



Rep. Michael J. Zalewski

Filed: 3/23/2015

09900HB0353ham001

LRB099 06157 RLC 33231 a

1 AMENDMENT TO HOUSE BILL 353

2 AMENDMENT NO. _____. Amend House Bill 353 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 24-1.8 as follows:

6 (720 ILCS 5/24-1.8)

7 Sec. 24-1.8. Unlawful possession of a firearm by a street
8 gang member.

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

11 (1) possesses, carries, or conceals on or about his or
12 her person a firearm and firearm ammunition while on any
13 street, road, alley, gangway, sidewalk, or any other lands,
14 except when inside his or her own abode or inside his or
15 her fixed place of business, and has not been issued a
16 currently valid Firearm Owner's Identification Card and is

1 a member of a street gang; or

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

9 (b) Unlawful possession of a firearm by a street gang
10 member is a Class 2 felony for which the person, ~~if sentenced~~
11 ~~to a term of imprisonment,~~ shall be sentenced to no less than 4
12 3 years and no more than 10 years. A sentence of county impact
13 incarceration under Section 5-8-1.2 of the Unified Code of
14 Corrections is not authorized for a violation of this Section.
15 ~~A period of probation, a term of periodic imprisonment or~~
16 ~~conditional discharge shall not be imposed for the offense of~~
17 ~~unlawful possession of a firearm by a street gang member when~~
18 ~~the firearm was loaded or contained firearm ammunition and the~~
19 ~~court shall sentence the offender to not less than the minimum~~
20 ~~term of imprisonment authorized for the Class 2 felony.~~

21 (c) For purposes of this Section:

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

25 "Street gang member" or "gang member" has the meaning
26 ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

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

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

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

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

7 (a) (1) The Department of Corrections shall prescribe
8 rules and regulations for awarding and revoking sentence
9 credit for persons committed to the Department which shall
10 be subject to review by the Prisoner Review Board.

11 (1.5) As otherwise provided by law, sentence credit may
12 be awarded for the following:

13 (A) successful completion of programming while in
14 custody of the Department or while in custody prior to
15 sentencing;

16 (B) compliance with the rules and regulations of
17 the Department; or

18 (C) service to the institution, service to a
19 community, or service to the State.

20 (2) The rules and regulations on sentence credit shall
21 provide, with respect to offenses listed in clause (i),
22 (ii), or (iii) of this paragraph (2) committed on or after
23 June 19, 1998 or with respect to the offense listed in
24 clause (iv) of this paragraph (2) committed on or after

1 June 23, 2005 (the effective date of Public Act 94-71) or
2 with respect to offense listed in clause (vi) committed on
3 or after June 1, 2008 (the effective date of Public Act
4 95-625) or with respect to the offense of being an armed
5 habitual criminal committed on or after August 2, 2005 (the
6 effective date of Public Act 94-398) or with respect to the
7 offenses listed in clause (v) of this paragraph (2)
8 committed on or after August 13, 2007 (the effective date
9 of Public Act 95-134) or with respect to the offense of
10 aggravated domestic battery committed on or after July 23,
11 2010 (the effective date of Public Act 96-1224) or with
12 respect to the offense of attempt to commit terrorism
13 committed on or after January 1, 2013 (the effective date
14 of Public Act 97-990), the following:

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

19 (ii) that a prisoner serving a sentence for attempt
20 to commit terrorism, attempt to commit first degree
21 murder, solicitation of murder, solicitation of murder
22 for hire, intentional homicide of an unborn child,
23 predatory criminal sexual assault of a child,
24 aggravated criminal sexual assault, criminal sexual
25 assault, aggravated kidnapping, aggravated battery
26 with a firearm as described in Section 12-4.2 or

1 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
2 Section 12-3.05, heinous battery as described in
3 Section 12-4.1 or subdivision (a) (2) of Section
4 12-3.05, being an armed habitual criminal, aggravated
5 battery of a senior citizen as described in Section
6 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
7 aggravated battery of a child as described in Section
8 12-4.3 or subdivision (b) (1) of Section 12-3.05 shall
9 receive no more than 4.5 days of sentence credit for
10 each month of his or her sentence of imprisonment;

