



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3294

by Rep. Sue Scherer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-204.1
730 ILCS 5/5-5-3

from Ch. 95 1/2, par. 11-204.1
from Ch. 38, par. 1005-5-3

Amends the Illinois Vehicle Code. Provides that any person convicted of a first violation of aggravated fleeing or attempting to elude a peace officer shall be guilty of a Class 4 felony for which the person shall be sentenced to a term of imprisonment of not less than 1 year and not more than 3 years and any person convicted of a second or subsequent violation of the offense shall be guilty of a Class 3 felony for which the person shall be sentenced to a term of imprisonment of not less than 2 years and not more than 5 years. Amends the Unified Code of Corrections. Makes conforming changes.

LRB100 06252 AXK 16289 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-204.1 as follows:

6 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

7 Sec. 11-204.1. Aggravated fleeing or attempting to elude a
8 peace officer.

9 (a) The offense of aggravated fleeing or attempting to
10 elude a peace officer is committed by any driver or operator of
11 a motor vehicle who flees or attempts to elude a peace officer,
12 after being given a visual or audible signal by a peace officer
13 in the manner prescribed in subsection (a) of Section 11-204 of
14 this Code, and such flight or attempt to elude:

15 (1) is at a rate of speed at least 21 miles per hour
16 over the legal speed limit;

17 (2) causes bodily injury to any individual;

18 (3) causes damage in excess of \$300 to property;

19 (4) involves disobedience of 2 or more official traffic
20 control devices; or

21 (5) involves the concealing or altering of the
22 vehicle's registration plate.

23 (b) Any person convicted of a first violation of this

1 Section shall be guilty of a Class 4 felony for which the
2 person shall be sentenced to a term of imprisonment of not less
3 than 1 year and not more than 3 years. Upon notice of such
4 a conviction the Secretary of State shall forthwith revoke the
5 driver's license of the person so convicted, as provided in
6 Section 6-205 of this Code. Any person convicted of a second or
7 subsequent violation of this Section shall be guilty of a Class
8 3 felony for which the person shall be sentenced to a term of
9 imprisonment of not less than 2 years and not more than 5
10 years, and upon notice of such a conviction the Secretary of
11 State shall forthwith revoke the driver's license of the person
12 convicted, as provided in Section 6-205 of the Code.

13 (c) The motor vehicle used in a violation of this Section
14 is subject to seizure and forfeiture as provided in Sections
15 36-1 and 36-2 of the Criminal Code of 2012.

16 (Source: P.A. 96-328, eff. 8-11-09; 97-743, eff. 1-1-13;
17 97-1150, eff. 1-25-13.)

18 Section 10. The Unified Code of Corrections is amended by
19 changing Section 5-5-3 as follows:

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

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

7 (A) First degree murder where the death penalty is not
8 imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

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

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

20 (E) A violation of Section 5.1 or 9 of the Cannabis
21 Control Act.

22 (F) A Class 2 or greater felony if the offender had
23 been convicted of a Class 2 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 2 or greater felony) classified as a Class
2 2 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 Alcoholism and Other Drug Abuse and Dependency
6 Act.

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

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

13 (H) Criminal sexual assault.

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

17 (J) A forcible felony if the offense was related to the
18 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 Criminal
18 Code of 1961 or the Criminal Code of 2012.

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

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

24 (S) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

23 (FF) A conviction for a violation of Section 11-204.1
24 of the Illinois Vehicle Code.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303 of
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
6 this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court, shall
11 be imposed for a second violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

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

18 (4.5) A minimum term of imprisonment of 30 days shall be
19 imposed for a third violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this
22 subsection (c), a minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30
26 consecutive days, or 300 hours of community service, shall be

1 imposed for a violation of subsection (a-5) of Section 6-303 of
2 the Illinois Vehicle Code, as provided in subsection (b-5) of
3 that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a
5 second violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (c-5) of that
7 Section. The person's driving privileges shall be revoked for a
8 period of not less than 5 years from the date of his or her
9 release from prison.

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

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

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

25 (A) a period of conditional discharge;

26 (B) a fine;

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

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for at least 90 days but not
8 more than one year, if the violation resulted in damage to the
9 property of another person.

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

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

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

26 (5.5) In addition to any other penalties imposed, a person

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

8 (6) (Blank).

9 (7) (Blank).

10 (8) (Blank).

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

14 (10) (Blank).

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

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

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

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

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

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

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

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

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

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

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

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

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

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

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

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

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

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

14 (g-5) When an inmate is tested for an airborne communicable
15 disease, as determined by the Illinois Department of Public
16 Health including but not limited to tuberculosis, the results
17 of the test shall be personally delivered by the warden or his
18 or her designee in a sealed envelope to the judge of the court
19 in which the inmate must appear for the judge's inspection in
20 camera if requested by the judge. Acting in accordance with the
21 best interests of those in the courtroom, the judge shall have
22 the discretion to determine what if any precautions need to be
23 taken to prevent transmission of the 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. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012 against the defendant. The court shall order that the cost
25 of any such test shall be paid by the county and may be taxed as
26 costs against the convicted defendant.

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

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

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

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

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

15 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 license renewal established by the Secretary of State.

2 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;

3 99-143, eff. 7-27-15; 99-885, eff. 8-23-16.)