and \$2,000 for a second or subsequent offense  
14 upon a person convicted of or placed on supervision for battery  
15 when the individual harmed was a sports official or coach at  
16 any level of competition and the act causing harm to the sports  
17 official or coach occurred within an athletic facility or  
18 within the immediate vicinity of the athletic facility at which  
19 the sports official or coach was an active participant of the  
20 athletic contest held at the athletic facility. For the  
21 purposes of this paragraph (11), "sports official" means a  
22 person at an athletic contest who enforces the rules of the  
23 contest, such as an umpire or referee; "athletic facility"  
24 means an indoor or outdoor playing field or recreational area  
25 where sports activities are conducted; and "coach" means a  
26 person recognized as a coach by the sanctioning authority that

1 conducted the sporting event.

2 (12) A person may not receive a disposition of court  
3 supervision for a violation of Section 5-16 of the Boat  
4 Registration and Safety Act if that person has previously  
5 received a disposition of court supervision for a violation of  
6 that Section.

7 (13) A person convicted of or placed on court supervision  
8 for an assault or aggravated assault when the victim and the  
9 offender are family or household members as defined in Section  
10 103 of the Illinois Domestic Violence Act of 1986 or convicted  
11 of domestic battery or aggravated domestic battery may be  
12 required to attend a Partner Abuse Intervention Program under  
13 protocols set forth by the Illinois Department of Human  
14 Services under such terms and conditions imposed by the court.  
15 The costs of such classes shall be paid by the offender.

16 (d) In any case in which a sentence originally imposed is  
17 vacated, the case shall be remanded to the trial court. The  
18 trial court shall hold a hearing under Section 5-4-1 of this  
19 Code which may include evidence of the defendant's life, moral  
20 character and occupation during the time since the original  
21 sentence was passed. The trial court shall then impose sentence  
22 upon the defendant. The trial court may impose any sentence  
23 which could have been imposed at the original trial subject to  
24 Section 5-5-4 of this Code. If a sentence is vacated on appeal  
25 or on collateral attack due to the failure of the trier of fact  
26 at trial to determine beyond a reasonable doubt the existence

1 of a fact (other than a prior conviction) necessary to increase  
2 the punishment for the offense beyond the statutory maximum  
3 otherwise applicable, either the defendant may be re-sentenced  
4 to a term within the range otherwise provided or, if the State  
5 files notice of its intention to again seek the extended  
6 sentence, the defendant shall be afforded a new trial.

7 (e) In cases where prosecution for aggravated criminal  
8 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012 results in conviction  
10 of a defendant who was a family member of the victim at the  
11 time of the commission of the offense, the court shall consider  
12 the safety and welfare of the victim and may impose a sentence  
13 of probation only where:

14 (1) the court finds (A) or (B) or both are appropriate:

15 (A) the defendant is willing to undergo a court  
16 approved counseling program for a minimum duration of 2  
17 years; or

18 (B) the defendant is willing to participate in a  
19 court approved plan including but not limited to the  
20 defendant's:

21 (i) removal from the household;

22 (ii) restricted contact with the victim;

23 (iii) continued financial support of the  
24 family;

25 (iv) restitution for harm done to the victim;

26 and

1 (v) compliance with any other measures that  
2 the court may deem appropriate; and

3 (2) the court orders the defendant to pay for the  
4 victim's counseling services, to the extent that the court  
5 finds, after considering the defendant's income and  
6 assets, that the defendant is financially capable of paying  
7 for such services, if the victim was under 18 years of age  
8 at the time the offense was committed and requires  
9 counseling as a result of the offense.

10 Probation may be revoked or modified pursuant to Section  
11 5-6-4; except where the court determines at the hearing that  
12 the defendant violated a condition of his or her probation  
13 restricting contact with the victim or other family members or  
14 commits another offense with the victim or other family  
15 members, the court shall revoke the defendant's probation and  
16 impose a term of imprisonment.

17 For the purposes of this Section, "family member" and  
18 "victim" shall have the meanings ascribed to them in Section  
19 11-0.1 of the Criminal Code of 2012.

20 (f) (Blank).

