

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 2. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 110-6.2 as follows:

6 (725 ILCS 5/110-6.2) (from Ch. 38, par. 110-6.2)

7 Sec. 110-6.2. Post-conviction Detention. (a) The court may  
8 ~~shall~~ order that a person who has been found guilty of an  
9 offense and who is waiting imposition or execution of sentence  
10 be held without bond unless the court finds by clear and  
11 convincing evidence that the person is not likely to flee or  
12 pose a danger to any other person or the community if released  
13 under Sections 110-5 and 110-10 of this Act.

14 (b) The court may ~~shall~~ order that person who has been  
15 found guilty of an offense and sentenced to a term of  
16 imprisonment ~~shall~~ be held without bond unless the court finds  
17 by clear and convincing evidence that:

18 (1) the person is not likely to flee or pose a danger to  
19 the safety of any other person or the community if released on  
20 bond pending appeal; and

21 (2) that the appeal is not for purpose of delay and raises  
22 a substantial question of law or fact likely to result in  
23 reversal or an order for a new trial.

1 (Source: P.A. 86-984.)

2 (725 ILCS 5/122-8 rep.)

3 Section 3. The Code of Criminal Procedure of 1963 is  
4 amended by repealing Section 122-8.

5 Section 5. The Unified Code of Corrections is amended by  
6 changing Sections 3-6-3, 5-5-3, 5-5-3.2, 5-6-4, 5-8-1, 5-8-2,  
7 5-8-4, and 5-9-1.3 as follows:

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

9 Sec. 3-6-3. Rules and Regulations for Early Release.

10 (a) (1) The Department of Corrections shall prescribe  
11 rules and regulations for the early release on account of  
12 good conduct of persons committed to the Department which  
13 shall be subject to review by the Prisoner Review Board.

14 (2) The rules and regulations on early release shall  
15 provide, with respect to offenses listed in clause (i),  
16 (ii), or (iii) of this paragraph (2) committed on or after  
17 June 19, 1998 or with respect to the offense listed in  
18 clause (iv) of this paragraph (2) committed on or after  
19 June 23, 2005 (the effective date of Public Act 94-71) or  
20 with respect to offense listed in clause (vi) committed on  
21 or after June 1, 2008 (the effective date of Public Act  
22 95-625) or with respect to the offense of being an armed  
23 habitual criminal committed on or after August 2, 2005 (the

1 effective date of Public Act 94-398) or with respect to the  
2 offenses listed in clause (v) of this paragraph (2)  
3 committed on or after August 13, 2007 (the effective date  
4 of Public Act 95-134), the following:

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

9 (ii) that a prisoner serving a sentence for attempt  
10 to commit first degree murder, solicitation of murder,  
11 solicitation of murder for hire, intentional homicide  
12 of an unborn child, predatory criminal sexual assault  
13 of a child, aggravated criminal sexual assault,  
14 criminal sexual assault, aggravated kidnapping,  
15 aggravated battery with a firearm, heinous battery,  
16 being an armed habitual criminal, aggravated battery  
17 of a senior citizen, or aggravated battery of a child  
18 shall receive no more than 4.5 days of good conduct  
19 credit for each month of his or her sentence of  
20 imprisonment;

21 (iii) that a prisoner serving a sentence for home  
22 invasion, armed robbery, aggravated vehicular  
23 hijacking, aggravated discharge of a firearm, or armed  
24 violence with a category I weapon or category II  
25 weapon, when the court has made and entered a finding,  
26 pursuant to subsection (c-1) of Section 5-4-1 of this

1 Code, that the conduct leading to conviction for the  
2 enumerated offense resulted in great bodily harm to a  
3 victim, shall receive no more than 4.5 days of good  
4 conduct credit for each month of his or her sentence of  
5 imprisonment;

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

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

1 deliver methamphetamine, aggravated delivery of  
2 methamphetamine, aggravated possession with intent to  
3 deliver methamphetamine, methamphetamine conspiracy  
4 when the substance containing the controlled substance  
5 or methamphetamine is 100 grams or more shall receive  
6 no more than 7.5 days good conduct credit for each  
7 month of his or her sentence of imprisonment; and

8 (vi) that a prisoner serving a sentence for a  
9 second or subsequent offense of luring a minor shall  
10 receive no more than 4.5 days of good conduct credit  
11 for each month of his or her sentence of imprisonment.

12 (2.1) For all offenses, other than those enumerated in  
13 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
14 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
15 after June 23, 2005 (the effective date of Public Act  
16 94-71) or subdivision (a)(2)(v) committed on or after  
17 August 13, 2007 (the effective date of Public Act 95-134)  
18 or subdivision (a)(2)(vi) committed on or after June 1,  
19 2008 (the effective date of Public Act 95-625), and other  
20 than the offense of ~~reckless homicide as defined in~~  
21 ~~subsection (c) of Section 9-3 of the Criminal Code of 1961~~  
22 ~~committed on or after January 1, 1999, or~~ aggravated  
23 driving under the influence of alcohol, other drug or  
24 drugs, or intoxicating compound or compounds, or any  
25 combination thereof as defined in subparagraph (F) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, the rules and regulations shall  
2 provide that a prisoner who is serving a term of  
3 imprisonment shall receive one day of good conduct credit  
4 for each day of his or her sentence of imprisonment or  
5 recommitment under Section 3-3-9. Each day of good conduct  
6 credit shall reduce by one day the prisoner's period of  
7 imprisonment or recommitment under Section 3-3-9.

8 (2.2) A prisoner serving a term of natural life  
9 imprisonment or a prisoner who has been sentenced to death  
10 shall receive no good conduct credit.

11 (2.3) The rules and regulations on early release shall  
12 provide that a prisoner who is serving a sentence for  
13 ~~reckless homicide as defined in subsection (e) of Section~~  
14 ~~9-3 of the Criminal Code of 1961 committed on or after~~  
15 ~~January 1, 1999, or~~ aggravated driving under the influence  
16 of alcohol, other drug or drugs, or intoxicating compound  
17 or compounds, or any combination thereof as defined in  
18 subparagraph (F) of paragraph (1) of subsection (d) of  
19 Section 11-501 of the Illinois Vehicle Code, shall receive  
20 no more than 4.5 days of good conduct credit for each month  
21 of his or her sentence of imprisonment.

22 (2.4) The rules and regulations on early release shall  
23 provide with respect to the offenses of aggravated battery  
24 with a machine gun or a firearm equipped with any device or  
25 attachment designed or used for silencing the report of a  
26 firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or  
2 used for silencing the report of a firearm, committed on or  
3 after July 15, 1999 (the effective date of Public Act  
4 91-121), that a prisoner serving a sentence for any of  
5 these offenses shall receive no more than 4.5 days of good  
6 conduct credit for each month of his or her sentence of  
7 imprisonment.

8 (2.5) The rules and regulations on early release shall  
9 provide that a prisoner who is serving a sentence for  
10 aggravated arson committed on or after July 27, 2001 (the  
11 effective date of Public Act 92-176) shall receive no more  
12 than 4.5 days of good conduct credit for each month of his  
13 or her sentence of imprisonment.

