

# SB2305



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2305

Introduced 2/14/2008, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections, the Criminal Code of 1961, the Illinois Controlled Substances Act, and the Methamphetamine Control and Community Protection Act to reclassify current Class X felonies for the purpose of sentencing. Makes conforming changes. Effective July 1, 2008.

LRB095 19760 RLC 46133 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL 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 5-5-1, 5-5-3, and 5-8-1 as follows:

6 (730 ILCS 5/5-5-1) (from Ch. 38, par. 1005-5-1)

7 Sec. 5-5-1. Classification of Offenses. (a) The provisions  
8 of this Article shall govern the classification of all offenses  
9 for sentencing purposes.

10 (b) Felonies are classified, for the purpose of sentencing,  
11 as follows:

12 (1) First degree murder (as a separate class of felony);

13 (2) Class X felonies, which includes Class X1, X2, X3, X4,  
14 and X felonies;

15 (3) Class 1 felonies;

16 (4) Class 2 felonies;

17 (5) Class 3 felonies; and

18 (6) Class 4 felonies.

19 (c) Misdemeanors are classified, for the purpose of  
20 sentencing, as follows:

21 (1) Class A misdemeanors;

22 (2) Class B misdemeanors; and

23 (3) Class C misdemeanors.

1 (d) Petty offenses and business offenses are not  
2 classified.

3 (Source: P.A. 84-1450.)

4 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

5 (Text of Section before amendment by P.A. 95-579)

6 Sec. 5-5-3. Disposition.

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

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

14 (1) A period of probation.

15 (2) A term of periodic imprisonment.

16 (3) A term of conditional discharge.

17 (4) A term of imprisonment.

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21 (now repealed).

22 (6) A fine.

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

25 (8) A sentence of participation in a county impact

1 incarceration program under Section 5-8-1.2 of this Code.

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

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

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

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

21 (A) First degree murder where the death penalty is  
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the  
26 Illinois Controlled Substances Act, or a violation of

1 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
2 of that Act which relates to more than 5 grams of a  
3 substance containing heroin, cocaine, fentanyl, or an  
4 analog thereof.

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

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

13 (F-5) A violation of Section 24-1, 24-1.1, or  
14 24-1.6 of the Criminal Code of 1961 for which  
15 imprisonment is prescribed in those Sections.

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

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen.

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

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

1 crimes or provides support to the members of the  
2 association who do commit crimes.

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

7 (K) Vehicular hijacking.

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

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

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

18 (O) A violation of Section 12-6.1 of the Criminal  
19 Code of 1961.

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

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

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

1 (S) (Blank).

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

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

11 (3) (Blank).

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

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
18 of this subsection (c), a minimum of 100 hours of community  
19 service shall be imposed for a second violation of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300  
22 hours of community service, as determined by the court,  
23 shall be imposed for a second violation of subsection (c)  
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6),  
26 and (4.9) of this subsection (c), a minimum term of

1 imprisonment of 30 days or 300 hours of community service,  
2 as determined by the court, shall be imposed for a third or  
3 subsequent violation of Section 6-303 of the Illinois  
4 Vehicle Code.

5 (4.5) A minimum term of imprisonment of 30 days shall  
6 be imposed for a third violation of subsection (c) of  
7 Section 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this  
9 subsection (c), a minimum term of imprisonment of 180 days  
10 shall be imposed for a fourth or subsequent violation of  
11 subsection (c) of Section 6-303 of the Illinois Vehicle  
12 Code.

13 (4.7) A minimum term of imprisonment of not less than  
14 30 consecutive days, or 300 hours of community service,  
15 shall be imposed for a violation of subsection (a-5) of  
16 Section 6-303 of the Illinois Vehicle Code, as provided in  
17 subsection (b-5) of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for  
19 a second violation of subsection (a-5) of Section 6-303 of  
20 the Illinois Vehicle Code, as provided in subsection (c-5)  
21 of that Section. The person's driving privileges shall be  
22 revoked for a period of not less than 5 years from the date  
23 of his or her release from prison.

24 (4.9) A mandatory prison sentence of not less than 4  
25 and not more than 15 years shall be imposed for a third  
26 violation of subsection (a-5) of Section 6-303 of the



1 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
2 that Section. The person's driving privileges shall be  
3 revoked for the remainder of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony  
5 shall be imposed, and the person shall be eligible for an  
6 extended term sentence, for a fourth or subsequent  
7 violation of subsection (a-5) of Section 6-303 of the  
8 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
9 that Section. The person's driving privileges shall be  
10 revoked for the remainder of his or her life.

11 (5) The court may sentence an offender convicted of a  
12 business offense or a petty offense or a corporation or  
13 unincorporated association convicted of any offense to:

14 (A) a period of conditional discharge;

15 (B) a fine;

16 (C) make restitution to the victim under Section  
17 5-5-6 of this Code.

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

26 (5.2) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), and except as  
2 provided in paragraph (5.3), a person convicted of  
3 violating subsection (c) of Section 11-907 of the Illinois  
4 Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for at least 180 days but  
6 not more than 2 years, if the violation resulted in injury  
7 to another person.

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

14 (5.4) In addition to any penalties imposed under  
15 paragraph (5) of this subsection (c), a person convicted of  
16 violating Section 3-707 of the Illinois Vehicle Code shall  
17 have his or her driver's license, permit, or privileges  
18 suspended for 3 months and until he or she has paid a  
19 reinstatement fee of \$100.

20 (5.5) In addition to any penalties imposed under  
21 paragraph (5) of this subsection (c), a person convicted of  
22 violating Section 3-707 of the Illinois Vehicle Code during  
23 a period in which his or her driver's license, permit, or  
24 privileges were suspended for a previous violation of that  
25 Section shall have his or her driver's license, permit, or  
26 privileges suspended for an additional 6 months after the

1 expiration of the original 3-month suspension and until he  
2 or she has paid a reinstatement fee of \$100.

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

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

11 (8) When a defendant, over the age of 21 years, is  
12 convicted of a Class 1 or Class 2 felony, after having  
13 twice been convicted in any state or federal court of an  
14 offense that contains the same elements as an offense now  
15 classified in Illinois as a Class 2 or greater Class felony  
16 and such charges are separately brought and tried and arise  
17 out of different series of acts, such defendant shall be  
18 sentenced as a Class X offender. This paragraph shall not  
19 apply unless (1) the first felony was committed after the  
20 effective date of this amendatory Act of 1977; and (2) the  
21 second felony was committed after conviction on the first;  
22 and (3) the third felony was committed after conviction on  
23 the second. A person sentenced as a Class X offender under  
24 this paragraph is not eligible to apply for treatment as a  
25 condition of probation as provided by Section 40-10 of the  
26 Alcoholism and Other Drug Abuse and Dependency Act.

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

4           (10) (Blank).

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

22           (12) A person may not receive a disposition of court  
23 supervision for a violation of Section 5-16 of the Boat  
24 Registration and Safety Act if that person has previously  
25 received a disposition of court supervision for a violation  
26 of that Section.

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

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, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
22 of the Criminal Code of 1961, the defendant shall undergo  
23 medical testing to determine whether the defendant has any  
24 sexually transmissible disease, including a test for infection  
25 with human immunodeficiency virus (HIV) or any other identified  
26 causative agent of acquired immunodeficiency syndrome (AIDS).

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



1 of 1961 against the defendant. The court shall order that the  
2 cost of any such test shall be paid by the county and may be  
3 taxed as costs 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. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,  
18 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;  
19 95-259, eff 8-17-07; 95-331, eff. 8-21-07; 95-377, eff. 1-1-08;  
20 revised 11-19-07.)

21 (Text of Section after amendment by P.A. 95-579)

22 Sec. 5-5-3. Disposition.

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

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

5           (1) A period of probation.

6           (2) A term of periodic imprisonment.

7           (3) A term of conditional discharge.

8           (4) A term of imprisonment.

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

13           (6) A fine.

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

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

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

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

25           (c) (1) When a defendant is found guilty of first degree  
26 murder the State may either seek a sentence of imprisonment



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

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

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

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

15 (D) A violation of Section 401.1 or 407 of the  
16 Illinois Controlled Substances Act, or a violation of  
17 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
18 of that Act which relates to more than 5 grams of a  
19 substance containing heroin, cocaine, fentanyl, or an  
20 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 (U) A second or subsequent violation of Section  
21 6-303 of the Illinois Vehicle Code committed while his  
22 or her driver's license, permit, or privilege was  
23 revoked because of a violation of Section 9-3 of the  
24 Criminal Code of 1961, relating to the offense of  
25 reckless homicide, or a similar provision of a law of  
26 another state.

1                    (V) ~~(U)~~ A violation of paragraph (4) of subsection  
2                    (c) of Section 11-20.3 of the Criminal Code of 1961.

3                    (3) (Blank).

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

8                    (4.1) (Blank).

9                    (4.2) Except as provided in paragraphs (4.3) and (4.8)  
10                    of this subsection (c), a minimum of 100 hours of community  
11                    service shall be imposed for a second violation of Section  
12                    6-303 of the Illinois Vehicle Code.

13                    (4.3) A minimum term of imprisonment of 30 days or 300  
14                    hours of community service, as determined by the court,  
15                    shall be imposed for a second violation of subsection (c)  
16                    of Section 6-303 of the Illinois Vehicle Code.

17                    (4.4) Except as provided in paragraphs (4.5), (4.6),  
18                    and (4.9) of this subsection (c), a minimum term of  
19                    imprisonment of 30 days or 300 hours of community service,  
20                    as determined by the court, shall be imposed for a third or  
21                    subsequent violation of Section 6-303 of the Illinois  
22                    Vehicle Code.

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

26                    (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days  
2 shall be imposed for a fourth or subsequent violation of  
3 subsection (c) of Section 6-303 of the Illinois Vehicle  
4 Code.

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

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

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

22 (4.10) A mandatory prison sentence for a Class 1 felony  
23 shall be imposed, and the person shall be eligible for an  
24 extended term sentence, for a fourth or subsequent  
25 violation of subsection (a-5) of Section 6-303 of the  
26 Illinois Vehicle Code, as provided in subsection (d-3.5) of

1           that Section. The person's driving privileges shall be  
2           revoked for the remainder of his or her life.

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

6                     (A) a period of conditional discharge;

7                     (B) a fine;

8                     (C) make restitution to the victim under Section  
9           5-5-6 of this Code.

10           (5.1) In addition to any penalties imposed under  
11           paragraph (5) of this subsection (c), and except as  
12           provided in paragraph (5.2) or (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 90 days but  
16           not more than one year, if the violation resulted in damage  
17           to the property of another person.

18           (5.2) In addition to any penalties imposed under  
19           paragraph (5) of this subsection (c), and except as  
20           provided in paragraph (5.3), a person convicted of  
21           violating subsection (c) of Section 11-907 of the Illinois  
22           Vehicle Code shall have his or her driver's license,  
23           permit, or privileges suspended for at least 180 days but  
24           not more than 2 years, if the violation resulted in injury  
25           to another person.

26           (5.3) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), a person convicted of  
2 violating subsection (c) of Section 11-907 of the Illinois  
3 Vehicle Code shall have his or her driver's license,  
4 permit, or privileges suspended for 2 years, if the  
5 violation resulted in the death of another person.

6 (5.4) In addition to any penalties imposed under  
7 paragraph (5) of this subsection (c), a person convicted of  
8 violating Section 3-707 of the Illinois Vehicle Code shall  
9 have his or her driver's license, permit, or privileges  
10 suspended for 3 months and until he or she has paid a  
11 reinstatement fee of \$100.

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

21 (6) In no case shall an offender be eligible for a  
22 disposition of probation or conditional discharge for a  
23 Class 1 felony committed while he was serving a term of  
24 probation or conditional discharge for a felony.

25 (7) When a defendant is adjudged a habitual criminal  
26 under Article 33B of the Criminal Code of 1961, the court

1 shall sentence the defendant to a term of natural life  
2 imprisonment.

3 (8) When a defendant, over the age of 21 years, is  
4 convicted of a Class 1 or Class 2 felony, after having  
5 twice been convicted in any state or federal court of an  
6 offense that contains the same elements as an offense now  
7 classified in Illinois as a Class 2 or greater Class felony  
8 and such charges are separately brought and tried and arise  
9 out of different series of acts, such defendant shall be  
10 sentenced on ~~as~~ a Class X felony ~~offender~~. This paragraph  
11 shall not apply unless (1) the first felony was committed  
12 after the effective date of this amendatory Act of 1977;  
13 and (2) the second felony was committed after conviction on  
14 the first; and (3) the third felony was committed after  
15 conviction on the second. A person sentenced to ~~as~~ a Class  
16 X felony ~~offender~~ under this paragraph is not eligible to  
17 apply for treatment as a condition of probation as provided  
18 by Section 40-10 of the Alcoholism and Other Drug Abuse and  
19 Dependency Act.

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000  
25 for a first offense and \$2,000 for a second or subsequent  
26 offense upon a person convicted of or placed on supervision



1 for battery when the individual harmed was a sports  
2 official or coach at any level of competition and the act  
3 causing harm to the sports official or coach occurred  
4 within an athletic facility or within the immediate  
5 vicinity of the athletic facility at which the sports  
6 official or coach was an active participant of the athletic  
7 contest held at the athletic facility. For the purposes of  
8 this paragraph (11), "sports official" means a person at an  
9 athletic contest who enforces the rules of the contest,  
10 such as an umpire or referee; "athletic facility" means an  
11 indoor or outdoor playing field or recreational area where  
12 sports activities are conducted; and "coach" means a person  
13 recognized as a coach by the sanctioning authority that  
14 conducted the sporting event.

15 (12) A person may not receive a disposition of court  
16 supervision for a violation of Section 5-16 of the Boat  
17 Registration and Safety Act if that person has previously  
18 received a disposition of court supervision for a violation  
19 of that Section.

20 (13) A person convicted of or placed on court  
21 supervision for an assault or aggravated assault when the  
22 victim and the offender are family or household members as  
23 defined in Section 103 of the Illinois Domestic Violence  
24 Act of 1986 or convicted of domestic battery or aggravated  
25 domestic battery may be required to attend a Partner Abuse  
26 Intervention Program under protocols set forth by the

1 Illinois Department of Human Services under such terms and  
2 conditions imposed by the court. The costs of such classes  
3 shall be paid by the offender.

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

22 (e) In cases where prosecution for aggravated criminal  
23 sexual abuse under Section 12-16 of the Criminal Code of 1961  
24 results in conviction of a defendant who was a family member of  
25 the victim at the time of the commission of the offense, the  
26 court shall consider the safety and welfare of the victim and

1 may impose a sentence of probation only where:

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

3 (A) the defendant is willing to undergo a court  
4 approved counseling program for a minimum duration of 2  
5 years; or

6 (B) the defendant is willing to participate in a  
7 court approved plan including but not limited to the  
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the  
12 family;

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

14 and

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

17 (2) the court orders the defendant to pay for the  
18 victim's counseling services, to the extent that the court  
19 finds, after considering the defendant's income and  
20 assets, that the defendant is financially capable of paying  
21 for such services, if the victim was under 18 years of age  
22 at the time the offense was committed and requires  
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section  
25 5-6-4; except where the court determines at the hearing that  
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or  
2 commits another offense with the victim or other family  
3 members, the court shall revoke the defendant's probation and  
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and  
6 "victim" shall have the meanings ascribed to them in Section  
7 12-12 of the Criminal Code of 1961.

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

12 (g) Whenever a defendant is convicted of an offense under  
13 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
14 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
15 of the Criminal Code of 1961, the defendant shall undergo  
16 medical testing to determine whether the defendant has any  
17 sexually transmissible disease, including a test for infection  
18 with human immunodeficiency virus (HIV) or any other identified  
19 causative agent of acquired immunodeficiency syndrome (AIDS).  
20 Any such medical test shall be performed only by appropriately  
21 licensed medical practitioners and may include an analysis of  
22 any bodily fluids as well as an examination of the defendant's  
23 person. Except as otherwise provided by law, the results of  
24 such test shall be kept strictly confidential by all medical  
25 personnel involved in the testing and must be personally  
26 delivered in a sealed envelope to the judge of the court in

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

23 (g-5) When an inmate is tested for an airborne communicable  
24 disease, as determined by the Illinois Department of Public  
25 Health including but not limited to tuberculosis, the results  
26 of the test shall be personally delivered by the warden or his

1 or her designee in a sealed envelope to the judge of the court  
2 in which the inmate must appear for the judge's inspection in  
3 camera if requested by the judge. Acting in accordance with the  
4 best interests of those in the courtroom, the judge shall have  
5 the discretion to determine what if any precautions need to be  
6 taken to prevent transmission of the disease in the courtroom.

