



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3762

Introduced 2/17/2023, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Makes technical changes in the first degree murder statute. Eliminates references to imposition of the death penalty for first degree murder. Repeals provisions of the Code of Criminal Procedure of 1963 that refer to the execution of a death sentence and the type of drugs that can be administered to cause death. Amends the Unified Code of Corrections. Lists the aggravating factors for first degree murder in which the defendant may be sentenced to natural life imprisonment. Amends various statutes to remove, other than historic references, references to "capital offense", "death penalty", "sentenced to death", and "sentence of death".

LRB103 29450 RLC 55842 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 Counties Code is amended by changing
5 Section 3-4011 as follows:

6 (55 ILCS 5/3-4011) (from Ch. 34, par. 3-4011)

7 Sec. 3-4011. Expenses and legal services for indigent
8 defendants in felony cases. It shall be the duty of the county
9 board in counties containing fewer than 500,000 inhabitants to
10 appropriate a sufficient sum for the purpose of paying for the
11 legal services necessarily rendered for the defense of
12 indigent persons in felony cases, ~~and for costs, expenses and~~
13 ~~legal services necessary in the prosecution of an appeal when~~
14 ~~the sentence is death,~~ which is to be paid upon the orders of a
15 court of competent jurisdiction. It shall likewise be the duty
16 of the county board in counties containing fewer than 500,000
17 inhabitants to appropriate a sufficient sum for the payment of
18 out of pocket expenses necessarily incurred by appointed
19 counsel in the prosecution of an appeal on behalf of an
20 indigent incarcerated defendant in felony cases. In such cases
21 payment shall be made upon the order of the reviewing court.

22 (Source: P.A. 86-962.)

1 Section 10. The School Code is amended by changing Section
2 21B-85 as follows:

3 (105 ILCS 5/21B-85)

4 Sec. 21B-85. Conviction of felony.

5 (a) Whenever the holder of any license issued under this
6 Article is employed by the school board of a school district,
7 including a special charter district or a school district
8 organized under Article 34 of this Code, and is convicted,
9 either after a bench trial, trial by jury, or plea of guilty,
10 of any offense for which a sentence to ~~death~~ or a term of
11 imprisonment in a penitentiary for one year or more is
12 provided, the school board shall promptly notify the State
13 Superintendent of Education, in writing, of the name of the
14 license holder, the fact of the conviction, and the name and
15 location of the court in which the conviction occurred.

16 (b) Whenever the school board of a school district,
17 including a special charter district or a school district
18 organized under Article 34 of this Code, learns that any
19 person who is a teacher, as that term is defined in Section
20 16-106 of the Illinois Pension Code, has been convicted,
21 either after a bench trial, trial by jury, or plea of guilty,
22 of any offense for which a sentence to ~~death~~ or a term of
23 imprisonment in a penitentiary for one year or more is
24 provided, the school board shall promptly notify, in writing,
25 the board of trustees of the Teachers' Retirement System of

1 the State of Illinois and the board of trustees of the Public
2 School Teachers' Pension and Retirement Fund of the City of
3 Chicago of the name of the license holder, the fact of the
4 conviction, the name and location of the court in which the
5 conviction occurred, and the number assigned in that court to
6 the case in which the conviction occurred.

7 (Source: P.A. 102-552, eff. 1-1-22.)

8 Section 15. The Illinois Public Aid Code is amended by
9 changing Section 1-8 as follows:

10 (305 ILCS 5/1-8)

11 Sec. 1-8. Fugitives ineligible.

12 (a) The following persons are not eligible for aid under
13 this Code, or federal food stamps or federal food stamp
14 benefits:

15 (1) A person who has fled from the jurisdiction of any
16 court of record of this or any other state or of the United
17 States to avoid prosecution for a felony or to avoid
18 giving testimony in any criminal proceeding involving the
19 alleged commission of a felony.

20 (2) A person who has fled to avoid imprisonment in a
21 correctional facility of this or any other state or the
22 United States for having committed a felony.

23 (3) A person who has escaped from a correctional
24 facility of this or any other state or the United States if

1 the person was incarcerated for having committed a felony.

2 (4) A person who is violating a condition of probation
3 or parole imposed under federal or State law.

4 In this Section, "felony" means a violation of a penal
5 statute of this or any other state or the United States for
6 which a sentence ~~to death or~~ to a term of imprisonment in a
7 penitentiary for one year or more is provided or in which the
8 death penalty may be imposed in another state.

9 To implement this Section, the Illinois Department may
10 exchange necessary information with an appropriate law
11 enforcement agency of this or any other state, a political
12 subdivision of this or any other state, or the United States.

13 (b) (Blank).

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 Section 20. The Criminal Code of 2012 is amended by
16 changing Sections 2-7, 8-4, 9-1, 9-1.2, 12-3.05, and 30-1 as
17 follows:

18 (720 ILCS 5/2-7) (from Ch. 38, par. 2-7)

19 Sec. 2-7. "Felony".

20 "Felony" means an offense for which a sentence ~~to death or~~
21 to a term of imprisonment in a penitentiary for one year or
22 more is provided.

23 (Source: P.A. 77-2638.)

1 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

2 Sec. 8-4. Attempt.

3 (a) Elements of the offense.

4 A person commits the offense of attempt when, with intent
5 to commit a specific offense, he or she does any act that
6 constitutes a substantial step toward the commission of that
7 offense.

8 (b) Impossibility.

9 It is not a defense to a charge of attempt that because of
10 a misapprehension of the circumstances it would have been
11 impossible for the accused to commit the offense attempted.

12 (c) Sentence.

13 A person convicted of attempt may be fined or imprisoned
14 or both not to exceed the maximum provided for the offense
15 attempted but, except for an attempt to commit the offense
16 defined in Section 33A-2 of this Code:

17 (1) the sentence for attempt to commit first degree
18 murder is the sentence for a Class X felony, except that

19 (A) an attempt to commit first degree murder when
20 at least one of the aggravating factors specified in
21 clauses (iii), (iv), and (v) of subsection (a)(1)(c)
22 of Section 5-8-1 of the Unified Code of Corrections
23 ~~paragraphs (1), (2), and (12) of subsection (b) of~~
24 ~~Section 9-1~~ is present is a Class X felony for which
25 the sentence shall be a term of imprisonment of not
26 less than 20 years and not more than 80 years;

1 (B) an attempt to commit first degree murder while
2 armed with a firearm is a Class X felony for which 15
3 years shall be added to the term of imprisonment
4 imposed by the court;

5 (C) an attempt to commit first degree murder
6 during which the person personally discharged a
7 firearm is a Class X felony for which 20 years shall be
8 added to the term of imprisonment imposed by the
9 court;

10 (D) an attempt to commit first degree murder
11 during which the person personally discharged a
12 firearm that proximately caused great bodily harm,
13 permanent disability, permanent disfigurement, or
14 death to another person is a Class X felony for which
15 25 years or up to a term of natural life shall be added
16 to the term of imprisonment imposed by the court; and

17 (E) if the defendant proves by a preponderance of
18 the evidence at sentencing that, at the time of the
19 attempted murder, he or she was acting under a sudden
20 and intense passion resulting from serious provocation
21 by the individual whom the defendant endeavored to
22 kill, or another, and, had the individual the
23 defendant endeavored to kill died, the defendant would
24 have negligently or accidentally caused that death,
25 then the sentence for the attempted murder is the
26 sentence for a Class 1 felony;

1 (2) the sentence for attempt to commit a Class X
2 felony is the sentence for a Class 1 felony;

3 (3) the sentence for attempt to commit a Class 1
4 felony is the sentence for a Class 2 felony;

5 (4) the sentence for attempt to commit a Class 2
6 felony is the sentence for a Class 3 felony; and

7 (5) the sentence for attempt to commit any felony
8 other than those specified in items (1), (2), (3), and (4)
9 of this subsection (c) is the sentence for a Class A
10 misdemeanor.

11 (Source: P.A. 96-710, eff. 1-1-10.)

12 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

13 Sec. 9-1. First degree murder; ~~death penalties;~~
14 ~~exceptions; separate hearings; proof; findings; appellate~~
15 ~~procedures; reversals.~~

16 (a) A person who kills an individual without lawful
17 justification commits first degree murder if, in performing
18 the acts which cause the death:

19 (1) he or she either intends to kill or do great bodily
20 harm to that individual or another, or knows that such
21 acts will cause death to that individual or another; or

22 (2) he or she knows that such acts create a strong
23 probability of death or great bodily harm to that
24 individual or another; or

25 (3) he or she, acting alone or with one or more

1 participants, commits or attempts to commit a forcible
2 felony other than second degree murder, and in the course
3 of or in furtherance of such crime or flight therefrom, he
4 or she or another participant causes the death of a
5 person.

6 (b) (Blank). ~~Aggravating Factors. A defendant who at the~~
7 ~~time of the commission of the offense has attained the age of~~
8 ~~18 or more and who has been found guilty of first degree murder~~
9 ~~may be sentenced to death if:~~

10 ~~(1) the murdered individual was a peace officer or~~
11 ~~fireman killed in the course of performing his official~~
12 ~~duties, to prevent the performance of his or her official~~
13 ~~duties, or in retaliation for performing his or her~~
14 ~~official duties, and the defendant knew or should have~~
15 ~~known that the murdered individual was a peace officer or~~
16 ~~fireman; or~~

17 ~~(2) the murdered individual was an employee of an~~
18 ~~institution or facility of the Department of Corrections,~~
19 ~~or any similar local correctional agency, killed in the~~
20 ~~course of performing his or her official duties, to~~
21 ~~prevent the performance of his or her official duties, or~~
22 ~~in retaliation for performing his or her official duties,~~
23 ~~or the murdered individual was an inmate at such~~
24 ~~institution or facility and was killed on the grounds~~
25 ~~thereof, or the murdered individual was otherwise present~~
26 ~~in such institution or facility with the knowledge and~~

1 ~~approval of the chief administrative officer thereof; or~~

2 ~~(3) the defendant has been convicted of murdering two~~
3 ~~or more individuals under subsection (a) of this Section~~
4 ~~or under any law of the United States or of any state which~~
5 ~~is substantially similar to subsection (a) of this Section~~
6 ~~regardless of whether the deaths occurred as the result of~~
7 ~~the same act or of several related or unrelated acts so~~
8 ~~long as the deaths were the result of either an intent to~~
9 ~~kill more than one person or of separate acts which the~~
10 ~~defendant knew would cause death or create a strong~~
11 ~~probability of death or great bodily harm to the murdered~~
12 ~~individual or another; or~~

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

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

21 ~~(6) the murdered individual was killed in the course~~
22 ~~of another felony if:~~

23 ~~(a) the murdered individual:~~

24 ~~(i) was actually killed by the defendant, or~~

25 ~~(ii) received physical injuries personally~~
26 ~~inflicted by the defendant substantially~~

1 ~~contemporaneously with physical injuries caused by~~
2 ~~one or more persons for whose conduct the~~
3 ~~defendant is legally accountable under Section 5-2~~
4 ~~of this Code, and the physical injuries inflicted~~
5 ~~by either the defendant or the other person or~~
6 ~~persons for whose conduct he is legally~~
7 ~~accountable caused the death of the murdered~~
8 ~~individual; and~~