11 (iii) that a prisoner serving a sentence for home
12 invasion, armed robbery, aggravated vehicular
13 hijacking, aggravated discharge of a firearm, or armed
14 violence with a category I weapon or category II
15 weapon, when the court has made and entered a finding,
16 pursuant to subsection (c-1) of Section 5-4-1 of this
17 Code, that the conduct leading to conviction for the
18 enumerated offense resulted in great bodily harm to a
19 victim, shall receive no more than 4.5 days of sentence
20 credit for each month of his or her sentence of
21 imprisonment;

22 (iv) that a prisoner serving a sentence for
23 aggravated discharge of a firearm, whether or not the
24 conduct leading to conviction for the offense resulted
25 in great bodily harm to the victim, shall receive no
26 more than 4.5 days of sentence credit for each month of

1 his or her sentence of imprisonment;

2 (v) that a person serving a sentence for
3 gunrunning, narcotics racketeering, controlled
4 substance trafficking, methamphetamine trafficking,
5 drug-induced homicide, aggravated
6 methamphetamine-related child endangerment, money
7 laundering pursuant to clause (c) (4) or (5) of Section
8 29B-1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, or a Class X felony conviction for delivery of
10 a controlled substance, possession of a controlled
11 substance with intent to manufacture or deliver,
12 calculated criminal drug conspiracy, criminal drug
13 conspiracy, street gang criminal drug conspiracy,
14 participation in methamphetamine manufacturing,
15 aggravated participation in methamphetamine
16 manufacturing, delivery of methamphetamine, possession
17 with intent to deliver methamphetamine, aggravated
18 delivery of methamphetamine, aggravated possession
19 with intent to deliver methamphetamine,
20 methamphetamine conspiracy when the substance
21 containing the controlled substance or methamphetamine
22 is 100 grams or more shall receive no more than 7.5
23 days sentence credit for each month of his or her
24 sentence of imprisonment;

25 (vi) that a prisoner serving a sentence for a
26 second or subsequent offense of luring a minor shall

1 receive no more than 4.5 days of sentence credit for
2 each month of his or her sentence of imprisonment; ~~and~~

3 (vii) that a prisoner serving a sentence for
4 aggravated domestic battery shall receive no more than
5 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment; and -

7 (viii) that a prisoner serving a sentence for a
8 violation of Section 24-1.8 of the Criminal Code of
9 2012 shall receive no more than 4.5 days of sentence
10 credit for each month of his or her sentence of
11 imprisonment, unless the prisoner receives a court
12 order under paragraph (2.05) of this subsection (a)
13 authorizing the Department to issue up to a maximum of
14 180 days of additional sentence credit towards the
15 prisoner's sentence.

16 (2.05) Notwithstanding clause (viii) of paragraph (2)
17 of this subsection (a), if a person is convicted for a
18 violation of Section 24-1.8 of the Criminal Code of 2012,
19 at the person's sentencing hearing, after considering all
20 of the evidence in aggravation and mitigation, the court
21 may enter an order for judicially authorized sentence
22 credit to the Department permitting the issuance of
23 sentence credit for each day that the person is actually
24 personally engaged full-time and is attending one of the
25 substance abuse programs, vocational programs,
26 correctional industry assignments, educational programs,

1 high school equivalency test programs, behavior
2 modification programs, life skills courses, or other
3 re-entry planning provided by the Department. The
4 Department may issue sentence credit up to a maximum of 180
5 days under the order, and this sentence credit is
6 contingent upon the person's successful completion of the
7 program under the standards provided by the Department. The
8 court may enter the order if the person establishes by a
9 preponderance of the evidence that the interest of justice
10 is served by permitting the person enrollment in
11 correctional programming. In making its determination the
12 court shall consider the following factors:

13 (A) the person was not the leader, manager, or
14 supervisor of others in the criminal conduct for which
15 the person was convicted;

16 (B) permitting sentence credit would serve the
17 goals of the person's rehabilitation and reentry into
18 society; and

19 (C) permitting sentence credit is in the interests
20 of public safety.

