



Sen. Antonio Muñoz

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LRB098 05245 RLC 44423 a

1 AMENDMENT TO SENATE BILL 1003

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1003 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 24-1, 24-1.1, 24-1.6, and 24-1.8 and by  
6 adding Section 24-11 as follows:

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

8 Sec. 24-1. Unlawful Use of Weapons.

9 (a) A person commits the offense of unlawful use of weapons  
10 when he knowingly:

11 (1) Sells, manufactures, purchases, possesses or  
12 carries any bludgeon, black-jack, slung-shot, sand-club,  
13 sand-bag, metal knuckles or other knuckle weapon  
14 regardless of its composition, throwing star, or any knife,  
15 commonly referred to as a switchblade knife, which has a  
16 blade that opens automatically by hand pressure applied to

1 a button, spring or other device in the handle of the  
2 knife, or a ballistic knife, which is a device that propels  
3 a knifelike blade as a projectile by means of a coil  
4 spring, elastic material or compressed gas; or

5 (2) Carries or possesses with intent to use the same  
6 unlawfully against another, a dagger, dirk, billy,  
7 dangerous knife, razor, stiletto, broken bottle or other  
8 piece of glass, stun gun or taser or any other dangerous or  
9 deadly weapon or instrument of like character; or

10 (3) Carries on or about his person or in any vehicle, a  
11 tear gas gun projector or bomb or any object containing  
12 noxious liquid gas or substance, other than an object  
13 containing a non-lethal noxious liquid gas or substance  
14 designed solely for personal defense carried by a person 18  
15 years of age or older; or

16 (4) Carries or possesses in any vehicle or concealed on  
17 or about his person except when on his land or in his own  
18 abode, legal dwelling, or fixed place of business, or on  
19 the land or in the legal dwelling of another person as an  
20 invitee with that person's permission, any pistol,  
21 revolver, stun gun or taser or other firearm, except that  
22 this subsection (a) (4) does not apply to or affect  
23 transportation of weapons that meet one of the following  
24 conditions:

25 (i) are broken down in a non-functioning state; or

26 (ii) are not immediately accessible; or

1 (iii) are unloaded and enclosed in a case, firearm  
2 carrying box, shipping box, or other container by a  
3 person who has been issued a currently valid Firearm  
4 Owner's Identification Card; or

5 (5) Sets a spring gun; or

6 (6) Possesses any device or attachment of any kind  
7 designed, used or intended for use in silencing the report  
8 of any firearm; or

9 (7) Sells, manufactures, purchases, possesses or  
10 carries:

11 (i) a machine gun, which shall be defined for the  
12 purposes of this subsection as any weapon, which  
13 shoots, is designed to shoot, or can be readily  
14 restored to shoot, automatically more than one shot  
15 without manually reloading by a single function of the  
16 trigger, including the frame or receiver of any such  
17 weapon, or sells, manufactures, purchases, possesses,  
18 or carries any combination of parts designed or  
19 intended for use in converting any weapon into a  
20 machine gun, or any combination or parts from which a  
21 machine gun can be assembled if such parts are in the  
22 possession or under the control of a person;

23 (ii) any rifle having one or more barrels less than  
24 16 inches in length or a shotgun having one or more  
25 barrels less than 18 inches in length or any weapon  
26 made from a rifle or shotgun, whether by alteration,

1           modification, or otherwise, if such a weapon as  
2           modified has an overall length of less than 26 inches;  
3           or

4           (iii) any bomb, bomb-shell, grenade, bottle or  
5           other container containing an explosive substance of  
6           over one-quarter ounce for like purposes, such as, but  
7           not limited to, black powder bombs and Molotov  
8           cocktails or artillery projectiles; or

9           (8) Carries or possesses any firearm, stun gun or taser  
10          or other deadly weapon in any place which is licensed to  
11          sell intoxicating beverages, or at any public gathering  
12          held pursuant to a license issued by any governmental body  
13          or any public gathering at which an admission is charged,  
14          excluding a place where a showing, demonstration or lecture  
15          involving the exhibition of unloaded firearms is  
16          conducted.

17          This subsection (a) (8) does not apply to any auction or  
18          raffle of a firearm held pursuant to a license or permit  
19          issued by a governmental body, nor does it apply to persons  
20          engaged in firearm safety training courses; or

21          (9) Carries or possesses in a vehicle or on or about  
22          his person any pistol, revolver, stun gun or taser or  
23          firearm or ballistic knife, when he is hooded, robed or  
24          masked in such manner as to conceal his identity; or

25          (10) Carries or possesses on or about his person, upon  
26          any public street, alley, or other public lands within the

1 corporate limits of a city, village or incorporated town,  
2 except when an invitee thereon or therein, for the purpose  
3 of the display of such weapon or the lawful commerce in  
4 weapons, or except when on his land or in his own abode,  
5 legal dwelling, or fixed place of business, or on the land  
6 or in the legal dwelling of another person as an invitee  
7 with that person's permission, any pistol, revolver, stun  
8 gun or taser or other firearm, except that this subsection  
9 (a) (10) does not apply to or affect transportation of  
10 weapons that meet one of the following conditions:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm  
14 carrying box, shipping box, or other container by a  
15 person who has been issued a currently valid Firearm  
16 Owner's Identification Card.

17 A "stun gun or taser", as used in this paragraph (a)  
18 means (i) any device which is powered by electrical  
19 charging units, such as, batteries, and which fires one or  
20 several barbs attached to a length of wire and which, upon  
21 hitting a human, can send out a current capable of  
22 disrupting the person's nervous system in such a manner as  
23 to render him incapable of normal functioning or (ii) any  
24 device which is powered by electrical charging units, such  
25 as batteries, and which, upon contact with a human or  
26 clothing worn by a human, can send out current capable of

1        disrupting the person's nervous system in such a manner as  
2        to render him incapable of normal functioning; or

3            (11) Sells, manufactures or purchases any explosive  
4        bullet. For purposes of this paragraph (a) "explosive  
5        bullet" means the projectile portion of an ammunition  
6        cartridge which contains or carries an explosive charge  
7        which will explode upon contact with the flesh of a human  
8        or an animal. "Cartridge" means a tubular metal case having  
9        a projectile affixed at the front thereof and a cap or  
10       primer at the rear end thereof, with the propellant  
11       contained in such tube between the projectile and the cap;  
12       or

13           (12) (Blank); or

14           (13) Carries or possesses on or about his or her person  
15       while in a building occupied by a unit of government, a  
16       billy club, other weapon of like character, or other  
17       instrument of like character intended for use as a weapon.  
18       For the purposes of this Section, "billy club" means a  
19       short stick or club commonly carried by police officers  
20       which is either telescopic or constructed of a solid piece  
21       of wood or other man-made material.

