



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5456

Introduced 2/13/2026, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1	from Ch. 38, par. 12-7.1
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 that a hate crime is: (1) a Class 2 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 1 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 1 felony for which the person shall be sentenced to a term of imprisonment of not less than 4 years and not more than 15 years if a crime of violence that is a Class 1 felony is committed against a victim of a hate crime. Provides that the court may sentence a defendant who committed a hate crime to a term of natural life imprisonment if the underlying crime is first degree murder if the murder was committed 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. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for a conviction for a hate crime if: (1) 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; or (2) a crime of violence 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.

LRB104 17894 RLC 31330 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) A hate crime is: (1) a Class 2 felony if committed by
2 a person 18 years of age or older while armed with a firearm or
3 if the victim of the hate crime is under 18 years of age; (2) a
4 Class 1 felony if a crime of violence as defined in Section 2
5 of the Crime Victims Compensation Act is committed against a
6 person by reason of the actual or perceived race, color,
7 creed, religion, ancestry, gender, sexual orientation,
8 physical or mental disability, citizenship, immigration
9 status, or national origin of another individual or group of
10 individuals; or (3) a Class 1 felony for which the person shall
11 be sentenced to a term of imprisonment of not less than 4 years
12 and not more than 15 years if a crime of violence that is a
13 Class 1 felony is committed against a victim described in
14 paragraph (2).

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

22 (b-10) Upon imposition of any sentence, the trial court
23 shall also either order restitution paid to the victim or
24 impose a fine in an amount to be determined by the court based
25 on the severity of the crime and the injury or damages suffered
26 by the victim. In addition, any order of probation or

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

1 the offense the offender committed.

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

1 violation under this subsection (c). The parents or legal
2 guardians, other than guardians appointed pursuant to the
3 Juvenile Court Act or the Juvenile Court Act of 1987, of an
4 unemancipated minor shall be liable for the amount of any
5 judgment for all damages rendered against such minor under
6 this subsection (c) in any amount not exceeding the amount
7 provided under Section 5 of the Parental Responsibility Law.

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

11 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;
12 102-813, eff. 5-13-22.)

13 Section 10. The Unified Code of Corrections is amended by
14 changing Sections 5-5-3 and 5-8-1 as follows:

15 (730 ILCS 5/5-5-3)

16 Sec. 5-5-3. Disposition.

17 (a) (Blank).

18 (b) (Blank).

19 (c) (1) (Blank).

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

1 restitution or both in conjunction with such term of
2 imprisonment:

3 (A) First degree murder.

4 (B) Attempted first degree murder.

5 (C) A Class X felony.

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

11 (D-5) A violation of subdivision (c)(1) of Section 401
12 of the Illinois Controlled Substances Act which relates to
13 3 or more grams of a substance containing heroin or an
14 analog thereof.

15 (E) (Blank).

16 (F) A Class 1 or greater felony if the offender had
17 been convicted of a Class 1 or greater felony, including
18 any state or federal conviction for an offense that
19 contained, at the time it was committed, the same elements
20 as an offense now (the date of the offense committed after
21 the prior Class 1 or greater felony) classified as a Class
22 1 or greater felony, within 10 years of the date on which
23 the offender committed the offense for which he or she is
24 being sentenced, except as otherwise provided in Section
25 40-10 of the Substance Use Disorder Act.

26 (F-3) A Class 2 or greater felony sex offense or

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

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

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

16 (H) Criminal sexual assault.

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

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

23 Before July 1, 1994, for the purposes of this
24 paragraph, "organized gang" means an association of 5 or
25 more persons, with an established hierarchy, that
26 encourages members of the association to perpetrate crimes

1 or provides support to the members of the association who
2 do commit crimes.

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

7 (K) Vehicular hijacking.

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

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

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

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

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

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

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

3 (Q) A violation of subsection (b) or (b-5) of Section
4 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

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

8 (S) (Blank).

9 (T) (Blank).