9 ~~(b) in performing the acts which caused the death~~
10 ~~of the murdered individual or which resulted in~~
11 ~~physical injuries personally inflicted by the~~
12 ~~defendant on the murdered individual under the~~
13 ~~circumstances of subdivision (ii) of subparagraph (a)~~
14 ~~of paragraph (6) of subsection (b) of this Section,~~
15 ~~the defendant acted with the intent to kill the~~
16 ~~murdered individual or with the knowledge that his~~
17 ~~acts created a strong probability of death or great~~
18 ~~bodily harm to the murdered individual or another; and~~

19 ~~(c) the other felony was an inherently violent~~
20 ~~crime or the attempt to commit an inherently violent~~
21 ~~crime. In this subparagraph (c), "inherently violent~~
22 ~~crime" includes, but is not limited to, armed robbery,~~
23 ~~robbery, predatory criminal sexual assault of a child,~~
24 ~~aggravated criminal sexual assault, aggravated~~
25 ~~kidnapping, aggravated vehicular hijacking, aggravated~~
26 ~~arson, aggravated stalking, residential burglary, and~~

1 ~~home invasion; or~~

2 ~~(7) the murdered individual was under 12 years of age~~
3 ~~and the death resulted from exceptionally brutal or~~
4 ~~heinous behavior indicative of wanton cruelty; or~~

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

20 ~~(9) the defendant, while committing an offense~~
21 ~~punishable under Sections 401, 401.1, 401.2, 405, 405.2,~~
22 ~~407 or 407.1 or subsection (b) of Section 404 of the~~
23 ~~Illinois Controlled Substances Act, or while engaged in a~~
24 ~~conspiracy or solicitation to commit such offense,~~
25 ~~intentionally killed an individual or counseled,~~
26 ~~commanded, induced, procured or caused the intentional~~

1 ~~killing of the murdered individual; or~~

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

10 ~~(11) the murder was committed in a cold, calculated~~
11 ~~and premeditated manner pursuant to a preconceived plan,~~
12 ~~scheme or design to take a human life by unlawful means,~~
13 ~~and the conduct of the defendant created a reasonable~~
14 ~~expectation that the death of a human being would result~~
15 ~~therefrom; or~~

16 ~~(12) the murdered individual was an emergency medical~~
17 ~~technician ambulance, emergency medical technician~~
18 ~~intermediate, emergency medical technician paramedic,~~
19 ~~ambulance driver, or other medical assistance or first aid~~
20 ~~personnel, employed by a municipality or other~~
21 ~~governmental unit, killed in the course of performing his~~
22 ~~official duties, to prevent the performance of his~~
23 ~~official duties, or in retaliation for performing his~~
24 ~~official duties, and the defendant knew or should have~~
25 ~~known that the murdered individual was an emergency~~
26 ~~medical technician ambulance, emergency medical~~

1 ~~technician intermediate, emergency medical technician~~
2 ~~paramedic, ambulance driver, or other medical assistance~~
3 ~~or first aid personnel; or~~

4 ~~(13) the defendant was a principal administrator,~~
5 ~~organizer, or leader of a calculated criminal drug~~
6 ~~conspiracy consisting of a hierarchical position of~~
7 ~~authority superior to that of all other members of the~~
8 ~~conspiracy, and the defendant counseled, commanded,~~
9 ~~induced, procured, or caused the intentional killing of~~
10 ~~the murdered person; or~~

11 ~~(14) the murder was intentional and involved the~~
12 ~~infliction of torture. For the purpose of this Section~~
13 ~~torture means the infliction of or subjection to extreme~~
14 ~~physical pain, motivated by an intent to increase or~~
15 ~~prolong the pain, suffering or agony of the victim; or~~

16 ~~(15) the murder was committed as a result of the~~
17 ~~intentional discharge of a firearm by the defendant from a~~
18 ~~motor vehicle and the victim was not present within the~~
19 ~~motor vehicle; or~~

20 ~~(16) the murdered individual was 60 years of age or~~
21 ~~older and the death resulted from exceptionally brutal or~~
22 ~~heinous behavior indicative of wanton cruelty; or~~

23 ~~(17) the murdered individual was a person with a~~
24 ~~disability and the defendant knew or should have known~~
25 ~~that the murdered individual was a person with a~~
26 ~~disability. For purposes of this paragraph (17), "person~~

1 ~~with a disability" means a person who suffers from a~~
2 ~~permanent physical or mental impairment resulting from~~
3 ~~disease, an injury, a functional disorder, or a congenital~~
4 ~~condition that renders the person incapable of adequately~~
5 ~~providing for his or her own health or personal care; or~~

6 ~~(18) the murder was committed by reason of any~~
7 ~~person's activity as a community policing volunteer or to~~
8 ~~prevent any person from engaging in activity as a~~
9 ~~community policing volunteer; or~~

10 ~~(19) the murdered individual was subject to an order~~
11 ~~of protection and the murder was committed by a person~~
12 ~~against whom the same order of protection was issued under~~
13 ~~the Illinois Domestic Violence Act of 1986; or~~

14 ~~(20) the murdered individual was known by the~~
15 ~~defendant to be a teacher or other person employed in any~~
16 ~~school and the teacher or other employee is upon the~~
17 ~~grounds of a school or grounds adjacent to a school, or is~~
18 ~~in any part of a building used for school purposes; or~~

19 ~~(21) the murder was committed by the defendant in~~
20 ~~connection with or as a result of the offense of terrorism~~
21 ~~as defined in Section 29D-14.9 of this Code; or~~

22 ~~(22) the murdered individual was a member of a~~
23 ~~congregation engaged in prayer or other religious~~
24 ~~activities at a church, synagogue, mosque, or other~~
25 ~~building, structure, or place used for religious worship.~~

26 (b-5) (Blank). ~~Aggravating Factor; Natural Life~~

1 ~~Imprisonment. A defendant who has been found guilty of first~~
2 ~~degree murder and who at the time of the commission of the~~
3 ~~offense had attained the age of 18 years or more may be~~
4 ~~sentenced to natural life imprisonment if (i) the murdered~~
5 ~~individual was a physician, physician assistant, psychologist,~~
6 ~~nurse, or advanced practice registered nurse, (ii) the~~
7 ~~defendant knew or should have known that the murdered~~
8 ~~individual was a physician, physician assistant, psychologist,~~
9 ~~nurse, or advanced practice registered nurse, and (iii) the~~
10 ~~murdered individual was killed in the course of acting in his~~
11 ~~or her capacity as a physician, physician assistant,~~
12 ~~psychologist, nurse, or advanced practice registered nurse, or~~
13 ~~to prevent him or her from acting in that capacity, or in~~
14 ~~retaliation for his or her acting in that capacity.~~

15 (c) (Blank). ~~Consideration of factors in Aggravation and~~
16 ~~Mitigation.~~

17 ~~The court shall consider, or shall instruct the jury to~~
18 ~~consider any aggravating and any mitigating factors which are~~
19 ~~relevant to the imposition of the death penalty. Aggravating~~
20 ~~factors may include but need not be limited to those factors~~
21 ~~set forth in subsection (b). Mitigating factors may include~~
22 ~~but need not be limited to the following:~~

23 ~~(1) the defendant has no significant history of prior~~
24 ~~criminal activity;~~

25 ~~(2) the murder was committed while the defendant was~~
26 ~~under the influence of extreme mental or emotional~~

1 ~~disturbance, although not such as to constitute a defense~~
2 ~~to prosecution;~~

3 ~~(3) the murdered individual was a participant in the~~
4 ~~defendant's homicidal conduct or consented to the~~
5 ~~homicidal act;~~

6 ~~(4) the defendant acted under the compulsion of threat~~
7 ~~or menace of the imminent infliction of death or great~~
8 ~~bodily harm;~~

9 ~~(5) the defendant was not personally present during~~
10 ~~commission of the act or acts causing death;~~

11 ~~(6) the defendant's background includes a history of~~
12 ~~extreme emotional or physical abuse;~~

13 ~~(7) the defendant suffers from a reduced mental~~
14 ~~capacity.~~

15 ~~Provided, however, that an action that does not otherwise~~
16 ~~mitigate first degree murder cannot qualify as a mitigating~~
17 ~~factor for first degree murder because of the discovery,~~
18 ~~knowledge, or disclosure of the victim's sexual orientation as~~
19 ~~defined in Section 1-103 of the Illinois Human Rights Act.~~

20 (d) (Blank). ~~Separate sentencing hearing.~~

21 ~~Where requested by the State, the court shall conduct a~~
22 ~~separate sentencing proceeding to determine the existence of~~
23 ~~factors set forth in subsection (b) and to consider any~~
24 ~~aggravating or mitigating factors as indicated in subsection~~
25 ~~(c). The proceeding shall be conducted:~~

26 ~~(1) before the jury that determined the defendant's~~

1 ~~guilt; or~~

2 ~~(2) before a jury impanelled for the purpose of the~~

3 ~~proceeding if:~~

4 ~~A. the defendant was convicted upon a plea of~~

5 ~~guilty; or~~

6 ~~B. the defendant was convicted after a trial~~

7 ~~before the court sitting without a jury; or~~

8 ~~C. the court for good cause shown discharges the~~

9 ~~jury that determined the defendant's guilt; or~~

10 ~~(3) before the court alone if the defendant waives a~~

11 ~~jury for the separate proceeding.~~

12 (e) (Blank). ~~Evidence and Argument.~~

13 ~~During the proceeding any information relevant to any of~~

14 ~~the factors set forth in subsection (b) may be presented by~~

15 ~~either the State or the defendant under the rules governing~~

16 ~~the admission of evidence at criminal trials. Any information~~

17 ~~relevant to any additional aggravating factors or any~~

18 ~~mitigating factors indicated in subsection (c) may be~~

19 ~~presented by the State or defendant regardless of its~~

20 ~~admissibility under the rules governing the admission of~~

21 ~~evidence at criminal trials. The State and the defendant shall~~

22 ~~be given fair opportunity to rebut any information received at~~

23 ~~the hearing.~~

24 (f) (Blank). ~~Proof.~~

25 ~~The burden of proof of establishing the existence of any~~

26 ~~of the factors set forth in subsection (b) is on the State and~~

1 ~~shall not be satisfied unless established beyond a reasonable~~
2 ~~doubt.~~

3 (g) (Blank). ~~Procedure - Jury.~~

4 ~~If at the separate sentencing proceeding the jury finds~~
5 ~~that none of the factors set forth in subsection (b) exists,~~
6 ~~the court shall sentence the defendant to a term of~~
7 ~~imprisonment under Chapter V of the Unified Code of~~
8 ~~Corrections. If there is a unanimous finding by the jury that~~
9 ~~one or more of the factors set forth in subsection (b) exist,~~
10 ~~the jury shall consider aggravating and mitigating factors as~~
11 ~~instructed by the court and shall determine whether the~~
12 ~~sentence of death shall be imposed. If the jury determines~~
13 ~~unanimously, after weighing the factors in aggravation and~~
14 ~~mitigation, that death is the appropriate sentence, the court~~
15 ~~shall sentence the defendant to death. If the court does not~~
16 ~~concur with the jury determination that death is the~~
17 ~~appropriate sentence, the court shall set forth reasons in~~
18 ~~writing including what facts or circumstances the court relied~~
19 ~~upon, along with any relevant documents, that compelled the~~
20 ~~court to non-concur with the sentence. This document and any~~
21 ~~attachments shall be part of the record for appellate review.~~
22 ~~The court shall be bound by the jury's sentencing~~
23 ~~determination.~~

