

# HB0074



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0074

Introduced 1/9/2025, by Rep. Jackie Haas

### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for a felony offense that requires registration under the Sex Offender Registration Act.

LRB104 03324 RLC 13346 b

A BILL FOR

1 AN ACT concerning criminal law.

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

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

6 (730 ILCS 5/5-5-3)

7 (Text of Section before amendment by P.A. 103-825)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank).

10 (b) (Blank).

11 (c) (1) (Blank).

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

19 (A) First degree murder.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the  
23 Illinois Controlled Substances Act, or a violation of

1 subdivision (c)(1.5) of Section 401 of that Act which  
2 relates to more than 5 grams of a substance containing  
3 fentanyl or an analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401  
5 of the Illinois Controlled Substances Act which relates to  
6 3 or more grams of a substance containing heroin or an  
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had  
10 been convicted of a Class 1 or greater felony, including  
11 any state or federal conviction for an offense that  
12 contained, at the time it was committed, the same elements  
13 as an offense now (the date of the offense committed after  
14 the prior Class 1 or greater felony) classified as a Class  
15 1 or greater felony, within 10 years of the date on which  
16 the offender committed the offense for which he or she is  
17 being sentenced, except as otherwise provided in Section  
18 40-10 of the Substance Use Disorder Act.

19 (F-3) A Class 2 or greater felony sex offense or  
20 felony firearm offense if the offender had been convicted  
21 of a Class 2 or greater felony, including any state or  
22 federal conviction for an offense that contained, at the  
23 time it was committed, the same elements as an offense now  
24 (the date of the offense committed after the prior Class 2  
25 or greater felony) classified as a Class 2 or greater  
26 felony, within 10 years of the date on which the offender

1 committed the offense for which he or she is being  
2 sentenced, except as otherwise provided in Section 40-10  
3 of the Substance Use Disorder Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
5 of the Criminal Code of 1961 or the Criminal Code of 2012  
6 for which imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise provided  
8 in Section 40-10 of the Substance Use Disorder Act.

9 (H) Criminal sexual assault.

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

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

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

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

26 (K) Vehicular hijacking.

1           (L) A second or subsequent conviction for the offense  
2           of hate crime when the underlying offense upon which the  
3           hate crime is based is felony aggravated assault or felony  
4           mob action.

5           (M) A second or subsequent conviction for the offense  
6           of institutional vandalism if the damage to the property  
7           exceeds \$300.

8           (N) A Class 3 felony violation of paragraph (1) of  
9           subsection (a) of Section 2 of the Firearm Owners  
10          Identification Card Act.

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

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

16          (P-5) A violation of paragraph (6) of subsection (a)  
17          of Section 11-20.1 of the Criminal Code of 1961 or the  
18          Criminal Code of 2012 if the victim is a household or  
19          family member of the defendant.

20          (Q) A violation of subsection (b) or (b-5) of Section  
21          20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
22          Code of 1961 or the Criminal Code of 2012.

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

25          (S) (Blank).

26          (T) (Blank).

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

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

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

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

1           (Y) A conviction for unlawful possession of a firearm  
2           by a street gang member when the firearm was loaded or  
3           contained firearm ammunition.

4           (Z) A Class 1 felony committed while he or she was  
5           serving a term of probation or conditional discharge for a  
6           felony.

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

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

11          (CC) Knowingly selling, offering for sale, holding for  
12          sale, or using 2,000 or more counterfeit items or  
13          counterfeit items having a retail value in the aggregate  
14          of \$500,000 or more.

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

20          (EE) A conviction for a violation of paragraph (2) of  
21          subsection (a) of Section 24-3B of the Criminal Code of  
22          2012.

23          (3) (Blank).

24          (4) A minimum term of imprisonment of not less than 10  
25          consecutive days or 30 days of community service shall be  
26          imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
4 this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court, shall  
9 be imposed for a second violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
12 (4.9) of this subsection (c), a minimum term of imprisonment  
13 of 30 days or 300 hours of community service, as determined by  
14 the court, shall be imposed for a third or subsequent  
15 violation of Section 6-303 of the Illinois Vehicle Code. The  
16 court may give credit toward the fulfillment of community  
17 service hours for participation in activities and treatment as  
18 determined by court services.