14 (3) The rules and regulations shall also provide that  
15 the Director may award up to 180 days additional good  
16 conduct credit for meritorious service in specific  
17 instances as the Director deems proper; except that no more  
18 than 90 days of good conduct credit for meritorious service  
19 shall be awarded to any prisoner who is serving a sentence  
20 for conviction of first degree murder, reckless homicide  
21 while under the influence of alcohol or any other drug, or  
22 aggravated driving under the influence of alcohol, other  
23 drug or drugs, or intoxicating compound or compounds, or  
24 any combination thereof as defined in subparagraph (F) of  
25 paragraph (1) of subsection (d) of Section 11-501 of the  
26 Illinois Vehicle Code, aggravated kidnapping, kidnapping,

1 predatory criminal sexual assault of a child, aggravated  
2 criminal sexual assault, criminal sexual assault, deviate  
3 sexual assault, aggravated criminal sexual abuse,  
4 aggravated indecent liberties with a child, indecent  
5 liberties with a child, child pornography, heinous  
6 battery, aggravated battery of a spouse, aggravated  
7 battery of a spouse with a firearm, stalking, aggravated  
8 stalking, aggravated battery of a child, endangering the  
9 life or health of a child, or cruelty to a child.  
10 Notwithstanding the foregoing, good conduct credit for  
11 meritorious service shall not be awarded on a sentence of  
12 imprisonment imposed for conviction of: (i) one of the  
13 offenses enumerated in subdivision (a)(2)(i), (ii), or  
14 (iii) when the offense is committed on or after June 19,  
15 1998 or subdivision (a)(2)(iv) when the offense is  
16 committed on or after June 23, 2005 (the effective date of  
17 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
18 is committed on or after August 13, 2007 (the effective  
19 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
20 the offense is committed on or after June 1, 2008 (the  
21 effective date of Public Act 95-625), (ii) ~~reckless~~  
22 ~~homicide as defined in subsection (c) of Section 9-3 of the~~  
23 ~~Criminal Code of 1961 when the offense is committed on or~~  
24 ~~after January 1, 1999, or~~ aggravated driving under the  
25 influence of alcohol, other drug or drugs, or intoxicating  
26 compound or compounds, or any combination thereof as

1 defined in subparagraph (F) of paragraph (1) of subsection  
2 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)  
3 one of the offenses enumerated in subdivision (a)(2.4) when  
4 the offense is committed on or after July 15, 1999 (the  
5 effective date of Public Act 91-121), or (iv) aggravated  
6 arson when the offense is committed on or after July 27,  
7 2001 (the effective date of Public Act 92-176).

8 The Director shall not award good conduct credit for  
9 meritorious service under this paragraph (3) to an inmate  
10 unless the inmate has served a minimum of 60 days of the  
11 sentence; except nothing in this paragraph shall be  
12 construed to permit the Director to extend an inmate's  
13 sentence beyond that which was imposed by the court. Prior  
14 to awarding credit under this paragraph (3), the Director  
15 shall make a written determination that the inmate:

16 (A) is eligible for good conduct credit for  
17 meritorious service;

18 (B) has served a minimum of 60 days, or as close to  
19 60 days as the sentence will allow; and

20 (C) has met the eligibility criteria established  
21 by rule.

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

24 (4) The rules and regulations shall also provide that  
25 the good conduct credit accumulated and retained under  
26 paragraph (2.1) of subsection (a) of this Section by any

1 inmate during specific periods of time in which such inmate  
2 is engaged full-time in substance abuse programs,  
3 correctional industry assignments, or educational programs  
4 provided by the Department under this paragraph (4) and  
5 satisfactorily completes the assigned program as  
6 determined by the standards of the Department, shall be  
7 multiplied by a factor of 1.25 for program participation  
8 before August 11, 1993 and 1.50 for program participation  
9 on or after that date. However, no inmate shall be eligible  
10 for the additional good conduct credit under this paragraph  
11 (4) or (4.1) of this subsection (a) while assigned to a  
12 boot camp or electronic detention, or if convicted of an  
13 offense enumerated in subdivision (a)(2)(i), (ii), or  
14 (iii) of this Section that is committed on or after June  
15 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
16 committed on or after June 23, 2005 (the effective date of  
17 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
18 that is committed on or after August 13, 2007 (the  
19 effective date of Public Act 95-134) or subdivision  
20 (a)(2)(vi) when the offense is committed on or after June  
21 1, 2008 (the effective date of Public Act 95-625), or if  
22 convicted of ~~reckless homicide as defined in subsection (c)~~  
23 ~~of Section 9-3 of the Criminal Code of 1961 if the offense~~  
24 ~~is committed on or after January 1, 1999, or~~ aggravated  
25 driving under the influence of alcohol, other drug or  
26 drugs, or intoxicating compound or compounds, or any

1 combination thereof as defined in subparagraph (F) of  
2 paragraph (1) of subsection (d) of Section 11-501 of the  
3 Illinois Vehicle Code, or if convicted of an offense  
4 enumerated in paragraph (a)(2.4) of this Section that is  
5 committed on or after July 15, 1999 (the effective date of  
6 Public Act 91-121), or first degree murder, a Class X  
7 felony, criminal sexual assault, felony criminal sexual  
8 abuse, aggravated criminal sexual abuse, aggravated  
9 battery with a firearm, or any predecessor or successor  
10 offenses with the same or substantially the same elements,  
11 or any inchoate offenses relating to the foregoing  
12 offenses. No inmate shall be eligible for the additional  
13 good conduct credit under this paragraph (4) who (i) has  
14 previously received increased good conduct credit under  
15 this paragraph (4) and has subsequently been convicted of a  
16 felony, or (ii) has previously served more than one prior  
17 sentence of imprisonment for a felony in an adult  
18 correctional facility.

19 Educational, vocational, substance abuse and  
20 correctional industry programs under which good conduct  
21 credit may be increased under this paragraph (4) and  
22 paragraph (4.1) of this subsection (a) shall be evaluated  
23 by the Department on the basis of documented standards. The  
24 Department shall report the results of these evaluations to  
25 the Governor and the General Assembly by September 30th of  
26 each year. The reports shall include data relating to the

1           recidivism rate among program participants.

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

14          (4.1) The rules and regulations shall also provide that  
15          an additional 60 days of good conduct credit shall be  
16          awarded to any prisoner who passes the high school level  
17          Test of General Educational Development (GED) while the  
18          prisoner is incarcerated. The good conduct credit awarded  
19          under this paragraph (4.1) shall be in addition to, and  
20          shall not affect, the award of good conduct under any other  
21          paragraph of this Section, but shall also be pursuant to  
22          the guidelines and restrictions set forth in paragraph (4)  
23          of subsection (a) of this Section. The good conduct credit  
24          provided for in this paragraph shall be available only to  
25          those prisoners who have not previously earned a high  
26          school diploma or a GED. If, after an award of the GED good

1           conduct credit has been made and the Department determines  
2           that the prisoner was not eligible, then the award shall be  
3           revoked.

4           (4.5) The rules and regulations on early release shall  
5           also provide that when the court's sentencing order  
6           recommends a prisoner for substance abuse treatment and the  
7           crime was committed on or after September 1, 2003 (the  
8           effective date of Public Act 93-354), the prisoner shall  
9           receive no good conduct credit awarded under clause (3) of  
10          this subsection (a) unless he or she participates in and  
11          completes a substance abuse treatment program. The  
12          Director may waive the requirement to participate in or  
13          complete a substance abuse treatment program and award the  
14          good conduct credit in specific instances if the prisoner  
15          is not a good candidate for a substance abuse treatment  
16          program for medical, programming, or operational reasons.  
17          Availability of substance abuse treatment shall be subject  
18          to the limits of fiscal resources appropriated by the  
19          General Assembly for these purposes. If treatment is not  
20          available and the requirement to participate and complete  
21          the treatment has not been waived by the Director, the  
22          prisoner shall be placed on a waiting list under criteria  
23          established by the Department. The Director may allow a  
24          prisoner placed on a waiting list to participate in and  
25          complete a substance abuse education class or attend  
26          substance abuse self-help meetings in lieu of a substance

1 abuse treatment program. A prisoner on a waiting list who  
2 is not placed in a substance abuse program prior to release  
3 may be eligible for a waiver and receive good conduct  
4 credit under clause (3) of this subsection (a) at the  
5 discretion of the Director.