7 (h) Whenever a defendant is convicted of an offense under  
8 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
9 defendant shall undergo medical testing to determine whether  
10 the defendant has been exposed to human immunodeficiency virus  
11 (HIV) or any other identified causative agent of acquired  
12 immunodeficiency syndrome (AIDS). Except as otherwise provided  
13 by law, the results of such test shall be kept strictly  
14 confidential by all medical personnel involved in the testing  
15 and must be personally delivered in a sealed envelope to the  
16 judge of the court in which the conviction was entered for the  
17 judge's inspection in camera. Acting in accordance with the  
18 best interests of the public, the judge shall have the  
19 discretion to determine to whom, if anyone, the results of the  
20 testing may be revealed. The court shall notify the defendant  
21 of a positive test showing an infection with the human  
22 immunodeficiency virus (HIV). The court shall provide  
23 information on the availability of HIV testing and counseling  
24 at Department of Public Health facilities to all parties to  
25 whom the results of the testing are revealed and shall direct  
26 the State's Attorney to provide the information to the victim

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

10 (i) All fines and penalties imposed under this Section for  
11 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
12 Vehicle Code, or a similar provision of a local ordinance, and  
13 any violation of the Child Passenger Protection Act, or a  
14 similar provision of a local ordinance, shall be collected and  
15 disbursed by the circuit clerk as provided under Section 27.5  
16 of the Clerks of Courts Act.

17 (j) In cases when prosecution for any violation of Section  
18 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
19 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
20 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
21 Code of 1961, any violation of the Illinois Controlled  
22 Substances Act, any violation of the Cannabis Control Act, or  
23 any violation of the Methamphetamine Control and Community  
24 Protection Act results in conviction, a disposition of court  
25 supervision, or an order of probation granted under Section 10  
26 of the Cannabis Control Act, Section 410 of the Illinois

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

16 (j-5) A defendant at least 17 years of age who is convicted  
17 of a felony and who has not been previously convicted of a  
18 misdemeanor or felony and who is sentenced to a term of  
19 imprisonment in the Illinois Department of Corrections shall as  
20 a condition of his or her sentence be required by the court to  
21 attend educational courses designed to prepare the defendant  
22 for a high school diploma and to work toward a high school  
23 diploma or to work toward passing the high school level Test of  
24 General Educational Development (GED) or to work toward  
25 completing a vocational training program offered by the  
26 Department of Corrections. If a defendant fails to complete the



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

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

25 (l) (A) Except as provided in paragraph (C) of subsection

26 (1), whenever a defendant, who is an alien as defined by

1 the Immigration and Nationality Act, is convicted of any  
2 felony or misdemeanor offense, the court after sentencing  
3 the defendant may, upon motion of the State's Attorney,  
4 hold sentence in abeyance and remand the defendant to the  
5 custody of the Attorney General of the United States or his  
6 or her designated agent to be deported 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 Otherwise, the defendant shall be sentenced as  
14 provided in this Chapter V.

15 (B) If the defendant has already been sentenced for a  
16 felony or misdemeanor offense, or has been placed on  
17 probation under Section 10 of the Cannabis Control Act,  
18 Section 410 of the Illinois Controlled Substances Act, or  
19 Section 70 of the Methamphetamine Control and Community  
20 Protection Act, the court may, upon motion of the State's  
21 Attorney to suspend the sentence imposed, commit the  
22 defendant to the custody of the Attorney General of the  
23 United States or his or her designated agent when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under  
26 the Immigration and Nationality Act, and

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

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

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

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

23          (n) The court may sentence a person convicted of a  
24          violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
25          Code of 1961 (i) to an impact incarceration program if the  
26          person is otherwise eligible for that program under Section

1 5-8-1.1, (ii) to community service, or (iii) if the person is  
2 an addict or alcoholic, as defined in the Alcoholism and Other  
3 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
4 program licensed under that Act.

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

10 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,  
11 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;  
12 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.  
13 1-1-08; 95-579, eff. 6-1-08; revised 11-19-07.)

14 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

15 Sec. 5-8-1. Sentence of Imprisonment for Felony.

16 (a) Except as otherwise provided in the statute defining  
17 the offense, a sentence of imprisonment for a felony shall be a  
18 determinate sentence set by the court under this Section,  
19 according to the following limitations:

20 (1) for first degree murder,

21 (a) a term shall be not less than 20 years and not  
22 more than 60 years, or

23 (b) if a trier of fact finds beyond a reasonable  
24 doubt that the murder was accompanied by exceptionally  
25 brutal or heinous behavior indicative of wanton

1 cruelty or, except as set forth in subsection (a) (1) (c)  
2 of this Section, that any of the aggravating factors  
3 listed in subsection (b) of Section 9-1 of the Criminal  
4 Code of 1961 are present, the court may sentence the  
5 defendant to a term of natural life imprisonment, or

6 (c) the court shall sentence the defendant to a  
7 term of natural life imprisonment when the death  
8 penalty is not imposed if the defendant,

9 (i) has previously been convicted of first  
10 degree murder under any state or federal law, or

11 (ii) is a person who, at the time of the  
12 commission of the murder, had attained the age of  
13 17 or more and is found guilty of murdering an  
14 individual under 12 years of age; or, irrespective  
15 of the defendant's age at the time of the  
16 commission of the offense, is found guilty of  
17 murdering more than one victim, or

18 (iii) is found guilty of murdering a peace  
19 officer, fireman, or emergency management worker  
20 when the peace officer, fireman, or emergency  
21 management worker was killed in the course of  
22 performing his official duties, or to prevent the  
23 peace officer or fireman from performing his  
24 official duties, or in retaliation for the peace  
25 officer, fireman, or emergency management worker  
26 from performing his official duties, and the

1 defendant knew or should have known that the  
2 murdered individual was a peace officer, fireman,  
3 or emergency management worker, or

4 (iv) is found guilty of murdering an employee  
5 of an institution or facility of the Department of  
6 Corrections, or any similar local correctional  
7 agency, when the employee was killed in the course  
8 of performing his official duties, or to prevent  
9 the employee from performing his official duties,  
10 or in retaliation for the employee performing his  
11 official duties, or

12 (v) is found guilty of murdering an emergency  
13 medical technician - ambulance, emergency medical  
14 technician - intermediate, emergency medical  
15 technician - paramedic, ambulance driver or other  
16 medical assistance or first aid person while  
17 employed by a municipality or other governmental  
18 unit when the person was killed in the course of  
19 performing official duties or to prevent the  
20 person from performing official duties or in  
21 retaliation for performing official duties and the  
22 defendant knew or should have known that the  
23 murdered individual was an emergency medical  
24 technician - ambulance, emergency medical  
25 technician - intermediate, emergency medical  
26 technician - paramedic, ambulance driver, or other

1 medical assistant or first aid personnel, or

2 (vi) is a person who, at the time of the  
3 commission of the murder, had not attained the age  
4 of 17, and is found guilty of murdering a person  
5 under 12 years of age and the murder is committed  
6 during the course of aggravated criminal sexual  
7 assault, criminal sexual assault, or aggravated  
8 kidnaping, or

9 (vii) is found guilty of first degree murder  
10 and the murder was committed by reason of any  
11 person's activity as a community policing  
12 volunteer or to prevent any person from engaging in  
13 activity as a community policing volunteer. For  
14 the purpose of this Section, "community policing  
15 volunteer" has the meaning ascribed to it in  
16 Section 2-3.5 of the Criminal Code of 1961.

17 For purposes of clause (v), "emergency medical  
18 technician - ambulance", "emergency medical technician  
19 - intermediate", "emergency medical technician -  
20 paramedic", have the meanings ascribed to them in the  
21 Emergency Medical Services (EMS) Systems Act.

22 (d) (i) if the person committed the offense while  
23 armed with a firearm, 15 years shall be added to  
24 the term of imprisonment imposed by the court;

25 (ii) if, during the commission of the offense,  
26 the person personally discharged a firearm, 20

1 years shall be added to the term of imprisonment  
2 imposed by the court;

3 (iii) if, during the commission of the  
4 offense, the person personally discharged a  
5 firearm that proximately caused great bodily harm,  
6 permanent disability, permanent disfigurement, or  
7 death to another person, 25 years or up to a term  
8 of natural life shall be added to the term of  
9 imprisonment imposed by the court.

10 (1.5) for second degree murder, a term shall be not  
11 less than 4 years and not more than 20 years;

12 (2) for a person adjudged a habitual criminal under  
13 Article 33B of the Criminal Code of 1961, as amended, the  
14 sentence shall be a term of natural life imprisonment;

15 (2.5) for a person convicted under the circumstances  
16 described in paragraph (3) of subsection (b) of Section  
17 12-13, paragraph (2) of subsection (d) of Section 12-14,  
18 paragraph (1.2) of subsection (b) of Section 12-14.1, or  
19 paragraph (2) of subsection (b) of Section 12-14.1 of the  
20 Criminal Code of 1961, the sentence shall be a term of  
21 natural life imprisonment;

22 (3) For a Class X felony, the sentence shall be:

23 (i) for an X1 felony, as provided in the statute  
24 defining the offense;

25 (ii) for an X2 felony, not less than 20 years and  
26 not more than 60 years;



1           (iii) for an X3 felony, not less than 12 years and  
2           not more than 50 years;

3           (iv) for an X4 felony, not less than 8 years and  
4           not more than 40 years; and

5           (v) for an X felony not less than 6 years and not  
6           more than 30 years ~~except as otherwise provided in the~~  
7           ~~statute defining the offense, for a Class X felony, the~~  
8           ~~sentence shall be not less than 6 years and not more~~  
9           ~~than 30 years;~~

10           (4) for a Class 1 felony, other than second degree  
11           murder, the sentence shall be not less than 4 years and not  
12           more than 15 years;

13           (5) for a Class 2 felony, the sentence shall be not  
14           less than 3 years and not more than 7 years;

15           (6) for a Class 3 felony, the sentence shall be not  
16           less than 2 years and not more than 5 years;

17           (7) for a Class 4 felony, the sentence shall be not  
18           less than 1 year and not more than 3 years.

19           (b) The sentencing judge in each felony conviction shall  
20           set forth his reasons for imposing the particular sentence he  
21           enters in the case, as provided in Section 5-4-1 of this Code.  
22           Those reasons may include any mitigating or aggravating factors  
23           specified in this Code, or the lack of any such circumstances,  
24           as well as any other such factors as the judge shall set forth  
25           on the record that are consistent with the purposes and  
26           principles of sentencing set out in this Code.

1 (c) A motion to reduce a sentence may be made, or the court  
2 may reduce a sentence without motion, within 30 days after the  
3 sentence is imposed. A defendant's challenge to the correctness  
4 of a sentence or to any aspect of the sentencing hearing shall  
5 be made by a written motion filed within 30 days following the  
6 imposition of sentence. However, the court may not increase a  
7 sentence once it is imposed.

8 If a motion filed pursuant to this subsection is timely  
9 filed within 30 days after the sentence is imposed, the  
10 proponent of the motion shall exercise due diligence in seeking  
11 a determination on the motion and the court shall thereafter  
12 decide such motion within a reasonable time.

13 If a motion filed pursuant to this subsection is timely  
14 filed within 30 days after the sentence is imposed, then for  
15 purposes of perfecting an appeal, a final judgment shall not be  
16 considered to have been entered until the motion to reduce a  
17 sentence has been decided by order entered by the trial court.

18 A motion filed pursuant to this subsection shall not be  
19 considered to have been timely filed unless it is filed with  
20 the circuit court clerk within 30 days after the sentence is  
21 imposed together with a notice of motion, which notice of  
22 motion shall set the motion on the court's calendar on a date  
23 certain within a reasonable time after the date of filing.

24 (d) Except where a term of natural life is imposed, every  
25 sentence shall include as though written therein a term in  
26 addition to the term of imprisonment. For those sentenced under

1 the law in effect prior to February 1, 1978, such term shall be  
2 identified as a parole term. For those sentenced on or after  
3 February 1, 1978, such term shall be identified as a mandatory  
4 supervised release term. Subject to earlier termination under  
5 Section 3-3-8, the parole or mandatory supervised release term  
6 shall be as follows:

7 (1) for first degree murder or a Class X felony except  
8 for the offenses of predatory criminal sexual assault of a  
9 child, aggravated criminal sexual assault, and criminal  
10 sexual assault if committed on or after the effective date  
11 of this amendatory Act of the 94th General Assembly, 3  
12 years;

13 (2) for a Class 1 felony or a Class 2 felony except for  
14 the offense of criminal sexual assault if committed on or  
15 after the effective date of this amendatory Act of the 94th  
16 General Assembly, 2 years;

17 (3) for a Class 3 felony or a Class 4 felony, 1 year;

18 (4) for defendants who commit the offense of predatory  
19 criminal sexual assault of a child, aggravated criminal  
20 sexual assault, or criminal sexual assault, on or after the  
21 effective date of this amendatory Act of the 94th General  
22 Assembly, the term of mandatory supervised release shall  
23 range from a minimum of 3 years to a maximum of the natural  
24 life of the defendant;

25 (5) if the victim is under 18 years of age, for a  
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, at least  
2 the first 2 years of which the defendant shall serve in an  
3 electronic home detention program under Article 8A of  
4 Chapter V of this Code.

5 (e) A defendant who has a previous and unexpired sentence  
6 of imprisonment imposed by another state or by any district  
7 court of the United States and who, after sentence for a crime  
8 in Illinois, must return to serve the unexpired prior sentence  
9 may have his sentence by the Illinois court ordered to be  
10 concurrent with the prior sentence in the other state. The  
11 court may order that any time served on the unexpired portion  
12 of the sentence in the other state, prior to his return to  
13 Illinois, shall be credited on his Illinois sentence. The other  
14 state shall be furnished with a copy of the order imposing  
15 sentence which shall provide that, when the offender is  
16 released from confinement of the other state, whether by parole  
17 or by termination of sentence, the offender shall be  
18 transferred by the Sheriff of the committing county to the  
19 Illinois Department of Corrections. The court shall cause the  
20 Department of Corrections to be notified of such sentence at  
21 the time of commitment and to be provided with copies of all  
22 records regarding the sentence.

23 (f) A defendant who has a previous and unexpired sentence  
24 of imprisonment imposed by an Illinois circuit court for a  
25 crime in this State and who is subsequently sentenced to a term  
26 of imprisonment by another state or by any district court of

1 the United States and who has served a term of imprisonment  
2 imposed by the other state or district court of the United  
3 States, and must return to serve the unexpired prior sentence  
4 imposed by the Illinois Circuit Court may apply to the court  
5 which imposed sentence to have his sentence reduced.

6 The circuit court may order that any time served on the  
7 sentence imposed by the other state or district court of the  
8 United States be credited on his Illinois sentence. Such  
9 application for reduction of a sentence under this subsection  
10 (f) shall be made within 30 days after the defendant has  
11 completed the sentence imposed by the other state or district  
12 court of the United States.

13 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;  
14 94-715, eff. 12-13-05.)

15 Section 10. The Criminal Code of 1961 is amended by  
16 changing Sections 8-1.1, 8-1.2, 8-4, 9-3.3, 10-2, 12-4.1,  
17 12-4.2, 12-4.2-5, 12-13, 12-14, 12-14.1, 12-33, 16-16.1, 18-4,  
18 24-1.1, 24-1.2, 24-1.2-5, 24-3A, 24-3.5, 29D-15, 29D-30,  
19 29D-35, 31A-1.2, and 33A-3 as follows:

20 (720 ILCS 5/8-1.1) (from Ch. 38, par. 8-1.1)

21 Sec. 8-1.1. Solicitation of Murder.

22 (a) A person commits solicitation of murder when, with the  
23 intent that the offense of first degree murder be committed, he  
24 commands, encourages or requests another to commit that

1 offense.

2 (b) Penalty. Solicitation of murder is a Class X<sup>3</sup> felony  
3 ~~and a person convicted of solicitation of murder shall be~~  
4 ~~sentenced to a term of imprisonment for a period of not less~~  
5 ~~than 15 years and not more than 30 years,~~ except that in cases  
6 where the person solicited was a person under the age of 17  
7 years, ~~the person convicted of solicitation of murder is an X<sup>2</sup>~~  
8 ~~felony shall be sentenced to a term of imprisonment for a~~  
9 ~~period of not less than 20 years and not more than 60 years.~~

10 (Source: P.A. 89-688, eff. 6-1-97; 89-689, eff. 12-31-96.)

11 (720 ILCS 5/8-1.2) (from Ch. 38, par. 8-1.2)

12 Sec. 8-1.2. Solicitation of Murder for Hire.

13 (a) A person commits solicitation of murder for hire when,  
14 with the intent that the offense of first degree murder be  
15 committed, he procures another to commit that offense pursuant  
16 to any contract, agreement, understanding, command or request  
17 for money or anything of value.

18 (b) Penalty. Solicitation of murder for hire is a Class X<sup>2</sup>  
19 felony ~~and a person convicted of solicitation of murder for~~  
20 ~~hire shall be sentenced to a term of imprisonment of not less~~  
21 ~~than 20 years and not more than 40 years.~~

22 (Source: P.A. 85-1003; 85-1030; 85-1440.)

23 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

24 Sec. 8-4. Attempt.

1 (a) Elements of the Offense.

2 A person commits an attempt when, with intent to commit a  
3 specific offense, he does any act which constitutes a  
4 substantial step toward the commission of that offense.

5 (b) Impossibility.

6 It shall not be a defense to a charge of attempt that  
7 because of a misapprehension of the circumstances it would have  
8 been impossible for the accused to commit the offense  
9 attempted.

10 (c) Sentence.