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

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

1 sexual assault of a child, or any of the offenses formerly
2 known as rape, deviate sexual assault, indecent liberties
3 with a child, or aggravated indecent liberties with a
4 child where the victim was under the age of 18 years or an
5 offense that is substantially equivalent to those
6 offenses.

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

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

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

25 (Y) A conviction for unlawful possession of a firearm
26 by a street gang member when the firearm was loaded or

1 contained firearm ammunition.

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

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

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

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

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

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

21 (FF) A conviction for a hate crime described in
22 subsection (b-6) of Section 12-7.1 of the Criminal Code of
23 2012.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

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

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
5 this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court, shall
10 be imposed for a second violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

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

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

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

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

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

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

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

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

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

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of the

8 Illinois Vehicle Code shall have his or her driver's license,

9 permit, or privileges suspended for at least 90 days but not

10 more than one year, if the violation resulted in damage to the

11 property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted of

14 violating subsection (c) of Section 11-907 of the Illinois

15 Vehicle Code shall have his or her driver's license, permit,

16 or privileges suspended for at least 180 days but not more than

17 2 years, if the violation resulted in injury to another

18 person.

19 (5.3) In addition to any other penalties imposed, a person

20 convicted of violating subsection (c) of Section 11-907 of the

21 Illinois Vehicle Code shall have his or her driver's license,

22 permit, or privileges suspended for 2 years, if the violation

23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person

25 convicted of violating Section 3-707 of the Illinois Vehicle

26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid
2 a reinstatement fee of \$100.

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

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

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

17 (10) (Blank).

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

1 facility. For the purposes of this paragraph (11), "sports
2 official" means a person at an athletic contest who enforces
3 the rules of the contest, such as an umpire or referee;
4 "athletic facility" means an indoor or outdoor playing field
5 or recreational area where sports activities are conducted;
6 and "coach" means a person recognized as a coach by the
7 sanctioning authority that conducted the sporting event.

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

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

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

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

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

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

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of
25 2 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan, including, but not limited to,
2 the defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

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

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

8 and

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

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

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

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

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

1 court shall also notify the victim if requested by the victim,
2 and if the victim is under the age of 15 and if requested by
3 the victim's parents or legal guardian, the court shall notify
4 the victim's parents or legal guardian of the test results.
5 The court shall provide information on the availability of HIV
6 testing and counseling at Department of Public Health
7 facilities to all parties to whom the results of the testing
8 are revealed and shall direct the State's Attorney to provide
9 the information to the victim when possible. The court shall
10 order that the cost of any such test shall be paid by the
11 county and may be taxed as costs against the convicted
12 defendant.

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

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

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

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

1 and Traffic Assessment Act.

2 (j) In cases when prosecution for any violation of Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
4 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
5 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
6 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
7 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, any violation of the Illinois
9 Controlled Substances Act, any violation of the Cannabis
10 Control Act, or any violation of the Methamphetamine Control
11 and Community Protection Act results in conviction, a
12 disposition of court supervision, or an order of probation
13 granted under Section 10 of the Cannabis Control Act, Section
14 410 of the Illinois Controlled Substances Act, or Section 70
15 of the Methamphetamine Control and Community Protection Act of
16 a defendant, the court shall determine whether the defendant
17 is employed by a facility or center as defined under the Child
18 Care Act of 1969, a public or private elementary or secondary
19 school, or otherwise works with children under 18 years of age
20 on a daily basis. When a defendant is so employed, the court
21 shall order the Clerk of the Court to send a copy of the
22 judgment of conviction or order of supervision or probation to
23 the defendant's employer by certified mail. If the employer of
24 the defendant is a school, the Clerk of the Court shall direct
25 the mailing of a copy of the judgment of conviction or order of
26 supervision or probation to the appropriate regional

1 superintendent of schools. The regional superintendent of
2 schools shall notify the State Board of Education of any
3 notification under this subsection.

