



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6193

Introduced 2/11/2016, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Creates 2 separate offenses of unlawful use or possession of weapons by felons and unlawful use or possession of weapons by persons in the custody of the Department of Corrections facilities. Establishes penalties. Changes the penalties for aggravated unlawful use of a weapon. Provides that a sentence of county impact incarceration is not authorized for aggravated unlawful use of a weapon or for unlawful possession of a firearm by a street gang member. Provides that unlawful possession of a firearm by a street gang member is a Class 2 felony for which the person shall (rather than may) be sentenced to 4 (rather than 3) years and no more than 10 years. Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for certain unlawful use or possession of weapons by felons violations shall receive no more than 7.5 days of sentence credit for each month of his or her sentence of imprisonment; and that a prisoner serving a sentence for unlawful possession of a firearm by a street gang member; certain violations of unlawful use or possession of weapons by felons; or a Class 2 or greater felony for aggravated unlawful use of a weapon shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment unless the prisoner receives a court order authorizing the Department of Corrections to issue up to a maximum of 180 days of additional sentence credit towards the prisoner's sentence. Amends various other Acts to make conforming changes.

LRB099 17059 RLC 41417 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 Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,
11 or October 1, 2007, as applicable, and as is reasonably
12 practical, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire, employ, or
16 retain any individual in a position with duties that involve or
17 may involve contact with residents or access to the living
18 quarters or the financial, medical, or personal records of
19 residents, who has been convicted of committing or attempting
20 to commit one or more of the following offenses: those defined
21 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
22 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
23 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,

1 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
2 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
3 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
4 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
5 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
6 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1,
7 24-1, 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of
8 Section 11-14.4, or in subsection (a) of Section 12-3 or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012; those provided in Section
11 4 of the Wrongs to Children Act; those provided in Section 53
12 of the Criminal Jurisprudence Act; those defined in Section 5,
13 5.1, 5.2, 7, or 9 of the Cannabis Control Act; those defined in
14 the Methamphetamine Control and Community Protection Act; or
15 those defined in Sections 401, 401.1, 404, 405, 405.1, 407, or
16 407.1 of the Illinois Controlled Substances Act, unless the
17 applicant or employee obtains a waiver pursuant to Section 40.

18 (a-1) In the discretion of the Director of Public Health,
19 as soon after January 1, 2004 or October 1, 2007, as
20 applicable, and as is reasonably practical, no health care
21 employer shall knowingly hire any individual in a position with
22 duties involving direct care for clients, patients, or
23 residents, and no long-term care facility shall knowingly hire
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents,

1 who has (i) been convicted of committing or attempting to
2 commit one or more of the offenses defined in Section 12-3.3,
3 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
4 17-44, 18-5, 20-1.2, 24-1.1, 24-1.1-5, 24-1.2-5, 24-1.6,
5 24-3.2, or 24-3.3, or subsection (b) of Section 17-32,
6 subsection (b) of Section 18-1, or subsection (b) of Section
7 20-1, of the Criminal Code of 1961 or the Criminal Code of
8 2012; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
9 and Debit Card Act; or Section 11-9.1A of the Criminal Code of
10 1961 or the Criminal Code of 2012 or Section 5.1 of the Wrongs
11 to Children Act; or (ii) violated Section 50-50 of the Nurse
12 Practice Act, unless the applicant or employee obtains a waiver
13 pursuant to Section 40 of this Act.

14 A health care employer is not required to retain an
15 individual in a position with duties involving direct care for
16 clients, patients, or residents, and no long-term care facility
17 is required to retain an individual in a position with duties
18 that involve or may involve contact with residents or access to
19 the living quarters or the financial, medical, or personal
20 records of residents, who has been convicted of committing or
21 attempting to commit one or more of the offenses enumerated in
22 this subsection.

23 (b) A health care employer shall not hire, employ, or
24 retain any individual in a position with duties involving
25 direct care of clients, patients, or residents, and no
26 long-term care facility shall knowingly hire, employ, or retain

1 any individual in a position with duties that involve or may
2 involve contact with residents or access to the living quarters
3 or the financial, medical, or personal records of residents, if
4 the health care employer becomes aware that the individual has
5 been convicted in another state of committing or attempting to
6 commit an offense that has the same or similar elements as an
7 offense listed in subsection (a) or (a-1), as verified by court
8 records, records from a state agency, or an FBI criminal
9 history record check, unless the applicant or employee obtains
10 a waiver pursuant to Section 40 of this Act. This shall not be
11 construed to mean that a health care employer has an obligation
12 to conduct a criminal history records check in other states in
13 which an employee has resided.

14 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
15 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
16 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
17 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
18 eff. 1-25-13.)

19 Section 10. The Illinois Vehicle Code is amended by
20 changing Sections 6-106.1 and 6-508 as follows:

21 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

22 Sec. 6-106.1. School bus driver permit.

23 (a) The Secretary of State shall issue a school bus driver
24 permit to those applicants who have met all the requirements of

1 the application and screening process under this Section to
2 insure the welfare and safety of children who are transported
3 on school buses throughout the State of Illinois. Applicants
4 shall obtain the proper application required by the Secretary
5 of State from their prospective or current employer and submit
6 the completed application to the prospective or current
7 employer along with the necessary fingerprint submission as
8 required by the Department of State Police to conduct
9 fingerprint based criminal background checks on current and
10 future information available in the state system and current
11 information available through the Federal Bureau of
12 Investigation's system. Applicants who have completed the
13 fingerprinting requirements shall not be subjected to the
14 fingerprinting process when applying for subsequent permits or
15 submitting proof of successful completion of the annual
16 refresher course. Individuals who on July 1, 1995 (the
17 effective date of Public Act 88-612) ~~this Act~~ possess a valid
18 school bus driver permit that has been previously issued by the
19 appropriate Regional School Superintendent are not subject to
20 the fingerprinting provisions of this Section as long as the
21 permit remains valid and does not lapse. The applicant shall be
22 required to pay all related application and fingerprinting fees
23 as established by rule including, but not limited to, the
24 amounts established by the Department of State Police and the
25 Federal Bureau of Investigation to process fingerprint based
26 criminal background investigations. All fees paid for

1 fingerprint processing services under this Section shall be
2 deposited into the State Police Services Fund for the cost
3 incurred in processing the fingerprint based criminal
4 background investigations. All other fees paid under this
5 Section shall be deposited into the Road Fund for the purpose
6 of defraying the costs of the Secretary of State in
7 administering this Section. All applicants must:

8 1. be 21 years of age or older;

9 2. possess a valid and properly classified driver's
10 license issued by the Secretary of State;

11 3. possess a valid driver's license, which has not been
12 revoked, suspended, or canceled for 3 years immediately
13 prior to the date of application, or have not had his or
14 her commercial motor vehicle driving privileges
15 disqualified within the 3 years immediately prior to the
16 date of application;

17 4. successfully pass a written test, administered by
18 the Secretary of State, on school bus operation, school bus
19 safety, and special traffic laws relating to school buses
20 and submit to a review of the applicant's driving habits by
21 the Secretary of State at the time the written test is
22 given;

23 5. demonstrate ability to exercise reasonable care in
24 the operation of school buses in accordance with rules
25 promulgated by the Secretary of State;

26 6. demonstrate physical fitness to operate school

1 buses by submitting the results of a medical examination,
2 including tests for drug use for each applicant not subject
3 to such testing pursuant to federal law, conducted by a
4 licensed physician, a licensed advanced practice nurse, or
5 a licensed physician assistant within 90 days of the date
6 of application according to standards promulgated by the
7 Secretary of State;

8 7. affirm under penalties of perjury that he or she has
9 not made a false statement or knowingly concealed a
10 material fact in any application for permit;

11 8. have completed an initial classroom course,
12 including first aid procedures, in school bus driver safety
13 as promulgated by the Secretary of State; and after
14 satisfactory completion of said initial course an annual
15 refresher course; such courses and the agency or
16 organization conducting such courses shall be approved by
17 the Secretary of State; failure to complete the annual
18 refresher course, shall result in cancellation of the
19 permit until such course is completed;

20 9. not have been under an order of court supervision
21 for or convicted of 2 or more serious traffic offenses, as
22 defined by rule, within one year prior to the date of
23 application that may endanger the life or safety of any of
24 the driver's passengers within the duration of the permit
25 period;

26 10. not have been under an order of court supervision

1 for or convicted of reckless driving, aggravated reckless
2 driving, driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or
4 any combination thereof, or reckless homicide resulting
5 from the operation of a motor vehicle within 3 years of the
6 date of application;

7 11. not have been convicted of committing or attempting
8 to commit any one or more of the following offenses: (i)
9 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
10 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
11 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
13 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
14 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
15 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
16 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
17 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
18 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
19 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
20 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
21 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
22 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
23 20-1.3, 20-2, 24-1, 24-1.1, 24-1.1-5, 24-1.2, 24-1.2-5,
24 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9,
25 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
26 Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1),