6 (4.6) The rules and regulations on early release shall  
7 also provide that a prisoner who has been convicted of a  
8 sex offense as defined in Section 2 of the Sex Offender  
9 Registration Act shall receive no good conduct credit  
10 unless he or she either has successfully completed or is  
11 participating in sex offender treatment as defined by the  
12 Sex Offender Management Board. However, prisoners who are  
13 waiting to receive such treatment, but who are unable to do  
14 so due solely to the lack of resources on the part of the  
15 Department, may, at the Director's sole discretion, be  
16 awarded good conduct credit at such rate as the Director  
17 shall determine.

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

1           (b) Whenever a person is or has been committed under  
2 several convictions, with separate sentences, the sentences  
3 shall be construed under Section 5-8-4 in granting and  
4 forfeiting of good time.

5           (c) The Department shall prescribe rules and regulations  
6 for revoking good conduct credit, or suspending or reducing the  
7 rate of accumulation of good conduct credit for specific rule  
8 violations, during imprisonment. These rules and regulations  
9 shall provide that no inmate may be penalized more than one  
10 year of good conduct credit for any one infraction.

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

1 good conduct credit within any calendar year for any prisoner  
2 or to increase any penalty beyond the length requested by the  
3 Department.

4 The Director of the Department of Corrections, in  
5 appropriate cases, may restore up to 30 days good conduct  
6 credits which have been revoked, suspended or reduced. Any  
7 restoration of good conduct credits in excess of 30 days shall  
8 be subject to review by the Prisoner Review Board. However, the  
9 Board may not restore good conduct credit in excess of the  
10 amount requested by the Director.

11 Nothing contained in this Section shall prohibit the  
12 Prisoner Review Board from ordering, pursuant to Section  
13 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
14 sentence imposed by the court that was not served due to the  
15 accumulation of good conduct credit.

16 (d) If a lawsuit is filed by a prisoner in an Illinois or  
17 federal court against the State, the Department of Corrections,  
18 or the Prisoner Review Board, or against any of their officers  
19 or employees, and the court makes a specific finding that a  
20 pleading, motion, or other paper filed by the prisoner is  
21 frivolous, the Department of Corrections shall conduct a  
22 hearing to revoke up to 180 days of good conduct credit by  
23 bringing charges against the prisoner sought to be deprived of  
24 the good conduct credits before the Prisoner Review Board as  
25 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
26 If the prisoner has not accumulated 180 days of good conduct

1 credit at the time of the finding, then the Prisoner Review  
2 Board may revoke all good conduct credit accumulated by the  
3 prisoner.

4 For purposes of this subsection (d):

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

9 (A) it lacks an arguable basis either in law or in  
10 fact;

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

14 (C) the claims, defenses, and other legal  
15 contentions therein are not warranted by existing law  
16 or by a nonfrivolous argument for the extension,  
17 modification, or reversal of existing law or the  
18 establishment of new law;

19 (D) the allegations and other factual contentions  
20 do not have evidentiary support or, if specifically so  
21 identified, are not likely to have evidentiary support  
22 after a reasonable opportunity for further  
23 investigation or discovery; or

24 (E) the denials of factual contentions are not  
25 warranted on the evidence, or if specifically so  
26 identified, are not reasonably based on a lack of

1 information or belief.

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

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

15 (f) Whenever the Department is to release any inmate who  
16 has been convicted of a violation of an order of protection  
17 under Section 12-30 of the Criminal Code of 1961, earlier than  
18 it otherwise would because of a grant of good conduct credit,  
19 the Department, as a condition of such early release, shall  
20 require that the person, upon release, be placed under  
21 electronic surveillance as provided in Section 5-8A-7 of this  
22 Code.

23 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
24 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
25 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

1 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

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

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the  
18 Illinois Controlled Substances Act, or a violation of  
19 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
20 of that Act which relates to more than 5 grams of a  
21 substance containing heroin, cocaine, fentanyl, or an  
22 analog thereof.

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

25 (F) A Class 2 or greater felony if the offender had  
26 been convicted of a Class 2 or greater felony,

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

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

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

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen.

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

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

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

5           (K) Vehicular hijacking.

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

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

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

16          (O) A violation of Section 12-6.1 of the Criminal  
17 Code of 1961.

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

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

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

25          (S) (Blank).

26          (T) A second or subsequent violation of the

1 Methamphetamine Control and Community Protection Act.

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

9 (V) A violation of paragraph (4) of subsection (c)  
10 of Section 11-20.3 of the Criminal Code of 1961.

11 (W) A violation of Section 24-3.5 of the Criminal  
12 Code of 1961.

13 (X) A violation of subsection (a) of Section 31-1a  
14 of the Criminal Code of 1961.

15 (Y) A conviction for unlawful possession of a  
16 firearm by a street gang member when the firearm was  
17 loaded or contained firearm ammunition.

18 (Z) A Class 1 felony committed while he or she was  
19 serving a term of probation or conditional discharge  
20 for a felony.

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

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

25 (CC) Knowingly selling, offering for sale, holding  
26 for sale, or using 2,000 or more counterfeit items or

1           counterfeit items having a retail value in the  
2           aggregate of \$500,000 or more.

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 a corporation or  
4           unincorporated association convicted of any offense to:

5                     (A) a period of conditional discharge;

6                     (B) a fine;

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

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

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

23           (5.3) In addition to any other penalties imposed, a  
24           person convicted of violating subsection (c) of Section  
25           11-907 of the Illinois Vehicle Code shall have his or her  
26           driver's license, permit, or privileges suspended for 2

1 years, if the violation resulted in the death of another  
2 person.

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

8 (5.5) In addition to any other penalties imposed, a  
9 person convicted of violating Section 3-707 of the Illinois  
10 Vehicle Code during a period in which his or her driver's  
11 license, permit, or privileges were suspended for a  
12 previous violation of that Section shall have his or her  
13 driver's license, permit, or privileges suspended for an  
14 additional 6 months after the expiration of the original  
15 3-month suspension and until he or she has paid a  
16 reinstatement fee of \$100.

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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) (Blank).

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

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

20 (g-5) When an inmate is tested for an airborne communicable  
21 disease, as determined by the Illinois Department of Public  
22 Health including but not limited to tuberculosis, the results  
23 of the test shall be personally delivered by the warden or his  
24 or her designee in a sealed envelope to the judge of the court  
25 in which the inmate must appear for the judge's inspection in  
26 camera if requested by the judge. Acting in accordance with the

1 best interests of those in the courtroom, the judge shall have  
2 the discretion to determine what if any precautions need to be  
3 taken to prevent transmission of the disease in the courtroom.

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

1 State's Attorney shows it is relevant in order to prosecute a  
2 charge of criminal transmission of HIV under Section 12-16.2 of  
3 the Criminal Code of 1961 against the defendant. The court  
4 shall order that the cost of any such test shall be paid by the  
5 county and may be taxed as costs against the convicted  
6 defendant.

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

14 (j) In cases when prosecution for any violation of Section  
15 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
17 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
18 Code of 1961, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substance Act, or Section 70 of the Methamphetamine  
25 Control and Community Protection Act of a defendant, the court  
26 shall determine whether the defendant is employed by a facility

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

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

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

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection  
21 (l), whenever a defendant, who is an alien as defined by  
22 the Immigration and Nationality Act, is convicted of any  
23 felony or misdemeanor offense, the court after sentencing  
24 the defendant may, upon motion of the State's Attorney,  
25 hold sentence in abeyance and remand the defendant to the  
26 custody of the Attorney General of the United States or his

1 or her designated agent to be deported when:

2 (1) a final order of deportation has been issued  
3 against the defendant pursuant to proceedings under  
4 the Immigration and Nationality Act, and

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

8 Otherwise, the defendant shall be sentenced as  
9 provided in this Chapter V.

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

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

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

25 (C) This subsection (1) does not apply to offenders who  
26 are subject to the provisions of paragraph (2) of

1 subsection (a) of Section 3-6-3.