21 The sentencing judge shall specify on the record the
22 particular information, factors in aggravation or
23 mitigation, or other reasons that led to his or her
24 determination under this paragraph (2.05).

25 (2.1) For all offenses, other than those enumerated in
26 subdivision (a) (2) (i), (ii), or (iii) committed on or after

1 June 19, 1998 or subdivision (a)(2)(iv) committed on or
2 after June 23, 2005 (the effective date of Public Act
3 94-71) or subdivision (a)(2)(v) committed on or after
4 August 13, 2007 (the effective date of Public Act 95-134)
5 or subdivision (a)(2)(vi) committed on or after June 1,
6 2008 (the effective date of Public Act 95-625) or
7 subdivision (a)(2)(vii) committed on or after July 23, 2010
8 (the effective date of Public Act 96-1224), 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 (F) of paragraph (1) of subsection (d) of
13 Section 11-501 of the Illinois Vehicle Code, and other than
14 the offense of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code committed on or
19 after January 1, 2011 (the effective date of Public Act
20 96-1230), the rules and regulations shall provide that a
21 prisoner who is serving a term of imprisonment shall
22 receive one day of sentence credit for each day of his or
23 her sentence of imprisonment or recommitment under Section
24 3-3-9. Each day of sentence credit shall reduce by one day
25 the prisoner's period of imprisonment or recommitment
26 under Section 3-3-9.

1 (2.2) A prisoner serving a term of natural life
2 imprisonment or a prisoner who has been sentenced to death
3 shall receive no sentence credit.

4 (2.3) The rules and regulations on sentence credit
5 shall provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, shall receive no more than 4.5 days
11 of sentence credit for each month of his or her sentence of
12 imprisonment.

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

25 (2.5) The rules and regulations on sentence credit
26 shall provide that a prisoner who is serving a sentence for

1 aggravated arson committed on or after July 27, 2001 (the
2 effective date of Public Act 92-176) shall receive no more
3 than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment.

5 (2.6) The rules and regulations on sentence credit
6 shall provide that a prisoner who is serving a sentence for
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds or any
9 combination thereof as defined in subparagraph (C) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code committed on or after January 1, 2011
12 (the effective date of Public Act 96-1230) shall receive no
13 more than 4.5 days of sentence credit for each month of his
14 or her sentence of imprisonment.

15 (3) The rules and regulations shall also provide that
16 the Director may award up to 180 days additional sentence
17 credit for good conduct in specific instances as the
18 Director deems proper. The good conduct may include, but is
19 not limited to, compliance with the rules and regulations
20 of the Department, service to the Department, service to a
21 community, or service to the State. However, the Director
22 shall not award more than 90 days of sentence credit for
23 good conduct to any prisoner who is serving a sentence for
24 conviction of first degree murder, reckless homicide while
25 under the influence of alcohol or any other drug, or
26 aggravated driving under the influence of alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or
2 any combination thereof as defined in subparagraph (F) of
3 paragraph (1) of subsection (d) of Section 11-501 of the
4 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
5 predatory criminal sexual assault of a child, aggravated
6 criminal sexual assault, criminal sexual assault, deviate
7 sexual assault, aggravated criminal sexual abuse,
8 aggravated indecent liberties with a child, indecent
9 liberties with a child, child pornography, heinous battery
10 as described in Section 12-4.1 or subdivision (a)(2) of
11 Section 12-3.05, aggravated battery of a spouse,
12 aggravated battery of a spouse with a firearm, stalking,
13 aggravated stalking, aggravated battery of a child as
14 described in Section 12-4.3 or subdivision (b)(1) of
15 Section 12-3.05, endangering the life or health of a child,
16 or cruelty to a child. Notwithstanding the foregoing,
17 sentence credit for good conduct shall not be awarded on a
18 sentence of imprisonment imposed for conviction of: (i) one
19 of the offenses enumerated in subdivision (a)(2)(i), (ii),
20 or (iii) when the offense is committed on or after June 19,
21 1998 or subdivision (a)(2)(iv) when the offense is
22 committed on or after June 23, 2005 (the effective date of
23 Public Act 94-71) or subdivision (a)(2)(v) when the offense
24 is committed on or after August 13, 2007 (the effective
25 date of Public Act 95-134) or subdivision (a)(2)(vi) when
26 the offense is committed on or after June 1, 2008 (the