22       (b) Sentence. A person convicted of a violation of  
23       subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
24       subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
25       Class A misdemeanor. A person convicted of a violation of  
26       subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a

1 person convicted of a violation of subsection 24-1(a)(6) or  
2 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
3 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
4 Class 2 felony and shall be sentenced to a term of imprisonment  
5 of not less than 3 years and not more than 7 years, unless the  
6 weapon is possessed in the passenger compartment of a motor  
7 vehicle as defined in Section 1-146 of the Illinois Vehicle  
8 Code, or on the person, while the weapon is loaded, in which  
9 case it shall be a Class X felony. A person convicted of a  
10 second or subsequent violation of subsection ~~24-1(a)(4),~~  
11 ~~24-1(a)(8) or, 24-1(a)(9), or 24-1(a)(10)~~ commits a Class 3  
12 felony. A person convicted of a second or subsequent violation  
13 of subsection 24-1(a)(4) or 24-1(a)(10) commits a Class 3  
14 felony and shall be sentenced to a term of imprisonment of not  
15 less than 3 years and not more than 10 years. The possession of  
16 each weapon in violation of this Section constitutes a single  
17 and separate violation.

18 (c) Violations in specific places.

19 (1) A person who violates subsection 24-1(a)(6) or  
20 24-1(a)(7) in any school, regardless of the time of day or  
21 the time of year, in residential property owned, operated  
22 or managed by a public housing agency or leased by a public  
23 housing agency as part of a scattered site or mixed-income  
24 development, in a public park, in a courthouse, on the real  
25 property comprising any school, regardless of the time of  
26 day or the time of year, on residential property owned,

1       operated or managed by a public housing agency or leased by  
2       a public housing agency as part of a scattered site or  
3       mixed-income development, on the real property comprising  
4       any public park, on the real property comprising any  
5       courthouse, in any conveyance owned, leased or contracted  
6       by a school to transport students to or from school or a  
7       school related activity, in any conveyance owned, leased,  
8       or contracted by a public transportation agency, or on any  
9       public way within 1,000 feet of the real property  
10      comprising any school, public park, courthouse, public  
11      transportation facility, or residential property owned,  
12      operated, or managed by a public housing agency or leased  
13      by a public housing agency as part of a scattered site or  
14      mixed-income development commits a Class 2 felony and shall  
15      be sentenced to a term of imprisonment of not less than 3  
16      years and not more than 7 years.

17           (1.5) A person who violates subsection 24-1(a)(4),  
18           24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
19           time of day or the time of year, in residential property  
20           owned, operated, or managed by a public housing agency or  
21           leased by a public housing agency as part of a scattered  
22           site or mixed-income development, in a public park, in a  
23           courthouse, on the real property comprising any school,  
24           regardless of the time of day or the time of year, on  
25           residential property owned, operated, or managed by a  
26           public housing agency or leased by a public housing agency



1 as part of a scattered site or mixed-income development, on  
2 the real property comprising any public park, on the real  
3 property comprising any courthouse, in any conveyance  
4 owned, leased, or contracted by a school to transport  
5 students to or from school or a school related activity, in  
6 any conveyance owned, leased, or contracted by a public  
7 transportation agency, or on any public way within 1,000  
8 feet of the real property comprising any school, public  
9 park, courthouse, public transportation facility, or  
10 residential property owned, operated, or managed by a  
11 public housing agency or leased by a public housing agency  
12 as part of a scattered site or mixed-income development  
13 commits a Class 3 felony.

14 (2) A person who violates subsection 24-1(a)(1),  
15 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
16 time of day or the time of year, in residential property  
17 owned, operated or managed by a public housing agency or  
18 leased by a public housing agency as part of a scattered  
19 site or mixed-income development, in a public park, in a  
20 courthouse, on the real property comprising any school,  
21 regardless of the time of day or the time of year, on  
22 residential property owned, operated or managed by a public  
23 housing agency or leased by a public housing agency as part  
24 of a scattered site or mixed-income development, on the  
25 real property comprising any public park, on the real  
26 property comprising any courthouse, in any conveyance

1 owned, leased or contracted by a school to transport  
2 students to or from school or a school related activity, in  
3 any conveyance owned, leased, or contracted by a public  
4 transportation agency, or on any public way within 1,000  
5 feet of the real property comprising any school, public  
6 park, courthouse, public transportation facility, or  
7 residential property owned, operated, or managed by a  
8 public housing agency or leased by a public housing agency  
9 as part of a scattered site or mixed-income development  
10 commits a Class 4 felony. "Courthouse" means any building  
11 that is used by the Circuit, Appellate, or Supreme Court of  
12 this State for the conduct of official business.

13 (3) Paragraphs (1), (1.5), and (2) of this subsection  
14 (c) shall not apply to law enforcement officers or security  
15 officers of such school, college, or university or to  
16 students carrying or possessing firearms for use in  
17 training courses, parades, hunting, target shooting on  
18 school ranges, or otherwise with the consent of school  
19 authorities and which firearms are transported unloaded  
20 enclosed in a suitable case, box, or transportation  
21 package.

22 (4) For the purposes of this subsection (c), "school"  
23 means any public or private elementary or secondary school,  
24 community college, college, or university.

25 (5) For the purposes of this subsection (c), "public  
26 transportation agency" means a public or private agency

1       that provides for the transportation or conveyance of  
2       persons by means available to the general public, except  
3       for transportation by automobiles not used for conveyance  
4       of the general public as passengers; and "public  
5       transportation facility" means a terminal or other place  
6       where one may obtain public transportation.

7       (d) The presence in an automobile other than a public  
8       omnibus of any weapon, instrument or substance referred to in  
9       subsection (a) (7) is prima facie evidence that it is in the  
10      possession of, and is being carried by, all persons occupying  
11      such automobile at the time such weapon, instrument or  
12      substance is found, except under the following circumstances:  
13      (i) if such weapon, instrument or instrumentality is found upon  
14      the person of one of the occupants therein; or (ii) if such  
15      weapon, instrument or substance is found in an automobile  
16      operated for hire by a duly licensed driver in the due, lawful  
17      and proper pursuit of his trade, then such presumption shall  
18      not apply to the driver.

19      (e) Exemptions. Crossbows, Common or Compound bows and  
20      Underwater Spearguns are exempted from the definition of  
21      ballistic knife as defined in paragraph (1) of subsection (a)  
22      of this Section.

23      (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
24      95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
25      96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
3 Felons or Persons in the Custody of the Department of  
4 Corrections Facilities.

5 (a) It is unlawful for a person to knowingly possess on or  
6 about his person or on his land or in his own abode or fixed  
7 place of business any weapon prohibited under Section 24-1 of  
8 this Act or any firearm or any firearm ammunition if the person  
9 has been convicted of a felony under the laws of this State or  
10 any other jurisdiction. This Section shall not apply if the  
11 person has been granted relief by the Director of the  
12 Department of State Police under Section 10 of the Firearm  
13 Owners Identification Card Act.

14 (b) It is unlawful for any person confined in a penal  
15 institution, which is a facility of the Illinois Department of  
16 Corrections, to possess any weapon prohibited under Section  
17 24-1 of this Code or any firearm or firearm ammunition,  
18 regardless of the intent with which he possesses it.

