



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0075

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

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1	from Ch. 38, par. 12-7.1
730 ILCS 5/3-6-3	
730 ILCS 5/5-5-3	
730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1

Amends the Criminal Code of 2012. Provides for enhanced penalties for hate crime. Provides that hate crime is: (1) a Class 1 felony if committed by a person 18 years of age or older while armed with a firearm or if the victim of the hate crime is under 18 years of age; (2) a Class X felony if a crime of violence as defined in the Crime Victims Compensation Act is committed against a person by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, citizenship, immigration status, or national origin of another individual or group of individuals; or (3) a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 15 years and not more than 60 years if a crime of violence that is a Class X felony is committed against a victim described in (2). Amends the Unified Code of Corrections. Provides that a person who commits any of these offenses is ineligible for a period of probation, a term of periodic imprisonment or conditional discharge. Provides that a prisoner serving sentence for the offenses described in (2) or (3) shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Provides if the underlying offense was first degree murder committed against a person by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, citizenship, immigration status, or national origin of the victim or victims, the court may impose a term of natural life imprisonment upon the offender.

LRB104 03325 RLC 13347 b

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 Criminal Code of 2012 is amended by
5 changing Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability,
11 citizenship, immigration status, or national origin of another
12 individual or group of individuals, regardless of the
13 existence of any other motivating factor or factors, he or she
14 commits assault, battery, aggravated assault, intimidation,
15 stalking, cyberstalking, misdemeanor theft, criminal trespass
16 to residence, misdemeanor criminal damage to property,
17 criminal trespass to vehicle, criminal trespass to real
18 property, mob action, disorderly conduct, transmission of
19 obscene messages, harassment by telephone, or harassment
20 through electronic communications as these crimes are defined
21 in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4,
22 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, paragraphs
23 (a) (1), (a) (2), and (a) (3) of Section 12-6, and paragraphs

1 (a) (2) and (a) (5) of Section 26.5-3 of this Code,
2 respectively.

3 (b) Except as provided in subsection (b-5), (b-6), or
4 (b-7), hate crime is a Class 4 felony for a first offense and a
5 Class 2 felony for a second or subsequent offense.

6 (b-5) Hate crime is a Class 3 felony for a first offense
7 and a Class 2 felony for a second or subsequent offense if
8 committed:

9 (1) in, or upon the exterior or grounds of, a church,
10 synagogue, mosque, or other building, structure, or place
11 identified or associated with a particular religion or
12 used for religious worship or other religious purpose;

13 (2) in a cemetery, mortuary, or other facility used
14 for the purpose of burial or memorializing the dead;

15 (3) in a school or other educational facility,
16 including an administrative facility or public or private
17 dormitory facility of or associated with the school or
18 other educational facility;

19 (4) in a public park or an ethnic or religious
20 community center;

21 (5) on the real property comprising any location
22 specified in clauses (1) through (4) of this subsection
23 (b-5); or

24 (6) on a public way within 1,000 feet of the real
25 property comprising any location specified in clauses (1)
26 through (4) of this subsection (b-5).

1 (b-6) Hate crime is:

2 (1) a Class 1 felony if committed by a person 18 years
3 of age or older while armed with a firearm or if the victim
4 of the hate crime is under 18 years of age;

5 (2) a Class X felony if a crime of violence as defined
6 in Section 2 of the Crime Victims Compensation Act is
7 committed against a person by reason of the actual or
8 perceived race, color, creed, religion, ancestry, gender,
9 sexual orientation, physical or mental disability,
10 citizenship, immigration status, or national origin of
11 another individual or group of individuals; or

12 (3) a Class X felony for which the person shall be
13 sentenced to a term of imprisonment of not less than 15
14 years and not more than 60 years if a crime of violence
15 that is a Class X felony is committed against a victim
16 described in paragraph (2).

17 (b-7) The court may sentence a defendant who committed a
18 hate crime to a term of natural life imprisonment if the
19 underlying crime is first degree murder if the murder was
20 committed by reason of the actual or perceived race, color,
21 creed, religion, ancestry, gender, sexual orientation,
22 physical or mental disability, citizenship, immigration
23 status, or national origin of the victim or victims.

24 (b-10) Upon imposition of any sentence, the trial court
25 shall also either order restitution paid to the victim or
26 impose a fine in an amount to be determined by the court based

1 on the severity of the crime and the injury or damages suffered
2 by the victim. In addition, any order of probation or
3 conditional discharge entered following a conviction or an
4 adjudication of delinquency shall include a condition that the
5 offender perform public or community service of no less than
6 200 hours if that service is established in the county where
7 the offender was convicted of hate crime. In addition, any
8 order of probation or conditional discharge entered following
9 a conviction or an adjudication of delinquency shall include a
10 condition that the offender enroll in an educational program
11 discouraging hate crimes involving the protected class
12 identified in subsection (a) that gave rise to the offense the
13 offender committed. The educational program must be attended
14 by the offender in-person and may be administered, as
15 determined by the court, by a university, college, community
16 college, non-profit organization, the Illinois Holocaust and
17 Genocide Commission, or any other organization that provides
18 educational programs discouraging hate crimes, except that
19 programs administered online or that can otherwise be attended
20 remotely are prohibited. The court may also impose any other
21 condition of probation or conditional discharge under this
22 Section. If the court sentences the offender to imprisonment
23 or periodic imprisonment for a violation of this Section, as a
24 condition of the offender's mandatory supervised release, the
25 court shall require that the offender perform public or
26 community service of no less than 200 hours and enroll in an

1 educational program discouraging hate crimes involving the
2 protected class identified in subsection (a) that gave rise to
3 the offense the offender committed.

4 (c) Independent of any criminal prosecution or the result
5 of a criminal prosecution, any person suffering injury to his
6 or her person, damage to his or her property, intimidation as
7 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section
8 12-6 of this Code, stalking as defined in Section 12-7.3 of
9 this Code, cyberstalking as defined in Section 12-7.5 of this
10 Code, disorderly conduct as defined in paragraph (a)(1),
11 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,
12 transmission of obscene messages as defined in Section 26.5-1
13 of this Code, harassment by telephone as defined in Section
14 26.5-2 of this Code, or harassment through electronic
15 communications as defined in paragraphs (a)(2) and (a)(5) of
16 Section 26.5-3 of this Code as a result of a hate crime may
17 bring a civil action for damages, injunction or other
18 appropriate relief. The court may award actual damages,
19 including damages for emotional distress, as well as punitive
20 damages. The court may impose a civil penalty up to \$25,000 for
21 each violation of this subsection (c). A judgment in favor of a
22 person who brings a civil action under this subsection (c)
23 shall include attorney's fees and costs. After consulting with
24 the local State's Attorney, the Attorney General may bring a
25 civil action in the name of the People of the State for an
26 injunction or other equitable relief under this subsection

1 (c). In addition, the Attorney General may request and the
2 court may impose a civil penalty up to \$25,000 for each
3 violation under this subsection (c). The parents or legal
4 guardians, other than guardians appointed pursuant to the
5 Juvenile Court Act or the Juvenile Court Act of 1987, of an
6 unemancipated minor shall be liable for the amount of any
7 judgment for all damages rendered against such minor under
8 this subsection (c) in any amount not exceeding the amount
9 provided under Section 5 of the Parental Responsibility Law.

10 (d) "Sexual orientation" has the meaning ascribed to it in
11 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
12 Act.

13 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;
14 102-813, eff. 5-13-22.)

15 Section 10. The Unified Code of Corrections is amended by
16 changing Sections 3-6-3, 5-5-3 and 5-8-1 as follows:

17 (730 ILCS 5/3-6-3)

18 (Text of Section before amendment by P.A. 103-822)

19 Sec. 3-6-3. Rules and regulations for sentence credit.

20 (a) (1) The Department of Corrections shall prescribe rules
21 and regulations for awarding and revoking sentence credit for
22 persons committed to the Department of Corrections and the
23 Department of Juvenile Justice shall prescribe rules and
24 regulations for awarding and revoking sentence credit for

1 persons committed to the Department of Juvenile Justice under
2 Section 5-8-6 of the Unified Code of Corrections, which shall
3 be subject to review by the Prisoner Review Board.

4 (1.5) As otherwise provided by law, sentence credit may be
5 awarded for the following:

6 (A) successful completion of programming while in
7 custody of the Department of Corrections or the Department
8 of Juvenile Justice or while in custody prior to
9 sentencing;

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

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

14 (2) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations on sentence credit
16 shall provide, with respect to offenses listed in clause (i),
17 (ii), or (iii) of this paragraph (2) committed on or after June
18 19, 1998 or with respect to the offense listed in clause (iv)
19 of this paragraph (2) committed on or after June 23, 2005 (the
20 effective date of Public Act 94-71) or with respect to offense
21 listed in clause (vi) committed on or after June 1, 2008 (the
22 effective date of Public Act 95-625) or with respect to the
23 offense of being an armed habitual criminal committed on or
24 after August 2, 2005 (the effective date of Public Act 94-398)
25 or with respect to the offenses listed in clause (v) of this
26 paragraph (2) committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or with respect to the
2 offense of aggravated domestic battery committed on or after
3 July 23, 2010 (the effective date of Public Act 96-1224) or
4 with respect to the offense of attempt to commit terrorism
5 committed on or after January 1, 2013 (the effective date of
6 Public Act 97-990), the following:

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

11 (ii) that a prisoner serving a sentence for attempt to
12 commit terrorism, attempt to commit first degree murder,
13 solicitation of murder, solicitation of murder for hire,
14 intentional homicide of an unborn child, predatory
15 criminal sexual assault of a child, aggravated criminal
16 sexual assault, criminal sexual assault, aggravated
17 kidnapping, aggravated battery with a firearm as described
18 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
19 or (e)(4) of Section 12-3.05, heinous battery as described
20 in Section 12-4.1 or subdivision (a)(2) of Section
21 12-3.05, being an armed habitual criminal, aggravated
22 battery of a senior citizen as described in Section 12-4.6
23 or subdivision (a)(4) of Section 12-3.05, or aggravated
24 battery of a child as described in Section 12-4.3 or
25 subdivision (b)(1) of Section 12-3.05 shall receive no
26 more than 4.5 days of sentence credit for each month of his

1 or her sentence of imprisonment;

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

12 (iv) that a prisoner serving a sentence for aggravated
13 discharge of a firearm, whether or not the conduct leading
14 to conviction for the offense resulted in great bodily
15 harm to the victim, shall receive no more than 4.5 days of
16 sentence credit for each month of his or her sentence of
17 imprisonment;

18 (v) that a person serving a sentence for gunrunning,
19 narcotics racketeering, controlled substance trafficking,
20 methamphetamine trafficking, drug-induced homicide,
21 aggravated methamphetamine-related child endangerment,
22 money laundering pursuant to clause (c) (4) or (5) of
23 Section 29B-1 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, or a Class X felony conviction for delivery
25 of a controlled substance, possession of a controlled
26 substance with intent to manufacture or deliver,

1 calculated criminal drug conspiracy, criminal drug
2 conspiracy, street gang criminal drug conspiracy,
3 participation in methamphetamine manufacturing,
4 aggravated participation in methamphetamine
5 manufacturing, delivery of methamphetamine, possession
6 with intent to deliver methamphetamine, aggravated
7 delivery of methamphetamine, aggravated possession with
8 intent to deliver methamphetamine, methamphetamine
9 conspiracy when the substance containing the controlled
10 substance or methamphetamine is 100 grams or more shall
11 receive no more than 7.5 days sentence credit for each
12 month of his or her sentence of imprisonment;

13 (vi) that a prisoner serving a sentence for a second
14 or subsequent offense of luring a minor shall receive no
15 more than 4.5 days of sentence credit for each month of his
16 or her sentence of imprisonment; and

17 (vii) that a prisoner serving a sentence for
18 aggravated domestic battery shall receive no more than 4.5
19 days of sentence credit for each month of his or her
20 sentence of imprisonment.

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

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

21 (2.2) A prisoner serving a term of natural life
22 imprisonment shall receive no sentence credit.

23 (2.3) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations on sentence credit
25 shall provide that a prisoner who is serving a sentence for
26 aggravated driving under the influence of alcohol, other drug

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

7 (2.4) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide with respect to the offenses of aggravated
10 battery with a machine gun or a firearm equipped with any
11 device or attachment designed or used for silencing the report
12 of a firearm or aggravated discharge of a machine gun or a
13 firearm equipped with any device or attachment designed or
14 used for silencing the report of a firearm, committed on or
15 after July 15, 1999 (the effective date of Public Act 91-121),
16 that a prisoner serving a sentence for any of these offenses
17 shall receive no more than 4.5 days of sentence credit for each
18 month of his or her sentence of imprisonment.

19 (2.5) Except as provided in paragraph (4.7) of this
20 subsection (a), the rules and regulations on sentence credit
21 shall provide that a prisoner who is serving a sentence for
22 aggravated arson committed on or after July 27, 2001 (the
23 effective date of Public Act 92-176) shall receive no more
24 than 4.5 days of sentence credit for each month of his or her
25 sentence of imprisonment.

26 (2.6) Except as provided in paragraph (4.7) of this

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

11 (3) In addition to the sentence credits earned under
12 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that the Director of Corrections or the Director of Juvenile
15 Justice may award up to 180 days of earned sentence credit for
16 prisoners serving a sentence of incarceration of less than 5
17 years, and up to 365 days of earned sentence credit for
18 prisoners serving a sentence of 5 years or longer. The
19 Director may grant this credit for good conduct in specific
20 instances as either Director deems proper for eligible persons
21 in the custody of each Director's respective Department. The
22 good conduct may include, but is not limited to, compliance
23 with the rules and regulations of the Department, service to
24 the Department, service to a community, or service to the
25 State.