24 ~~If after weighing the factors in aggravation and~~
25 ~~mitigation, one or more jurors determines that death is not~~
26 ~~the appropriate sentence, the court shall sentence the~~

1 ~~defendant to a term of imprisonment under Chapter V of the~~
2 ~~Unified Code of Corrections.~~

3 (h) (Blank). ~~Procedure - No Jury.~~

4 ~~In a proceeding before the court alone, if the court finds~~
5 ~~that none of the factors found in subsection (b) exists, the~~
6 ~~court shall sentence the defendant to a term of imprisonment~~
7 ~~under Chapter V of the Unified Code of Corrections.~~

8 ~~If the Court determines that one or more of the factors set~~
9 ~~forth in subsection (b) exists, the Court shall consider any~~
10 ~~aggravating and mitigating factors as indicated in subsection~~
11 ~~(c). If the Court determines, after weighing the factors in~~
12 ~~aggravation and mitigation, that death is the appropriate~~
13 ~~sentence, the Court shall sentence the defendant to death.~~

14 ~~If the court finds that death is not the appropriate~~
15 ~~sentence, the court shall sentence the defendant to a term of~~
16 ~~imprisonment under Chapter V of the Unified Code of~~
17 ~~Corrections.~~

18 (h-5) (Blank). ~~Decertification as a capital case.~~

19 ~~In a case in which the defendant has been found guilty of~~
20 ~~first degree murder by a judge or jury, or a case on remand for~~
21 ~~resentencing, and the State seeks the death penalty as an~~
22 ~~appropriate sentence, on the court's own motion or the written~~
23 ~~motion of the defendant, the court may decertify the case as a~~
24 ~~death penalty case if the court finds that the only evidence~~
25 ~~supporting the defendant's conviction is the uncorroborated~~
26 ~~testimony of an informant witness, as defined in Section~~

1 ~~115-21 of the Code of Criminal Procedure of 1963, concerning~~
2 ~~the confession or admission of the defendant or that the sole~~
3 ~~evidence against the defendant is a single eyewitness or~~
4 ~~single accomplice without any other corroborating evidence. If~~
5 ~~the court decertifies the case as a capital case under either~~
6 ~~of the grounds set forth above, the court shall issue a written~~
7 ~~finding. The State may pursue its right to appeal the~~
8 ~~decertification pursuant to Supreme Court Rule 604(a)(1). If~~
9 ~~the court does not decertify the case as a capital case, the~~
10 ~~matter shall proceed to the eligibility phase of the~~
11 ~~sentencing hearing.~~

12 (i) (Blank). ~~Appellate Procedure.~~

13 ~~The conviction and sentence of death shall be subject to~~
14 ~~automatic review by the Supreme Court. Such review shall be in~~
15 ~~accordance with rules promulgated by the Supreme Court. The~~
16 ~~Illinois Supreme Court may overturn the death sentence, and~~
17 ~~order the imposition of imprisonment under Chapter V of the~~
18 ~~Unified Code of Corrections if the court finds that the death~~
19 ~~sentence is fundamentally unjust as applied to the particular~~
20 ~~case. If the Illinois Supreme Court finds that the death~~
21 ~~sentence is fundamentally unjust as applied to the particular~~
22 ~~case, independent of any procedural grounds for relief, the~~
23 ~~Illinois Supreme Court shall issue a written opinion~~
24 ~~explaining this finding.~~

25 (j) (Blank). ~~Disposition of reversed death sentence.~~

26 ~~In the event that the death penalty in this Act is held to~~

1 ~~be unconstitutional by the Supreme Court of the United States~~
2 ~~or of the State of Illinois, any person convicted of first~~
3 ~~degree murder shall be sentenced by the court to a term of~~
4 ~~imprisonment under Chapter V of the Unified Code of~~
5 ~~Corrections.~~

6 ~~In the event that any death sentence pursuant to the~~
7 ~~sentencing provisions of this Section is declared~~
8 ~~unconstitutional by the Supreme Court of the United States or~~
9 ~~of the State of Illinois, the court having jurisdiction over a~~
10 ~~person previously sentenced to death shall cause the defendant~~
11 ~~to be brought before the court, and the court shall sentence~~
12 ~~the defendant to a term of imprisonment under Chapter V of the~~
13 ~~Unified Code of Corrections.~~

14 (k) (Blank). ~~Guidelines for seeking the death penalty.~~

15 ~~The Attorney General and State's Attorneys Association~~
16 ~~shall consult on voluntary guidelines for procedures governing~~
17 ~~whether or not to seek the death penalty. The guidelines do not~~
18 ~~have the force of law and are only advisory in nature.~~

19 (Source: P.A. 100-460, eff. 1-1-18; 100-513, eff. 1-1-18;
20 100-863, eff. 8-14-18; 101-223, eff. 1-1-20; 101-652, eff.
21 7-1-21.)

22 (720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

23 Sec. 9-1.2. Intentional homicide of an unborn child.

24 (a) A person commits the offense of intentional homicide
25 of an unborn child if, in performing acts which cause the death

1 of an unborn child, he without lawful justification:

2 (1) either intended to cause the death of or do great
3 bodily harm to the pregnant individual or unborn child or
4 knew that such acts would cause death or great bodily harm
5 to the pregnant individual or unborn child; or

6 (2) knew that his acts created a strong probability of
7 death or great bodily harm to the pregnant individual or
8 unborn child; and

9 (3) knew that the individual was pregnant.

10 (b) For purposes of this Section, (1) "unborn child" shall
11 mean any individual of the human species from the implantation
12 of an embryo until birth, and (2) "person" shall not include
13 the pregnant woman whose unborn child is killed.

14 (c) This Section shall not apply to acts which cause the
15 death of an unborn child if those acts were committed during
16 any abortion, as defined in Section 1-10 of the Reproductive
17 Health Act, to which the pregnant individual has consented.
18 This Section shall not apply to acts which were committed
19 pursuant to usual and customary standards of medical practice
20 during diagnostic testing or therapeutic treatment.

21 (d) Penalty. The sentence for intentional homicide of an
22 unborn child shall be the same as for first degree murder,
23 except that:

24 (1) (blank) ~~the death penalty may not be imposed;~~

25 (2) if the person committed the offense while armed
26 with a firearm, 15 years shall be added to the term of

1 imprisonment imposed by the court;

2 (3) if, during the commission of the offense, the
3 person personally discharged a firearm, 20 years shall be
4 added to the term of imprisonment imposed by the court;

5 (4) if, during the commission of the offense, the
6 person personally discharged a firearm that proximately
7 caused great bodily harm, permanent disability, permanent
8 disfigurement, or death to another person, 25 years or up
9 to a term of natural life shall be added to the term of
10 imprisonment imposed by the court.

11 (e) The provisions of this Act shall not be construed to
12 prohibit the prosecution of any person under any other
13 provision of law.

14 (Source: P.A. 101-13, eff. 6-12-19.)

15 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

16 Sec. 12-3.05. Aggravated battery.

17 (a) Offense based on injury. A person commits aggravated
18 battery when, in committing a battery, other than by the
19 discharge of a firearm, he or she knowingly does any of the
20 following:

21 (1) Causes great bodily harm or permanent disability
22 or disfigurement.

23 (2) Causes severe and permanent disability, great
24 bodily harm, or disfigurement by means of a caustic or
25 flammable substance, a poisonous gas, a deadly biological

1 or chemical contaminant or agent, a radioactive substance,
2 or a bomb or explosive compound.

3 (3) Causes great bodily harm or permanent disability
4 or disfigurement to an individual whom the person knows to
5 be a peace officer, community policing volunteer, fireman,
6 private security officer, correctional institution
7 employee, or Department of Human Services employee
8 supervising or controlling sexually dangerous persons or
9 sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Causes great bodily harm or permanent disability
16 or disfigurement to an individual 60 years of age or
17 older.

18 (5) Strangles another individual.

19 (b) Offense based on injury to a child or person with an
20 intellectual disability. A person who is at least 18 years of
21 age commits aggravated battery when, in committing a battery,
22 he or she knowingly and without legal justification by any
23 means:

24 (1) causes great bodily harm or permanent disability
25 or disfigurement to any child under the age of 13 years, or
26 to any person with a severe or profound intellectual

1 disability; or

2 (2) causes bodily harm or disability or disfigurement
3 to any child under the age of 13 years or to any person
4 with a severe or profound intellectual disability.

5 (c) Offense based on location of conduct. A person commits
6 aggravated battery when, in committing a battery, other than
7 by the discharge of a firearm, he or she is or the person
8 battered is on or about a public way, public property, a public
9 place of accommodation or amusement, a sports venue, or a
10 domestic violence shelter, or in a church, synagogue, mosque,
11 or other building, structure, or place used for religious
12 worship.

13 (d) Offense based on status of victim. A person commits
14 aggravated battery when, in committing a battery, other than
15 by discharge of a firearm, he or she knows the individual
16 battered to be any of the following:

17 (1) A person 60 years of age or older.

18 (2) A person who is pregnant or has a physical
19 disability.

20 (3) A teacher or school employee upon school grounds
21 or grounds adjacent to a school or in any part of a
22 building used for school purposes.

23 (4) A peace officer, community policing volunteer,
24 fireman, private security officer, correctional
25 institution employee, or Department of Human Services
26 employee supervising or controlling sexually dangerous

1 persons or sexually violent persons:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (5) A judge, emergency management worker, emergency
8 medical services personnel, or utility worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (6) An officer or employee of the State of Illinois, a
15 unit of local government, or a school district, while
16 performing his or her official duties.

17 (7) A transit employee performing his or her official
18 duties, or a transit passenger.

19 (8) A taxi driver on duty.

20 (9) A merchant who detains the person for an alleged
21 commission of retail theft under Section 16-26 of this
22 Code and the person without legal justification by any
23 means causes bodily harm to the merchant.

24 (10) A person authorized to serve process under
25 Section 2-202 of the Code of Civil Procedure or a special
26 process server appointed by the circuit court while that

1 individual is in the performance of his or her duties as a
2 process server.

3 (11) A nurse while in the performance of his or her
4 duties as a nurse.

5 (12) A merchant: (i) while performing his or her
6 duties, including, but not limited to, relaying directions
7 for healthcare or safety from his or her supervisor or
8 employer or relaying health or safety guidelines,
9 recommendations, regulations, or rules from a federal,
10 State, or local public health agency; and (ii) during a
11 disaster declared by the Governor, or a state of emergency
12 declared by the mayor of the municipality in which the
13 merchant is located, due to a public health emergency and
14 for a period of 6 months after such declaration.

15 (e) Offense based on use of a firearm. A person commits
16 aggravated battery when, in committing a battery, he or she
17 knowingly does any of the following:

18 (1) Discharges a firearm, other than a machine gun or
19 a firearm equipped with a silencer, and causes any injury
20 to another person.