1 (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1) of Section
2 12-3.05, and in subsection (a) and subsection (b), clause
3 (1), of Section 12-4, and in subsection (A), clauses (a)
4 and (b), of Section 24-3, and those offenses contained in
5 Article 29D of the Criminal Code of 1961 or the Criminal
6 Code of 2012; (ii) those offenses defined in the Cannabis
7 Control Act except those offenses defined in subsections
8 (a) and (b) of Section 4, and subsection (a) of Section 5
9 of the Cannabis Control Act; (iii) those offenses defined
10 in the Illinois Controlled Substances Act; (iv) those
11 offenses defined in the Methamphetamine Control and
12 Community Protection Act; (v) any offense committed or
13 attempted in any other state or against the laws of the
14 United States, which if committed or attempted in this
15 State would be punishable as one or more of the foregoing
16 offenses; (vi) the offenses defined in Section 4.1 and 5.1
17 of the Wrongs to Children Act or Section 11-9.1A of the
18 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
19 those offenses defined in Section 6-16 of the Liquor
20 Control Act of 1934; and (viii) those offenses defined in
21 the Methamphetamine Precursor Control Act;

22 12. not have been repeatedly involved as a driver in
23 motor vehicle collisions or been repeatedly convicted of
24 offenses against laws and ordinances regulating the
25 movement of traffic, to a degree which indicates lack of
26 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 13. not have, through the unlawful operation of a motor
5 vehicle, caused an accident resulting in the death of any
6 person;

7 14. not have, within the last 5 years, been adjudged to
8 be afflicted with or suffering from any mental disability
9 or disease; and

10 15. consent, in writing, to the release of results of
11 reasonable suspicion drug and alcohol testing under
12 Section 6-106.1c of this Code by the employer of the
13 applicant to the Secretary of State.

14 (b) A school bus driver permit shall be valid for a period
15 specified by the Secretary of State as set forth by rule. It
16 shall be renewable upon compliance with subsection (a) of this
17 Section.

18 (c) A school bus driver permit shall contain the holder's
19 driver's license number, legal name, residence address, zip
20 code, and date of birth, a brief description of the holder and
21 a space for signature. The Secretary of State may require a
22 suitable photograph of the holder.

23 (d) The employer shall be responsible for conducting a
24 pre-employment interview with prospective school bus driver
25 candidates, distributing school bus driver applications and
26 medical forms to be completed by the applicant, and submitting

1 the applicant's fingerprint cards to the Department of State
2 Police that are required for the criminal background
3 investigations. The employer shall certify in writing to the
4 Secretary of State that all pre-employment conditions have been
5 successfully completed including the successful completion of
6 an Illinois specific criminal background investigation through
7 the Department of State Police and the submission of necessary
8 fingerprints to the Federal Bureau of Investigation for
9 criminal history information available through the Federal
10 Bureau of Investigation system. The applicant shall present the
11 certification to the Secretary of State at the time of
12 submitting the school bus driver permit application.

13 (e) Permits shall initially be provisional upon receiving
14 certification from the employer that all pre-employment
15 conditions have been successfully completed, and upon
16 successful completion of all training and examination
17 requirements for the classification of the vehicle to be
18 operated, the Secretary of State shall provisionally issue a
19 School Bus Driver Permit. The permit shall remain in a
20 provisional status pending the completion of the Federal Bureau
21 of Investigation's criminal background investigation based
22 upon fingerprinting specimens submitted to the Federal Bureau
23 of Investigation by the Department of State Police. The Federal
24 Bureau of Investigation shall report the findings directly to
25 the Secretary of State. The Secretary of State shall remove the
26 bus driver permit from provisional status upon the applicant's

1 successful completion of the Federal Bureau of Investigation's
2 criminal background investigation.

3 (f) A school bus driver permit holder shall notify the
4 employer and the Secretary of State if he or she is issued an
5 order of court supervision for or convicted in another state of
6 an offense that would make him or her ineligible for a permit
7 under subsection (a) of this Section. The written notification
8 shall be made within 5 days of the entry of the order of court
9 supervision or conviction. Failure of the permit holder to
10 provide the notification is punishable as a petty offense for a
11 first violation and a Class B misdemeanor for a second or
12 subsequent violation.

13 (g) Cancellation; suspension; notice and procedure.

14 (1) The Secretary of State shall cancel a school bus
15 driver permit of an applicant whose criminal background
16 investigation discloses that he or she is not in compliance
17 with the provisions of subsection (a) of this Section.

18 (2) The Secretary of State shall cancel a school bus
19 driver permit when he or she receives notice that the
20 permit holder fails to comply with any provision of this
21 Section or any rule promulgated for the administration of
22 this Section.

23 (3) The Secretary of State shall cancel a school bus
24 driver permit if the permit holder's restricted commercial
25 or commercial driving privileges are withdrawn or
26 otherwise invalidated.

1 (4) The Secretary of State may not issue a school bus
2 driver permit for a period of 3 years to an applicant who
3 fails to obtain a negative result on a drug test as
4 required in item 6 of subsection (a) of this Section or
5 under federal law.

6 (5) The Secretary of State shall forthwith suspend a
7 school bus driver permit for a period of 3 years upon
8 receiving notice that the holder has failed to obtain a
9 negative result on a drug test as required in item 6 of
10 subsection (a) of this Section or under federal law.

11 (6) The Secretary of State shall suspend a school bus
12 driver permit for a period of 3 years upon receiving notice
13 from the employer that the holder failed to perform the
14 inspection procedure set forth in subsection (a) or (b) of
15 Section 12-816 of this Code.

16 (7) The Secretary of State shall suspend a school bus
17 driver permit for a period of 3 years upon receiving notice
18 from the employer that the holder refused to submit to an
19 alcohol or drug test as required by Section 6-106.1c or has
20 submitted to a test required by that Section which
21 disclosed an alcohol concentration of more than 0.00 or
22 disclosed a positive result on a National Institute on Drug
23 Abuse five-drug panel, utilizing federal standards set
24 forth in 49 CFR 40.87.

25 The Secretary of State shall notify the State
26 Superintendent of Education and the permit holder's

1 prospective or current employer that the applicant has (1) has
2 failed a criminal background investigation or (2) is no longer
3 eligible for a school bus driver permit; and of the related
4 cancellation of the applicant's provisional school bus driver
5 permit. The cancellation shall remain in effect pending the
6 outcome of a hearing pursuant to Section 2-118 of this Code.
7 The scope of the hearing shall be limited to the issuance
8 criteria contained in subsection (a) of this Section. A
9 petition requesting a hearing shall be submitted to the
10 Secretary of State and shall contain the reason the individual
11 feels he or she is entitled to a school bus driver permit. The
12 permit holder's employer shall notify in writing to the
13 Secretary of State that the employer has certified the removal
14 of the offending school bus driver from service prior to the
15 start of that school bus driver's next workshift. An employing
16 school board that fails to remove the offending school bus
17 driver from service is subject to the penalties defined in
18 Section 3-14.23 of the School Code. A school bus contractor who
19 violates a provision of this Section is subject to the
20 penalties defined in Section 6-106.11.

21 All valid school bus driver permits issued under this
22 Section prior to January 1, 1995, shall remain effective until
23 their expiration date unless otherwise invalidated.

24 (h) When a school bus driver permit holder who is a service
25 member is called to active duty, the employer of the permit
26 holder shall notify the Secretary of State, within 30 days of

1 notification from the permit holder, that the permit holder has
2 been called to active duty. Upon notification pursuant to this
3 subsection, (i) the Secretary of State shall characterize the
4 permit as inactive until a permit holder renews the permit as
5 provided in subsection (i) of this Section, and (ii) if a
6 permit holder fails to comply with the requirements of this
7 Section while called to active duty, the Secretary of State
8 shall not characterize the permit as invalid.

9 (i) A school bus driver permit holder who is a service
10 member returning from active duty must, within 90 days, renew a
11 permit characterized as inactive pursuant to subsection (h) of
12 this Section by complying with the renewal requirements of
13 subsection (b) of this Section.

14 (j) For purposes of subsections (h) and (i) of this
15 Section:

16 "Active duty" means active duty pursuant to an executive
17 order of the President of the United States, an act of the
18 Congress of the United States, or an order of the Governor.

19 "Service member" means a member of the Armed Services or
20 reserve forces of the United States or a member of the Illinois
21 National Guard.

22 (k) A private carrier employer of a school bus driver
23 permit holder, having satisfied the employer requirements of
24 this Section, shall be held to a standard of ordinary care for
25 intentional acts committed in the course of employment by the
26 bus driver permit holder. This subsection (k) shall in no way

1 limit the liability of the private carrier employer for
2 violation of any provision of this Section or for the negligent
3 hiring or retention of a school bus driver permit holder.

4 (Source: P.A. 99-148, eff. 1-1-16; 99-173, eff. 7-29-15;
5 revised 11-2-15.)

6 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

7 Sec. 6-508. Commercial Driver's License (CDL) -
8 qualification standards.

9 (a) Testing.

10 (1) General. No person shall be issued an original or
11 renewal CDL unless that person is domiciled in this State
12 or is applying for a non-domiciled CDL under Sections 6-509
13 and 6-510 of this Code. The Secretary shall cause to be
14 administered such tests as the Secretary deems necessary to
15 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
16 H, and J.