21 (g) Whenever a defendant is convicted of an offense under  
22 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
23 11-14.3, 11-14.4 except for an offense that involves keeping a  
24 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
25 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the defendant shall undergo medical  
2 testing to determine whether the defendant has any sexually  
3 transmissible disease, including a test for infection with  
4 human immunodeficiency virus (HIV) or any other identified  
5 causative agent of acquired immunodeficiency syndrome (AIDS).  
6 Any such medical test shall be performed only by appropriately  
7 licensed medical practitioners and may include an analysis of  
8 any bodily fluids as well as an examination of the defendant's  
9 person. Except as otherwise provided by law, the results of  
10 such test shall be kept strictly confidential by all medical  
11 personnel involved in the testing and must be personally  
12 delivered in a sealed envelope to the judge of the court in  
13 which the conviction was entered for the judge's inspection in  
14 camera. Acting in accordance with the best interests of the  
15 victim and the public, the judge shall have the discretion to  
16 determine to whom, if anyone, the results of the testing may be  
17 revealed. The court shall notify the defendant of the test  
18 results. The court shall also notify the victim if requested by  
19 the victim, and if the victim is under the age of 15 and if  
20 requested by the victim's parents or legal guardian, the court  
21 shall notify the victim's parents or legal guardian of the test  
22 results. The court shall provide information on the  
23 availability of HIV testing and counseling at Department of  
24 Public Health facilities to all parties to whom the results of  
25 the testing are revealed and shall direct the State's Attorney  
26 to provide the information to the victim when possible. A

1 State's Attorney may petition the court to obtain the results  
2 of any HIV test administered under this Section, and the court  
3 shall grant the disclosure if the State's Attorney shows it is  
4 relevant in order to prosecute a charge of criminal  
5 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 against the  
7 defendant. The court shall order that the cost of any such test  
8 shall be paid by the county and may be taxed as costs against  
9 the convicted defendant.

10 (g-5) When an inmate is tested for an airborne communicable  
11 disease, as determined by the Illinois Department of Public  
12 Health including but not limited to tuberculosis, the results  
13 of the test shall be personally delivered by the warden or his  
14 or her designee in a sealed envelope to the judge of the court  
15 in which the inmate must appear for the judge's inspection in  
16 camera if requested by the judge. Acting in accordance with the  
17 best interests of those in the courtroom, the judge shall have  
18 the discretion to determine what if any precautions need to be  
19 taken to prevent transmission of the disease in the courtroom.

20 (h) Whenever a defendant is convicted of an offense under  
21 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
22 defendant shall undergo medical testing to determine whether  
23 the defendant has been exposed to human immunodeficiency virus  
24 (HIV) or any other identified causative agent of acquired  
25 immunodeficiency syndrome (AIDS). Except as otherwise provided  
26 by law, the results of such test shall be kept strictly



1 confidential by all medical personnel involved in the testing  
2 and must be personally delivered in a sealed envelope to the  
3 judge of the court in which the conviction was entered for the  
4 judge's inspection in camera. Acting in accordance with the  
5 best interests of the public, the judge shall have the  
6 discretion to determine to whom, if anyone, the results of the  
7 testing may be revealed. The court shall notify the defendant  
8 of a positive test showing an infection with the human  
9 immunodeficiency virus (HIV). The court shall provide  
10 information on the availability of HIV testing and counseling  
11 at Department of Public Health facilities to all parties to  
12 whom the results of the testing are revealed and shall direct  
13 the State's Attorney to provide the information to the victim  
14 when possible. A State's Attorney may petition the court to  
15 obtain the results of any HIV test administered under this  
16 Section, and the court shall grant the disclosure if the  
17 State's Attorney shows it is relevant in order to prosecute a  
18 charge of criminal transmission of HIV under Section 12-5.01 or  
19 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
20 2012 against the defendant. The court shall order that the cost  
21 of any such test shall be paid by the county and may be taxed as  
22 costs against the convicted defendant.

23 (i) All fines and penalties imposed under this Section for  
24 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
25 Vehicle Code, or a similar provision of a local ordinance, and  
26 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected and  
2 disbursed by the circuit clerk as provided under the Criminal  
3 and Traffic Assessment Act.