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

23 (d) The defense of necessity is not available to a person  
24 who is charged with a violation of subsection (b) of this  
25 Section.

26 (e) Sentence. Violation of this Section by a person not

1 confined in a penal institution shall be a Class 3 felony for  
2 which the person shall be sentenced to no less than 4 ~~2~~ years  
3 and no more than 10 years and any second or subsequent  
4 violation shall be a Class 2 felony for which the person shall  
5 be sentenced to a term of imprisonment of not less than 5 ~~3~~  
6 years and not more than 14 years. Violation of this Section by  
7 a person not confined in a penal institution who has been  
8 convicted of a forcible felony, a felony violation of Article  
9 24 of this Code or of the Firearm Owners Identification Card  
10 Act, stalking or aggravated stalking, or a Class 2 or greater  
11 felony under the Illinois Controlled Substances Act, the  
12 Cannabis Control Act, or the Methamphetamine Control and  
13 Community Protection Act is a Class 2 felony for which the  
14 person shall be sentenced to not less than 3 years and not more  
15 than 14 years. Violation of this Section by a person who is on  
16 parole or mandatory supervised release is a Class 2 felony for  
17 which the person shall be sentenced to not less than 5 ~~3~~ years  
18 and not more than 14 years. Violation of this Section by a  
19 person not confined in a penal institution is a Class X felony  
20 when the firearm possessed is a machine gun. Any person who  
21 violates this Section while confined in a penal institution,  
22 which is a facility of the Illinois Department of Corrections,  
23 is guilty of a Class 1 felony, if he possesses any weapon  
24 prohibited under Section 24-1 of this Code regardless of the  
25 intent with which he possesses it, a Class X felony if he  
26 possesses any firearm, firearm ammunition or explosive, and a

1 Class X felony for which the offender shall be sentenced to not  
2 less than 12 years and not more than 50 years when the firearm  
3 possessed is a machine gun. A violation of this Section while  
4 wearing or in possession of body armor as defined in Section  
5 33F-1 is a Class X felony punishable by a term of imprisonment  
6 of not less than 10 years and not more than 40 years. The  
7 possession of each firearm or firearm ammunition in violation  
8 of this Section constitutes a single and separate violation.

9 (Source: P.A. 97-237, eff. 1-1-12.)

10 (720 ILCS 5/24-1.6)

11 Sec. 24-1.6. Aggravated unlawful use of a weapon.

12 (a) A person commits the offense of aggravated unlawful use  
13 of a weapon when he or she knowingly:

14 (1) Carries on or about his or her person or in any  
15 vehicle or concealed on or about his or her person except  
16 when on his or her land or in his or her abode, legal  
17 dwelling, or fixed place of business, or on the land or in  
18 the legal dwelling of another person as an invitee with  
19 that person's permission, any pistol, revolver, stun gun or  
20 taser or other firearm; or

21 (2) Carries or possesses on or about his or her person,  
22 upon any public street, alley, or other public lands within  
23 the corporate limits of a city, village or incorporated  
24 town, except when an invitee thereon or therein, for the  
25 purpose of the display of such weapon or the lawful

1 commerce in weapons, or except when on his or her own land  
2 or in his or her own abode, legal dwelling, or fixed place  
3 of business, or on the land or in the legal dwelling of  
4 another person as an invitee with that person's permission,  
5 any pistol, revolver, stun gun or taser or other firearm;  
6 and

7 (3) One of the following factors is present:

8 (A) the firearm possessed was uncased, loaded and  
9 immediately accessible at the time of the offense; or

10 (B) the firearm possessed was uncased, unloaded  
11 and the ammunition for the weapon was immediately  
12 accessible at the time of the offense; or

13 (C) the person possessing the firearm has not been  
14 issued a currently valid Firearm Owner's  
15 Identification Card; or

16 (D) the person possessing the weapon was  
17 previously adjudicated a delinquent minor under the  
18 Juvenile Court Act of 1987 for an act that if committed  
19 by an adult would be a felony; or

20 (E) the person possessing the weapon was engaged in  
21 a misdemeanor violation of the Cannabis Control Act, in  
22 a misdemeanor violation of the Illinois Controlled  
23 Substances Act, or in a misdemeanor violation of the  
24 Methamphetamine Control and Community Protection Act;  
25 or

26 (F) (blank); or

1 (G) the person possessing the weapon had a order of  
2 protection issued against him or her within the  
3 previous 2 years; or

4 (H) the person possessing the weapon was engaged in  
5 the commission or attempted commission of a  
6 misdemeanor involving the use or threat of violence  
7 against the person or property of another; or

8 (I) the person possessing the weapon was under 21  
9 years of age and in possession of a handgun as defined  
10 in Section 24-3, unless the person under 21 is engaged  
11 in lawful activities under the Wildlife Code or  
12 described in subsection 24-2(b)(1), (b)(3), or  
13 24-2(f).

14 (b) "Stun gun or taser" as used in this Section has the  
15 same definition given to it in Section 24-1 of this Code.

16 (c) This Section does not apply to or affect the  
17 transportation or possession of weapons that:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm  
21 carrying box, shipping box, or other container by a  
22 person who has been issued a currently valid Firearm  
23 Owner's Identification Card.

24 (c-1) For the purposes of this Section, a currently valid  
25 Firearm Owner's Identification Card includes any card which has  
26 not been revoked by the Department of State Police and expired



1 not more than 90 days before the commission of the act of  
2 carrying or possessing the firearm.

3 (c-5) Affirmative defense. It is an affirmative defense to  
4 the offense under item (C) of paragraph (3) of subsection (a)  
5 of this Section that the defendant has, prior to the commission  
6 of the offense, submitted a Firearm Owner's Identification Card  
7 renewal application to the Department of State Police and the  
8 defendant is otherwise eligible for a Firearm Owner's  
9 Identification Card.

10 (d) Sentence.

11 (1) Aggravated unlawful use of a weapon is a Class 4  
12 felony; a second or subsequent offense is a Class 2 felony  
13 for which the person shall be sentenced to a term of  
14 imprisonment of not less than 4 ~~3~~ years and not more than  
15 10 ~~7~~ years.

16 (2) Except as otherwise provided in paragraphs (3) and  
17 (4) of this subsection (d), a first offense of aggravated  
18 unlawful use of a weapon committed with a firearm by a  
19 person 18 years of age or older where the factors listed in  
20 either ~~both~~ items (A) or (B) and (C) of paragraph (3) of  
21 subsection (a) are present is a Class 3 ~~4~~ felony, for which  
22 the person shall be sentenced to a term of imprisonment of  
23 not less than ~~one year and not more than~~ 3 years and not  
24 more than 7 years.

