



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1542

by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

5 ILCS 430/50-5
730 ILCS 5/5-5-3

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

Amends the State Officials and Employees Ethics Act. Increases criminal penalties and fines for specified violations of the Act. Amends the Unified Code of Corrections. Provides that certain violations of the State Officials and Employees Ethics Act are non-probationable offenses.

LRB098 02830 JDS 32839 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Section 50-5 as follows:

6 (5 ILCS 430/50-5)

7 Sec. 50-5. Penalties.

8 (a) A person is guilty of a Class A misdemeanor if that
9 person intentionally violates any provision of Section 5-20 or
10 5-55 ~~5-15, 5-30, 5-40, or 5-45~~ or Article 15. A person who
11 intentionally violates any provision of Section 5-35 or 5-50 is
12 guilty of a non-probationable Class A misdemeanor. A person who
13 intentionally violates any provision of Section 5-15, 5-30,
14 5-40, or 5-45 is guilty of a non-probationable Class 4 felony.

15 (a-1) An ethics commission may levy an administrative fine
16 for a violation of Section 5-45 of this Act of up to 3 times the
17 total annual compensation that would have been obtained in
18 violation of Section 5-45.

19 (b) (Blank). ~~A person who intentionally violates any~~
20 ~~provision of Section 5-20, 5-35, 5-50, or 5-55 is guilty of a~~
21 ~~business offense subject to a fine of at least \$1,001 and up to~~
22 ~~\$5,000.~~

23 (c) A person who intentionally violates any provision of

1 Article 10 or Section 5-10 is guilty of a business offense and
2 subject to a fine of at least \$5,000 ~~\$1,001~~ and up to \$10,000
3 ~~\$5,000~~.

4 (d) Any person who intentionally makes a false report
5 alleging a violation of any provision of this Act to an ethics
6 commission, an inspector general, the State Police, a State's
7 Attorney, the Attorney General, or any other law enforcement
8 official is guilty of a Class A misdemeanor.

9 (e) An ethics commission may levy an administrative fine of
10 up to \$5,000 against any person who violates this Act, who
11 intentionally obstructs or interferes with an investigation
12 conducted under this Act by an inspector general, or who
13 intentionally makes a false, frivolous, or bad faith
14 allegation.

15 (f) In addition to any other penalty that may apply,
16 whether criminal or civil, a State employee who intentionally
17 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
18 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
19 25-90 is subject to discipline or discharge by the appropriate
20 ultimate jurisdictional authority.

21 (Source: P.A. 96-555, eff. 8-18-09.)

22 Section 10. The Unified Code of Corrections is amended by
23 changing Section 5-5-3 as follows:

24 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

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

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

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

21 (D-5) A violation of subdivision (c)(1) of Section
22 401 of the Illinois Controlled Substances Act which
23 relates to 3 or more grams of a substance containing
24 heroin or an analog thereof.

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

1 (F) A Class 2 or greater felony if the offender had
2 been convicted of a Class 2 or greater felony,
3 including any state or federal conviction for an
4 offense that contained, at the time it was committed,
5 the same elements as an offense now (the date of the
6 offense committed after the prior Class 2 or greater
7 felony) classified as a Class 2 or greater felony,
8 within 10 years of the date on which the offender
9 committed the offense for which he or she is being
10 sentenced, except as otherwise provided in Section
11 40-10 of the Alcoholism and Other Drug Abuse and
12 Dependency Act.

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

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

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as
21 described in Section 12-4.6 or subdivision (a)(4) of
22 Section 12-3.05.

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

25 Before July 1, 1994, for the purposes of this
26 paragraph, "organized gang" means an association of 5

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

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

9 (K) Vehicular hijacking.

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

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

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

20 (O) A violation of Section 12-6.1 or 12-6.5 of the
21 Criminal Code of 1961.

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

25 (Q) A violation of subsection (b) or (b-5) of
26 Section 20-1, Section 20-1.2, or Section 20-1.3 of the

1 Criminal Code of 1961.

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

4 (S) (Blank).

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

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

14 (V) A violation of paragraph (4) of subsection (c)
15 of Section 11-20.1B or paragraph (4) of subsection (c)
16 of Section 11-20.3 of the Criminal Code of 1961.

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

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

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

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

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

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

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

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

13 (EE) A violation of Section 5-15, 5-30, 5-35, 5-40,
14 5-45, or 5-50 of the State Officials and Employees
15 Ethics Act.

16 (3) (Blank).

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

21 (4.1) (Blank).