4 (j) In cases when prosecution for any violation of Section  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
6 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
7 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
8 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
9 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, any violation of the Illinois Controlled  
11 Substances Act, any violation of the Cannabis Control Act, or  
12 any violation of the Methamphetamine Control and Community  
13 Protection Act results in conviction, a disposition of court  
14 supervision, or an order of probation granted under Section 10  
15 of the Cannabis Control Act, Section 410 of the Illinois  
16 Controlled Substances Act, or Section 70 of the Methamphetamine  
17 Control and Community Protection Act of a defendant, the court  
18 shall determine whether the defendant is employed by a facility  
19 or center as defined under the Child Care Act of 1969, a public  
20 or private elementary or secondary school, or otherwise works  
21 with children under 18 years of age on a daily basis. When a  
22 defendant is so employed, the court shall order the Clerk of  
23 the Court to send a copy of the judgment of conviction or order  
24 of supervision or probation to the defendant's employer by  
25 certified mail. If the employer of the defendant is a school,  
26 the Clerk of the Court shall direct the mailing of a copy of

1 the judgment of conviction or order of supervision or probation  
2 to the appropriate regional superintendent of schools. The  
3 regional superintendent of schools shall notify the State Board  
4 of Education of any notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted  
6 of a felony and who has not been previously convicted of a  
7 misdemeanor or felony and who is sentenced to a term of  
8 imprisonment in the Illinois Department of Corrections shall as  
9 a condition of his or her sentence be required by the court to  
10 attend educational courses designed to prepare the defendant  
11 for a high school diploma and to work toward a high school  
12 diploma or to work toward passing high school equivalency  
13 testing or to work toward completing a vocational training  
14 program offered by the Department of Corrections. If a  
15 defendant fails to complete the educational training required  
16 by his or her sentence during the term of incarceration, the  
17 Prisoner Review Board shall, as a condition of mandatory  
18 supervised release, require the defendant, at his or her own  
19 expense, to pursue a course of study toward a high school  
20 diploma or passage of high school equivalency testing. The  
21 Prisoner Review Board shall revoke the mandatory supervised  
22 release of a defendant who wilfully fails to comply with this  
23 subsection (j-5) upon his or her release from confinement in a  
24 penal institution while serving a mandatory supervised release  
25 term; however, the inability of the defendant after making a  
26 good faith effort to obtain financial aid or pay for the

1 educational training shall not be deemed a wilful failure to  
2 comply. The Prisoner Review Board shall recommit the defendant  
3 whose mandatory supervised release term has been revoked under  
4 this subsection (j-5) as provided in Section 3-3-9. This  
5 subsection (j-5) does not apply to a defendant who has a high  
6 school diploma or has successfully passed high school  
7 equivalency testing. This subsection (j-5) does not apply to a  
8 defendant who is determined by the court to be a person with a  
9 developmental disability or otherwise mentally incapable of  
10 completing the educational or vocational program.

11 (k) (Blank).

12 (l) (A) Except as provided in paragraph (C) of subsection  
13 (l), whenever a defendant, who is an alien as defined by the  
14 Immigration and Nationality Act, is convicted of any felony or  
15 misdemeanor offense, the court after sentencing the defendant  
16 may, upon motion of the State's Attorney, hold sentence in  
17 abeyance and remand the defendant to the custody of the  
18 Attorney General of the United States or his or her designated  
19 agent to be deported when:

20 (1) a final order of deportation has been issued  
21 against the defendant pursuant to proceedings under the  
22 Immigration and Nationality Act, and

23 (2) the deportation of the defendant would not  
24 deprecate the seriousness of the defendant's conduct and  
25 would not be inconsistent with the ends of justice.

26 Otherwise, the defendant shall be sentenced as provided in

1 this Chapter V.

2 (B) If the defendant has already been sentenced for a  
3 felony or misdemeanor offense, or has been placed on probation  
4 under Section 10 of the Cannabis Control Act, Section 410 of  
5 the Illinois Controlled Substances Act, or Section 70 of the  
6 Methamphetamine Control and Community Protection Act, the  
7 court may, upon motion of the State's Attorney to suspend the  
8 sentence imposed, commit the defendant to the custody of the  
9 Attorney General of the United States or his or her designated  
10 agent when:

11 (1) a final order of deportation has been issued  
12 against the defendant pursuant to proceedings under the  
13 Immigration and Nationality Act, and

14 (2) the deportation of the defendant would not  
15 deprecate the seriousness of the defendant's conduct and  
16 would not be inconsistent with the ends of justice.