17 (1.5) Effective July 1, 2014, no person shall be issued
18 an original CDL or an upgraded CDL that requires a skills
19 test unless that person has held a CLP, for a minimum of 14
20 calendar days, for the classification of vehicle and
21 endorsement, if any, for which the person is seeking a CDL.

22 (2) Third party testing. The Secretary of State may
23 authorize a "third party tester", pursuant to 49 C.F.R.
24 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
25 skills test or tests specified by the Federal Motor Carrier

1 Safety Administration pursuant to the Commercial Motor
2 Vehicle Safety Act of 1986 and any appropriate federal
3 rule.

4 (b) Waiver of Skills Test. The Secretary of State may waive
5 the skills test specified in this Section for a driver
6 applicant for a commercial driver license who meets the
7 requirements of 49 C.F.R. 383.77. The Secretary of State shall
8 waive the skills tests specified in this Section for a driver
9 applicant who has military commercial motor vehicle
10 experience, subject to the requirements of 49 C.F.R. 383.77.

11 (b-1) No person shall be issued a CDL unless the person
12 certifies to the Secretary one of the following types of
13 driving operations in which he or she will be engaged:

- 14 (1) non-excepted interstate;
15 (2) non-excepted intrastate;
16 (3) excepted interstate; or
17 (4) excepted intrastate.

18 (b-2) (Blank).

19 (c) Limitations on issuance of a CDL. A CDL shall not be
20 issued to a person while the person is subject to a
21 disqualification from driving a commercial motor vehicle, or
22 unless otherwise permitted by this Code, while the person's
23 driver's license is suspended, revoked or cancelled in any
24 state, or any territory or province of Canada; nor may a CLP or
25 CDL be issued to a person who has a CLP or CDL issued by any
26 other state, or foreign jurisdiction, nor may a CDL be issued

1 to a person who has an Illinois CLP unless the person first
2 surrenders all of these licenses or permits. However, a person
3 may hold an Illinois CLP and an Illinois CDL providing the CLP
4 is necessary to train or practice for an endorsement or vehicle
5 classification not present on the current CDL. No CDL shall be
6 issued to or renewed for a person who does not meet the
7 requirement of 49 CFR 391.41(b)(11). The requirement may be met
8 with the aid of a hearing aid.

9 (c-1) The Secretary may issue a CDL with a school bus
10 driver endorsement to allow a person to drive the type of bus
11 described in subsection (d-5) of Section 6-104 of this Code.
12 The CDL with a school bus driver endorsement may be issued only
13 to a person meeting the following requirements:

14 (1) the person has submitted his or her fingerprints to
15 the Department of State Police in the form and manner
16 prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint
18 records now and hereafter filed in the Department of State
19 Police and Federal Bureau of Investigation criminal
20 history records databases;

21 (2) the person has passed a written test, administered
22 by the Secretary of State, on charter bus operation,
23 charter bus safety, and certain special traffic laws
24 relating to school buses determined by the Secretary of
25 State to be relevant to charter buses, and submitted to a
26 review of the driver applicant's driving habits by the

1 Secretary of State at the time the written test is given;

2 (3) the person has demonstrated physical fitness to
3 operate school buses by submitting the results of a medical
4 examination, including tests for drug use; and

5 (4) the person has not been convicted of committing or
6 attempting to commit any one or more of the following
7 offenses: (i) those offenses defined in Sections 8-1.2,
8 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
9 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
10 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
11 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
12 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
13 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
15 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
16 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
17 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
18 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
19 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
20 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
21 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
22 24-1.1-5, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1,
23 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and
24 33D-1, and in subsection (b) of Section 8-1, and in
25 subdivisions (a) (1), (a) (2), (b) (1), (e) (1), (e) (2),
26 (e) (3), (e) (4), and (f) (1) of Section 12-3.05, and in

1 subsection (a) and subsection (b), clause (1), of Section
2 12-4, and in subsection (A), clauses (a) and (b), of
3 Section 24-3, and those offenses contained in Article 29D
4 of the Criminal Code of 1961 or the Criminal Code of 2012;
5 (ii) those offenses defined in the Cannabis Control Act
6 except those offenses defined in subsections (a) and (b) of
7 Section 4, and subsection (a) of Section 5 of the Cannabis
8 Control Act; (iii) those offenses defined in the Illinois
9 Controlled Substances Act; (iv) those offenses defined in
10 the Methamphetamine Control and Community Protection Act;
11 (v) any offense committed or attempted in any other state
12 or against the laws of the United States, which if
13 committed or attempted in this State would be punishable as
14 one or more of the foregoing offenses; (vi) the offenses
15 defined in Sections 4.1 and 5.1 of the Wrongs to Children
16 Act or Section 11-9.1A of the Criminal Code of 1961 or the
17 Criminal Code of 2012; (vii) those offenses defined in
18 Section 6-16 of the Liquor Control Act of 1934; and (viii)
19 those offenses defined in the Methamphetamine Precursor
20 Control Act.

21 The Department of State Police shall charge a fee for
22 conducting the criminal history records check, which shall be
23 deposited into the State Police Services Fund and may not
24 exceed the actual cost of the records check.

25 (c-2) The Secretary shall issue a CDL with a school bus
26 endorsement to allow a person to drive a school bus as defined

1 in this Section. The CDL shall be issued according to the
2 requirements outlined in 49 C.F.R. 383. A person may not
3 operate a school bus as defined in this Section without a
4 school bus endorsement. The Secretary of State may adopt rules
5 consistent with Federal guidelines to implement this
6 subsection (c-2).

7 (d) (Blank).

8 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;
9 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.
10 1-1-14; 98-176 (see Section 10 of P.A. 98-722 and Section 10 of
11 P.A. 99-414 for effective date of changes made by 98-176);
12 98-756, eff. 7-16-14.)

13 Section 15. The Clerks of Courts Act is amended by changing
14 Section 27.6 as follows:

15 (705 ILCS 105/27.6)

16 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
17 96-667, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,
18 98-658, 98-1013, 99-78, and 99-455)

19 Sec. 27.6. (a) All fees, fines, costs, additional
20 penalties, bail balances assessed or forfeited, and any other
21 amount paid by a person to the circuit clerk equalling an
22 amount of \$55 or more, except the fine imposed by Section
23 5-9-1.15 of the Unified Code of Corrections, the additional fee
24 required by subsections (b) and (c), restitution under Section

1 5-5-6 of the Unified Code of Corrections, contributions to a
2 local anti-crime program ordered pursuant to Section
3 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
4 Corrections, reimbursement for the costs of an emergency
5 response as provided under Section 11-501 of the Illinois
6 Vehicle Code, any fees collected for attending a traffic safety
7 program under paragraph (c) of Supreme Court Rule 529, any fee
8 collected on behalf of a State's Attorney under Section 4-2002
9 of the Counties Code or a sheriff under Section 4-5001 of the
10 Counties Code, or any cost imposed under Section 124A-5 of the
11 Code of Criminal Procedure of 1963, for convictions, orders of
12 supervision, or any other disposition for a violation of
13 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
14 similar provision of a local ordinance, and any violation of
15 the Child Passenger Protection Act, or a similar provision of a
16 local ordinance, and except as otherwise provided in this
17 Section shall be disbursed within 60 days after receipt by the
18 circuit clerk as follows: 44.5% shall be disbursed to the
19 entity authorized by law to receive the fine imposed in the
20 case; 16.825% shall be disbursed to the State Treasurer; and
21 38.675% shall be disbursed to the county's general corporate
22 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
23 shall be deposited by the State Treasurer into the Violent
24 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
25 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
26 be deposited into the Drivers Education Fund, and 6.948/17

1 shall be deposited into the Trauma Center Fund. Of the 6.948/17
2 deposited into the Trauma Center Fund from the 16.825%
3 disbursed to the State Treasurer, 50% shall be disbursed to the
4 Department of Public Health and 50% shall be disbursed to the
5 Department of Healthcare and Family Services. For fiscal year
6 1993, amounts deposited into the Violent Crime Victims
7 Assistance Fund, the Traffic and Criminal Conviction Surcharge
8 Fund, or the Drivers Education Fund shall not exceed 110% of
9 the amounts deposited into those funds in fiscal year 1991. Any
10 amount that exceeds the 110% limit shall be distributed as
11 follows: 50% shall be disbursed to the county's general
12 corporate fund and 50% shall be disbursed to the entity
13 authorized by law to receive the fine imposed in the case. Not
14 later than March 1 of each year the circuit clerk shall submit
15 a report of the amount of funds remitted to the State Treasurer
16 under this Section during the preceding year based upon
17 independent verification of fines and fees. All counties shall
18 be subject to this Section, except that counties with a
19 population under 2,000,000 may, by ordinance, elect not to be
20 subject to this Section. For offenses subject to this Section,
21 judges shall impose one total sum of money payable for
22 violations. The circuit clerk may add on no additional amounts
23 except for amounts that are required by Sections 27.3a and
24 27.3c of this Act, unless those amounts are specifically waived
25 by the judge. With respect to money collected by the circuit
26 clerk as a result of forfeiture of bail, ex parte judgment or

1 guilty plea pursuant to Supreme Court Rule 529, the circuit
2 clerk shall first deduct and pay amounts required by Sections
3 27.3a and 27.3c of this Act. This Section is a denial and
4 limitation of home rule powers and functions under subsection
5 (h) of Section 6 of Article VII of the Illinois Constitution.