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  
3 of the Illinois Vehicle Code, as provided in subsection (b-5)  
4 of 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  
9 a 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  
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
21 Code, as provided in subsection (d-3.5) of that Section. The  
22 person's driving privileges shall be revoked for the remainder  
23 of his or 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,  
15 or privileges suspended for at least 180 days but not more than  
16 2 years, if the violation resulted in injury to another  
17 person.

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

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

1 a reinstatement fee of \$100.

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

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

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

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

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

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

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

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

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

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

22 (A) the defendant is willing to undergo a court  
23 approved counseling program for a minimum duration of  
24 2 years; or

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

1 the defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the  
5 family;

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

7 and

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

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

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

24 For the purposes of this Section, "family member" and  
25 "victim" shall have the meanings ascribed to them in Section  
26 11-0.1 of the Criminal Code of 2012.

1 (f) (Blank).

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

1 requested by the victim's parents or legal guardian, the court  
2 shall notify the victim's parents or legal guardian of the  
3 test results. The court shall provide information on the  
4 availability of HIV testing and counseling at Department of  
5 Public Health facilities to all parties to whom the results of  
6 the testing are revealed and shall direct the State's Attorney  
7 to provide the information to the victim when possible. The  
8 court shall order that the cost of any such test shall be paid  
9 by the county and may be taxed as costs against the convicted  
10 defendant.

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

22 (h) Whenever a defendant is convicted of an offense under  
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
24 defendant shall undergo medical testing to determine whether  
25 the defendant has been exposed to human immunodeficiency virus  
26 (HIV) or any other identified causative agent of acquired

1 immunodeficiency syndrome (AIDS). Except as otherwise provided  
2 by law, the results of such test shall be kept strictly  
3 confidential by all medical personnel involved in the testing  
4 and must be personally delivered in a sealed envelope to the  
5 judge of the court in which the conviction was entered for the  
6 judge's inspection in camera. Acting in accordance with the  
7 best interests of the public, the judge shall have the  
8 discretion to determine to whom, if anyone, the results of the  
9 testing may be revealed. The court shall notify the defendant  
10 of a positive test showing an infection with the human  
11 immunodeficiency virus (HIV). The court shall provide  
12 information on the availability of HIV testing and counseling  
13 at Department of Public Health facilities to all parties to  
14 whom the results of the testing are revealed and shall direct  
15 the State's Attorney to provide the information to the victim  
16 when possible. The court shall order that the cost of any such  
17 test shall be paid by the county and may be taxed as costs  
18 against the convicted defendant.

19 (i) All fines and penalties imposed under this Section for  
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
21 Vehicle Code, or a similar provision of a local ordinance, and  
22 any violation of the Child Passenger Protection Act, or a  
23 similar provision of a local ordinance, shall be collected and  
24 disbursed by the circuit clerk as provided under the Criminal  
25 and Traffic Assessment Act.

26 (j) In cases when prosecution for any violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
2 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
3 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
4 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
5 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012, any violation of the Illinois Controlled  
7 Substances Act, any violation of the Cannabis Control Act, or  
8 any violation of the Methamphetamine Control and Community  
9 Protection Act results in conviction, a disposition of court  
10 supervision, or an order of probation granted under Section 10  
11 of the Cannabis Control Act, Section 410 of the Illinois  
12 Controlled Substances Act, or Section 70 of the  
13 Methamphetamine Control and Community Protection Act of a  
14 defendant, the court shall determine whether the defendant is  
15 employed by a facility or center as defined under the Child  
16 Care Act of 1969, a public or private elementary or secondary  
17 school, or otherwise works with children under 18 years of age  
18 on a daily basis. When a defendant is so employed, the court  
19 shall order the Clerk of the Court to send a copy of the  
20 judgment of conviction or order of supervision or probation to  
21 the defendant's employer by certified mail. If the employer of  
22 the defendant is a school, the Clerk of the Court shall direct  
23 the mailing of a copy of the judgment of conviction or order of  
24 supervision or probation to the appropriate regional  
25 superintendent of schools. The regional superintendent of  
26 schools shall notify the State Board of Education of any