17 (C) This subsection (1) does not apply to offenders who are  
18 subject to the provisions of paragraph (2) of subsection (a) of  
19 Section 3-6-3.

20 (D) Upon motion of the State's Attorney, if a defendant  
21 sentenced under this Section returns to the jurisdiction of the  
22 United States, the defendant shall be recommitted to the  
23 custody of the county from which he or she was sentenced.  
24 Thereafter, the defendant shall be brought before the  
25 sentencing court, which may impose any sentence that was  
26 available under Section 5-5-3 at the time of initial

1 sentencing. In addition, the defendant shall not be eligible  
2 for additional earned sentence credit as provided under Section  
3 3-6-3.

4 (m) A person convicted of criminal defacement of property  
5 under Section 21-1.3 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, in which the property damage exceeds  
7 \$300 and the property damaged is a school building, shall be  
8 ordered to perform community service that may include cleanup,  
9 removal, or painting over the defacement.

10 (n) The court may sentence a person convicted of a  
11 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
12 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
13 of 1961 or the Criminal Code of 2012 (i) to an impact  
14 incarceration program if the person is otherwise eligible for  
15 that program under Section 5-8-1.1, (ii) to community service,  
16 or (iii) if the person has a substance use disorder, as defined  
17 in the Substance Use Disorder Act, to a treatment program  
18 licensed under that Act.

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

24 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
25 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term  
3 sentencing.

4 (a) The following factors shall be accorded weight in favor  
5 of imposing a term of imprisonment or may be considered by the  
6 court as reasons to impose a more severe sentence under Section  
7 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened  
9 serious harm;

10 (2) the defendant received compensation for committing  
11 the offense;

12 (3) the defendant has a history of prior delinquency or  
13 criminal activity;

14 (4) the defendant, by the duties of his office or by  
15 his position, was obliged to prevent the particular offense  
16 committed or to bring the offenders committing it to  
17 justice;

18 (5) the defendant held public office at the time of the  
19 offense, and the offense related to the conduct of that  
20 office;

21 (6) the defendant utilized his professional reputation  
22 or position in the community to commit the offense, or to  
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from  
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a  
3 person who has a physical disability or such person's  
4 property;

5 (10) by reason of another individual's actual or  
6 perceived race, color, creed, religion, ancestry, gender,  
7 sexual orientation, physical or mental disability, or  
8 national origin, the defendant committed the offense  
9 against (i) the person or property of that individual; (ii)  
10 the person or property of a person who has an association  
11 with, is married to, or has a friendship with the other  
12 individual; or (iii) the person or property of a relative  
13 (by blood or marriage) of a person described in clause (i)  
14 or (ii). For the purposes of this Section, "sexual  
15 orientation" has the meaning ascribed to it in paragraph  
16 (0-1) of Section 1-103 of the Illinois Human Rights Act;

17 (11) the offense took place in a place of worship or on  
18 the grounds of a place of worship, immediately prior to,  
19 during or immediately following worship services. For  
20 purposes of this subparagraph, "place of worship" shall  
21 mean any church, synagogue or other building, structure or  
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed  
24 while he was released on bail or his own recognizance  
25 pending trial for a prior felony and was convicted of such  
26 prior felony, or the defendant was convicted of a felony



1 committed while he was serving a period of probation,  
2 conditional discharge, or mandatory supervised release  
3 under subsection (d) of Section 5-8-1 for a prior felony;

4 (13) the defendant committed or attempted to commit a  
5 felony while he was wearing a bulletproof vest. For the  
6 purposes of this paragraph (13), a bulletproof vest is any  
7 device which is designed for the purpose of protecting the  
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or  
10 supervision such as, but not limited to, family member as  
11 defined in Section 11-0.1 of the Criminal Code of 2012,  
12 teacher, scout leader, baby sitter, or day care worker, in  
13 relation to a victim under 18 years of age, and the  
14 defendant committed an offense in violation of Section  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
16 11-14.4 except for an offense that involves keeping a place  
17 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
19 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
20 of 2012 against that victim;

