



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1634

Introduced 2/22/2007, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Provides that when a defendant is convicted of battery or aggravated battery, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Provides that the court may order disclosure to a State's Attorney of the results of the test if the State's Attorney shows that it is relevant in order to prosecute any offense in which the exchange of bodily fluids occurs. Effective immediately.

LRB095 10176 RLC 30390 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Section 5-5-3 as follows:

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 (Text of Section before amendment by P.A. 94-1035)

8 Sec. 5-5-3. Disposition.

9 (a) Except as provided in Section 11-501 of the Illinois  
10 Vehicle Code, every person convicted of an offense shall be  
11 sentenced as provided in this Section.

12 (b) The following options shall be appropriate  
13 dispositions, alone or in combination, for all felonies and  
14 misdemeanors other than those identified in subsection (c) of  
15 this Section:

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

20 (5) An order directing the offender to clean up and  
21 repair the damage, if the offender was convicted under  
22 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
23 (now repealed).

1 (6) A fine.

2 (7) An order directing the offender to make restitution  
3 to the victim under Section 5-5-6 of this Code.

4 (8) A sentence of participation in a county impact  
5 incarceration program under Section 5-8-1.2 of this Code.

6 (9) A term of imprisonment in combination with a term  
7 of probation when the offender has been admitted into a  
8 drug court program under Section 20 of the Drug Court  
9 Treatment Act.

10 Neither a fine nor restitution shall be the sole  
11 disposition for a felony and either or both may be imposed only  
12 in conjunction with another disposition.

13 (c) (1) When a defendant is found guilty of first degree  
14 murder the State may either seek a sentence of imprisonment  
15 under Section 5-8-1 of this Code, or where appropriate seek  
16 a sentence of death under Section 9-1 of the Criminal Code  
17 of 1961.

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

25 (A) First degree murder where the death penalty is  
26 not imposed.

1 (B) Attempted first degree murder.

2 (C) A Class X felony.

3 (D) A violation of Section 401.1 or 407 of the  
4 Illinois Controlled Substances Act, or a violation of  
5 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
6 which relates to more than 5 grams of a substance  
7 containing heroin or cocaine or an analog thereof.

8 (E) A violation of Section 5.1 or 9 of the Cannabis  
9 Control Act.

10 (F) A Class 2 or greater felony if the offender had  
11 been convicted of a Class 2 or greater felony within 10  
12 years of the date on which the offender committed the  
13 offense for which he or she is being sentenced, except  
14 as otherwise provided in Section 40-10 of the  
15 Alcoholism and Other Drug Abuse and Dependency Act.

16 (F-5) A violation of Section 24-1, 24-1.1, or  
17 24-1.6 of the Criminal Code of 1961 for which  
18 imprisonment is prescribed in those Sections.

19 (G) Residential burglary, except as otherwise  
20 provided in Section 40-10 of the Alcoholism and Other  
21 Drug Abuse and Dependency Act.

22 (H) Criminal sexual assault.

23 (I) Aggravated battery of a senior citizen.

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

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5  
2 or more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate  
4 crimes or provides support to the members of the  
5 association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed  
8 to it in Section 10 of the Illinois Streetgang  
9 Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the  
12 offense of hate crime when the underlying offense upon  
13 which the hate crime is based is felony aggravated  
14 assault or felony mob action.

15 (M) A second or subsequent conviction for the  
16 offense of institutional vandalism if the damage to the  
17 property exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of  
19 subsection (a) of Section 2 of the Firearm Owners  
20 Identification Card Act.

21 (O) A violation of Section 12-6.1 of the Criminal  
22 Code of 1961.

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

26 (Q) A violation of Section 20-1.2 or 20-1.3 of the

1 Criminal Code of 1961.

2 (R) A violation of Section 24-3A of the Criminal  
3 Code of 1961.

4 (S) (Blank).

5 (T) A second or subsequent violation of the  
6 Methamphetamine Control and Community Protection Act.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraph (4.3) of this  
14 subsection (c), a minimum of 100 hours of community service  
15 shall be imposed for a second violation of Section 6-303 of  
16 the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court,  
19 shall be imposed for a second violation of subsection (c)  
20 of Section 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraph (4.5) and  
22 paragraph (4.6) of this subsection (c), a minimum term of  
23 imprisonment of 30 days or 300 hours of community service,  
24 as determined by the court, shall be imposed for a third or  
25 subsequent violation of Section 6-303 of the Illinois  
26 Vehicle Code.