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

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

18 (n) The court may sentence a person convicted of a  
19 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
20 Code of 1961 (i) to an impact incarceration program if the  
21 person is otherwise eligible for that program under Section  
22 5-8-1.1, (ii) to community service, or (iii) if the person is  
23 an addict or alcoholic, as defined in the Alcoholism and Other  
24 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
25 program licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the  
2 defendant's driver's license or permit shall be subject to  
3 renewal on an annual basis in accordance with the provisions of  
4 license renewal established by the Secretary of State.

5 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;  
6 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;  
7 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.  
8 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,  
9 eff. 12-3-09.)

10 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

11 (Text of Section before amendment by P.A. 96-339)

12 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
13 Sentencing.

14 (a) The following factors shall be accorded weight in favor  
15 of imposing a term of imprisonment or may be considered by the  
16 court as reasons to impose a more severe sentence under Section  
17 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened  
19 serious harm;

20 (2) the defendant received compensation for committing  
21 the offense;

22 (3) the defendant has a history of prior delinquency or  
23 criminal activity;

24 (4) the defendant, by the duties of his office or by  
25 his position, was obliged to prevent the particular offense

1 committed or to bring the offenders committing it to  
2 justice;

3 (5) the defendant held public office at the time of the  
4 offense, and the offense related to the conduct of that  
5 office;

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

9 (7) the sentence is necessary to deter others from  
10 committing the same crime;

11 (8) the defendant committed the offense against a  
12 person 60 years of age or older or such person's property;

13 (9) the defendant committed the offense against a  
14 person who is physically handicapped or such person's  
15 property;

16 (10) by reason of another individual's actual or  
17 perceived race, color, creed, religion, ancestry, gender,  
18 sexual orientation, physical or mental disability, or  
19 national origin, the defendant committed the offense  
20 against (i) the person or property of that individual; (ii)  
21 the person or property of a person who has an association  
22 with, is married to, or has a friendship with the other  
23 individual; or (iii) the person or property of a relative  
24 (by blood or marriage) of a person described in clause (i)  
25 or (ii). For the purposes of this Section, "sexual  
26 orientation" means heterosexuality, homosexuality, or

1           bisexuality;

2           (11) the offense took place in a place of worship or on  
3           the grounds of a place of worship, immediately prior to,  
4           during or immediately following worship services. For  
5           purposes of this subparagraph, "place of worship" shall  
6           mean any church, synagogue or other building, structure or  
7           place used primarily for religious worship;

8           (12) the defendant was convicted of a felony committed  
9           while he was released on bail or his own recognizance  
10          pending trial for a prior felony and was convicted of such  
11          prior felony, or the defendant was convicted of a felony  
12          committed while he was serving a period of probation,  
13          conditional discharge, or mandatory supervised release  
14          under subsection (d) of Section 5-8-1 for a prior felony;

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

20          (14) the defendant held a position of trust or  
21          supervision such as, but not limited to, family member as  
22          defined in Section 12-12 of the Criminal Code of 1961,  
23          teacher, scout leader, baby sitter, or day care worker, in  
24          relation to a victim under 18 years of age, and the  
25          defendant committed an offense in violation of Section  
26          11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,

1 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
2 against that victim;

3 (15) the defendant committed an offense related to the  
4 activities of an organized gang. For the purposes of this  
5 factor, "organized gang" has the meaning ascribed to it in  
6 Section 10 of the Streetgang Terrorism Omnibus Prevention  
7 Act;

8 (16) the defendant committed an offense in violation of  
9 one of the following Sections while in a school, regardless  
10 of the time of day or time of year; on any conveyance  
11 owned, leased, or contracted by a school to transport  
12 students to or from school or a school related activity; on  
13 the real property of a school; or on a public way within  
14 1,000 feet of the real property comprising any school:  
15 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
17 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
18 33A-2 of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation  
20 of one of the following Sections while in a day care  
21 center, regardless of the time of day or time of year; on  
22 the real property of a day care center, regardless of the  
23 time of day or time of year; or on a public way within  
24 1,000 feet of the real property comprising any day care  
25 center, regardless of the time of day or time of year:  
26 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
2 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
3 33A-2 of the Criminal Code of 1961;

4 (17) the defendant committed the offense by reason of  
5 any person's activity as a community policing volunteer or  
6 to prevent any person from engaging in activity as a  
7 community policing volunteer. For the purpose of this  
8 Section, "community policing volunteer" has the meaning  
9 ascribed to it in Section 2-3.5 of the Criminal Code of  
10 1961;

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

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

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

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

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

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

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

25 (24) the defendant committed any offense under Section  
26 11-20.1 of the Criminal Code of 1961 and possessed 100 or

1 more images; ~~or~~

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

5 (26) ~~(25)~~ the defendant committed the offense of child  
6 pornography or aggravated child pornography, specifically  
7 including paragraph (1), (2), (3), (4), (5), or (7) of  
8 subsection (a) of Section 11-20.1 of the Criminal Code of  
9 1961 where a child engaged in, solicited for, depicted in,  
10 or posed in any act of sexual penetration or bound,  
11 fettered, or subject to sadistic, masochistic, or  
12 sadomasochistic abuse in a sexual context and specifically  
13 including paragraph (1), (2), (3), (4), (5), or (7) of  
14 subsection (a) of Section 11-20.3 of the Criminal Code of  
15 1961 where a child engaged in, solicited for, depicted in,  
16 or posed in any act of sexual penetration or bound,  
17 fettered, or subject to sadistic, masochistic, or  
18 sadomasochistic abuse in a sexual context.

19 For the purposes of this Section:

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

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

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,  
2 and includes paratransit services.

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

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

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

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

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

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

23 (iii) a person physically handicapped at the time  
24 of the offense or such person's property; or

25 (4) When a defendant is convicted of any felony and the  
26 offense involved any of the following types of specific

1 misconduct committed as part of a ceremony, rite,  
2 initiation, observance, performance, practice or activity  
3 of any actual or ostensible religious, fraternal, or social  
4 group:

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

7 (ii) the theft of human corpses;

8 (iii) the kidnapping of humans;

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

12 (v) ritualized abuse of a child; or

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

23 (6) When a defendant is convicted of an offense  
24 committed while using a firearm with a laser sight attached  
25 to it. For purposes of this paragraph, "laser sight" has  
26 the meaning ascribed to it in Section 24.6-5 of the

1 Criminal Code of 1961; or

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

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

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

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

1           (1.5) When a defendant is convicted of first degree  
2 murder, after having been previously convicted of domestic  
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
4 (720 ILCS 5/12-3.3) committed on the same victim or after  
5 having been previously convicted of violation of an order  
6 of protection (720 ILCS 5/12-30) in which the same victim  
7 was the protected person.

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

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

23           (4) If the victim was under 18 years of age at the time  
24 of the commission of the offense, when a defendant is  
25 convicted of aggravated criminal sexual assault or  
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
2 of 1961 (720 ILCS 5/12-14.1).

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

7 (6) When a defendant was convicted of unlawful use of  
8 weapons under Section 24-1 of the Criminal Code of 1961  
9 (720 ILCS 5/24-1) for possessing a weapon that is not  
10 readily distinguishable as one of the weapons enumerated in  
11 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
12 5/24-1).