25 (3) Aggravated unlawful use of a weapon by a person who  
26 has been previously convicted of a felony in this State or

1 another jurisdiction is a Class 2 felony for which the  
2 person shall be sentenced to a term of imprisonment of not  
3 less than 5 ~~3~~ years and not more than 10 ~~7~~ years.

4 (4) Aggravated unlawful use of a weapon while wearing  
5 or in possession of body armor as defined in Section 33F-1  
6 by a person who has not been issued a valid Firearms  
7 Owner's Identification Card in accordance with Section 5 of  
8 the Firearm Owners Identification Card Act is a Class X  
9 felony.

10 (e) The possession of each firearm in violation of this  
11 Section constitutes a single and separate violation.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
13 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

14 (720 ILCS 5/24-1.8)

15 Sec. 24-1.8. Unlawful possession of a firearm by a street  
16 gang member.

17 (a) A person commits unlawful possession of a firearm by a  
18 street gang member when he or she knowingly:

19 (1) possesses, carries, or conceals on or about his or  
20 her person a firearm and firearm ammunition while on any  
21 street, road, alley, gangway, sidewalk, or any other lands,  
22 except when inside his or her own abode or inside his or  
23 her fixed place of business, and has not been issued a  
24 currently valid Firearm Owner's Identification Card and is  
25 a member of a street gang; or

1           (2) possesses or carries in any vehicle a firearm and  
2           firearm ammunition which are both immediately accessible  
3           at the time of the offense while on any street, road,  
4           alley, or any other lands, except when inside his or her  
5           own abode or garage, and has not been issued a currently  
6           valid Firearm Owner's Identification Card and is a member  
7           of a street gang.

8           (b) Unlawful possession of a firearm by a street gang  
9           member is a Class 2 felony for which the person, if sentenced  
10          to a term of imprisonment, shall be sentenced to no less than 4  
11          ~~3~~ years and no more than 10 years. A period of probation, a  
12          term of periodic imprisonment or conditional discharge shall  
13          not be imposed for the offense of unlawful possession of a  
14          firearm by a street gang member when the firearm was loaded or  
15          contained firearm ammunition and the court shall sentence the  
16          offender to not less than the minimum term of imprisonment  
17          authorized for the Class 2 felony.

18          (c) For purposes of this Section:

19                "Street gang" or "gang" has the meaning ascribed to it  
20                in Section 10 of the Illinois Streetgang Terrorism Omnibus  
21                Prevention Act.

22                "Street gang member" or "gang member" has the meaning  
23                ascribed to it in Section 10 of the Illinois Streetgang  
24                Terrorism Omnibus Prevention Act.

25          (Source: P.A. 96-829, eff. 12-3-09.)

1 (720 ILCS 5/24-11 new)

2 Sec. 24-11. Deadly weapons dispositions; report. Each  
3 circuit court shall transmit to every local law enforcement  
4 agency located within the circuit, on a quarterly basis, the  
5 disposition of all cases involving violations of this Article  
6 24 within the previous quarter.

7 Section 10. The Unified Code of Corrections is amended by  
8 changing Sections 3-6-3 and 5-5-3 as follows:

9 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

10 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

11 (a) (1) The Department of Corrections shall prescribe  
12 rules and regulations for awarding and revoking sentence  
13 credit for persons committed to the Department which shall  
14 be subject to review by the Prisoner Review Board.

15 (1.5) As otherwise provided by law, sentence credit may  
16 be awarded for the following:

17 (A) successful completion of programming while in  
18 custody of the Department or while in custody prior to  
19 sentencing;

20 (B) compliance with the rules and regulations of  
21 the Department; or

22 (C) service to the institution, service to a  
23 community, or service to the State.

24 (2) The rules and regulations on sentence credit shall

1 provide, with respect to offenses listed in clause (i),  
2 (ii), or (iii) of this paragraph (2) committed on or after  
3 June 19, 1998 or with respect to the offense listed in  
4 clause (iv) of this paragraph (2) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 with respect to offense listed in clause (vi) committed on  
7 or after June 1, 2008 (the effective date of Public Act  
8 95-625) or with respect to the offense of being an armed  
9 habitual criminal committed on or after August 2, 2005 (the  
10 effective date of Public Act 94-398) or with respect to the  
11 offenses listed in clause (v) of this paragraph (2)  
12 committed on or after August 13, 2007 (the effective date  
13 of Public Act 95-134) or with respect to the offense of  
14 aggravated domestic battery committed on or after July 23,  
15 2010 (the effective date of Public Act 96-1224) or with  
16 respect to the offense of attempt to commit terrorism  
17 committed on or after January 1, 2013 (the effective date  
18 of Public Act 97-990) or with respect to offenses listed in  
19 clause (viii) committed on or after the effective date of  
20 this amendatory Act of the 98th General Assembly, the  
21 following:

22 (i) that a prisoner who is serving a term of  
23 imprisonment for first degree murder or for the offense  
24 of terrorism shall receive no sentence credit and shall  
25 serve the entire sentence imposed by the court;

26 (ii) that a prisoner serving a sentence for attempt

1 to commit terrorism, attempt to commit first degree  
2 murder, solicitation of murder, solicitation of murder  
3 for hire, intentional homicide of an unborn child,  
4 predatory criminal sexual assault of a child,  
5 aggravated criminal sexual assault, criminal sexual  
6 assault, aggravated kidnapping, aggravated battery  
7 with a firearm as described in Section 12-4.2 or  
8 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of  
9 Section 12-3.05, heinous battery as described in  
10 Section 12-4.1 or subdivision (a)(2) of Section  
11 12-3.05, being an armed habitual criminal, aggravated  
12 battery of a senior citizen as described in Section  
13 12-4.6 or subdivision (a)(4) of Section 12-3.05, or  
14 aggravated battery of a child as described in Section  
15 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall  
16 receive no more than 4.5 days of sentence credit for  
17 each month of his or her sentence of imprisonment;

18 (iii) that a prisoner serving a sentence for home  
19 invasion, armed robbery, aggravated vehicular  
20 hijacking, aggravated discharge of a firearm, or armed  
21 violence with a category I weapon or category II  
22 weapon, when the court has made and entered a finding,  
23 pursuant to subsection (c-1) of Section 5-4-1 of this  
24 Code, that the conduct leading to conviction for the  
25 enumerated offense resulted in great bodily harm to a  
26 victim, shall receive no more than 4.5 days of sentence

1 credit for each month of his or her sentence of  
2 imprisonment;

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

9 (v) that a person serving a sentence for  
10 gunrunning, narcotics racketeering, controlled  
11 substance trafficking, methamphetamine trafficking,  
12 drug-induced homicide, aggravated  
13 methamphetamine-related child endangerment, money  
14 laundering pursuant to clause (c) (4) or (5) of Section  
15 29B-1 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, or a Class X felony conviction for delivery of  
17 a controlled substance, possession of a controlled  
18 substance with intent to manufacture or deliver,  
19 calculated criminal drug conspiracy, criminal drug  
20 conspiracy, street gang criminal drug conspiracy,  
21 participation in methamphetamine manufacturing,  
22 aggravated participation in methamphetamine  
23 manufacturing, delivery of methamphetamine, possession  
24 with intent to deliver methamphetamine, aggravated  
25 delivery of methamphetamine, aggravated possession  
26 with intent to deliver methamphetamine,