1           (4.5) A minimum term of imprisonment of 30 days shall  
2           be imposed for a third violation of subsection (c) of  
3           Section 6-303 of the Illinois Vehicle Code.

4           (4.6) A minimum term of imprisonment of 180 days shall  
5           be imposed for a fourth or subsequent violation of  
6           subsection (c) of Section 6-303 of the Illinois Vehicle  
7           Code.

8           (5) The court may sentence an offender convicted of a  
9           business offense or a petty offense or a corporation or  
10          unincorporated association convicted of any offense to:

11                   (A) a period of conditional discharge;

12                   (B) a fine;

13                   (C) make restitution to the victim under Section  
14          5-5-6 of this Code.

15          (5.1) In addition to any penalties imposed under  
16          paragraph (5) of this subsection (c), and except as  
17          provided in paragraph (5.2) or (5.3), a person convicted of  
18          violating subsection (c) of Section 11-907 of the Illinois  
19          Vehicle Code shall have his or her driver's license,  
20          permit, or privileges suspended for at least 90 days but  
21          not more than one year, if the violation resulted in damage  
22          to the property of another person.

23          (5.2) In addition to any penalties imposed under  
24          paragraph (5) of this subsection (c), and except as  
25          provided in paragraph (5.3), a person convicted of  
26          violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,  
2 permit, or privileges suspended for at least 180 days but  
3 not more than 2 years, if the violation resulted in injury  
4 to another person.

5 (5.3) In addition to any penalties imposed under  
6 paragraph (5) of this subsection (c), a person convicted of  
7 violating subsection (c) of Section 11-907 of the Illinois  
8 Vehicle Code shall have his or her driver's license,  
9 permit, or privileges suspended for 2 years, if the  
10 violation resulted in the death of another person.

11 (6) In no case shall an offender be eligible for a  
12 disposition of probation or conditional discharge for a  
13 Class 1 felony committed while he was serving a term of  
14 probation or conditional discharge for a felony.

15 (7) When a defendant is adjudged a habitual criminal  
16 under Article 33B of the Criminal Code of 1961, the court  
17 shall sentence the defendant to a term of natural life  
18 imprisonment.

19 (8) When a defendant, over the age of 21 years, is  
20 convicted of a Class 1 or Class 2 felony, after having  
21 twice been convicted in any state or federal court of an  
22 offense that contains the same elements as an offense now  
23 classified in Illinois as a Class 2 or greater Class felony  
24 and such charges are separately brought and tried and arise  
25 out of different series of acts, such defendant shall be  
26 sentenced as a Class X offender. This paragraph shall not



1 apply unless (1) the first felony was committed after the  
2 effective date of this amendatory Act of 1977; and (2) the  
3 second felony was committed after conviction on the first;  
4 and (3) the third felony was committed after conviction on  
5 the second. A person sentenced as a Class X offender under  
6 this paragraph is not eligible to apply for treatment as a  
7 condition of probation as provided by Section 40-10 of the  
8 Alcoholism and Other Drug Abuse and Dependency Act.

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

12 (10) (Blank).

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

1 sports activities are conducted; and "coach" means a person  
2 recognized as a coach by the sanctioning authority that  
3 conducted the sporting event.

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

9 (d) In any case in which a sentence originally imposed is  
10 vacated, the case shall be remanded to the trial court. The  
11 trial court shall hold a hearing under Section 5-4-1 of the  
12 Unified Code of Corrections which may include evidence of the  
13 defendant's life, moral character and occupation during the  
14 time since the original sentence was passed. The trial court  
15 shall then impose sentence upon the defendant. The trial court  
16 may impose any sentence which could have been imposed at the  
17 original trial subject to Section 5-5-4 of the Unified Code of  
18 Corrections. If a sentence is vacated on appeal or on  
19 collateral attack due to the failure of the trier of fact at  
20 trial to determine beyond a reasonable doubt the existence of a  
21 fact (other than a prior conviction) necessary to increase the  
22 punishment for the offense beyond the statutory maximum  
23 otherwise applicable, either the defendant may be re-sentenced  
24 to a term within the range otherwise provided or, if the State  
25 files notice of its intention to again seek the extended  
26 sentence, the defendant shall be afforded a new trial.