13 (7) When a defendant is convicted of an offense  
14 involving the illegal manufacture of a controlled  
15 substance under Section 401 of the Illinois Controlled  
16 Substances Act (720 ILCS 570/401), the illegal manufacture  
17 of methamphetamine under Section 25 of the Methamphetamine  
18 Control and Community Protection Act (720 ILCS 646/25), or  
19 the illegal possession of explosives and an emergency  
20 response officer in the performance of his or her duties is  
21 killed or injured at the scene of the offense while  
22 responding to the emergency caused by the commission of the  
23 offense. In this paragraph, "emergency" means a situation  
24 in which a person's life, health, or safety is in jeopardy;  
25 and "emergency response officer" means a peace officer,  
26 community policing volunteer, fireman, emergency medical

1 technician-ambulance, emergency medical  
2 technician-intermediate, emergency medical  
3 technician-paramedic, ambulance driver, other medical  
4 assistance or first aid personnel, or hospital emergency  
5 room personnel.

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

9 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
10 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
11 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
12 96-328, eff. 8-11-09; revised 9-25-09.)

13 (Text of Section after amendment by P.A. 96-339)

14 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
15 Sentencing.

16 (a) The following factors shall be accorded weight in favor  
17 of imposing a term of imprisonment or may be considered by the  
18 court as reasons to impose a more severe sentence under Section  
19 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened  
21 serious harm;

22 (2) the defendant received compensation for committing  
23 the offense;

24 (3) the defendant has a history of prior delinquency or  
25 criminal activity;

1           (4) the defendant, by the duties of his office or by  
2 his position, was obliged to prevent the particular offense  
3 committed or to bring the offenders committing it to  
4 justice;

5           (5) the defendant held public office at the time of the  
6 offense, and the offense related to the conduct of that  
7 office;

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

11           (7) the sentence is necessary to deter others from  
12 committing the same crime;

13           (8) the defendant committed the offense against a  
14 person 60 years of age or older or such person's property;

15           (9) the defendant committed the offense against a  
16 person who is physically handicapped or such person's  
17 property;

18           (10) by reason of another individual's actual or  
19 perceived race, color, creed, religion, ancestry, gender,  
20 sexual orientation, physical or mental disability, or  
21 national origin, the defendant committed the offense  
22 against (i) the person or property of that individual; (ii)  
23 the person or property of a person who has an association  
24 with, is married to, or has a friendship with the other  
25 individual; or (iii) the person or property of a relative  
26 (by blood or marriage) of a person described in clause (i)

1 or (ii). For the purposes of this Section, "sexual  
2 orientation" means heterosexuality, homosexuality, or  
3 bisexuality;

4 (11) the offense took place in a place of worship or on  
5 the grounds of a place of worship, immediately prior to,  
6 during or immediately following worship services. For  
7 purposes of this subparagraph, "place of worship" shall  
8 mean any church, synagogue or other building, structure or  
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed  
11 while he was released on bail or his own recognizance  
12 pending trial for a prior felony and was convicted of such  
13 prior felony, or the defendant was convicted of a felony  
14 committed while he was serving a period of probation,  
15 conditional discharge, or mandatory supervised release  
16 under subsection (d) of Section 5-8-1 for a prior felony;

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

22 (14) the defendant held a position of trust or  
23 supervision such as, but not limited to, family member as  
24 defined in Section 12-12 of the Criminal Code of 1961,  
25 teacher, scout leader, baby sitter, or day care worker, in  
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section  
2 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
3 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
4 against that victim;

5 (15) the defendant committed an offense related to the  
6 activities of an organized gang. For the purposes of this  
7 factor, "organized gang" has the meaning ascribed to it in  
8 Section 10 of the Streetgang Terrorism Omnibus Prevention  
9 Act;

10 (16) the defendant committed an offense in violation of  
11 one of the following Sections while in a school, regardless  
12 of the time of day or time of year; on any conveyance  
13 owned, leased, or contracted by a school to transport  
14 students to or from school or a school related activity; on  
15 the real property of a school; or on a public way within  
16 1,000 feet of the real property comprising any school:  
17 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
20 33A-2 of the Criminal Code of 1961;

21 (16.5) the defendant committed an offense in violation  
22 of one of the following Sections while in a day care  
23 center, regardless of the time of day or time of year; on  
24 the real property of a day care center, regardless of the  
25 time of day or time of year; or on a public way within  
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:  
2 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
3 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
4 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
5 33A-2 of the Criminal Code of 1961;

6 (17) the defendant committed the offense by reason of  
7 any person's activity as a community policing volunteer or  
8 to prevent any person from engaging in activity as a  
9 community policing volunteer. For the purpose of this  
10 Section, "community policing volunteer" has the meaning  
11 ascribed to it in Section 2-3.5 of the Criminal Code of  
12 1961;

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

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

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code of  
2 1961 or the offense of driving under the influence of  
3 alcohol, other drug or drugs, intoxicating compound or  
4 compounds or any combination thereof under Section 11-501  
5 of the Illinois Vehicle Code or a similar provision of a  
6 local ordinance and (ii) was operating a motor vehicle in  
7 excess of 20 miles per hour over the posted speed limit as  
8 provided in Article VI of Chapter 11 of the Illinois  
9 Vehicle Code;

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

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

24 (23) the defendant committed the offense against a  
25 person who was elderly, disabled, or infirm by taking  
26 advantage of a family or fiduciary relationship with the

1 elderly, disabled, or infirm person; ~~or~~

2 (24) the defendant committed any offense under Section  
3 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
4 more images; ~~or~~

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

8 (26) ~~(25)~~ the defendant committed the offense of child  
9 pornography or aggravated child pornography, specifically  
10 including paragraph (1), (2), (3), (4), (5), or (7) of  
11 subsection (a) of Section 11-20.1 of the Criminal Code of  
12 1961 where a child engaged in, solicited for, depicted in,  
13 or posed in any act of sexual penetration or bound,  
14 fettered, or subject to sadistic, masochistic, or  
15 sadomasochistic abuse in a sexual context and specifically  
16 including paragraph (1), (2), (3), (4), (5), or (7) of  
17 subsection (a) of Section 11-20.3 of the Criminal Code of  
18 1961 where a child engaged in, solicited for, depicted in,  
19 or posed in any act of sexual penetration or bound,  
20 fettered, or subject to sadistic, masochistic, or  
21 sadomasochistic abuse in a sexual context.

22 For the purposes of this Section:

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

25 "Day care center" means a public or private State certified  
26 and licensed day care center as defined in Section 2.09 of the

1 Child Care Act of 1969 that displays a sign in plain view  
2 stating that the property is a day care center.

3 "Public transportation" means the transportation or  
4 conveyance of persons by means available to the general public,  
5 and includes paratransit services.

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

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

16 (2) When a defendant is convicted of any felony and the  
17 court finds that the offense was accompanied by  
18 exceptionally brutal or heinous behavior indicative of  
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony  
21 committed against:

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

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

26 (iii) a person physically handicapped at the time

1 of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and the  
3 offense involved any of the following types of specific  
4 misconduct committed as part of a ceremony, rite,  
5 initiation, observance, performance, practice or activity  
6 of any actual or ostensible religious, fraternal, or social  
7 group:

8 (i) the brutalizing or torturing of humans or  
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,  
13 fraternal, business, governmental, educational, or  
14 other building or property; or

15 (v) ritualized abuse of a child; or

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

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight attached  
2 to it. For purposes of this paragraph, "laser sight" has  
3 the meaning ascribed to it in Section 24.6-5 of the  
4 Criminal Code of 1961; or

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

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

19 (c) The following factors may be considered by the court as  
20 reasons to impose an extended term sentence under Section 5-8-2  
21 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

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

1 time spent in custody, and the charges are separately  
2 brought and tried and arise out of different series of  
3 acts.

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

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

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

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is  
2 convicted of aggravated criminal sexual assault or  
3 predatory criminal sexual assault of a child under  
4 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
5 of 1961 (720 ILCS 5/12-14.1).

