



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2950

by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012 and the Unified Code of Corrections. Creates the offense of theft of public funds. Provides that a person commits the offense when he or she: (1) embezzles, steals, purloins, obtains by fraud, or knowingly converts to his or her use or the use of another, or without authority sells, conveys, or disposes of, any record, voucher, money, or thing of value of the State or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State or any department or agency of the State, or any unit of local government or school district; or (2) receives, conceals, or retains the record, voucher, money, thing of value, or property of the State or any department or agency of the State, or of any unit of local government or school district, or any property made or being made under contract for the State or any department or agency of the State, or any unit of local government or school district with intent to convert it to his or her use or gain, knowing it to have been embezzled, stolen, purloined, obtained by fraud, or converted. Establishes penalties based on the value of the property unlawfully obtained. Changes the statute concerning misapplication of funds. Includes embezzling, stealing, obtaining by fraud, or otherwise without authority knowingly converting to the use of any person other than the rightful owner or intentionally misapplying, property that is owned by, or is under the care, custody, or control of the State or of any agency of the State, a unit of local government, or school district.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 33E-16 and by adding Section 16-1.4 as follows:

6 (720 ILCS 5/16-1.4 new)

7 Sec. 16-1.4. Theft of public funds.

8 (a) A person commits theft of public funds when he or she:

9 (1) embezzles, steals, purloins, obtains by fraud, or
10 knowingly converts to his or her use or the use of another,
11 or without authority sells, conveys, or disposes of, any
12 record, voucher, money, or thing of value of this State or
13 any department or agency of this State, or of any unit of
14 local government or school district, or any property made
15 or being made under contract for this State or any
16 department or agency of this State, or any unit of local
17 government or school district; or

18 (2) receives, conceals, or retains the record,
19 voucher, money, thing of value, or property described in
20 paragraph (1) with intent to convert it to his or her use
21 or gain, knowing it to have been embezzled, stolen,
22 purloined, obtained by fraud, or converted.

23 (b) For the purposes of this Section, "value" means face,

1 par, or market value, or cost price, either wholesale or
2 retail, whichever is greater.

3 (c) Sentence.

4 (1) Theft of public funds involving property not
5 exceeding \$300 in value is a Class 4 felony.

6 (2) Theft of public funds involving property exceeding
7 \$300 and not exceeding \$10,000 in value, is a Class 2
8 felony.

9 (3) Theft of public funds involving property exceeding
10 \$10,000 and not exceeding \$100,000 in value is a Class 1
11 felony.

12 (4) Theft of public funds involving property exceeding
13 \$100,000 and not exceeding \$500,000 in value is a Class X
14 felony.

15 (5) Theft of public funds involving property exceeding
16 \$500,000 in value is a Class 1 non-probationable felony.

17 (720 ILCS 5/33E-16)

18 Sec. 33E-16. Misapplication of funds.

19 (a) An officer, director, agent, or employee of, or
20 affiliated in any capacity with this State or any agency of
21 this State, or any unit of local government or school district
22 commits misapplication of funds when he or she, embezzles,
23 steals, obtains by fraud, or otherwise without authority
24 knowingly converts to the use of any person other than the
25 rightful owner or intentionally misapplies, property that is

1 owned by, or is under the care, custody, or control of this
2 State or of any agency of this State, a unit of local
3 government, or school district ~~knowingly misapplies any of the~~
4 ~~moneys, funds, or credits of the unit of local government or~~
5 ~~school district.~~

6 (b) Sentence. Misapplication of funds is a Class 3 felony.

7 (Source: P.A. 97-1108, eff. 1-1-13.)

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

10 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

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

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

24 (B) Attempted first degree murder.

1 (C) A Class X felony.

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

7 (D-5) A violation of subdivision (c)(1) of Section
8 401 of the Illinois Controlled Substances Act which
9 relates to 3 or more grams of a substance containing
10 heroin or an analog thereof.