1           (e) In cases where prosecution for aggravated criminal  
2 sexual abuse under Section 12-16 of the Criminal Code of 1961  
3 results in conviction of a defendant who was a family member of  
4 the victim at the time of the commission of the offense, the  
5 court shall consider the safety and welfare of the victim and  
6 may impose a sentence of probation only where:

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

8                   (A) the defendant is willing to undergo a court  
9 approved counseling program for a minimum duration of 2  
10 years; or

11                   (B) the defendant is willing to participate in a  
12 court approved plan including but not limited to the  
13 defendant's:

14                           (i) removal from the household;

15                           (ii) restricted contact with the victim;

16                           (iii) continued financial support of the  
17 family;

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

19                   and

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

22           (2) the court orders the defendant to pay for the  
23 victim's counseling services, to the extent that the court  
24 finds, after considering the defendant's income and  
25 assets, that the defendant is financially capable of paying  
26 for such services, if the victim was under 18 years of age

1 at the time the offense was committed and requires  
2 counseling as a result of the offense.

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

10 For the purposes of this Section, "family member" and  
11 "victim" shall have the meanings ascribed to them in Section  
12 12-12 of the Criminal Code of 1961.

13 (f) This Article shall not deprive a court in other  
14 proceedings to order a forfeiture of property, to suspend or  
15 cancel a license, to remove a person from office, or to impose  
16 any other civil penalty.

17 (g) Whenever a defendant is convicted of an offense under  
18 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
19 11-19, 11-19.1, 11-19.2, 12-3, 12-4, 12-13, 12-14, 12-14.1,  
20 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
21 shall undergo medical testing to determine whether the  
22 defendant has any sexually transmissible disease, including a  
23 test for infection with human immunodeficiency virus (HIV) or  
24 any other identified causative agent of acquired  
25 immunodeficiency syndrome (AIDS). Any such medical test shall  
26 be performed only by appropriately licensed medical

1 practitioners and may include an analysis of any bodily fluids  
2 as well as an examination of the defendant's person. Except as  
3 otherwise provided by law, the results of such test shall be  
4 kept strictly confidential by all medical personnel involved in  
5 the testing and must be personally delivered in a sealed  
6 envelope to the judge of the court in which the conviction was  
7 entered for the judge's inspection in camera. Acting in  
8 accordance with the best interests of the victim and the  
9 public, the judge shall have the discretion to determine to  
10 whom, if anyone, the results of the testing may be revealed.  
11 The court shall notify the defendant of the test results. The  
12 court shall also notify the victim if requested by the victim,  
13 and if the victim is under the age of 15 and if requested by the  
14 victim's parents or legal guardian, the court shall notify the  
15 victim's parents or legal guardian of the test results. The  
16 court shall provide information on the availability of HIV  
17 testing and counseling at Department of Public Health  
18 facilities to all parties to whom the results of the testing  
19 are revealed and shall direct the State's Attorney to provide  
20 the information to the victim when possible. A State's Attorney  
21 may petition the court to obtain the results of any HIV test  
22 administered under this Section, and the court shall grant the  
23 disclosure if the State's Attorney shows it is relevant in  
24 order to prosecute a charge of criminal transmission of HIV  
25 under Section 12-16.2 of the Criminal Code of 1961 or any other  
26 offense in which the exchange of bodily fluids occurs against

1 the defendant. The court shall order that the cost of any such  
2 test shall be paid by the county and may be taxed as costs  
3 against the convicted defendant.

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

14 (h) Whenever a defendant is convicted of an offense under  
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
16 defendant shall undergo medical testing to determine whether  
17 the defendant has been exposed to human immunodeficiency virus  
18 (HIV) or any other identified causative agent of acquired  
19 immunodeficiency syndrome (AIDS). Except as otherwise provided  
20 by law, the results of such test shall be kept strictly  
21 confidential by all medical personnel involved in the testing  
22 and must be personally delivered in a sealed envelope to the  
23 judge of the court in which the conviction was entered for the  
24 judge's inspection in camera. Acting in accordance with the  
25 best interests of the public, the judge shall have the  
26 discretion to determine to whom, if anyone, the results of the

1 testing may be revealed. The court shall notify the defendant  
2 of a positive test showing an infection with the human  
3 immunodeficiency virus (HIV). The court shall provide  
4 information on the availability of HIV testing and counseling  
5 at Department of Public Health facilities to all parties to  
6 whom the results of the testing are revealed and shall direct  
7 the State's Attorney to provide the information to the victim  
8 when possible. A State's Attorney may petition the court to  
9 obtain the results of any HIV test administered under this  
10 Section, and the court shall grant the disclosure if the  
11 State's Attorney shows it is relevant in order to prosecute a  
12 charge of criminal transmission of HIV under Section 12-16.2 of  
13 the Criminal Code of 1961 against the defendant. The court  
14 shall order that the cost of any such test shall be paid by the  
15 county and may be taxed as costs against the convicted  
16 defendant.