26 Eligible inmates for an award of earned sentence credit

1 under this paragraph (3) may be selected to receive the credit
2 at either Director's or his or her designee's sole discretion.
3 Eligibility for the additional earned sentence credit under
4 this paragraph (3) may be based on, but is not limited to,
5 participation in programming offered by the Department as
6 appropriate for the prisoner based on the results of any
7 available risk/needs assessment or other relevant assessments
8 or evaluations administered by the Department using a
9 validated instrument, the circumstances of the crime,
10 demonstrated commitment to rehabilitation by a prisoner with a
11 history of conviction for a forcible felony enumerated in
12 Section 2-8 of the Criminal Code of 2012, the inmate's
13 behavior and improvements in disciplinary history while
14 incarcerated, and the inmate's commitment to rehabilitation,
15 including participation in programming offered by the
16 Department.

17 The Director of Corrections or the Director of Juvenile
18 Justice shall not award sentence credit under this paragraph
19 (3) to an inmate unless the inmate has served a minimum of 60
20 days of the sentence, including time served in a county jail;
21 except nothing in this paragraph shall be construed to permit
22 either Director to extend an inmate's sentence beyond that
23 which was imposed by the court. Prior to awarding credit under
24 this paragraph (3), each Director shall make a written
25 determination that the inmate:

26 (A) is eligible for the earned sentence credit;

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

3 (B-1) has received a risk/needs assessment or other
4 relevant evaluation or assessment administered by the
5 Department using a validated instrument; and

6 (C) has met the eligibility criteria established by
7 rule for earned sentence credit.

8 The Director of Corrections or the Director of Juvenile
9 Justice shall determine the form and content of the written
10 determination required in this subsection.

11 (3.5) The Department shall provide annual written reports
12 to the Governor and the General Assembly on the award of earned
13 sentence credit no later than February 1 of each year. The
14 Department must publish both reports on its website within 48
15 hours of transmitting the reports to the Governor and the
16 General Assembly. The reports must include:

17 (A) the number of inmates awarded earned sentence
18 credit;

19 (B) the average amount of earned sentence credit
20 awarded;

21 (C) the holding offenses of inmates awarded earned
22 sentence credit; and

23 (D) the number of earned sentence credit revocations.

24 (4) (A) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations shall also provide
26 that any prisoner who is engaged full-time in substance abuse

1 programs, correctional industry assignments, educational
2 programs, work-release programs or activities in accordance
3 with Article 13 of Chapter III of this Code, behavior
4 modification programs, life skills courses, or re-entry
5 planning provided by the Department under this paragraph (4)
6 and satisfactorily completes the assigned program as
7 determined by the standards of the Department, shall receive
8 one day of sentence credit for each day in which that prisoner
9 is engaged in the activities described in this paragraph. The
10 rules and regulations shall also provide that sentence credit
11 may be provided to an inmate who was held in pre-trial
12 detention prior to his or her current commitment to the
13 Department of Corrections and successfully completed a
14 full-time, 60-day or longer substance abuse program,
15 educational program, behavior modification program, life
16 skills course, or re-entry planning provided by the county
17 department of corrections or county jail. Calculation of this
18 county program credit shall be done at sentencing as provided
19 in Section 5-4.5-100 of this Code and shall be included in the
20 sentencing order. The rules and regulations shall also provide
21 that sentence credit may be provided to an inmate who is in
22 compliance with programming requirements in an adult
23 transition center.

24 (B) The Department shall award sentence credit under this
25 paragraph (4) accumulated prior to January 1, 2020 (the
26 effective date of Public Act 101-440) in an amount specified

1 in subparagraph (C) of this paragraph (4) to an inmate serving
2 a sentence for an offense committed prior to June 19, 1998, if
3 the Department determines that the inmate is entitled to this
4 sentence credit, based upon:

5 (i) documentation provided by the Department that the
6 inmate engaged in any full-time substance abuse programs,
7 correctional industry assignments, educational programs,
8 behavior modification programs, life skills courses, or
9 re-entry planning provided by the Department under this
10 paragraph (4) and satisfactorily completed the assigned
11 program as determined by the standards of the Department
12 during the inmate's current term of incarceration; or

13 (ii) the inmate's own testimony in the form of an
14 affidavit or documentation, or a third party's
15 documentation or testimony in the form of an affidavit
16 that the inmate likely engaged in any full-time substance
17 abuse programs, correctional industry assignments,
18 educational programs, behavior modification programs, life
19 skills courses, or re-entry planning provided by the
20 Department under paragraph (4) and satisfactorily
21 completed the assigned program as determined by the
22 standards of the Department during the inmate's current
23 term of incarceration.

24 (C) If the inmate can provide documentation that he or she
25 is entitled to sentence credit under subparagraph (B) in
26 excess of 45 days of participation in those programs, the

1 inmate shall receive 90 days of sentence credit. If the inmate
2 cannot provide documentation of more than 45 days of
3 participation in those programs, the inmate shall receive 45
4 days of sentence credit. In the event of a disagreement
5 between the Department and the inmate as to the amount of
6 credit accumulated under subparagraph (B), if the Department
7 provides documented proof of a lesser amount of days of
8 participation in those programs, that proof shall control. If
9 the Department provides no documentary proof, the inmate's
10 proof as set forth in clause (ii) of subparagraph (B) shall
11 control as to the amount of sentence credit provided.

12 (D) If the inmate has been convicted of a sex offense as
13 defined in Section 2 of the Sex Offender Registration Act,
14 sentencing credits under subparagraph (B) of this paragraph
15 (4) shall be awarded by the Department only if the conditions
16 set forth in paragraph (4.6) of subsection (a) are satisfied.
17 No inmate serving a term of natural life imprisonment shall
18 receive sentence credit under subparagraph (B) of this
19 paragraph (4).

20 (E) The rules and regulations shall provide for the
21 recalculation of program credits awarded pursuant to this
22 paragraph (4) prior to July 1, 2021 (the effective date of
23 Public Act 101-652) at the rate set for such credits on and
24 after July 1, 2021.

25 Educational, vocational, substance abuse, behavior
26 modification programs, life skills courses, re-entry planning,

1 and correctional industry programs under which sentence credit
2 may be earned under this paragraph (4) and paragraph (4.1) of
3 this subsection (a) shall be evaluated by the Department on
4 the basis of documented standards. The Department shall report
5 the results of these evaluations to the Governor and the
6 General Assembly by September 30th of each year. The reports
7 shall include data relating to the recidivism rate among
8 program 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 denied
12 immediate admission shall be placed on a waiting list under
13 criteria established by the Department. The rules and
14 regulations shall provide that a prisoner who has been placed
15 on a waiting list but is transferred for non-disciplinary
16 reasons before beginning a program shall receive priority
17 placement on the waitlist for appropriate programs at the new
18 facility. The inability of any inmate to become engaged in any
19 such programs by reason of insufficient program resources or
20 for any other reason established under the rules and
21 regulations of the Department shall not be deemed a cause of
22 action under which the Department or any employee or agent of
23 the Department shall be liable for damages to the inmate. The
24 rules and regulations shall provide that a prisoner who begins
25 an educational, vocational, substance abuse, work-release
26 programs or activities in accordance with Article 13 of

1 Chapter III of this Code, behavior modification program, life
2 skills course, re-entry planning, or correctional industry
3 programs but is unable to complete the program due to illness,
4 disability, transfer, lockdown, or another reason outside of
5 the prisoner's control shall receive prorated sentence credits
6 for the days in which the prisoner did participate.

7 (4.1) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations shall also provide
9 that an additional 90 days of sentence credit shall be awarded
10 to any prisoner who passes high school equivalency testing
11 while the prisoner is committed to the Department of
12 Corrections. The sentence credit awarded under this paragraph
13 (4.1) shall be in addition to, and shall not affect, the award
14 of sentence credit under any other paragraph of this Section,
15 but shall also be pursuant to the guidelines and restrictions
16 set forth in paragraph (4) of subsection (a) of this Section.
17 The sentence credit provided for in this paragraph shall be
18 available only to those prisoners who have not previously
19 earned a high school diploma or a State of Illinois High School
20 Diploma. If, after an award of the high school equivalency
21 testing sentence credit has been made, the Department
22 determines that the prisoner was not eligible, then the award
23 shall be revoked. The Department may also award 90 days of
24 sentence credit to any committed person who passed high school
25 equivalency testing while he or she was held in pre-trial
26 detention prior to the current commitment to the Department of

1 Corrections. Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations shall provide that
3 an additional 120 days of sentence credit shall be awarded to
4 any prisoner who obtains an associate degree while the
5 prisoner is committed to the Department of Corrections,
6 regardless of the date that the associate degree was obtained,
7 including if prior to July 1, 2021 (the effective date of
8 Public Act 101-652). The sentence credit awarded under this
9 paragraph (4.1) shall be in addition to, and shall not affect,
10 the award of sentence credit under any other paragraph of this
11 Section, but shall also be under the guidelines and
12 restrictions set forth in paragraph (4) of subsection (a) of
13 this Section. The sentence credit provided for in this
14 paragraph (4.1) shall be available only to those prisoners who
15 have not previously earned an associate degree prior to the
16 current commitment to the Department of Corrections. If, after
17 an award of the associate degree sentence credit has been made
18 and the Department determines that the prisoner was not
19 eligible, then the award shall be revoked. The Department may
20 also award 120 days of sentence credit to any committed person
21 who earned an associate degree while he or she was held in
22 pre-trial detention prior to the current commitment to the
23 Department of Corrections.

24 Except as provided in paragraph (4.7) of this subsection
25 (a), the rules and regulations shall provide that an
26 additional 180 days of sentence credit shall be awarded to any

1 prisoner who obtains a bachelor's degree while the prisoner is
2 committed to the Department of Corrections. The sentence
3 credit awarded under this paragraph (4.1) shall be in addition
4 to, and shall not affect, the award of sentence credit under
5 any other paragraph of this Section, but shall also be under
6 the guidelines and restrictions set forth in paragraph (4) of
7 this subsection (a). The sentence credit provided for in this
8 paragraph shall be available only to those prisoners who have
9 not earned a bachelor's degree prior to the current commitment
10 to the Department of Corrections. If, after an award of the
11 bachelor's degree sentence credit has been made, the
12 Department determines that the prisoner was not eligible, then
13 the award shall be revoked. The Department may also award 180
14 days of sentence credit to any committed person who earned a
15 bachelor's degree while he or she was held in pre-trial
16 detention prior to the current commitment to the Department of
17 Corrections.

18 Except as provided in paragraph (4.7) of this subsection
19 (a), the rules and regulations shall provide that an
20 additional 180 days of sentence credit shall be awarded to any
21 prisoner who obtains a master's or professional degree while
22 the prisoner is committed to the Department of Corrections.
23 The sentence credit awarded under this paragraph (4.1) shall
24 be in addition to, and shall not affect, the award of sentence
25 credit under any other paragraph of this Section, but shall
26 also be under the guidelines and restrictions set forth in

1 paragraph (4) of this subsection (a). The sentence credit
2 provided for in this paragraph shall be available only to
3 those prisoners who have not previously earned a master's or
4 professional degree prior to the current commitment to the
5 Department of Corrections. If, after an award of the master's
6 or professional degree sentence credit has been made, the
7 Department determines that the prisoner was not eligible, then
8 the award shall be revoked. The Department may also award 180
9 days of sentence credit to any committed person who earned a
10 master's or professional degree while he or she was held in
11 pre-trial detention prior to the current commitment to the
12 Department of Corrections.

13 (4.2) (A) The rules and regulations shall also provide that
14 any prisoner engaged in self-improvement programs, volunteer
15 work, or work assignments that are not otherwise eligible
16 activities under paragraph (4), shall receive up to 0.5 days
17 of sentence credit for each day in which the prisoner is
18 engaged in activities described in this paragraph.

19 (B) The rules and regulations shall provide for the award
20 of sentence credit under this paragraph (4.2) for qualifying
21 days of engagement in eligible activities occurring prior to
22 July 1, 2021 (the effective date of Public Act 101-652).

23 (4.5) The rules and regulations on sentence credit shall
24 also provide that when the court's sentencing order recommends
25 a prisoner for substance abuse treatment and the crime was
26 committed on or after September 1, 2003 (the effective date of

1 Public Act 93-354), the prisoner shall receive no sentence
2 credit awarded under clause (3) of this subsection (a) unless
3 he or she participates in and completes a substance abuse
4 treatment program. The Director of Corrections may waive the
5 requirement to participate in or complete a substance abuse
6 treatment program in specific instances if the prisoner is not
7 a good candidate for a substance abuse treatment program for
8 medical, programming, or operational reasons. Availability of
9 substance abuse treatment shall be subject to the limits of
10 fiscal resources appropriated by the General Assembly for
11 these purposes. If treatment is not available and the
12 requirement to participate and complete the treatment has not
13 been waived by the Director, the prisoner shall be placed on a
14 waiting list under criteria established by the Department. The
15 Director may allow a prisoner placed on a waiting list to
16 participate in and complete a substance abuse education class
17 or attend substance abuse self-help meetings in lieu of a
18 substance abuse treatment program. A prisoner on a waiting
19 list who is not placed in a substance abuse program prior to
20 release may be eligible for a waiver and receive sentence
21 credit under clause (3) of this subsection (a) at the
22 discretion of the Director.

23 (4.6) The rules and regulations on sentence credit shall
24 also provide that a prisoner who has been convicted of a sex
25 offense as defined in Section 2 of the Sex Offender
26 Registration Act shall receive no sentence credit unless he or

1 she either has successfully completed or is participating in
2 sex offender treatment as defined by the Sex Offender
3 Management Board. However, prisoners who are waiting to
4 receive treatment, but who are unable to do so due solely to
5 the lack of resources on the part of the Department, may, at
6 either Director's sole discretion, be awarded sentence credit
7 at a rate as the Director shall determine.