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

1 wilful failure to comply. The Prisoner Review Board shall
2 recommit the defendant whose mandatory supervised release term
3 has been revoked under this subsection (j-5) as provided in
4 Section 3-3-9. This subsection (j-5) does not apply to a
5 defendant who has a high school diploma or has successfully
6 passed high school equivalency testing. This subsection (j-5)
7 does not apply to a defendant who is determined by the court to
8 be a person with a developmental disability or otherwise
9 mentally incapable of completing the educational or vocational
10 program.

11 (k) (Blank).

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

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

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

26 Otherwise, the defendant shall be sentenced as provided in

1 this Chapter V.

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

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

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

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

20 (D) Upon motion of the State's Attorney, if a defendant
21 sentenced under this Section returns to the jurisdiction of
22 the United States, the defendant shall be recommitted to the
23 custody of the county from which he or she was sentenced.
24 Thereafter, the defendant shall be brought before the
25 sentencing court, which may impose any sentence that was
26 available under Section 5-5-3 at the time of initial

1 sentencing. In addition, the defendant shall not be eligible
2 for additional earned sentence credit as provided under
3 Section 3-6-3.

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

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

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

24 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
25 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
26 1-1-24; 103-825, eff. 1-1-25; 103-1071, eff. 7-1-25; 103-1081,

1 eff. 3-21-25; 104-245, eff. 1-1-26; revised 11-21-25.)

2 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

10 (1) for first degree murder,

11 (a) (blank),

12 (b) if a trier of fact finds beyond a reasonable
13 doubt that the murder was accompanied by exceptionally
14 brutal or heinous behavior indicative of wanton
15 cruelty or, except as set forth in subsection
16 (a) (1) (c) of this Section, that any of the aggravating
17 factors listed in subparagraph (b-5) are present or
18 that the murder was committed by reason of the actual
19 or perceived race, color, creed, religion, ancestry,
20 gender, sexual orientation, physical or mental
21 disability, citizenship, immigration status, or
22 national origin of another individual or group of
23 individuals of the victim or victims, the court may
24 sentence the defendant, subject to Section 5-4.5-105,
25 to a term of natural life imprisonment, or

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

6 (1) the murdered individual was an inmate at
7 an institution or facility of the Department of
8 Corrections, or any similar local correctional
9 agency and was killed on the grounds thereof, or
10 the murdered individual was otherwise present in
11 such institution or facility with the knowledge
12 and approval of the chief administrative officer
13 thereof;

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

17 (3) the defendant committed the murder
18 pursuant to a contract, agreement, or
19 understanding by which he or she was to receive
20 money or anything of value in return for
21 committing the murder or procured another to
22 commit the murder for money or anything of value;

23 (4) the murdered individual was killed in the
24 course of another felony if:

25 (A) the murdered individual:

26 (i) was actually killed by the

1 defendant, or

2 (ii) received physical injuries
3 personally inflicted by the defendant
4 substantially contemporaneously with
5 physical injuries caused by one or more
6 persons for whose conduct the defendant is
7 legally accountable under Section 5-2 of
8 this Code, and the physical injuries
9 inflicted by either the defendant or the
10 other person or persons for whose conduct
11 he is legally accountable caused the death
12 of the murdered individual; and (B) in
13 performing the acts which caused the death
14 of the murdered individual or which
15 resulted in physical injuries personally
16 inflicted by the defendant on the murdered
17 individual under the circumstances of
18 subdivision (ii) of clause (A) of this
19 clause (4), the defendant acted with the
20 intent to kill the murdered individual or
21 with the knowledge that his or her acts
22 created a strong probability of death or
23 great bodily harm to the murdered
24 individual or another; and

25 (B) in performing the acts which caused
26 the death of the murdered individual or which

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

11 (C) the other felony was an inherently
12 violent crime or the attempt to commit an
13 inherently violent crime. In this clause (C),
14 "inherently violent crime" includes, but is
15 not limited to, armed robbery, robbery,
16 predatory criminal sexual assault of a child,
17 aggravated criminal sexual assault, aggravated
18 kidnapping, aggravated vehicular hijacking,
19 aggravated arson, aggravated stalking,
20 residential burglary, and home invasion;