1 notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted  
3 of a felony and who has not been previously convicted of a  
4 misdemeanor or felony and who is sentenced to a term of  
5 imprisonment in the Illinois Department of Corrections shall  
6 as a condition of his or her sentence be required by the court  
7 to attend educational courses designed to prepare the  
8 defendant for a high school diploma and to work toward a high  
9 school diploma or to work toward passing high school  
10 equivalency testing or to work toward completing a vocational  
11 training program offered by the Department of Corrections. If  
12 a defendant fails to complete the educational training  
13 required by his or her sentence during the term of  
14 incarceration, the Prisoner Review Board shall, as a condition  
15 of mandatory supervised release, require the defendant, at his  
16 or her own expense, to pursue a course of study toward a high  
17 school diploma or passage of high school equivalency testing.  
18 The Prisoner Review Board shall revoke the mandatory  
19 supervised release of a defendant who wilfully fails to comply  
20 with this subsection (j-5) upon his or her release from  
21 confinement in a penal institution while serving a mandatory  
22 supervised release term; however, the inability of the  
23 defendant after making a good faith effort to obtain financial  
24 aid or pay for the educational training shall not be deemed a  
25 wilful failure to comply. The Prisoner Review Board shall  
26 recommit the defendant whose mandatory supervised release term

1 has been revoked under this subsection (j-5) as provided in  
2 Section 3-3-9. This subsection (j-5) does not apply to a  
3 defendant who has a high school diploma or has successfully  
4 passed high school equivalency testing. This subsection (j-5)  
5 does not apply to a defendant who is determined by the court to  
6 be a person with a developmental disability or otherwise  
7 mentally incapable of completing the educational or vocational  
8 program.

9 (k) (Blank).

10 (l) (A) Except as provided in paragraph (C) of subsection  
11 (l), whenever a defendant, who is not a citizen or national of  
12 the United States, is convicted of any felony or misdemeanor  
13 offense, the court after sentencing the defendant may, upon  
14 motion of the State's Attorney, hold sentence in abeyance and  
15 remand the defendant to the custody of the Attorney General of  
16 the United States or his or her designated agent to be deported  
17 when:

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

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

24 Otherwise, the defendant shall be sentenced as provided in  
25 this Chapter V.

26 (B) If the defendant has already been sentenced for a

1 felony or misdemeanor offense, or has been placed on probation  
2 under Section 10 of the Cannabis Control Act, Section 410 of  
3 the Illinois Controlled Substances Act, or Section 70 of the  
4 Methamphetamine Control and Community Protection Act, the  
5 court may, upon motion of the State's Attorney to suspend the  
6 sentence imposed, commit the defendant to the custody of the  
7 Attorney General of the United States or his or her designated  
8 agent when:

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

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

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

18 (D) Upon motion of the State's Attorney, if a defendant  
19 sentenced under this Section returns to the jurisdiction of  
20 the United States, the defendant shall be recommitted to the  
21 custody of the county from which he or she was sentenced.  
22 Thereafter, the defendant shall be brought before the  
23 sentencing court, which may impose any sentence that was  
24 available under Section 5-5-3 at the time of initial  
25 sentencing. In addition, the defendant shall not be eligible  
26 for additional earned sentence credit as provided under

1 Section 3-6-3.

2 (m) A person convicted of criminal defacement of property  
3 under Section 21-1.3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, in which the property damage exceeds  
5 \$300 and the property damaged is a school building, shall be  
6 ordered to perform community service that may include cleanup,  
7 removal, or painting over the defacement.

8 (n) The court may sentence a person convicted of a  
9 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
10 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
11 of 1961 or the Criminal Code of 2012 (i) to an impact  
12 incarceration program if the person is otherwise eligible for  
13 that program under Section 5-8-1.1, (ii) to community service,  
14 or (iii) if the person has a substance use disorder, as defined  
15 in the Substance Use Disorder Act, to a treatment program  
16 licensed under that Act.

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

22 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
23 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
24 1-1-24.)

25 (Text of Section after amendment by P.A. 103-825)

1           Sec. 5-5-3. Disposition.

2           (a) (Blank).

3           (b) (Blank).

4           (c) (1) (Blank).

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

12                 (A) First degree murder.

13                 (B) Attempted first degree murder.