22 (4.2) Except as provided in paragraphs (4.3) and (4.8)
23 of this subsection (c), a minimum of 100 hours of community
24 service shall be imposed for a second violation of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.3) A minimum term of imprisonment of 30 days or 300

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

4 (4.4) Except as provided in paragraphs (4.5), (4.6),
5 and (4.9) of this subsection (c), a minimum term of
6 imprisonment of 30 days or 300 hours of community service,
7 as determined by the court, shall be imposed for a third or
8 subsequent violation of Section 6-303 of the Illinois
9 Vehicle Code.

10 (4.5) A minimum term of imprisonment of 30 days shall
11 be imposed for a third violation of subsection (c) of
12 Section 6-303 of the Illinois Vehicle Code.

13 (4.6) Except as provided in paragraph (4.10) of this
14 subsection (c), a minimum term of imprisonment of 180 days
15 shall be imposed for a fourth or subsequent violation of
16 subsection (c) of Section 6-303 of the Illinois Vehicle
17 Code.

18 (4.7) A minimum term of imprisonment of not less than
19 30 consecutive days, or 300 hours of community service,
20 shall be imposed for a violation of subsection (a-5) of
21 Section 6-303 of the Illinois Vehicle Code, as provided in
22 subsection (b-5) of that Section.

23 (4.8) A mandatory prison sentence shall be imposed for
24 a second violation of subsection (a-5) of Section 6-303 of
25 the Illinois Vehicle Code, as provided in subsection (c-5)
26 of that Section. The person's driving privileges shall be

1 revoked for a period of not less than 5 years from the date
2 of his or her release from prison.

3 (4.9) A mandatory prison sentence of not less than 4
4 and not more than 15 years shall be imposed for a third
5 violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (d-2.5) of
7 that Section. The person's driving privileges shall be
8 revoked for the remainder of his or her life.

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

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

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section
21 5-5-6 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of
25 the Illinois Vehicle Code shall have his or her driver's
26 license, permit, or privileges suspended for at least 90

1 days but not more than one year, if the violation resulted
2 in damage to the property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted
5 of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's
7 license, permit, or privileges suspended for at least 180
8 days but not more than 2 years, if the violation resulted
9 in injury to another person.

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

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

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

1 additional 6 months after the expiration of the original
2 3-month suspension and until he or she has paid a
3 reinstatement fee of \$100.

4 (6) (Blank).

5 (7) (Blank).

6 (8) (Blank).

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

10 (10) (Blank).

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

1 conducted the sporting event.

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

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

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

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

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

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

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

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

22 (i) removal from the household;

23 (ii) restricted contact with the victim;

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

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

1 and

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

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

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

18 For the purposes of this Section, "family member" and
19 "victim" shall have the meanings ascribed to them in Section
20 11-0.1 of the Criminal Code of 1961.

21 (f) (Blank).

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

1 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
2 defendant shall undergo medical testing to determine whether
3 the defendant has any sexually transmissible disease,
4 including a test for infection with human immunodeficiency
5 virus (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Any such medical test shall
7 be performed only by appropriately licensed medical
8 practitioners and may include an analysis of any bodily fluids
9 as well as an examination of the defendant's person. Except as
10 otherwise provided by law, the results of such test shall be
11 kept strictly confidential by all medical personnel involved in
12 the testing and must be personally delivered in a sealed
13 envelope to the judge of the court in which the conviction was
14 entered for the judge's inspection in camera. Acting in
15 accordance with the best interests of the victim and the
16 public, the judge shall have the discretion to determine to
17 whom, if anyone, the results of the testing may be revealed.
18 The court shall notify the defendant of the test results. The
19 court shall also notify the victim if requested by the victim,
20 and if the victim is under the age of 15 and if requested by the
21 victim's parents or legal guardian, the court shall notify the
22 victim's parents or legal guardian of the test results. The
23 court shall provide information on the availability of HIV
24 testing and counseling at Department of Public Health
25 facilities to all parties to whom the results of the testing
26 are revealed and shall direct the State's Attorney to provide

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

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

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

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

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

1 similar provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

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

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

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

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

11 (k) (Blank).

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

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

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

26 Otherwise, the defendant shall be sentenced as

1 provided in this Chapter V.

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

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

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

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

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

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

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

10 (n) The court may sentence a person convicted of a
11 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
12 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
13 of 1961 (i) to an impact incarceration program if the person is
14 otherwise eligible for that program under Section 5-8-1.1, (ii)
15 to community service, or (iii) if the person is an addict or
16 alcoholic, as defined in the Alcoholism and Other Drug Abuse
17 and Dependency Act, to a substance or alcohol abuse program
18 licensed under that Act.

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

24 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
25 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
26 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,

1 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
2 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
3 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; revised
4 9-20-12.)