6 (b) In addition to any other fines and court costs assessed
7 by the courts, any person convicted or receiving an order of
8 supervision for driving under the influence of alcohol or drugs
9 shall pay an additional fee of \$100 to the clerk of the circuit
10 court. This amount, less 2 1/2% that shall be used to defray
11 administrative costs incurred by the clerk, shall be remitted
12 by the clerk to the Treasurer within 60 days after receipt for
13 deposit into the Trauma Center Fund. This additional fee of
14 \$100 shall not be considered a part of the fine for purposes of
15 any reduction in the fine for time served either before or
16 after sentencing. Not later than March 1 of each year the
17 Circuit Clerk shall submit a report of the amount of funds
18 remitted to the State Treasurer under this subsection during
19 the preceding calendar year.

20 (b-1) In addition to any other fines and court costs
21 assessed by the courts, any person convicted or receiving an
22 order of supervision for driving under the influence of alcohol
23 or drugs shall pay an additional fee of \$5 to the clerk of the
24 circuit court. This amount, less 2 1/2% that shall be used to
25 defray administrative costs incurred by the clerk, shall be
26 remitted by the clerk to the Treasurer within 60 days after

1 receipt for deposit into the Spinal Cord Injury Paralysis Cure
2 Research Trust Fund. This additional fee of \$5 shall not be
3 considered a part of the fine for purposes of any reduction in
4 the fine for time served either before or after sentencing. Not
5 later than March 1 of each year the Circuit Clerk shall submit
6 a report of the amount of funds remitted to the State Treasurer
7 under this subsection during the preceding calendar year.

8 (c) In addition to any other fines and court costs assessed
9 by the courts, any person convicted for a violation of Sections
10 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
11 1961 or the Criminal Code of 2012 or a person sentenced for a
12 violation of the Cannabis Control Act, the Illinois Controlled
13 Substances Act, or the Methamphetamine Control and Community
14 Protection Act shall pay an additional fee of \$100 to the clerk
15 of the circuit court. This amount, less 2 1/2% that shall be
16 used to defray administrative costs incurred by the clerk,
17 shall be remitted by the clerk to the Treasurer within 60 days
18 after receipt for deposit into the Trauma Center Fund. This
19 additional fee of \$100 shall not be considered a part of the
20 fine for purposes of any reduction in the fine for time served
21 either before or after sentencing. Not later than March 1 of
22 each year the Circuit Clerk shall submit a report of the amount
23 of funds remitted to the State Treasurer under this subsection
24 during the preceding calendar year.

25 (c-1) In addition to any other fines and court costs
26 assessed by the courts, any person sentenced for a violation of

1 the Cannabis Control Act, the Illinois Controlled Substances
2 Act, or the Methamphetamine Control and Community Protection
3 Act shall pay an additional fee of \$5 to the clerk of the
4 circuit court. This amount, less 2 1/2% that shall be used to
5 defray administrative costs incurred by the clerk, shall be
6 remitted by the clerk to the Treasurer within 60 days after
7 receipt for deposit into the Spinal Cord Injury Paralysis Cure
8 Research Trust Fund. This additional fee of \$5 shall not be
9 considered a part of the fine for purposes of any reduction in
10 the fine for time served either before or after sentencing. Not
11 later than March 1 of each year the Circuit Clerk shall submit
12 a report of the amount of funds remitted to the State Treasurer
13 under this subsection during the preceding calendar year.

14 (d) The following amounts must be remitted to the State
15 Treasurer for deposit into the Illinois Animal Abuse Fund:

16 (1) 50% of the amounts collected for felony offenses
17 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
18 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
19 Animals Act and Section 26-5 or 48-1 of the Criminal Code
20 of 1961 or the Criminal Code of 2012;

21 (2) 20% of the amounts collected for Class A and Class
22 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
23 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
24 for Animals Act and Section 26-5 or 48-1 of the Criminal
25 Code of 1961 or the Criminal Code of 2012; and

26 (3) 50% of the amounts collected for Class C

1 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
2 for Animals Act and Section 26-5 or 48-1 of the Criminal
3 Code of 1961 or the Criminal Code of 2012.

4 (e) Any person who receives a disposition of court
5 supervision for a violation of the Illinois Vehicle Code or a
6 similar provision of a local ordinance shall, in addition to
7 any other fines, fees, and court costs, pay an additional fee
8 of \$29, to be disbursed as provided in Section 16-104c of the
9 Illinois Vehicle Code. In addition to the fee of \$29, the
10 person shall also pay a fee of \$6, if not waived by the court.
11 If this \$6 fee is collected, \$5.50 of the fee shall be
12 deposited into the Circuit Court Clerk Operation and
13 Administrative Fund created by the Clerk of the Circuit Court
14 and 50 cents of the fee shall be deposited into the Prisoner
15 Review Board Vehicle and Equipment Fund in the State treasury.

16 (f) This Section does not apply to the additional child
17 pornography fines assessed and collected under Section
18 5-9-1.14 of the Unified Code of Corrections.

19 (g) (Blank).

20 (h) (Blank).

21 (i) Of the amounts collected as fines under subsection (b)
22 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
23 deposited into the Illinois Military Family Relief Fund and 1%
24 shall be deposited into the Circuit Court Clerk Operation and
25 Administrative Fund created by the Clerk of the Circuit Court
26 to be used to offset the costs incurred by the Circuit Court

1 Clerk in performing the additional duties required to collect
2 and disburse funds to entities of State and local government as
3 provided by law.

4 (j) Any person convicted of, pleading guilty to, or placed
5 on supervision for a serious traffic violation, as defined in
6 Section 1-187.001 of the Illinois Vehicle Code, a violation of
7 Section 11-501 of the Illinois Vehicle Code, or a violation of
8 a similar provision of a local ordinance shall pay an
9 additional fee of \$35, to be disbursed as provided in Section
10 16-104d of that Code.

11 This subsection (j) becomes inoperative on January 1, 2020.

12 (k) For any conviction or disposition of court supervision
13 for a violation of Section 11-1429 of the Illinois Vehicle
14 Code, the circuit clerk shall distribute the fines paid by the
15 person as specified by subsection (h) of Section 11-1429 of the
16 Illinois Vehicle Code.

17 (l) Any person who receives a disposition of court
18 supervision for a violation of Section 11-501 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance shall,
20 in addition to any other fines, fees, and court costs, pay an
21 additional fee of \$50, which shall be collected by the circuit
22 clerk and then remitted to the State Treasurer for deposit into
23 the Roadside Memorial Fund, a special fund in the State
24 treasury. However, the court may waive the fee if full
25 restitution is complied with. Subject to appropriation, all
26 moneys in the Roadside Memorial Fund shall be used by the

1 Department of Transportation to pay fees imposed under
2 subsection (f) of Section 20 of the Roadside Memorial Act. The
3 fee shall be remitted by the circuit clerk within one month
4 after receipt to the State Treasurer for deposit into the
5 Roadside Memorial Fund.

6 (m) Of the amounts collected as fines under subsection (c)
7 of Section 411.4 of the Illinois Controlled Substances Act or
8 subsection (c) of Section 90 of the Methamphetamine Control and
9 Community Protection Act, 99% shall be deposited to the law
10 enforcement agency or fund specified and 1% shall be deposited
11 into the Circuit Court Clerk Operation and Administrative Fund
12 to be used to offset the costs incurred by the Circuit Court
13 Clerk in performing the additional duties required to collect
14 and disburse funds to entities of State and local government as
15 provided by law.

16 (n) In addition to any other fines and court costs assessed
17 by the courts, any person who is convicted of or pleads guilty
18 to a violation of the Criminal Code of 1961 or the Criminal
19 Code of 2012, or a similar provision of a local ordinance, or
20 who is convicted of, pleads guilty to, or receives a
21 disposition of court supervision for a violation of the
22 Illinois Vehicle Code, or a similar provision of a local
23 ordinance, shall pay an additional fee of \$15 to the clerk of
24 the circuit court. This additional fee of \$15 shall not be
25 considered a part of the fine for purposes of any reduction in
26 the fine for time served either before or after sentencing.

1 This amount, less 2.5% that shall be used to defray
2 administrative costs incurred by the clerk, shall be remitted
3 by the clerk to the State Treasurer within 60 days after
4 receipt for deposit into the State Police Merit Board Public
5 Safety Fund.

6 (o) The amounts collected as fines under Sections 10-9,
7 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
8 be collected by the circuit clerk and distributed as provided
9 under Section 5-9-1.21 of the Unified Code of Corrections in
10 lieu of any disbursement under subsection (a) of this Section.