1           methamphetamine conspiracy when the substance  
2           containing the controlled substance or methamphetamine  
3           is 100 grams or more shall receive no more than 7.5  
4           days sentence credit for each month of his or her  
5           sentence of imprisonment;

6           (vi) that a prisoner serving a sentence for a  
7           second or subsequent offense of luring a minor shall  
8           receive no more than 4.5 days of sentence credit for  
9           each month of his or her sentence of imprisonment; ~~and~~

10          (vii) that a prisoner serving a sentence for  
11          aggravated domestic battery shall receive no more than  
12          4.5 days of sentence credit for each month of his or  
13          her sentence of imprisonment; and

14          (viii) that a prisoner serving a sentence for a  
15          violation of Section 24-1.1, 24-1.6, or 24-1.8 or  
16          subsection 24-1(a)(4) or 24-1(a)(10) of the Criminal  
17          Code of 2012 shall receive no more than 4.5 days of  
18          sentence credit for each month of his or her sentence  
19          of imprisonment.

20          (2.1) For all offenses, other than those enumerated in  
21          subdivision (a)(2)(i), (ii), or (iii) committed on or after  
22          June 19, 1998 or subdivision (a)(2)(iv) committed on or  
23          after June 23, 2005 (the effective date of Public Act  
24          94-71) or subdivision (a)(2)(v) committed on or after  
25          August 13, 2007 (the effective date of Public Act 95-134)  
26          or subdivision (a)(2)(vi) committed on or after June 1,



1       2008 (the effective date of Public Act 95-625) or  
2       subdivision (a)(2)(vii) committed on or after July 23, 2010  
3       (the effective date of Public Act 96-1224), and other than  
4       the offense of aggravated driving under the influence of  
5       alcohol, other drug or drugs, or intoxicating compound or  
6       compounds, or any combination thereof as defined in  
7       subparagraph (F) of paragraph (1) of subsection (d) of  
8       Section 11-501 of the Illinois Vehicle Code, and other than  
9       the offense of aggravated driving under the influence of  
10      alcohol, other drug or drugs, or intoxicating compound or  
11      compounds, or any combination thereof as defined in  
12      subparagraph (C) of paragraph (1) of subsection (d) of  
13      Section 11-501 of the Illinois Vehicle Code committed on or  
14      after January 1, 2011 (the effective date of Public Act  
15      96-1230), the rules and regulations shall provide that a  
16      prisoner who is serving a term of imprisonment shall  
17      receive one day of sentence credit for each day of his or  
18      her sentence of imprisonment or recommitment under Section  
19      3-3-9. Each day of sentence credit shall reduce by one day  
20      the prisoner's period of imprisonment or recommitment  
21      under Section 3-3-9.

22           (2.2) A prisoner serving a term of natural life  
23      imprisonment or a prisoner who has been sentenced to death  
24      shall receive no sentence credit.

25           (2.3) The rules and regulations on sentence credit  
26      shall provide that a prisoner who is serving a sentence for

1       aggravated driving under the influence of alcohol, other  
2       drug or drugs, or intoxicating compound or compounds, or  
3       any combination thereof as defined in subparagraph (F) of  
4       paragraph (1) of subsection (d) of Section 11-501 of the  
5       Illinois Vehicle Code, shall receive no more than 4.5 days  
6       of sentence credit for each month of his or her sentence of  
7       imprisonment.

8       (2.4) The rules and regulations on sentence credit  
9       shall provide with respect to the offenses of aggravated  
10      battery with a machine gun or a firearm equipped with any  
11      device or attachment designed or used for silencing the  
12      report of a firearm or aggravated discharge of a machine  
13      gun or a firearm equipped with any device or attachment  
14      designed or used for silencing the report of a firearm,  
15      committed on or after July 15, 1999 (the effective date of  
16      Public Act 91-121), that a prisoner serving a sentence for  
17      any of these offenses shall receive no more than 4.5 days  
18      of sentence credit for each month of his or her sentence of  
19      imprisonment.

20      (2.5) The rules and regulations on sentence credit  
21      shall provide that a prisoner who is serving a sentence for  
22      aggravated arson committed on or after July 27, 2001 (the  
23      effective date of Public Act 92-176) shall receive no more  
24      than 4.5 days of sentence credit for each month of his or  
25      her sentence of imprisonment.

26      (2.6) The rules and regulations on sentence credit

1 shall provide that a prisoner who is serving a sentence for  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds or any  
4 combination thereof as defined in subparagraph (C) of  
5 paragraph (1) of subsection (d) of Section 11-501 of the  
6 Illinois Vehicle Code committed on or after January 1, 2011  
7 (the effective date of Public Act 96-1230) shall receive no  
8 more than 4.5 days of sentence credit for each month of his  
9 or her sentence of imprisonment.

10 (3) The rules and regulations shall also provide that  
11 the Director may award up to 180 days additional sentence  
12 credit for good conduct in specific instances as the  
13 Director deems proper. The good conduct may include, but is  
14 not limited to, compliance with the rules and regulations  
15 of the Department, service to the Department, service to a  
16 community, or service to the State. However, the Director  
17 shall not award more than 90 days of sentence credit for  
18 good conduct to any prisoner who is serving a sentence for  
19 conviction of first degree murder, reckless homicide while  
20 under the influence of alcohol or any other drug, or  
21 aggravated driving under the influence of alcohol, other  
22 drug or drugs, or intoxicating compound or compounds, or  
23 any combination thereof as defined in subparagraph (F) of  
24 paragraph (1) of subsection (d) of Section 11-501 of the  
25 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
26 predatory criminal sexual assault of a child, aggravated