8 (4.7) On or after January 1, 2018 (the effective date of
9 Public Act 100-3), sentence credit under paragraph (3), (4),
10 or (4.1) of this subsection (a) may be awarded to a prisoner
11 who is serving a sentence for an offense described in
12 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
13 on or after January 1, 2018 (the effective date of Public Act
14 100-3); provided, the award of the credits under this
15 paragraph (4.7) shall not reduce the sentence of the prisoner
16 to less than the following amounts:

17 (i) 85% of his or her sentence if the prisoner is
18 required to serve 85% of his or her sentence; or

19 (ii) 60% of his or her sentence if the prisoner is
20 required to serve 75% of his or her sentence, except if the
21 prisoner is serving a sentence for gunrunning his or her
22 sentence shall not be reduced to less than 75%.

23 (iii) 100% of his or her sentence if the prisoner is
24 required to serve 100% of his or her sentence.

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

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

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

24 (c) (1) The Department shall prescribe rules and
25 regulations for revoking sentence credit, including revoking
26 sentence credit awarded under paragraph (3) of subsection (a)

1 of this Section. The Department shall prescribe rules and
2 regulations establishing and requiring the use of a sanctions
3 matrix for revoking sentence credit. The Department shall
4 prescribe rules and regulations for suspending or reducing the
5 rate of accumulation of sentence credit for specific rule
6 violations, during imprisonment. These rules and regulations
7 shall provide that no inmate may be penalized more than one
8 year of sentence credit for any one infraction.

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

1 for any prisoner or to increase any penalty beyond the length
2 requested by the Department.

3 (3) The Director of Corrections or the Director of
4 Juvenile Justice, in appropriate cases, may restore sentence
5 credits which have been revoked, suspended, or reduced. The
6 Department shall prescribe rules and regulations governing the
7 restoration of sentence credits. These rules and regulations
8 shall provide for the automatic restoration of sentence
9 credits following a period in which the prisoner maintains a
10 record without a disciplinary violation.

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

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

1 credit at the time of the finding, then the Prisoner Review
2 Board may revoke all sentence credit accumulated by the
3 prisoner.

4 For purposes of this subsection (d):

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

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

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

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

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

24 (E) the denials of factual contentions are not
25 warranted on the evidence, or if specifically so
26 identified, are not reasonably based on a lack of

1 information or belief.

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

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

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

23 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
24 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
25 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605,
26 eff. 7-1-24.)

1 (Text of Section after amendment by P.A. 103-822)

2 Sec. 3-6-3. Rules and regulations for sentence credit.

3 (a) (1) The Department of Corrections shall prescribe rules
4 and regulations for awarding and revoking sentence credit for
5 persons committed to the Department of Corrections and the
6 Department of Juvenile Justice shall prescribe rules and
7 regulations for awarding and revoking sentence credit for
8 persons committed to the Department of Juvenile Justice under
9 Section 5-8-6 of the Unified Code of Corrections, which shall
10 be subject to review by the Prisoner Review Board.

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

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

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

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

21 (2) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide, with respect to offenses listed in clause (i),
24 (ii), or (iii) of this paragraph (2) committed on or after June
25 19, 1998 or with respect to the offense listed in clause (iv)

1 of this paragraph (2) committed on or after June 23, 2005 (the
2 effective date of Public Act 94-71) or with respect to offense
3 listed in clause (vi) committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) or with respect to the
5 offense of unlawful possession of a firearm by a repeat felony
6 offender committed on or after August 2, 2005 (the effective
7 date of Public Act 94-398) or with respect to the offenses
8 listed in clause (v) of this paragraph (2) committed on or
9 after August 13, 2007 (the effective date of Public Act
10 95-134) or with respect to the offense of aggravated domestic
11 battery committed on or after July 23, 2010 (the effective
12 date of Public Act 96-1224) or with respect to the offense of
13 attempt to commit terrorism committed on or after January 1,
14 2013 (the effective date of Public Act 97-990), or with
15 respect to the offenses listed in clause (viii) of this
16 paragraph (2) committed on or after the effective date of this
17 amendatory Act of the 104th General Assembly the following:

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

22 (ii) that a prisoner serving a sentence for attempt to
23 commit terrorism, attempt to commit first degree murder,
24 solicitation of murder, solicitation of murder for hire,
25 intentional homicide of an unborn child, predatory
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, criminal sexual assault, aggravated
2 kidnapping, aggravated battery with a firearm as described
3 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
4 or (e)(4) of Section 12-3.05, heinous battery as described
5 in Section 12-4.1 or subdivision (a)(2) of Section
6 12-3.05, unlawful possession of a firearm by a repeat
7 felony offender, aggravated battery of a senior citizen as
8 described in Section 12-4.6 or subdivision (a)(4) of
9 Section 12-3.05, or aggravated battery of a child as
10 described in Section 12-4.3 or subdivision (b)(1) of
11 Section 12-3.05 shall receive no more than 4.5 days of
12 sentence credit for each month of his or her sentence of
13 imprisonment;

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

24 (iv) that a prisoner serving a sentence for aggravated
25 discharge of a firearm, whether or not the conduct leading
26 to conviction for the offense resulted in great bodily

1 harm to the victim, shall receive no more than 4.5 days of
2 sentence credit for each month of his or her sentence of
3 imprisonment;

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

25 (vi) that a prisoner serving a sentence for a second
26 or subsequent offense of luring a minor shall receive no

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

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

7 (viii) that a prisoner serving a sentence for a hate
8 crime described in paragraph (2) or (3) of subsection
9 (b-6) of Section 12-7.1 of the Criminal Code of 2012 shall
10 receive no more than 4.5 days of sentence credit for each
11 month of his or her sentence of imprisonment.

12 (2.1) For all offenses, other than those enumerated in
13 subdivision (a)(2)(i), (ii), or (iii) committed on or after
14 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
15 June 23, 2005 (the effective date of Public Act 94-71) or
16 subdivision (a)(2)(v) committed on or after August 13, 2007
17 (the effective date of Public Act 95-134) or subdivision
18 (a)(2)(vi) committed on or after June 1, 2008 (the effective
19 date of Public Act 95-625) or subdivision (a)(2)(vii)
20 committed on or after July 23, 2010 (the effective date of
21 Public Act 96-1224), and other than the offense of aggravated
22 driving under the influence of alcohol, other drug or drugs,
23 or intoxicating compound or compounds, or any combination
24 thereof as defined in subparagraph (F) of paragraph (1) of
25 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
26 and other than the offense of aggravated driving under the

1 influence of alcohol, other drug or drugs, or intoxicating
2 compound or compounds, or any combination thereof as defined
3 in subparagraph (C) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code committed on or
5 after January 1, 2011 (the effective date of Public Act
6 96-1230), and other than the offenses described in subdivision
7 (a) (2) (viii) committed on or after the effective date of this
8 amendatory Act of the 104th General Assembly the rules and
9 regulations shall provide that a prisoner who is serving a
10 term of imprisonment shall receive one day of sentence credit
11 for each day of his or her sentence of imprisonment or
12 recommitment under Section 3-3-9. Each day of sentence credit
13 shall reduce by one day the prisoner's period of imprisonment
14 or recommitment under Section 3-3-9.

15 (2.2) A prisoner serving a term of natural life
16 imprisonment shall receive no sentence credit.

17 (2.3) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations on sentence credit
19 shall provide that a prisoner who is serving a sentence for
20 aggravated driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds, or any
22 combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, shall receive no more than 4.5 days of
25 sentence credit for each month of his or her sentence of
26 imprisonment.

1 (2.4) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations on sentence credit
3 shall provide with respect to the offenses of aggravated
4 battery with a machine gun or a firearm equipped with any
5 device or attachment designed or used for silencing the report
6 of a firearm or aggravated discharge of a machine gun or a
7 firearm equipped with any device or attachment designed or
8 used for silencing the report of a firearm, committed on or
9 after July 15, 1999 (the effective date of Public Act 91-121),
10 that a prisoner serving a sentence for any of these offenses
11 shall receive no more than 4.5 days of sentence credit for each
12 month of his or her sentence of imprisonment.

13 (2.5) Except as provided in paragraph (4.7) of this
14 subsection (a), the rules and regulations on sentence credit
15 shall provide that a prisoner who is serving a sentence for
16 aggravated arson committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176) shall receive no more
18 than 4.5 days of sentence credit for each month of his or her
19 sentence of imprisonment.

20 (2.6) Except as provided in paragraph (4.7) of this
21 subsection (a), the rules and regulations on sentence credit
22 shall provide that a prisoner who is serving a sentence for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds or any
25 combination thereof as defined in subparagraph (C) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code committed on or after January 1, 2011
2 (the effective date of Public Act 96-1230) shall receive no
3 more than 4.5 days of sentence credit for each month of his or
4 her sentence of imprisonment.

5 (3) In addition to the sentence credits earned under
6 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this
7 subsection (a), the rules and regulations shall also provide
8 that the Director of Corrections or the Director of Juvenile
9 Justice may award up to 180 days of earned sentence credit for
10 prisoners serving a sentence of incarceration of less than 5
11 years, and up to 365 days of earned sentence credit for
12 prisoners serving a sentence of 5 years or longer. The
13 Director may grant this credit for good conduct in specific
14 instances as either Director deems proper for eligible persons
15 in the custody of each Director's respective Department. The
16 good conduct may include, but is not limited to, compliance
17 with the rules and regulations of the Department, service to
18 the Department, service to a community, or service to the
19 State.

20 Eligible inmates for an award of earned sentence credit
21 under this paragraph (3) may be selected to receive the credit
22 at either Director's or his or her designee's sole discretion.
23 Eligibility for the additional earned sentence credit under
24 this paragraph (3) may be based on, but is not limited to,
25 participation in programming offered by the Department as
26 appropriate for the prisoner based on the results of any

1 available risk/needs assessment or other relevant assessments
2 or evaluations administered by the Department using a
3 validated instrument, the circumstances of the crime,
4 demonstrated commitment to rehabilitation by a prisoner with a
5 history of conviction for a forcible felony enumerated in
6 Section 2-8 of the Criminal Code of 2012, the inmate's
7 behavior and improvements in disciplinary history while
8 incarcerated, and the inmate's commitment to rehabilitation,
9 including participation in programming offered by the
10 Department.

11 The Director of Corrections or the Director of Juvenile
12 Justice shall not award sentence credit under this paragraph
13 (3) to an inmate unless the inmate has served a minimum of 60
14 days of the sentence, including time served in a county jail;
15 except nothing in this paragraph shall be construed to permit
16 either Director to extend an inmate's sentence beyond that
17 which was imposed by the court. Prior to awarding credit under
18 this paragraph (3), each Director shall make a written
19 determination that the inmate:

20 (A) is eligible for the earned sentence credit;

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

23 (B-1) has received a risk/needs assessment or other
24 relevant evaluation or assessment administered by the
25 Department using a validated instrument; and

26 (C) has met the eligibility criteria established by

1 rule for earned sentence credit.

2 The Director of Corrections or the Director of Juvenile
3 Justice shall determine the form and content of the written
4 determination required in this subsection.

5 (3.5) The Department shall provide annual written reports
6 to the Governor and the General Assembly on the award of earned
7 sentence credit no later than February 1 of each year. The
8 Department must publish both reports on its website within 48
9 hours of transmitting the reports to the Governor and the
10 General Assembly. The reports must include:

11 (A) the number of inmates awarded earned sentence
12 credit;

13 (B) the average amount of earned sentence credit
14 awarded;

15 (C) the holding offenses of inmates awarded earned
16 sentence credit; and

17 (D) the number of earned sentence credit revocations.

18 (4)(A) Except as provided in paragraph (4.7) of this
19 subsection (a), the rules and regulations shall also provide
20 that any prisoner who is engaged full-time in substance abuse
21 programs, correctional industry assignments, educational
22 programs, work-release programs or activities in accordance
23 with Article 13 of Chapter III of this Code, behavior
24 modification programs, life skills courses, or re-entry
25 planning provided by the Department under this paragraph (4)
26 and satisfactorily completes the assigned program as

1 determined by the standards of the Department, shall receive
2 one day of sentence credit for each day in which that prisoner
3 is engaged in the activities described in this paragraph. The
4 rules and regulations shall also provide that sentence credit
5 may be provided to an inmate who was held in pre-trial
6 detention prior to his or her current commitment to the
7 Department of Corrections and successfully completed a
8 full-time, 60-day or longer substance abuse program,
9 educational program, behavior modification program, life
10 skills course, or re-entry planning provided by the county
11 department of corrections or county jail. Calculation of this
12 county program credit shall be done at sentencing as provided
13 in Section 5-4.5-100 of this Code and shall be included in the
14 sentencing order. The rules and regulations shall also provide
15 that sentence credit may be provided to an inmate who is in
16 compliance with programming requirements in an adult
17 transition center.

18 (B) The Department shall award sentence credit under this
19 paragraph (4) accumulated prior to January 1, 2020 (the
20 effective date of Public Act 101-440) in an amount specified
21 in subparagraph (C) of this paragraph (4) to an inmate serving
22 a sentence for an offense committed prior to June 19, 1998, if
23 the Department determines that the inmate is entitled to this
24 sentence credit, based upon:

25 (i) documentation provided by the Department that the
26 inmate engaged in any full-time substance abuse programs,

1 correctional industry assignments, educational programs,
2 behavior modification programs, life skills courses, or
3 re-entry planning provided by the Department under this
4 paragraph (4) and satisfactorily completed the assigned
5 program as determined by the standards of the Department
6 during the inmate's current term of incarceration; or

7 (ii) the inmate's own testimony in the form of an
8 affidavit or documentation, or a third party's
9 documentation or testimony in the form of an affidavit
10 that the inmate likely engaged in any full-time substance
11 abuse programs, correctional industry assignments,
12 educational programs, behavior modification programs, life
13 skills courses, or re-entry planning provided by the
14 Department under paragraph (4) and satisfactorily
15 completed the assigned program as determined by the
16 standards of the Department during the inmate's current
17 term of incarceration.

