



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3853

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

See Index

Amends the Unified Code of Corrections. Provides that the sentence of a person convicted of or placed on supervision for a sex offense committed on or after the effective date of the amendatory Act shall be an indeterminate sentence with respect to the maximum sentence imposed. Provides that not less than 30 days before the completion of the sentence imposed by the court for a person convicted of or placed on supervision for a sex offense, excluding any mandatory supervised release term, the court shall make a determination as to whether the offender poses a danger to the public. Provides that if the court determines that the offender poses a danger to the public, the court may extend the sentence of the offender for any period that the court deems appropriate. Provides that if the court had sentenced the sex offender to probation or conditional discharge or placed the sex offender on supervision and the court determines that continuing the sex offender on probation or conditional discharge or supervision would pose a danger to the public, the court may revoke the probation, conditional discharge, or supervision and resentence the sex offender to a term of imprisonment. Effective immediately.

LRB099 06233 RLC 26298 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40,
6 5-4.5-45, 5-4.5-50, 5-4.5-55, 5-4.5-60, 5-4.5-65, and 5-4.5-70
7 and by adding Section 5-4.5-105 as follows:

8 (730 ILCS 5/5-4.5-25)

9 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
10 felony:

11 (a) TERM. Except as otherwise provided in Section 5-4.5-105
12 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
13 determinate sentence of not less than 6 years and not more than
14 30 years. The sentence of imprisonment for an extended term
15 Class X felony, as provided in Section 5-8-2 (730 ILCS
16 5/5-8-2), shall be not less than 30 years and not more than 60
17 years.

18 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
19 shall not be imposed.

20 (c) IMPACT INCARCERATION. The impact incarceration program
21 or the county impact incarceration program is not an authorized
22 disposition.

23 (d) PROBATION; CONDITIONAL DISCHARGE. A period of

1 probation or conditional discharge shall not be imposed.

2 (e) FINE. Fines may be imposed as provided in Section
3 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
13 ILCS 5/5-4.5-100) concerning no credit for time spent in home
14 detention prior to judgment.

15 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
16 for rules and regulations for sentence credit.

17 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
18 5/5-8A-3) concerning eligibility for electronic home
19 detention.

20 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
21 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
22 5/5-8-1), the parole or mandatory supervised release term shall
23 be 3 years upon release from imprisonment.

24 (Source: P.A. 97-697, eff. 6-22-12.)

25 (730 ILCS 5/5-4.5-30)

1 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
2 felony:

3 (a) TERM. Except as otherwise provided in Section 5-4.5-105
4 for a sex offense, the ~~The~~ sentence of imprisonment, other than
5 for second degree murder, shall be a determinate sentence of
6 not less than 4 years and not more than 15 years. The sentence
7 of imprisonment for second degree murder shall be a determinate
8 sentence of not less than 4 years and not more than 20 years.
9 The sentence of imprisonment for an extended term Class 1
10 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
11 be a term not less than 15 years and not more than 30 years.

12 (b) PERIODIC IMPRISONMENT. A sentence of periodic
13 imprisonment shall be for a definite term of from 3 to 4 years,
14 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
15 ILCS 5/5-5-3 or 5/5-7-1).

16 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
17 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
18 the impact incarceration program or the county impact
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
22 period of probation or conditional discharge shall not exceed 4
23 years. The court shall specify the conditions of probation or
24 conditional discharge as set forth in Section 5-6-3 (730 ILCS
25 5/5-6-3). In no case shall an offender be eligible for a
26 disposition of probation or conditional discharge for a Class 1

1 felony committed while he or she was serving a term of
2 probation or conditional discharge for a felony.

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term shall
25 be 2 years upon release from imprisonment.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-35)

2 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
3 felony:

4 (a) TERM. Except as otherwise provided in Section 5-4.5-105
5 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
6 determinate sentence of not less than 3 years and not more than
7 7 years. The sentence of imprisonment for an extended term
8 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
9 5/5-8-2), shall be a term not less than 7 years and not more
10 than 14 years.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic
12 imprisonment shall be for a definite term of from 18 to 30
13 months, except as otherwise provided in Section 5-5-3 or 5-7-1
14 (730 ILCS 5/5-5-3 or 5/5-7-1).