17 (i) All fines and penalties imposed under this Section for  
18 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
19 Vehicle Code, or a similar provision of a local ordinance, and  
20 any violation of the Child Passenger Protection Act, or a  
21 similar provision of a local ordinance, shall be collected and  
22 disbursed by the circuit clerk as provided under Section 27.5  
23 of the Clerks of Courts Act.

24 (j) In cases when prosecution for any violation of Section  
25 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
2 Code of 1961, any violation of the Illinois Controlled  
3 Substances Act, any violation of the Cannabis Control Act, or  
4 any violation of the Methamphetamine Control and Community  
5 Protection Act results in conviction, a disposition of court  
6 supervision, or an order of probation granted under Section 10  
7 of the Cannabis Control Act, Section 410 of the Illinois  
8 Controlled Substance Act, or Section 70 of the Methamphetamine  
9 Control and Community Protection Act of a defendant, the court  
10 shall determine whether the defendant is employed by a facility  
11 or center as defined under the Child Care Act of 1969, a public  
12 or private elementary or secondary school, or otherwise works  
13 with children under 18 years of age on a daily basis. When a  
14 defendant is so employed, the court shall order the Clerk of  
15 the Court to send a copy of the judgment of conviction or order  
16 of supervision or probation to the defendant's employer by  
17 certified mail. If the employer of the defendant is a school,  
18 the Clerk of the Court shall direct the mailing of a copy of  
19 the judgment of conviction or order of supervision or probation  
20 to the appropriate regional superintendent of schools. The  
21 regional superintendent of schools shall notify the State Board  
22 of Education of any notification under this subsection.

23 (j-5) A defendant at least 17 years of age who is convicted  
24 of a felony and who has not been previously convicted of a  
25 misdemeanor or felony and who is sentenced to a term of  
26 imprisonment in the Illinois Department of Corrections shall as



1 a condition of his or her sentence be required by the court to  
2 attend educational courses designed to prepare the defendant  
3 for a high school diploma and to work toward a high school  
4 diploma or to work toward passing the high school level Test of  
5 General Educational Development (GED) or to work toward  
6 completing a vocational training program offered by the  
7 Department of Corrections. If a defendant fails to complete the  
8 educational training required by his or her sentence during the  
9 term of incarceration, the Prisoner Review Board shall, as a  
10 condition of mandatory supervised release, require the  
11 defendant, at his or her own expense, to pursue a course of  
12 study toward a high school diploma or passage of the GED test.  
13 The Prisoner Review Board shall revoke the mandatory supervised  
14 release of a defendant who wilfully fails to comply with this  
15 subsection (j-5) upon his or her release from confinement in a  
16 penal institution while serving a mandatory supervised release  
17 term; however, the inability of the defendant after making a  
18 good faith effort to obtain financial aid or pay for the  
19 educational training shall not be deemed a wilful failure to  
20 comply. The Prisoner Review Board shall recommit the defendant  
21 whose mandatory supervised release term has been revoked under  
22 this subsection (j-5) as provided in Section 3-3-9. This  
23 subsection (j-5) does not apply to a defendant who has a high  
24 school diploma or has successfully passed the GED test. This  
25 subsection (j-5) does not apply to a defendant who is  
26 determined by the court to be developmentally disabled or

1 otherwise mentally incapable of completing the educational or  
2 vocational program.

3 (k) A court may not impose a sentence or disposition for a  
4 felony or misdemeanor that requires the defendant to be  
5 implanted or injected with or to use any form of birth control.

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

14 (1) a final order of deportation has been issued  
15 against the defendant pursuant to proceedings under  
16 the Immigration and Nationality Act, and

17 (2) the deportation of the defendant would not  
18 deprecate the seriousness of the defendant's conduct  
19 and would not be inconsistent with the ends of justice.

20 Otherwise, the defendant shall be sentenced as  
21 provided in this Chapter V.

22 (B) If the defendant has already been sentenced for a  
23 felony or misdemeanor offense, or has been placed on  
24 probation under Section 10 of the Cannabis Control Act,  
25 Section 410 of the Illinois Controlled Substances Act, or  
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act, the court may, upon motion of the State's  
2 Attorney to suspend the sentence imposed, commit the  
3 defendant to the custody of the Attorney General of the  
4 United States or his or her designated agent when:

5 (1) a final order of deportation has been issued  
6 against the defendant pursuant to proceedings under  
7 the Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not  
9 deprecate the seriousness of the defendant's conduct  
10 and would not be inconsistent with the ends of justice.