11 A person convicted of an attempt may be fined or imprisoned  
12 or both not to exceed the maximum provided for the offense  
13 attempted but, except for an attempt to commit the offense  
14 defined in Section 33A-2 of this Act,

15 (1) the sentence for attempt to commit first degree  
16 murder is the sentence for a Class X felony, except that

17 (A) an attempt to commit first degree murder when  
18 at least one of the aggravating factors specified in  
19 paragraphs (1), (2) and (12) of subsection (b) of  
20 Section 9-1 is present is a Class X1 felony for which  
21 the sentence shall be a term of imprisonment of not  
22 less than 20 years and not more than 80 years;

23 (B) an attempt to commit first degree murder while  
24 armed with a firearm is a Class X felony for which 15  
25 years shall be added to the term of imprisonment  
26 imposed by the court;

1 (C) an attempt to commit first degree murder during  
2 which the person personally discharged a firearm is a  
3 Class X felony for which 20 years shall be added to the  
4 term of imprisonment imposed by the court;

5 (D) an attempt to commit first degree murder during  
6 which the person personally discharged a firearm that  
7 proximately caused great bodily harm, permanent  
8 disability, permanent disfigurement, or death to  
9 another person, is a Class X felony for which 25 years  
10 or up to a term of natural life shall be added to the  
11 term of imprisonment imposed by the court.

12 (2) the sentence for attempt to commit a Class X felony  
13 is the sentence for a Class 1 felony;

14 (3) the sentence for attempt to commit a Class 1 felony  
15 is the sentence for a Class 2 felony;

16 (4) the sentence for attempt to commit a Class 2 felony  
17 is the sentence for a Class 3 felony; and

18 (5) the sentence for attempt to commit any felony other  
19 than those specified in subsections (1), (2), (3) and (4)  
20 hereof is the sentence for a Class A misdemeanor.

21 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

22 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

23 Sec. 9-3.3. Drug-induced homicide.

24 (a) A person who violates Section 401 of the Illinois  
25 Controlled Substances Act or Section 55 of the Methamphetamine



1 Control and Community Protection Act by unlawfully delivering a  
2 controlled substance to another, and any person's death is  
3 caused by the injection, inhalation or ingestion of any amount  
4 of that controlled substance, commits the offense of  
5 drug-induced homicide.

6 (b) Sentence. Drug-induced homicide is a Class X felony.

7 (c) A person who commits drug-induced homicide by violating  
8 subsection (a) or subsection (c) of Section 401 of the Illinois  
9 Controlled Substances Act or Section 55 of the Methamphetamine  
10 Control and Community Protection Act commits a Class X<sub>2</sub> felony  
11 ~~for which the defendant shall in addition to a sentence~~  
12 ~~authorized by law, be sentenced to a term of imprisonment of~~  
13 ~~not less than 15 years and not more than 30 years or an~~  
14 ~~extended term of not less than 30 years and not more than 60~~  
15 ~~years.~~

16 (Source: P.A. 94-556, eff. 9-11-05; 94-560, eff. 1-1-06;  
17 95-331, eff. 8-21-07.)

18 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

19 Sec. 10-2. Aggravated kidnaping.

20 (a) A kidnaper within the definition of paragraph (a) of  
21 Section 10-1 is guilty of the offense of aggravated kidnaping  
22 when he:

23 (1) Kidnaps for the purpose of obtaining ransom from  
24 the person kidnaped or from any other person, or

25 (2) Takes as his victim a child under the age of 13

1 years, or a severely or profoundly mentally retarded  
2 person, or

3 (3) Inflicts great bodily harm, other than by the  
4 discharge of a firearm, or commits another felony upon his  
5 victim, or

6 (4) Wears a hood, robe or mask or conceals his  
7 identity, or

8 (5) Commits the offense of kidnaping while armed with a  
9 dangerous weapon, other than a firearm, as defined in  
10 Section 33A-1 of the "Criminal Code of 1961", or

11 (6) Commits the offense of kidnaping while armed with a  
12 firearm, or

13 (7) During the commission of the offense of kidnaping,  
14 personally discharged a firearm, or

15 (8) During the commission of the offense of kidnaping,  
16 personally discharged a firearm that proximately caused  
17 great bodily harm, permanent disability, permanent  
18 disfigurement, or death to another person.

19 As used in this Section, "ransom" includes money, benefit  
20 or other valuable thing or concession.

21 (b) Sentence. Aggravated kidnaping in violation of  
22 paragraph (1), (2), (3), (4), or (5) of subsection (a) is a  
23 Class X felony. A violation of subsection (a)(6) is a Class X  
24 felony for which 15 years shall be added to the term of  
25 imprisonment imposed by the court. A violation of subsection  
26 (a)(7) is a Class X felony for which 20 years shall be added to

1 the term of imprisonment imposed by the court. A violation of  
2 subsection (a) (8) is a Class X felony for which 25 years or up  
3 to a term of natural life shall be added to the term of  
4 imprisonment imposed by the court.

5 A person who is convicted of a second or subsequent offense  
6 of aggravated kidnaping is guilty of a Class X1 felony and  
7 shall be sentenced to a term of natural life imprisonment;  
8 provided, however, that a sentence of natural life imprisonment  
9 shall not be imposed under this Section unless the second or  
10 subsequent offense was committed after conviction on the first  
11 offense.

12 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02.)

13 (720 ILCS 5/12-4.1) (from Ch. 38, par. 12-4.1)

14 Sec. 12-4.1. Heinous Battery.

15 (a) A person who, in committing a battery, knowingly causes  
16 severe and permanent disability, great bodily harm or  
17 disfigurement by means of a caustic or flammable substance, a  
18 poisonous gas, a deadly biological or chemical contaminant or  
19 agent, a radioactive substance, or a bomb or explosive compound  
20 commits heinous battery.

21 (b) Sentence. Heinous battery is a Class X felony ~~for which~~  
22 ~~a person shall be sentenced to a term of imprisonment of no~~  
23 ~~less than 6 years and no more than 45 years.~~

24 (Source: P.A. 91-121, eff. 7-15-99.)

1 (720 ILCS 5/12-4.2) (from Ch. 38, par. 12-4.2)

2 Sec. 12-4.2. Aggravated Battery with a firearm.

3 (a) A person commits aggravated battery with a firearm when  
4 he, in committing a battery, knowingly or intentionally by  
5 means of the discharging of a firearm (1) causes any injury to  
6 another person, or (2) causes any injury to a person he knows  
7 to be a peace officer, a private security officer, a community  
8 policing volunteer, a correctional institution employee or a  
9 fireman while the officer, volunteer, employee or fireman is  
10 engaged in the execution of any of his official duties, or to  
11 prevent the officer, volunteer, employee or fireman from  
12 performing his official duties, or in retaliation for the  
13 officer, volunteer, employee or fireman performing his  
14 official duties, or (3) causes any injury to a person he knows  
15 to be an emergency medical technician - ambulance, emergency  
16 medical technician - intermediate, emergency medical  
17 technician - paramedic, ambulance driver, or other medical  
18 assistance or first aid personnel, employed by a municipality  
19 or other governmental unit, while the emergency medical  
20 technician - ambulance, emergency medical technician -  
21 intermediate, emergency medical technician - paramedic,  
22 ambulance driver, or other medical assistance or first aid  
23 personnel is engaged in the execution of any of his official  
24 duties, or to prevent the emergency medical technician -  
25 ambulance, emergency medical technician - intermediate,  
26 emergency medical technician - paramedic, ambulance driver, or

1 other medical assistance or first aid personnel from performing  
2 his official duties, or in retaliation for the emergency  
3 medical technician - ambulance, emergency medical technician -  
4 intermediate, emergency medical technician - paramedic,  
5 ambulance driver, or other medical assistance or first aid  
6 personnel performing his official duties, (4) causes any injury  
7 to a person he or she knows to be a teacher or other person  
8 employed in a school and the teacher or other employee is upon  
9 grounds of a school or grounds adjacent to a school, or is in  
10 any part of a building used for school purposes, or (5) causes  
11 any injury to a person he or she knows to be an emergency  
12 management worker while the emergency management worker is  
13 engaged in the execution of any of his or her official duties,  
14 or to prevent the emergency management worker from performing  
15 his or her official duties, or in retaliation for the emergency  
16 management worker performing his or her official duties.

17 (b) A violation of subsection (a)(1) of this Section is a  
18 Class X felony. A violation of subsection (a)(2), subsection  
19 (a)(3), subsection (a)(4), or subsection (a)(5) of this Section  
20 is a Class X<sub>2</sub> felony ~~for which the sentence shall be a term of~~  
21 ~~imprisonment of no less than 15 years and no more than 60~~  
22 ~~years.~~

23 (c) For purposes of this Section:

24 "Firearm" is defined as in the Firearm Owners  
25 Identification Card Act.

26 "Private security officer" means a registered employee

1 of a private security contractor agency under the Private  
2 Detective, Private Alarm, Private Security, Fingerprint  
3 Vendor, and Locksmith Act of 2004.

4 (Source: P.A. 94-243, eff. 1-1-06; 95-236, eff. 1-1-08; revised  
5 1-22-08.)

6 (720 ILCS 5/12-4.2-5)

7 Sec. 12-4.2-5. Aggravated battery with a machine gun or a  
8 firearm equipped with any device or attachment designed or used  
9 for silencing the report of a firearm.

10 (a) A person commits aggravated battery with a machine gun  
11 or a firearm equipped with a device designed or used for  
12 silencing the report of a firearm when he or she, in committing  
13 a battery, knowingly or intentionally by means of the  
14 discharging of a machine gun or a firearm equipped with a  
15 device designed or used for silencing the report of a firearm  
16 (1) causes any injury to another person, or (2) causes any  
17 injury to a person he or she knows to be a peace officer, a  
18 private security officer, a person summoned by a peace officer,  
19 a correctional institution employee or a fireman while the  
20 officer, employee or fireman is engaged in the execution of any  
21 of his or her official duties, or to prevent the officer,  
22 employee or fireman from performing his or her official duties,  
23 or in retaliation for the officer, employee or fireman  
24 performing his or her official duties, or (3) causes any injury  
25 to a person he or she knows to be an emergency medical

1 technician - ambulance, emergency medical technician -  
2 intermediate, emergency medical technician - paramedic,  
3 ambulance driver, or other medical assistance or first aid  
4 personnel, employed by a municipality or other governmental  
5 unit, while the emergency medical technician - ambulance,  
6 emergency medical technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other medical  
8 assistance or first aid personnel is engaged in the execution  
9 of any of his or her official duties, or to prevent the  
10 emergency medical technician - ambulance, emergency medical  
11 technician - intermediate, emergency medical technician -  
12 paramedic, ambulance driver, or other medical assistance or  
13 first aid personnel from performing his or her official duties,  
14 or in retaliation for the emergency medical technician -  
15 ambulance, emergency medical technician - intermediate,  
16 emergency medical technician - paramedic, ambulance driver, or  
17 other medical assistance or first aid personnel performing his  
18 or her official duties, or (4) causes any injury to a person he  
19 or she knows to be an emergency management worker while the  
20 emergency management worker is engaged in the execution of any  
21 of his or her official duties, or to prevent the emergency  
22 management worker from performing his or her official duties,  
23 or in retaliation for the emergency management worker  
24 performing his or her official duties.

25 (b) A violation of subsection (a)(1) of this Section is a  
26 Class X3 felony ~~for which the person shall be sentenced to a~~

1 ~~term of imprisonment of no less than 12 years and no more than~~  
2 ~~45 years.~~ A violation of subsection (a)(2), subsection (a)(3),  
3 or subsection (a)(4) of this Section is a Class X<sub>2</sub> felony ~~for~~  
4 ~~which the sentence shall be a term of imprisonment of no less~~  
5 ~~than 20 years and no more than 60 years.~~

6 (c) For purposes of this Section, "firearm" is defined as  
7 in the Firearm Owners Identification Card Act.

8 (d) For purposes of this Section:

9 "Machine gun" has the meaning ascribed to it in clause  
10 (i) of paragraph (7) of subsection (a) of Section 24-1 of  
11 this Code.

12 "Private security officer" means a registered employee  
13 of a private security contractor agency under the Private  
14 Detective, Private Alarm, Private Security, Fingerprint  
15 Vendor, and Locksmith Act of 2004.

16 (Source: P.A. 94-243, eff. 1-1-06; 95-236, eff. 1-1-08; revised  
17 1-22-08.)

18 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

19 (Text of Section before amendment by P.A. 95-640)

20 Sec. 12-13. Criminal Sexual Assault.

21 (a) The accused commits criminal sexual assault if he or  
22 she:

23 (1) commits an act of sexual penetration by the use of  
24 force or threat of force; or

25 (2) commits an act of sexual penetration and the



1 accused knew that the victim was unable to understand the  
2 nature of the act or was unable to give knowing consent; or

3 (3) commits an act of sexual penetration with a victim  
4 who was under 18 years of age when the act was committed  
5 and the accused was a family member; or

6 (4) commits an act of sexual penetration with a victim  
7 who was at least 13 years of age but under 18 years of age  
8 when the act was committed and the accused was 17 years of  
9 age or over and held a position of trust, authority or  
10 supervision in relation to the victim.

11 (b) Sentence.

12 (1) Criminal sexual assault is a Class 1 felony.

13 (2) A person who is convicted of the offense of  
14 criminal sexual assault as defined in paragraph (a)(1) or  
15 (a)(2) after having previously been convicted of the  
16 offense of criminal sexual assault, or who is convicted of  
17 the offense of criminal sexual assault as defined in  
18 paragraph (a)(1) or (a)(2) after having previously been  
19 convicted under the laws of this State or any other state  
20 of an offense that is substantially equivalent to the  
21 offense of criminal sexual assault, commits a Class X<sup>1</sup>  
22 felony for which the person shall be sentenced to a term of  
23 imprisonment of not less than 30 years and not more than 60  
24 years. The commission of the second or subsequent offense  
25 is required to have been after the initial conviction for  
26 this paragraph (2) to apply.

1           (3) A person who is convicted of the offense of  
2 criminal sexual assault as defined in paragraph (a)(1) or  
3 (a)(2) after having previously been convicted of the  
4 offense of aggravated criminal sexual assault or the  
5 offense of predatory criminal sexual assault of a child, or  
6 who is convicted of the offense of criminal sexual assault  
7 as defined in paragraph (a)(1) or (a)(2) after having  
8 previously been convicted under the laws of this State or  
9 any other state of an offense that is substantially  
10 equivalent to the offense of aggravated criminal sexual  
11 assault or the offense of criminal predatory sexual assault  
12 shall be sentenced to a term of natural life imprisonment.  
13 The commission of the second or subsequent offense is  
14 required to have been after the initial conviction for this  
15 paragraph (3) to apply.

16           (4) A second or subsequent conviction for a violation  
17 of paragraph (a)(3) or (a)(4) or under any similar statute  
18 of this State or any other state for any offense involving  
19 criminal sexual assault that is substantially equivalent  
20 to or more serious than the sexual assault prohibited under  
21 paragraph (a)(3) or (a)(4) is a Class X felony.

22           (5) When a person has any such prior conviction, the  
23 information or indictment charging that person shall state  
24 such prior conviction so as to give notice of the State's  
25 intention to treat the charge as a Class X felony. The fact  
26 of such prior conviction is not an element of the offense

1 and may not be disclosed to the jury during trial unless  
2 otherwise permitted by issues properly raised during such  
3 trial.

4 (Source: P.A. 90-396, eff. 1-1-98.)

5 (Text of Section after amendment by P.A. 95-640)

6 Sec. 12-13. Criminal Sexual Assault.

7 (a) The accused commits criminal sexual assault if he or  
8 she:

9 (1) commits an act of sexual penetration by the use of  
10 force or threat of force; or

11 (2) commits an act of sexual penetration and the  
12 accused knew that the victim was unable to understand the  
13 nature of the act or was unable to give knowing consent; or

14 (3) commits an act of sexual penetration with a victim  
15 who was under 18 years of age when the act was committed  
16 and the accused was a family member; or

17 (4) commits an act of sexual penetration with a victim  
18 who was at least 13 years of age but under 18 years of age  
19 when the act was committed and the accused was 17 years of  
20 age or over and held a position of trust, authority or  
21 supervision in relation to the victim.

22 (b) Sentence.

23 (1) Criminal sexual assault is a Class 1 felony.

24 (2) A person who is convicted of the offense of  
25 criminal sexual assault as defined in paragraph (a)(1) or

1 (a)(2) after having previously been convicted of the  
2 offense of criminal sexual assault or the offense of  
3 exploitation of a child, or who is convicted of the offense  
4 of criminal sexual assault as defined in paragraph (a)(1)  
5 or (a)(2) after having previously been convicted under the  
6 laws of this State or any other state of an offense that is  
7 substantially equivalent to the offense of criminal sexual  
8 assault or to the offense of exploitation of a child,  
9 commits a Class X<sub>1</sub> felony for which the person shall be  
10 sentenced to a term of imprisonment of not less than 30  
11 years and not more than 60 years. The commission of the  
12 second or subsequent offense is required to have been after  
13 the initial conviction for this paragraph (2) to apply.

14 (3) A person who is convicted of the offense of  
15 criminal sexual assault as defined in paragraph (a)(1) or  
16 (a)(2) after having previously been convicted of the  
17 offense of aggravated criminal sexual assault or the  
18 offense of predatory criminal sexual assault of a child, or  
19 who is convicted of the offense of criminal sexual assault  
20 as defined in paragraph (a)(1) or (a)(2) after having  
21 previously been convicted under the laws of this State or  
22 any other state of an offense that is substantially  
23 equivalent to the offense of aggravated criminal sexual  
24 assault or the offense of criminal predatory sexual assault  
25 commits a Class X<sub>1</sub> felony for which the person shall be  
26 sentenced to a term of natural life imprisonment. The

1 commission of the second or subsequent offense is required  
2 to have been after the initial conviction for this  
3 paragraph (3) to apply.