1 criminal sexual assault, criminal sexual assault, deviate  
2 sexual assault, aggravated criminal sexual abuse,  
3 aggravated indecent liberties with a child, indecent  
4 liberties with a child, child pornography, heinous battery  
5 as described in Section 12-4.1 or subdivision (a)(2) of  
6 Section 12-3.05, aggravated battery of a spouse,  
7 aggravated battery of a spouse with a firearm, stalking,  
8 aggravated stalking, aggravated battery of a child as  
9 described in Section 12-4.3 or subdivision (b)(1) of  
10 Section 12-3.05, endangering the life or health of a child,  
11 or cruelty to a child. Notwithstanding the foregoing,  
12 sentence credit for good conduct shall not be awarded on a  
13 sentence of imprisonment imposed for conviction of: (i) one  
14 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
15 or (iii) when the offense is committed on or after June 19,  
16 1998 or subdivision (a)(2)(iv) when the offense is  
17 committed on or after June 23, 2005 (the effective date of  
18 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
19 is committed on or after August 13, 2007 (the effective  
20 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
21 the offense is committed on or after June 1, 2008 (the  
22 effective date of Public Act 95-625) or subdivision  
23 (a)(2)(vii) when the offense is committed on or after July  
24 23, 2010 (the effective date of Public Act 96-1224), (ii)  
25 aggravated driving under the influence of alcohol, other  
26 drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof as defined in subparagraph (F) of  
2 paragraph (1) of subsection (d) of Section 11-501 of the  
3 Illinois Vehicle Code, (iii) one of the offenses enumerated  
4 in subdivision (a) (2.4) when the offense is committed on or  
5 after July 15, 1999 (the effective date of Public Act  
6 91-121), (iv) aggravated arson when the offense is  
7 committed on or after July 27, 2001 (the effective date of  
8 Public Act 92-176), (v) offenses that may subject the  
9 offender to commitment under the Sexually Violent Persons  
10 Commitment Act, or (vi) aggravated driving under the  
11 influence of alcohol, other drug or drugs, or intoxicating  
12 compound or compounds or any combination thereof as defined  
13 in subparagraph (C) of paragraph (1) of subsection (d) of  
14 Section 11-501 of the Illinois Vehicle Code committed on or  
15 after January 1, 2011 (the effective date of Public Act  
16 96-1230).

17 Eligible inmates for an award of sentence credit under this  
18 paragraph (3) may be selected to receive the credit at the  
19 Director's or his or her designee's sole discretion.  
20 Consideration may be based on, but not limited to, any  
21 available risk assessment analysis on the inmate, any history  
22 of conviction for violent crimes as defined by the Rights of  
23 Crime Victims and Witnesses Act, facts and circumstances of the  
24 inmate's holding offense or offenses, and the potential for  
25 rehabilitation.

26 The Director shall not award sentence credit under this

1 paragraph (3) to an inmate unless the inmate has served a  
2 minimum of 60 days of the sentence; except nothing in this  
3 paragraph shall be construed to permit the Director to extend  
4 an inmate's sentence beyond that which was imposed by the  
5 court. Prior to awarding credit under this paragraph (3), the  
6 Director shall make a written determination that the inmate:

7 (A) is eligible for the sentence credit;

8 (B) has served a minimum of 60 days, or as close to  
9 60 days as the sentence will allow; and

10 (C) has met the eligibility criteria established  
11 by rule.

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

14 (3.5) The Department shall provide annual written  
15 reports to the Governor and the General Assembly on the  
16 award of sentence credit for good conduct, with the first  
17 report due January 1, 2014. The Department must publish  
18 both reports on its website within 48 hours of transmitting  
19 the reports to the Governor and the General Assembly. The  
20 reports must include:

21 (A) the number of inmates awarded sentence credit  
22 for good conduct;

23 (B) the average amount of sentence credit for good  
24 conduct awarded;

25 (C) the holding offenses of inmates awarded  
26 sentence credit for good conduct; and

1 (D) the number of sentence credit for good conduct  
2 revocations.

3 (4) The rules and regulations shall also provide that  
4 the sentence credit accumulated and retained under  
5 paragraph (2.1) of subsection (a) of this Section by any  
6 inmate during specific periods of time in which such inmate  
7 is engaged full-time in substance abuse programs,  
8 correctional industry assignments, educational programs,  
9 behavior modification programs, life skills courses, or  
10 re-entry planning provided by the Department under this  
11 paragraph (4) and satisfactorily completes the assigned  
12 program as determined by the standards of the Department,  
13 shall be multiplied by a factor of 1.25 for program  
14 participation before August 11, 1993 and 1.50 for program  
15 participation on or after that date. The rules and  
16 regulations shall also provide that sentence credit,  
17 subject to the same offense limits and multiplier provided  
18 in this paragraph, may be provided to an inmate who was  
19 held in pre-trial detention prior to his or her current  
20 commitment to the Department of Corrections and  
21 successfully completed a full-time, 60-day or longer  
22 substance abuse program, educational program, behavior  
23 modification program, life skills course, or re-entry  
24 planning provided by the county department of corrections  
25 or county jail. Calculation of this county program credit  
26 shall be done at sentencing as provided in Section

1        5-4.5-100 of this Code and shall be included in the  
2        sentencing order. However, no inmate shall be eligible for  
3        the additional sentence credit under this paragraph (4) or  
4        (4.1) of this subsection (a) while assigned to a boot camp  
5        or electronic detention, or if convicted of an offense  
6        enumerated in subdivision (a)(2)(i), (ii), or (iii) of this  
7        Section that is committed on or after June 19, 1998 or  
8        subdivision (a)(2)(iv) of this Section that is committed on  
9        or after June 23, 2005 (the effective date of Public Act  
10       94-71) or subdivision (a)(2)(v) of this Section that is  
11       committed on or after August 13, 2007 (the effective date  
12       of Public Act 95-134) or subdivision (a)(2)(vi) when the  
13       offense is committed on or after June 1, 2008 (the  
14       effective date of Public Act 95-625) or subdivision  
15       (a)(2)(vii) when the offense is committed on or after July  
16       23, 2010 (the effective date of Public Act 96-1224), or if  
17       convicted of aggravated driving under the influence of  
18       alcohol, other drug or drugs, or intoxicating compound or  
19       compounds or any combination thereof as defined in  
20       subparagraph (F) of paragraph (1) of subsection (d) of  
21       Section 11-501 of the Illinois Vehicle Code, or if  
22       convicted of aggravated driving under the influence of  
23       alcohol, other drug or drugs, or intoxicating compound or  
24       compounds or any combination thereof as defined in  
25       subparagraph (C) of paragraph (1) of subsection (d) of  
26       Section 11-501 of the Illinois Vehicle Code committed on or



1 after January 1, 2011 (the effective date of Public Act  
2 96-1230), or if convicted of an offense enumerated in  
3 paragraph (a)(2.4) of this Section that is committed on or  
4 after July 15, 1999 (the effective date of Public Act  
5 91-121), or first degree murder, a Class X felony, criminal  
6 sexual assault, felony criminal sexual abuse, aggravated  
7 criminal sexual abuse, aggravated battery with a firearm as  
8 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
9 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or  
10 successor offenses with the same or substantially the same  
11 elements, or any inchoate offenses relating to the  
12 foregoing offenses. No inmate shall be eligible for the  
13 additional good conduct credit under this paragraph (4) who  
14 (i) has previously received increased good conduct credit  
15 under this paragraph (4) and has subsequently been  
16 convicted of a felony, or (ii) has previously served more  
17 than one prior sentence of imprisonment for a felony in an  
18 adult correctional facility.

19 Educational, vocational, substance abuse, behavior  
20 modification programs, life skills courses, re-entry  
21 planning, and correctional industry programs under which  
22 sentence credit may be increased under this paragraph (4)  
23 and paragraph (4.1) of this subsection (a) shall be  
24 evaluated by the Department on the basis of documented  
25 standards. The Department shall report the results of these  
26 evaluations to the Governor and the General Assembly by

1 September 30th of each year. The reports shall include data  
2 relating to the recidivism rate among program  
3 participants.