1 effective date of Public Act 95-625) or subdivision
2 (a)(2)(vii) when the offense is committed on or after July
3 23, 2010 (the effective date of Public Act 96-1224), (ii)
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof as defined in subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of the
8 Illinois Vehicle Code, (iii) one of the offenses enumerated
9 in subdivision (a)(2.4) when the offense is committed on or
10 after July 15, 1999 (the effective date of Public Act
11 91-121), (iv) aggravated arson when the offense is
12 committed on or after July 27, 2001 (the effective date of
13 Public Act 92-176), (v) offenses that may subject the
14 offender to commitment under the Sexually Violent Persons
15 Commitment Act, or (vi) aggravated driving under the
16 influence of alcohol, other drug or drugs, or intoxicating
17 compound or compounds or any combination thereof as defined
18 in subparagraph (C) of paragraph (1) of subsection (d) of
19 Section 11-501 of the Illinois Vehicle Code committed on or
20 after January 1, 2011 (the effective date of Public Act
21 96-1230).

22 Eligible inmates for an award of sentence credit under this
23 paragraph (3) may be selected to receive the credit at the
24 Director's or his or her designee's sole discretion.
25 Consideration may be based on, but not limited to, any
26 available risk assessment analysis on the inmate, any history

1 of conviction for violent crimes as defined by the Rights of
2 Crime Victims and Witnesses Act, facts and circumstances of the
3 inmate's holding offense or offenses, and the potential for
4 rehabilitation.

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

12 (A) is eligible for the sentence credit;

13 (B) has served a minimum of 60 days, or as close to
14 60 days as the sentence will allow; and

15 (C) has met the eligibility criteria established
16 by rule.

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

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

26 (A) the number of inmates awarded sentence credit

1 for good conduct;

2 (B) the average amount of sentence credit for good
3 conduct awarded;

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

6 (D) the number of sentence credit for good conduct
7 revocations.

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

1 substance abuse program, educational program, behavior
2 modification program, life skills course, or re-entry
3 planning provided by the county department of corrections
4 or county jail. Calculation of this county program credit
5 shall be done at sentencing as provided in Section
6 5-4.5-100 of this Code and shall be included in the
7 sentencing order. However, no inmate shall be eligible for
8 the additional sentence credit under this paragraph (4) or
9 (4.1) of this subsection (a) while assigned to a boot camp
10 or electronic detention, or if convicted of an offense
11 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
12 Section that is committed on or after June 19, 1998 or
13 subdivision (a)(2)(iv) of this Section that is committed on
14 or after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) of this Section that is
16 committed on or after August 13, 2007 (the effective date
17 of Public Act 95-134) or subdivision (a)(2)(vi) when the
18 offense is committed on or after June 1, 2008 (the
19 effective date of Public Act 95-625) or subdivision
20 (a)(2)(vii) when the offense is committed on or after July
21 23, 2010 (the effective date of Public Act 96-1224), 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 (F) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code, or if

1 convicted of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds or any combination thereof as defined in
4 subparagraph (C) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code committed on or
6 after January 1, 2011 (the effective date of Public Act
7 96-1230), or if convicted of an offense enumerated in
8 paragraph (a)(2.4) of this Section that is committed on or
9 after July 15, 1999 (the effective date of Public Act
10 91-121), or first degree murder, a Class X felony, criminal
11 sexual assault, felony criminal sexual abuse, aggravated
12 criminal sexual abuse, aggravated battery with a firearm as
13 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
14 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
15 successor offenses with the same or substantially the same
16 elements, or any inchoate offenses relating to the
17 foregoing offenses. No inmate shall be eligible for the
18 additional good conduct credit under this paragraph (4) who
19 (i) has previously received increased good conduct credit
20 under this paragraph (4) and has subsequently been
21 convicted of a felony, or (ii) has previously served more
22 than one prior sentence of imprisonment for a felony in an
23 adult correctional facility.