4 (4) A second or subsequent conviction for a violation  
5 of paragraph (a) (3) or (a) (4) or under any similar statute  
6 of this State or any other state for any offense involving  
7 criminal sexual assault that is substantially equivalent  
8 to or more serious than the sexual assault prohibited under  
9 paragraph (a) (3) or (a) (4) is a Class X felony.

10 (5) When a person has any such prior conviction, the  
11 information or indictment charging that person shall state  
12 such prior conviction so as to give notice of the State's  
13 intention to treat the charge as a Class X felony. The fact  
14 of such prior conviction is not an element of the offense  
15 and may not be disclosed to the jury during trial unless  
16 otherwise permitted by issues properly raised during such  
17 trial.

18 (Source: P.A. 95-640, eff. 6-1-08.)

19 (720 ILCS 5/12-14) (from Ch. 38, par. 12-14)

20 Sec. 12-14. Aggravated Criminal Sexual Assault.

21 (a) The accused commits aggravated criminal sexual assault  
22 if he or she commits criminal sexual assault and any of the  
23 following aggravating circumstances existed during, or for the  
24 purposes of paragraph (7) of this subsection (a) as part of the  
25 same course of conduct as, the commission of the offense:

1           (1) the accused displayed, threatened to use, or used a  
2 dangerous weapon, other than a firearm, or any object  
3 fashioned or utilized in such a manner as to lead the  
4 victim under the circumstances reasonably to believe it to  
5 be a dangerous weapon; or

6           (2) the accused caused bodily harm, except as provided  
7 in subsection (a) (10), to the victim; or

8           (3) the accused acted in such a manner as to threaten  
9 or endanger the life of the victim or any other person; or

10           (4) the criminal sexual assault was perpetrated during  
11 the course of the commission or attempted commission of any  
12 other felony by the accused; or

13           (5) the victim was 60 years of age or over when the  
14 offense was committed; or

15           (6) the victim was a physically handicapped person; or

16           (7) the accused delivered (by injection, inhalation,  
17 ingestion, transfer of possession, or any other means) to  
18 the victim without his or her consent, or by threat or  
19 deception, and for other than medical purposes, any  
20 controlled substance; or

21           (8) the accused was armed with a firearm; or

22           (9) the accused personally discharged a firearm during  
23 the commission of the offense; or

24           (10) the accused, during the commission of the offense,  
25 personally discharged a firearm that proximately caused  
26 great bodily harm, permanent disability, permanent

1           disfigurement, or death to another person.

2           (b) The accused commits aggravated criminal sexual assault  
3 if the accused was under 17 years of age and (i) commits an act  
4 of sexual penetration with a victim who was under 9 years of  
5 age when the act was committed; or (ii) commits an act of  
6 sexual penetration with a victim who was at least 9 years of  
7 age but under 13 years of age when the act was committed and  
8 the accused used force or threat of force to commit the act.

9           (c) The accused commits aggravated criminal sexual assault  
10 if he or she commits an act of sexual penetration with a victim  
11 who was a severely or profoundly mentally retarded person at  
12 the time the act was committed.

13           (d) Sentence.

14           (1) Aggravated criminal sexual assault in violation of  
15 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)  
16 or in violation of subsection (b) or (c) is a Class X  
17 felony. A violation of subsection (a)(1) is a Class X  
18 felony for which 10 years shall be added to the term of  
19 imprisonment imposed by the court. A violation of  
20 subsection (a)(8) is a Class X felony for which 15 years  
21 shall be added to the term of imprisonment imposed by the  
22 court. A violation of subsection (a)(9) is a Class X felony  
23 for which 20 years shall be added to the term of  
24 imprisonment imposed by the court. A violation of  
25 subsection (a)(10) is a Class X1 felony for which 25 years  
26 or up to a term of natural life imprisonment shall be added

1 to the term of imprisonment imposed by the court.

2 (2) A person who is convicted of a second or subsequent  
3 offense of aggravated criminal sexual assault, or who is  
4 convicted of the offense of aggravated criminal sexual  
5 assault after having previously been convicted of the  
6 offense of criminal sexual assault or the offense of  
7 predatory criminal sexual assault of a child, or who is  
8 convicted of the offense of aggravated criminal sexual  
9 assault after having previously been convicted under the  
10 laws of this or any other state of an offense that is  
11 substantially equivalent to the offense of criminal sexual  
12 assault, the offense of aggravated criminal sexual assault  
13 or the offense of predatory criminal sexual assault of a  
14 child, commits a Class X1 felony for which the person shall  
15 be sentenced to a term of natural life imprisonment. The  
16 commission of the second or subsequent offense is required  
17 to have been after the initial conviction for this  
18 paragraph (2) to apply.

19 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,  
20 eff. 12-19-01; 92-721, eff. 1-1-03.)

21 (720 ILCS 5/12-14.1)

22 (Text of Section before amendment by P.A. 95-640)

23 Sec. 12-14.1. Predatory criminal sexual assault of a child.

24 (a) The accused commits predatory criminal sexual assault  
25 of a child if:



1           (1) the accused was 17 years of age or over and commits  
2           an act of sexual penetration with a victim who was under 13  
3           years of age when the act was committed; or

4           (1.1) the accused was 17 years of age or over and,  
5           while armed with a firearm, commits an act of sexual  
6           penetration with a victim who was under 13 years of age  
7           when the act was committed; or

8           (1.2) the accused was 17 years of age or over and  
9           commits an act of sexual penetration with a victim who was  
10          under 13 years of age when the act was committed and,  
11          during the commission of the offense, the accused  
12          personally discharged a firearm; or

13          (2) the accused was 17 years of age or over and commits  
14          an act of sexual penetration with a victim who was under 13  
15          years of age when the act was committed and the accused  
16          caused great bodily harm to the victim that:

17                  (A) resulted in permanent disability; or

18                  (B) was life threatening; or

19          (3) the accused was 17 years of age or over and commits  
20          an act of sexual penetration with a victim who was under 13  
21          years of age when the act was committed and the accused  
22          delivered (by injection, inhalation, ingestion, transfer  
23          of possession, or any other means) to the victim without  
24          his or her consent, or by threat or deception, and for  
25          other than medical purposes, any controlled substance.

26          (b) Sentence.

1           (1) A person convicted of a violation of subsection  
2           (a)(1) commits a Class X felony. A person convicted of a  
3           violation of subsection (a)(1.1) commits a Class X felony  
4           for which 15 years shall be added to the term of  
5           imprisonment imposed by the court. A person convicted of a  
6           violation of subsection (a)(1.2) commits a Class X felony  
7           for which 20 years shall be added to the term of  
8           imprisonment imposed by the court. A person convicted of a  
9           violation of subsection (a)(2) commits a Class X1 felony  
10          for which the person shall be sentenced to a term of  
11          imprisonment of not less than 50 years or up to a term of  
12          natural life imprisonment.

13           (1.1) A person convicted of a violation of subsection  
14           (a)(3) commits a Class X felony for which the person shall  
15           be sentenced to a term of imprisonment of not less than 50  
16           years and not more than 60 years.

17           (1.2) A person convicted of predatory criminal sexual  
18           assault of a child committed against 2 or more persons  
19           regardless of whether the offenses occurred as the result  
20           of the same act or of several related or unrelated acts  
21           shall be sentenced to a term of natural life imprisonment.

22           (2) A person who is convicted of a second or subsequent  
23           offense of predatory criminal sexual assault of a child, or  
24           who is convicted of the offense of predatory criminal  
25           sexual assault of a child after having previously been  
26           convicted of the offense of criminal sexual assault or the

1 offense of aggravated criminal sexual assault, or who is  
2 convicted of the offense of predatory criminal sexual  
3 assault of a child after having previously been convicted  
4 under the laws of this State or any other state of an  
5 offense that is substantially equivalent to the offense of  
6 predatory criminal sexual assault of a child, the offense  
7 of aggravated criminal sexual assault or the offense of  
8 criminal sexual assault, shall be sentenced to a term of  
9 natural life imprisonment. The commission of the second or  
10 subsequent offense is required to have been after the  
11 initial conviction for this paragraph (2) to apply.

12 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,  
13 eff. 6-28-01.)

14 (Text of Section after amendment by P.A. 95-640)

15 Sec. 12-14.1. Predatory criminal sexual assault of a child.

16 (a) The accused commits predatory criminal sexual assault  
17 of a child if:

18 (1) the accused was 17 years of age or over and commits  
19 an act of sexual penetration with a victim who was under 13  
20 years of age when the act was committed; or

21 (1.1) the accused was 17 years of age or over and,  
22 while armed with a firearm, commits an act of sexual  
23 penetration with a victim who was under 13 years of age  
24 when the act was committed; or

25 (1.2) the accused was 17 years of age or over and

1 commits an act of sexual penetration with a victim who was  
2 under 13 years of age when the act was committed and,  
3 during the commission of the offense, the accused  
4 personally discharged a firearm; or

5 (2) the accused was 17 years of age or over and commits  
6 an act of sexual penetration with a victim who was under 13  
7 years of age when the act was committed and the accused  
8 caused great bodily harm to the victim that:

9 (A) resulted in permanent disability; or

10 (B) was life threatening; or

11 (3) the accused was 17 years of age or over and commits  
12 an act of sexual penetration with a victim who was under 13  
13 years of age when the act was committed and the accused  
14 delivered (by injection, inhalation, ingestion, transfer  
15 of possession, or any other means) to the victim without  
16 his or her consent, or by threat or deception, and for  
17 other than medical purposes, any controlled substance.

18 (b) Sentence.

19 (1) A person convicted of a violation of subsection  
20 (a)(1) commits a Class X felony, for which the person shall  
21 be sentenced to a term of imprisonment of not less than 6  
22 years and not more than 60 years. A person convicted of a  
23 violation of subsection (a)(1.1) commits a Class X felony  
24 for which 15 years shall be added to the term of  
25 imprisonment imposed by the court. A person convicted of a  
26 violation of subsection (a)(1.2) commits a Class X felony

1 for which 20 years shall be added to the term of  
2 imprisonment imposed by the court. A person convicted of a  
3 violation of subsection (a)(2) commits a Class X1 felony  
4 for which the person shall be sentenced to a term of  
5 imprisonment of not less than 50 years or up to a term of  
6 natural life imprisonment.

7 (1.1) A person convicted of a violation of subsection  
8 (a)(3) commits a Class X1 felony for which the person shall  
9 be sentenced to a term of imprisonment of not less than 50  
10 years and not more than 60 years.

11 (1.2) A person convicted of predatory criminal sexual  
12 assault of a child committed against 2 or more persons  
13 regardless of whether the offenses occurred as the result  
14 of the same act or of several related or unrelated acts  
15 commits a Class X1 felony for which the person shall be  
16 sentenced to a term of natural life imprisonment.

17 (2) A person who is convicted of a second or subsequent  
18 offense of predatory criminal sexual assault of a child, or  
19 who is convicted of the offense of predatory criminal  
20 sexual assault of a child after having previously been  
21 convicted of the offense of criminal sexual assault or the  
22 offense of aggravated criminal sexual assault, or who is  
23 convicted of the offense of predatory criminal sexual  
24 assault of a child after having previously been convicted  
25 under the laws of this State or any other state of an  
26 offense that is substantially equivalent to the offense of

1 predatory criminal sexual assault of a child, the offense  
2 of aggravated criminal sexual assault or the offense of  
3 criminal sexual assault, commits a Class X1 felony for  
4 which the person shall be sentenced to a term of natural  
5 life imprisonment. The commission of the second or  
6 subsequent offense is required to have been after the  
7 initial conviction for this paragraph (2) to apply.

8 (Source: P.A. 95-640, eff. 6-1-08.)

9 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

10 Sec. 12-33. Ritualized abuse of a child.

11 (a) A person is guilty of ritualized abuse of a child when  
12 he or she commits any of the following acts with, upon, or in  
13 the presence of a child as part of a ceremony, rite or any  
14 similar observance:

15 (1) actually or in simulation, tortures, mutilates, or  
16 sacrifices any warm-blooded animal or human being;

17 (2) forces ingestion, injection or other application  
18 of any narcotic, drug, hallucinogen or anaesthetic for the  
19 purpose of dulling sensitivity, cognition, recollection  
20 of, or resistance to any criminal activity;

21 (3) forces ingestion, or external application, of  
22 human or animal urine, feces, flesh, blood, bones, body  
23 secretions, nonprescribed drugs or chemical compounds;

24 (4) involves the child in a mock, unauthorized or  
25 unlawful marriage ceremony with another person or

1 representation of any force or deity, followed by sexual  
2 contact with the child;

3 (5) places a living child into a coffin or open grave  
4 containing a human corpse or remains;

5 (6) threatens death or serious harm to a child, his or  
6 her parents, family, pets, or friends that instills a  
7 well-founded fear in the child that the threat will be  
8 carried out; or

9 (7) unlawfully dissects, mutilates, or incinerates a  
10 human corpse.

11 (b) The provisions of this Section shall not be construed  
12 to apply to:

13 (1) lawful agricultural, animal husbandry, food  
14 preparation, or wild game hunting and fishing practices and  
15 specifically the branding or identification of livestock;

16 (2) the lawful medical practice of male circumcision or  
17 any ceremony related to male circumcision;

18 (3) any state or federally approved, licensed, or  
19 funded research project; or

20 (4) the ingestion of animal flesh or blood in the  
21 performance of a religious service or ceremony.

22 (c) Ritualized abuse of a child is a Class 1 felony for a  
23 first offense. A second or subsequent conviction for ritualized  
24 abuse of a child is a Class X<sub>1</sub> felony for which the offender  
25 may be sentenced to a term of natural life imprisonment.

26 (d) For the purposes of this Section, "child" means any

1 person under 18 years of age.

2 (Source: P.A. 90-88, eff. 1-1-98.)

3 (720 ILCS 5/16-16.1)

4 Sec. 16-16.1. Aggravated possession of a stolen firearm.

5 (a) A person commits aggravated possession of a stolen  
6 firearm when he or she:

7 (1) Not being entitled to the possession of not less  
8 than 2 and not more than 5 firearms, possesses or delivers  
9 those firearms at the same time or within a one year  
10 period, knowing the firearms to have been stolen or  
11 converted.

12 (2) Not being entitled to the possession of not less  
13 than 6 and not more than 10 firearms, possesses or delivers  
14 those firearms at the same time or within a 2 year period,  
15 knowing the firearms to have been stolen or converted.

16 (3) Not being entitled to the possession of not less  
17 than 11 and not more than 20 firearms, possesses or  
18 delivers those firearms at the same time or within a 3 year  
19 period, knowing the firearms to have been stolen or  
20 converted.

21 (4) Not being entitled to the possession of not less  
22 than 21 and not more than 30 firearms, possesses or  
23 delivers those firearms at the same time or within a 4 year  
24 period, knowing the firearms to have been stolen or  
25 converted.



1           (5) Not being entitled to the possession of more than  
2           31 firearms, possesses or delivers those firearms at the  
3           same time or within a 5 year period, knowing the firearms  
4           to have been stolen or converted.

5           (b) It may be inferred that a person who possesses a  
6           firearm with knowledge that its serial number has been removed  
7           or altered has knowledge that the firearm is stolen or  
8           converted.

9           (c) Sentence.

10           (1) A person who violates paragraph (1) of subsection  
11           (a) of this Section commits a Class 1 felony.

12           (2) A person who violates paragraph (2), (3), (4), or  
13           (5) of subsection (a) of this Section commits a Class X  
14           felony for which he or she shall be sentenced to a term of  
15           imprisonment of not less than 6 years and not more than 30  
16           years.

17           ~~(3) A person who violates paragraph (3) of subsection~~  
18           ~~(a) of this Section commits a Class X felony for which he~~  
19           ~~or she shall be sentenced to a term of imprisonment of not~~  
20           ~~less than 6 years and not more than 40 years.~~

21           ~~(4) A person who violates paragraph (4) of subsection~~  
22           ~~(a) of this Section commits a Class X felony for which he~~  
23           ~~or she shall be sentenced to a term of imprisonment of not~~  
24           ~~less than 6 years and not more than 50 years.~~

25           ~~(5) A person who violates paragraph (5) of subsection~~  
26           ~~(a) of this Section commits a Class X felony for which he~~

1 ~~or she shall be sentenced to a term of imprisonment of not~~  
2 ~~less than 6 years and not more than 60 years.~~

3 (Source: P.A. 91-544, eff. 1-1-00.)

4 (720 ILCS 5/18-4)

5 Sec. 18-4. Aggravated vehicular hijacking.

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

8 (1) the person from whose immediate presence the motor  
9 vehicle is taken is a physically handicapped person or a  
10 person 60 years of age or over; or

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

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

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

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

20 (6) he or she, during the commission of the offense,  
21 personally discharges a firearm that proximately causes  
22 great bodily harm, permanent disability, permanent  
23 disfigurement, or death to another person.