21 (5) the defendant committed the murder with
22 intent to prevent the murdered individual from
23 testifying or participating in any criminal
24 investigation or prosecution or giving material
25 assistance to the State in any investigation or
26 prosecution, either against the defendant or

1 another; or the defendant committed the murder
2 because the murdered individual was a witness in
3 any prosecution or gave material assistance to the
4 State in any investigation or prosecution, either
5 against the defendant or another; for purposes of
6 this clause (5), "participating in any criminal
7 investigation or prosecution" is intended to
8 include those appearing in the proceedings in any
9 capacity such as trial judges, prosecutors,
10 defense attorneys, investigators, witnesses, or
11 jurors;

12 (6) the defendant, while committing an offense
13 punishable under Section 401, 401.1, 401.2, 405,
14 405.2, 407, or 407.1 or subsection (b) of Section
15 404 of the Illinois Controlled Substances Act, or
16 while engaged in a conspiracy or solicitation to
17 commit such offense, intentionally killed an
18 individual or counseled, commanded, induced,
19 procured, or caused the intentional killing of the
20 murdered individual;

21 (7) the defendant was incarcerated in an
22 institution or facility of the Department of
23 Corrections at the time of the murder, and while
24 committing an offense punishable as a felony under
25 Illinois law, or while engaged in a conspiracy or
26 solicitation to commit such offense, intentionally

1 killed an individual or counseled, commanded,
2 induced, procured, or caused the intentional
3 killing of the murdered individual;

4 (8) the murder was committed in a cold,
5 calculated and premeditated manner pursuant to a
6 preconceived plan, scheme, or design to take a
7 human life by unlawful means, and the conduct of
8 the defendant created a reasonable expectation
9 that the death of a human being would result
10 therefrom;

11 (9) the defendant was a principal
12 administrator, organizer, or leader of a
13 calculated criminal drug conspiracy consisting of
14 a hierarchical position of authority superior to
15 that of all other members of the conspiracy, and
16 the defendant counseled, commanded, induced,
17 procured, or caused the intentional killing of the
18 murdered person;

19 (10) the murder was intentional and involved
20 the infliction of torture. For the purpose of this
21 clause (10), torture means the infliction of or
22 subjection to extreme physical pain, motivated by
23 an intent to increase or prolong the pain,
24 suffering, or agony of the victim;

25 (11) the murder was committed as a result of
26 the intentional discharge of a firearm by the

1 defendant from a motor vehicle and the victim was
2 not present within the motor vehicle;

3 (12) the murdered individual was a person with
4 a disability and the defendant knew or should have
5 known that the murdered individual was a person
6 with a disability. For purposes of this clause
7 (12), "person with a disability" means a person
8 who suffers from a permanent physical or mental
9 impairment resulting from disease, an injury, a
10 functional disorder, or a congenital condition
11 that renders the person incapable of adequately
12 providing for his or her own health or personal
13 care;

14 (13) the murdered individual was subject to an
15 order of protection and the murder was committed
16 by a person against whom the same order of
17 protection was issued under the Illinois Domestic
18 Violence Act of 1986;

19 (14) the murdered individual was known by the
20 defendant to be a teacher or other person employed
21 in any school and the teacher or other employee is
22 upon the grounds of a school or grounds adjacent
23 to a school, or is in any part of a building used
24 for school purposes;

25 (15) the murder was committed by the defendant
26 in connection with or as a result of the offense of

1 terrorism as defined in Section 29D-14.9 of this
2 Code;

3 (16) the murdered individual was a member of a
4 congregation engaged in prayer or other religious
5 activities at a church, synagogue, mosque, or
6 other building, structure, or place used for
7 religious worship; or

8 (17) (i) the murdered individual was a
9 physician, physician assistant, psychologist,
10 nurse, or advanced practice registered nurse;

11 (ii) the defendant knew or should have known
12 that the murdered individual was a physician,
13 physician assistant, psychologist, nurse, or
14 advanced practice registered nurse; and

15 (iii) the murdered individual was killed in
16 the course of acting in his or her capacity as a
17 physician, physician assistant, psychologist,
18 nurse, or advanced practice registered nurse, or
19 to prevent him or her from acting in that
20 capacity, or in retaliation for his or her acting
21 in that capacity.