15 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
16 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
17 the impact incarceration program or the county impact
18 incarceration program.

19 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
20 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
21 period of probation or conditional discharge shall not exceed 4
22 years. The court shall specify the conditions of probation or
23 conditional discharge as set forth in Section 5-6-3 (730 ILCS
24 5/5-6-3).

25 (e) FINE. Fines may be imposed as provided in Section

1 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

2 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
3 concerning restitution.

4 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
5 be concurrent or consecutive as provided in Section 5-8-4 (730
6 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

7 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
8 Act (730 ILCS 166/20) concerning eligibility for a drug court
9 program.

10 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
11 ILCS 5/5-4.5-100) concerning credit for time spent in home
12 detention prior to judgment.

13 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
14 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
15 (730 ILCS 130/) for rules and regulations for sentence credit.

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
17 5/5-8A-3) concerning eligibility for electronic home
18 detention.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
21 5/5-8-1), the parole or mandatory supervised release term shall
22 be 2 years upon release from imprisonment.

23 (Source: P.A. 97-697, eff. 6-22-12.)

24 (730 ILCS 5/5-4.5-40)

25 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3

1 felony:

2 (a) TERM. Except as otherwise provided in Section 5-4.5-105
3 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
4 determinate sentence of not less than 2 years and not more than
5 5 years. The sentence of imprisonment for an extended term
6 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
7 5/5-8-2), shall be a term not less than 5 years and not more
8 than 10 years.

9 (b) PERIODIC IMPRISONMENT. A sentence of periodic
10 imprisonment shall be for a definite term of up to 18 months,
11 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
12 ILCS 5/5-5-3 or 5/5-7-1).

13 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
14 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
15 the impact incarceration program or the county impact
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
18 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
19 period of probation or conditional discharge shall not exceed
20 30 months. The court shall specify the conditions of probation
21 or conditional discharge as set forth in Section 5-6-3 (730
22 ILCS 5/5-6-3).

23 (e) FINE. Fines may be imposed as provided in Section
24 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

25 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
2 be concurrent or consecutive as provided in Section 5-8-4 (730
3 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
5 Act (730 ILCS 166/20) concerning eligibility for a drug court
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
8 ILCS 5/5-4.5-100) concerning credit for time spent in home
9 detention prior to judgment.

10 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
11 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
12 (730 ILCS 130/) for rules and regulations for sentence credit.

13 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
14 5/5-8A-3) concerning eligibility for electronic home
15 detention.

16 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
17 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
18 5/5-8-1), the parole or mandatory supervised release term shall
19 be one year upon release from imprisonment.

20 (Source: P.A. 97-697, eff. 6-22-12.)

21 (730 ILCS 5/5-4.5-45)

22 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
23 felony:

24 (a) TERM. Except as otherwise provided in Section 5-4.5-105
25 for a sex offense, the ~~The~~ sentence of imprisonment shall be a

1 determinate sentence of not less than one year and not more
2 than 3 years. The sentence of imprisonment for an extended term
3 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
4 5/5-8-2), shall be a term not less than 3 years and not more
5 than 6 years.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of up to 18 months,
8 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
9 ILCS 5/5-5-3 or 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
11 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
12 the impact incarceration program or the county impact
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
15 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
16 period of probation or conditional discharge shall not exceed
17 30 months. The court shall specify the conditions of probation
18 or conditional discharge as set forth in Section 5-6-3 (730
19 ILCS 5/5-6-3).

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730
26 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act (730 ILCS 166/20) concerning eligibility for a drug court
3 program.

4 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
5 ILCS 5/5-4.5-100) concerning credit for time spent in home
6 detention prior to judgment.

7 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
8 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
9 (730 ILCS 130/) for rules and regulations for sentence credit.

10 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
11 5/5-8A-3) concerning eligibility for electronic home
12 detention.

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
15 5/5-8-1), the parole or mandatory supervised release term shall
16 be one year upon release from imprisonment.

17 (Source: P.A. 97-697, eff. 6-22-12.)