24 (b) Sentence. Aggravated vehicular hijacking in violation  
25 of subsections (a) (1), ~~or~~ (a) (2), or (a) (3) is a Class X

1 ~~felony. Aggravated vehicular hijacking in violation of~~  
2 ~~subsection (a) (3) is a Class X felony for which a term of~~  
3 ~~imprisonment of not less than 7 years shall be imposed.~~

4 Aggravated vehicular hijacking in violation of subsection  
5 (a) (4) is a Class X felony for which 15 years shall be added to  
6 the term of imprisonment imposed by the court. Aggravated  
7 vehicular hijacking in violation of subsection (a) (5) is a  
8 Class X felony for which 20 years shall be added to the term of  
9 imprisonment imposed by the court. Aggravated vehicular  
10 hijacking in violation of subsection (a) (6) is a Class X felony  
11 for which 25 years or up to a term of natural life shall be  
12 added to the term of imprisonment imposed by the court.

13 (Source: P.A. 91-404, eff. 1-1-00.)

14 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

15 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
16 Felons or Persons in the Custody of the Department of  
17 Corrections Facilities.

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

1 Owners Identification Card Act.

2 (b) It is unlawful for any person confined in a penal  
3 institution, which is a facility of the Illinois Department of  
4 Corrections, to possess any weapon prohibited under Section  
5 24-1 of this Code or any firearm or firearm ammunition,  
6 regardless of the intent with which he possesses it.

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

11 (d) The defense of necessity is not available to a person  
12 who is charged with a violation of subsection (b) of this  
13 Section.

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

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

25 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; 94-556,  
26 eff. 9-11-05; 95-331, eff. 8-21-07.)

1 (720 ILCS 5/24-1.2) (from Ch. 38, par. 24-1.2)

2 Sec. 24-1.2. Aggravated discharge of a firearm.

3 (a) A person commits aggravated discharge of a firearm when  
4 he or she knowingly or intentionally:

5 (1) Discharges a firearm at or into a building he or  
6 she knows or reasonably should know to be occupied and the  
7 firearm is discharged from a place or position outside that  
8 building;

9 (2) Discharges a firearm in the direction of another  
10 person or in the direction of a vehicle he or she knows or  
11 reasonably should know to be occupied by a person;

12 (3) Discharges a firearm in the direction of a person  
13 he or she knows to be a peace officer, a community policing  
14 volunteer, a correctional institution employee, or a  
15 fireman while the officer, volunteer, employee or fireman  
16 is engaged in the execution of any of his or her official  
17 duties, or to prevent the officer, volunteer, employee or  
18 fireman from performing his or her official duties, or in  
19 retaliation for the officer, volunteer, employee or  
20 fireman performing his or her official duties;

21 (4) Discharges a firearm in the direction of a vehicle  
22 he or she knows to be occupied by a peace officer, a person  
23 summoned or directed by a peace officer, a correctional  
24 institution employee or a fireman while the officer,  
25 employee or fireman is engaged in the execution of any of

1 his or her official duties, or to prevent the officer,  
2 employee or fireman from performing his or her official  
3 duties, or in retaliation for the officer, employee or  
4 fireman performing his or her official duties;

5 (5) Discharges a firearm in the direction of a person  
6 he or she knows to be an emergency medical technician -  
7 ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid personnel,  
10 employed by a municipality or other governmental unit,  
11 while the emergency medical technician - ambulance,  
12 emergency medical technician - intermediate, emergency  
13 medical technician - paramedic, ambulance driver, or other  
14 medical assistance or first aid personnel is engaged in the  
15 execution of any of his or her official duties, or to  
16 prevent the emergency medical technician - ambulance,  
17 emergency medical technician - intermediate, emergency  
18 medical technician - paramedic, ambulance driver, or other  
19 medical assistance or first aid personnel from performing  
20 his or her official duties, or in retaliation for the  
21 emergency medical technician - ambulance, emergency  
22 medical technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver, or other medical  
24 assistance or first aid personnel performing his or her  
25 official duties;

26 (6) Discharges a firearm in the direction of a vehicle

1 he or she knows to be occupied by an emergency medical  
2 technician - ambulance, emergency medical technician -  
3 intermediate, emergency medical technician - paramedic,  
4 ambulance driver, or other medical assistance or first aid  
5 personnel, employed by a municipality or other  
6 governmental unit, while the emergency medical technician  
7 - ambulance, emergency medical technician - intermediate,  
8 emergency medical technician - paramedic, ambulance  
9 driver, or other medical assistance or first aid personnel  
10 is engaged in the execution of any of his or her official  
11 duties, or to prevent the emergency medical technician -  
12 ambulance, emergency medical technician - intermediate,  
13 emergency medical technician - paramedic, ambulance  
14 driver, or other medical assistance or first aid personnel  
15 from performing his or her official duties, or in  
16 retaliation for the emergency medical technician -  
17 ambulance, emergency medical technician - intermediate,  
18 emergency medical technician - paramedic, ambulance  
19 driver, or other medical assistance or first aid personnel  
20 performing his or her official duties;

21 (7) Discharges a firearm in the direction of a person  
22 he or she knows to be a teacher or other person employed in  
23 any school and the teacher or other employee is upon the  
24 grounds of a school or grounds adjacent to a school, or is  
25 in any part of a building used for school purposes;

26 (8) Discharges a firearm in the direction of a person



1 he or she knows to be an emergency management worker while  
2 the emergency management worker is engaged in the execution  
3 of any of his or her official duties, or to prevent the  
4 emergency management worker from performing his or her  
5 official duties, or in retaliation for the emergency  
6 management worker performing his or her official duties; or

7 (9) Discharges a firearm in the direction of a vehicle  
8 he or she knows to be occupied by an emergency management  
9 worker while the emergency management worker is engaged in  
10 the execution of any of his or her official duties, or to  
11 prevent the emergency management worker from performing  
12 his or her official duties, or in retaliation for the  
13 emergency management worker performing his or her official  
14 duties.

15 (b) A violation of subsection (a)(1) or subsection (a)(2)  
16 of this Section is a Class 1 felony. A violation of subsection  
17 (a)(1) or (a)(2) of this Section committed in a school, on the  
18 real property comprising a school, within 1,000 feet of the  
19 real property comprising a school, at a school related activity  
20 or on or within 1,000 feet of any conveyance owned, leased, or  
21 contracted by a school to transport students to or from school  
22 or a school related activity, regardless of the time of day or  
23 time of year that the offense was committed is a Class X  
24 felony. A violation of subsection (a)(3), (a)(4), (a)(5),  
25 (a)(6), (a)(7), (a)(8), or (a)(9) of this Section is a Class X3  
26 felony ~~for which the sentence shall be a term of imprisonment~~

1 ~~of no less than 10 years and not more than 45 years.~~

2 (c) For purposes of this Section:

3 "School" means a public or private elementary or secondary  
4 school, community college, college, or university.

5 "School related activity" means any sporting, social,  
6 academic, or other activity for which students' attendance or  
7 participation is sponsored, organized, or funded in whole or in  
8 part by a school or school district.

9 (Source: P.A. 94-243, eff. 1-1-06.)

10 (720 ILCS 5/24-1.2-5)

11 Sec. 24-1.2-5. Aggravated discharge of a machine gun or a  
12 firearm equipped with a device designed or used for silencing  
13 the report of a firearm.

14 (a) A person commits aggravated discharge of a machine gun  
15 or a firearm equipped with a device designed or used for  
16 silencing the report of a firearm when he or she knowingly or  
17 intentionally:

18 (1) Discharges a machine gun or a firearm equipped with  
19 a device designed or used for silencing the report of a  
20 firearm at or into a building he or she knows to be  
21 occupied and the machine gun or the firearm equipped with a  
22 device designed or used for silencing the report of a  
23 firearm is discharged from a place or position outside that  
24 building;

25 (2) Discharges a machine gun or a firearm equipped with

1 a device designed or used for silencing the report of a  
2 firearm in the direction of another person or in the  
3 direction of a vehicle he or she knows to be occupied;

4 (3) Discharges a machine gun or a firearm equipped with  
5 a device designed or used for silencing the report of a  
6 firearm in the direction of a person he or she knows to be  
7 a peace officer, a person summoned or directed by a peace  
8 officer, a correctional institution employee, or a fireman  
9 while the officer, employee or fireman is engaged in the  
10 execution of any of his or her official duties, or to  
11 prevent the officer, employee or fireman from performing  
12 his or her official duties, or in retaliation for the  
13 officer, employee or fireman performing his or her official  
14 duties;

15 (4) Discharges a machine gun or a firearm equipped with  
16 a device designed or used for silencing the report of a  
17 firearm in the direction of a vehicle he or she knows to be  
18 occupied by a peace officer, a person summoned or directed  
19 by a peace officer, a correctional institution employee or  
20 a fireman while the officer, employee or fireman is engaged  
21 in the execution of any of his or her official duties, or  
22 to prevent the officer, employee or fireman from performing  
23 his or her official duties, or in retaliation for the  
24 officer, employee or fireman performing his or her official  
25 duties;

26 (5) Discharges a machine gun or a firearm equipped with

1 a device designed or used for silencing the report of a  
2 firearm in the direction of a person he or she knows to be  
3 an emergency medical technician - ambulance, emergency  
4 medical technician - intermediate, emergency medical  
5 technician - paramedic, ambulance driver, or other medical  
6 assistance or first aid personnel, employed by a  
7 municipality or other governmental unit, while the  
8 emergency medical technician - ambulance, emergency  
9 medical technician - intermediate, emergency medical  
10 technician - paramedic, ambulance driver, or other medical  
11 assistance or first aid personnel is engaged in the  
12 execution of any of his or her official duties, or to  
13 prevent the emergency medical technician - ambulance,  
14 emergency medical technician - intermediate, emergency  
15 medical technician - paramedic, ambulance driver, or other  
16 medical assistance or first aid personnel from performing  
17 his or her official duties, or in retaliation for the  
18 emergency medical technician - ambulance, emergency  
19 medical technician - intermediate, emergency medical  
20 technician - paramedic, ambulance driver, or other medical  
21 assistance or first aid personnel performing his or her  
22 official duties;

23 (6) Discharges a machine gun or a firearm equipped with  
24 a device designed or used for silencing the report of a  
25 firearm in the direction of a vehicle he or she knows to be  
26 occupied by an emergency medical technician - ambulance,

1 emergency medical technician - intermediate, emergency  
2 medical technician - paramedic, ambulance driver, or other  
3 medical assistance or first aid personnel, employed by a  
4 municipality or other governmental unit, while the  
5 emergency medical technician - ambulance, emergency  
6 medical technician - intermediate, emergency medical  
7 technician - paramedic, ambulance driver, or other medical  
8 assistance or first aid personnel is engaged in the  
9 execution of any of his or her official duties, or to  
10 prevent the emergency medical technician - ambulance,  
11 emergency medical technician - intermediate, emergency  
12 medical technician - paramedic, ambulance driver, or other  
13 medical assistance or first aid personnel from performing  
14 his or her official duties, or in retaliation for the  
15 emergency medical technician - ambulance, emergency  
16 medical technician - intermediate, emergency medical  
17 technician - paramedic, ambulance driver, or other medical  
18 assistance or first aid personnel performing his or her  
19 official duties;

20 (7) Discharges a machine gun or a firearm equipped with  
21 a device designed or used for silencing the report of a  
22 firearm in the direction of a person he or she knows to be  
23 an emergency management worker while the emergency  
24 management worker is engaged in the execution of any of his  
25 or her official duties, or to prevent the emergency  
26 management worker from performing his or her official

1 duties, or in retaliation for the emergency management  
2 worker performing his or her official duties; or

3 (8) Discharges a machine gun or a firearm equipped with  
4 a device designed or used for silencing the report of a  
5 firearm in the direction of a vehicle he or she knows to be  
6 occupied by an emergency management worker while the  
7 emergency management worker is engaged in the execution of  
8 any of his or her official duties, or to prevent the  
9 emergency management worker from performing his or her  
10 official duties, or in retaliation for the emergency  
11 management worker performing his or her official duties.

12 (b) A violation of subsection (a) (1) or subsection (a) (2)  
13 of this Section is a Class X felony. A violation of subsection  
14 (a) (3), (a) (4), (a) (5), (a) (6), (a) (7), or (a) (8) of this  
15 Section is a Class X<sub>3</sub> felony ~~for which the sentence shall be a~~  
16 ~~term of imprisonment of no less than 12 years and no more than~~  
17 ~~50 years.~~

18 (c) For the purpose of this Section, "machine gun" has the  
19 meaning ascribed to it in clause (i) of paragraph (7) of  
20 subsection (a) of Section 24-1 of this Code.

21 (Source: P.A. 94-243, eff. 1-1-06.)

22 (720 ILCS 5/24-3A)

23 Sec. 24-3A. Gunrunning.

24 (a) A person commits gunrunning when he or she transfers 3  
25 or more firearms in violation of any of the paragraphs of

1 Section 24-3 of this Code.

2 (b) Sentence. A person who commits gunrunning:

3 (1) is guilty of a Class 1 felony;

4 (2) is guilty of a Class X4 felony ~~for which the~~  
5 ~~sentence shall be a term of imprisonment of not less than 8~~  
6 ~~years and not more than 40 years~~ if the transfer is of not  
7 less than 11 firearms and not more than 20 firearms;

8 (3) is guilty of a Class X3 felony ~~for which the~~  
9 ~~sentence shall be a term of imprisonment of not less than~~  
10 ~~10 years and not more than 50 years~~ if the transfer is of  
11 more than 20 firearms.

12 A person who commits gunrunning by transferring firearms to a  
13 person who, at the time of the commission of the offense, is  
14 under 18 years of age is guilty of a Class X felony.

15 (Source: P.A. 93-906, eff. 8-11-04.)

16 (720 ILCS 5/24-3.5)

17 Sec. 24-3.5. Unlawful purchase of a firearm.

18 (a) For purposes of this Section, "firearms transaction  
19 record form" means a form:

20 (1) executed by a transferee of a firearm stating: (i)  
21 the transferee's name and address (including county or  
22 similar political subdivision); (ii) whether the  
23 transferee is a citizen of the United States; (iii) the  
24 transferee's State of residence; and (iv) the date and  
25 place of birth, height, weight, and race of the transferee;

1           and

2           (2) on which the transferee certifies that he or she is  
3           not prohibited by federal law from transporting or shipping  
4           a firearm in interstate or foreign commerce or receiving a  
5           firearm that has been shipped or transported in interstate  
6           or foreign commerce or possessing a firearm in or affecting  
7           commerce.

8           (b) A person commits the offense of unlawful purchase of a  
9           firearm who knowingly purchases or attempts to purchase a  
10          firearm with the intent to deliver that firearm to another  
11          person who is prohibited by federal or State law from  
12          possessing a firearm.

13          (c) A person commits the offense of unlawful purchase of a  
14          firearm when he or she, in purchasing or attempting to purchase  
15          a firearm, intentionally provides false or misleading  
16          information on a United States Department of the Treasury,  
17          Bureau of Alcohol, Tobacco and Firearms firearms transaction  
18          record form.

19          (d) Exemption. It is not a violation of subsection (b) of  
20          this Section for a person to make a gift or loan of a firearm to  
21          a person who is not prohibited by federal or State law from  
22          possessing a firearm if the transfer of the firearm is made in  
23          accordance with Section 3 of the Firearm Owners Identification  
24          Card Act.

25          (e) Sentence.

26          (1) A person who commits the offense of unlawful



1 purchase of a firearm:

2 (A) is guilty of a Class 4 felony for purchasing or  
3 attempting to purchase one firearm;

4 (B) is guilty of a Class 3 felony for purchasing or  
5 attempting to purchase not less than 2 firearms and not  
6 more than 5 firearms at the same time or within a one  
7 year period;

8 (C) is guilty of a Class 2 felony for purchasing or  
9 attempting to purchase not less than 6 firearms and not  
10 more than 10 firearms at the same time or within a 2  
11 year period;

12 (D) is guilty of a Class 1 felony for purchasing or  
13 attempting to purchase not less than 11 firearms and  
14 not more than 20 firearms at the same time or within a  
15 3 year period;

16 (E) is guilty of a Class X felony ~~for which the~~  
17 ~~person shall be sentenced to a term of imprisonment of~~  
18 ~~not less than 6 years and not more than 30 years~~ for  
19 purchasing or attempting to purchase not less than 21  
20 firearms and not more than 30 firearms at the same time  
21 or within a 4 year period;

22 (F) is guilty of a Class X felony ~~for which the~~  
23 ~~person shall be sentenced to a term of imprisonment of~~  
24 ~~not less than 6 years and not more than 40 years~~ for  
25 purchasing or attempting to purchase not less than 31  
26 firearms and not more than 40 firearms at the same time

1 or within a 5 year period;

2 (G) is guilty of a Class X felony ~~for which the~~  
3 ~~person shall be sentenced to a term of imprisonment of~~  
4 ~~not less than 6 years and not more than 50 years~~ for  
5 purchasing or attempting to purchase more than 40  
6 firearms at the same time or within a 6 year period.

7 (2) In addition to any other penalty that may be  
8 imposed for a violation of this Section, the court may  
9 sentence a person convicted of a violation of subsection  
10 (c) of this Section to a fine not to exceed \$250,000 for  
11 each violation.