21 (2) Discharges a firearm, other than a machine gun or
22 a firearm equipped with a silencer, and causes any injury
23 to a person he or she knows to be a peace officer,
24 community policing volunteer, person summoned by a police
25 officer, fireman, private security officer, correctional
26 institution employee, or emergency management worker:

- 1 (i) performing his or her official duties;
2 (ii) battered to prevent performance of his or her
3 official duties; or
4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (3) Discharges a firearm, other than a machine gun or
7 a firearm equipped with a silencer, and causes any injury
8 to a person he or she knows to be emergency medical
9 services personnel:

- 10 (i) performing his or her official duties;
11 (ii) battered to prevent performance of his or her
12 official duties; or
13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Discharges a firearm and causes any injury to a
16 person he or she knows to be a teacher, a student in a
17 school, or a school employee, and the teacher, student, or
18 employee is upon school grounds or grounds adjacent to a
19 school or in any part of a building used for school
20 purposes.

21 (5) Discharges a machine gun or a firearm equipped
22 with a silencer, and causes any injury to another person.

23 (6) Discharges a machine gun or a firearm equipped
24 with a silencer, and causes any injury to a person he or
25 she knows to be a peace officer, community policing
26 volunteer, person summoned by a police officer, fireman,

1 private security officer, correctional institution
2 employee or emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (7) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be emergency medical services personnel:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (8) Discharges a machine gun or a firearm equipped
17 with a silencer, and causes any injury to a person he or
18 she knows to be a teacher, or a student in a school, or a
19 school employee, and the teacher, student, or employee is
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (f) Offense based on use of a weapon or device. A person
23 commits aggravated battery when, in committing a battery, he
24 or she does any of the following:

25 (1) Uses a deadly weapon other than by discharge of a
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

2 (2) Wears a hood, robe, or mask to conceal his or her
3 identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (4) Knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (g) Offense based on certain conduct. A person commits
12 aggravated battery when, other than by discharge of a firearm,
13 he or she does any of the following:

14 (1) Violates Section 401 of the Illinois Controlled
15 Substances Act by unlawfully delivering a controlled
16 substance to another and any user experiences great bodily
17 harm or permanent disability as a result of the injection,
18 inhalation, or ingestion of any amount of the controlled
19 substance.

20 (2) Knowingly administers to an individual or causes
21 him or her to take, without his or her consent or by threat
22 or deception, and for other than medical purposes, any
23 intoxicating, poisonous, stupefying, narcotic,
24 anesthetic, or controlled substance, or gives to another
25 person any food containing any substance or object
26 intended to cause physical injury if eaten.

1 (3) Knowingly causes or attempts to cause a
2 correctional institution employee or Department of Human
3 Services employee to come into contact with blood, seminal
4 fluid, urine, or feces by throwing, tossing, or expelling
5 the fluid or material, and the person is an inmate of a
6 penal institution or is a sexually dangerous person or
7 sexually violent person in the custody of the Department
8 of Human Services.

9 (h) Sentence. Unless otherwise provided, aggravated
10 battery is a Class 3 felony.

11 Aggravated battery as defined in subdivision (a)(4),
12 (d)(4), or (g)(3) is a Class 2 felony.

13 Aggravated battery as defined in subdivision (a)(3) or
14 (g)(1) is a Class 1 felony.

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 1 felony when the aggravated battery was intentional and
17 involved the infliction of torture, as defined in paragraph
18 (10) ~~(14)~~ of subsection (b-5) ~~(b)~~ of Section 5-8-1 of the
19 Unified Code of Corrections ~~Section 9-1 of this Code~~, as the
20 infliction of or subjection to extreme physical pain,
21 motivated by an intent to increase or prolong the pain,
22 suffering, or agony of the victim.

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 2 felony when the person causes great bodily harm or
25 permanent disability to an individual whom the person knows to
26 be a member of a congregation engaged in prayer or other

1 religious activities at a church, synagogue, mosque, or other
2 building, structure, or place used for religious worship.

3 Aggravated battery under subdivision (a)(5) is a Class 1
4 felony if:

5 (A) the person used or attempted to use a dangerous
6 instrument while committing the offense;

7 (B) the person caused great bodily harm or permanent
8 disability or disfigurement to the other person while
9 committing the offense; or

10 (C) the person has been previously convicted of a
11 violation of subdivision (a)(5) under the laws of this
12 State or laws similar to subdivision (a)(5) of any other
13 state.

14 Aggravated battery as defined in subdivision (e)(1) is a
15 Class X felony.

16 Aggravated battery as defined in subdivision (a)(2) is a
17 Class X felony for which a person shall be sentenced to a term
18 of imprisonment of a minimum of 6 years and a maximum of 45
19 years.

20 Aggravated battery as defined in subdivision (e)(5) is a
21 Class X felony for which a person shall be sentenced to a term
22 of imprisonment of a minimum of 12 years and a maximum of 45
23 years.

24 Aggravated battery as defined in subdivision (e)(2),
25 (e)(3), or (e)(4) is a Class X felony for which a person shall
26 be sentenced to a term of imprisonment of a minimum of 15 years

1 and a maximum of 60 years.

2 Aggravated battery as defined in subdivision (e)(6),
3 (e)(7), or (e)(8) is a Class X felony for which a person shall
4 be sentenced to a term of imprisonment of a minimum of 20 years
5 and a maximum of 60 years.

6 Aggravated battery as defined in subdivision (b)(1) is a
7 Class X felony, except that:

8 (1) if the person committed the offense while armed
9 with a firearm, 15 years shall be added to the term of
10 imprisonment imposed by the court;

11 (2) if, during the commission of the offense, the
12 person personally discharged a firearm, 20 years shall be
13 added to the term of imprisonment imposed by the court;

14 (3) if, during the commission of the offense, the
15 person personally discharged a firearm that proximately
16 caused great bodily harm, permanent disability, permanent
17 disfigurement, or death to another person, 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court.

20 (i) Definitions. In this Section:

21 "Building or other structure used to provide shelter" has
22 the meaning ascribed to "shelter" in Section 1 of the Domestic
23 Violence Shelters Act.

24 "Domestic violence" has the meaning ascribed to it in
25 Section 103 of the Illinois Domestic Violence Act of 1986.

26 "Domestic violence shelter" means any building or other

1 structure used to provide shelter or other services to victims
2 or to the dependent children of victims of domestic violence
3 pursuant to the Illinois Domestic Violence Act of 1986 or the
4 Domestic Violence Shelters Act, or any place within 500 feet
5 of such a building or other structure in the case of a person
6 who is going to or from such a building or other structure.

7 "Firearm" has the meaning provided under Section 1.1 of
8 the Firearm Owners Identification Card Act, and does not
9 include an air rifle as defined by Section 24.8-0.1 of this
10 Code.

11 "Machine gun" has the meaning ascribed to it in Section
12 24-1 of this Code.

13 "Merchant" has the meaning ascribed to it in Section
14 16-0.1 of this Code.

15 "Strangle" means intentionally impeding the normal
16 breathing or circulation of the blood of an individual by
17 applying pressure on the throat or neck of that individual or
18 by blocking the nose or mouth of that individual.

19 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

20 (720 ILCS 5/30-1) (from Ch. 38, par. 30-1)

21 Sec. 30-1. Treason.

22 (a) A person owing allegiance to this State commits
23 treason when he or she knowingly:

24 (1) levies war against this State; or

25 (2) adheres to the enemies of this State, giving them

1 aid or comfort.

2 (b) No person may be convicted of treason except on the
3 testimony of 2 witnesses to the same overt act, or on his
4 confession in open court.

5 (c) Sentence. Treason is a Class X felony ~~for which an~~
6 ~~offender may be sentenced to death under Section 5-5-3 of the~~
7 ~~Unified Code of Corrections.~~

8 (Source: P.A. 80-1099.)

9 Section 25. The Cannabis Control Act is amended by
10 changing Section 9 as follows:

11 (720 ILCS 550/9) (from Ch. 56 1/2, par. 709)

12 Sec. 9. (a) Any person who engages in a calculated
13 criminal cannabis conspiracy, as defined in subsection (b), is
14 guilty of a Class 3 felony, and fined not more than \$200,000
15 and shall be subject to the forfeitures prescribed in
16 subsection (c); except that, if any person engages in such
17 offense after one or more prior convictions under this
18 Section, Section 4 (d), Section 5 (d), Section 8 (d) or any law
19 of the United States or of any State relating to cannabis, or
20 controlled substances as defined in the Illinois Controlled
21 Substances Act, in addition to the fine and forfeiture
22 authorized above, he shall be guilty of a Class 1 felony ~~for~~
23 ~~which an offender may not be sentenced to death.~~

24 (b) For purposes of this section, a person engages in a

1 calculated criminal cannabis conspiracy when:

2 (1) he violates Section 4 (d), 4 (e), 5 (d), 5 (e), 8 (c)
3 or 8 (d) of this Act; and

4 (2) such violation is a part of a conspiracy undertaken or
5 carried on with 2 or more other persons; and

6 (3) he obtains anything of value greater than \$500 from,
7 or organizes, directs or finances such violation or
8 conspiracy.

9 (c) Any person who is convicted under this Section of
10 engaging in a calculated criminal cannabis conspiracy shall
11 forfeit to the State of Illinois:

12 (1) the receipts obtained by him in such conspiracy; and

13 (2) any of his interests in, claims against, receipts
14 from, or property or rights of any kind affording a source of
15 influence over, such conspiracy.

16 (d) The circuit court may enter such injunctions,
17 restraining orders, directions, or prohibitions, or take such
18 other actions, including the acceptance of satisfactory
19 performance bonds, in connection with any property, claim,
20 receipt, right or other interest subject to forfeiture under
21 this Section, as it deems proper.

22 (Source: P.A. 84-1233.)

23 Section 30. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 104-26, 111-3, 114-15 116-4,
25 121-13, 122-1, 122-2.1, 122-2.2, and 122-4 as follows:

1 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

2 Sec. 104-26. Disposition of Defendants suffering
3 disabilities.

4 (a) A defendant convicted following a trial conducted
5 under the provisions of Section 104-22 shall not be sentenced
6 before a written presentence report of investigation is
7 presented to and considered by the court. The presentence
8 report shall be prepared pursuant to Sections 5-3-2, 5-3-3 and
9 5-3-4 of the Unified Code of Corrections, as now or hereafter
10 amended, and shall include a physical and mental examination
11 unless the court finds that the reports of prior physical and
12 mental examinations conducted pursuant to this Article are
13 adequate and recent enough so that additional examinations
14 would be unnecessary.

15 (b) (Blank). ~~A defendant convicted following a trial under~~
16 ~~Section 104-22 shall not be subject to the death penalty.~~

17 (c) A defendant convicted following a trial under Section
18 104-22 shall be sentenced according to the procedures and
19 dispositions authorized under the Unified Code of Corrections,
20 as now or hereafter amended, subject to the following
21 provisions:

22 (1) The court shall not impose a sentence of
23 imprisonment upon the offender if the court believes that
24 because of his disability a sentence of imprisonment would
25 not serve the ends of justice and the interests of society

1 and the offender or that because of his disability a
2 sentence of imprisonment would subject the offender to
3 excessive hardship. In addition to any other conditions of
4 a sentence of conditional discharge or probation the court
5 may require that the offender undergo treatment
6 appropriate to his mental or physical condition.

7 (2) After imposing a sentence of imprisonment upon an
8 offender who has a mental disability, the court may remand
9 him to the custody of the Department of Human Services and
10 order a hearing to be conducted pursuant to the provisions
11 of the Mental Health and Developmental Disabilities Code,
12 as now or hereafter amended. If the offender is committed
13 following such hearing, he shall be treated in the same
14 manner as any other civilly committed patient for all
15 purposes except as provided in this Section. If the
16 defendant is not committed pursuant to such hearing, he
17 shall be remanded to the sentencing court for disposition
18 according to the sentence imposed.