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

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

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

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

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

12 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
13 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
14 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
15 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

16 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

17 Sec. 5-6-4. Violation, Modification or Revocation of  
18 Probation, of Conditional Discharge or Supervision or of a  
19 sentence of county impact incarceration - Hearing.

20 (a) Except in cases where conditional discharge or  
21 supervision was imposed for a petty offense as defined in  
22 Section 5-1-17, when a petition is filed charging a violation  
23 of a condition, the court may:

24 (1) in the case of probation violations, order the  
25 issuance of a notice to the offender to be present by the

1 County Probation Department or such other agency  
2 designated by the court to handle probation matters; and in  
3 the case of conditional discharge or supervision  
4 violations, such notice to the offender shall be issued by  
5 the Circuit Court Clerk; and in the case of a violation of  
6 a sentence of county impact incarceration, such notice  
7 shall be issued by the Sheriff;

8 (2) order a summons to the offender to be present for  
9 hearing; or

10 (3) order a warrant for the offender's arrest where  
11 there is danger of his fleeing the jurisdiction or causing  
12 serious harm to others or when the offender fails to answer  
13 a summons or notice from the clerk of the court or Sheriff.

14 Personal service of the petition for violation of probation  
15 or the issuance of such warrant, summons or notice shall toll  
16 the period of probation, conditional discharge, supervision,  
17 or sentence of county impact incarceration until the final  
18 determination of the charge, and the term of probation,  
19 conditional discharge, supervision, or sentence of county  
20 impact incarceration shall not run until the hearing and  
21 disposition of the petition for violation.

22 (b) The court shall conduct a hearing of the alleged  
23 violation. The court shall admit the offender to bail pending  
24 the hearing unless the alleged violation is itself a criminal  
25 offense in which case the offender shall be admitted to bail on  
26 such terms as are provided in the Code of Criminal Procedure of

1 1963, as amended. In any case where an offender remains  
2 incarcerated only as a result of his alleged violation of the  
3 court's earlier order of probation, supervision, conditional  
4 discharge, or county impact incarceration such hearing shall be  
5 held within 14 days of the onset of said incarceration, unless  
6 the alleged violation is the commission of another offense by  
7 the offender during the period of probation, supervision or  
8 conditional discharge in which case such hearing shall be held  
9 within the time limits described in Section 103-5 of the Code  
10 of Criminal Procedure of 1963, as amended.

11 (c) The State has the burden of going forward with the  
12 evidence and proving the violation by the preponderance of the  
13 evidence. The evidence shall be presented in open court with  
14 the right of confrontation, cross-examination, and  
15 representation by counsel.

16 (d) Probation, conditional discharge, periodic  
17 imprisonment and supervision shall not be revoked for failure  
18 to comply with conditions of a sentence or supervision, which  
19 imposes financial obligations upon the offender unless such  
20 failure is due to his willful refusal to pay.

21 (e) If the court finds that the offender has violated a  
22 condition at any time prior to the expiration or termination of  
23 the period, it may continue him on the existing sentence, with  
24 or without modifying or enlarging the conditions, or may impose  
25 any other sentence that was available under Article 4.5 of  
26 Chapter V of this Code or Section 11-501 of the Illinois

1 Vehicle Code at the time of initial sentencing. If the court  
2 finds that the person has failed to successfully complete his  
3 or her sentence to a county impact incarceration program, the  
4 court may impose any other sentence that was available under  
5 Article 4.5 of Chapter V of this Code or Section 11-501 of the  
6 Illinois Vehicle Code at the time of initial sentencing, except  
7 for a sentence of probation or conditional discharge. If the  
8 court finds that the offender has violated paragraph (8.6) of  
9 subsection (a) of Section 5-6-3, the court shall revoke the  
10 probation of the offender. If the court finds that the offender  
11 has violated subsection (o) of Section 5-6-3.1, the court shall  
12 revoke the supervision of the offender.

13 (f) The conditions of probation, of conditional discharge,  
14 of supervision, or of a sentence of county impact incarceration  
15 may be modified by the court on motion of the supervising  
16 agency or on its own motion or at the request of the offender  
17 after notice and a hearing.

18 (g) A judgment revoking supervision, probation,  
19 conditional discharge, or a sentence of county impact  
20 incarceration is a final appealable order.

21 (h) Resentencing after revocation of probation,  
22 conditional discharge, supervision, or a sentence of county  
23 impact incarceration shall be under Article 4. The term on  
24 probation, conditional discharge or supervision shall not be  
25 credited by the court against a sentence of imprisonment or  
26 periodic imprisonment unless the court orders otherwise. The

1 amount of credit to be applied against a sentence of  
2 imprisonment or periodic imprisonment when the defendant  
3 served a term or partial term of periodic imprisonment shall be  
4 calculated upon the basis of the actual days spent in  
5 confinement rather than the duration of the term.

6 (i) Instead of filing a violation of probation, conditional  
7 discharge, supervision, or a sentence of county impact  
8 incarceration, an agent or employee of the supervising agency  
9 with the concurrence of his or her supervisor may serve on the  
10 defendant a Notice of Intermediate Sanctions. The Notice shall  
11 contain the technical violation or violations involved, the  
12 date or dates of the violation or violations, and the  
13 intermediate sanctions to be imposed. Upon receipt of the  
14 Notice, the defendant shall immediately accept or reject the  
15 intermediate sanctions. If the sanctions are accepted, they  
16 shall be imposed immediately. If the intermediate sanctions are  
17 rejected or the defendant does not respond to the Notice, a  
18 violation of probation, conditional discharge, supervision, or  
19 a sentence of county impact incarceration shall be immediately  
20 filed with the court. The State's Attorney and the sentencing  
21 court shall be notified of the Notice of Sanctions. Upon  
22 successful completion of the intermediate sanctions, a court  
23 may not revoke probation, conditional discharge, supervision,  
24 or a sentence of county impact incarceration or impose  
25 additional sanctions for the same violation. A notice of  
26 intermediate sanctions may not be issued for any violation of

1 probation, conditional discharge, supervision, or a sentence  
2 of county impact incarceration which could warrant an  
3 additional, separate felony charge. The intermediate sanctions  
4 shall include a term of home detention as provided in Article  
5 8A of Chapter V of this Code for multiple or repeat violations  
6 of the terms and conditions of a sentence of probation,  
7 conditional discharge, or supervision.

8 (j) When an offender is re-sentenced after revocation of  
9 probation that was imposed in combination with a sentence of  
10 imprisonment for the same offense, the aggregate of the  
11 sentences may not exceed the maximum term authorized under  
12 Article 4.5 of Chapter V ~~Article 8 of this Chapter~~.

13 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08;  
14 95-1052, eff. 7-1-09.)

15 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

16 Sec. 5-8-1. Natural life imprisonment; enhancements for  
17 use of a firearm; mandatory supervised release terms.

18 (a) Except as otherwise provided in the statute defining  
19 the offense or in Article 4.5 of Chapter V, a sentence of  
20 imprisonment for a felony shall be a determinate sentence set  
21 by the court under this Section, according to the following  
22 limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1           doubt that the murder was accompanied by exceptionally  
2           brutal or heinous behavior indicative of wanton  
3           cruelty or, except as set forth in subsection (a) (1) (c)  
4           of this Section, that any of the aggravating factors  
5           listed in subsection (b) of Section 9-1 of the Criminal  
6           Code of 1961 are present, the court may sentence the  
7           defendant to a term of natural life imprisonment, or

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

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

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

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

1 officer, fireman, or emergency management worker  
2 from performing his official duties, and the  
3 defendant knew or should have known that the  
4 murdered individual was a peace officer, fireman,  
5 or emergency management worker, or

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

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

1 technician - intermediate, emergency medical  
2 technician - paramedic, ambulance driver, or other  
3 medical assistant or first aid personnel, or

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

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

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

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

1           (ii) if, during the commission of the offense,  
2           the person personally discharged a firearm, 20  
3           years shall be added to the term of imprisonment  
4           imposed by the court;

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

12          (2) (blank);

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

20          (b) (Blank~~-~~).