21 (15) the defendant committed an offense related to the  
22 activities of an organized gang. For the purposes of this  
23 factor, "organized gang" has the meaning ascribed to it in  
24 Section 10 of the Streetgang Terrorism Omnibus Prevention  
25 Act;

26 (16) the defendant committed an offense in violation of

1 one of the following Sections while in a school, regardless  
2 of the time of day or time of year; on any conveyance  
3 owned, leased, or contracted by a school to transport  
4 students to or from school or a school related activity; on  
5 the real property of a school; or on a public way within  
6 1,000 feet of the real property comprising any school:  
7 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
8 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
9 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
10 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
11 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
12 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
13 Criminal Code of 2012;

14 (16.5) the defendant committed an offense in violation  
15 of one of the following Sections while in a day care  
16 center, regardless of the time of day or time of year; on  
17 the real property of a day care center, regardless of the  
18 time of day or time of year; or on a public way within  
19 1,000 feet of the real property comprising any day care  
20 center, regardless of the time of day or time of year:  
21 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
22 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
24 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
25 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
26 (a) (4) or (g) (1), of the Criminal Code of 1961 or the

1 Criminal Code of 2012;

2 (17) the defendant committed the offense by reason of  
3 any person's activity as a community policing volunteer or  
4 to prevent any person from engaging in activity as a  
5 community policing volunteer. For the purpose of this  
6 Section, "community policing volunteer" has the meaning  
7 ascribed to it in Section 2-3.5 of the Criminal Code of  
8 2012;

9 (18) the defendant committed the offense in a nursing  
10 home or on the real property comprising a nursing home. For  
11 the purposes of this paragraph (18), "nursing home" means a  
12 skilled nursing or intermediate long term care facility  
13 that is subject to license by the Illinois Department of  
14 Public Health under the Nursing Home Care Act, the  
15 Specialized Mental Health Rehabilitation Act of 2013, the  
16 ID/DD Community Care Act, or the MC/DD Act;

17 (19) the defendant was a federally licensed firearm  
18 dealer and was previously convicted of a violation of  
19 subsection (a) of Section 3 of the Firearm Owners  
20 Identification Card Act and has now committed either a  
21 felony violation of the Firearm Owners Identification Card  
22 Act or an act of armed violence while armed with a firearm;

23 (20) the defendant (i) committed the offense of  
24 reckless homicide under Section 9-3 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 or the offense of driving  
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds or any combination  
2 thereof under Section 11-501 of the Illinois Vehicle Code  
3 or a similar provision of a local ordinance and (ii) was  
4 operating a motor vehicle in excess of 20 miles per hour  
5 over the posted speed limit as provided in Article VI of  
6 Chapter 11 of the Illinois Vehicle Code;

7 (21) the defendant (i) committed the offense of  
8 reckless driving or aggravated reckless driving under  
9 Section 11-503 of the Illinois Vehicle Code and (ii) was  
10 operating a motor vehicle in excess of 20 miles per hour  
11 over the posted speed limit as provided in Article VI of  
12 Chapter 11 of the Illinois Vehicle Code;

13 (22) the defendant committed the offense against a  
14 person that the defendant knew, or reasonably should have  
15 known, was a member of the Armed Forces of the United  
16 States serving on active duty. For purposes of this clause  
17 (22), the term "Armed Forces" means any of the Armed Forces  
18 of the United States, including a member of any reserve  
19 component thereof or National Guard unit called to active  
20 duty;

21 (23) the defendant committed the offense against a  
22 person who was elderly or infirm or who was a person with a  
23 disability by taking advantage of a family or fiduciary  
24 relationship with the elderly or infirm person or person  
25 with a disability;

26 (24) the defendant committed any offense under Section

1 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
2 of 2012 and possessed 100 or more images;

3 (25) the defendant committed the offense while the  
4 defendant or the victim was in a train, bus, or other  
5 vehicle used for public transportation;

6 (26) the defendant committed the offense of child  
7 pornography or aggravated child pornography, specifically  
8 including paragraph (1), (2), (3), (4), (5), or (7) of  
9 subsection (a) of Section 11-20.1 of the Criminal Code of  
10 1961 or the Criminal Code of 2012 where a child engaged in,  
11 solicited for, depicted in, or posed in any act of sexual  
12 penetration or bound, fettered, or subject to sadistic,  
13 masochistic, or sadomasochistic abuse in a sexual context  
14 and specifically including paragraph (1), (2), (3), (4),  
15 (5), or (7) of subsection (a) of Section 11-20.1B or  
16 Section 11-20.3 of the Criminal Code of 1961 where a child  
17 engaged in, solicited for, depicted in, or posed in any act  
18 of sexual penetration or bound, fettered, or subject to  
19 sadistic, masochistic, or sadomasochistic abuse in a  
20 sexual context;