12 (f) A prosecution for unlawful purchase of a firearm may be  
13 commenced within 6 years after the commission of the offense.

14 (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)

15 (720 ILCS 5/29D-15)

16 Sec. 29D-15. Soliciting material support for terrorism;  
17 providing material support for a terrorist act.

18 (a) A person is guilty of soliciting material support for  
19 terrorism if he or she knowingly raises, solicits, or collects  
20 material support or resources knowing that the material support  
21 or resources will be used, in whole or in part, to plan,  
22 prepare, carry out, or avoid apprehension for committing  
23 terrorism as defined in Section 29D-30 or causing a catastrophe  
24 as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of this Code,  
25 or who knows and intends that the material support or resources

1 so raised, solicited, or collected will be used in the  
2 commission of a terrorist act as defined in Section 29D-10(1)  
3 of this Code by an organization designated under 8 U.S.C. 1189,  
4 as amended. It is not an element of the offense that the  
5 defendant actually knows that an organization has been  
6 designated under 8 U.S.C. 1189, as amended.

7 (b) A person is guilty of providing material support for  
8 terrorism if he or she knowingly provides material support or  
9 resources to a person knowing that the person will use that  
10 support or those resources in whole or in part to plan,  
11 prepare, carry out, facilitate, or to avoid apprehension for  
12 committing terrorism as defined in Section 29D-30 or to cause a  
13 catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of  
14 this Code.

15 (c) Sentence. Soliciting material support for terrorism is  
16 a Class X<sub>3</sub> felony ~~for which the sentence shall be a term of~~  
17 ~~imprisonment of no less than 9 years and no more than 40 years.~~  
18 Providing material support for a terrorist act is a Class X<sub>3</sub>  
19 felony ~~for which the sentence shall be a term of imprisonment~~  
20 ~~of no less than 9 years and no more than 40 years.~~

21 (Source: P.A. 92-854, eff. 12-5-02.)

22 (720 ILCS 5/29D-30)

23 Sec. 29D-30. Terrorism.

24 (a) A person is guilty of terrorism when, with the intent  
25 to intimidate or coerce a significant portion of a civilian

1 population:

2 (1) he or she knowingly commits a terrorist act as  
3 defined in Section 29D-10(1) of this Code within this  
4 State; or

5 (2) he or she, while outside this State, knowingly  
6 commits a terrorist act as defined in Section 29D-10(1) of  
7 this Code that takes effect within this State or produces  
8 substantial detrimental effects within this State.

9 (b) Sentence. Terrorism is a Class X1 felony. If no deaths  
10 are caused by the terrorist act, the sentence shall be a term  
11 of 20 years to natural life imprisonment; however, if the  
12 terrorist act caused the death of one or more persons, a  
13 mandatory term of natural life imprisonment shall be the  
14 sentence in the event the death penalty is not imposed.

15 (Source: P.A. 92-854, eff. 12-5-02.)

16 (720 ILCS 5/29D-35)

17 Sec. 29D-35. Hindering prosecution of terrorism.

18 (a) A person is guilty of hindering prosecution of  
19 terrorism when he or she renders criminal assistance to a  
20 person who has committed terrorism as defined in Section 29D-30  
21 or caused a catastrophe, as defined in Section 20.5-5 of this  
22 Code when he or she knows that the person to whom he or she  
23 rendered criminal assistance engaged in an act of terrorism or  
24 caused a catastrophe.

25 (b) Hindering prosecution of terrorism is a Class X1

1 felony, the sentence for which shall be a term of 20 years to  
2 natural life imprisonment if no death was caused by the act of  
3 terrorism committed by the person to whom the defendant  
4 rendered criminal assistance and a mandatory term of natural  
5 life imprisonment if death was caused by the act of terrorism  
6 committed by the person to whom the defendant rendered criminal  
7 assistance.

8 (Source: P.A. 92-854, eff. 12-5-02.)

9 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

10 Sec. 31A-1.2. Unauthorized bringing of contraband into a  
11 penal institution by an employee; unauthorized possessing of  
12 contraband in a penal institution by an employee; unauthorized  
13 delivery of contraband in a penal institution by an employee.

14 (a) A person commits the offense of unauthorized bringing  
15 of contraband into a penal institution by an employee when a  
16 person who is an employee knowingly and without authority or  
17 any person designated or authorized to grant such authority:

18 (1) brings or attempts to bring an item of contraband  
19 listed in paragraphs (i) through (iv) of subsection (d)(4)  
20 into a penal institution, or

21 (2) causes or permits another to bring an item of  
22 contraband listed in paragraphs (i) through (iv) of  
23 subsection (d)(4) into a penal institution.

24 (b) A person commits the offense of unauthorized possession  
25 of contraband in a penal institution by an employee when a

1 person who is an employee knowingly and without authority of  
2 any person designated or authorized to grant such authority  
3 possesses contraband listed in paragraphs (i) through (iv) of  
4 subsection (d)(4) in a penal institution, regardless of the  
5 intent with which he possesses it.

6 (c) A person commits the offense of unauthorized delivery  
7 of contraband in a penal institution by an employee when a  
8 person who is an employee knowingly and without authority of  
9 any person designated or authorized to grant such authority:

10 (1) delivers or possesses with intent to deliver an  
11 item of contraband to any inmate of a penal institution, or

12 (2) conspires to deliver or solicits the delivery of an  
13 item of contraband to any inmate of a penal institution, or

14 (3) causes or permits the delivery of an item of  
15 contraband to any inmate of a penal institution, or

16 (4) permits another person to attempt to deliver an  
17 item of contraband to any inmate of a penal institution.

18 (d) For purpose of this Section, the words and phrases  
19 listed below shall be defined as follows:

20 (1) "Penal Institution" shall have the meaning  
21 ascribed to it in subsection (c)(1) of Section 31A-1.1 of  
22 this Code;

23 (2) "Employee" means any elected or appointed officer,  
24 trustee or employee of a penal institution or of the  
25 governing authority of the penal institution, or any person  
26 who performs services for the penal institution pursuant to

1 contract with the penal institution or its governing  
2 authority.

3 (3) "Deliver" or "delivery" means the actual,  
4 constructive or attempted transfer of possession of an item  
5 of contraband, with or without consideration, whether or  
6 not there is an agency relationship;

7 (4) "Item of contraband" means any of the following:

8 (i) "Alcoholic liquor" as such term is defined in  
9 Section 1-3.05 of the Liquor Control Act of 1934.

10 (ii) "Cannabis" as such term is defined in  
11 subsection (a) of Section 3 of the Cannabis Control  
12 Act.

13 (iii) "Controlled substance" as such term is  
14 defined in the Illinois Controlled Substances Act.

15 (iii-a) "Methamphetamine" as such term is defined  
16 in the Illinois Controlled Substances Act or the  
17 Methamphetamine Control and Community Protection Act.

18 (iv) "Hypodermic syringe" or hypodermic needle, or  
19 any instrument adapted for use of controlled  
20 substances or cannabis by subcutaneous injection.

21 (v) "Weapon" means any knife, dagger, dirk, billy,  
22 razor, stiletto, broken bottle, or other piece of glass  
23 which could be used as a dangerous weapon. Such term  
24 includes any of the devices or implements designated in  
25 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1  
26 of this Act, or any other dangerous weapon or

1 instrument of like character.

2 (vi) "Firearm" means any device, by whatever name  
3 known, which is designed to expel a projectile or  
4 projectiles by the action of an explosion, expansion of  
5 gas or escape of gas, including but not limited to:

6 (A) any pneumatic gun, spring gun, or B-B gun  
7 which expels a single globular projectile not  
8 exceeding .18 inch in diameter; or

9 (B) any device used exclusively for signaling  
10 or safety and required or recommended by the United  
11 States Coast Guard or the Interstate Commerce  
12 Commission; or

13 (C) any device used exclusively for the firing  
14 of stud cartridges, explosive rivets or industrial  
15 ammunition; or

16 (D) any device which is powered by electrical  
17 charging units, such as batteries, and which fires  
18 one or several barbs attached to a length of wire  
19 and which, upon hitting a human, can send out  
20 current capable of disrupting the person's nervous  
21 system in such a manner as to render him incapable  
22 of normal functioning, commonly referred to as a  
23 stun gun or taser.

24 (vii) "Firearm ammunition" means any  
25 self-contained cartridge or shotgun shell, by whatever  
26 name known, which is designed to be used or adaptable



1 to use in a firearm, including but not limited to:

2 (A) any ammunition exclusively designed for  
3 use with a device used exclusively for signaling or  
4 safety and required or recommended by the United  
5 States Coast Guard or the Interstate Commerce  
6 Commission; or

7 (B) any ammunition designed exclusively for  
8 use with a stud or rivet driver or other similar  
9 industrial ammunition.

10 (viii) "Explosive" means, but is not limited to,  
11 bomb, bombshell, grenade, bottle or other container  
12 containing an explosive substance of over one-quarter  
13 ounce for like purposes such as black powder bombs and  
14 Molotov cocktails or artillery projectiles.

15 (ix) "Tool to defeat security mechanisms" means,  
16 but is not limited to, handcuff or security restraint  
17 key, tool designed to pick locks, or device or  
18 instrument capable of unlocking handcuff or security  
19 restraints, doors to cells, rooms, gates or other areas  
20 of the penal institution.

21 (x) "Cutting tool" means, but is not limited to,  
22 hacksaw blade, wirecutter, or device, instrument or  
23 file capable of cutting through metal.

24 (xi) "Electronic contraband" means, but is not  
25 limited to, any electronic, video recording device,  
26 computer, or cellular communications equipment,

1 including, but not limited to, cellular telephones,  
2 cellular telephone batteries, videotape recorders,  
3 pagers, computers, and computer peripheral equipment.

4 (e) A violation of paragraphs (a) or (b) of this Section  
5 involving alcohol is a Class 4 felony. A violation of paragraph  
6 (a) or (b) of this Section involving cannabis is a Class 2  
7 felony. A violation of paragraph (a) or (b) involving any  
8 amount of a controlled substance classified in Schedules III,  
9 IV or V of Article II of the Illinois Controlled Substances Act  
10 is a Class 1 felony. A violation of paragraph (a) or (b) of  
11 this Section involving any amount of a controlled substance  
12 classified in Schedules I or II of Article II of the Illinois  
13 Controlled Substances Act is a Class X felony. A violation of  
14 paragraph (a) or (b) involving an item of contraband listed in  
15 paragraph (iv) of subsection (d)(4) is a Class X felony. A  
16 violation of paragraph (a) or (b) involving an item of  
17 contraband listed in paragraph (v) or (xi) of subsection (d)(4)  
18 is a Class 1 felony. A violation of paragraph (a) or (b)  
19 involving an item of contraband listed in paragraphs (vi),  
20 (vii) or (viii) of subsection (d)(4) is a Class X felony.

21 (f) A violation of paragraph (c) of this Section involving  
22 alcoholic liquor is a Class 3 felony. A violation of paragraph  
23 (c) involving cannabis is a Class 1 felony. A violation of  
24 paragraph (c) involving any amount of a controlled substance  
25 classified in Schedules III, IV or V of Article II of the  
26 Illinois Controlled Substances Act is a Class X felony. A

1 violation of paragraph (c) involving any amount of a controlled  
2 substance classified in Schedules I or II of Article II of the  
3 Illinois Controlled Substances Act is a Class X<sup>4</sup> felony ~~for~~  
4 ~~which the minimum term of imprisonment shall be 8 years.~~ A  
5 violation of paragraph (c) involving an item of contraband  
6 listed in paragraph (iv) of subsection (d)(4) is a Class X<sup>4</sup>  
7 felony ~~for which the minimum term of imprisonment shall be 8~~  
8 ~~years.~~ A violation of paragraph (c) involving an item of  
9 contraband listed in paragraph (v), (ix) or (x) of subsection  
10 (d)(4) is a Class X<sup>3</sup> felony ~~for which the minimum term of~~  
11 ~~imprisonment shall be 10 years.~~ A violation of paragraph (c)  
12 involving an item of contraband listed in paragraphs (vi),  
13 (vii) or (viii) of subsection (d)(4) is a Class X<sup>3</sup> felony ~~for~~  
14 ~~which the minimum term of imprisonment shall be 12 years.~~

15 (g) Items confiscated may be retained for use by the  
16 Department of Corrections or disposed of as deemed appropriate  
17 by the Chief Administrative Officer in accordance with  
18 Department rules or disposed of as required by law.

19 (Source: P.A. 94-556, eff. 9-11-05; 94-1017, eff. 7-7-06.)

20 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

21 Sec. 33A-3. Sentence.

22 (a) Violation of Section 33A-2(a) with a Category I weapon  
23 is a Class X<sup>2</sup> felony ~~for which the defendant shall be sentenced~~  
24 ~~to a minimum term of imprisonment of 15 years.~~

25 (a-5) Violation of Section 33A-2(a) with a Category II

1 weapon is a Class X<sup>3</sup> felony ~~for which the defendant shall be~~  
2 ~~sentenced to a minimum term of imprisonment of 10 years.~~

3 (b) Violation of Section 33A-2(a) with a Category III  
4 weapon is a Class 2 felony or the felony classification  
5 provided for the same act while unarmed, whichever permits the  
6 greater penalty. A second or subsequent violation of Section  
7 33A-2(a) with a Category III weapon is a Class 1 felony or the  
8 felony classification provided for the same act while unarmed,  
9 whichever permits the greater penalty.

10 (b-5) Violation of Section 33A-2(b) with a firearm that is  
11 a Category I or Category II weapon is a Class X<sup>2</sup> felony ~~for~~  
12 ~~which the defendant shall be sentenced to a minimum term of~~  
13 ~~imprisonment of 20 years.~~

14 (b-10) Violation of Section 33A-2(c) with a firearm that is  
15 a Category I or Category II weapon is a Class X<sup>2</sup> felony ~~for~~  
16 ~~which the defendant shall be sentenced to a term of~~  
17 ~~imprisonment of not less than 25 years nor more than 40 years.~~

18 (c) Unless sentencing under Section 33B-1 is applicable,  
19 any person who violates subsection (a) or (b) of Section 33A-2  
20 with a firearm, when that person has been convicted in any  
21 state or federal court of 3 or more of the following offenses:  
22 treason, first degree murder, second degree murder, predatory  
23 criminal sexual assault of a child, aggravated criminal sexual  
24 assault, criminal sexual assault, robbery, burglary, arson,  
25 kidnaping, aggravated battery resulting in great bodily harm or  
26 permanent disability or disfigurement, a violation of the

1 Methamphetamine Control and Community Protection Act, or a  
2 violation of Section 401(a) of the Illinois Controlled  
3 Substances Act, when the third offense was committed after  
4 conviction on the second, the second offense was committed  
5 after conviction on the first, and the violation of Section  
6 33A-2 was committed after conviction on the third, is a Class  
7 X1 felony for which the person shall be sentenced to a term of  
8 imprisonment of not less than 25 years nor more than 50 years.

9 (c-5) Except as otherwise provided in paragraph (b-10) or  
10 (c) of this Section, a person who violates Section 33A-2(a)  
11 with a firearm that is a Category I weapon or Section 33A-2(b)  
12 in any school, in any conveyance owned, leased, or contracted  
13 by a school to transport students to or from school or a school  
14 related activity, or on the real property comprising any school  
15 or public park, and where the offense was related to the  
16 activities of an organized gang, shall be sentenced to a term  
17 of imprisonment of not less than the term set forth in  
18 subsection (a) or (b-5) of this Section, whichever is  
19 applicable, and not more than 30 years. For the purposes of  
20 this subsection (c-5), "organized gang" has the meaning  
21 ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (d) For armed violence based upon a predicate offense  
24 listed in this subsection (d) the court shall enter the  
25 sentence for armed violence to run consecutively to the  
26 sentence imposed for the predicate offense. The offenses

1 covered by this provision are:

2 (i) solicitation of murder,

3 (ii) solicitation of murder for hire,

4 (iii) heinous battery,

5 (iv) aggravated battery of a senior citizen,

6 (v) (blank),

7 (vi) a violation of subsection (g) of Section 5 of the  
8 Cannabis Control Act,

9 (vii) cannabis trafficking,

10 (viii) a violation of subsection (a) of Section 401 of  
11 the Illinois Controlled Substances Act,

12 (ix) controlled substance trafficking involving a  
13 Class X felony amount of controlled substance under Section  
14 401 of the Illinois Controlled Substances Act,

15 (x) calculated criminal drug conspiracy,

16 (xi) streetgang criminal drug conspiracy, or

17 (xii) a violation of the Methamphetamine Control and  
18 Community Protection Act.

19 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07.)