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

14 (D) Upon motion of the State's Attorney, if a defendant  
15 sentenced under this Section returns to the jurisdiction of  
16 the United States, the defendant shall be recommitted to  
17 the custody of the county from which he or she was  
18 sentenced. Thereafter, the defendant shall be brought  
19 before the sentencing court, which may impose any sentence  
20 that was available under Section 5-5-3 at the time of  
21 initial sentencing. In addition, the defendant shall not be  
22 eligible for additional good conduct credit for  
23 meritorious service as provided under Section 3-6-6.

24 (m) A person convicted of criminal defacement of property  
25 under Section 21-1.3 of the Criminal Code of 1961, in which the  
26 property damage exceeds \$300 and the property damaged is a

1 school building, shall be ordered to perform community service  
2 that may include cleanup, removal, or painting over the  
3 defacement.

4 (n) The court may sentence a person convicted of a  
5 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
6 Code of 1961 (i) to an impact incarceration program if the  
7 person is otherwise eligible for that program under Section  
8 5-8-1.1, (ii) to community service, or (iii) if the person is  
9 an addict or alcoholic, as defined in the Alcoholism and Other  
10 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
11 program licensed under that Act.

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

17 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
18 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
19 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
20 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
21 eff. 9-11-05; 94-993, eff. 1-1-07.)

22 (Text of Section after amendment by P.A. 94-1035)

23 Sec. 5-5-3. Disposition.

24 (a) Except as provided in Section 11-501 of the Illinois  
25 Vehicle Code, every person convicted of an offense shall be

1 sentenced as provided in this Section.

2 (b) The following options shall be appropriate  
3 dispositions, alone or in combination, for all felonies and  
4 misdemeanors other than those identified in subsection (c) of  
5 this Section:

6 (1) A period of probation.

7 (2) A term of periodic imprisonment.

8 (3) A term of conditional discharge.

9 (4) A term of imprisonment.

10 (5) An order directing the offender to clean up and  
11 repair the damage, if the offender was convicted under  
12 paragraph (h) of Section 21-1 of the Criminal Code of 1961  
13 (now repealed).

14 (6) A fine.

15 (7) An order directing the offender to make restitution  
16 to the victim under Section 5-5-6 of this Code.

17 (8) A sentence of participation in a county impact  
18 incarceration program under Section 5-8-1.2 of this Code.

19 (9) A term of imprisonment in combination with a term  
20 of probation when the offender has been admitted into a  
21 drug court program under Section 20 of the Drug Court  
22 Treatment Act.

23 Neither a fine nor restitution shall be the sole  
24 disposition for a felony and either or both may be imposed only  
25 in conjunction with another disposition.

26 (c) (1) When a defendant is found guilty of first degree

1 murder the State may either seek a sentence of imprisonment  
2 under Section 5-8-1 of this Code, or where appropriate seek  
3 a sentence of death under Section 9-1 of the Criminal Code  
4 of 1961.

5 (2) A period of probation, a term of periodic  
6 imprisonment or conditional discharge shall not be imposed  
7 for the following offenses. The court shall sentence the  
8 offender to not less than the minimum term of imprisonment  
9 set forth in this Code for the following offenses, and may  
10 order a fine or restitution or both in conjunction with  
11 such term of imprisonment:

12 (A) First degree murder where the death penalty is  
13 not imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the  
17 Illinois Controlled Substances Act, or a violation of  
18 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
19 which relates to more than 5 grams of a substance  
20 containing heroin or cocaine or an analog thereof.

21 (E) A violation of Section 5.1 or 9 of the Cannabis  
22 Control Act.

23 (F) A Class 2 or greater felony if the offender had  
24 been convicted of a Class 2 or greater felony within 10  
25 years of the date on which the offender committed the  
26 offense for which he or she is being sentenced, except

1 as otherwise provided in Section 40-10 of the  
2 Alcoholism and Other Drug Abuse and Dependency Act.

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

6 (G) Residential burglary, except as otherwise  
7 provided in Section 40-10 of the Alcoholism and Other  
8 Drug Abuse and Dependency Act.

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen.

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

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

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

23 (K) Vehicular hijacking.

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

1 assault or felony mob action.