21 (27) the defendant committed the offense of first  
22 degree murder, assault, aggravated assault, battery,  
23 aggravated battery, robbery, armed robbery, or aggravated  
24 robbery against a person who was a veteran and the  
25 defendant knew, or reasonably should have known, that the  
26 person was a veteran performing duties as a representative

1 of a veterans' organization. For the purposes of this  
2 paragraph (27), "veteran" means an Illinois resident who  
3 has served as a member of the United States Armed Forces, a  
4 member of the Illinois National Guard, or a member of the  
5 United States Reserve Forces; and "veterans' organization"  
6 means an organization comprised of members of which  
7 substantially all are individuals who are veterans or  
8 spouses, widows, or widowers of veterans, the primary  
9 purpose of which is to promote the welfare of its members  
10 and to provide assistance to the general public in such a  
11 way as to confer a public benefit;

12 (28) the defendant committed the offense of assault,  
13 aggravated assault, battery, aggravated battery, robbery,  
14 armed robbery, or aggravated robbery against a person that  
15 the defendant knew or reasonably should have known was a  
16 letter carrier or postal worker while that person was  
17 performing his or her duties delivering mail for the United  
18 States Postal Service;

19 (29) the defendant committed the offense of criminal  
20 sexual assault, aggravated criminal sexual assault,  
21 criminal sexual abuse, or aggravated criminal sexual abuse  
22 against a victim with an intellectual disability, and the  
23 defendant holds a position of trust, authority, or  
24 supervision in relation to the victim;

25 (30) the defendant committed the offense of promoting  
26 juvenile prostitution, patronizing a prostitute, or

1 patronizing a minor engaged in prostitution and at the time  
2 of the commission of the offense knew that the prostitute  
3 or minor engaged in prostitution was in the custody or  
4 guardianship of the Department of Children and Family  
5 Services;

6 (31) the defendant (i) committed the offense of driving  
7 while under the influence of alcohol, other drug or drugs,  
8 intoxicating compound or compounds or any combination  
9 thereof in violation of Section 11-501 of the Illinois  
10 Vehicle Code or a similar provision of a local ordinance  
11 and (ii) the defendant during the commission of the offense  
12 was driving his or her vehicle upon a roadway designated  
13 for one-way traffic in the opposite direction of the  
14 direction indicated by official traffic control devices;

15 ~~or~~

16 (32) the defendant committed the offense of reckless  
17 homicide while committing a violation of Section 11-907 of  
18 the Illinois Vehicle Code;~~:-~~

19 (33) ~~(32)~~ the defendant was found guilty of an  
20 administrative infraction related to an act or acts of  
21 public indecency or sexual misconduct in the penal  
22 institution. In this paragraph (33) ~~(32)~~, "penal  
23 institution" has the same meaning as in Section 2-14 of the  
24 Criminal Code of 2012; ~~or:-~~

25 (34) ~~(32)~~ the defendant committed the offense of  
26 leaving the scene of an accident in violation of subsection

1 (b) of Section 11-401 of the Illinois Vehicle Code and the  
2 accident resulted in the death of a person and at the time  
3 of the offense, the defendant was: (i) driving under the  
4 influence of alcohol, other drug or drugs, intoxicating  
5 compound or compounds or any combination thereof as defined  
6 by Section 11-501 of the Illinois Vehicle Code; or (ii)  
7 operating the motor vehicle while using an electronic  
8 communication device as defined in Section 12-610.2 of the  
9 Illinois Vehicle Code.

10 For the purposes of this Section:

11 "School" is defined as a public or private elementary or  
12 secondary school, community college, college, or university.

13 "Day care center" means a public or private State certified  
14 and licensed day care center as defined in Section 2.09 of the  
15 Child Care Act of 1969 that displays a sign in plain view  
16 stating that the property is a day care center.