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

13 (F) A Class 2 or greater felony if the offender had
14 been convicted of a Class 2 or greater felony,
15 including any state or federal conviction for an
16 offense that contained, at the time it was committed,
17 the same elements as an offense now (the date of the
18 offense committed after the prior Class 2 or greater
19 felony) classified as a Class 2 or greater felony,
20 within 10 years of the date on which the offender
21 committed the offense for which he or she is being
22 sentenced, except as otherwise provided in Section
23 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or
26 24-1.6 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 for which imprisonment is prescribed in
2 those Sections.

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

6 (H) Criminal sexual assault.

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

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

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

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

23 (K) Vehicular hijacking.

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

1 assault or felony mob action.

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

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

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

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

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

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

18 (S) (Blank).

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

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

1 similar provision of a law of another state.

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

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

20 (X) A violation of subsection (a) of Section 31-1a
21 of the Criminal Code of 1961 or the Criminal Code of
22 2012.

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

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge
2 for a felony.

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

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

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

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

16 (EE) Theft of public funds involving property
17 exceeding \$500,000 in value.

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8)
25 of this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court,
4 shall be imposed for a second violation of subsection (c)
5 of Section 6-303 of the Illinois Vehicle Code.

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

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

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

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

25 (4.8) A mandatory prison sentence shall be imposed for
26 a second violation of subsection (a-5) of Section 6-303 of

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

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

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

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

20 (A) a period of conditional discharge;

21 (B) a fine;

22 (C) make restitution to the victim under Section
23 5-5-6 of this Code.

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of

1 the Illinois Vehicle Code shall have his or her driver's
2 license, permit, or privileges suspended for at least 90
3 days but not more than one year, if the violation resulted
4 in damage to the property of another person.

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

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

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

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

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

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

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

12 (10) (Blank).

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

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

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

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

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

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

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

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

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

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

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

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

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. A
5 State's Attorney may petition the court to obtain the results
6 of any HIV test administered under this Section, and the court
7 shall grant the disclosure if the State's Attorney shows it is
8 relevant in order to prosecute a charge of criminal
9 transmission of HIV under Section 12-5.01 or 12-16.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 against the
11 defendant. The court shall order that the cost of any such test
12 shall be paid by the county and may be taxed as costs against
13 the convicted defendant.

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

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012 against the defendant. The court shall order that the cost
25 of any such test shall be paid by the county and may be taxed as
26 costs against the convicted defendant.

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

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

1 the Court to send a copy of the judgment of conviction or order
2 of supervision or probation to the defendant's employer by
3 certified mail. If the employer of the defendant is a school,
4 the Clerk of the Court shall direct the mailing of a copy of
5 the judgment of conviction or order of supervision or probation
6 to the appropriate regional superintendent of schools. The
7 regional superintendent of schools shall notify the State Board
8 of Education of any notification under this subsection.

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

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

15 (k) (Blank).

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

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

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.
4 Otherwise, the defendant shall be sentenced as
5 provided in this Chapter V.

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

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

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

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

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of
26 the United States, the defendant shall be recommitted to

1 the custody of the county from which he or she was
2 sentenced. Thereafter, the defendant shall be brought
3 before the sentencing court, which may impose any sentence
4 that was available under Section 5-5-3 at the time of
5 initial sentencing. In addition, the defendant shall not be
6 eligible for additional sentence credit for good conduct as
7 provided under Section 3-6-3.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, in which the property damage exceeds
11 \$300 and the property damaged is a school building, shall be
12 ordered to perform community service that may include cleanup,
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012 (i) to an impact
18 incarceration program if the person is otherwise eligible for
19 that program under Section 5-8-1.1, (ii) to community service,
20 or (iii) if the person is an addict or alcoholic, as defined in
21 the Alcoholism and Other Drug Abuse and Dependency Act, to a
22 substance or alcohol abuse program licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act, the
25 defendant's driver's license or permit shall be subject to
26 renewal on an annual basis in accordance with the provisions of

1 license renewal established by the Secretary of State.
2 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
3 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
4 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
5 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
6 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
7 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
8 eff. 1-25-13.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/16-1.4 new

4 720 ILCS 5/33E-16

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