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

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

8 (O) A violation of Section 12-6.1 of the Criminal  
9 Code of 1961.

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

13 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
14 Criminal Code of 1961.

15 (R) A violation of Section 24-3A of the Criminal  
16 Code of 1961.

17 (S) (Blank).

18 (T) A second or subsequent violation of the  
19 Methamphetamine Control and Community Protection Act.

20 (3) (Blank).

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

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraph (4.3) of this



1 subsection (c), a minimum of 100 hours of community service  
2 shall be imposed for a second violation of Section 6-303 of  
3 the Illinois Vehicle Code.

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

8 (4.4) Except as provided in paragraph (4.5) and  
9 paragraph (4.6) of this subsection (c), a minimum term of  
10 imprisonment of 30 days or 300 hours of community service,  
11 as determined by the court, shall be imposed for a third or  
12 subsequent violation of Section 6-303 of the Illinois  
13 Vehicle Code.

14 (4.5) A minimum term of imprisonment of 30 days shall  
15 be imposed for a third violation of subsection (c) of  
16 Section 6-303 of the Illinois Vehicle Code.

17 (4.6) A minimum term of imprisonment of 180 days shall  
18 be imposed for a fourth or subsequent violation of  
19 subsection (c) of Section 6-303 of the Illinois Vehicle  
20 Code.

21 (5) The court may sentence an offender convicted of a  
22 business offense or a petty offense or a corporation or  
23 unincorporated association convicted of any offense to:

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under Section

1           5-5-6 of this Code.

2           (5.1) In addition to any penalties imposed under  
3 paragraph (5) of this subsection (c), and except as  
4 provided in paragraph (5.2) or (5.3), a person convicted of  
5 violating subsection (c) of Section 11-907 of the Illinois  
6 Vehicle Code shall have his or her driver's license,  
7 permit, or privileges suspended for at least 90 days but  
8 not more than one year, if the violation resulted in damage  
9 to the property of another person.

10          (5.2) In addition to any penalties imposed under  
11 paragraph (5) of this subsection (c), and except as  
12 provided in paragraph (5.3), a person convicted of  
13 violating subsection (c) of Section 11-907 of the Illinois  
14 Vehicle Code shall have his or her driver's license,  
15 permit, or privileges suspended for at least 180 days but  
16 not more than 2 years, if the violation resulted in injury  
17 to another person.

18          (5.3) In addition to any penalties imposed under  
19 paragraph (5) of this subsection (c), a person convicted of  
20 violating subsection (c) of Section 11-907 of the Illinois  
21 Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for 2 years, if the  
23 violation resulted in the death of another person.

24          (5.4) In addition to any penalties imposed under  
25 paragraph (5) of this subsection (c), a person convicted of  
26 violating Section 3-707 of the Illinois Vehicle Code shall

1           have his or her driver's license, permit, or privileges  
2           suspended for 3 months and until he or she has paid a  
3           reinstatement fee of \$100.

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

13          (6) In no case shall an offender be eligible for a  
14          disposition of probation or conditional discharge for a  
15          Class 1 felony committed while he was serving a term of  
16          probation or conditional discharge for a felony.

17          (7) When a defendant is adjudged a habitual criminal  
18          under Article 33B of the Criminal Code of 1961, the court  
19          shall sentence the defendant to a term of natural life  
20          imprisonment.

21          (8) When a defendant, over the age of 21 years, is  
22          convicted of a Class 1 or Class 2 felony, after having  
23          twice been convicted in any state or federal court of an  
24          offense that contains the same elements as an offense now  
25          classified in Illinois as a Class 2 or greater Class felony  
26          and such charges are separately brought and tried and arise

1 out of different series of acts, such defendant shall be  
2 sentenced as a Class X offender. This paragraph shall not  
3 apply unless (1) the first felony was committed after the  
4 effective date of this amendatory Act of 1977; and (2) the  
5 second felony was committed after conviction on the first;  
6 and (3) the third felony was committed after conviction on  
7 the second. A person sentenced as a Class X offender under  
8 this paragraph is not eligible to apply for treatment as a  
9 condition of probation as provided by Section 40-10 of the  
10 Alcoholism and Other Drug Abuse and Dependency Act.

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

14 (10) (Blank).

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

1           such as an umpire or referee; "athletic facility" means an  
2           indoor or outdoor playing field or recreational area where  
3           sports activities are conducted; and "coach" means a person  
4           recognized as a coach by the sanctioning authority that  
5           conducted the sporting event.