22 (c) the court shall sentence the defendant to a
23 term of natural life imprisonment if the defendant, at
24 the time of the commission of the murder, had attained
25 the age of 18, and:

26 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is found guilty of murdering more than
3 one victim, or

4 (iii) is found guilty of murdering a peace
5 officer, fireman, or emergency management worker
6 when the peace officer, fireman, or emergency
7 management worker was killed in the course of
8 performing his official duties, or to prevent the
9 peace officer or fireman from performing his
10 official duties, or in retaliation for the peace
11 officer, fireman, or emergency management worker
12 from performing his official duties, and the
13 defendant knew or should have known that the
14 murdered individual was a peace officer, fireman,
15 or emergency management worker, or

16 (iv) is found guilty of murdering an employee
17 of an institution or facility of the Department of
18 Corrections, or any similar local correctional
19 agency, when the employee was killed in the course
20 of performing his official duties, or to prevent
21 the employee from performing his official duties,
22 or in retaliation for the employee performing his
23 official duties, or

24 (v) is found guilty of murdering an emergency
25 medical technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other
2 medical assistance or first aid person while
3 employed by a municipality or other governmental
4 unit when the person was killed in the course of
5 performing official duties or to prevent the
6 person from performing official duties or in
7 retaliation for performing official duties and the
8 defendant knew or should have known that the
9 murdered individual was an emergency medical
10 technician - ambulance, emergency medical
11 technician - intermediate, emergency medical
12 technician - paramedic, ambulance driver, or other
13 medical assistant or first aid personnel, or

14 (vi) (blank), or

15 (vii) is found guilty of first degree murder
16 and the murder was committed by reason of any
17 person's activity as a community policing
18 volunteer or to prevent any person from engaging
19 in activity as a community policing volunteer. For
20 the purpose of this Section, "community policing
21 volunteer" has the meaning ascribed to it in
22 Section 2-3.5 of the Criminal Code of 2012.

23 For purposes of clause (v), "emergency medical
24 technician - ambulance", "emergency medical technician
25 - intermediate", and "emergency medical technician -
26 paramedic" have the meanings ascribed to them in the

1 Emergency Medical Services (EMS) Systems Act.

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

5 (ii) if, during the commission of the offense, the
6 person personally discharged a firearm, 20 years shall
7 be added to the term of imprisonment imposed by the
8 court;

9 (iii) if, during the commission of the offense,
10 the person personally discharged a firearm that
11 proximately caused great bodily harm, permanent
12 disability, permanent disfigurement, or death to
13 another person, 25 years or up to a term of natural
14 life shall be added to the term of imprisonment
15 imposed by the court.

16 (2) (blank);

17 (2.5) for a person who has attained the age of 18 years
18 at the time of the commission of the offense and who is
19 convicted under the circumstances described in subdivision
20 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
21 subsection (b) of Section 12-13, subdivision (d)(2) of
22 Section 11-1.30 or paragraph (2) of subsection (d) of
23 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
24 paragraph (1.2) of subsection (b) of Section 12-14.1,
25 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
26 subsection (b) of Section 12-14.1 of the Criminal Code of

1 1961 or the Criminal Code of 2012, the sentence shall be a
2 term of natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