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

16 (4.1) The rules and regulations shall also provide that  
17 an additional 60 days of sentence credit shall be awarded  
18 to any prisoner who passes the high school level Test of  
19 General Educational Development (GED) while the prisoner  
20 is committed to the Department of Corrections. The sentence  
21 credit awarded under this paragraph (4.1) shall be in  
22 addition to, and shall not affect, the award of sentence  
23 credit under any other paragraph of this Section, but shall  
24 also be pursuant to the guidelines and restrictions set  
25 forth in paragraph (4) of subsection (a) of this Section.  
26 The sentence credit provided for in this paragraph shall be

1 available only to those prisoners who have not previously  
2 earned a high school diploma or a GED. If, after an award  
3 of the GED sentence credit has been made and the Department  
4 determines that the prisoner was not eligible, then the  
5 award shall be revoked. The Department may also award 60  
6 days of sentence credit to any committed person who passed  
7 the high school level Test of General Educational  
8 Development (GED) while he or she was held in pre-trial  
9 detention prior to the current commitment to the Department  
10 of Corrections.

11 (4.5) The rules and regulations on sentence credit  
12 shall also provide that when the court's sentencing order  
13 recommends a prisoner for substance abuse treatment and the  
14 crime was committed on or after September 1, 2003 (the  
15 effective date of Public Act 93-354), the prisoner shall  
16 receive no sentence credit awarded under clause (3) of this  
17 subsection (a) unless he or she participates in and  
18 completes a substance abuse treatment program. The  
19 Director may waive the requirement to participate in or  
20 complete a substance abuse treatment program and award the  
21 sentence credit in specific instances if the prisoner is  
22 not a good candidate for a substance abuse treatment  
23 program for medical, programming, or operational reasons.  
24 Availability of substance abuse treatment shall be subject  
25 to the limits of fiscal resources appropriated by the  
26 General Assembly for these purposes. If treatment is not

1       available and the requirement to participate and complete  
2       the treatment has not been waived by the Director, the  
3       prisoner shall be placed on a waiting list under criteria  
4       established by the Department. The Director may allow a  
5       prisoner placed on a waiting list to participate in and  
6       complete a substance abuse education class or attend  
7       substance abuse self-help meetings in lieu of a substance  
8       abuse treatment program. A prisoner on a waiting list who  
9       is not placed in a substance abuse program prior to release  
10      may be eligible for a waiver and receive sentence credit  
11      under clause (3) of this subsection (a) at the discretion  
12      of the Director.

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

25       (5) Whenever the Department is to release any inmate  
26      earlier than it otherwise would because of a grant of

1 sentence credit for good conduct under paragraph (3) of  
2 subsection (a) of this Section given at any time during the  
3 term, the Department shall give reasonable notice of the  
4 impending release not less than 14 days prior to the date  
5 of the release to the State's Attorney of the county where  
6 the prosecution of the inmate took place, and if  
7 applicable, the State's Attorney of the county into which  
8 the inmate will be released. The Department must also make  
9 identification information and a recent photo of the inmate  
10 being released accessible on the Internet by means of a  
11 hyperlink labeled "Community Notification of Inmate Early  
12 Release" on the Department's World Wide Web homepage. The  
13 identification information shall include the inmate's:  
14 name, any known alias, date of birth, physical  
15 characteristics, residence address, commitment offense and  
16 county where conviction was imposed. The identification  
17 information shall be placed on the website within 3 days of  
18 the inmate's release and the information may not be removed  
19 until either: completion of the first year of mandatory  
20 supervised release or return of the inmate to custody of  
21 the Department.

22 (b) Whenever a person is or has been committed under  
23 several convictions, with separate sentences, the sentences  
24 shall be construed under Section 5-8-4 in granting and  
25 forfeiting of sentence credit.

26 (c) The Department shall prescribe rules and regulations

1 for revoking sentence credit, including revoking sentence  
2 credit awarded for good conduct under paragraph (3) of  
3 subsection (a) of this Section. The Department shall prescribe  
4 rules and regulations for suspending or reducing the rate of  
5 accumulation of sentence credit for specific rule violations,  
6 during imprisonment. These rules and regulations shall provide  
7 that no inmate may be penalized more than one year of sentence  
8 credit for any one infraction.

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

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

8       Nothing contained in this Section shall prohibit the  
9 Prisoner Review Board from ordering, pursuant to Section  
10 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
11 sentence imposed by the court that was not served due to the  
12 accumulation of sentence credit.

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

26       For purposes of this subsection (d):

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

5                 (A) it lacks an arguable basis either in law or in  
6                 fact;

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

10                (C) the claims, defenses, and other legal  
11                contentions therein are not warranted by existing law  
12                or by a nonfrivolous argument for the extension,  
13                modification, or reversal of existing law or the  
14                establishment of new law;

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

20                (E) the denials of factual contentions are not  
21                warranted on the evidence, or if specifically so  
22                identified, are not reasonably based on a lack of  
23                information or belief.

24           (2) "Lawsuit" means a motion pursuant to Section 116-3  
25           of the Code of Criminal Procedure of 1963, a habeas corpus  
26           action under Article X of the Code of Civil Procedure or



1 under federal law (28 U.S.C. 2254), a petition for claim  
2 under the Court of Claims Act, an action under the federal  
3 Civil Rights Act (42 U.S.C. 1983), or a second or  
4 subsequent petition for post-conviction relief under  
5 Article 122 of the Code of Criminal Procedure of 1963  
6 whether filed with or without leave of court or a second or  
7 subsequent petition for relief from judgment under Section  
8 2-1401 of the Code of Civil Procedure.

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

11 (f) Whenever the Department is to release any inmate who  
12 has been convicted of a violation of an order of protection  
13 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012, earlier than it otherwise would  
15 because of a grant of sentence credit, the Department, as a  
16 condition of release, shall require that the person, upon  
17 release, be placed under electronic surveillance as provided in  
18 Section 5-8A-7 of this Code.

19 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;  
20 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.  
21 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,  
22 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;  
23 97-1150, eff. 1-25-13.)

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

25 Sec. 5-5-3. Disposition.

1 (a) (Blank) .

2 (b) (Blank) .

3 (c) (1) (Blank) .

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

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

13 (B) Attempted first degree murder.

14 (C) A Class X felony.

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

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

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

26 (F) A Class 2 or greater felony if the offender had

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

12                 (F-5) A violation of Section 24-1, 24-1.1, ~~or~~  
13          24-1.6, or 24-1.8 of the Criminal Code of 1961 or the  
14          Criminal Code of 2012 for which imprisonment is  
15          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 of the Criminal Code of 1961 or the  
23          Criminal Code of 2012.

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

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

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

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

10 (K) Vehicular hijacking.

