



Rep. Paul Jacobs

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10300HB2357ham001

LRB103 27484 RLC 57817 a

1 AMENDMENT TO HOUSE BILL 2357

2 AMENDMENT NO. _____. Amend House Bill 2357 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

1 imprisonment:

2 (A) First degree murder where the death penalty is not
3 imposed.

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 (Q) A violation of subsection (b) or (b-5) of Section
2 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012.

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

6 (S) (Blank).

7 (T) (Blank).

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10 driver's license, permit, or privilege was revoked because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

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

1 indecent liberties with a child where the victim was under
2 the age of 18 years or an offense that is substantially
3 equivalent to those offenses.

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

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

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

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

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

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

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

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

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

4 (FF) A conviction for a felony committed while armed
5 with a firearm.

6 (3) (Blank).

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

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
13 this subsection (c), a minimum of 100 hours of community
14 service shall be imposed for a second violation of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300
17 hours of community service, as determined by the court, shall
18 be imposed for a second violation of subsection (c) of Section
19 6-303 of the Illinois Vehicle Code.

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

1 determined by court services.

2 (4.5) A minimum term of imprisonment of 30 days shall be
3 imposed for a third violation of subsection (c) of Section
4 6-303 of the Illinois Vehicle Code.

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

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

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

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

26 (4.10) A mandatory prison sentence for a Class 1 felony

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

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

9 (A) a period of conditional discharge;

10 (B) a fine;

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

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

20 (5.2) In addition to any other penalties imposed, and
21 except as provided in paragraph (5.3), a person convicted of
22 violating subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code shall have his or her driver's license, permit,
24 or privileges suspended for at least 180 days but not more than
25 2 years, if the violation resulted in injury to another
26 person.

1 (5.3) In addition to any other penalties imposed, a person
2 convicted of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for 2 years, if the violation
5 resulted in the death of another person.

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

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

19 (6) (Blank).

20 (7) (Blank).

21 (8) (Blank).

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

25 (10) (Blank).

26 (11) The court shall impose a minimum fine of \$1,000 for a

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

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

21 (13) A person convicted of or placed on court supervision
22 for an assault or aggravated assault when the victim and the
23 offender are family or household members as defined in Section
24 103 of the Illinois Domestic Violence Act of 1986 or convicted
25 of domestic battery or aggravated domestic battery may be
26 required to attend a Partner Abuse Intervention Program under

1 protocols set forth by the Illinois Department of Human
2 Services under such terms and conditions imposed by the court.
3 The costs of such classes shall be paid by the offender.

4 (14) If a person is convicted of an offense while armed
5 with a firearm and causes death or great bodily harm to another
6 person with the firearm, the court shall impose an additional
7 15-year sentence upon the person, in addition to the sentence
8 imposed for the offense.

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

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

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

10 (A) the defendant is willing to undergo a court
11 approved counseling program for a minimum duration of
12 2 years; or

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

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

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

21 and

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

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

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

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

12 For the purposes of this Section, "family member" and
13 "victim" shall have the meanings ascribed to them in Section
14 11-0.1 of the Criminal Code of 2012.

15 (f) (Blank).

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

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

25 (g-5) When an inmate is tested for an airborne
26 communicable disease, as determined by the Illinois Department

1 of Public Health, including, but not limited to, tuberculosis,
2 the results of the test shall be personally delivered by the
3 warden or his or her designee in a sealed envelope to the judge
4 of the court in which the inmate must appear for the judge's
5 inspection in camera if requested by the judge. Acting in
6 accordance with the best interests of those in the courtroom,
7 the judge shall have the discretion to determine what if any
8 precautions need to be taken to prevent transmission of the
9 disease in the courtroom.

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

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

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

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

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

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

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

23 (k) (Blank).

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

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

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

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

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

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

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

26 (2) the deportation of the defendant would not

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

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

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

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

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

1 that program under Section 5-8-1.1, (ii) to community service,
2 or (iii) if the person has a substance use disorder, as defined
3 in the Substance Use Disorder Act, to a treatment program
4 licensed under that Act.

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

10 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
11 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
12 5-27-22.)".