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

11          (d) In any case in which a sentence originally imposed is  
12          vacated, the case shall be remanded to the trial court. The  
13          trial court shall hold a hearing under Section 5-4-1 of the  
14          Unified Code of Corrections which may include evidence of the  
15          defendant's life, moral character and occupation during the  
16          time since the original sentence was passed. The trial court  
17          shall then impose sentence upon the defendant. The trial court  
18          may impose any sentence which could have been imposed at the  
19          original trial subject to Section 5-5-4 of the Unified Code of  
20          Corrections. If a sentence is vacated on appeal or on  
21          collateral attack due to the failure of the trier of fact at  
22          trial to determine beyond a reasonable doubt the existence of a  
23          fact (other than a prior conviction) necessary to increase the  
24          punishment for the offense beyond the statutory maximum  
25          otherwise applicable, either the defendant may be re-sentenced  
26          to a term within the range otherwise provided or, if the State

1 files notice of its intention to again seek the extended  
2 sentence, the defendant shall be afforded a new trial.

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

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

10 (A) the defendant is willing to undergo a court  
11 approved counseling program for a minimum duration of 2  
12 years; or

13 (B) the defendant is willing to participate in a  
14 court approved plan including but not limited to the  
15 defendant's:

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the  
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the  
25 victim's counseling services, to the extent that the court  
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying  
2 for such services, if the victim was under 18 years of age  
3 at the time the offense was committed and requires  
4 counseling as a result of the offense.

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

12 For the purposes of this Section, "family member" and  
13 "victim" shall have the meanings ascribed to them in Section  
14 12-12 of the Criminal Code of 1961.

15 (f) This Article shall not deprive a court in other  
16 proceedings to order a forfeiture of property, to suspend or  
17 cancel a license, to remove a person from office, or to impose  
18 any other civil penalty.

19 (g) Whenever a defendant is convicted of an offense under  
20 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
21 11-19, 11-19.1, 11-19.2, 12-3, 12-4, 12-13, 12-14, 12-14.1,  
22 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
23 shall undergo medical testing to determine whether the  
24 defendant has any sexually transmissible disease, including a  
25 test for infection with human immunodeficiency virus (HIV) or  
26 any other identified causative agent of acquired

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



1 under Section 12-16.2 of the Criminal Code of 1961 or any other  
2 offense in which the exchange of bodily fluids occurs against  
3 the defendant. The court shall order that the cost of any such  
4 test shall be paid by the county and may be taxed as costs  
5 against the convicted defendant.

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

16 (h) Whenever a defendant is convicted of an offense under  
17 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
18 defendant shall undergo medical testing to determine whether  
19 the defendant has been exposed to human immunodeficiency virus  
20 (HIV) or any other identified causative agent of acquired  
21 immunodeficiency syndrome (AIDS). Except as otherwise provided  
22 by law, the results of such test shall be kept strictly  
23 confidential by all medical personnel involved in the testing  
24 and must be personally delivered in a sealed envelope to the  
25 judge of the court in which the conviction was entered for the  
26 judge's inspection in camera. Acting in accordance with the

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

19 (i) All fines and penalties imposed under this Section for  
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
21 Vehicle Code, or a similar provision of a local ordinance, and  
22 any violation of the Child Passenger Protection Act, or a  
23 similar provision of a local ordinance, shall be collected and  
24 disbursed by the circuit clerk as provided under Section 27.5  
25 of the Clerks of Courts Act.

26 (j) In cases when prosecution for any violation of Section

1 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
2 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
3 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
4 Code of 1961, any violation of the Illinois Controlled  
5 Substances Act, any violation of the Cannabis Control Act, or  
6 any violation of the Methamphetamine Control and Community  
7 Protection Act results in conviction, a disposition of court  
8 supervision, or an order of probation granted under Section 10  
9 of the Cannabis Control Act, Section 410 of the Illinois  
10 Controlled Substance Act, or Section 70 of the Methamphetamine  
11 Control and Community Protection Act of a defendant, the court  
12 shall determine whether the defendant is employed by a facility  
13 or center as defined under the Child Care Act of 1969, a public  
14 or private elementary or secondary school, or otherwise works  
15 with children under 18 years of age on a daily basis. When a  
16 defendant is so employed, the court shall order the Clerk of  
17 the Court to send a copy of the judgment of conviction or order  
18 of supervision or probation to the defendant's employer by  
19 certified mail. If the employer of the defendant is a school,  
20 the Clerk of the Court shall direct the mailing of a copy of  
21 the judgment of conviction or order of supervision or probation  
22 to the appropriate regional superintendent of schools. The  
23 regional superintendent of schools shall notify the State Board  
24 of Education of any notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted  
26 of a felony and who has not been previously convicted of a