17 "Intellectual disability" means significantly subaverage  
18 intellectual functioning which exists concurrently with  
19 impairment in adaptive behavior.

20 "Public transportation" means the transportation or  
21 conveyance of persons by means available to the general public,  
22 and includes paratransit services.

23 "Traffic control devices" means all signs, signals,  
24 markings, and devices that conform to the Illinois Manual on  
25 Uniform Traffic Control Devices, placed or erected by authority  
26 of a public body or official having jurisdiction, for the



1 purpose of regulating, warning, or guiding traffic.

2 (b) The following factors, related to all felonies, may be  
3 considered by the court as reasons to impose an extended term  
4 sentence under Section 5-8-2 upon any offender:

5 (1) When a defendant is convicted of any felony, after  
6 having been previously convicted in Illinois or any other  
7 jurisdiction of the same or similar class felony or greater  
8 class felony, when such conviction has occurred within 10  
9 years after the previous conviction, excluding time spent  
10 in custody, and such charges are separately brought and  
11 tried and arise out of different series of acts; or

12 (2) When a defendant is convicted of any felony and the  
13 court finds that the offense was accompanied by  
14 exceptionally brutal or heinous behavior indicative of  
15 wanton cruelty; or

16 (3) When a defendant is convicted of any felony  
17 committed against:

18 (i) a person under 12 years of age at the time of  
19 the offense or such person's property;

20 (ii) a person 60 years of age or older at the time  
21 of the offense or such person's property; or

22 (iii) a person who had a physical disability at the  
23 time of the offense or such person's property; or

24 (4) When a defendant is convicted of any felony and the  
25 offense involved any of the following types of specific  
26 misconduct committed as part of a ceremony, rite,

1 initiation, observance, performance, practice or activity  
2 of any actual or ostensible religious, fraternal, or social  
3 group:

4 (i) the brutalizing or torturing of humans or  
5 animals;

6 (ii) the theft of human corpses;

7 (iii) the kidnapping of humans;

8 (iv) the desecration of any cemetery, religious,  
9 fraternal, business, governmental, educational, or  
10 other building or property; or

11 (v) ritualized abuse of a child; or

12 (5) When a defendant is convicted of a felony other  
13 than conspiracy and the court finds that the felony was  
14 committed under an agreement with 2 or more other persons  
15 to commit that offense and the defendant, with respect to  
16 the other individuals, occupied a position of organizer,  
17 supervisor, financier, or any other position of management  
18 or leadership, and the court further finds that the felony  
19 committed was related to or in furtherance of the criminal  
20 activities of an organized gang or was motivated by the  
21 defendant's leadership in an organized gang; or

22 (6) When a defendant is convicted of an offense  
23 committed while using a firearm with a laser sight attached  
24 to it. For purposes of this paragraph, "laser sight" has  
25 the meaning ascribed to it in Section 26-7 of the Criminal  
26 Code of 2012; or

1           (7) When a defendant who was at least 17 years of age  
2           at the time of the commission of the offense is convicted  
3           of a felony and has been previously adjudicated a  
4           delinquent minor under the Juvenile Court Act of 1987 for  
5           an act that if committed by an adult would be a Class X or  
6           Class 1 felony when the conviction has occurred within 10  
7           years after the previous adjudication, excluding time  
8           spent in custody; or

9           (8) When a defendant commits any felony and the  
10          defendant used, possessed, exercised control over, or  
11          otherwise directed an animal to assault a law enforcement  
12          officer engaged in the execution of his or her official  
13          duties or in furtherance of the criminal activities of an  
14          organized gang in which the defendant is engaged; or

15          (9) When a defendant commits any felony and the  
16          defendant knowingly video or audio records the offense with  
17          the intent to disseminate the recording.

18          (c) The following factors may be considered by the court as  
19          reasons to impose an extended term sentence under Section 5-8-2  
20          (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21          (1) When a defendant is convicted of first degree  
22          murder, after having been previously convicted in Illinois  
23          of any offense listed under paragraph (c)(2) of Section  
24          5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
25          within 10 years after the previous conviction, excluding  
26          time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of  
2 acts.