18 (C) If the inmate can provide documentation that he or she
19 is entitled to sentence credit under subparagraph (B) in
20 excess of 45 days of participation in those programs, the
21 inmate shall receive 90 days of sentence credit. If the inmate
22 cannot provide documentation of more than 45 days of
23 participation in those programs, the inmate shall receive 45
24 days of sentence credit. In the event of a disagreement
25 between the Department and the inmate as to the amount of
26 credit accumulated under subparagraph (B), if the Department

1 provides documented proof of a lesser amount of days of
2 participation in those programs, that proof shall control. If
3 the Department provides no documentary proof, the inmate's
4 proof as set forth in clause (ii) of subparagraph (B) shall
5 control as to the amount of sentence credit provided.

6 (D) If the inmate has been convicted of a sex offense as
7 defined in Section 2 of the Sex Offender Registration Act,
8 sentencing credits under subparagraph (B) of this paragraph
9 (4) shall be awarded by the Department only if the conditions
10 set forth in paragraph (4.6) of subsection (a) are satisfied.
11 No inmate serving a term of natural life imprisonment shall
12 receive sentence credit under subparagraph (B) of this
13 paragraph (4).

14 (E) The rules and regulations shall provide for the
15 recalculation of program credits awarded pursuant to this
16 paragraph (4) prior to July 1, 2021 (the effective date of
17 Public Act 101-652) at the rate set for such credits on and
18 after July 1, 2021.

19 Educational, vocational, substance abuse, behavior
20 modification programs, life skills courses, re-entry planning,
21 and correctional industry programs under which sentence credit
22 may be earned under this paragraph (4) and paragraph (4.1) of
23 this subsection (a) shall be evaluated by the Department on
24 the basis of documented standards. The Department shall report
25 the results of these evaluations to the Governor and the
26 General Assembly by September 30th of each year. The reports

1 shall include data relating to the recidivism rate among
2 program participants.

3 Availability of these programs shall be subject to the
4 limits of fiscal resources appropriated by the General
5 Assembly for these purposes. Eligible inmates who are denied
6 immediate admission shall be placed on a waiting list under
7 criteria established by the Department. The rules and
8 regulations shall provide that a prisoner who has been placed
9 on a waiting list but is transferred for non-disciplinary
10 reasons before beginning a program shall receive priority
11 placement on the waitlist for appropriate programs at the new
12 facility. The inability of any inmate to become engaged in any
13 such programs by reason of insufficient program resources or
14 for any other reason established under the rules and
15 regulations of the Department shall not be deemed a cause of
16 action under which the Department or any employee or agent of
17 the Department shall be liable for damages to the inmate. The
18 rules and regulations shall provide that a prisoner who begins
19 an educational, vocational, substance abuse, work-release
20 programs or activities in accordance with Article 13 of
21 Chapter III of this Code, behavior modification program, life
22 skills course, re-entry planning, or correctional industry
23 programs but is unable to complete the program due to illness,
24 disability, transfer, lockdown, or another reason outside of
25 the prisoner's control shall receive prorated sentence credits
26 for the days in which the prisoner did participate.

1 (4.1) Except as provided in paragraph (4.7) of this
2 subsection (a), the rules and regulations shall also provide
3 that an additional 90 days of sentence credit shall be awarded
4 to any prisoner who passes high school equivalency testing
5 while the prisoner is committed to the Department of
6 Corrections. The sentence credit awarded under this paragraph
7 (4.1) shall be in addition to, and shall not affect, the award
8 of sentence credit under any other paragraph of this Section,
9 but shall also be pursuant to the guidelines and restrictions
10 set forth in paragraph (4) of subsection (a) of this Section.
11 The sentence credit provided for in this paragraph shall be
12 available only to those prisoners who have not previously
13 earned a high school diploma or a State of Illinois High School
14 Diploma. If, after an award of the high school equivalency
15 testing sentence credit has been made, the Department
16 determines that the prisoner was not eligible, then the award
17 shall be revoked. The Department may also award 90 days of
18 sentence credit to any committed person who passed high school
19 equivalency testing while he or she was held in pre-trial
20 detention prior to the current commitment to the Department of
21 Corrections. Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall provide that
23 an additional 120 days of sentence credit shall be awarded to
24 any prisoner who obtains an associate degree while the
25 prisoner is committed to the Department of Corrections,
26 regardless of the date that the associate degree was obtained,

1 including if prior to July 1, 2021 (the effective date of
2 Public Act 101-652). The sentence credit awarded under this
3 paragraph (4.1) shall be in addition to, and shall not affect,
4 the award of sentence credit under any other paragraph of this
5 Section, but shall also be under the guidelines and
6 restrictions set forth in paragraph (4) of subsection (a) of
7 this Section. The sentence credit provided for in this
8 paragraph (4.1) shall be available only to those prisoners who
9 have not previously earned an associate degree prior to the
10 current commitment to the Department of Corrections. If, after
11 an award of the associate degree sentence credit has been made
12 and the Department determines that the prisoner was not
13 eligible, then the award shall be revoked. The Department may
14 also award 120 days of sentence credit to any committed person
15 who earned an associate degree while he or she was held in
16 pre-trial detention prior to the current commitment to the
17 Department of Corrections.

18 Except as provided in paragraph (4.7) of this subsection
19 (a), the rules and regulations shall provide that an
20 additional 180 days of sentence credit shall be awarded to any
21 prisoner who obtains a bachelor's degree while the prisoner is
22 committed to the Department of Corrections. The sentence
23 credit awarded under this paragraph (4.1) shall be in addition
24 to, and shall not affect, the award of sentence credit under
25 any other paragraph of this Section, but shall also be under
26 the guidelines and restrictions set forth in paragraph (4) of

1 this subsection (a). The sentence credit provided for in this
2 paragraph shall be available only to those prisoners who have
3 not earned a bachelor's degree prior to the current commitment
4 to the Department of Corrections. If, after an award of the
5 bachelor's degree sentence credit has been made, the
6 Department determines that the prisoner was not eligible, then
7 the award shall be revoked. The Department may also award 180
8 days of sentence credit to any committed person who earned a
9 bachelor's degree while he or she was held in pre-trial
10 detention prior to the current commitment to the Department of
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection
13 (a), the rules and regulations shall provide that an
14 additional 180 days of sentence credit shall be awarded to any
15 prisoner who obtains a master's or professional degree while
16 the prisoner is committed to the Department of Corrections.
17 The sentence credit awarded under this paragraph (4.1) shall
18 be in addition to, and shall not affect, the award of sentence
19 credit under any other paragraph of this Section, but shall
20 also be under the guidelines and restrictions set forth in
21 paragraph (4) of this subsection (a). The sentence credit
22 provided for in this paragraph shall be available only to
23 those prisoners who have not previously earned a master's or
24 professional degree prior to the current commitment to the
25 Department of Corrections. If, after an award of the master's
26 or professional degree sentence credit has been made, the

1 Department determines that the prisoner was not eligible, then
2 the award shall be revoked. The Department may also award 180
3 days of sentence credit to any committed person who earned a
4 master's or professional degree while he or she was held in
5 pre-trial detention prior to the current commitment to the
6 Department of Corrections.

7 (4.2) (A) The rules and regulations shall also provide that
8 any prisoner engaged in self-improvement programs, volunteer
9 work, or work assignments that are not otherwise eligible
10 activities under paragraph (4), shall receive up to 0.5 days
11 of sentence credit for each day in which the prisoner is
12 engaged in activities described in this paragraph.

13 (B) The rules and regulations shall provide for the award
14 of sentence credit under this paragraph (4.2) for qualifying
15 days of engagement in eligible activities occurring prior to
16 July 1, 2021 (the effective date of Public Act 101-652).

17 (4.5) The rules and regulations on sentence credit shall
18 also provide that when the court's sentencing order recommends
19 a prisoner for substance abuse treatment and the crime was
20 committed on or after September 1, 2003 (the effective date of
21 Public Act 93-354), the prisoner shall receive no sentence
22 credit awarded under clause (3) of this subsection (a) unless
23 he or she participates in and completes a substance abuse
24 treatment program. The Director of Corrections may waive the
25 requirement to participate in or complete a substance abuse
26 treatment program in specific instances if the prisoner is not

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

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

1 at a rate as the Director shall determine.

2 (4.7) On or after January 1, 2018 (the effective date of
3 Public Act 100-3), sentence credit under paragraph (3), (4),
4 or (4.1) of this subsection (a) may be awarded to a prisoner
5 who is serving a sentence for an offense described in
6 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
7 on or after January 1, 2018 (the effective date of Public Act
8 100-3); provided, the award of the credits under this
9 paragraph (4.7) shall not reduce the sentence of the prisoner
10 to less than the following amounts:

11 (i) 85% of his or her sentence if the prisoner is
12 required to serve 85% of his or her sentence; or

13 (ii) 60% of his or her sentence if the prisoner is
14 required to serve 75% of his or her sentence, except if the
15 prisoner is serving a sentence for gunrunning his or her
16 sentence shall not be reduced to less than 75%.

17 (iii) 100% of his or her sentence if the prisoner is
18 required to serve 100% of his or her sentence.

19 (5) Whenever the Department is to release any inmate
20 earlier than it otherwise would because of a grant of earned
21 sentence credit under paragraph (3) of subsection (a) of this
22 Section given at any time during the term, the Department
23 shall give reasonable notice of the impending release not less
24 than 14 days prior to the date of the release to the State's
25 Attorney of the county where the prosecution of the inmate
26 took place, and if applicable, the State's Attorney of the

1 county into which the inmate will be released. The Department
2 must also make identification information and a recent photo
3 of the inmate being released accessible on the Internet by
4 means of a hyperlink labeled "Community Notification of Inmate
5 Early Release" on the Department's World Wide Web homepage.
6 The identification information shall include the inmate's:
7 name, any known alias, date of birth, physical
8 characteristics, commitment offense, and county where
9 conviction was imposed. The identification information shall
10 be placed on the website within 3 days of the inmate's release
11 and the information may not be removed until either:
12 completion of the first year of mandatory supervised release
13 or return of the inmate to custody of the Department.

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

18 (c) (1) The Department shall prescribe rules and
19 regulations for revoking sentence credit, including revoking
20 sentence credit awarded under paragraph (3) of subsection (a)
21 of this Section. The Department shall prescribe rules and
22 regulations establishing and requiring the use of a sanctions
23 matrix for revoking sentence credit. The Department shall
24 prescribe rules and regulations for suspending or reducing the
25 rate of accumulation of sentence credit for specific rule
26 violations, during imprisonment. These rules and regulations

1 shall provide that no inmate may be penalized more than one
2 year of sentence credit for any one infraction.

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

23 (3) The Director of Corrections or the Director of
24 Juvenile Justice, in appropriate cases, may restore sentence
25 credits which have been revoked, suspended, or reduced. The
26 Department shall prescribe rules and regulations governing the

1 restoration of sentence credits. These rules and regulations
2 shall provide for the automatic restoration of sentence
3 credits following a period in which the prisoner maintains a
4 record without a disciplinary violation.

5 Nothing contained in this Section shall prohibit the
6 Prisoner Review Board from ordering, pursuant to Section
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
8 sentence imposed by the court that was not served due to the
9 accumulation of sentence credit.

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

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or
26 other filing which purports to be a legal document filed

1 by a prisoner in his or her lawsuit meets any or all of the
2 following criteria:

3 (A) it lacks an arguable basis either in law or in
4 fact;

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

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

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

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

22 (2) "Lawsuit" means a motion pursuant to Section 116-3
23 of the Code of Criminal Procedure of 1963, a habeas corpus
24 action under Article X of the Code of Civil Procedure or
25 under federal law (28 U.S.C. 2254), a petition for claim
26 under the Court of Claims Act, an action under the federal

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

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

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

17 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
18 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
19 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; 103-605,
20 eff. 7-1-24; 103-822, eff. 1-1-25.)

21 (730 ILCS 5/5-5-3)

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

23 Sec. 5-5-3. Disposition.

24 (a) (Blank).

25 (b) (Blank).

1 (c) (1) (Blank).

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

9 (A) First degree murder.

10 (B) Attempted first degree murder.

11 (C) A Class X felony.

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

17 (D-5) A violation of subdivision (c) (1) of Section 401
18 of the Illinois Controlled Substances Act which relates to
19 3 or more grams of a substance containing heroin or an
20 analog thereof.

21 (E) (Blank).

22 (F) A Class 1 or greater felony if the offender had
23 been convicted of a Class 1 or greater felony, including
24 any state or federal conviction for an offense that
25 contained, at the time it was committed, the same elements
26 as an offense now (the date of the offense committed after

1 the prior Class 1 or greater felony) classified as a Class
2 1 or greater felony, within 10 years of the date on which
3 the offender committed the offense for which he or she is
4 being sentenced, except as otherwise provided in Section
5 40-10 of the Substance Use Disorder Act.

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

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

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

22 (H) Criminal sexual assault.

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

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

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

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

13 (K) Vehicular hijacking.

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

18 (M) A second or subsequent conviction for the offense
19 of institutional vandalism if the damage to the property
20 exceeds \$300.

21 (N) A Class 3 felony violation of paragraph (1) of
22 subsection (a) of Section 2 of the Firearm Owners
23 Identification Card Act.

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

26 (P) A violation of paragraph (1), (2), (3), (4), (5),

1 or (7) of subsection (a) of Section 11-20.1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

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

7 (Q) A violation of subsection (b) or (b-5) of Section
8 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

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

12 (S) (Blank).

13 (T) (Blank).

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

21 (V) A violation of paragraph (4) of subsection (c) of
22 Section 11-20.1B or paragraph (4) of subsection (c) of
23 Section 11-20.3 of the Criminal Code of 1961, or paragraph
24 (6) of subsection (a) of Section 11-20.1 of the Criminal
25 Code of 2012 when the victim is under 13 years of age and
26 the defendant has previously been convicted under the laws

1 of this State or any other state of the offense of child
2 pornography, aggravated child pornography, aggravated
3 criminal sexual abuse, aggravated criminal sexual assault,
4 predatory criminal sexual assault of a child, or any of
5 the offenses formerly known as rape, deviate sexual
6 assault, indecent liberties with a child, or aggravated
7 indecent liberties with a child where the victim was under
8 the age of 18 years or an offense that is substantially
9 equivalent to those offenses.