14                 (C) A Class X felony.

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

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

24                 (E) (Blank).

25                 (F) A Class 1 or greater felony if the offender had  
26 been convicted of a Class 1 or greater felony, including

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

9 (F-3) A Class 2 or greater felony sex offense or  
10 felony firearm offense if the offender had been convicted  
11 of a Class 2 or greater felony, including any state or  
12 federal conviction for an offense that contained, at the  
13 time it was committed, the same elements as an offense now  
14 (the date of the offense committed after the prior Class 2  
15 or greater felony) classified as a Class 2 or greater  
16 felony, within 10 years of the date on which the offender  
17 committed the offense for which he or she is being  
18 sentenced, except as otherwise provided in Section 40-10  
19 of the Substance Use Disorder Act.

20 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
21 of the Criminal Code of 1961 or the Criminal Code of 2012  
22 for which imprisonment is prescribed in those Sections.

23 (G) Residential burglary, except as otherwise provided  
24 in Section 40-10 of the Substance Use Disorder Act.

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as

1 described in Section 12-4.6 or subdivision (a)(4) of  
2 Section 12-3.05 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012.

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

6 Before July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" means an association of 5 or  
8 more persons, with an established hierarchy, that  
9 encourages members of the association to perpetrate crimes  
10 or provides support to the members of the association who  
11 do commit crimes.

12 Beginning July 1, 1994, for the purposes of this  
13 paragraph, "organized gang" has the meaning ascribed to it  
14 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
15 Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the offense  
18 of hate crime when the underlying offense upon which the  
19 hate crime is based is felony aggravated assault or felony  
20 mob action.

21 (M) A second or subsequent conviction for the offense  
22 of institutional vandalism if the damage to the property  
23 exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of  
25 subsection (a) of Section 2 of the Firearm Owners  
26 Identification Card Act.

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

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

6           (P-5) A violation of paragraph (6) of subsection (a)  
7 of Section 11-20.1 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012 if the victim is a household or  
9 family member of the defendant.

10           (P-6) A violation of paragraph (2) of subsection (b)  
11 of Section 11-20.4 of the Criminal Code of 2012.

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

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

17           (S) (Blank).

18           (T) (Blank).

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

26           (V) A violation of paragraph (4) of subsection (c) of

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

15 (V-5) A violation of paragraph (1) of subsection (b)  
16 of Section 11-20.4 of the Criminal Code of 2012 when the  
17 victim is under 13 years of age and the defendant has  
18 previously been convicted under the laws of this State or  
19 any other state of the offense of child pornography,  
20 aggravated child pornography, aggravated criminal sexual  
21 abuse, aggravated criminal sexual assault, predatory  
22 criminal sexual assault of a child, or any of the offenses  
23 formerly known as rape, deviate sexual assault, indecent  
24 liberties with a child, or aggravated indecent liberties  
25 with a child if the victim was under the age of 18 years or  
26 an offense that is substantially equivalent to those

1 offenses.

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

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

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

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

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

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

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

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

25 (EE) A conviction for a violation of paragraph (2) of  
26 subsection (a) of Section 24-3B of the Criminal Code of

1 2012.

2 (FF) A felony offense that requires registration under  
3 the Sex Offender Registration Act.

4 (3) (Blank).

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

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
11 this subsection (c), a minimum of 100 hours of community  
12 service shall be imposed for a second violation of Section  
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300  
15 hours of community service, as determined by the court, shall  
16 be imposed for a second violation of subsection (c) of Section  
17 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
19 (4.9) of this subsection (c), a minimum term of imprisonment  
20 of 30 days or 300 hours of community service, as determined by  
21 the court, shall be imposed for a third or subsequent  
22 violation of Section 6-303 of the Illinois Vehicle Code. The  
23 court may give credit toward the fulfillment of community  
24 service hours for participation in activities and treatment as  
25 determined by court services.

26 (4.5) A minimum term of imprisonment of 30 days shall be

1 imposed for a third violation of subsection (c) of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this  
4 subsection (c), a minimum term of imprisonment of 180 days  
5 shall be imposed for a fourth or subsequent violation of  
6 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

7 (4.7) A minimum term of imprisonment of not less than 30  
8 consecutive days, or 300 hours of community service, shall be  
9 imposed for a violation of subsection (a-5) of Section 6-303  
10 of the Illinois Vehicle Code, as provided in subsection (b-5)  
11 of that Section.