20 Section 15. The Illinois Controlled Substances Act is  
21 amended by changing Sections 401 and 405.2 as follows:

22 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

23 Sec. 401. Except as authorized by this Act, it is unlawful  
24 for any person knowingly to manufacture or deliver, or possess

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

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

1 and fined as provided in subsection (b):

2 (1) (A) ~~not less than 6 years and not more than 30~~  
3 ~~years with respect to~~ 15 grams or more but less than  
4 100 grams of a substance containing heroin, or an  
5 analog thereof is a Class X felony;

6 (B) ~~not less than 9 years and not more than 40~~  
7 ~~years with respect to~~ 100 grams or more but less than  
8 400 grams of a substance containing heroin, or an  
9 analog thereof is a Class X4 felony;

10 (C) ~~not less than 12 years and not more than 50~~  
11 ~~years with respect to~~ 400 grams or more but less than  
12 900 grams of a substance containing heroin, or an  
13 analog thereof is a Class X3 felony;

14 (D) ~~not less than 15 years and not more than 60~~  
15 ~~years with respect to~~ 900 grams or more of any  
16 substance containing heroin, or an analog thereof is a  
17 Class X3 felony;

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

22 (B) ~~not less than 9 years and not more than 40~~  
23 ~~years with respect to~~ 100 grams or more but less than  
24 400 grams of a substance containing fentanyl, or an  
25 analog thereof is a Class X4 felony;

26 (C) ~~not less than 12 years and not more than 50~~



1 ~~years with respect to~~ 400 grams or more but less than  
2 900 grams of a substance containing fentanyl, or an  
3 analog thereof is a Class X3 felony;

4 (D) ~~not less than 15 years and not more than 60~~  
5 ~~years with respect to~~ 900 grams or more of a substance  
6 containing fentanyl, or an analog thereof is a Class X3  
7 felony;

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

12 (B) ~~not less than 9 years and not more than 40~~  
13 ~~years with respect to~~ 100 grams or more but less than  
14 400 grams of a substance containing cocaine, or an  
15 analog thereof is a Class X4 felony;

16 (C) ~~not less than 12 years and not more than 50~~  
17 ~~years with respect to~~ 400 grams or more but less than  
18 900 grams of a substance containing cocaine, or an  
19 analog thereof is a Class X3 felony;

20 (D) ~~not less than 15 years and not more than 60~~  
21 ~~years with respect to~~ 900 grams or more of any  
22 substance containing cocaine, or an analog thereof is a  
23 Class X3 felony;

24 (3) (A) ~~not less than 6 years and not more than 30~~  
25 ~~years with respect to~~ 15 grams or more but less than  
26 100 grams of a substance containing morphine, or an

1 analog thereof is a Class X felony;

2 (B) ~~not less than 9 years and not more than 40~~  
3 ~~years with respect to~~ 100 grams or more but less than  
4 400 grams of a substance containing morphine, or an  
5 analog thereof is a Class X4 felony;

6 (C) ~~not less than 12 years and not more than 50~~  
7 ~~years with respect to~~ 400 grams or more but less than  
8 900 grams of a substance containing morphine, or an  
9 analog thereof is a Class X3 felony;

10 (D) ~~not less than 15 years and not more than 60~~  
11 ~~years with respect to~~ 900 grams or more of a substance  
12 containing morphine, or an analog thereof is a Class X3  
13 felony;

14 (4) 200 grams or more of any substance containing  
15 peyote, or an analog thereof is a Class X felony;

16 (5) 200 grams or more of any substance containing a  
17 derivative of barbituric acid or any of the salts of a  
18 derivative of barbituric acid, or an analog thereof is a  
19 Class X felony;

20 (6) 200 grams or more of any substance containing  
21 amphetamine or any salt of an optical isomer of  
22 amphetamine, or an analog thereof is a Class X felony;

23 (6.5) (blank);

24 (6.6) (blank);

25 (7) (A) ~~not less than 6 years and not more than 30~~  
26 ~~years with respect to:~~ (i) 15 grams or more but less

1 than 100 grams of a substance containing lysergic acid  
2 diethylamide (LSD), or an analog thereof, or (ii) 15 or  
3 more objects or 15 or more segregated parts of an  
4 object or objects but less than 200 objects or 200  
5 segregated parts of an object or objects containing in  
6 them or having upon them any amounts of any substance  
7 containing lysergic acid diethylamide (LSD), or an  
8 analog thereof is a Class X felony;

9 (B) ~~not less than 9 years and not more than 40~~  
10 ~~years with respect to:~~ (i) 100 grams or more but less  
11 than 400 grams of a substance containing lysergic acid  
12 diethylamide (LSD), or an analog thereof, or (ii) 200  
13 or more objects or 200 or more segregated parts of an  
14 object or objects but less than 600 objects or less  
15 than 600 segregated parts of an object or objects  
16 containing in them or having upon them any amount of  
17 any substance containing lysergic acid diethylamide  
18 (LSD), or an analog thereof is a Class X4 felony;

19 (C) ~~not less than 12 years and not more than 50~~  
20 ~~years with respect to:~~ (i) 400 grams or more but less  
21 than 900 grams of a substance containing lysergic acid  
22 diethylamide (LSD), or an analog thereof, or (ii) 600  
23 or more objects or 600 or more segregated parts of an  
24 object or objects but less than 1500 objects or 1500  
25 segregated parts of an object or objects containing in  
26 them or having upon them any amount of any substance

1 containing lysergic acid diethylamide (LSD), or an  
2 analog thereof is a Class X3 felony;

3 ~~(D) not less than 15 years and not more than 60~~  
4 ~~years with respect to:~~ (i) 900 grams or more of any  
5 substance containing lysergic acid diethylamide (LSD),  
6 or an analog thereof, or (ii) 1500 or more objects or  
7 1500 or more segregated parts of an object or objects  
8 containing in them or having upon them any amount of a  
9 substance containing lysergic acid diethylamide (LSD),  
10 or an analog thereof is a Class X3 felony;

11 (7.5) (A) ~~not less than 6 years and not more than 30~~  
12 ~~years with respect to:~~ (i) 15 grams or more but less  
13 than 100 grams of a substance listed in paragraph (1),  
14 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
15 (25), or (26) of subsection (d) of Section 204, or an  
16 analog or derivative thereof, or (ii) 15 or more pills,  
17 tablets, caplets, capsules, or objects but less than  
18 200 pills, tablets, caplets, capsules, or objects  
19 containing in them or having upon them any amounts of  
20 any substance listed in paragraph (1), (2), (2.1), (3),  
21 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
22 subsection (d) of Section 204, or an analog or  
23 derivative thereof is a Class X felony;

24 (B) ~~not less than 9 years and not more than 40~~  
25 ~~years with respect to:~~ (i) 100 grams or more but less  
26 than 400 grams of a substance listed in paragraph (1),

1 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
2 (25), or (26) of subsection (d) of Section 204, or an  
3 analog or derivative thereof, or (ii) 200 or more  
4 pills, tablets, caplets, capsules, or objects but less  
5 than 600 pills, tablets, caplets, capsules, or objects  
6 containing in them or having upon them any amount of  
7 any substance listed in paragraph (1), (2), (2.1), (3),  
8 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
9 subsection (d) of Section 204, or an analog or  
10 derivative thereof is a Class X4 felony;

11 (C) ~~not less than 12 years and not more than 50~~  
12 ~~years with respect to:~~ (i) 400 grams or more but less  
13 than 900 grams of a substance listed in paragraph (1),  
14 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
15 (25), or (26) of subsection (d) of Section 204, or an  
16 analog or derivative thereof, or (ii) 600 or more  
17 pills, tablets, caplets, capsules, or objects but less  
18 than 1,500 pills, tablets, caplets, capsules, or  
19 objects containing in them or having upon them any  
20 amount of any substance listed in paragraph (1), (2),  
21 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or  
22 (26) of subsection (d) of Section 204, or an analog or  
23 derivative thereof is a Class X3 felony;

24 (D) ~~not less than 15 years and not more than 60~~  
25 ~~years with respect to:~~ (i) 900 grams or more of any  
26 substance listed in paragraph (1), (2), (2.1), (3),

1 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
2 subsection (d) of Section 204, or an analog or  
3 derivative thereof, or (ii) 1,500 or more pills,  
4 tablets, caplets, capsules, or objects containing in  
5 them or having upon them any amount of a substance  
6 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),  
7 (20), (20.1), (21), (25), or (26) of subsection (d) of  
8 Section 204, or an analog or derivative thereof is a  
9 Class X3 felony;

10 (8) 30 grams or more of any substance containing  
11 pentazocine or any of the salts, isomers and salts of  
12 isomers of pentazocine, or an analog thereof is a Class X  
13 felony;

14 (9) 30 grams or more of any substance containing  
15 methaqualone or any of the salts, isomers and salts of  
16 isomers of methaqualone, or an analog thereof is a Class X  
17 felony;

18 (10) 30 grams or more of any substance containing  
19 phencyclidine or any of the salts, isomers and salts of  
20 isomers of phencyclidine (PCP), or an analog thereof is a  
21 Class X felony;

22 (10.5) 30 grams or more of any substance containing  
23 ketamine or any of the salts, isomers and salts of isomers  
24 of ketamine, or an analog thereof is a Class X felony;

25 (11) 200 grams or more of any substance containing any  
26 other controlled substance classified in Schedules I or II,

1 or an analog thereof, which is not otherwise included in  
2 this subsection is a Class X felony.

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

15 (b-1) Excluding violations of this Act when the controlled  
16 substance is fentanyl, any person sentenced to a term of  
17 imprisonment with respect to violations of Section 401, 401.1,  
18 405, 405.1, 405.2, or 407, when the substance containing the  
19 controlled substance contains any amount of fentanyl, 3 years  
20 shall be added to the term of imprisonment imposed by the  
21 court, and the maximum sentence for the offense shall be  
22 increased by 3 years.

23 (c) Any person who violates this Section with regard to the  
24 following amounts of controlled or counterfeit substances or  
25 controlled substance analogs, notwithstanding any of the  
26 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)

1 to the contrary, is guilty of a Class 1 felony. The fine for  
2 violation of this subsection (c) shall not be more than  
3 \$250,000:

4 (1) 1 gram or more but less than 15 grams of any  
5 substance containing heroin, or an analog thereof;

6 (1.5) 1 gram or more but less than 15 grams of any  
7 substance containing fentanyl, or an analog thereof;

8 (2) 1 gram or more but less than 15 grams of any  
9 substance containing cocaine, or an analog thereof;

10 (3) 10 grams or more but less than 15 grams of any  
11 substance containing morphine, or an analog thereof;

12 (4) 50 grams or more but less than 200 grams of any  
13 substance containing peyote, or an analog thereof;

14 (5) 50 grams or more but less than 200 grams of any  
15 substance containing a derivative of barbituric acid or any  
16 of the salts of a derivative of barbituric acid, or an  
17 analog thereof;

18 (6) 50 grams or more but less than 200 grams of any  
19 substance containing amphetamine or any salt of an optical  
20 isomer of amphetamine, or an analog thereof;

21 (6.5) (blank);

22 (7) (i) 5 grams or more but less than 15 grams of any  
23 substance containing lysergic acid diethylamide (LSD), or  
24 an analog thereof, or (ii) more than 10 objects or more  
25 than 10 segregated parts of an object or objects but less  
26 than 15 objects or less than 15 segregated parts of an



1 object containing in them or having upon them any amount of  
2 any substance containing lysergic acid diethylamide (LSD),  
3 or an analog thereof;

4 (7.5) (i) 5 grams or more but less than 15 grams of any  
5 substance listed in paragraph (1), (2), (2.1), (3), (14.1),  
6 (19), (20), (20.1), (21), (25), or (26) of subsection (d)  
7 of Section 204, or an analog or derivative thereof, or (ii)  
8 more than 10 pills, tablets, caplets, capsules, or objects  
9 but less than 15 pills, tablets, caplets, capsules, or  
10 objects containing in them or having upon them any amount  
11 of any substance listed in paragraph (1), (2), (2.1), (3),  
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
13 subsection (d) of Section 204, or an analog or derivative  
14 thereof;

15 (8) 10 grams or more but less than 30 grams of any  
16 substance containing pentazocine or any of the salts,  
17 isomers and salts of isomers of pentazocine, or an analog  
18 thereof;

19 (9) 10 grams or more but less than 30 grams of any  
20 substance containing methaqualone or any of the salts,  
21 isomers and salts of isomers of methaqualone, or an analog  
22 thereof;

23 (10) 10 grams or more but less than 30 grams of any  
24 substance containing phencyclidine or any of the salts,  
25 isomers and salts of isomers of phencyclidine (PCP), or an  
26 analog thereof;

1           (10.5) 10 grams or more but less than 30 grams of any  
2           substance containing ketamine or any of the salts, isomers  
3           and salts of isomers of ketamine, or an analog thereof;

4           (11) 50 grams or more but less than 200 grams of any  
5           substance containing a substance classified in Schedules I  
6           or II, or an analog thereof, which is not otherwise  
7           included in this subsection.

8           (c-5) (Blank).

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

18          (d-5) (Blank).

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

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

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

5 (g) Any person who violates this Section with regard to any  
6 other amount of a controlled or counterfeit substance  
7 classified in Schedule IV is guilty of a Class 3 felony. The  
8 fine for violation of this subsection (g) shall not be more  
9 than \$100,000.

10 (h) Any person who violates this Section with regard to any  
11 other amount of a controlled or counterfeit substance  
12 classified in Schedule V is guilty of a Class 3 felony. The  
13 fine for violation of this subsection (h) shall not be more  
14 than \$75,000.

15 (i) This Section does not apply to the manufacture,  
16 possession or distribution of a substance in conformance with  
17 the provisions of an approved new drug application or an  
18 exemption for investigational use within the meaning of Section  
19 505 of the Federal Food, Drug and Cosmetic Act.

20 (j) (Blank).

21 (Source: P.A. 94-556, eff. 9-11-05; 95-259, eff. 8-17-07.)

22 (720 ILCS 570/405.2)

23 Sec. 405.2. Streetgang criminal drug conspiracy.

24 (a) Any person who engages in a streetgang criminal drug  
25 conspiracy, as defined in this Section, ~~is guilty of a Class X~~

1 ~~felony for which the offender shall be sentenced to a term of~~  
2 ~~imprisonment~~ as follows:

3 (1) ~~not less than 15 years and not more than 60 years~~  
4 for a violation of subsection (a) of Section 401 is a Class  
5 X3 felony;

6 (2) ~~not less than 10 years and not more than 30 years~~  
7 for a violation of subsection (c) of Section 401 is a Class  
8 X4 felony.

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

11 (i) he or she violates any of the provisions of  
12 subsection (a) or (c) of Section 401 of this Act or any  
13 provision of the Methamphetamine Control and Community  
14 Protection Act; and

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

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

20 (iv) he or she occupies a position of organizer, a  
21 supervising person, or any other position of management  
22 with those persons identified in clause (ii) of this  
23 subsection (a).

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

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

5 (1) the receipts obtained by him or her in such  
6 conspiracy; and

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

10 (c) The circuit court may enter such injunctions,  
11 restraining orders, directions or prohibitions, or may take  
12 such other actions, including the acceptance of satisfactory  
13 performance bonds, in connection with any property, claim,  
14 receipt, right or other interest subject to forfeiture under  
15 this Section, as it deems proper.

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

17 Section 20. The Methamphetamine Control and Community  
18 Protection Act is amended by changing Sections 15, 20, 25, 50,  
19 55 and 60 as follows:

20 (720 ILCS 646/15)

21 (Text of Section before amendment by P.A. 95-571)

22 Sec. 15. Participation in methamphetamine manufacturing.

23 (a) Participation in methamphetamine manufacturing.

24 (1) It is unlawful to knowingly participate in the

1 manufacture of methamphetamine with the intent that  
2 methamphetamine or a substance containing methamphetamine  
3 be produced.

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

6 (A) A person who participates in the manufacture of  
7 less than 15 grams of methamphetamine or a substance  
8 containing methamphetamine is guilty of a Class 1  
9 felony.

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

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

26 (D) A person who participates in the manufacture of

1           400 or more grams but less than 900 grams of  
2           methamphetamine or a substance containing  
3           methamphetamine is guilty of a Class X felony, subject  
4           to a term of imprisonment of not less than 12 years and  
5           not more than 50 years, and subject to a fine not to  
6           exceed \$300,000 or the street value of the  
7           methamphetamine manufactured, whichever is greater.

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

15          (b) Aggravated participation in methamphetamine  
16          manufacturing.

17          (1) It is unlawful to engage in aggravated  
18          participation in the manufacture of methamphetamine. A  
19          person engages in aggravated participation in the  
20          manufacture of methamphetamine when the person violates  
21          paragraph (1) of subsection (a) and:

22                  (A) the person knowingly does so in a multi-unit  
23                  dwelling;

24                  (B) the person knowingly does so in a structure or  
25                  vehicle where a child under the age of 18, a person  
26                  with a disability, or a person 60 years of age or older

1 who is incapable of adequately providing for his or her  
2 own health and personal care resides, is present, or is  
3 endangered by the manufacture of methamphetamine;

4 (C) the person does so in a structure or vehicle  
5 where a woman the person knows to be pregnant  
6 (including but not limited to the person herself)  
7 resides, is present, or is endangered by the  
8 methamphetamine manufacture;

9 (D) the person knowingly does so in a structure or  
10 vehicle protected by one or more firearms, explosive  
11 devices, booby traps, alarm systems, surveillance  
12 systems, guard dogs, or dangerous animals;

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

18 (F) the methamphetamine manufacturing in which the  
19 person participates is a contributing cause of a fire  
20 or explosion that damages property belonging to  
21 another person; or

22 (G) the person knowingly organizes, directs, or  
23 finances the methamphetamine manufacturing or  
24 activities carried out in support of the  
25 methamphetamine manufacturing.