24 Educational, vocational, substance abuse, behavior
25 modification programs, life skills courses, re-entry
26 planning, and correctional industry programs under which

1 sentence credit may be increased under this paragraph (4)
2 and paragraph (4.1) of this subsection (a) shall be
3 evaluated by the Department on the basis of documented
4 standards. The Department shall report the results of these
5 evaluations to the Governor and the General Assembly by
6 September 30th of each year. The reports shall include data
7 relating to the recidivism rate among program
8 participants.

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

21 (4.1) The rules and regulations shall also provide that
22 an additional 60 days of sentence credit shall be awarded
23 to any prisoner who passes high school equivalency testing
24 while the prisoner is committed to the Department of
25 Corrections. The sentence credit awarded under this
26 paragraph (4.1) shall be in addition to, and shall not

1 affect, the award of sentence credit under any other
2 paragraph of this Section, but shall also be pursuant to
3 the guidelines and restrictions set forth in paragraph (4)
4 of subsection (a) of this Section. The sentence credit
5 provided for in this paragraph shall be available only to
6 those prisoners who have not previously earned a high
7 school diploma or a high school equivalency certificate.
8 If, after an award of the high school equivalency testing
9 sentence credit has been made, the Department determines
10 that the prisoner was not eligible, then the award shall be
11 revoked. The Department may also award 60 days of sentence
12 credit to any committed person who passed high school
13 equivalency testing while he or she was held in pre-trial
14 detention prior to the current commitment to the Department
15 of Corrections.

16 (4.5) The rules and regulations on sentence credit
17 shall also provide that when the court's sentencing order
18 recommends a prisoner for substance abuse treatment and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the prisoner shall
21 receive no sentence credit awarded under clause (3) of this
22 subsection (a) unless he or she participates in and
23 completes a substance abuse treatment program. The
24 Director may waive the requirement to participate in or
25 complete a substance abuse treatment program and award the
26 sentence credit in specific instances if the prisoner is

1 not a good candidate for a substance abuse treatment
2 program for medical, programming, or operational reasons.
3 Availability of substance abuse treatment shall be subject
4 to the limits of fiscal resources appropriated by the
5 General Assembly for these purposes. If treatment is not
6 available and the requirement to participate and complete
7 the treatment has not been waived by the Director, the
8 prisoner shall be placed on a waiting list under criteria
9 established by the Department. The Director may allow a
10 prisoner placed on a waiting list to participate in and
11 complete a substance abuse education class or attend
12 substance abuse self-help meetings in lieu of a substance
13 abuse treatment program. A prisoner on a waiting list who
14 is not placed in a substance abuse program prior to release
15 may be eligible for a waiver and receive sentence credit
16 under clause (3) of this subsection (a) at the discretion
17 of the Director.

18 (4.6) The rules and regulations on sentence credit
19 shall also provide that a prisoner who has been convicted
20 of a sex offense as defined in Section 2 of the Sex
21 Offender Registration Act shall receive no sentence credit
22 unless he or she either has successfully completed or is
23 participating in sex offender treatment as defined by the
24 Sex Offender Management Board. However, prisoners who are
25 waiting to receive treatment, but who are unable to do so
26 due solely to the lack of resources on the part of the

1 Department, may, at the Director's sole discretion, be
2 awarded sentence credit at a rate as the Director shall
3 determine.