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

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

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

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

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

26 (Q) A violation of subsection (b) or (b-5) of

1           Section 20-1, Section 20-1.2, or Section 20-1.3 of the  
2           Criminal Code of 1961 or the Criminal Code of 2012.

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

5           (S) (Blank).

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

8           (U) A second or subsequent violation of Section  
9           6-303 of the Illinois Vehicle Code committed while his  
10          or her driver's license, permit, or privilege was  
11          revoked because of a violation of Section 9-3 of the  
12          Criminal Code of 1961 or the Criminal Code of 2012,  
13          relating to the offense of reckless homicide, or a  
14          similar provision of a law of another state.

15          (V) A violation of paragraph (4) of subsection (c)  
16          of Section 11-20.1B or paragraph (4) of subsection (c)  
17          of Section 11-20.3 of the Criminal Code of 1961, or  
18          paragraph (6) of subsection (a) of Section 11-20.1 of  
19          the Criminal Code of 2012 when the victim is under 13  
20          years of age and the defendant has previously been  
21          convicted under the laws of this State or any other  
22          state of the offense of child pornography, aggravated  
23          child pornography, aggravated criminal sexual abuse,  
24          aggravated criminal sexual assault, predatory criminal  
25          sexual assault of a child, or any of the offenses  
26          formerly known as rape, deviate sexual assault,

1 indecent liberties with a child, or aggravated  
2 indecent liberties with a child where the victim was  
3 under the age of 18 years or an offense that is  
4 substantially equivalent to those offenses.

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

7 (X) A violation of subsection (a) of Section 31-1a  
8 of the Criminal Code of 1961 or the Criminal Code of  
9 2012.

10 (Y) A conviction for unlawful possession of a  
11 firearm by a street gang member when the firearm was  
12 loaded or contained firearm ammunition.

13 (Z) A Class 1 felony committed while he or she was  
14 serving a term of probation or conditional discharge  
15 for a felony.

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

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

20 (CC) Knowingly selling, offering for sale, holding  
21 for sale, or using 2,000 or more counterfeit items or  
22 counterfeit items having a retail value in the  
23 aggregate of \$500,000 or more.

24 (DD) A conviction for aggravated assault under  
25 paragraph (6) of subsection (c) of Section 12-2 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012 if

1           the firearm is aimed toward the person against whom the  
2           firearm is being used.

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 11-1.60 or 12-16 of the Criminal  
24 Code of 1961 or the Criminal Code of 2012 results in conviction  
25 of a defendant who was a family member of the victim at the  
26 time of the commission of the offense, the court shall consider

1 the safety and welfare of the victim and may impose a sentence  
2 of probation only where:

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

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

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

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

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

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

15 and

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

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

25 Probation may be revoked or modified pursuant to Section  
26 5-6-4; except where the court determines at the hearing that

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

6 For the purposes of this Section, "family member" and  
7 "victim" shall have the meanings ascribed to them in Section  
8 11-0.1 of the Criminal Code of 2012.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under  
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
12 11-14.3, 11-14.4 except for an offense that involves keeping a  
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, the defendant shall undergo medical  
17 testing to determine whether the defendant has any sexually  
18 transmissible disease, including a test for infection with  
19 human immunodeficiency virus (HIV) or any other identified  
20 causative agent of acquired immunodeficiency syndrome (AIDS).  
21 Any such medical test shall be performed only by appropriately  
22 licensed medical practitioners and may include an analysis of  
23 any bodily fluids as well as an examination of the defendant's  
24 person. Except as otherwise provided by law, the results of  
25 such test shall be kept strictly confidential by all medical  
26 personnel involved in the testing and must be personally

1 delivered in a sealed envelope to the judge of the court in  
2 which the conviction was entered for the judge's inspection in  
3 camera. Acting in accordance with the best interests of the  
4 victim and the public, the judge shall have the discretion to  
5 determine to whom, if anyone, the results of the testing may be  
6 revealed. The court shall notify the defendant of the test  
7 results. The court shall also notify the victim if requested by  
8 the victim, and if the victim is under the age of 15 and if  
9 requested by the victim's parents or legal guardian, the court  
10 shall notify the victim's parents or legal guardian of the test  
11 results. The court shall provide information on the  
12 availability of HIV testing and counseling at Department of  
13 Public Health facilities to all parties to whom the results of  
14 the testing are revealed and shall direct the State's Attorney  
15 to provide the information to the victim when possible. A  
16 State's Attorney may petition the court to obtain the results  
17 of any HIV test administered under this Section, and the court  
18 shall grant the disclosure if the State's Attorney shows it is  
19 relevant in order to prosecute a charge of criminal  
20 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 against the  
22 defendant. The court shall order that the cost of any such test  
23 shall be paid by the county and may be taxed as costs against  
24 the convicted defendant.

25 (g-5) When an inmate is tested for an airborne communicable  
26 disease, as determined by the Illinois Department of Public

1 Health including but not limited to tuberculosis, the results  
2 of the test shall be personally delivered by the warden or his  
3 or her designee in a sealed envelope to the judge of the court  
4 in which the inmate must appear for the judge's inspection in  
5 camera if requested by the judge. Acting in accordance with the  
6 best interests of those in the courtroom, the judge shall have  
7 the discretion to determine what if any precautions need to be  
8 taken to prevent transmission of the disease in the courtroom.

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



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

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

19 (j) In cases when prosecution for any violation of Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
21 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
22 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
23 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
24 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, any violation of the Illinois Controlled  
26 Substances Act, any violation of the Cannabis Control Act, or

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

20 (j-5) A defendant at least 17 years of age who is convicted  
21 of a felony and who has not been previously convicted of a  
22 misdemeanor or felony and who is sentenced to a term of  
23 imprisonment in the Illinois Department of Corrections shall as  
24 a condition of his or her sentence be required by the court to  
25 attend educational courses designed to prepare the defendant  
26 for a high school diploma and to work toward a high school

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

26 (k) (Blank).

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

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

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

15 Otherwise, the defendant shall be sentenced as  
16 provided in this Chapter V.

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

26 (1) a final order of deportation has been issued

1           against the defendant pursuant to proceedings under  
2           the Immigration and Nationality Act, and

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

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

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

19          (m) A person convicted of criminal defacement of property  
20          under Section 21-1.3 of the Criminal Code of 1961 or the  
21          Criminal Code of 2012, in which the property damage exceeds  
22          \$300 and the property damaged is a school building, shall be  
23          ordered to perform community service that may include cleanup,  
24          removal, or painting over the defacement.

25          (n) The court may sentence a person convicted of a  
26          violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
2 of 1961 or the Criminal Code of 2012 (i) to an impact  
3 incarceration program if the person is otherwise eligible for  
4 that program under Section 5-8-1.1, (ii) to community service,  
5 or (iii) if the person is an addict or alcoholic, as defined in  
6 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
7 substance or alcohol abuse program licensed under that Act.

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

13 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
14 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
15 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
16 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
17 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
18 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
19 eff. 1-25-13.)".