18 (730 ILCS 5/5-4.5-50)

19 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
20 as otherwise provided, for all felonies:

21 (a) NO SUPERVISION. The court, upon a plea of guilty or a
22 stipulation by the defendant of the facts supporting the charge
23 or a finding of guilt, may not defer further proceedings and
24 the imposition of a sentence and may not enter an order for
25 supervision of the defendant.

1 (b) FELONY FINES. An offender may be sentenced to pay a
2 fine not to exceed, for each offense, \$25,000 or the amount
3 specified in the offense, whichever is greater, or if the
4 offender is a corporation, \$50,000 or the amount specified in
5 the offense, whichever is greater. A fine may be imposed in
6 addition to a sentence of conditional discharge, probation,
7 periodic imprisonment, or imprisonment. See Article 9 of
8 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
9 additional amounts and determination of amounts and payment.

10 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
11 each felony conviction shall set forth his or her reasons for
12 imposing the particular sentence entered in the case, as
13 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
14 include any mitigating or aggravating factors specified in this
15 Code, or the lack of any such factors, as well as any other
16 mitigating or aggravating factors that the judge sets forth on
17 the record that are consistent with the purposes and principles
18 of sentencing set out in this Code.

19 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
20 sentence may be made, or the court may reduce a sentence
21 without motion, within 30 days after the sentence is imposed. A
22 defendant's challenge to the correctness of a sentence or to
23 any aspect of the sentencing hearing shall be made by a written
24 motion filed with the circuit court clerk within 30 days
25 following the imposition of sentence. A motion not filed within
26 that 30-day period is not timely. The court may not increase a

1 sentence once it is imposed. A notice of motion must be filed
2 with the motion. The notice of motion shall set the motion on
3 the court's calendar on a date certain within a reasonable time
4 after the date of filing.

5 If a motion filed pursuant to this subsection is timely
6 filed, the proponent of the motion shall exercise due diligence
7 in seeking a determination on the motion and the court shall
8 thereafter decide the motion within a reasonable time.

9 If a motion filed pursuant to this subsection is timely
10 filed, then for purposes of perfecting an appeal, a final
11 judgment is not considered to have been entered until the
12 motion to reduce the sentence has been decided by order entered
13 by the trial court.

14 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
15 OTHER-STATE SENTENCE. A defendant who has a previous and
16 unexpired sentence of imprisonment imposed by another state or
17 by any district court of the United States and who, after
18 sentence for a crime in Illinois, must return to serve the
19 unexpired prior sentence may have his or her sentence by the
20 Illinois court ordered to be concurrent with the prior
21 other-state or federal sentence. The court may order that any
22 time served on the unexpired portion of the other-state or
23 federal sentence, prior to his or her return to Illinois, shall
24 be credited on his or her Illinois sentence. The appropriate
25 official of the other state or the United States shall be
26 furnished with a copy of the order imposing sentence, which

1 shall provide that, when the offender is released from
2 other-state or federal confinement, whether by parole or by
3 termination of sentence, the offender shall be transferred by
4 the Sheriff of the committing Illinois county to the Illinois
5 Department of Corrections. The court shall cause the Department
6 of Corrections to be notified of the sentence at the time of
7 commitment and to be provided with copies of all records
8 regarding the sentence.

9 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
10 defendant who has a previous and unexpired sentence of
11 imprisonment imposed by an Illinois circuit court for a crime
12 in this State and who is subsequently sentenced to a term of
13 imprisonment by another state or by any district court of the
14 United States and who has served a term of imprisonment imposed
15 by the other state or district court of the United States, and
16 must return to serve the unexpired prior sentence imposed by
17 the Illinois circuit court, may apply to the Illinois circuit
18 court that imposed sentence to have his or her sentence
19 reduced.

20 The circuit court may order that any time served on the
21 sentence imposed by the other state or district court of the
22 United States be credited on his or her Illinois sentence. The
23 application for reduction of a sentence under this subsection
24 shall be made within 30 days after the defendant has completed
25 the sentence imposed by the other state or district court of
26 the United States.

1 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
2 sentence or disposition that requires the defendant to be
3 implanted or injected with or to use any form of birth control.

4 (h) SEX OFFENDERS. Sex offenders shall be subject to the
5 provisions of Section 5-4.5-105 of this Code.