21          (c) (Blank~~-~~).

22          (d) Subject to earlier termination under Section 3-3-8, the  
23          parole or mandatory supervised release term shall be as  
24          follows:

25                  (1) for first degree murder or a Class X felony except  
26                  for the offenses of predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, and criminal  
2 sexual assault if committed on or after the effective date  
3 of this amendatory Act of the 94th General Assembly and  
4 except for the offense of aggravated child pornography  
5 under Section 11-20.3 of the Criminal Code of 1961, if  
6 committed on or after January 1, 2009, 3 years;

7 (2) for a Class 1 felony or a Class 2 felony except for  
8 the offense of criminal sexual assault if committed on or  
9 after the effective date of this amendatory Act of the 94th  
10 General Assembly and except for the offenses of manufacture  
11 and dissemination of child pornography under clauses  
12 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
13 of 1961, if committed on or after January 1, 2009, 2 years;

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

15 (4) for defendants who commit the offense of predatory  
16 criminal sexual assault of a child, aggravated criminal  
17 sexual assault, or criminal sexual assault, on or after the  
18 effective date of this amendatory Act of the 94th General  
19 Assembly, or who commit the offense of aggravated child  
20 pornography, manufacture of child pornography, or  
21 dissemination of child pornography after January 1, 2009,  
22 the term of mandatory supervised release shall range from a  
23 minimum of 3 years to a maximum of the natural life of the  
24 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 (6) for a felony domestic battery, aggravated domestic  
6 battery, stalking, aggravated stalking, and a felony  
7 violation of an order of protection, 4 years.

8 (e) (Blank) .

9 (f) (Blank) .

10 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
11 96-282, eff. 1-1-10; revised 9-4-09.)

12 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

13 Sec. 5-8-2. Extended Term.

14 (a) A judge shall not sentence an offender to a term of  
15 imprisonment in excess of the maximum sentence authorized by  
16 ~~Section 5-8-1 (730 ILCS 5/5-8-1)~~ or Article 4.5 of Chapter V  
17 for an offense or offenses within the class of the most serious  
18 offense of which the offender was convicted unless the factors  
19 in aggravation set forth in Section 5-5-3.2 or clause (a)(1)(b)  
20 of Section 5-8-1 were found to be present. If the pre-trial and  
21 trial proceedings were conducted in compliance with subsection  
22 (c-5) of Section 111-3 of the Code of Criminal Procedure of  
23 1963, the judge may sentence an offender to an extended term as  
24 provided in Article 4.5 of Chapter V (730 ILCS 5/Ch. V, Art.  
25 4.5).

1           (b) If the conviction was by plea, it shall appear on the  
2 record that the plea was entered with the defendant's knowledge  
3 that a sentence under this Section was a possibility. If it  
4 does not so appear on the record, the defendant shall not be  
5 subject to such a sentence unless he is first given an  
6 opportunity to withdraw his plea without prejudice.

7           (Source: P.A. 95-1052, eff. 7-1-09.)

8           (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

9           Sec. 5-8-4. Concurrent and consecutive terms of  
10 imprisonment.

11           (a) Concurrent terms; multiple or additional sentences.  
12 When an Illinois court (i) imposes multiple sentences of  
13 imprisonment on a defendant at the same time or (ii) imposes a  
14 sentence of imprisonment on a defendant who is already subject  
15 to a sentence of imprisonment imposed by an Illinois court, a  
16 court of another state, or a federal court, then the sentences  
17 shall run concurrently unless otherwise determined by the  
18 Illinois court under this Section.

19           (b) Concurrent terms; misdemeanor and felony. A defendant  
20 serving a sentence for a misdemeanor who is convicted of a  
21 felony and sentenced to imprisonment shall be transferred to  
22 the Department of Corrections, and the misdemeanor sentence  
23 shall be merged in and run concurrently with the felony  
24 sentence.

25           (c) Consecutive terms; permissive. The court may impose

1 consecutive sentences in any of the following circumstances:

2 (1) If, having regard to the nature and circumstances  
3 of the offense and the history and character of the  
4 defendant, it is the opinion of the court that consecutive  
5 sentences are required to protect the public from further  
6 criminal conduct by the defendant, the basis for which the  
7 court shall set forth in the record.

8 (2) If one of the offenses for which a defendant was  
9 convicted was a violation of Section 32-5.2 (aggravated  
10 false personation of a peace officer) of the Criminal Code  
11 of 1961 (720 ILCS 5/32-5.2) and the offense was committed  
12 in attempting or committing a forcible felony.

13 (d) Consecutive terms; mandatory. The court shall impose  
14 consecutive sentences in each of the following circumstances:

15 (1) One of the offenses for which the defendant was  
16 convicted was first degree murder or a Class X or Class 1  
17 felony and the defendant inflicted severe bodily injury.

18 (2) The defendant was convicted of a violation of  
19 Section 12-13 (criminal sexual assault), 12-14 (aggravated  
20 criminal sexual assault), or 12-14.1 (predatory criminal  
21 sexual assault of a child) of the Criminal Code of 1961  
22 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

23 (3) The defendant was convicted of armed violence based  
24 upon the predicate offense of any of the following:  
25 solicitation of murder, solicitation of murder for hire,  
26 heinous battery, aggravated battery of a senior citizen,

1 criminal sexual assault, a violation of subsection (g) of  
2 Section 5 of the Cannabis Control Act (720 ILCS 550/5),  
3 cannabis trafficking, a violation of subsection (a) of  
4 Section 401 of the Illinois Controlled Substances Act (720  
5 ILCS 570/401), controlled substance trafficking involving  
6 a Class X felony amount of controlled substance under  
7 Section 401 of the Illinois Controlled Substances Act (720  
8 ILCS 570/401), a violation of the Methamphetamine Control  
9 and Community Protection Act (720 ILCS 646/), calculated  
10 criminal drug conspiracy, or streetgang criminal drug  
11 conspiracy.

12 (4) The defendant was convicted of the offense of  
13 leaving the scene of a motor vehicle accident involving  
14 death or personal injuries under Section 11-401 of the  
15 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
16 aggravated driving under the influence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds, or  
18 any combination thereof under Section 11-501 of the  
19 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
20 homicide under Section 9-3 of the Criminal Code of 1961  
21 (720 ILCS 5/9-3), or (C) both an offense described in item  
22 (A) and an offense described in item (B).

23 (5) The defendant was convicted of a violation of  
24 Section 9-3.1 (concealment of homicidal death) or Section  
25 12-20.5 (dismembering a human body) of the Criminal Code of  
26 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

1           (5.5) The ~~(vi) the~~ defendant was convicted of a  
2 violation of Section 24-3.7 (use of a stolen firearm in the  
3 commission of an offense) of the Criminal Code of 1961.7

4           (6) If the defendant was in the custody of the  
5 Department of Corrections at the time of the commission of  
6 the offense, the sentence shall be served consecutive to  
7 the sentence under which the defendant is held by the  
8 Department of Corrections. If, however, the defendant is  
9 sentenced to punishment by death, the sentence shall be  
10 executed at such time as the court may fix without regard  
11 to the sentence under which the defendant may be held by  
12 the Department.

13           (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
14 for escape or attempted escape shall be served consecutive  
15 to the terms under which the offender is held by the  
16 Department of Corrections.

17           (8) If a person charged with a felony commits a  
18 separate felony while on pretrial release or in pretrial  
19 detention in a county jail facility or county detention  
20 facility, then the sentences imposed upon conviction of  
21 these felonies shall be served consecutively regardless of  
22 the order in which the judgments of conviction are entered.