11 (p) In addition to any other fees and penalties imposed,
12 any person who is convicted of or pleads guilty to a violation
13 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
14 shall pay an additional fee of \$250 to the clerk of the circuit
15 court. This additional fee of \$250 shall not be considered a
16 part of the fine for purposes of any reduction in the fine for
17 time served either before or after sentencing. This amount,
18 less 2.5% that shall be used to defray administrative costs
19 incurred by the clerk, shall be remitted by the clerk to the
20 Department of Insurance within 60 days after receipt for
21 deposit into the George Bailey Memorial Fund.

22 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
23 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

24 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
25 96-735, 96-1175, 96-1342, 97-434, 97-1051, 97-1108, 97-1150,

1 98-658, 98-1013, 99-78, and 99-455)

2 Sec. 27.6. (a) All fees, fines, costs, additional
3 penalties, bail balances assessed or forfeited, and any other
4 amount paid by a person to the circuit clerk equalling an
5 amount of \$55 or more, except the fine imposed by Section
6 5-9-1.15 of the Unified Code of Corrections, the additional fee
7 required by subsections (b) and (c), restitution under Section
8 5-5-6 of the Unified Code of Corrections, contributions to a
9 local anti-crime program ordered pursuant to Section
10 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
11 Corrections, reimbursement for the costs of an emergency
12 response as provided under Section 11-501 of the Illinois
13 Vehicle Code, any fees collected for attending a traffic safety
14 program under paragraph (c) of Supreme Court Rule 529, any fee
15 collected on behalf of a State's Attorney under Section 4-2002
16 of the Counties Code or a sheriff under Section 4-5001 of the
17 Counties Code, or any cost imposed under Section 124A-5 of the
18 Code of Criminal Procedure of 1963, for convictions, orders of
19 supervision, or any other disposition for a violation of
20 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, and any violation of
22 the Child Passenger Protection Act, or a similar provision of a
23 local ordinance, and except as otherwise provided in this
24 Section shall be disbursed within 60 days after receipt by the
25 circuit clerk as follows: 44.5% shall be disbursed to the
26 entity authorized by law to receive the fine imposed in the

1 case; 16.825% shall be disbursed to the State Treasurer; and
2 38.675% shall be disbursed to the county's general corporate
3 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
4 shall be deposited by the State Treasurer into the Violent
5 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
6 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
7 be deposited into the Drivers Education Fund, and 6.948/17
8 shall be deposited into the Trauma Center Fund. Of the 6.948/17
9 deposited into the Trauma Center Fund from the 16.825%
10 disbursed to the State Treasurer, 50% shall be disbursed to the
11 Department of Public Health and 50% shall be disbursed to the
12 Department of Healthcare and Family Services. For fiscal year
13 1993, amounts deposited into the Violent Crime Victims
14 Assistance Fund, the Traffic and Criminal Conviction Surcharge
15 Fund, or the Drivers Education Fund shall not exceed 110% of
16 the amounts deposited into those funds in fiscal year 1991. Any
17 amount that exceeds the 110% limit shall be distributed as
18 follows: 50% shall be disbursed to the county's general
19 corporate fund and 50% shall be disbursed to the entity
20 authorized by law to receive the fine imposed in the case. Not
21 later than March 1 of each year the circuit clerk shall submit
22 a report of the amount of funds remitted to the State Treasurer
23 under this Section during the preceding year based upon
24 independent verification of fines and fees. All counties shall
25 be subject to this Section, except that counties with a
26 population under 2,000,000 may, by ordinance, elect not to be

1 subject to this Section. For offenses subject to this Section,
2 judges shall impose one total sum of money payable for
3 violations. The circuit clerk may add on no additional amounts
4 except for amounts that are required by Sections 27.3a and
5 27.3c of this Act, Section 16-104c of the Illinois Vehicle
6 Code, and subsection (a) of Section 5-1101 of the Counties
7 Code, unless those amounts are specifically waived by the
8 judge. With respect to money collected by the circuit clerk as
9 a result of forfeiture of bail, ex parte judgment or guilty
10 plea pursuant to Supreme Court Rule 529, the circuit clerk
11 shall first deduct and pay amounts required by Sections 27.3a
12 and 27.3c of this Act. Unless a court ordered payment schedule
13 is implemented or fee requirements are waived pursuant to court
14 order, the clerk of the court may add to any unpaid fees and
15 costs a delinquency amount equal to 5% of the unpaid fees that
16 remain unpaid after 30 days, 10% of the unpaid fees that remain
17 unpaid after 60 days, and 15% of the unpaid fees that remain
18 unpaid after 90 days. Notice to those parties may be made by
19 signage posting or publication. The additional delinquency
20 amounts collected under this Section shall be deposited in the
21 Circuit Court Clerk Operation and Administrative Fund to be
22 used to defray administrative costs incurred by the circuit
23 clerk in performing the duties required to collect and disburse
24 funds. This Section is a denial and limitation of home rule
25 powers and functions under subsection (h) of Section 6 of
26 Article VII of the Illinois Constitution.

1 (b) In addition to any other fines and court costs assessed
2 by the courts, any person convicted or receiving an order of
3 supervision for driving under the influence of alcohol or drugs
4 shall pay an additional fee of \$100 to the clerk of the circuit
5 court. This amount, less 2 1/2% that shall be used to defray
6 administrative costs incurred by the clerk, shall be remitted
7 by the clerk to the Treasurer within 60 days after receipt for
8 deposit into the Trauma Center Fund. This additional fee of
9 \$100 shall not be considered a part of the fine for purposes of
10 any reduction in the fine for time served either before or
11 after sentencing. Not later than March 1 of each year the
12 Circuit Clerk shall submit a report of the amount of funds
13 remitted to the State Treasurer under this subsection during
14 the preceding calendar year.

15 (b-1) In addition to any other fines and court costs
16 assessed by the courts, any person convicted or receiving an
17 order of supervision for driving under the influence of alcohol
18 or drugs shall pay an additional fee of \$5 to the clerk of the
19 circuit court. This amount, less 2 1/2% that shall be used to
20 defray administrative costs incurred by the clerk, shall be
21 remitted by the clerk to the Treasurer within 60 days after
22 receipt for deposit into the Spinal Cord Injury Paralysis Cure
23 Research Trust Fund. This additional fee of \$5 shall not be
24 considered a part of the fine for purposes of any reduction in
25 the fine for time served either before or after sentencing. Not
26 later than March 1 of each year the Circuit Clerk shall submit

1 a report of the amount of funds remitted to the State Treasurer
2 under this subsection during the preceding calendar year.

3 (c) In addition to any other fines and court costs assessed
4 by the courts, any person convicted for a violation of Sections
5 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
6 1961 or the Criminal Code of 2012 or a person sentenced for a
7 violation of the Cannabis Control Act, the Illinois Controlled
8 Substances Act, or the Methamphetamine Control and Community
9 Protection Act shall pay an additional fee of \$100 to the clerk
10 of the circuit court. This amount, less 2 1/2% that shall be
11 used to defray administrative costs incurred by the clerk,
12 shall be remitted by the clerk to the Treasurer within 60 days
13 after receipt for deposit into the Trauma Center Fund. This
14 additional fee of \$100 shall not be considered a part of the
15 fine for purposes of any reduction in the fine for time served
16 either before or after sentencing. Not later than March 1 of
17 each year the Circuit Clerk shall submit a report of the amount
18 of funds remitted to the State Treasurer under this subsection
19 during the preceding calendar year.

20 (c-1) In addition to any other fines and court costs
21 assessed by the courts, any person sentenced for a violation of
22 the Cannabis Control Act, the Illinois Controlled Substances
23 Act, or the Methamphetamine Control and Community Protection
24 Act shall pay an additional fee of \$5 to the clerk of the
25 circuit court. This amount, less 2 1/2% that shall be used to
26 defray administrative costs incurred by the clerk, shall be

1 remitted by the clerk to the Treasurer within 60 days after
2 receipt for deposit into the Spinal Cord Injury Paralysis Cure
3 Research Trust Fund. This additional fee of \$5 shall not be
4 considered a part of the fine for purposes of any reduction in
5 the fine for time served either before or after sentencing. Not
6 later than March 1 of each year the Circuit Clerk shall submit
7 a report of the amount of funds remitted to the State Treasurer
8 under this subsection during the preceding calendar year.

9 (d) The following amounts must be remitted to the State
10 Treasurer for deposit into the Illinois Animal Abuse Fund:

11 (1) 50% of the amounts collected for felony offenses
12 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
13 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
14 Animals Act and Section 26-5 or 48-1 of the Criminal Code
15 of 1961 or the Criminal Code of 2012;

16 (2) 20% of the amounts collected for Class A and Class
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
19 for Animals Act and Section 26-5 or 48-1 of the Criminal
20 Code of 1961 or the Criminal Code of 2012; and

21 (3) 50% of the amounts collected for Class C
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
23 for Animals Act and Section 26-5 or 48-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (e) Any person who receives a disposition of court
26 supervision for a violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance shall, in addition to
2 any other fines, fees, and court costs, pay an additional fee
3 of \$29, to be disbursed as provided in Section 16-104c of the
4 Illinois Vehicle Code. In addition to the fee of \$29, the
5 person shall also pay a fee of \$6, if not waived by the court.
6 If this \$6 fee is collected, \$5.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (f) This Section does not apply to the additional child
12 pornography fines assessed and collected under Section
13 5-9-1.14 of the Unified Code of Corrections.