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

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

14 (Y) A conviction for unlawful possession of a firearm
15 by a street gang member when the firearm was loaded or
16 contained firearm ammunition.

17 (Z) A Class 1 felony committed while he or she was
18 serving a term of probation or conditional discharge for a
19 felony.

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

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

24 (CC) Knowingly selling, offering for sale, holding for
25 sale, or using 2,000 or more counterfeit items or
26 counterfeit items having a retail value in the aggregate

1 of \$500,000 or more.

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

7 (EE) A conviction for a violation of paragraph (2) of
8 subsection (a) of Section 24-3B of the Criminal Code of
9 2012.

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
17 this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.3) A minimum term of imprisonment of 30 days or 300
21 hours of community service, as determined by the court, shall
22 be imposed for a second violation of subsection (c) of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.4) Except as provided in paragraphs (4.5), (4.6), and
25 (4.9) of this subsection (c), a minimum term of imprisonment
26 of 30 days or 300 hours of community service, as determined by

1 the court, shall be imposed for a third or subsequent
2 violation of Section 6-303 of the Illinois Vehicle Code. The
3 court may give credit toward the fulfillment of community
4 service hours for participation in activities and treatment as
5 determined by court services.

6 (4.5) A minimum term of imprisonment of 30 days shall be
7 imposed for a third violation of subsection (c) of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.6) Except as provided in paragraph (4.10) of this
10 subsection (c), a minimum term of imprisonment of 180 days
11 shall be imposed for a fourth or subsequent violation of
12 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

13 (4.7) A minimum term of imprisonment of not less than 30
14 consecutive days, or 300 hours of community service, shall be
15 imposed for a violation of subsection (a-5) of Section 6-303
16 of the Illinois Vehicle Code, as provided in subsection (b-5)
17 of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for a
19 second violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (c-5) of that
21 Section. The person's driving privileges shall be revoked for
22 a period of not less than 5 years from the date of his or her
23 release from prison.

24 (4.9) A mandatory prison sentence of not less than 4 and
25 not more than 15 years shall be imposed for a third violation
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-2.5) of that Section. The
2 person's driving privileges shall be revoked for the remainder
3 of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony
5 shall be imposed, and the person shall be eligible for an
6 extended term sentence, for a fourth or subsequent violation
7 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
8 Code, as provided in subsection (d-3.5) of that Section. The
9 person's driving privileges shall be revoked for the remainder
10 of his or her life.

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

13 (A) a period of conditional discharge;

14 (B) a fine;

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

17 (5.1) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.2) or (5.3), 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 at least 90 days but not
22 more than one year, if the violation resulted in damage to the
23 property of another person.

24 (5.2) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license, permit,
2 or privileges suspended for at least 180 days but not more than
3 2 years, if the violation resulted in injury to another
4 person.

5 (5.3) In addition to any other penalties imposed, 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 2 years, if the violation
9 resulted in the death of another person.

10 (5.4) In addition to any other penalties imposed, a person
11 convicted of violating Section 3-707 of the Illinois Vehicle
12 Code shall have his or her driver's license, permit, or
13 privileges suspended for 3 months and until he or she has paid
14 a reinstatement fee of \$100.

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

23 (6) (Blank).

24 (7) (Blank).

25 (8) (Blank).

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to a
2 term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000 for a
5 first offense and \$2,000 for a second or subsequent offense
6 upon a person convicted of or placed on supervision for
7 battery when the individual harmed was a sports official or
8 coach at any level of competition and the act causing harm to
9 the sports official or coach occurred within an athletic
10 facility or within the immediate vicinity of the athletic
11 facility at which the sports official or coach was an active
12 participant of the athletic contest held at the athletic
13 facility. For the purposes of this paragraph (11), "sports
14 official" means a person at an athletic contest who enforces
15 the rules of the contest, such as an umpire or referee;
16 "athletic facility" means an indoor or outdoor playing field
17 or recreational area where sports activities are conducted;
18 and "coach" means a person recognized as a coach by the
19 sanctioning authority that conducted the sporting event.

20 (12) A person may not receive a disposition of court
21 supervision for a violation of Section 5-16 of the Boat
22 Registration and Safety Act if that person has previously
23 received a disposition of court supervision for a violation of
24 that Section.

25 (13) A person convicted of or placed on court supervision
26 for an assault or aggravated assault when the victim and the

1 offender are family or household members as defined in Section
2 103 of the Illinois Domestic Violence Act of 1986 or convicted
3 of domestic battery or aggravated domestic battery may be
4 required to attend a Partner Abuse Intervention Program under
5 protocols set forth by the Illinois Department of Human
6 Services under such terms and conditions imposed by the court.
7 The costs of such classes shall be paid by the offender.

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

26 (e) In cases where prosecution for aggravated criminal

1 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
2 Code of 1961 or the Criminal Code of 2012 results in conviction
3 of a defendant who was a family member of the victim at the
4 time of the commission of the offense, the court shall
5 consider the safety and welfare of the victim and may impose a
6 sentence of probation only where:

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

9 (A) the defendant is willing to undergo a court
10 approved counseling program for a minimum duration of
11 2 years; or

12 (B) the defendant is willing to participate in a
13 court approved plan, including, but not limited to,
14 the defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the
18 family;

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

20 and

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

23 (2) the court orders the defendant to pay for the
24 victim's counseling services, to the extent that the court
25 finds, after considering the defendant's income and
26 assets, that the defendant is financially capable of

1 paying for such services, if the victim was under 18 years
2 of age at the time the offense was committed and requires
3 counseling as a result of the offense.

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

11 For the purposes of this Section, "family member" and
12 "victim" shall have the meanings ascribed to them in Section
13 11-0.1 of the Criminal Code of 2012.

14 (f) (Blank).

15 (g) Whenever a defendant is convicted of an offense under
16 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
17 11-14.3, 11-14.4 except for an offense that involves keeping a
18 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
19 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
20 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, the defendant shall undergo medical
22 testing to determine whether the defendant has any sexually
23 transmissible disease, including a test for infection with
24 human immunodeficiency virus (HIV) or any other identified
25 causative agent of acquired immunodeficiency syndrome (AIDS).
26 Any such medical test shall be performed only by appropriately

1 licensed medical practitioners and may include an analysis of
2 any bodily fluids as well as an examination of the defendant's
3 person. Except as otherwise provided by law, the results of
4 such test shall be kept strictly confidential by all medical
5 personnel involved in the testing and must be personally
6 delivered in a sealed envelope to the judge of the court in
7 which the conviction was entered for the judge's inspection in
8 camera. Acting in accordance with the best interests of the
9 victim and the public, the judge shall have the discretion to
10 determine to whom, if anyone, the results of the testing may be
11 revealed. The court shall notify the defendant of the test
12 results. The court shall also notify the victim if requested
13 by the victim, and if the victim is under the age of 15 and if
14 requested by the victim's parents or legal guardian, the court
15 shall notify the victim's parents or legal guardian of the
16 test results. The court shall provide information on the
17 availability of HIV testing and counseling at Department of
18 Public Health facilities to all parties to whom the results of
19 the testing are revealed and shall direct the State's Attorney
20 to provide the information to the victim when possible. The
21 court shall order that the cost of any such test shall be paid
22 by the county and may be taxed as costs against the convicted
23 defendant.

24 (g-5) When an inmate is tested for an airborne
25 communicable disease, as determined by the Illinois Department
26 of Public Health, including, but not limited to, tuberculosis,

1 the results of the test shall be personally delivered by the
2 warden or his or her designee in a sealed envelope to the judge
3 of the court in which the inmate must appear for the judge's
4 inspection in camera if requested by the judge. Acting in
5 accordance with the best interests of those in the courtroom,
6 the judge shall have the discretion to determine what if any
7 precautions need to be taken to prevent transmission of the
8 disease in the courtroom.

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

1 whom the results of the testing are revealed and shall direct
2 the State's Attorney to provide the information to the victim
3 when possible. The court shall order that the cost of any such
4 test shall be paid by the county and may be taxed as costs
5 against the convicted defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
19 Code of 2012, any violation of the Illinois Controlled
20 Substances Act, any violation of the Cannabis Control Act, or
21 any violation of the Methamphetamine Control and Community
22 Protection Act results in conviction, a disposition of court
23 supervision, or an order of probation granted under Section 10
24 of the Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substances Act, or Section 70 of the
26 Methamphetamine Control and Community Protection Act of a

1 defendant, the court shall determine whether the defendant is
2 employed by a facility or center as defined under the Child
3 Care Act of 1969, a public or private elementary or secondary
4 school, or otherwise works with children under 18 years of age
5 on a daily basis. When a defendant is so employed, the court
6 shall order the Clerk of the Court to send a copy of the
7 judgment of conviction or order of supervision or probation to
8 the defendant's employer by certified mail. If the employer of
9 the defendant is a school, the Clerk of the Court shall direct
10 the mailing of a copy of the judgment of conviction or order of
11 supervision or probation to the appropriate regional
12 superintendent of schools. The regional superintendent of
13 schools shall notify the State Board of Education of any
14 notification under this subsection.

15 (j-5) A defendant at least 17 years of age who is convicted
16 of a felony and who has not been previously convicted of a
17 misdemeanor or felony and who is sentenced to a term of
18 imprisonment in the Illinois Department of Corrections shall
19 as a condition of his or her sentence be required by the court
20 to attend educational courses designed to prepare the
21 defendant for a high school diploma and to work toward a high
22 school diploma or to work toward passing high school
23 equivalency testing or to work toward completing a vocational
24 training program offered by the Department of Corrections. If
25 a defendant fails to complete the educational training
26 required by his or her sentence during the term of

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

22 (k) (Blank).

23 (l) (A) Except as provided in paragraph (C) of subsection
24 (l), whenever a defendant, who is not a citizen or national of
25 the United States, is convicted of any felony or misdemeanor
26 offense, the court after sentencing the defendant may, upon

1 motion of the State's Attorney, hold sentence in abeyance and
2 remand the defendant to the custody of the Attorney General of
3 the United States or his or her designated agent to be deported
4 when:

5 (1) a final order of deportation has been issued
6 against the defendant pursuant to proceedings under the
7 Immigration and Nationality Act, and

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

11 Otherwise, the defendant shall be sentenced as provided in
12 this Chapter V.

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

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under the
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

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

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

15 (m) A person convicted of criminal defacement of property
16 under Section 21-1.3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, in which the property damage exceeds
18 \$300 and the property damaged is a school building, shall be
19 ordered to perform community service that may include cleanup,
20 removal, or painting over the defacement.

21 (n) The court may sentence a person convicted of a
22 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
23 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
24 of 1961 or the Criminal Code of 2012 (i) to an impact
25 incarceration program if the person is otherwise eligible for
26 that program under Section 5-8-1.1, (ii) to community service,

1 or (iii) if the person has a substance use disorder, as defined
2 in the Substance Use Disorder Act, to a treatment program
3 licensed under that Act.

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

9 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
10 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
11 1-1-24.)

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

13 Sec. 5-5-3. Disposition.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (1) (Blank).

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

24 (A) First degree murder.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

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

7 (D-5) A violation of subdivision (c)(1) of Section 401
8 of the Illinois Controlled Substances Act which relates to
9 3 or more grams of a substance containing heroin or an
10 analog thereof.

11 (E) (Blank).

12 (F) A Class 1 or greater felony if the offender had
13 been convicted of a Class 1 or greater felony, including
14 any state or federal conviction for an offense that
15 contained, at the time it was committed, the same elements
16 as an offense now (the date of the offense committed after
17 the prior Class 1 or greater felony) classified as a Class
18 1 or greater felony, within 10 years of the date on which
19 the offender committed the offense for which he or she is
20 being sentenced, except as otherwise provided in Section
21 40-10 of the Substance Use Disorder Act.

22 (F-3) A Class 2 or greater felony sex offense or
23 felony firearm offense if the offender had been convicted
24 of a Class 2 or greater felony, including any state or
25 federal conviction for an offense that contained, at the
26 time it was committed, the same elements as an offense now

1 (the date of the offense committed after the prior Class 2
2 or greater felony) classified as a Class 2 or greater
3 felony, within 10 years of the date on which the offender
4 committed the offense for which he or she is being
5 sentenced, except as otherwise provided in Section 40-10
6 of the Substance Use Disorder Act.

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

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

12 (H) Criminal sexual assault.

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

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

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

25 Beginning July 1, 1994, for the purposes of this
26 paragraph, "organized gang" has the meaning ascribed to it

1 in Section 10 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act.

3 (K) Vehicular hijacking.

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

8 (M) A second or subsequent conviction for the offense
9 of institutional vandalism if the damage to the property
10 exceeds \$300.

11 (N) A Class 3 felony violation of paragraph (1) of
12 subsection (a) of Section 2 of the Firearm Owners
13 Identification Card Act.

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

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

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

23 (P-6) A violation of paragraph (2) of subsection (b)
24 of Section 11-20.4 of 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) (Blank).

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

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

1 equivalent to those offenses.

2 (V-5) A violation of paragraph (1) of subsection (b)
3 of Section 11-20.4 of the Criminal Code of 2012 when the
4 victim is under 13 years of age and the defendant has
5 previously been convicted under the laws of this State or
6 any other state of the offense of child pornography,
7 aggravated child pornography, aggravated criminal sexual
8 abuse, aggravated criminal sexual assault, predatory
9 criminal sexual assault of a child, or any of the offenses
10 formerly known as rape, deviate sexual assault, indecent
11 liberties with a child, or aggravated indecent liberties
12 with a child if the victim was under the age of 18 years or
13 an offense that is substantially equivalent to those
14 offenses.

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

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

19 (Y) A conviction for unlawful possession of a firearm
20 by a street gang member when the firearm was loaded or
21 contained firearm ammunition.

22 (Z) A Class 1 felony committed while he or she was
23 serving a term of probation or conditional discharge for a
24 felony.