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

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

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

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any sentence credits for an alleged
16 infraction of its rules, it shall bring charges therefor
17 against the prisoner sought to be so deprived of sentence
18 credits before the Prisoner Review Board as provided in
19 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days or when during any 12
21 month period, the cumulative amount of credit revoked exceeds
22 30 days except where the infraction is committed or discovered
23 within 60 days of scheduled release. In those cases, the
24 Department of Corrections may revoke up to 30 days of sentence
25 credit. The Board may subsequently approve the revocation of
26 additional sentence credit, if the Department seeks to revoke

1 sentence credit in excess of 30 days. However, the Board shall
2 not be empowered to review the Department's decision with
3 respect to the loss of 30 days of sentence credit within any
4 calendar year for any prisoner or to increase any penalty
5 beyond the length requested by the Department.

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

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

18 (d) If a lawsuit is filed by a prisoner in an Illinois or
19 federal court against the State, the Department of Corrections,
20 or the Prisoner Review Board, or against any of their officers
21 or employees, and the court makes a specific finding that a
22 pleading, motion, or other paper filed by the prisoner is
23 frivolous, the Department of Corrections shall conduct a
24 hearing to revoke up to 180 days of sentence credit by bringing
25 charges against the prisoner sought to be deprived of the
26 sentence credits before the Prisoner Review Board as provided

1 in subparagraph (a)(8) of Section 3-3-2 of this Code. If the
2 prisoner has not accumulated 180 days of sentence credit at the
3 time of the finding, then the Prisoner Review Board may revoke
4 all sentence credit accumulated by the prisoner.

5 For purposes of this subsection (d):

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

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

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

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

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

25 (E) the denials of factual contentions are not
26 warranted on the evidence, or if specifically so

1 identified, are not reasonably based on a lack of
2 information or belief.

3 (2) "Lawsuit" means a motion pursuant to Section 116-3
4 of the Code of Criminal Procedure of 1963, a habeas corpus
5 action under Article X of the Code of Civil Procedure or
6 under federal law (28 U.S.C. 2254), a petition for claim
7 under the Court of Claims Act, an action under the federal
8 Civil Rights Act (42 U.S.C. 1983), or a second or
9 subsequent petition for post-conviction relief under
10 Article 122 of the Code of Criminal Procedure of 1963
11 whether filed with or without leave of court or a second or
12 subsequent petition for relief from judgment under Section
13 2-1401 of the Code of Civil Procedure.

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

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

24 (Source: P.A. 97-333, eff. 8-12-11; 97-697, eff. 6-22-12;
25 97-990, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.
26 1-1-15.)

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

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

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

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

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

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

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

25 (E) A violation of Section 5.1 or 9 of the Cannabis

1 Control Act.

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

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

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

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen as described
22 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

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

10 (K) Vehicular hijacking.

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

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 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), (5),
24 or (7) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

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

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

3 (R) A violation of Section 24-3A of the Criminal Code
4 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 6-303
9 of the Illinois Vehicle Code committed while his or her
10 driver's license, permit, or privilege was revoked because
11 of a violation of Section 9-3 of the Criminal Code of 1961
12 or the Criminal Code of 2012, relating to the offense of
13 reckless homicide, or a similar provision of a law of
14 another state.

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

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

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

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

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

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

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

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

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

22 (DD) A conviction for aggravated assault under
23 paragraph (6) of subsection (c) of Section 12-2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 if the
25 firearm is aimed toward the person against whom the firearm
26 is being used.

1 (3) (Blank).

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

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
8 this subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300
12 hours of community service, as determined by the court, shall
13 be imposed for a second violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6), and
16 (4.9) of this subsection (c), a minimum term of imprisonment of
17 30 days or 300 hours of community service, as determined by the
18 court, shall be imposed for a third or subsequent violation of
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.5) A minimum term of imprisonment of 30 days shall be
21 imposed for a third violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this
24 subsection (c), a minimum term of imprisonment of 180 days
25 shall be imposed for a fourth or subsequent violation of
26 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

1 (4.7) A minimum term of imprisonment of not less than 30
2 consecutive days, or 300 hours of community service, shall be
3 imposed for a violation of subsection (a-5) of Section 6-303 of
4 the Illinois Vehicle Code, as provided in subsection (b-5) of
5 that Section.

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

12 (4.9) A mandatory prison sentence of not less than 4 and
13 not more than 15 years shall be imposed for a third violation
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
15 Code, as provided in subsection (d-2.5) of that Section. The
16 person's driving privileges shall be revoked for the remainder
17 of his or her life.