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



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

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

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

17 (C) A person who participates in the manufacture of  
18 100 or more grams but less than 400 grams of  
19 methamphetamine or a substance containing  
20 methamphetamine is guilty of a Class X felony, subject  
21 to a term of imprisonment of not less than 12 years and  
22 not more than 50 years, and subject to a fine not to  
23 exceed \$300,000 or the street value of the  
24 methamphetamine, whichever is greater.

25 (D) A person who participates in the manufacture of  
26 400 grams or more of methamphetamine or a substance

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

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

7 (Text of Section after amendment by P.A. 95-571)

8 Sec. 15. Participation in methamphetamine manufacturing.

9 (a) Participation in methamphetamine manufacturing.

10 (1) It is unlawful to knowingly participate in the  
11 manufacture of methamphetamine with the intent that  
12 methamphetamine or a substance containing methamphetamine  
13 be produced.

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

16 (A) A person who participates in the manufacture of  
17 less than 15 grams of methamphetamine or a substance  
18 containing methamphetamine is guilty of a Class 1  
19 felony.

20 (B) A person who participates in the manufacture of  
21 15 or more grams but less than 100 grams of  
22 methamphetamine or a substance containing  
23 methamphetamine is guilty of a Class X felony, ~~subject~~  
24 ~~to a term of imprisonment of not less than 6 years and~~  
25 ~~not more than 30 years,~~ and subject to a fine not to

1 exceed \$100,000 or the street value of the  
2 methamphetamine manufactured, whichever is greater.

3 (C) A person who participates in the manufacture of  
4 100 or more grams but less than 400 grams of  
5 methamphetamine or a substance containing  
6 methamphetamine is guilty of a Class X<sub>4</sub> felony, ~~subject~~  
7 ~~to a term of imprisonment of not less than 9 years and~~  
8 ~~not more than 40 years,~~ and subject to a fine not to  
9 exceed \$200,000 or the street value of the  
10 methamphetamine manufactured, whichever is greater.

11 (D) A person who participates in the manufacture of  
12 400 or more grams but less than 900 grams of  
13 methamphetamine or a substance containing  
14 methamphetamine is guilty of a Class X<sub>3</sub> felony, ~~subject~~  
15 ~~to a term of imprisonment of not less than 12 years and~~  
16 ~~not more than 50 years,~~ and subject to a fine not to  
17 exceed \$300,000 or the street value of the  
18 methamphetamine manufactured, whichever is greater.

19 (E) A person who participates in the manufacture of  
20 900 grams or more of methamphetamine or a substance  
21 containing methamphetamine is guilty of a Class X<sub>3</sub>  
22 felony, ~~subject to a term of imprisonment of not less~~  
23 ~~than 15 years and not more than 60 years,~~ and subject  
24 to a fine not to exceed \$400,000 or the street value of  
25 the methamphetamine, whichever is greater.

26 (b) Aggravated participation in methamphetamine

1 manufacturing.

2 (1) It is unlawful to engage in aggravated  
3 participation in the manufacture of methamphetamine. A  
4 person engages in aggravated participation in the  
5 manufacture of methamphetamine when the person violates  
6 paragraph (1) of subsection (a) and:

7 (A) the person knowingly does so in a multi-unit  
8 dwelling;

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

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

20 (D) the person knowingly does so in a structure or  
21 vehicle protected by one or more firearms, explosive  
22 devices, booby traps, alarm systems, surveillance  
23 systems, guard dogs, or dangerous animals;

24 (E) the methamphetamine manufacturing in which the  
25 person participates is a contributing cause of the  
26 death, serious bodily injury, disability, or

1 disfigurement of another person, including but not  
2 limited to an emergency service provider;

3 (F) the methamphetamine manufacturing in which the  
4 person participates is a contributing cause of a fire  
5 or explosion that damages property belonging to  
6 another person;

7 (G) the person knowingly organizes, directs, or  
8 finances the methamphetamine manufacturing or  
9 activities carried out in support of the  
10 methamphetamine manufacturing; or

11 (H) the methamphetamine manufacturing occurs  
12 within 1,000 feet of a place of worship or parsonage.

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

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

22 (B) A person who participates in the manufacture of  
23 15 or more grams but less than 100 grams of  
24 methamphetamine or a substance containing  
25 methamphetamine is guilty of a Class X<sup>4</sup> felony, ~~subject~~  
26 ~~to a term of imprisonment of not less than 9 years and~~

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

4 (C) A person who participates in the manufacture of  
5 100 or more grams but less than 400 grams of  
6 methamphetamine or a substance containing  
7 methamphetamine is guilty of a Class X<sub>3</sub> felony, ~~subject~~  
8 ~~to a term of imprisonment of not less than 12 years and~~  
9 ~~not more than 50 years,~~ and subject to a fine not to  
10 exceed \$300,000 or the street value of the  
11 methamphetamine, whichever is greater.

12 (D) A person who participates in the manufacture of  
13 400 grams or more of methamphetamine or a substance  
14 containing methamphetamine is guilty of a Class X<sub>3</sub>  
15 felony, ~~subject to a term of imprisonment of not less~~  
16 ~~than 15 years and not more than 60 years,~~ and subject  
17 to a fine not to exceed \$400,000 or the street value of  
18 the methamphetamine, whichever is greater.

19 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;  
20 95-571, eff. 6-1-08.)

21 (720 ILCS 646/20)

22 Sec. 20. Methamphetamine precursor.

23 (a) Methamphetamine precursor or substance containing any  
24 methamphetamine precursor in standard dosage form.

25 (1) It is unlawful to knowingly possess, procure,

1 transport, store, or deliver any methamphetamine precursor  
2 or substance containing any methamphetamine precursor in  
3 standard dosage form with the intent that it be used to  
4 manufacture methamphetamine or a substance containing  
5 methamphetamine.

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

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

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

18 (C) A person who possesses, procures, transports,  
19 stores, or delivers 30 or more grams but less than 150  
20 grams of methamphetamine precursor or substance  
21 containing any methamphetamine precursor is guilty of  
22 a Class X felony, ~~subject to a term of imprisonment of~~  
23 ~~not less than 6 years and not more than 30 years,~~ and  
24 subject to a fine not to exceed \$100,000.

25 (D) A person who possesses, procures, transports,  
26 stores, or delivers 150 or more grams but less than 500

1           grams of methamphetamine precursor or substance  
2           containing any methamphetamine precursor is guilty of  
3           a Class X~~4~~ felony, ~~subject to a term of imprisonment of~~  
4           ~~not less than 8 years and not more than 40 years,~~ and  
5           subject to a fine not to exceed \$200,000.

6           (E) A person who possesses, procures, transports,  
7           stores, or delivers 500 or more grams of  
8           methamphetamine precursor or substance containing any  
9           methamphetamine precursor is guilty of a Class X~~4~~  
10          felony, ~~subject to a term of imprisonment of not less~~  
11          ~~than 10 years and not more than 50 years,~~ and subject  
12          to a fine not to exceed \$300,000.

13          (b) Methamphetamine precursor or substance containing any  
14          methamphetamine precursor in any form other than a standard  
15          dosage form.

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

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

24                       (A) A person who violates paragraph (1) of this  
25                       subsection (b) with the intent that less than 10 grams  
26                       of methamphetamine or a substance containing



1 methamphetamine be manufactured is guilty of a Class 2  
2 felony.

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

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

15 (D) A person who violates paragraph (1) of this  
16 subsection (b) with the intent that 100 or more grams  
17 but less than 350 grams of methamphetamine or a  
18 substance containing methamphetamine be manufactured  
19 is guilty of a Class X<sup>4</sup> felony, ~~subject to a term of~~  
20 ~~imprisonment of not less than 8 years and not more than~~  
21 ~~40 years,~~ and subject to a fine not to exceed \$200,000.

22 (E) A person who violates paragraph (1) of this  
23 subsection (b) with the intent that 350 or more grams  
24 of methamphetamine or a substance containing  
25 methamphetamine be manufactured is guilty of a Class X<sup>4</sup>  
26 felony, ~~subject to a term of imprisonment of not less~~

1 ~~than 10 years and not more than 50 years,~~ and subject  
2 to a fine not to exceed \$300,000.

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

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

13 (720 ILCS 646/25)

14 Sec. 25. Anhydrous ammonia.

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

18 (1) It is unlawful to knowingly engage in the  
19 possession, procurement, transportation, storage, or  
20 delivery of anhydrous ammonia or to attempt to engage in  
21 any of these activities or to assist another in engaging in  
22 any of these activities with the intent that the anhydrous  
23 ammonia be used to manufacture methamphetamine.

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

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

4 (1) It is unlawful to knowingly engage in the  
5 aggravated possession, procurement, transportation,  
6 storage, or delivery of anhydrous ammonia with the intent  
7 that it be used to manufacture methamphetamine. A person  
8 commits this offense when the person engages in the  
9 possession, procurement, transportation, storage, or  
10 delivery of anhydrous ammonia or attempts to engage in any  
11 of these activities or assists another in engaging in any  
12 of these activities with the intent that the anhydrous  
13 ammonia be used to manufacture methamphetamine and:

14 (A) the person knowingly does so in a multi-unit  
15 dwelling;

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

22 (C) the person's possession, procurement,  
23 transportation, storage, or delivery of anhydrous  
24 ammonia is a contributing cause of the death, serious  
25 bodily injury, disability, or disfigurement of another  
26 person; or

1 (D) the person's possession, procurement,  
2 transportation, storage, or delivery of anhydrous  
3 ammonia is a contributing cause of a fire or explosion  
4 that damages property belonging to another person.

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

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

12 (1) It is unlawful to knowingly possess, procure,  
13 transport, store, or deliver anhydrous ammonia in an  
14 unauthorized container.

15 (1.5) It is unlawful to attempt to possess, procure,  
16 transport, store, or deliver anhydrous ammonia in an  
17 unauthorized container.

18 (2) A person who violates paragraph (1) of this  
19 subsection (c) is guilty of a Class 3 felony. A person who  
20 violates paragraph (1.5) of this subsection (c) is guilty  
21 of a Class 4 felony.

22 (3) Affirmative defense. It is an affirmative defense  
23 that the person charged possessed, procured, transported,  
24 stored, or delivered anhydrous ammonia in a manner that  
25 substantially complied with the rules governing anhydrous  
26 ammonia equipment found in 8 Illinois Administrative Code

1 Section 215, in 92 Illinois Administrative Code Sections  
2 171 through 180, or in any provision of the Code of Federal  
3 Regulations incorporated by reference into these Sections  
4 of the Illinois Administrative Code.

5 (d) Tampering with anhydrous ammonia equipment.

6 (1) It is unlawful to knowingly tamper with anhydrous  
7 ammonia equipment. A person tampers with anhydrous ammonia  
8 equipment when, without authorization from the lawful  
9 owner, the person:

10 (A) removes or attempts to remove anhydrous  
11 ammonia from the anhydrous ammonia equipment used by  
12 the lawful owner;

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

15 (C) vents or attempts to vent anhydrous ammonia  
16 into the environment.

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

19 (Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06;  
20 95-690, eff. 1-1-08.)

21 (720 ILCS 646/50)

22 Sec. 50. Methamphetamine-related child endangerment.

23 (a) Methamphetamine-related child endangerment.

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

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

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

7 (b) Aggravated methamphetamine-related child endangerment.

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

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

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

21 (720 ILCS 646/55)

22 Sec. 55. Methamphetamine delivery.

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

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

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

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

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

9 (B) A person who delivers or possesses with intent  
10 to deliver 5 or more grams but less than 15 grams of  
11 methamphetamine or a substance containing  
12 methamphetamine is guilty of a Class 1 felony.

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

21 (D) A person who delivers or possesses with intent  
22 to deliver 100 or more grams but less than 400 grams of  
23 methamphetamine or a substance containing  
24 methamphetamine is guilty of a Class X<sub>4</sub> felony, ~~subject~~  
25 ~~to a term of imprisonment of not less than 9 years and~~  
26 ~~not more than 40 years,~~ and subject to a fine not to

1 exceed \$200,000 or the street value of the  
2 methamphetamine, whichever is greater.

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

11 (F) A person who delivers or possesses with intent  
12 to deliver 900 or more grams of methamphetamine or a  
13 substance containing methamphetamine is guilty of a  
14 Class X<sub>3</sub> felony, ~~subject to a term of imprisonment of~~  
15 ~~not less than 15 years and not more than 60 years,~~ and  
16 subject to a fine not to exceed \$400,000 or the street  
17 value of the methamphetamine, whichever is greater.

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

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



1 subsection (a) of this Section and:

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

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

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

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

24 (E) the person delivers or causes another person to  
25 deliver the methamphetamine or substance containing  
26 methamphetamine to a woman that the person knows to be

1 pregnant; or

2 (F) (blank).

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

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

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

17 (C) A person who delivers or possesses with intent  
18 to deliver 15 or more grams but less than 100 grams of  
19 methamphetamine or a substance containing  
20 methamphetamine is guilty of a Class X<sub>4</sub> felony, ~~subject~~  
21 ~~to a term of imprisonment of not less than 8 years and~~  
22 ~~not more than 40 years,~~ and subject to a fine not to  
23 exceed \$200,000 or the street value of the  
24 methamphetamine, whichever is greater.

25 (D) A person who delivers or possesses with intent  
26 to deliver 100 or more grams of methamphetamine or a

1 substance containing methamphetamine is guilty of a  
2 Class X~~4~~ felony, ~~subject to a term of imprisonment of~~  
3 ~~not less than 10 years and not more than 50 years,~~ and  
4 subject to a fine not to exceed \$300,000 or the street  
5 value of the methamphetamine, whichever is greater.

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

7 (720 ILCS 646/60)

8 Sec. 60. Methamphetamine possession.

9 (a) It is unlawful knowingly to possess methamphetamine or  
10 a substance containing methamphetamine.

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

13 (1) A person who possesses less than 5 grams of  
14 methamphetamine or a substance containing methamphetamine  
15 is guilty of a Class 3 felony.

16 (2) A person who possesses 5 or more grams but less  
17 than 15 grams of methamphetamine or a substance containing  
18 methamphetamine is guilty of a Class 2 felony.

19 (3) A person who possesses 15 or more grams but less  
20 than 100 grams of methamphetamine or a substance containing  
21 methamphetamine is guilty of a Class 1 felony.

22 (4) A person who possesses 100 or more grams but less  
23 than 400 grams of methamphetamine or a substance containing  
24 methamphetamine is guilty of a Class X felony, ~~subject to a~~  
25 ~~term of imprisonment of not less than 6 years and not more~~

1 ~~than 30 years,~~ and subject to a fine not to exceed  
2 \$100,000.

3 (5) A person who possesses 400 or more grams but less  
4 than 900 grams of methamphetamine or a substance containing  
5 methamphetamine is guilty of a Class X<sub>4</sub> felony, ~~subject to~~  
6 ~~a term of imprisonment of not less than 8 years and not~~  
7 ~~more than 40 years,~~ and subject to a fine not to exceed  
8 \$200,000.

9 (6) A person who possesses 900 or more grams of  
10 methamphetamine or a substance containing methamphetamine  
11 is guilty of a Class X<sub>4</sub> felony, ~~subject to a term of~~  
12 ~~imprisonment of not less than 10 years and not more than 50~~  
13 ~~years,~~ and subject to a fine not to exceed \$300,000.

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

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.

22 Section 999. Effective date. This Act takes effect July 1,  
23 2008.

1		INDEX
2		Statutes amended in order of appearance
3	730 ILCS 5/5-5-1	from Ch. 38, par. 1005-5-1
4	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
5	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
6	720 ILCS 5/8-1.1	from Ch. 38, par. 8-1.1
7	720 ILCS 5/8-1.2	from Ch. 38, par. 8-1.2
8	720 ILCS 5/8-4	from Ch. 38, par. 8-4
9	720 ILCS 5/9-3.3	from Ch. 38, par. 9-3.3
10	720 ILCS 5/10-2	from Ch. 38, par. 10-2
11	720 ILCS 5/12-4.1	from Ch. 38, par. 12-4.1
12	720 ILCS 5/12-4.2	from Ch. 38, par. 12-4.2
13	720 ILCS 5/12-4.2-5	
14	720 ILCS 5/12-13	from Ch. 38, par. 12-13
15	720 ILCS 5/12-14	from Ch. 38, par. 12-14
16	720 ILCS 5/12-14.1	
17	720 ILCS 5/12-33	from Ch. 38, par. 12-33
18	720 ILCS 5/16-16.1	
19	720 ILCS 5/18-4	
20	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
21	720 ILCS 5/24-1.2	from Ch. 38, par. 24-1.2
22	720 ILCS 5/24-1.2-5	
23	720 ILCS 5/24-3A	
24	720 ILCS 5/24-3.5	
25	720 ILCS 5/29D-15	

- 1 720 ILCS 5/29D-30
- 2 720 ILCS 5/29D-35
- 3 720 ILCS 5/31A-1.2 from Ch. 38, par. 31A-1.2
- 4 720 ILCS 5/33A-3 from Ch. 38, par. 33A-3
- 5 720 ILCS 570/401 from Ch. 56 1/2, par. 1401
- 6 720 ILCS 570/405.2
- 7 720 ILCS 646/15
- 8 720 ILCS 646/20
- 9 720 ILCS 646/25
- 10 720 ILCS 646/50
- 11 720 ILCS 646/55
- 12 720 ILCS 646/60