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

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

3 (CC) Knowingly selling, offering for sale, holding for
4 sale, or using 2,000 or more counterfeit items or
5 counterfeit items having a retail value in the aggregate
6 of \$500,000 or more.

7 (DD) A conviction for aggravated assault under
8 paragraph (6) of subsection (c) of Section 12-2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 firearm is aimed toward the person against whom the
11 firearm is being used.

12 (EE) A conviction for a violation of paragraph (2) of
13 subsection (a) of Section 24-3B of the Criminal Code of
14 2012.

15 (FF) A conviction for a hate crime described in
16 subsection (b-6) of Section 12-7.1 of the Criminal Code of
17 2012.

18 (3) (Blank).

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

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
25 this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court, shall
4 be imposed for a second violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraphs (4.5), (4.6), and
7 (4.9) of this subsection (c), a minimum term of imprisonment
8 of 30 days or 300 hours of community service, as determined by
9 the court, shall be imposed for a third or subsequent
10 violation of Section 6-303 of the Illinois Vehicle Code. The
11 court may give credit toward the fulfillment of community
12 service hours for participation in activities and treatment as
13 determined by court services.

14 (4.5) A minimum term of imprisonment of 30 days shall be
15 imposed for a third violation of subsection (c) of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.6) Except as provided in paragraph (4.10) of this
18 subsection (c), a minimum term of imprisonment of 180 days
19 shall be imposed for a fourth or subsequent violation of
20 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

21 (4.7) A minimum term of imprisonment of not less than 30
22 consecutive days, or 300 hours of community service, shall be
23 imposed for a violation of subsection (a-5) of Section 6-303
24 of the Illinois Vehicle Code, as provided in subsection (b-5)
25 of that Section.

26 (4.8) A mandatory prison sentence shall be imposed for a

1 second violation of subsection (a-5) of Section 6-303 of the
2 Illinois Vehicle Code, as provided in subsection (c-5) of that
3 Section. The person's driving privileges shall be revoked for
4 a period of not less than 5 years from the date of his or her
5 release from prison.

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

12 (4.10) A mandatory prison sentence for a Class 1 felony
13 shall be imposed, and the person shall be eligible for an
14 extended term sentence, for a fourth or subsequent violation
15 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
16 Code, as provided in subsection (d-3.5) of that Section. The
17 person's driving privileges shall be revoked for the remainder
18 of his or her life.

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

21 (A) a period of conditional discharge;

22 (B) a fine;

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

25 (5.1) In addition to any other penalties imposed, and
26 except as provided in paragraph (5.2) or (5.3), a person

1 convicted of violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for at least 90 days but not
4 more than one year, if the violation resulted in damage to the
5 property of another person.

6 (5.2) In addition to any other penalties imposed, and
7 except as provided in paragraph (5.3), a person convicted of
8 violating subsection (c) of Section 11-907 of the Illinois
9 Vehicle Code shall have his or her driver's license, permit,
10 or privileges suspended for at least 180 days but not more than
11 2 years, if the violation resulted in injury to another
12 person.

13 (5.3) In addition to any other penalties imposed, a person
14 convicted of violating subsection (c) of Section 11-907 of the
15 Illinois Vehicle Code shall have his or her driver's license,
16 permit, or privileges suspended for 2 years, if the violation
17 resulted in the death of another person.

18 (5.4) In addition to any other penalties imposed, a person
19 convicted of violating Section 3-707 of the Illinois Vehicle
20 Code shall have his or her driver's license, permit, or
21 privileges suspended for 3 months and until he or she has paid
22 a reinstatement fee of \$100.

23 (5.5) In addition to any other penalties imposed, a person
24 convicted of violating Section 3-707 of the Illinois Vehicle
25 Code during a period in which his or her driver's license,
26 permit, or privileges were suspended for a previous violation

1 of that Section shall have his or her driver's license,
2 permit, or privileges suspended for an additional 6 months
3 after the expiration of the original 3-month suspension and
4 until he or she has paid a reinstatement fee of \$100.

5 (6) (Blank).

6 (7) (Blank).

7 (8) (Blank).

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

11 (10) (Blank).

12 (11) The court shall impose a minimum fine of \$1,000 for a
13 first offense and \$2,000 for a second or subsequent offense
14 upon a person convicted of or placed on supervision for
15 battery when the individual harmed was a sports official or
16 coach at any level of competition and the act causing harm to
17 the sports official or coach occurred within an athletic
18 facility or within the immediate vicinity of the athletic
19 facility at which the sports official or coach was an active
20 participant of the athletic contest held at the athletic
21 facility. For the purposes of this paragraph (11), "sports
22 official" means a person at an athletic contest who enforces
23 the rules of the contest, such as an umpire or referee;
24 "athletic facility" means an indoor or outdoor playing field
25 or recreational area where sports activities are conducted;
26 and "coach" means a person recognized as a coach by the

1 sanctioning authority that conducted the sporting event.

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

7 (13) A person convicted of or placed on court supervision
8 for an assault or aggravated assault when the victim and the
9 offender are family or household members as defined in Section
10 103 of the Illinois Domestic Violence Act of 1986 or convicted
11 of domestic battery or aggravated domestic battery may be
12 required to attend a Partner Abuse Intervention Program under
13 protocols set forth by the Illinois Department of Human
14 Services under such terms and conditions imposed by the court.
15 The costs of such classes shall be paid by the offender.

16 (d) In any case in which a sentence originally imposed is
17 vacated, the case shall be remanded to the trial court. The
18 trial court shall hold a hearing under Section 5-4-1 of this
19 Code which may include evidence of the defendant's life, moral
20 character and occupation during the time since the original
21 sentence was passed. The trial court shall then impose
22 sentence upon the defendant. The trial court may impose any
23 sentence which could have been imposed at the original trial
24 subject to Section 5-5-4 of this Code. If a sentence is vacated
25 on appeal or on collateral attack due to the failure of the
26 trier of fact at trial to determine beyond a reasonable doubt

1 the existence of a fact (other than a prior conviction)
2 necessary to increase the punishment for the offense beyond
3 the statutory maximum otherwise applicable, either the
4 defendant may be re-sentenced to a term within the range
5 otherwise provided or, if the State files notice of its
6 intention to again seek the extended sentence, the defendant
7 shall be afforded a new trial.

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

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

17 (A) the defendant is willing to undergo a court
18 approved counseling program for a minimum duration of
19 2 years; or

20 (B) the defendant is willing to participate in a
21 court approved plan, including, but not limited to,
22 the defendant's:

23 (i) removal from the household;

24 (ii) restricted contact with the victim;

25 (iii) continued financial support of the
26 family;

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

2 and

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

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

12 Probation may be revoked or modified pursuant to Section
13 5-6-4; except where the court determines at the hearing that
14 the defendant violated a condition of his or her probation
15 restricting contact with the victim or other family members or
16 commits another offense with the victim or other family
17 members, the court shall revoke the defendant's probation and
18 impose a term of imprisonment.

19 For the purposes of this Section, "family member" and
20 "victim" shall have the meanings ascribed to them in Section
21 11-0.1 of the Criminal Code of 2012.

22 (f) (Blank).

23 (g) Whenever a defendant is convicted of an offense under
24 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
25 11-14.3, 11-14.4 except for an offense that involves keeping a
26 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,

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

1 the testing are revealed and shall direct the State's Attorney
2 to provide the information to the victim when possible. The
3 court shall order that the cost of any such test shall be paid
4 by the county and may be taxed as costs against the convicted
5 defendant.

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

17 (h) Whenever a defendant is convicted of an offense under
18 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
19 defendant shall undergo medical testing to determine whether
20 the defendant has been exposed to human immunodeficiency virus
21 (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). Except as otherwise provided
23 by law, the results of such test shall be kept strictly
24 confidential by all medical personnel involved in the testing
25 and must be personally delivered in a sealed envelope to the
26 judge of the court in which the conviction was entered for the

1 judge's inspection in camera. Acting in accordance with the
2 best interests of the public, the judge shall have the
3 discretion to determine to whom, if anyone, the results of the
4 testing may be revealed. The court shall notify the defendant
5 of a positive test showing an infection with the human
6 immunodeficiency virus (HIV). The court shall provide
7 information on the availability of HIV testing and counseling
8 at Department of Public Health facilities to all parties to
9 whom the results of the testing are revealed and shall direct
10 the State's Attorney to provide the information to the victim
11 when possible. The court shall order that the cost of any such
12 test shall be paid by the county and may be taxed as costs
13 against the convicted defendant.

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

21 (j) In cases when prosecution for any violation of Section
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
23 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
24 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
25 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
26 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the

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

23 (j-5) A defendant at least 17 years of age who is convicted
24 of a felony and who has not been previously convicted of a
25 misdemeanor or felony and who is sentenced to a term of
26 imprisonment in the Illinois Department of Corrections shall

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

1 be a person with a developmental disability or otherwise
2 mentally incapable of completing the educational or vocational
3 program.

4 (k) (Blank).

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

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under the
15 Immigration and Nationality Act, and

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

19 Otherwise, the defendant shall be sentenced as provided in
20 this Chapter V.

21 (B) If the defendant has already been sentenced for a
22 felony or misdemeanor offense, or has been placed on probation
23 under Section 10 of the Cannabis Control Act, Section 410 of
24 the Illinois Controlled Substances Act, or Section 70 of the
25 Methamphetamine Control and Community Protection Act, the
26 court may, upon motion of the State's Attorney to suspend the

1 sentence imposed, commit the defendant to the custody of the
2 Attorney General of the United States or his or her designated
3 agent when:

4 (1) a final order of deportation has been issued
5 against the defendant pursuant to proceedings under the
6 Immigration and Nationality Act, and

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

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

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

23 (m) A person convicted of criminal defacement of property
24 under Section 21-1.3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, in which the property damage exceeds
26 \$300 and the property damaged is a school building, shall be

1 ordered to perform community service that may include cleanup,
2 removal, or painting over the defacement.

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

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

17 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
18 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
19 1-1-24; 103-825, eff. 1-1-25.)

20 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

22 Sec. 5-8-1. Natural life imprisonment; enhancements for
23 use of a firearm; mandatory supervised release terms.

24 (a) Except as otherwise provided in the statute defining
25 the offense or in Article 4.5 of Chapter V, a sentence of

1 imprisonment for a felony shall be a determinate sentence set
2 by the court under this Section, subject to Section 5-4.5-115
3 of this Code, according to the following limitations:

4 (1) for first degree murder,

5 (a) (blank),

6 (b) if a trier of fact finds beyond a reasonable
7 doubt that the murder was accompanied by exceptionally
8 brutal or heinous behavior indicative of wanton
9 cruelty or, except as set forth in subsection
10 (a) (1) (c) of this Section, that any of the aggravating
11 factors listed in subparagraph (b-5) are present, the
12 court may sentence the defendant, subject to Section
13 5-4.5-105, to a term of natural life imprisonment, or

14 (b-5) A defendant who at the time of the
15 commission of the offense has attained the age of 18 or
16 more and who has been found guilty of first degree
17 murder may be sentenced to a term of natural life
18 imprisonment if:

19 (1) the murdered individual was an inmate at
20 an institution or facility of the Department of
21 Corrections, or any similar local correctional
22 agency and was killed on the grounds thereof, or
23 the murdered individual was otherwise present in
24 such institution or facility with the knowledge
25 and approval of the chief administrative officer
26 thereof;

1 (2) the murdered individual was killed as a
2 result of the hijacking of an airplane, train,
3 ship, bus, or other public conveyance;

4 (3) the defendant committed the murder
5 pursuant to a contract, agreement, or
6 understanding by which he or she was to receive
7 money or anything of value in return for
8 committing the murder or procured another to
9 commit the murder for money or anything of value;

10 (4) the murdered individual was killed in the
11 course of another felony if:

12 (A) the murdered individual:

13 (i) was actually killed by the
14 defendant, or

15 (ii) received physical injuries
16 personally inflicted by the defendant
17 substantially contemporaneously with
18 physical injuries caused by one or more
19 persons for whose conduct the defendant is
20 legally accountable under Section 5-2 of
21 this Code, and the physical injuries
22 inflicted by either the defendant or the
23 other person or persons for whose conduct
24 he is legally accountable caused the death
25 of the murdered individual; and (B) in
26 performing the acts which caused the death

1 of the murdered individual or which
2 resulted in physical injuries personally
3 inflicted by the defendant on the murdered
4 individual under the circumstances of
5 subdivision (ii) of clause (A) of this
6 clause (4), the defendant acted with the
7 intent to kill the murdered individual or
8 with the knowledge that his or her acts
9 created a strong probability of death or
10 great bodily harm to the murdered
11 individual or another; and

12 (B) in performing the acts which caused
13 the death of the murdered individual or which
14 resulted in physical injuries personally
15 inflicted by the defendant on the murdered
16 individual under the circumstances of
17 subdivision (ii) of clause (A) of this clause
18 (4), the defendant acted with the intent to
19 kill the murdered individual or with the
20 knowledge that his or her acts created a
21 strong probability of death or great bodily
22 harm to the murdered individual or another;
23 and

24 (C) the other felony was an inherently
25 violent crime or the attempt to commit an
26 inherently violent crime. In this clause (C),

1 "inherently violent crime" includes, but is
2 not limited to, armed robbery, robbery,
3 predatory criminal sexual assault of a child,
4 aggravated criminal sexual assault, aggravated
5 kidnapping, aggravated vehicular hijacking,
6 aggravated arson, aggravated stalking,
7 residential burglary, and home invasion;

8 (5) the defendant committed the murder with
9 intent to prevent the murdered individual from
10 testifying or participating in any criminal
11 investigation or prosecution or giving material
12 assistance to the State in any investigation or
13 prosecution, either against the defendant or
14 another; or the defendant committed the murder
15 because the murdered individual was a witness in
16 any prosecution or gave material assistance to the
17 State in any investigation or prosecution, either
18 against the defendant or another; for purposes of
19 this clause (5), "participating in any criminal
20 investigation or prosecution" is intended to
21 include those appearing in the proceedings in any
22 capacity such as trial judges, prosecutors,
23 defense attorneys, investigators, witnesses, or
24 jurors;