23           (8.5) If a person commits a battery against a county  
24 correctional officer or sheriff's employee while serving a  
25 sentence or in pretrial detention in a county jail  
26 facility, then the sentence imposed upon conviction of the

1 battery shall be served consecutively with the sentence  
2 imposed upon conviction of the earlier misdemeanor or  
3 felony, regardless of the order in which the judgments of  
4 conviction are entered.

5 (9) If a person admitted to bail following conviction  
6 of a felony commits a separate felony while free on bond or  
7 if a person detained in a county jail facility or county  
8 detention facility following conviction of a felony  
9 commits a separate felony while in detention, then any  
10 sentence following conviction of the separate felony shall  
11 be consecutive to that of the original sentence for which  
12 the defendant was on bond or detained.

13 (10) If a person is found to be in possession of an  
14 item of contraband, as defined in clause (c) (2) of Section  
15 31A-1.1 of the Criminal Code of 1961, while serving a  
16 sentence in a county jail or while in pre-trial detention  
17 in a county jail, the sentence imposed upon conviction for  
18 the offense of possessing contraband in a penal institution  
19 shall be served consecutively to the sentence imposed for  
20 the offense in which the person is serving sentence in the  
21 county jail or serving pretrial detention, regardless of  
22 the order in which the judgments of conviction are entered.

23 (11) If a person is sentenced for a violation of bail  
24 bond under Section 32-10 of the Criminal Code of 1961, any  
25 sentence imposed for that violation shall be served  
26 consecutive to the sentence imposed for the charge for

1       which bail had been granted and with respect to which the  
2       defendant has been convicted.

3       (e) Consecutive terms; subsequent non-Illinois term. If an  
4 Illinois court has imposed a sentence of imprisonment on a  
5 defendant and the defendant is subsequently sentenced to a term  
6 of imprisonment by a court of another state or a federal court,  
7 then the Illinois sentence shall run consecutively to the  
8 sentence imposed by the court of the other state or the federal  
9 court. That same Illinois court, however, may order that the  
10 Illinois sentence run concurrently with the sentence imposed by  
11 the court of the other state or the federal court, but only if  
12 the defendant applies to that same Illinois court within 30  
13 days after the sentence imposed by the court of the other state  
14 or the federal court is finalized.

15       (f) Consecutive terms; aggregate maximums and minimums.  
16 The aggregate maximum and aggregate minimum of consecutive  
17 sentences shall be determined as follows:

18       (1) For sentences imposed under law in effect prior to  
19 February 1, 1978, the aggregate maximum of consecutive  
20 sentences shall not exceed the maximum term authorized  
21 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
22 Chapter V for the 2 most serious felonies involved. The  
23 aggregate minimum period of consecutive sentences shall  
24 not exceed the highest minimum term authorized under  
25 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
26 V for the 2 most serious felonies involved. When sentenced

1           only for misdemeanors, a defendant shall not be  
2           consecutively sentenced to more than the maximum for one  
3           Class A misdemeanor.

4           (2) For sentences imposed under the law in effect on or  
5           after February 1, 1978, the aggregate of consecutive  
6           sentences for offenses that were committed as part of a  
7           single course of conduct during which there was no  
8           substantial change in the nature of the criminal objective  
9           shall not exceed the sum of the maximum terms authorized  
10          under Article 4.5 of Chapter V ~~Section 5-8-2 (730 ILCS~~  
11          ~~5/5-8-2)~~ for the 2 most serious felonies involved, but no  
12          such limitation shall apply for offenses that were not  
13          committed as part of a single course of conduct during  
14          which there was no substantial change in the nature of the  
15          criminal objective. When sentenced only for misdemeanors,  
16          a defendant shall not be consecutively sentenced to more  
17          than the maximum for one Class A misdemeanor.

18          (g) Consecutive terms; manner served. In determining the  
19          manner in which consecutive sentences of imprisonment, one or  
20          more of which is for a felony, will be served, the Department  
21          of Corrections shall treat the defendant as though he or she  
22          had been committed for a single term subject to each of the  
23          following:

24                 (1) The maximum period of a term of imprisonment shall  
25                 consist of the aggregate of the maximums of the imposed  
26                 indeterminate terms, if any, plus the aggregate of the

1 imposed determinate sentences for felonies, plus the  
2 aggregate of the imposed determinate sentences for  
3 misdemeanors, subject to subsection (f) of this Section.

4 (2) The parole or mandatory supervised release term  
5 shall be as provided in paragraph (e) of Section 5-4.5-50  
6 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
7 involved.

8 (3) The minimum period of imprisonment shall be the  
9 aggregate of the minimum and determinate periods of  
10 imprisonment imposed by the court, subject to subsection  
11 (f) of this Section.

12 (4) The defendant shall be awarded credit against the  
13 aggregate maximum term and the aggregate minimum term of  
14 imprisonment for all time served in an institution since  
15 the commission of the offense or offenses and as a  
16 consequence thereof at the rate specified in Section 3-6-3  
17 (730 ILCS 5/3-6-3).

18 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
19 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

20 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

21 Sec. 5-9-1.3. Fines for offenses involving theft,  
22 deceptive practices, and offenses against units of local  
23 government or school districts.

24 (a) When a person has been adjudged guilty of a felony  
25 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, 16-9 or 17-1

1 of the Criminal Code of 1961, a fine may be levied by the court  
2 in an amount which is the greater of \$25,000 or twice the value  
3 of the property which is the subject of the offense.

4 (b) When a person has been convicted of a felony under  
5 Section 16-1 of the Criminal Code of 1961 and the theft was  
6 committed upon any unit of local government or school district,  
7 or the person has been convicted of any violation of Sections  
8 33C-1 through 33C-4 or Sections 33E-3 through 33E-18 of the  
9 Criminal Code of 1961, a fine may be levied by the court in an  
10 amount that is the greater of \$25,000 or treble the value of  
11 the property which is the subject of the offense or loss to the  
12 unit of local government or school district.

13 (c) All fines imposed under subsection (b) of this Section  
14 shall be distributed as follows:

15 (1) An amount equal to 30% shall be distributed to the  
16 unit of local government or school district that was the  
17 victim of the offense;

18 (2) An amount equal to 30% shall be distributed to the  
19 unit of local government whose officers or employees  
20 conducted the investigation into the crimes against the  
21 unit of local government or school district. Amounts  
22 distributed to units of local government shall be used  
23 solely for the enforcement of criminal laws protecting  
24 units of local government or school districts;

25 (3) An amount equal to 30% shall be distributed to the  
26 State's Attorney of the county in which the prosecution

1 resulting in the conviction was instituted. The funds shall  
2 be used solely for the enforcement of criminal laws  
3 protecting units of local government or school districts;  
4 and

5 (4) An amount equal to 10% shall be distributed to the  
6 circuit court clerk of the county where the prosecution  
7 resulting in the conviction was instituted.

8 (d) A fine order under subsection (b) of this Section is a  
9 judgment lien in favor of the victim unit of local government  
10 or school district, the State's Attorney of the county where  
11 the violation occurred, the law enforcement agency that  
12 investigated the violation, and the circuit court clerk.

13 (Source: P.A. 90-800, eff. 1-1-99.)

14 Section 90. Applicability. This amendatory Act of the 96th  
15 General Assembly shall not be construed to invalidate any  
16 sentence imposed before the effective date of this amendatory  
17 Act of the 96th General Assembly because of the amendatory  
18 changes made by this amendatory Act of the 96th General  
19 Assembly and this amendatory Act shall be applied  
20 prospectively.

21 Section 95. No acceleration or delay. Where this Act makes  
22 changes in a statute that is represented in this Act by text  
23 that is not yet or no longer in effect (for example, a Section  
24 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.