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

7 (730 ILCS 5/5-4.5-55)

8 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
9 A misdemeanor:

10 (a) TERM. Except as otherwise provided in Section 5-4.5-105
11 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
12 determinate sentence of less than one year.

13 (b) PERIODIC IMPRISONMENT. A sentence of periodic
14 imprisonment shall be for a definite term of less than one
15 year, except as otherwise provided in Section 5-5-3 or 5-7-1
16 (730 ILCS 5/5-5-3 or 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
18 5/5-8-1.2) concerning eligibility for the county impact
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
21 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
22 period of probation or conditional discharge shall not exceed 2
23 years. The court shall specify the conditions of probation or
24 conditional discharge as set forth in Section 5-6-3 (730 ILCS
25 5/5-6-3).

1 (e) FINE. A fine not to exceed \$2,500 for each offense or
2 the amount specified in the offense, whichever is greater, may
3 be imposed. A fine may be imposed in addition to a sentence of
4 conditional discharge, probation, periodic imprisonment, or
5 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
6 Art. 9) for imposition of additional amounts and determination
7 of amounts and payment.

8 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
9 concerning restitution.

10 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
11 be concurrent or consecutive as provided in Section 5-8-4 (730
12 ILCS 5/5-8-4).

13 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
14 Act (730 ILCS 166/20) concerning eligibility for a drug court
15 program.

16 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
17 ILCS 5/5-4.5-100) concerning credit for time spent in home
18 detention prior to judgment.

19 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
20 Behavior Allowance Act (730 ILCS 130/) for rules and
21 regulations for good behavior allowance.

22 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
23 5/5-8A-3) concerning eligibility for electronic home
24 detention.

25 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-60)

2 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
3 B misdemeanor:

4 (a) TERM. Except as otherwise provided in Section 5-4.5-105
5 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
6 determinate sentence of not more than 6 months.

7 (b) PERIODIC IMPRISONMENT. A sentence of periodic
8 imprisonment shall be for a definite term of up to 6 months or
9 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

10 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
11 5/5-8-1.2) concerning eligibility for the county impact
12 incarceration program.

13 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
14 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
15 conditional discharge shall not exceed 2 years. The court shall
16 specify the conditions of probation or conditional discharge as
17 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

18 (e) FINE. A fine not to exceed \$1,500 for each offense or
19 the amount specified in the offense, whichever is greater, may
20 be imposed. A fine may be imposed in addition to a sentence of
21 conditional discharge, probation, periodic imprisonment, or
22 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
23 Art. 9) for imposition of additional amounts and determination
24 of amounts and payment.

25 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
26 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
2 be concurrent or consecutive as provided in Section 5-8-4 (730
3 ILCS 5/5-8-4).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
5 Act (730 ILCS 166/20) concerning eligibility for a drug court
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
8 ILCS 5/5-4.5-100) concerning credit for time spent in home
9 detention prior to judgment.

10 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
11 Behavior Allowance Act (730 ILCS 130/) for rules and
12 regulations for good behavior allowance.

13 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
14 5/5-8A-3) concerning eligibility for electronic home
15 detention.

16 (Source: P.A. 97-697, eff. 6-22-12.)

17 (730 ILCS 5/5-4.5-65)

18 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
19 C misdemeanor:

20 (a) TERM. Except as otherwise provided in Section 5-4.5-105
21 for a sex offense, the ~~The~~ sentence of imprisonment shall be a
22 determinate sentence of not more than 30 days.

23 (b) PERIODIC IMPRISONMENT. A sentence of periodic
24 imprisonment shall be for a definite term of up to 30 days or
25 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

1 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
2 5/5-8-1.2) concerning eligibility for the county impact
3 incarceration program.

4 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
5 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
6 conditional discharge shall not exceed 2 years. The court shall
7 specify the conditions of probation or conditional discharge as
8 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

9 (e) FINE. A fine not to exceed \$1,500 for each offense or
10 the amount specified in the offense, whichever is greater, may
11 be imposed. A fine may be imposed in addition to a sentence of
12 conditional discharge, probation, periodic imprisonment, or
13 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
14 Art. 9) for imposition of additional amounts and determination
15 of amounts and payment.