3 (1.5) When a defendant is convicted of first degree  
4 murder, after having been previously convicted of domestic  
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
6 (720 ILCS 5/12-3.3) committed on the same victim or after  
7 having been previously convicted of violation of an order  
8 of protection (720 ILCS 5/12-30) in which the same victim  
9 was the protected person.

10 (2) When a defendant is convicted of voluntary  
11 manslaughter, second degree murder, involuntary  
12 manslaughter, or reckless homicide in which the defendant  
13 has been convicted of causing the death of more than one  
14 individual.

15 (3) When a defendant is convicted of aggravated  
16 criminal sexual assault or criminal sexual assault, when  
17 there is a finding that aggravated criminal sexual assault  
18 or criminal sexual assault was also committed on the same  
19 victim by one or more other individuals, and the defendant  
20 voluntarily participated in the crime with the knowledge of  
21 the participation of the others in the crime, and the  
22 commission of the crime was part of a single course of  
23 conduct during which there was no substantial change in the  
24 nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time  
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or  
2 predatory criminal sexual assault of a child under  
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
4 of Section 12-14.1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation  
7 of Section 24-1 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
9 finding that the defendant is a member of an organized  
10 gang.

11 (6) When a defendant was convicted of unlawful use of  
12 weapons under Section 24-1 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
14 a weapon that is not readily distinguishable as one of the  
15 weapons enumerated in Section 24-1 of the Criminal Code of  
16 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

17 (7) When a defendant is convicted of an offense  
18 involving the illegal manufacture of a controlled  
19 substance under Section 401 of the Illinois Controlled  
20 Substances Act (720 ILCS 570/401), the illegal manufacture  
21 of methamphetamine under Section 25 of the Methamphetamine  
22 Control and Community Protection Act (720 ILCS 646/25), or  
23 the illegal possession of explosives and an emergency  
24 response officer in the performance of his or her duties is  
25 killed or injured at the scene of the offense while  
26 responding to the emergency caused by the commission of the

1 offense. In this paragraph, "emergency" means a situation  
2 in which a person's life, health, or safety is in jeopardy;  
3 and "emergency response officer" means a peace officer,  
4 community policing volunteer, fireman, emergency medical  
5 technician-ambulance, emergency medical  
6 technician-intermediate, emergency medical  
7 technician-paramedic, ambulance driver, other medical  
8 assistance or first aid personnel, or hospital emergency  
9 room personnel.

10 (8) When the defendant is convicted of attempted mob  
11 action, solicitation to commit mob action, or conspiracy to  
12 commit mob action under Section 8-1, 8-2, or 8-4 of the  
13 Criminal Code of 2012, where the criminal object is a  
14 violation of Section 25-1 of the Criminal Code of 2012, and  
15 an electronic communication is used in the commission of  
16 the offense. For the purposes of this paragraph (8),  
17 "electronic communication" shall have the meaning provided  
18 in Section 26.5-0.1 of the Criminal Code of 2012.

19 (d) For the purposes of this Section, "organized gang" has  
20 the meaning ascribed to it in Section 10 of the Illinois  
21 Streetgang Terrorism Omnibus Prevention Act.

22 (e) The court may impose an extended term sentence under  
23 Article 4.5 of Chapter V upon an offender who has been  
24 convicted of a felony violation of Section 11-1.20, 11-1.30,  
25 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
26 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012

1 when the victim of the offense is under 18 years of age at the  
2 time of the commission of the offense and, during the  
3 commission of the offense, the victim was under the influence  
4 of alcohol, regardless of whether or not the alcohol was  
5 supplied by the offender; and the offender, at the time of the  
6 commission of the offense, knew or should have known that the  
7 victim had consumed alcohol.

8 (f) The court shall add 3 years of imprisonment to the  
9 sentence imposed upon a defendant who, at the time of the  
10 commission of the offense, was a holder of an elective office  
11 or who was appointed to fill a vacancy in that office and who  
12 is convicted of a felony relating to or arising out of or in  
13 connection with his or her service as a holder of that office.  
14 In this subsection (f), "elective office" means the Governor,  
15 Lieutenant Governor, Attorney General, Secretary of State,  
16 State Comptroller, or State Treasurer, a member of the General  
17 Assembly, a judge of the Circuit, Appellate, or Supreme Court,  
18 or a member of the governing body of a unit of local government  
19 or school district.

20 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
21 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.