12 (4.8) A mandatory prison sentence shall be imposed for a  
13 second violation of subsection (a-5) of Section 6-303 of the  
14 Illinois Vehicle Code, as provided in subsection (c-5) of that  
15 Section. The person's driving privileges shall be revoked for  
16 a period of not less than 5 years from the date of his or her  
17 release from prison.

18 (4.9) A mandatory prison sentence of not less than 4 and  
19 not more than 15 years shall be imposed for a third violation  
20 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
21 Code, as provided in subsection (d-2.5) of that Section. The  
22 person's driving privileges shall be revoked for the remainder  
23 of his or her life.

24 (4.10) A mandatory prison sentence for a Class 1 felony  
25 shall be imposed, and the person shall be eligible for an  
26 extended term sentence, for a fourth or subsequent violation

1 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
2 Code, as provided in subsection (d-3.5) of that Section. The  
3 person's driving privileges shall be revoked for the remainder  
4 of his or her life.

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

7 (A) a period of conditional discharge;

8 (B) a fine;

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

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

18 (5.2) In addition to any other penalties imposed, and  
19 except as provided in paragraph (5.3), a person convicted of  
20 violating subsection (c) of Section 11-907 of the Illinois  
21 Vehicle Code shall have his or her driver's license, permit,  
22 or privileges suspended for at least 180 days but not more than  
23 2 years, if the violation resulted in injury to another  
24 person.

25 (5.3) In addition to any other penalties imposed, a person  
26 convicted of violating subsection (c) of Section 11-907 of the

1 Illinois Vehicle Code shall have his or her driver's license,  
2 permit, or privileges suspended for 2 years, if the violation  
3 resulted in the death of another person.

4 (5.4) In addition to any other penalties imposed, a person  
5 convicted of violating Section 3-707 of the Illinois Vehicle  
6 Code shall have his or her driver's license, permit, or  
7 privileges suspended for 3 months and until he or she has paid  
8 a reinstatement fee of \$100.

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

17 (6) (Blank).

18 (7) (Blank).

19 (8) (Blank).

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

23 (10) (Blank).

24 (11) The court shall impose a minimum fine of \$1,000 for a  
25 first offense and \$2,000 for a second or subsequent offense  
26 upon a person convicted of or placed on supervision for

1 battery when the individual harmed was a sports official or  
2 coach at any level of competition and the act causing harm to  
3 the sports official or coach occurred within an athletic  
4 facility or within the immediate vicinity of the athletic  
5 facility at which the sports official or coach was an active  
6 participant of the athletic contest held at the athletic  
7 facility. For the purposes of this paragraph (11), "sports  
8 official" means a person at an athletic contest who enforces  
9 the rules of the contest, such as an umpire or referee;  
10 "athletic facility" means an indoor or outdoor playing field  
11 or recreational area where sports activities are conducted;  
12 and "coach" means a person recognized as a coach by the  
13 sanctioning authority that conducted the sporting event.

14 (12) A person may not receive a disposition of court  
15 supervision for a violation of Section 5-16 of the Boat  
16 Registration and Safety Act if that person has previously  
17 received a disposition of court supervision for a violation of  
18 that Section.

19 (13) A person convicted of or placed on court supervision  
20 for an assault or aggravated assault when the victim and the  
21 offender are family or household members as defined in Section  
22 103 of the Illinois Domestic Violence Act of 1986 or convicted  
23 of domestic battery or aggravated domestic battery may be  
24 required to attend a Partner Abuse Intervention Program under  
25 protocols set forth by the Illinois Department of Human  
26 Services under such terms and conditions imposed by the court.