14 (g) Any person convicted of or pleading guilty to a serious
15 traffic violation, as defined in Section 1-187.001 of the
16 Illinois Vehicle Code, shall pay an additional fee of \$35, to
17 be disbursed as provided in Section 16-104d of that Code. This
18 subsection (g) becomes inoperative on January 1, 2020.

19 (h) In all counties having a population of 3,000,000 or
20 more inhabitants,

21 (1) A person who is found guilty of or pleads guilty to
22 violating subsection (a) of Section 11-501 of the Illinois
23 Vehicle Code, including any person placed on court
24 supervision for violating subsection (a), shall be fined
25 \$750 as provided for by subsection (f) of Section 11-501.01
26 of the Illinois Vehicle Code, payable to the circuit clerk,

1 who shall distribute the money pursuant to subsection (f)
2 of Section 11-501.01 of the Illinois Vehicle Code.

3 (2) When a crime laboratory DUI analysis fee of \$150,
4 provided for by Section 5-9-1.9 of the Unified Code of
5 Corrections is assessed, it shall be disbursed by the
6 circuit clerk as provided by subsection (f) of Section
7 5-9-1.9 of the Unified Code of Corrections.

8 (3) When a fine for a violation of Section 11-605.1 of
9 the Illinois Vehicle Code is \$250 or greater, the person
10 who violated that Section shall be charged an additional
11 \$125 as provided for by subsection (e) of Section 11-605.1
12 of the Illinois Vehicle Code, which shall be disbursed by
13 the circuit clerk to a State or county Transportation
14 Safety Highway Hire-back Fund as provided by subsection (e)
15 of Section 11-605.1 of the Illinois Vehicle Code.

16 (4) When a fine for a violation of subsection (a) of
17 Section 11-605 of the Illinois Vehicle Code is \$150 or
18 greater, the additional \$50 which is charged as provided
19 for by subsection (f) of Section 11-605 of the Illinois
20 Vehicle Code shall be disbursed by the circuit clerk to a
21 school district or districts for school safety purposes as
22 provided by subsection (f) of Section 11-605.

23 (5) When a fine for a violation of subsection (a) of
24 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
25 greater, the additional \$50 which is charged as provided
26 for by subsection (c) of Section 11-1002.5 of the Illinois

1 Vehicle Code shall be disbursed by the circuit clerk to a
2 school district or districts for school safety purposes as
3 provided by subsection (c) of Section 11-1002.5 of the
4 Illinois Vehicle Code.

5 (6) When a mandatory drug court fee of up to \$5 is
6 assessed as provided in subsection (f) of Section 5-1101 of
7 the Counties Code, it shall be disbursed by the circuit
8 clerk as provided in subsection (f) of Section 5-1101 of
9 the Counties Code.

10 (7) When a mandatory teen court, peer jury, youth
11 court, or other youth diversion program fee is assessed as
12 provided in subsection (e) of Section 5-1101 of the
13 Counties Code, it shall be disbursed by the circuit clerk
14 as provided in subsection (e) of Section 5-1101 of the
15 Counties Code.

16 (8) When a Children's Advocacy Center fee is assessed
17 pursuant to subsection (f-5) of Section 5-1101 of the
18 Counties Code, it shall be disbursed by the circuit clerk
19 as provided in subsection (f-5) of Section 5-1101 of the
20 Counties Code.

21 (9) When a victim impact panel fee is assessed pursuant
22 to subsection (b) of Section 11-501.01 of the Vehicle Code,
23 it shall be disbursed by the circuit clerk to the victim
24 impact panel to be attended by the defendant.

25 (10) When a new fee collected in traffic cases is
26 enacted after the effective date of this subsection (h), it

1 shall be excluded from the percentage disbursement
2 provisions of this Section unless otherwise indicated by
3 law.

4 (i) Of the amounts collected as fines under subsection (b)
5 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
6 deposited into the Illinois Military Family Relief Fund and 1%
7 shall be deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 to be used to offset the costs incurred by the Circuit Court
10 Clerk in performing the additional duties required to collect
11 and disburse funds to entities of State and local government as
12 provided by law.

13 (j) (Blank).

14 (k) For any conviction or disposition of court supervision
15 for a violation of Section 11-1429 of the Illinois Vehicle
16 Code, the circuit clerk shall distribute the fines paid by the
17 person as specified by subsection (h) of Section 11-1429 of the
18 Illinois Vehicle Code.

19 (l) Any person who receives a disposition of court
20 supervision for a violation of Section 11-501 of the Illinois
21 Vehicle Code or a similar provision of a local ordinance shall,
22 in addition to any other fines, fees, and court costs, pay an
23 additional fee of \$50, which shall be collected by the circuit
24 clerk and then remitted to the State Treasurer for deposit into
25 the Roadside Memorial Fund, a special fund in the State
26 treasury. However, the court may waive the fee if full

1 restitution is complied with. Subject to appropriation, all
2 moneys in the Roadside Memorial Fund shall be used by the
3 Department of Transportation to pay fees imposed under
4 subsection (f) of Section 20 of the Roadside Memorial Act. The
5 fee shall be remitted by the circuit clerk within one month
6 after receipt to the State Treasurer for deposit into the
7 Roadside Memorial Fund.

8 (m) Of the amounts collected as fines under subsection (c)
9 of Section 411.4 of the Illinois Controlled Substances Act or
10 subsection (c) of Section 90 of the Methamphetamine Control and
11 Community Protection Act, 99% shall be deposited to the law
12 enforcement agency or fund specified and 1% shall be deposited
13 into the Circuit Court Clerk Operation and Administrative Fund
14 to be used to offset the costs incurred by the Circuit Court
15 Clerk in performing the additional duties required to collect
16 and disburse funds to entities of State and local government as
17 provided by law.

18 (n) In addition to any other fines and court costs assessed
19 by the courts, any person who is convicted of or pleads guilty
20 to a violation of the Criminal Code of 1961 or the Criminal
21 Code of 2012, or a similar provision of a local ordinance, or
22 who is convicted of, pleads guilty to, or receives a
23 disposition of court supervision for a violation of the
24 Illinois Vehicle Code, or a similar provision of a local
25 ordinance, shall pay an additional fee of \$15 to the clerk of
26 the circuit court. This additional fee of \$15 shall not be

1 considered a part of the fine for purposes of any reduction in
2 the fine for time served either before or after sentencing.
3 This amount, less 2.5% that shall be used to defray
4 administrative costs incurred by the clerk, shall be remitted
5 by the clerk to the State Treasurer within 60 days after
6 receipt for deposit into the State Police Merit Board Public
7 Safety Fund.

8 (o) The amounts collected as fines under Sections 10-9,
9 11-14.1, 11-14.3, and 11-18 of the Criminal Code of 2012 shall
10 be collected by the circuit clerk and distributed as provided
11 under Section 5-9-1.21 of the Unified Code of Corrections in
12 lieu of any disbursement under subsection (a) of this Section.

13 (p) In addition to any other fees and penalties imposed,
14 any person who is convicted of or pleads guilty to a violation
15 of Section 20-1 or Section 20-1.1 of the Criminal Code of 2012
16 shall pay an additional fee of \$250 to the clerk of the circuit
17 court. This additional fee of \$250 shall not be considered a
18 part of the fine for purposes of any reduction in the fine for
19 time served either before or after sentencing. This amount,
20 less 2.5% that shall be used to defray administrative costs
21 incurred by the clerk, shall be remitted by the clerk to the
22 Department of Insurance within 60 days after receipt for
23 deposit into the George Bailey Memorial Fund.

24 (Source: P.A. 98-658, eff. 6-23-14; 98-1013, eff. 1-1-15;
25 99-78, eff. 7-20-15; 99-455, eff. 1-1-16.)

1 Section 20. The Criminal Code of 2012 is amended by
2 changing Sections 24-1.1, 24-1.6, and 24-1.8 and by adding
3 Section 24-1.1-5 as follows:

4 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

5 Sec. 24-1.1. Unlawful use or possession of weapons by
6 felons ~~Use or Possession of Weapons by Felons or Persons in the~~
7 ~~Custody of the Department of Corrections Facilities.~~

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

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

23 (c) (Blank). ~~It shall be an affirmative defense to a~~
24 ~~violation of subsection (b), that such possession was~~
25 ~~specifically authorized by rule, regulation, or directive of~~

1 ~~the Illinois Department of Corrections or order issued pursuant~~
2 ~~thereto.~~

3 (d) (Blank). ~~The defense of necessity is not available to a~~
4 ~~person who is charged with a violation of subsection (b) of~~
5 ~~this Section.~~

6 (e) Sentence.