19 (3) If the court imposes a sentence of imprisonment
20 upon an offender who has a mental disability but does not
21 proceed under subparagraph (2) of paragraph (c) of this
22 Section, it shall order the Department of Corrections to
23 proceed pursuant to Section 3-8-5 of the Unified Code of
24 Corrections, as now or hereafter amended.

25 (3.5) If the court imposes a sentence of imprisonment
26 upon an offender who has a mental disability, the court

1 shall direct the circuit court clerk to immediately notify
2 the Illinois State Police, Firearm Owner's Identification
3 (FOID) Office, in a form and manner prescribed by the
4 Illinois State Police and shall forward a copy of the
5 court order to the Department.

6 (4) If the court imposes a sentence of imprisonment
7 upon an offender who has a physical disability, it may
8 authorize the Department of Corrections to place the
9 offender in a public or private facility which is able to
10 provide care or treatment for the offender's disability
11 and which agrees to do so.

12 (5) When an offender is placed with the Department of
13 Human Services or another facility pursuant to
14 subparagraph (2) or (4) of this paragraph (c), the
15 Department or private facility shall not discharge or
16 allow the offender to be at large in the community without
17 prior approval of the court. If the defendant is placed in
18 the custody of the Department of Human Services, the
19 defendant shall be placed in a secure setting unless the
20 court determines that there are compelling reasons why
21 such placement is not necessary. The offender shall accrue
22 good time and shall be eligible for parole in the same
23 manner as if he were serving his sentence within the
24 Department of Corrections. When the offender no longer
25 requires hospitalization, care, or treatment, the
26 Department of Human Services or the facility shall

1 transfer him, if his sentence has not expired, to the
2 Department of Corrections. If an offender is transferred
3 to the Department of Corrections, the Department of Human
4 Services shall transfer to the Department of Corrections
5 all related records pertaining to length of custody and
6 treatment services provided during the time the offender
7 was held.

8 (6) The Department of Corrections shall notify the
9 Department of Human Services or a facility in which an
10 offender has been placed pursuant to subparagraph (2) or
11 (4) of paragraph (c) of this Section of the expiration of
12 his sentence. Thereafter, an offender in the Department of
13 Human Services shall continue to be treated pursuant to
14 his commitment order and shall be considered a civilly
15 committed patient for all purposes including discharge. An
16 offender who is in a facility pursuant to subparagraph (4)
17 of paragraph (c) of this Section shall be informed by the
18 facility of the expiration of his sentence, and shall
19 either consent to the continuation of his care or
20 treatment by the facility or shall be discharged.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)

23 Sec. 111-3. Form of charge.

24 (a) A charge shall be in writing and allege the commission
25 of an offense by:

- 1 (1) Stating the name of the offense;
- 2 (2) Citing the statutory provision alleged to have
3 been violated;
- 4 (3) Setting forth the nature and elements of the
5 offense charged;
- 6 (4) Stating the date and county of the offense as
7 definitely as can be done; and
- 8 (5) Stating the name of the accused, if known, and if
9 not known, designate the accused by any name or
10 description by which he can be identified with reasonable
11 certainty.

12 (a-5) If the victim is alleged to have been subjected to an
13 offense involving an illegal sexual act including, but not
14 limited to, a sexual offense defined in Article 11 or Section
15 10-9 of the Criminal Code of 2012, the charge shall state the
16 identity of the victim by name, initials, or description.

17 (b) An indictment shall be signed by the foreman of the
18 Grand Jury and an information shall be signed by the State's
19 Attorney and sworn to by him or another. A complaint shall be
20 sworn to and signed by the complainant; provided, that when a
21 peace officer observes the commission of a misdemeanor and is
22 the complaining witness, the signing of the complaint by the
23 peace officer is sufficient to charge the defendant with the
24 commission of the offense, and the complaint need not be sworn
25 to if the officer signing the complaint certifies that the
26 statements set forth in the complaint are true and correct and

1 are subject to the penalties provided by law for false
2 certification under Section 1-109 of the Code of Civil
3 Procedure and perjury under Section 32-2 of the Criminal Code
4 of 2012; and further provided, however, that when a citation
5 is issued on a Uniform Traffic Ticket or Uniform Conservation
6 Ticket (in a form prescribed by the Conference of Chief
7 Circuit Judges and filed with the Supreme Court), the copy of
8 such Uniform Ticket which is filed with the circuit court
9 constitutes a complaint to which the defendant may plead,
10 unless he specifically requests that a verified complaint be
11 filed.

12 (c) When the State seeks an enhanced sentence because of a
13 prior conviction, the charge shall also state the intention to
14 seek an enhanced sentence and shall state such prior
15 conviction so as to give notice to the defendant. However, the
16 fact of such prior conviction and the State's intention to
17 seek an enhanced sentence are not elements of the offense and
18 may not be disclosed to the jury during trial unless otherwise
19 permitted by issues properly raised during such trial. For the
20 purposes of this Section, "enhanced sentence" means a sentence
21 which is increased by a prior conviction from one
22 classification of offense to another higher level
23 classification of offense set forth in Section 5-4.5-10 of the
24 Unified Code of Corrections (730 ILCS 5/5-4.5-10); it does not
25 include an increase in the sentence applied within the same
26 level of classification of offense.

1 (c-5) Notwithstanding any other provision of law, in all
2 cases ~~in which the imposition of the death penalty is not a~~
3 ~~possibility,~~ if an alleged fact (other than the fact of a prior
4 conviction) is not an element of an offense but is sought to be
5 used to increase the range of penalties for the offense beyond
6 the statutory maximum that could otherwise be imposed for the
7 offense, the alleged fact must be included in the charging
8 instrument or otherwise provided to the defendant through a
9 written notification before trial, submitted to a trier of
10 fact as an aggravating factor, and proved beyond a reasonable
11 doubt. Failure to prove the fact beyond a reasonable doubt is
12 not a bar to a conviction for commission of the offense, but is
13 a bar to increasing, based on that fact, the range of penalties
14 for the offense beyond the statutory maximum that could
15 otherwise be imposed for that offense. Nothing in this
16 subsection (c-5) requires the imposition of a sentence that
17 increases the range of penalties for the offense beyond the
18 statutory maximum that could otherwise be imposed for the
19 offense if the imposition of that sentence is not required by
20 law.

21 (d) At any time prior to trial, the State on motion shall
22 be permitted to amend the charge, whether brought by
23 indictment, information or complaint, to make the charge
24 comply with subsection (c) or (c-5) of this Section. Nothing
25 in Section 103-5 of this Code precludes such an amendment or a
26 written notification made in accordance with subsection (c-5)

1 of this Section.

2 (e) The provisions of subsection (a) of Section 5-4.5-95
3 of the Unified Code of Corrections ~~(730 ILCS 5/5-4.5-95)~~ shall
4 not be affected by this Section.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-416, eff. 1-1-14.)

6 (725 ILCS 5/114-15)

7 Sec. 114-15. Intellectual disability.

8 ~~(a) In a first degree murder case in which the State seeks~~
9 ~~the death penalty as an appropriate sentence, any party may~~
10 ~~raise the issue of the defendant's intellectual disabilities~~
11 ~~by motion.~~ A defendant wishing to raise the issue of his or her
12 intellectual disabilities shall provide written notice to the
13 State and the court as soon as the defendant reasonably
14 believes such issue will be raised.

15 (b) The issue of the defendant's intellectual disabilities
16 shall be determined in a pretrial hearing. The court shall be
17 the fact finder on the issue of the defendant's intellectual
18 disabilities and shall determine the issue by a preponderance
19 of evidence in which the moving party has the burden of proof.
20 The court may appoint an expert in the field of intellectual
21 disabilities. The defendant and the State may offer experts
22 from the field of intellectual disabilities. The court shall
23 determine admissibility of evidence and qualification as an
24 expert.

25 ~~(c) If after a plea of guilty to first degree murder, or a~~

1 ~~finding of guilty of first degree murder in a bench trial, or a~~
2 ~~verdict of guilty for first degree murder in a jury trial, or~~
3 ~~on a matter remanded from the Supreme Court for sentencing for~~
4 ~~first degree murder, and the State seeks the death penalty as~~
5 ~~an appropriate sentence, the defendant may raise the issue of~~
6 ~~defendant's intellectual disabilities not at eligibility but~~
7 ~~at aggravation and mitigation.~~ The defendant and the State may
8 offer experts from the field of intellectual disabilities. The
9 court shall determine admissibility of evidence and
10 qualification as an expert.

11 (d) In determining whether the defendant is a person with
12 an intellectual disability, the intellectual disability must
13 have manifested itself by the age of 18. IQ tests and
14 psychometric tests administered to the defendant must be the
15 kind and type recognized by experts in the field of
16 intellectual disabilities. In order for the defendant to be
17 considered a person with an intellectual disability, a low IQ
18 must be accompanied by significant deficits in adaptive
19 behavior in at least 2 of the following skill areas:
20 communication, self-care, social or interpersonal skills, home
21 living, self-direction, academics, health and safety, use of
22 community resources, and work. An intelligence quotient (IQ)
23 of 75 or below is presumptive evidence of an intellectual
24 disability.

25 (e) Evidence of an intellectual disability that did not
26 result in disqualifying the case as a capital case, may be

1 introduced as evidence in mitigation during a capital
2 sentencing hearing. A failure of the court to determine that
3 the defendant is a person with an intellectual disability does
4 not preclude the court during trial from allowing evidence
5 relating to mental disability should the court deem it
6 appropriate.

7 (f) If the court determines at a pretrial hearing or after
8 remand that a capital defendant is a person with an
9 intellectual disability, and the State does not appeal
10 pursuant to Supreme Court Rule 604, the case shall no longer be
11 considered a capital case and the procedural guidelines
12 established for capital cases shall no longer be applicable to
13 the defendant. In that case, the defendant shall be sentenced
14 under the sentencing provisions of Chapter V of the Unified
15 Code of Corrections.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 (725 ILCS 5/116-4)

18 Sec. 116-4. Preservation of evidence for forensic testing.

19 (a) Before or after the trial in a prosecution for a
20 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 or in a
23 prosecution for an offense defined in Article 9 of that Code,
24 or in a prosecution for an attempt in violation of Section 8-4
25 of that Code of any of the above-enumerated offenses, unless

1 otherwise provided herein under subsection (b) or (c), a law
2 enforcement agency or an agent acting on behalf of the law
3 enforcement agency shall preserve, subject to a continuous
4 chain of custody, any physical evidence in their possession or
5 control that is reasonably likely to contain forensic
6 evidence, including, but not limited to, fingerprints or
7 biological material secured in relation to a trial and with
8 sufficient documentation to locate that evidence.

9 (b) After a judgment of conviction is entered, the
10 evidence shall either be impounded with the Clerk of the
11 Circuit Court or shall be securely retained by a law
12 enforcement agency. ~~Retention shall be permanent in cases~~
13 ~~where a sentence of death is imposed.~~ Retention shall be until
14 the completion of the sentence, including the period of
15 mandatory supervised release for the offense, or January 1,
16 2006, whichever is later, for any conviction for an offense or
17 an attempt of an offense defined in Article 9 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 or in Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
20 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 or for 7 years following any conviction
22 for any other felony for which the defendant's genetic profile
23 may be taken by a law enforcement agency and submitted for
24 comparison in a forensic DNA database for unsolved offenses.