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

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

13 (1.5) except as provided in paragraph (7) of this
14 subsection (d), for a Class X felony except for the
15 offenses of predatory criminal sexual assault of a child,
16 aggravated criminal sexual assault, and criminal sexual
17 assault if committed on or after December 13, 2005 (the
18 effective date of Public Act 94-715) and except for the
19 offense of aggravated child pornography under Section
20 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
21 subsection (c-5) of Section 11-20.1 of the Criminal Code
22 of 1961 or the Criminal Code of 2012, if committed on or
23 after January 1, 2009, and except for the offense of
24 obscene depiction of a purported child with sentencing
25 under subsection (d) of Section 11-20.4 of the Criminal
26 Code of 2012, 18 months;

1 (2) except as provided in paragraph (7) of this
2 subsection (d), for a Class 1 felony or a Class 2 felony
3 except for the offense of criminal sexual assault if
4 committed on or after December 13, 2005 (the effective
5 date of Public Act 94-715) and except for the offenses of
6 manufacture and dissemination of child sexual abuse
7 material under clauses (a)(1) and (a)(2) of Section
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012, if committed on or after January 1, 2009, and
10 except for the offense of obscene depiction of a purported
11 child under paragraph (2) of subsection (b) of Section
12 11-20.4 of the Criminal Code of 2012, 12 months;

13 (3) except as provided in paragraph (4), (6), or (7)
14 of this subsection (d), for a Class 3 felony or a Class 4
15 felony, 6 months; no later than 45 days after the onset of
16 the term of mandatory supervised release, the Prisoner
17 Review Board shall conduct a discretionary discharge
18 review pursuant to the provisions of Section 3-3-8, which
19 shall include the results of a standardized risk and needs
20 assessment tool administered by the Department of
21 Corrections; the changes to this paragraph (3) made by
22 Public Act 102-1104 apply to all individuals released on
23 mandatory supervised release on or after December 6, 2022
24 (the effective date of Public Act 102-1104), including
25 those individuals whose sentences were imposed prior to
26 December 6, 2022 (the effective date of Public Act

1 102-1104);

2 (4) for defendants who commit the offense of predatory
3 criminal sexual assault of a child, aggravated criminal
4 sexual assault, or criminal sexual assault, on or after
5 December 13, 2005 (the effective date of Public Act
6 94-715), or who commit the offense of aggravated child
7 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
8 with sentencing under subsection (c-5) of Section 11-20.1
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 manufacture of child sexual abuse material, or
11 dissemination of child sexual abuse material after January
12 1, 2009, or who commit the offense of obscene depiction of
13 a purported child under paragraph (2) of subsection (b) of
14 Section 11-20.4 of the Criminal Code of 2012 or who commit
15 the offense of obscene depiction of a purported child with
16 sentencing under subsection (d) of Section 11-20.4 of the
17 Criminal Code of 2012, the term of mandatory supervised
18 release shall range from a minimum of 3 years to a maximum
19 of the natural life of the defendant;

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

26 (6) for a felony domestic battery, aggravated domestic

1 battery, stalking, aggravated stalking, and a felony
2 violation of an order of protection, 4 years;

3 (7) for any felony described in paragraph (a)(2)(ii),
4 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
5 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
6 3-6-3 of the Unified Code of Corrections requiring an
7 inmate to serve a minimum of 85% of their court-imposed
8 sentence, except for the offenses of predatory criminal
9 sexual assault of a child, aggravated criminal sexual
10 assault, and criminal sexual assault if committed on or
11 after December 13, 2005 (the effective date of Public Act
12 94-715) and except for the offense of aggravated child
13 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
14 with sentencing under subsection (c-5) of Section 11-20.1
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 if committed on or after January 1, 2009, and except for
17 the offense of obscene depiction of a purported child with
18 sentencing under subsection (d) of Section 11-20.4 of the
19 Criminal Code of 2012, and except as provided in paragraph
20 (4) or paragraph (6) of this subsection (d), the term of
21 mandatory supervised release shall be as follows:

22 (A) Class X felony, 3 years;

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

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

25 (e) (Blank).

26 (f) (Blank).

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

10 (Source: P.A. 103-51, eff. 1-1-24; 103-825, eff. 1-1-25;
11 104-245, eff. 1-1-26; 104-417, eff. 8-15-25.)