18 (4.10) A mandatory prison sentence for a Class 1 felony
19 shall be imposed, and the person shall be eligible for an
20 extended term sentence, for a fourth or subsequent violation of
21 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
22 as provided in subsection (d-3.5) of that Section. The person's
23 driving privileges shall be revoked for the remainder of his or
24 her life.

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

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section 5-5-6
4 of this Code.

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

12 (5.2) In addition to any other penalties imposed, and
13 except as provided in paragraph (5.3), a person convicted of
14 violating subsection (c) of Section 11-907 of the Illinois
15 Vehicle Code shall have his or her driver's license, permit, or
16 privileges suspended for at least 180 days but not more than 2
17 years, if the violation resulted in injury to another person.

18 (5.3) In addition to any other penalties imposed, a person
19 convicted of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 2 years, if the violation
22 resulted in the death of another person.

23 (5.4) In addition to any other penalties imposed, a person
24 convicted of violating Section 3-707 of the Illinois Vehicle
25 Code shall have his or her driver's license, permit, or
26 privileges suspended for 3 months and until he or she has paid

1 a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a person
3 convicted of violating Section 3-707 of the Illinois Vehicle
4 Code during a period in which his or her driver's license,
5 permit, or privileges were suspended for a previous violation
6 of that Section shall have his or her driver's license, permit,
7 or privileges suspended for an additional 6 months after the
8 expiration of the original 3-month suspension and until he or
9 she has paid a reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

1 person at an athletic contest who enforces the rules of the
2 contest, such as an umpire or referee; "athletic facility"
3 means an indoor or outdoor playing field or recreational area
4 where sports activities are conducted; and "coach" means a
5 person recognized as a coach by the sanctioning authority that
6 conducted the sporting event.

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

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

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

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

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

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

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

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

- 1 (i) removal from the household;
2 (ii) restricted contact with the victim;
3 (iii) continued financial support of the
4 family;
5 (iv) restitution for harm done to the victim;
6 and
7 (v) compliance with any other measures that
8 the court may deem appropriate; and

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

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

23 For the purposes of this Section, "family member" and
24 "victim" shall have the meanings ascribed to them in Section
25 11-0.1 of the Criminal Code of 2012.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
3 11-14.3, 11-14.4 except for an offense that involves keeping a
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the defendant shall undergo medical
8 testing to determine whether the defendant has any sexually
9 transmissible disease, including a test for infection with
10 human immunodeficiency virus (HIV) or any other identified
11 causative agent of acquired immunodeficiency syndrome (AIDS).
12 Any such medical test shall be performed only by appropriately
13 licensed medical practitioners and may include an analysis of
14 any bodily fluids as well as an examination of the defendant's
15 person. Except as otherwise provided by law, the results of
16 such test shall be kept strictly confidential by all medical
17 personnel involved in the testing and must be personally
18 delivered in a sealed envelope to the judge of the court in
19 which the conviction was entered for the judge's inspection in
20 camera. Acting in accordance with the best interests of the
21 victim and the public, the judge shall have the discretion to
22 determine to whom, if anyone, the results of the testing may be
23 revealed. The court shall notify the defendant of the test
24 results. The court shall also notify the victim if requested by
25 the victim, and if the victim is under the age of 15 and if
26 requested by the victim's parents or legal guardian, the court

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

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

26 (h) Whenever a defendant is convicted of an offense under

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

1 of any such test shall be paid by the county and may be taxed as
2 costs against the convicted defendant.

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

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

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

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

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

17 (k) (Blank).

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

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

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

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

6 Otherwise, the defendant shall be sentenced as provided in
7 this Chapter V.

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

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

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

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

26 (D) Upon motion of the State's Attorney, if a defendant

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

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 97-159, eff. 7-21-11; 97-697, eff. 6-22-12;
5 97-917, eff. 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff.
6 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff. 1-1-15; 98-756,
7 eff. 7-16-14.)".