25 (c) After a judgment of conviction is entered, the law
26 enforcement agency required to retain evidence described in

1 subsection (a) may petition the court with notice to the
2 defendant or, in cases where the defendant has died, his
3 estate, his attorney of record, or an attorney appointed for
4 that purpose by the court for entry of an order allowing it to
5 dispose of evidence if, after a hearing, the court determines
6 by a preponderance of the evidence that:

7 (1) it has no significant value for forensic science
8 analysis and should be returned to its rightful owner,
9 destroyed, used for training purposes, or as otherwise
10 provided by law; or

11 (2) it has no significant value for forensic science
12 analysis and is of a size, bulk, or physical character not
13 usually retained by the law enforcement agency and cannot
14 practicably be retained by the law enforcement agency; or

15 (3) there no longer exists a reasonable basis to
16 require the preservation of the evidence because of the
17 death of the defendant; ~~however, this paragraph (3) does~~
18 ~~not apply if a sentence of death was imposed.~~

19 (d) The court may order the disposition of the evidence if
20 the defendant is allowed the opportunity to take reasonable
21 measures to remove or preserve portions of the evidence in
22 question for future testing.

23 (d-5) Any order allowing the disposition of evidence
24 pursuant to subsection (c) or (d) shall be a final and
25 appealable order. No evidence shall be disposed of until 30
26 days after the order is entered, and if a notice of appeal is

1 filed, no evidence shall be disposed of until the mandate has
2 been received by the circuit court from the appellate court.

3 (d-10) All records documenting the possession, control,
4 storage, and destruction of evidence and all police reports,
5 evidence control or inventory records, and other reports cited
6 in this Section, including computer records, must be retained
7 for as long as the evidence exists and may not be disposed of
8 without the approval of the Local Records Commission.

9 (e) In this Section, "law enforcement agency" includes any
10 of the following or an agent acting on behalf of any of the
11 following: a municipal police department, county sheriff's
12 office, any prosecuting authority, the Illinois State Police,
13 or any other State, university, county, federal, or municipal
14 police unit or police force.

15 "Biological material" includes, but is not limited to, any
16 blood, hair, saliva, or semen from which genetic marker
17 groupings may be obtained.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 (725 ILCS 5/121-13) (from Ch. 38, par. 121-13)

20 Sec. 121-13. Pauper Appeals.

21 (a) In any case wherein the defendant was convicted of a
22 felony, if the court determines that the defendant desires
23 counsel on appeal but is indigent the Public Defender or the
24 State Appellate Defender shall be appointed as counsel, unless
25 with the consent of the defendant and for good cause shown, the

1 court may appoint counsel other than the Public Defender or
2 the State Appellate Defender.

3 (b) In any case wherein the defendant was convicted of a
4 felony ~~and a sentence of death was not imposed in the trial~~
5 ~~court the reviewing court~~, upon petition of the defendant's
6 counsel made not more frequently than every 60 days after
7 appointment, shall determine a reasonable amount to be allowed
8 an indigent defendant's counsel other than the Public Defender
9 or the State Appellate Defender for compensation and
10 reimbursement of expenditures necessarily incurred in the
11 prosecution of the appeal or review proceedings. The
12 compensation shall not exceed \$1500 in each case, except that,
13 in extraordinary circumstances, payment in excess of the
14 limits herein stated may be made if the reviewing court
15 certifies that the payment is necessary to provide fair
16 compensation for protracted representation. The reviewing
17 court shall enter an order directing the county treasurer of
18 the county where the case was tried to pay the amount allowed
19 by the court. The reviewing court may order the provisional
20 payment of sums during the pendency of the cause.

21 (c) (blank). ~~In any case in which a sentence of death was~~
22 ~~imposed in the trial court, the Supreme Court, upon written~~
23 ~~petition of the defendant's counsel made not more than every~~
24 ~~60 days after appointment, shall determine reasonable~~
25 ~~compensation for an indigent defendant's attorneys on appeal.~~
26 ~~The compensation shall not exceed \$2,000 in each case, except~~

1 ~~that, in extraordinary circumstances, payment in excess of the~~
2 ~~limits herein stated may be made if the reviewing court~~
3 ~~certifies that the payment is necessary to provide fair~~
4 ~~compensation for protracted representation. The Supreme Court~~
5 ~~shall enter an order directing the county treasurer of the~~
6 ~~county where the case was tried to pay compensation and~~
7 ~~reimburse expenditures necessarily incurred in the prosecution~~
8 ~~of the appeal or review proceedings. The Supreme Court may~~
9 ~~order the provisional payment of sums during the pendency of~~
10 ~~the cause.~~

11 (Source: P.A. 86-318; 87-580.)

12 (725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

13 Sec. 122-1. Petition in the trial court.

14 (a) Any person imprisoned in the penitentiary may
15 institute a proceeding under this Article if the person
16 asserts that:

17 (1) in the proceedings which resulted in his or her
18 conviction there was a substantial denial of his or her
19 rights under the Constitution of the United States or of
20 the State of Illinois or both;

21 (2) (blank) ~~the death penalty was imposed and there is~~
22 ~~newly discovered evidence not available to the person at~~
23 ~~the time of the proceeding that resulted in his or her~~
24 ~~conviction that establishes a substantial basis to believe~~
25 ~~that the defendant is actually innocent by clear and~~

1 ~~convincing evidence; or~~

2 (3) (blank).

3 (a-5) A proceeding under paragraph (2) of subsection (a)
4 may be commenced within a reasonable period of time after the
5 person's conviction notwithstanding any other provisions of
6 this Article. In such a proceeding regarding actual innocence,
7 if the court determines the petition is frivolous or is
8 patently without merit, it shall dismiss the petition in a
9 written order, specifying the findings of fact and conclusions
10 of law it made in reaching its decision. Such order of
11 dismissal is a final judgment and shall be served upon the
12 petitioner by certified mail within 10 days of its entry.

13 (b) The proceeding shall be commenced by filing with the
14 clerk of the court in which the conviction took place a
15 petition (together with a copy thereof) verified by affidavit.
16 Petitioner shall also serve another copy upon the State's
17 Attorney by any of the methods provided in Rule 7 of the
18 Supreme Court. The clerk shall docket the petition for
19 consideration by the court pursuant to Section 122-2.1 upon
20 his or her receipt thereof and bring the same promptly to the
21 attention of the court.

22 (c) ~~Except as otherwise provided in subsection (a 5), if~~
23 ~~the petitioner is under sentence of death and a petition for~~
24 ~~writ of certiorari is filed, no proceedings under this Article~~
25 ~~shall be commenced more than 6 months after the conclusion of~~
26 ~~proceedings in the United States Supreme Court, unless the~~

1 ~~petitioner alleges facts showing that the delay was not due to~~
2 ~~his or her culpable negligence. If a petition for certiorari~~
3 ~~is not filed, no proceedings under this Article shall be~~
4 ~~commenced more than 6 months from the date for filing a~~
5 ~~certiorari petition, unless the petitioner alleges facts~~
6 ~~showing that the delay was not due to his or her culpable~~
7 ~~negligence.~~

8 When a defendant has a sentence other than death, no
9 proceedings under this Article shall be commenced more than 6
10 months after the conclusion of proceedings in the United
11 States Supreme Court, unless the petitioner alleges facts
12 showing that the delay was not due to his or her culpable
13 negligence. If a petition for certiorari is not filed, no
14 proceedings under this Article shall be commenced more than 6
15 months from the date for filing a certiorari petition, unless
16 the petitioner alleges facts showing that the delay was not
17 due to his or her culpable negligence. If a defendant does not
18 file a direct appeal, the post-conviction petition shall be
19 filed no later than 3 years from the date of conviction, unless
20 the petitioner alleges facts showing that the delay was not
21 due to his or her culpable negligence.

22 This limitation does not apply to a petition advancing a
23 claim of actual innocence.

24 (d) A person seeking relief by filing a petition under
25 this Section must specify in the petition or its heading that
26 it is filed under this Section. A trial court that has received

1 a petition complaining of a conviction or sentence that fails
2 to specify in the petition or its heading that it is filed
3 under this Section need not evaluate the petition to determine
4 whether it could otherwise have stated some grounds for relief
5 under this Article.

6 (e) (Blank). ~~A proceeding under this Article may not be
7 commenced on behalf of a defendant who has been sentenced to
8 death without the written consent of the defendant, unless the
9 defendant, because of a mental or physical condition, is
10 incapable of asserting his or her own claim.~~

11 (f) Only one petition may be filed by a petitioner under
12 this Article without leave of the court. Leave of court may be
13 granted only if a petitioner demonstrates cause for his or her
14 failure to bring the claim in his or her initial
15 post-conviction proceedings and prejudice results from that
16 failure. For purposes of this subsection (f): (1) a prisoner
17 shows cause by identifying an objective factor that impeded
18 his or her ability to raise a specific claim during his or her
19 initial post-conviction proceedings; and (2) a prisoner shows
20 prejudice by demonstrating that the claim not raised during
21 his or her initial post-conviction proceedings so infected the
22 trial that the resulting conviction or sentence violated due
23 process.

24 (Source: P.A. 101-411, eff. 8-16-19; 102-639, eff. 8-27-21.)

25 (725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

1 Sec. 122-2.1. (a) Within 90 days after the filing and
2 docketing of each petition, the court shall examine such
3 petition and enter an order thereon pursuant to this Section.

4 (1) (Blank). ~~If the petitioner is under sentence of~~
5 ~~death and is without counsel and alleges that he is~~
6 ~~without means to procure counsel, he shall state whether~~
7 ~~or not he wishes counsel to be appointed to represent him.~~
8 ~~If appointment of counsel is so requested, the court shall~~
9 ~~appoint counsel if satisfied that the petitioner has no~~
10 ~~means to procure counsel.~~

11 (2) If the petitioner is sentenced to imprisonment and
12 the court determines the petition is frivolous or is
13 patently without merit, it shall dismiss the petition in a
14 written order, specifying the findings of fact and
15 conclusions of law it made in reaching its decision. Such
16 order of dismissal is a final judgment and shall be served
17 upon the petitioner by certified mail within 10 days of
18 its entry.

19 (b) If the petition is not dismissed pursuant to this
20 Section, the court shall order the petition to be docketed for
21 further consideration in accordance with Sections 122-4
22 through 122-6. ~~If the petitioner is under sentence of death,~~
23 ~~the court shall order the petition to be docketed for further~~
24 ~~consideration and hearing within one year of the filing of the~~
25 ~~petition. Continuances may be granted as the court deems~~
26 ~~appropriate.~~

1 (c) In considering a petition pursuant to this Section,
2 the court may examine the court file of the proceeding in which
3 the petitioner was convicted, any action taken by an appellate
4 court in such proceeding and any transcripts of such
5 proceeding.

6 (Source: P.A. 93-605, eff. 11-19-03.)