1 misdemeanor or felony and who is sentenced to a term of  
2 imprisonment in the Illinois Department of Corrections shall as  
3 a condition of his or her sentence be required by the court to  
4 attend educational courses designed to prepare the defendant  
5 for a high school diploma and to work toward a high school  
6 diploma or to work toward passing the high school level Test of  
7 General Educational Development (GED) or to work toward  
8 completing a vocational training program offered by the  
9 Department of Corrections. If a defendant fails to complete the  
10 educational training required by his or her sentence during the  
11 term of incarceration, the Prisoner Review Board shall, as a  
12 condition of mandatory supervised release, require the  
13 defendant, at his or her own expense, to pursue a course of  
14 study toward a high school diploma or passage of the GED test.  
15 The Prisoner Review Board shall revoke the mandatory supervised  
16 release of a defendant who wilfully fails to comply with this  
17 subsection (j-5) upon his or her release from confinement in a  
18 penal institution while serving a mandatory supervised release  
19 term; however, the inability of the defendant after making a  
20 good faith effort to obtain financial aid or pay for the  
21 educational training shall not be deemed a wilful failure to  
22 comply. The Prisoner Review Board shall recommit the defendant  
23 whose mandatory supervised release term has been revoked under  
24 this subsection (j-5) as provided in Section 3-3-9. This  
25 subsection (j-5) does not apply to a defendant who has a high  
26 school diploma or has successfully passed the GED test. This

1 subsection (j-5) does not apply to a defendant who is  
2 determined by the court to be developmentally disabled or  
3 otherwise mentally incapable of completing the educational or  
4 vocational program.

5 (k) A court may not impose a sentence or disposition for a  
6 felony or misdemeanor that requires the defendant to be  
7 implanted or injected with or to use any form of birth control.

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

16 (1) a final order of deportation has been issued  
17 against the defendant pursuant to proceedings under  
18 the Immigration and Nationality Act, and

19 (2) the deportation of the defendant would not  
20 deprecate the seriousness of the defendant's conduct  
21 and would not be inconsistent with the ends of justice.

22 Otherwise, the defendant shall be sentenced as  
23 provided in this Chapter V.

24 (B) If the defendant has already been sentenced for a  
25 felony or misdemeanor offense, or has been placed on  
26 probation under Section 10 of the Cannabis Control Act,

1 Section 410 of the Illinois Controlled Substances Act, or  
2 Section 70 of the Methamphetamine Control and Community  
3 Protection Act, the court may, upon motion of the State's  
4 Attorney to suspend the sentence imposed, commit the  
5 defendant to the custody of the Attorney General of the  
6 United States or his or her designated agent when:

7 (1) a final order of deportation has been issued  
8 against the defendant pursuant to proceedings under  
9 the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not  
11 deprecate the seriousness of the defendant's conduct  
12 and would not be inconsistent with the ends of justice.

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

16 (D) Upon motion of the State's Attorney, if a defendant  
17 sentenced under this Section returns to the jurisdiction of  
18 the United States, the defendant shall be recommitted to  
19 the custody of the county from which he or she was  
20 sentenced. Thereafter, the defendant shall be brought  
21 before the sentencing court, which may impose any sentence  
22 that was available under Section 5-5-3 at the time of  
23 initial sentencing. In addition, the defendant shall not be  
24 eligible for additional good conduct credit for  
25 meritorious service as provided under Section 3-6-6.

26 (m) A person convicted of criminal defacement of property

1 under Section 21-1.3 of the Criminal Code of 1961, in which the  
2 property damage exceeds \$300 and the property damaged is a  
3 school building, shall be ordered to perform community service  
4 that may include cleanup, removal, or painting over the  
5 defacement.

6 (n) The court may sentence a person convicted of a  
7 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
8 Code of 1961 (i) to an impact incarceration program if the  
9 person is otherwise eligible for that program under Section  
10 5-8-1.1, (ii) to community service, or (iii) if the person is  
11 an addict or alcoholic, as defined in the Alcoholism and Other  
12 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
13 program licensed under that Act.

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

19 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
20 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
21 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
22 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
23 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;  
24 revised 8-28-06.)

25 Section 95. No acceleration or delay. Where this Act makes

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

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.