25 (6) the defendant, while committing an offense
26 punishable under Section 401, 401.1, 401.2, 405,

1 405.2, 407 or 407.1 or subsection (b) of Section
2 404 of the Illinois Controlled Substances Act, or
3 while engaged in a conspiracy or solicitation to
4 commit such offense, intentionally killed an
5 individual or counseled, commanded, induced,
6 procured or caused the intentional killing of the
7 murdered individual;

8 (7) the defendant was incarcerated in an
9 institution or facility of the Department of
10 Corrections at the time of the murder, and while
11 committing an offense punishable as a felony under
12 Illinois law, or while engaged in a conspiracy or
13 solicitation to commit such offense, intentionally
14 killed an individual or counseled, commanded,
15 induced, procured or caused the intentional
16 killing of the murdered individual;

17 (8) the murder was committed in a cold,
18 calculated and premeditated manner pursuant to a
19 preconceived plan, scheme or design to take a
20 human life by unlawful means, and the conduct of
21 the defendant created a reasonable expectation
22 that the death of a human being would result
23 therefrom;

24 (9) the defendant was a principal
25 administrator, organizer, or leader of a
26 calculated criminal drug conspiracy consisting of

1 a hierarchical position of authority superior to
2 that of all other members of the conspiracy, and
3 the defendant counseled, commanded, induced,
4 procured, or caused the intentional killing of the
5 murdered person;

6 (10) the murder was intentional and involved
7 the infliction of torture. For the purpose of this
8 clause (10), torture means the infliction of or
9 subjection to extreme physical pain, motivated by
10 an intent to increase or prolong the pain,
11 suffering or agony of the victim;

12 (11) the murder was committed as a result of
13 the intentional discharge of a firearm by the
14 defendant from a motor vehicle and the victim was
15 not present within the motor vehicle;

16 (12) the murdered individual was a person with
17 a disability and the defendant knew or should have
18 known that the murdered individual was a person
19 with a disability. For purposes of this clause
20 (12), "person with a disability" means a person
21 who suffers from a permanent physical or mental
22 impairment resulting from disease, an injury, a
23 functional disorder, or a congenital condition
24 that renders the person incapable of adequately
25 providing for his or her own health or personal
26 care;

1 (13) the murdered individual was subject to an
2 order of protection and the murder was committed
3 by a person against whom the same order of
4 protection was issued under the Illinois Domestic
5 Violence Act of 1986;

6 (14) the murdered individual was known by the
7 defendant to be a teacher or other person employed
8 in any school and the teacher or other employee is
9 upon the grounds of a school or grounds adjacent
10 to a school, or is in any part of a building used
11 for school purposes;

12 (15) the murder was committed by the defendant
13 in connection with or as a result of the offense of
14 terrorism as defined in Section 29D-14.9 of this
15 Code;

16 (16) the murdered individual was a member of a
17 congregation engaged in prayer or other religious
18 activities at a church, synagogue, mosque, or
19 other building, structure, or place used for
20 religious worship; or

21 (17)(i) the murdered individual was a
22 physician, physician assistant, psychologist,
23 nurse, or advanced practice registered nurse;

24 (ii) the defendant knew or should have known
25 that the murdered individual was a physician,
26 physician assistant, psychologist, nurse, or

1 advanced practice registered nurse; and

2 (iii) the murdered individual was killed in
3 the course of acting in his or her capacity as a
4 physician, physician assistant, psychologist,
5 nurse, or advanced practice registered nurse, or
6 to prevent him or her from acting in that
7 capacity, or in retaliation for his or her acting
8 in that capacity.

9 (c) the court shall sentence the defendant to a
10 term of natural life imprisonment if the defendant, at
11 the time of the commission of the murder, had attained
12 the age of 18, and:

13 (i) has previously been convicted of first
14 degree murder under any state or federal law, or

15 (ii) is found guilty of murdering more than
16 one victim, or

17 (iii) is found guilty of murdering a peace
18 officer, fireman, or emergency management worker
19 when the peace officer, fireman, or emergency
20 management worker was killed in the course of
21 performing his official duties, or to prevent the
22 peace officer or fireman from performing his
23 official duties, or in retaliation for the peace
24 officer, fireman, or emergency management worker
25 from performing his official duties, and the
26 defendant knew or should have known that the

1 murdered individual was a peace officer, fireman,
2 or emergency management worker, or

3 (iv) is found guilty of murdering an employee
4 of an institution or facility of the Department of
5 Corrections, or any similar local correctional
6 agency, when the employee was killed in the course
7 of performing his official duties, or to prevent
8 the employee from performing his official duties,
9 or in retaliation for the employee performing his
10 official duties, or

11 (v) is found guilty of murdering an emergency
12 medical technician - ambulance, emergency medical
13 technician - intermediate, emergency medical
14 technician - paramedic, ambulance driver or other
15 medical assistance or first aid person while
16 employed by a municipality or other governmental
17 unit when the person was killed in the course of
18 performing official duties or to prevent the
19 person from performing official duties or in
20 retaliation for performing official duties and the
21 defendant knew or should have known that the
22 murdered individual was an emergency medical
23 technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver, or other
26 medical assistant or first aid personnel, or

1 (vi) (blank), or
2 (vii) is found guilty of first degree murder
3 and the murder was committed by reason of any
4 person's activity as a community policing
5 volunteer or to prevent any person from engaging
6 in activity as a community policing volunteer. For
7 the purpose of this Section, "community policing
8 volunteer" has the meaning ascribed to it in
9 Section 2-3.5 of the Criminal Code of 2012.

10 For purposes of clause (v), "emergency medical
11 technician - ambulance", "emergency medical technician
12 - intermediate", "emergency medical technician -
13 paramedic", have the meanings ascribed to them in the
14 Emergency Medical Services (EMS) Systems Act.

15 (d) (i) if the person committed the offense while
16 armed with a firearm, 15 years shall be added to
17 the term of imprisonment imposed by the court;

18 (ii) if, during the commission of the offense, the
19 person personally discharged a firearm, 20 years shall
20 be added to the term of imprisonment imposed by the
21 court;

22 (iii) if, during the commission of the offense,
23 the person personally discharged a firearm that
24 proximately caused great bodily harm, permanent
25 disability, permanent disfigurement, or death to
26 another person, 25 years or up to a term of natural

1 life shall be added to the term of imprisonment
2 imposed by the court.

3 (2) (blank);

4 (2.5) for a person who has attained the age of 18 years
5 at the time of the commission of the offense and who is
6 convicted under the circumstances described in subdivision
7 (b) (1) (B) of Section 11-1.20 or paragraph (3) of
8 subsection (b) of Section 12-13, subdivision (d) (2) of
9 Section 11-1.30 or paragraph (2) of subsection (d) of
10 Section 12-14, subdivision (b) (1.2) of Section 11-1.40 or
11 paragraph (1.2) of subsection (b) of Section 12-14.1,
12 subdivision (b) (2) of Section 11-1.40 or paragraph (2) of
13 subsection (b) of Section 12-14.1 of the Criminal Code of
14 1961 or the Criminal Code of 2012, the sentence shall be a
15 term of natural life imprisonment.

16 (b) (Blank).

17 (c) (Blank).

18 (d) Subject to earlier termination under Section 3-3-8,
19 the parole or mandatory supervised release term shall be
20 written as part of the sentencing order and shall be as
21 follows:

22 (1) for first degree murder or for the offenses of
23 predatory criminal sexual assault of a child, aggravated
24 criminal sexual assault, and criminal sexual assault if
25 committed on or before December 12, 2005, 3 years;

26 (1.5) except as provided in paragraph (7) of this

1 subsection (d), for a Class X felony except for the
2 offenses of predatory criminal sexual assault of a child,
3 aggravated criminal sexual assault, and criminal sexual
4 assault if committed on or after December 13, 2005 (the
5 effective date of Public Act 94-715) and except for the
6 offense of aggravated child pornography under Section
7 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
8 subsection (c-5) of Section 11-20.1 of the Criminal Code
9 of 1961 or the Criminal Code of 2012, if committed on or
10 after January 1, 2009, 18 months;

11 (2) except as provided in paragraph (7) of this
12 subsection (d), for a Class 1 felony or a Class 2 felony
13 except for the offense of criminal sexual assault if
14 committed on or after December 13, 2005 (the effective
15 date of Public Act 94-715) and except for the offenses of
16 manufacture and dissemination of child pornography under
17 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, if
19 committed on or after January 1, 2009, 12 months;

20 (3) except as provided in paragraph (4), (6), or (7)
21 of this subsection (d), for a Class 3 felony or a Class 4
22 felony, 6 months; no later than 45 days after the onset of
23 the term of mandatory supervised release, the Prisoner
24 Review Board shall conduct a discretionary discharge
25 review pursuant to the provisions of Section 3-3-8, which
26 shall include the results of a standardized risk and needs

1 assessment tool administered by the Department of
2 Corrections; the changes to this paragraph (3) made by
3 this amendatory Act of the 102nd General Assembly apply to
4 all individuals released on mandatory supervised release
5 on or after the effective date of this amendatory Act of
6 the 102nd General Assembly, including those individuals
7 whose sentences were imposed prior to the effective date
8 of this amendatory Act of the 102nd General Assembly;

9 (4) for defendants who commit the offense of predatory
10 criminal sexual assault of a child, aggravated criminal
11 sexual assault, or criminal sexual assault, on or after
12 December 13, 2005 (the effective date of Public Act
13 94-715), or who commit the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 manufacture of child pornography, or dissemination of
18 child pornography after January 1, 2009, the term of
19 mandatory supervised release shall range from a minimum of
20 3 years to a maximum of the natural life of the defendant;

21 (5) if the victim is under 18 years of age, for a
22 second or subsequent offense of aggravated criminal sexual
23 abuse or felony criminal sexual abuse, 4 years, at least
24 the first 2 years of which the defendant shall serve in an
25 electronic monitoring or home detention program under
26 Article 8A of Chapter V of this Code;

1 (6) for a felony domestic battery, aggravated domestic
2 battery, stalking, aggravated stalking, and a felony
3 violation of an order of protection, 4 years;

4 (7) for any felony described in paragraph (a)(2)(ii),
5 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
6 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
7 3-6-3 of the Unified Code of Corrections requiring an
8 inmate to serve a minimum of 85% of their court-imposed
9 sentence, except for the offenses of predatory criminal
10 sexual assault of a child, aggravated criminal sexual
11 assault, and criminal sexual assault if committed on or
12 after December 13, 2005 (the effective date of Public Act
13 94-715) and except for the offense of aggravated child
14 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
15 with sentencing under subsection (c-5) of Section 11-20.1
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 if committed on or after January 1, 2009 and except as
18 provided in paragraph (4) or paragraph (6) of this
19 subsection (d), the term of mandatory supervised release
20 shall be as follows:

21 (A) Class X felony, 3 years;

22 (B) Class 1 or Class 2 felonies, 2 years;

23 (C) Class 3 or Class 4 felonies, 1 year.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of
2 subsection (d) are effective on July 1, 2022 and shall apply to
3 all individuals convicted on or after the effective date of
4 paragraph (3) of subsection (d); and (ii) the provisions of
5 paragraphs (1.5) and (2) of subsection (d) are effective on
6 July 1, 2021 and shall apply to all individuals convicted on or
7 after the effective date of paragraphs (1.5) and (2) of
8 subsection (d).

9 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
10 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
11 1-1-24.)

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

13 Sec. 5-8-1. Natural life imprisonment; enhancements for
14 use of a firearm; mandatory supervised release terms.

15 (a) Except as otherwise provided in the statute defining
16 the offense or in Article 4.5 of Chapter V, a sentence of
17 imprisonment for a felony shall be a determinate sentence set
18 by the court under this Section, subject to Section 5-4.5-115
19 of this Code, according to the following limitations:

20 (1) for first degree murder,

21 (a) (blank),

22 (b) if a trier of fact finds beyond a reasonable
23 doubt that the murder was accompanied by exceptionally
24 brutal or heinous behavior indicative of wanton
25 cruelty or, except as set forth in subsection

1 (a) (1) (c) of this Section, that any of the aggravating
2 factors listed in subparagraph (b-5) are present or
3 that the murder was committed by reason of the actual
4 or perceived race, color, creed, religion, ancestry,
5 gender, sexual orientation, physical or mental
6 disability, citizenship, immigration status, or
7 national origin of another individual or group of
8 individuals of the victim or victims, the court may
9 sentence the defendant, subject to Section 5-4.5-105,
10 to a term of natural life imprisonment, or

11 (b-5) A defendant who at the time of the
12 commission of the offense has attained the age of 18 or
13 more and who has been found guilty of first degree
14 murder may be sentenced to a term of natural life
15 imprisonment if:

16 (1) the murdered individual was an inmate at
17 an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency and was killed on the grounds thereof, or
20 the murdered individual was otherwise present in
21 such institution or facility with the knowledge
22 and approval of the chief administrative officer
23 thereof;

24 (2) the murdered individual was killed as a
25 result of the hijacking of an airplane, train,
26 ship, bus, or other public conveyance;

1 (3) the defendant committed the murder
2 pursuant to a contract, agreement, or
3 understanding by which he or she was to receive
4 money or anything of value in return for
5 committing the murder or procured another to
6 commit the murder for money or anything of value;

7 (4) the murdered individual was killed in the
8 course of another felony if:

9 (A) the murdered individual:

10 (i) was actually killed by the
11 defendant, or

12 (ii) received physical injuries
13 personally inflicted by the defendant
14 substantially contemporaneously with
15 physical injuries caused by one or more
16 persons for whose conduct the defendant is
17 legally accountable under Section 5-2 of
18 this Code, and the physical injuries
19 inflicted by either the defendant or the
20 other person or persons for whose conduct
21 he is legally accountable caused the death
22 of the murdered individual; and (B) in
23 performing the acts which caused the death
24 of the murdered individual or which
25 resulted in physical injuries personally
26 inflicted by the defendant on the murdered