7 (725 ILCS 5/122-2.2)

8 Sec. 122-2.2. Intellectual disability and post-conviction
9 relief.

10 (a) (Blank). ~~In cases where no determination of an~~
11 ~~intellectual disability was made and a defendant has been~~
12 ~~convicted of first-degree murder, sentenced to death, and is~~
13 ~~in custody pending execution of the sentence of death, the~~
14 ~~following procedures shall apply:~~

15 ~~(1) Notwithstanding any other provision of law or rule~~
16 ~~of court, a defendant may seek relief from the death~~
17 ~~sentence through a petition for post conviction relief~~
18 ~~under this Article alleging that the defendant was a~~
19 ~~person with an intellectual disability as defined in~~
20 ~~Section 114-15 at the time the offense was alleged to have~~
21 ~~been committed.~~

22 ~~(2) The petition must be filed within 180 days of the~~
23 ~~effective date of this amendatory Act of the 93rd General~~
24 ~~Assembly or within 180 days of the issuance of the mandate~~
25 ~~by the Illinois Supreme Court setting the date of~~

1 ~~execution, whichever is later.~~

2 (b) All other provisions of this Article governing
3 petitions for post-conviction relief shall apply to a petition
4 for post-conviction relief alleging an intellectual
5 disability.

6 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

7 (725 ILCS 5/122-4) (from Ch. 38, par. 122-4)

8 Sec. 122-4. Pauper Petitions. If the petition is not
9 dismissed pursuant to Section 122-2.1, and alleges that the
10 petitioner is unable to pay the costs of the proceeding, the
11 court may order that the petitioner be permitted to proceed as
12 a poor person and order a transcript of the proceedings
13 delivered to petitioner in accordance with Rule of the Supreme
14 Court. If the petitioner is without counsel and alleges that
15 he is without means to procure counsel, he shall state whether
16 or not he wishes counsel to be appointed to represent him. If
17 appointment of counsel is so requested, and the petition is
18 not dismissed pursuant to Section 122-2.1, the court shall
19 appoint counsel if satisfied that the petitioner has no means
20 to procure counsel. A petitioner who is a prisoner in an
21 Illinois Department of Corrections facility who files a
22 pleading, motion, or other filing that purports to be a legal
23 document seeking post-conviction relief under this Article
24 against the State, the Illinois Department of Corrections, the
25 Prisoner Review Board, or any of their officers or employees

1 in which the court makes a specific finding that the pleading,
2 motion, or other filing that purports to be a legal document is
3 frivolous shall not proceed as a poor person and shall be
4 liable for the full payment of filing fees and actual court
5 costs as provided in Article XXII of the Code of Civil
6 Procedure.

7 ~~A Circuit Court or the Illinois Supreme Court may appoint~~
8 ~~the State Appellate Defender to provide post conviction~~
9 ~~representation in a case in which the defendant is sentenced~~
10 ~~to death. Any attorney assigned by the Office of the State~~
11 ~~Appellate Defender to provide post conviction representation~~
12 ~~for indigent defendants in cases in which a sentence of death~~
13 ~~was imposed in the trial court may, from time to time submit~~
14 ~~bills and time sheets to the Office of the State Appellate~~
15 ~~Defender for payment of services rendered and the Office of~~
16 ~~the State Appellate Defender shall pay bills from funds~~
17 ~~appropriated for this purpose in accordance with rules~~
18 ~~promulgated by the State Appellate Defender.~~

19 The court, at the conclusion of the proceedings upon
20 receipt of a petition by the appointed counsel, shall
21 determine a reasonable amount to be allowed an indigent
22 defendant's counsel other than the Public Defender or the
23 State Appellate Defender for compensation and reimbursement of
24 expenditures necessarily incurred in the proceedings. The
25 compensation shall not exceed \$500 in each case, except that,
26 in extraordinary circumstances, payment in excess of the

1 limits herein stated may be made if the trial court certifies
2 that the payment is necessary to provide fair compensation for
3 protracted representation, and the amount is approved by the
4 chief judge of the circuit. The court shall enter an order
5 directing the county treasurer of the county where the case
6 was tried to pay the amount thereby allowed by the court. The
7 court may order the provisional payment of sums during the
8 pendency of the cause.

9 (Source: P.A. 90-505, eff. 8-19-97.)

10 (725 ILCS 5/119-5 rep.)

11 Section 35. The Code of Criminal Procedure of 1963 is
12 amended by repealing Section 119-5.

13 Section 40. The State Appellate Defender Act is amended by
14 changing Section 10.5 as follows:

15 (725 ILCS 105/10.5)

16 Sec. 10.5. Competitive bidding for appellate services.

17 (a) The State Appellate Defender may, to the extent
18 necessary to dispose of its backlog of indigent criminal
19 appeals, institute a competitive bidding program under which
20 contracts for the services of attorneys in ~~non-death penalty~~
21 criminal appeals are awarded to the lowest responsible bidder.

22 (b) The State Appellate Defender, before letting out bids
23 for contracts for the services of attorneys to represent

1 indigent defendants on appeal in criminal cases, shall
2 advertise the letting of the bids in a publication or
3 publications of the Illinois State Bar Association, the
4 Chicago Daily Law Bulletin, and the Chicago Lawyer. The State
5 Appellate Defender shall also advertise the letting of the
6 bids in newspapers of general circulation in major
7 municipalities to be determined by the State Appellate
8 Defender. The State Appellate Defender shall mail notices of
9 the letting of the bids to county and local bar associations.

10 (c) Bids may be let in packages of one to 5, appeals.
11 Additional cases may be assigned, in the discretion of the
12 State Appellate Defender, after a successful bidder completes
13 work on existing packages.

14 (d) A bid for services of an attorney under this Section
15 shall be let only to an attorney licensed to practice law in
16 Illinois who has prior criminal appellate experience or to an
17 attorney who is a member or employee of a law firm which has at
18 least one member with that experience. Prospective bidders
19 must furnish legal writing samples that are deemed acceptable
20 to the State Appellate Defender.

21 (e) An attorney who is awarded a contract under this
22 Section shall communicate with each of his or her clients and
23 shall file each initial brief before the due date established
24 by Supreme Court Rule or by the Appellate Court. The State
25 Appellate Defender may rescind the contract for attorney
26 services and may require the return of the record on appeal if

1 the contracted attorney fails to make satisfactory progress,
2 in the opinion of the State Appellate Defender, toward filing
3 a brief.

4 (f) Gross compensation for completing of a case shall be
5 \$40 per hour but shall not exceed \$2,000 per case. The contract
6 shall specify the manner of payment.

7 (g) (Blank).

8 (h) (Blank).

9 (Source: P.A. 89-689, eff. 12-31-96; 90-505, eff. 8-19-97.)

10 Section 45. The Uniform Rendition of Prisoners as
11 Witnesses in Criminal Proceedings Act is amended by changing
12 Section 5 as follows:

13 (725 ILCS 235/5) (from Ch. 38, par. 157-5)

14 Sec. 5. Exceptions.

15 This act does not apply to any person in this State
16 confined as mentally ill or ~~7~~ in need of mental treatment, ~~or~~
17 ~~under sentence of death.~~

18 (Source: Laws 1963, p. 2171.)

19 Section 50. The Unified Code of Corrections is amended by
20 changing Sections 3-3-13, 3-6-3, 3-8-10, 5-1-9, 5-4-1, 5-4-3,
21 5-4.5-20, 5-5-3, and 5-8-1 as follows:

22 (730 ILCS 5/3-3-13) (from Ch. 38, par. 1003-3-13)

1 Sec. 3-3-13. Procedure for executive clemency.

2 (a) Petitions seeking pardon, commutation, or reprieve
3 shall be addressed to the Governor and filed with the Prisoner
4 Review Board. The petition shall be in writing and signed by
5 the person under conviction or by a person on his behalf. It
6 shall contain a brief history of the case, the reasons for
7 seeking executive clemency, and other relevant information the
8 Board may require.

9 (a-5) After a petition has been denied by the Governor,
10 the Board may not accept a repeat petition for executive
11 clemency for the same person until one full year has elapsed
12 from the date of the denial. The Chairman of the Board may
13 waive the one-year requirement if the petitioner offers in
14 writing new information that was unavailable to the petitioner
15 at the time of the filing of the prior petition and which the
16 Chairman determines to be significant. The Chairman also may
17 waive the one-year waiting period if the petitioner can show
18 that a change in circumstances of a compelling humanitarian
19 nature has arisen since the denial of the prior petition.

20 (b) Notice of the proposed application shall be given by
21 the Board to the committing court and the state's attorney of
22 the county where the conviction was had.

23 (b-5) Victims registered with the Board shall receive
24 reasonable written notice not less than 30 days prior to the
25 executive clemency hearing date. The victim has the right to
26 submit a victim statement to the Prisoner Review Board for

1 consideration at an executive clemency hearing as provided in
2 subsection (c) of this Section. Victim statements provided to
3 the Board shall be confidential and privileged, including any
4 statements received prior to the effective date of this
5 amendatory Act of the 101st General Assembly, except if the
6 statement was an oral statement made by the victim at a hearing
7 open to the public.

8 (c) The Board shall, upon due notice, give a hearing to
9 each application, allowing representation by counsel, if
10 desired, after which it shall confidentially advise the
11 Governor by a written report of its recommendations which
12 shall be determined by majority vote. The written report to
13 the Governor shall be confidential and privileged, including
14 any reports made prior to the effective date of this
15 amendatory Act of the 101st General Assembly. The Board shall
16 meet to consider such petitions no less than 4 times each year.

17 ~~Application for executive clemency under this Section may~~
18 ~~not be commenced on behalf of a person who has been sentenced~~
19 ~~to death without the written consent of the defendant, unless~~
20 ~~the defendant, because of a mental or physical condition, is~~
21 ~~incapable of asserting his or her own claim.~~

22 (d) The Governor shall decide each application and
23 communicate his decision to the Board which shall notify the
24 petitioner.

25 In the event a petitioner who has been convicted of a Class
26 X felony is granted a release, after the Governor has

1 communicated such decision to the Board, the Board shall give
2 written notice to the Sheriff of the county from which the
3 offender was sentenced if such sheriff has requested that such
4 notice be given on a continuing basis. In cases where arrest of
5 the offender or the commission of the offense took place in any
6 municipality with a population of more than 10,000 persons,
7 the Board shall also give written notice to the proper law
8 enforcement agency for said municipality which has requested
9 notice on a continuing basis.

10 (e) Nothing in this Section shall be construed to limit
11 the power of the Governor under the constitution to grant a
12 reprieve, commutation of sentence, or pardon.

13 (Source: P.A. 101-288, eff. 1-1-20.)

14 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

16 (a) (1) The Department of Corrections shall prescribe rules
17 and regulations for awarding and revoking sentence credit for
18 persons committed to the Department of Corrections and the
19 Department of Juvenile Justice shall prescribe rules and
20 regulations for awarding and revoking sentence credit for
21 persons committed to the Department of Juvenile Justice under
22 Section 5-8-6 of the Unified Code of Corrections, which shall
23 be subject to review by the Prisoner Review Board.

24 (1.5) As otherwise provided by law, sentence credit may be
25 awarded for the following:

1 (A) successful completion of programming while in
2 custody of the Department of Corrections or the Department
3 of Juvenile Justice or while in custody prior to
4 sentencing;

5 (B) compliance with the rules and regulations of the
6 Department; or

7 (C) service to the institution, service to a
8 community, or service to the State.