7 (1) Violation of this Section is ~~by a person not~~
8 ~~confined in a penal institution shall be~~ a Class 3 felony
9 for which the person shall be sentenced to no less than 3 ~~2~~
10 years and no more than 10 years ~~and any second or~~
11 ~~subsequent violation shall be a Class 2 felony for which~~
12 ~~the person shall be sentenced to a term of imprisonment of~~
13 ~~not less than 3 years and not more than 14 years.~~

14 (2) Violation of this Section is a Class 2 felony for
15 which the person shall be sentenced to not less than 3
16 years and not more than 14 years if the conviction was
17 entered less than 10 years prior to the commission of the
18 instant offense, excluding any time the defendant was in
19 custody, on probation, conditional discharge, or mandatory
20 supervised release.

21 (3) Violation of this Section by a person ~~not confined~~
22 ~~in a penal institution~~ who has been convicted of a second
23 or subsequent offense under this Section, a forcible
24 felony, a felony violation of Article 24 of this Code or of
25 the Firearm Owners Identification Card Act, stalking or
26 aggravated stalking, or a Class 2 or greater felony under

1 the Illinois Controlled Substances Act, the Cannabis
2 Control Act, or the Methamphetamine Control and Community
3 Protection Act is a Class 2 felony for which the person
4 shall be sentenced to not less than 4 ~~3~~ years and not more
5 than 14 years.

6 (4) Violation of this Section by a person who is on
7 parole or mandatory supervised release is a Class 2 felony
8 for which the person shall be sentenced to not less than 4
9 ~~3~~ years and not more than 14 years.

10 (5) ~~Violation of this Section by a person not confined~~
11 ~~in a penal institution is a Class X felony when the firearm~~
12 ~~possessed is a machine gun. Any person who violates this~~
13 ~~Section while confined in a penal institution, which is a~~
14 ~~facility of the Illinois Department of Corrections, is~~
15 ~~guilty of a Class 1 felony, if he possesses any weapon~~
16 ~~prohibited under Section 24-1 of this Code regardless of~~
17 ~~the intent with which he possesses it, a Class X felony if~~
18 ~~he possesses any firearm, firearm ammunition or explosive,~~
19 ~~and a Class X felony for which the offender shall be~~
20 ~~sentenced to not less than 12 years and not more than 50~~
21 ~~years when the firearm possessed is a machine gun.~~

22 (6) A violation of this Section while wearing or in
23 possession of body armor as defined in Section 33F-1 is a
24 Class X felony punishable by a term of imprisonment of not
25 less than 10 years and not more than 40 years.

26 (7) A sentence of county impact incarceration under

1 Section 5-8-1.2 of the Unified Code of Corrections is not
2 authorized for a violation of this Section.

3 (8) The possession of each firearm or firearm
4 ammunition in violation of this Section constitutes a
5 single and separate violation.

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

7 (720 ILCS 5/24-1.1-5 new)

8 Sec. 24-1.1-5. Unlawful use or possession of weapons by
9 persons in the custody of the Department of Corrections
10 facilities.

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

16 (b) It is an affirmative defense to a violation of this
17 Section that the possession was specifically authorized by
18 rule, regulation, or directive of the Illinois Department of
19 Corrections or order issued under that rule, regulation, or
20 directive.

21 (c) The defense of necessity is not available to a person
22 who is charged with a violation of this Section.

23 (d) Sentence.

24 (1) Any person who violates this Section is guilty of a
25 Class 1 felony, if he or she possesses any weapon prohibited

1 under Section 24-1 of this Code, a Class X felony if he or she
2 possesses any firearm, firearm ammunition, or explosive, and a
3 Class X felony for which the offender shall be sentenced to not
4 less than 12 years and not more than 50 years when the firearm
5 possessed is a machine gun.

6 (2) A violation of this Section while wearing or in
7 possession of body armor as defined in Section 33F-1 is a Class
8 X felony punishable by a term of imprisonment of not less than
9 10 years and not more than 40 years.

10 (3) The possession of each firearm or firearm ammunition in
11 violation of this Section constitutes a single and separate
12 violation.

13 (4) A sentence of county impact incarceration under Section
14 5-8-1.2 of the Unified Code of Corrections is not authorized
15 for a violation of this Section.

16 (720 ILCS 5/24-1.6)

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

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

20 (1) Carries on or about his or her person or in any
21 vehicle or concealed on or about his or her person except
22 when on his or her land or in his or her abode, legal
23 dwelling, or fixed place of business, or on the land or in
24 the legal dwelling of another person as an invitee with
25 that person's permission, any pistol, revolver, stun gun or

1 taser or other firearm; or

2 (2) Carries or possesses on or about his or her person,
3 upon any public street, alley, or other public lands within
4 the corporate limits of a city, village or incorporated
5 town, except when an invitee thereon or therein, for the
6 purpose of the display of such weapon or the lawful
7 commerce in weapons, or except when on his or her own land
8 or in his or her own abode, legal dwelling, or fixed place
9 of business, or on the land or in the legal dwelling of
10 another person as an invitee with that person's permission,
11 any pistol, revolver, stun gun or taser or other firearm;
12 and

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

14 (A) the firearm, other than a pistol, revolver, or
15 handgun, possessed was uncased, loaded, and
16 immediately accessible at the time of the offense; or

17 (A-5) the pistol, revolver, or handgun possessed
18 was uncased, loaded, and immediately accessible at the
19 time of the offense and the person possessing the
20 pistol, revolver, or handgun has not been issued a
21 currently valid license under the Firearm Concealed
22 Carry Act; or

23 (B) the firearm, other than a pistol, revolver, or
24 handgun, possessed was uncased, unloaded, and the
25 ammunition for the weapon was immediately accessible
26 at the time of the offense; or

1 (B-5) the pistol, revolver, or handgun possessed
2 was uncased, unloaded, and the ammunition for the
3 weapon was immediately accessible at the time of the
4 offense and the person possessing the pistol,
5 revolver, or handgun has not been issued a currently
6 valid license under the Firearm Concealed Carry Act; or

7 (C) the person possessing the firearm has not been
8 issued a currently valid Firearm Owner's
9 Identification Card; or

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

14 (E) the person possessing the weapon was engaged in
15 a misdemeanor violation of the Cannabis Control Act, in
16 a misdemeanor violation of the Illinois Controlled
17 Substances Act, or in a misdemeanor violation of the
18 Methamphetamine Control and Community Protection Act;
19 or

20 (F) (blank); or

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

24 (H) the person possessing the weapon was engaged in
25 the commission or attempted commission of a
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

2 (I) the person possessing the weapon was under 21
3 years of age and in possession of a handgun, unless the
4 person under 21 is engaged in lawful activities under
5 the Wildlife Code or described in subsection
6 24-2(b) (1), (b) (3), or 24-2(f).

7 (a-5) "Handgun" as used in this Section has the meaning
8 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

14 (ii) are not immediately accessible; or

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

19 (d) Sentence.

20 (1) Aggravated unlawful use of a weapon is a Class 4
21 felony; a second or subsequent offense is a Class 2 felony
22 for which the person shall be sentenced to a term of
23 imprisonment of not less than 4 ~~3~~ years and not more than
24 10 ~~7~~ years.

25 (2) Except as otherwise provided in paragraphs (3) and
26 (4) of this subsection (d), a first offense of aggravated

1 unlawful use of a weapon committed with a firearm by a
2 person 18 years of age or older where the factors listed in
3 both items (A) and (C) or both items (A-5) and (C) of
4 paragraph (3) of subsection (a) are present is a Class 4
5 felony, for which the person shall be sentenced to a term
6 of imprisonment of not less than one year and not more than
7 3 years.

8 (3) Aggravated unlawful use of a weapon by a person who
9 has been previously convicted of a felony offense is a
10 Class 3 felony for which the person shall be sentenced to a
11 term of not less than 3 years and not more than 10 years,
12 unless the conviction was entered less than 10 years prior
13 to the commission of the instant offense, excluding any
14 time the defendant was in custody, on probation,
15 conditional discharge, or supervised release, in which
16 case it is a Class 2 felony for which the person shall be
17 sentenced to a term of not less than 4 years and not more
18 than 10 years. in this State or another jurisdiction is a
19 Class 2 felony for which the person shall be sentenced to a
20 term of imprisonment of not less than 3 years and not more
21 than 7 years.

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

1 felony.

2 (5) A sentence of county impact incarceration under
3 Section 5-8-1.2 of the Unified Code of Corrections is not
4 authorized for a violation of this Section.

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

7 (Source: P.A. 98-63, eff. 7-9-13.)

8 (720 ILCS 5/24-1.8)

9 Sec. 24-1.8. Unlawful possession of a firearm by a street
10 gang member.

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

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

20 (2) possesses or carries in any vehicle a firearm and
21 firearm ammunition which are both immediately accessible
22 at the time of the offense while on any street, road,
23 alley, or any other lands, except when inside his or her
24 own abode or garage, and has not been issued a currently
25 valid Firearm Owner's Identification Card and is a member

1 of a street gang.

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

14 (c) For purposes of this Section:

15 "Street gang" or "gang" has the meaning ascribed to it
16 in Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

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

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

22 Section 25. The Unified Code of Corrections is amended by
23 changing Sections 3-6-3, 5-5-3, and 5-9-1.10 as follows:

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

2 (a) (1) The Department of Corrections shall prescribe
3 rules and regulations for awarding and revoking sentence
4 credit for persons committed to the Department which shall
5 be subject to review by the Prisoner Review Board.