1 The costs of such classes shall be paid by the offender.

2 (d) In any case in which a sentence originally imposed is  
3 vacated, the case shall be remanded to the trial court. The  
4 trial court shall hold a hearing under Section 5-4-1 of this  
5 Code which may include evidence of the defendant's life, moral  
6 character and occupation during the time since the original  
7 sentence was passed. The trial court shall then impose  
8 sentence upon the defendant. The trial court may impose any  
9 sentence which could have been imposed at the original trial  
10 subject to Section 5-5-4 of this Code. If a sentence is vacated  
11 on appeal or on collateral attack due to the failure of the  
12 trier of fact at trial to determine beyond a reasonable doubt  
13 the existence of a fact (other than a prior conviction)  
14 necessary to increase the punishment for the offense beyond  
15 the statutory maximum otherwise applicable, either the  
16 defendant may be re-sentenced to a term within the range  
17 otherwise provided or, if the State files notice of its  
18 intention to again seek the extended sentence, the defendant  
19 shall be afforded a new trial.

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

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

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

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

9                   (i) removal from the household;

10                   (ii) restricted contact with the victim;

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

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

14                   and

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

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

24           Probation may be revoked or modified pursuant to Section  
25 5-6-4; except where the court determines at the hearing that  
26 the defendant violated a condition of his or her probation

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

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

8 (f) (Blank).

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

1 which the conviction was entered for the judge's inspection in  
2 camera. Acting in accordance with the best interests of the  
3 victim and the public, the judge shall have the discretion to  
4 determine to whom, if anyone, the results of the testing may be  
5 revealed. The court shall notify the defendant of the test  
6 results. The court shall also notify the victim if requested  
7 by the victim, and if the victim is under the age of 15 and if  
8 requested by the victim's parents or legal guardian, the court  
9 shall notify the victim's parents or legal guardian of the  
10 test results. The court shall provide information on the  
11 availability of HIV testing and counseling at Department of  
12 Public Health facilities to all parties to whom the results of  
13 the testing are revealed and shall direct the State's Attorney  
14 to provide the information to the victim when possible. The  
15 court shall order that the cost of any such test shall be paid  
16 by the county and may be taxed as costs against the convicted  
17 defendant.

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

1 precautions need to be taken to prevent transmission of the  
2 disease in the courtroom.

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

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
2 Vehicle Code, or a similar provision of a local ordinance, and  
3 any violation of the Child Passenger Protection Act, or a  
4 similar provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under the Criminal  
6 and Traffic Assessment Act.

7 (j) In cases when prosecution for any violation of Section  
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
9 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
10 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
11 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,  
12 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012, any violation of the Illinois  
14 Controlled Substances Act, any violation of the Cannabis  
15 Control Act, or any violation of the Methamphetamine Control  
16 and Community Protection Act results in conviction, a  
17 disposition of court supervision, or an order of probation  
18 granted under Section 10 of the Cannabis Control Act, Section  
19 410 of the Illinois Controlled Substances Act, or Section 70  
20 of the Methamphetamine Control and Community Protection Act of  
21 a defendant, the court shall determine whether the defendant  
22 is employed by a facility or center as defined under the Child  
23 Care Act of 1969, a public or private elementary or secondary  
24 school, or otherwise works with children under 18 years of age  
25 on a daily basis. When a defendant is so employed, the court  
26 shall order the Clerk of the Court to send a copy of the

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

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

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

16 (k) (Blank).

17 (l) (A) Except as provided in paragraph (C) of subsection  
18 (l), whenever a defendant, who is not a citizen or national of  
19 the United States, is convicted of any felony or misdemeanor  
20 offense, the court after sentencing the defendant may, upon  
21 motion of the State's Attorney, hold sentence in abeyance and  
22 remand the defendant to the custody of the Attorney General of  
23 the United States or his or her designated agent to be deported  
24 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  
23 are subject to the provisions of paragraph (2) of subsection  
24 (a) of 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

1 the 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 earned sentence credit as provided under  
8 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 has a substance use disorder, as defined  
22 in the Substance Use Disorder Act, to a treatment program  
23 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  
2 of license renewal established by the Secretary of State.

3 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
4 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
5 1-1-24; 103-825, eff. 1-1-25.)

6 Section 95. No acceleration or delay. Where this Act makes  
7 changes in a statute that is represented in this Act by text  
8 that is not yet or no longer in effect (for example, a Section  
9 represented by multiple versions), the use of that text does  
10 not accelerate or delay the taking effect of (i) the changes  
11 made by this Act or (ii) provisions derived from any other  
12 Public Act.