1 individual under the circumstances of
2 subdivision (ii) of clause (A) of this
3 clause (4), the defendant acted with the
4 intent to kill the murdered individual or
5 with the knowledge that his or her acts
6 created a strong probability of death or
7 great bodily harm to the murdered
8 individual or another; and

9 (B) in performing the acts which caused
10 the death of the murdered individual or which
11 resulted in physical injuries personally
12 inflicted by the defendant on the murdered
13 individual under the circumstances of
14 subdivision (ii) of clause (A) of this clause
15 (4), the defendant acted with the intent to
16 kill the murdered individual or with the
17 knowledge that his or her acts created a
18 strong probability of death or great bodily
19 harm to the murdered individual or another;
20 and

21 (C) the other felony was an inherently
22 violent crime or the attempt to commit an
23 inherently violent crime. In this clause (C),
24 "inherently violent crime" includes, but is
25 not limited to, armed robbery, robbery,
26 predatory criminal sexual assault of a child,

1 aggravated criminal sexual assault, aggravated
2 kidnapping, aggravated vehicular hijacking,
3 aggravated arson, aggravated stalking,
4 residential burglary, and home invasion;

5 (5) the defendant committed the murder with
6 intent to prevent the murdered individual from
7 testifying or participating in any criminal
8 investigation or prosecution or giving material
9 assistance to the State in any investigation or
10 prosecution, either against the defendant or
11 another; or the defendant committed the murder
12 because the murdered individual was a witness in
13 any prosecution or gave material assistance to the
14 State in any investigation or prosecution, either
15 against the defendant or another; for purposes of
16 this clause (5), "participating in any criminal
17 investigation or prosecution" is intended to
18 include those appearing in the proceedings in any
19 capacity such as trial judges, prosecutors,
20 defense attorneys, investigators, witnesses, or
21 jurors;

22 (6) the defendant, while committing an offense
23 punishable under Section 401, 401.1, 401.2, 405,
24 405.2, 407 or 407.1 or subsection (b) of Section
25 404 of the Illinois Controlled Substances Act, or
26 while engaged in a conspiracy or solicitation to

1 commit such offense, intentionally killed an
2 individual or counseled, commanded, induced,
3 procured or caused the intentional killing of the
4 murdered individual;

5 (7) the defendant was incarcerated in an
6 institution or facility of the Department of
7 Corrections at the time of the murder, and while
8 committing an offense punishable as a felony under
9 Illinois law, or while engaged in a conspiracy or
10 solicitation to commit such offense, intentionally
11 killed an individual or counseled, commanded,
12 induced, procured or caused the intentional
13 killing of the murdered individual;

14 (8) the murder was committed in a cold,
15 calculated and premeditated manner pursuant to a
16 preconceived plan, scheme or design to take a
17 human life by unlawful means, and the conduct of
18 the defendant created a reasonable expectation
19 that the death of a human being would result
20 therefrom;

21 (9) the defendant was a principal
22 administrator, organizer, or leader of a
23 calculated criminal drug conspiracy consisting of
24 a hierarchical position of authority superior to
25 that of all other members of the conspiracy, and
26 the defendant counseled, commanded, induced,

1 procured, or caused the intentional killing of the
2 murdered person;

3 (10) the murder was intentional and involved
4 the infliction of torture. For the purpose of this
5 clause (10), torture means the infliction of or
6 subjection to extreme physical pain, motivated by
7 an intent to increase or prolong the pain,
8 suffering or agony of the victim;

9 (11) the murder was committed as a result of
10 the intentional discharge of a firearm by the
11 defendant from a motor vehicle and the victim was
12 not present within the motor vehicle;

13 (12) the murdered individual was a person with
14 a disability and the defendant knew or should have
15 known that the murdered individual was a person
16 with a disability. For purposes of this clause
17 (12), "person with a disability" means a person
18 who suffers from a permanent physical or mental
19 impairment resulting from disease, an injury, a
20 functional disorder, or a congenital condition
21 that renders the person incapable of adequately
22 providing for his or her own health or personal
23 care;

24 (13) the murdered individual was subject to an
25 order of protection and the murder was committed
26 by a person against whom the same order of

1 protection was issued under the Illinois Domestic
2 Violence Act of 1986;

3 (14) the murdered individual was known by the
4 defendant to be a teacher or other person employed
5 in any school and the teacher or other employee is
6 upon the grounds of a school or grounds adjacent
7 to a school, or is in any part of a building used
8 for school purposes;

9 (15) the murder was committed by the defendant
10 in connection with or as a result of the offense of
11 terrorism as defined in Section 29D-14.9 of this
12 Code;

13 (16) the murdered individual was a member of a
14 congregation engaged in prayer or other religious
15 activities at a church, synagogue, mosque, or
16 other building, structure, or place used for
17 religious worship; or

18 (17)(i) the murdered individual was a
19 physician, physician assistant, psychologist,
20 nurse, or advanced practice registered nurse;

21 (ii) the defendant knew or should have known
22 that the murdered individual was a physician,
23 physician assistant, psychologist, nurse, or
24 advanced practice registered nurse; and

25 (iii) the murdered individual was killed in
26 the course of acting in his or her capacity as a

1 physician, physician assistant, psychologist,
2 nurse, or advanced practice registered nurse, or
3 to prevent him or her from acting in that
4 capacity, or in retaliation for his or her acting
5 in that capacity.

6 (c) the court shall sentence the defendant to a
7 term of natural life imprisonment if the defendant, at
8 the time of the commission of the murder, had attained
9 the age of 18, and:

10 (i) has previously been convicted of first
11 degree murder under any state or federal law, or

12 (ii) is found guilty of murdering more than
13 one victim, or

14 (iii) is found guilty of murdering a peace
15 officer, fireman, or emergency management worker
16 when the peace officer, fireman, or emergency
17 management worker was killed in the course of
18 performing his official duties, or to prevent the
19 peace officer or fireman from performing his
20 official duties, or in retaliation for the peace
21 officer, fireman, or emergency management worker
22 from performing his official duties, and the
23 defendant knew or should have known that the
24 murdered individual was a peace officer, fireman,
25 or emergency management worker, or

26 (iv) is found guilty of murdering an employee

1 of an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency, when the employee was killed in the course
4 of performing his official duties, or to prevent
5 the employee from performing his official duties,
6 or in retaliation for the employee performing his
7 official duties, or

8 (v) is found guilty of murdering an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical
11 technician - paramedic, ambulance driver or other
12 medical assistance or first aid person while
13 employed by a municipality or other governmental
14 unit when the person was killed in the course of
15 performing official duties or to prevent the
16 person from performing official duties or in
17 retaliation for performing official duties and the
18 defendant knew or should have known that the
19 murdered individual was an emergency medical
20 technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver, or other
23 medical assistant or first aid personnel, or

24 (vi) (blank), or

25 (vii) is found guilty of first degree murder
26 and the murder was committed by reason of any

1 person's activity as a community policing
2 volunteer or to prevent any person from engaging
3 in activity as a community policing volunteer. For
4 the purpose of this Section, "community policing
5 volunteer" has the meaning ascribed to it in
6 Section 2-3.5 of the Criminal Code of 2012.

7 For purposes of clause (v), "emergency medical
8 technician - ambulance", "emergency medical technician
9 - intermediate", "emergency medical technician -
10 paramedic", have the meanings ascribed to them in the
11 Emergency Medical Services (EMS) Systems Act.

12 (d) (i) if the person committed the offense while
13 armed with a firearm, 15 years shall be added to
14 the term of imprisonment imposed by the court;

15 (ii) if, during the commission of the offense, the
16 person personally discharged a firearm, 20 years shall
17 be added to the term of imprisonment imposed by the
18 court;

19 (iii) if, during the commission of the offense,
20 the person personally discharged a firearm that
21 proximately caused great bodily harm, permanent
22 disability, permanent disfigurement, or death to
23 another person, 25 years or up to a term of natural
24 life shall be added to the term of imprisonment
25 imposed by the court.

26 (2) (blank);

1 (2.5) for a person who has attained the age of 18 years
2 at the time of the commission of the offense and who is
3 convicted under the circumstances described in subdivision
4 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
5 subsection (b) of Section 12-13, subdivision (d)(2) of
6 Section 11-1.30 or paragraph (2) of subsection (d) of
7 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
8 paragraph (1.2) of subsection (b) of Section 12-14.1,
9 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
10 subsection (b) of Section 12-14.1 of the Criminal Code of
11 1961 or the Criminal Code of 2012, the sentence shall be a
12 term of natural life imprisonment.

13 (b) (Blank).

14 (c) (Blank).

15 (d) Subject to earlier termination under Section 3-3-8,
16 the parole or mandatory supervised release term shall be
17 written as part of the sentencing order and shall be as
18 follows:

19 (1) for first degree murder or for the offenses of
20 predatory criminal sexual assault of a child, aggravated
21 criminal sexual assault, and criminal sexual assault if
22 committed on or before December 12, 2005, 3 years;

23 (1.5) except as provided in paragraph (7) of this
24 subsection (d), for a Class X felony except for the
25 offenses of predatory criminal sexual assault of a child,
26 aggravated criminal sexual assault, and criminal sexual

1 assault if committed on or after December 13, 2005 (the
2 effective date of Public Act 94-715) and except for the
3 offense of aggravated child pornography under Section
4 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
5 subsection (c-5) of Section 11-20.1 of the Criminal Code
6 of 1961 or the Criminal Code of 2012, if committed on or
7 after January 1, 2009, and except for the offense of
8 obscene depiction of a purported child with sentencing
9 under subsection (d) of Section 11-20.4 of the Criminal
10 Code of 2012, 18 months;

11 (2) except as provided in paragraph (7) of this
12 subsection (d), for a Class 1 felony or a Class 2 felony
13 except for the offense of criminal sexual assault if
14 committed on or after December 13, 2005 (the effective
15 date of Public Act 94-715) and except for the offenses of
16 manufacture and dissemination of child pornography under
17 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, if
19 committed on or after January 1, 2009, and except for the
20 offense of obscene depiction of a purported child under
21 paragraph (2) of subsection (b) of Section 11-20.4 of the
22 Criminal Code of 2012, 12 months;

23 (3) except as provided in paragraph (4), (6), or (7)
24 of this subsection (d), for a Class 3 felony or a Class 4
25 felony, 6 months; no later than 45 days after the onset of
26 the term of mandatory supervised release, the Prisoner

1 Review Board shall conduct a discretionary discharge
2 review pursuant to the provisions of Section 3-3-8, which
3 shall include the results of a standardized risk and needs
4 assessment tool administered by the Department of
5 Corrections; the changes to this paragraph (3) made by
6 this amendatory Act of the 102nd General Assembly apply to
7 all individuals released on mandatory supervised release
8 on or after the effective date of this amendatory Act of
9 the 102nd General Assembly, including those individuals
10 whose sentences were imposed prior to the effective date
11 of this amendatory Act of the 102nd General Assembly;

12 (4) for defendants who commit the offense of predatory
13 criminal sexual assault of a child, aggravated criminal
14 sexual assault, or criminal sexual assault, on or after
15 December 13, 2005 (the effective date of Public Act
16 94-715), or who commit the offense of aggravated child
17 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
18 with sentencing under subsection (c-5) of Section 11-20.1
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 manufacture of child pornography, or dissemination of
21 child pornography after January 1, 2009, or who commit the
22 offense of obscene depiction of a purported child under
23 paragraph (2) of subsection (b) of Section 11-20.4 of the
24 Criminal Code of 2012 or who commit the offense of obscene
25 depiction of a purported child with sentencing under
26 subsection (d) of Section 11-20.4 of the Criminal Code of

1 2012, the term of mandatory supervised release shall range
2 from a minimum of 3 years to a maximum of the natural life
3 of the defendant;

4 (5) if the victim is under 18 years of age, for a
5 second or subsequent offense of aggravated criminal sexual
6 abuse or felony criminal sexual abuse, 4 years, at least
7 the first 2 years of which the defendant shall serve in an
8 electronic monitoring or home detention program under
9 Article 8A of Chapter V of this Code;

10 (6) for a felony domestic battery, aggravated domestic
11 battery, stalking, aggravated stalking, and a felony
12 violation of an order of protection, 4 years;

13 (7) for any felony described in paragraph (a) (2) (ii),
14 (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),
15 (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section
16 3-6-3 of the Unified Code of Corrections requiring an
17 inmate to serve a minimum of 85% of their court-imposed
18 sentence, except for the offenses of predatory criminal
19 sexual assault of a child, aggravated criminal sexual
20 assault, and criminal sexual assault if committed on or
21 after December 13, 2005 (the effective date of Public Act
22 94-715) and except for the offense of aggravated child
23 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
24 with sentencing under subsection (c-5) of Section 11-20.1
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 if committed on or after January 1, 2009, and except for

1 the offense of obscene depiction of a purported child with
2 sentencing under subsection (d) of Section 11-20.4 of the
3 Criminal Code of 2012, and except as provided in paragraph
4 (4) or paragraph (6) of this subsection (d), the term of
5 mandatory supervised release shall be as follows:

6 (A) Class X felony, 3 years;

7 (B) Class 1 or Class 2 felonies, 2 years;

8 (C) Class 3 or Class 4 felonies, 1 year.

9 (e) (Blank).

10 (f) (Blank).

11 (g) Notwithstanding any other provisions of this Act and
12 of Public Act 101-652: (i) the provisions of paragraph (3) of
13 subsection (d) are effective on July 1, 2022 and shall apply to
14 all individuals convicted on or after the effective date of
15 paragraph (3) of subsection (d); and (ii) the provisions of
16 paragraphs (1.5) and (2) of subsection (d) are effective on
17 July 1, 2021 and shall apply to all individuals convicted on or
18 after the effective date of paragraphs (1.5) and (2) of
19 subsection (d).

20 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
21 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
22 1-1-24; 103-825, eff. 1-1-25.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.