6 (1.5) As otherwise provided by law, sentence credit may
7 be awarded for the following:

8 (A) successful completion of programming while in
9 custody of the Department or while in custody prior to
10 sentencing;

11 (B) compliance with the rules and regulations of
12 the Department; or

13 (C) service to the institution, service to a
14 community, or service to the State.

15 (2) The rules and regulations on sentence credit shall
16 provide, with respect to offenses listed in clause (i),
17 (ii), or (iii) of this paragraph (2) committed on or after
18 June 19, 1998 or with respect to the offense listed in
19 clause (iv) of this paragraph (2) committed on or after
20 June 23, 2005 (the effective date of Public Act 94-71) or
21 with respect to offense listed in clause (vi) committed on
22 or after June 1, 2008 (the effective date of Public Act
23 95-625) or with respect to the offense of being an armed
24 habitual criminal committed on or after August 2, 2005 (the
25 effective date of Public Act 94-398) or with respect to the
26 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134) or with respect to the offense of
3 aggravated domestic battery committed on or after July 23,
4 2010 (the effective date of Public Act 96-1224) or with
5 respect to the offense of attempt to commit terrorism
6 committed on or after January 1, 2013 (the effective date
7 of Public Act 97-990), or with respect to the offenses
8 listed in clause (viii) of this paragraph (2) committed on
9 or after the effective date of this amendatory Act of the
10 99th General Assembly, the following:

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

15 (ii) that a prisoner serving a sentence for attempt
16 to commit terrorism, attempt to commit first degree
17 murder, solicitation of murder, solicitation of murder
18 for hire, intentional homicide of an unborn child,
19 predatory criminal sexual assault of a child,
20 aggravated criminal sexual assault, criminal sexual
21 assault, aggravated kidnapping, aggravated battery
22 with a firearm as described in Section 12-4.2 or
23 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of
24 Section 12-3.05, heinous battery as described in
25 Section 12-4.1 or subdivision (a)(2) of Section
26 12-3.05, being an armed habitual criminal, aggravated

1 battery of a senior citizen as described in Section
2 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
3 aggravated battery of a child as described in Section
4 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
5 receive no more than 4.5 days of sentence credit for
6 each month of his or her sentence of imprisonment;

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

18 (iv) that a prisoner serving a sentence for
19 aggravated discharge of a firearm, whether or not the
20 conduct leading to conviction for the offense resulted
21 in great bodily harm to the victim, shall receive no
22 more than 4.5 days of sentence credit for each month of
23 his or her sentence of imprisonment;

24 (v) that a person serving a sentence for
25 gunrunning, narcotics racketeering, controlled
26 substance trafficking, methamphetamine trafficking,

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

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

25 (vii) that a prisoner serving a sentence for
26 aggravated domestic battery shall receive no more than

1 4.5 days of sentence credit for each month of his or
2 her sentence of imprisonment; ~~and-~~

3 (viii) that a prisoner serving a sentence for a
4 violation under Section 24-1.8; paragraphs (2), (3),
5 (4), (5) or (6) of subsection (e) under Section 24-1.1;
6 or, a Class 2 or greater felony under Section 24-1.6 of
7 the Criminal Code of 2012 shall receive no more than
8 4.5 days of sentence credit for each month of his or
9 her sentence of imprisonment, unless the prisoner
10 receives a court order under paragraph (2.05) of this
11 subsection (a) authorizing the Department to issue up
12 to a maximum of 180 days of additional sentence credit
13 towards the prisoner's sentence

14 (2.05) Notwithstanding clause (viii) of paragraph (2)
15 of this subsection (a), if a person is convicted for a
16 violation under Section 24-1.8, paragraphs (2), (3), (4),
17 (5) or (6) of subsection (e) of Section 24-1.1, or a Class
18 2 or greater felony under Section 24-1.6 of the Criminal
19 Code of 2012, at the person's sentencing hearing, after
20 considering all of the evidence in aggravation and
21 mitigation, the court may enter an order for judicially
22 authorized sentence credit to the Department permitting
23 the issuance of sentence credit for each day that the
24 person is actually personally engaged full-time and is
25 attending one of the substance abuse programs, vocational
26 programs, correctional industry assignments, educational

1 programs, 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 90 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 90 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, commitment offense and county where
21 conviction was imposed. The identification information
22 shall be placed on the website within 3 days of the
23 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. 98-718, eff. 1-1-15; 99-241, eff. 1-1-16; 99-275,
25 eff. 1-1-16; revised 10-19-15.)

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
26 Control Act.

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

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

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

19 (H) Criminal sexual assault.

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

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

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

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

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

9 (K) Vehicular hijacking.

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

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

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

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

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

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

1 Code of 1961 or the Criminal Code of 2012.

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

4 (S) (Blank).

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

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

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

1 of 18 years or an offense that is substantially equivalent
2 to those offenses.

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

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

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

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

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

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

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

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

26 (3) (Blank).

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

5 (4.1) (Blank).

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

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court, shall
12 be imposed for a second violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6), and
15 (4.9) of this subsection (c), a minimum term of imprisonment of
16 30 days or 300 hours of community service, as determined by the
17 court, shall be imposed for a third or subsequent violation of
18 Section 6-303 of the Illinois Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall be
20 imposed for a third violation of subsection (c) of Section
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this
23 subsection (c), a minimum term of imprisonment of 180 days
24 shall be imposed for a fourth or subsequent violation of
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be
2 imposed for a violation of subsection (a-5) of Section 6-303 of
3 the Illinois Vehicle Code, as provided in subsection (b-5) of
4 that Section.

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

11 (4.9) A mandatory prison sentence of not less than 4 and
12 not more than 15 years shall be imposed for a third violation
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
14 Code, as provided in subsection (d-2.5) of that Section. The
15 person's driving privileges shall be revoked for the remainder
16 of his or her life.

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

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

26 (A) a period of conditional discharge;

1 (B) a fine;

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

4 (5.1) In addition to any other penalties imposed, and
5 except as provided in paragraph (5.2) or (5.3), a person
6 convicted of violating subsection (c) of Section 11-907 of the
7 Illinois Vehicle Code shall have his or her driver's license,
8 permit, or privileges suspended for at least 90 days but not
9 more than one year, if the violation resulted in damage to the
10 property of another person.

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

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

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

1 (5.5) In addition to any other penalties imposed, a person
2 convicted of violating Section 3-707 of the Illinois Vehicle
3 Code during a period in which his or her driver's license,
4 permit, or privileges were suspended for a previous violation
5 of that Section shall have his or her driver's license, permit,
6 or privileges suspended for an additional 6 months after the
7 expiration of the original 3-month suspension and until he or
8 she has paid a reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

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

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

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

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

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

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

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

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

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

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

26 (i) removal from the household;

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

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

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

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

25 (f) (Blank).

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

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

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

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

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

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

1 costs against the convicted defendant.

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

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

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

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

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

16 (k) (Blank).

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

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under the

1 Immigration and Nationality Act, and

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

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

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

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

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

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

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

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

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

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

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

1 renewal on an annual basis in accordance with the provisions of
2 license renewal established by the Secretary of State.

3 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
4 99-143, eff. 7-27-15.)

5 (730 ILCS 5/5-9-1.10)

6 Sec. 5-9-1.10. Additional fines. There shall be added to
7 every penalty imposed in sentencing for a violation of Sections
8 24-1.1, 24-1.1-5, 24-1.2, or 24-1.5 of the Criminal Code of
9 1961 or the Criminal Code of 2012 an additional fine of \$100
10 payable to the clerk, which shall be imposed upon the entry of
11 a judgment of conviction. This additional fee, less 2 1/2% that
12 shall be used to defray administrative costs incurred by the
13 clerk, shall be remitted by the clerk to the Treasurer within
14 60 days after receipt for deposit into the Trauma Center Fund.
15 This additional fee of \$100 shall not be considered a part of
16 the fine for purposes of any reduction in the fine for time
17 served either before or after sentencing. Not later than March
18 1 of each year the circuit clerk shall submit a report of the
19 amount of funds remitted to the State Treasurer under this
20 Section during the preceding calendar year. All moneys
21 collected by the circuit clerk and remitted to the State
22 Treasurer under Section 27.6 of the Clerks of Courts Act shall
23 be deposited into the Trauma Center Fund for distribution as
24 provided under Section 3.225 of the Emergency Medical Services
25 (EMS) Systems Act.

1 (Source: P.A. 97-1150, eff. 1-25-13.)

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 46/25

4 625 ILCS 5/6-106.1 from Ch. 95 1/2, par. 6-106.1

5 625 ILCS 5/6-508 from Ch. 95 1/2, par. 6-508

6 705 ILCS 105/27.6

7 720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1

8 720 ILCS 5/24-1.1-5 new

9 720 ILCS 5/24-1.6

10 720 ILCS 5/24-1.8

11 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3

12 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3

13 730 ILCS 5/5-9-1.10