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
2 Behavior Allowance Act (730 ILCS 130/) for rules and
3 regulations for good behavior allowance.

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (Source: P.A. 97-697, eff. 6-22-12.)

8 (730 ILCS 5/5-4.5-70)

9 Sec. 5-4.5-70. SENTENCE PROVISIONS; ALL MISDEMEANORS.
10 Except as otherwise provided, for all misdemeanors:

11 (a) SUPERVISION; ORDER. The court, upon a plea of guilty or
12 a stipulation by the defendant of the facts supporting the
13 charge or a finding of guilt, may defer further proceedings and
14 the imposition of a sentence and may enter an order for
15 supervision of the defendant. If the defendant is not barred
16 from receiving an order for supervision under Section 5-6-1
17 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
18 for supervision after considering the circumstances of the
19 offense, and the history, character, and condition of the
20 offender, if the court is of the opinion that:

21 (1) the defendant is not likely to commit further
22 crimes;

23 (2) the defendant and the public would be best served
24 if the defendant were not to receive a criminal record; and

25 (3) in the best interests of justice, an order of

1 supervision is more appropriate than a sentence otherwise
2 permitted under this Code.

3 (b) SUPERVISION; PERIOD. When a defendant is placed on
4 supervision, the court shall enter an order for supervision
5 specifying the period of supervision, and shall defer further
6 proceedings in the case until the conclusion of the period. The
7 period of supervision shall be reasonable under all of the
8 circumstances of the case, and except as otherwise provided,
9 may not be longer than 2 years, unless the defendant has failed
10 to pay the assessment required by Section 10.3 of the Cannabis
11 Control Act (720 ILCS 550/10.3), Section 411.2 of the Illinois
12 Controlled Substances Act (720 ILCS 570/411.2), or Section 80
13 of the Methamphetamine Control and Community Protection Act
14 (720 ILCS 646/80), in which case the court may extend
15 supervision beyond 2 years. The court shall specify the
16 conditions of supervision as set forth in Section 5-6-3.1 (730
17 ILCS 5/5-6-3.1).

18 (c) NO REQUIRED BIRTH CONTROL. A court may not impose a
19 sentence or disposition that requires the defendant to be
20 implanted or injected with or to use any form of birth control.

21 (d) SEX OFFENDERS. Sex offenders shall be subject to the
22 provisions of Section 5-4.5-105 of this Code.

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

24 (730 ILCS 5/5-4.5-105 new)

25 Sec. 5-4.5-105. Sex offenses; indeterminate sentence;

1 court.

2 (a) For the purposes of this Section, "sex offense" means
3 an offense listed in Section 2 of the Sex Offender Registration
4 Act.

5 (b) The sentence of a person convicted of or placed on
6 supervision for a sex offense committed on or after the
7 effective date of this amendatory Act of the 99th General
8 Assembly shall be an indeterminate sentence with respect to the
9 maximum sentence imposed. Not less than 30 days before the
10 completion of the sentence imposed by the court for a person
11 convicted of or placed on supervision for a sex offense,
12 excluding any mandatory supervised release term, the court
13 shall make a determination as to whether the offender poses a
14 danger to the public. If the court determines that the offender
15 poses a danger to the public, the court may extend the sentence
16 of the offender for any period that the court deems
17 appropriate.

18 (c) If the court had sentenced the sex offender to
19 probation or conditional discharge or placed the sex offender
20 on supervision and the court determines that continuing the sex
21 offender on probation or conditional discharge or supervision
22 would pose a danger to the public, the court may revoke the
23 probation, conditional discharge, or supervision and
24 resentence the sex offender to a term of imprisonment.

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 730 ILCS 5/5-4.5-25

4 730 ILCS 5/5-4.5-30

5 730 ILCS 5/5-4.5-35

6 730 ILCS 5/5-4.5-40

7 730 ILCS 5/5-4.5-45

8 730 ILCS 5/5-4.5-50

9 730 ILCS 5/5-4.5-55

10 730 ILCS 5/5-4.5-60

11 730 ILCS 5/5-4.5-65

12 730 ILCS 5/5-4.5-70

13 730 ILCS 5/5-4.5-105 new