9 (2) Except as provided in paragraph (4.7) of this
10 subsection (a), the rules and regulations on sentence credit
11 shall provide, with respect to offenses listed in clause (i),
12 (ii), or (iii) of this paragraph (2) committed on or after June
13 19, 1998 or with respect to the offense listed in clause (iv)
14 of this paragraph (2) committed on or after June 23, 2005 (the
15 effective date of Public Act 94-71) or with respect to offense
16 listed in clause (vi) committed on or after June 1, 2008 (the
17 effective date of Public Act 95-625) or with respect to the
18 offense of being an armed habitual criminal committed on or
19 after August 2, 2005 (the effective date of Public Act 94-398)
20 or with respect to the offenses listed in clause (v) of this
21 paragraph (2) committed on or after August 13, 2007 (the
22 effective date of Public Act 95-134) or with respect to the
23 offense of aggravated domestic battery committed on or after
24 July 23, 2010 (the effective date of Public Act 96-1224) or
25 with respect to the offense of attempt to commit terrorism
26 committed on or after January 1, 2013 (the effective date of

1 Public Act 97-990), the following:

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

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

23 (iii) that a prisoner serving a sentence for home
24 invasion, armed robbery, aggravated vehicular hijacking,
25 aggravated discharge of a firearm, or armed violence with
26 a category I weapon or category II weapon, when the court

1 has made and entered a finding, pursuant to subsection
2 (c-1) of Section 5-4-1 of this Code, that the conduct
3 leading to conviction for the enumerated offense resulted
4 in great bodily harm to a victim, shall receive no more
5 than 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment;

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

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

1 with intent to deliver methamphetamine, aggravated
2 delivery of methamphetamine, aggravated possession with
3 intent to deliver methamphetamine, methamphetamine
4 conspiracy when the substance containing the controlled
5 substance or methamphetamine is 100 grams or more shall
6 receive no more than 7.5 days sentence credit for each
7 month of his or her sentence of imprisonment;

8 (vi) that a prisoner serving a sentence for a second
9 or subsequent offense of luring a minor shall receive no
10 more than 4.5 days of sentence credit for each month of his
11 or her sentence of imprisonment; and

12 (vii) that a prisoner serving a sentence for
13 aggravated domestic battery shall receive no more than 4.5
14 days of sentence credit for each month of his or her
15 sentence of imprisonment.

16 (2.1) For all offenses, other than those enumerated in
17 subdivision (a)(2)(i), (ii), or (iii) committed on or after
18 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
19 June 23, 2005 (the effective date of Public Act 94-71) or
20 subdivision (a)(2)(v) committed on or after August 13, 2007
21 (the effective date of Public Act 95-134) or subdivision
22 (a)(2)(vi) committed on or after June 1, 2008 (the effective
23 date of Public Act 95-625) or subdivision (a)(2)(vii)
24 committed on or after July 23, 2010 (the effective date of
25 Public Act 96-1224), and other than the offense of aggravated
26 driving under the influence of alcohol, other drug or drugs,

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

16 (2.2) A prisoner serving a term of natural life
17 imprisonment ~~or a prisoner who has been sentenced to death~~
18 shall receive no sentence credit.

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

1 sentence credit for each month of his or her sentence of
2 imprisonment.

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

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

22 (2.6) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations on sentence credit
24 shall provide that a prisoner who is serving a sentence for
25 aggravated driving under the influence of alcohol, other drug
26 or drugs, or intoxicating compound or compounds or any

1 combination thereof as defined in subparagraph (C) of
2 paragraph (1) of subsection (d) of Section 11-501 of the
3 Illinois Vehicle Code committed on or after January 1, 2011
4 (the effective date of Public Act 96-1230) shall receive no
5 more than 4.5 days of sentence credit for each month of his or
6 her sentence of imprisonment.

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

22 Eligible inmates for an award of earned sentence credit
23 under this paragraph (3) may be selected to receive the credit
24 at either Director's or his or her designee's sole discretion.
25 Eligibility for the additional earned sentence credit under
26 this paragraph (3) may be based on, but is not limited to,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) documentation provided by the Department that the

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

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

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

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

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

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

25 Availability of these programs shall be subject to the
26 limits of fiscal resources appropriated by the General

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

23 (4.1) Except as provided in paragraph (4.7) of this
24 subsection (a), the rules and regulations shall also provide
25 that an additional 90 days of sentence credit shall be awarded
26 to any prisoner who passes high school equivalency testing

1 while the prisoner is committed to the Department of
2 Corrections. The sentence credit awarded under this paragraph
3 (4.1) shall be in addition to, and shall not affect, the award
4 of sentence credit under any other paragraph of this Section,
5 but shall also be pursuant to the guidelines and restrictions
6 set forth in paragraph (4) of subsection (a) of this Section.
7 The sentence credit provided for in this paragraph shall be
8 available only to those prisoners who have not previously
9 earned a high school diploma or a State of Illinois High School
10 Diploma. If, after an award of the high school equivalency
11 testing sentence credit has been made, the Department
12 determines that the prisoner was not eligible, then the award
13 shall be revoked. The Department may also award 90 days of
14 sentence credit to any committed person who passed high school
15 equivalency testing while he or she was held in pre-trial
16 detention prior to the current commitment to the Department of
17 Corrections. Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations shall provide that
19 an additional 120 days of sentence credit shall be awarded to
20 any prisoner who obtains an associate degree while the
21 prisoner is committed to the Department of Corrections,
22 regardless of the date that the associate degree was obtained,
23 including if prior to July 1, 2021 (the effective date of
24 Public Act 101-652). The sentence credit awarded under this
25 paragraph (4.1) shall be in addition to, and shall not affect,
26 the award of sentence credit under any other paragraph of this

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

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

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

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

1 pre-trial detention prior to the current commitment to the
2 Department of Corrections.

3 (4.2) The rules and regulations shall also provide that
4 any prisoner engaged in self-improvement programs, volunteer
5 work, or work assignments that are not otherwise eligible
6 activities under paragraph (4), shall receive up to 0.5 days
7 of sentence credit for each day in which the prisoner is
8 engaged in activities described in this paragraph.

9 (4.5) The rules and regulations on sentence credit shall
10 also provide that when the court's sentencing order recommends
11 a prisoner for substance abuse treatment and the crime was
12 committed on or after September 1, 2003 (the effective date of
13 Public Act 93-354), the prisoner shall receive no sentence
14 credit awarded under clause (3) of this subsection (a) unless
15 he or she participates in and completes a substance abuse
16 treatment program. The Director of Corrections may waive the
17 requirement to participate in or complete a substance abuse
18 treatment program in specific instances if the prisoner is not
19 a good candidate for a substance abuse treatment program for
20 medical, programming, or operational reasons. Availability of
21 substance abuse treatment shall be subject to the limits of
22 fiscal resources appropriated by the General Assembly for
23 these purposes. If treatment is not available and the
24 requirement to participate and complete the treatment has not
25 been waived by the Director, the prisoner shall be placed on a
26 waiting list under criteria established by the Department. The

1 Director may allow a prisoner placed on a waiting list to
2 participate in and complete a substance abuse education class
3 or attend substance abuse self-help meetings in lieu of a
4 substance abuse treatment program. A prisoner on a waiting
5 list who is not placed in a substance abuse program prior to
6 release may be eligible for a waiver and receive sentence
7 credit under clause (3) of this subsection (a) at the
8 discretion of the Director.

9 (4.6) The rules and regulations on sentence credit shall
10 also provide that a prisoner who has been convicted of a sex
11 offense as defined in Section 2 of the Sex Offender
12 Registration Act shall receive no sentence credit unless he or
13 she either has successfully completed or is participating in
14 sex offender treatment as defined by the Sex Offender
15 Management Board. However, prisoners who are waiting to
16 receive treatment, but who are unable to do so due solely to
17 the lack of resources on the part of the Department, may, at
18 either Director's sole discretion, be awarded sentence credit
19 at a rate as the Director shall determine.

20 (4.7) On or after January 1, 2018 (the effective date of
21 Public Act 100-3), sentence credit under paragraph (3), (4),
22 or (4.1) of this subsection (a) may be awarded to a prisoner
23 who is serving a sentence for an offense described in
24 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned
25 on or after January 1, 2018 (the effective date of Public Act
26 100-3); provided, the award of the credits under this

1 paragraph (4.7) shall not reduce the sentence of the prisoner
2 to less than the following amounts:

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

5 (ii) 60% of his or her sentence if the prisoner is
6 required to serve 75% of his or her sentence, except if the
7 prisoner is serving a sentence for gunrunning his or her
8 sentence shall not be reduced to less than 75%.

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

11 (5) Whenever the Department is to release any inmate
12 earlier than it otherwise would because of a grant of earned
13 sentence credit under paragraph (3) of subsection (a) of this
14 Section given at any time during the term, the Department
15 shall give reasonable notice of the impending release not less
16 than 14 days prior to the date of the release to the State's
17 Attorney of the county where the prosecution of the inmate
18 took place, and if applicable, the State's Attorney of the
19 county into which the inmate will be released. The Department
20 must also make identification information and a recent photo
21 of the inmate being released accessible on the Internet by
22 means of a hyperlink labeled "Community Notification of Inmate
23 Early Release" on the Department's World Wide Web homepage.
24 The identification information shall include the inmate's:
25 name, any known alias, date of birth, physical
26 characteristics, commitment offense, and county where

1 conviction was imposed. The identification information shall
2 be placed on the website within 3 days of the inmate's release
3 and the information may not be removed until either:
4 completion of the first year of mandatory supervised release
5 or return of the inmate to custody of the Department.

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

10 (c) (1) The Department shall prescribe rules and
11 regulations for revoking sentence credit, including revoking
12 sentence credit awarded under paragraph (3) of subsection (a)
13 of this Section. The Department shall prescribe rules and
14 regulations establishing and requiring the use of a sanctions
15 matrix for revoking sentence credit. The Department shall
16 prescribe rules and regulations for suspending or reducing the
17 rate of accumulation of sentence credit for specific rule
18 violations, during imprisonment. These rules and regulations
19 shall provide that no inmate may be penalized more than one
20 year of sentence credit for any one infraction.

21 (2) When the Department seeks to revoke, suspend, or
22 reduce the rate of accumulation of any sentence credits for an
23 alleged infraction of its rules, it shall bring charges
24 therefor against the prisoner sought to be so deprived of
25 sentence credits before the Prisoner Review Board as provided
26 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the

1 amount of credit at issue exceeds 30 days, whether from one
2 infraction or cumulatively from multiple infractions arising
3 out of a single event, or when, during any 12-month period, the
4 cumulative amount of credit revoked exceeds 30 days except
5 where the infraction is committed or discovered within 60 days
6 of scheduled release. In those cases, the Department of
7 Corrections may revoke up to 30 days of sentence credit. The
8 Board may subsequently approve the revocation of additional
9 sentence credit, if the Department seeks to revoke sentence
10 credit in excess of 30 days. However, the Board shall not be
11 empowered to review the Department's decision with respect to
12 the loss of 30 days of sentence credit within any calendar year
13 for any prisoner or to increase any penalty beyond the length
14 requested by the Department.

15 (3) The Director of Corrections or the Director of
16 Juvenile Justice, in appropriate cases, may restore sentence
17 credits which have been revoked, suspended, or reduced. The
18 Department shall prescribe rules and regulations governing the
19 restoration of sentence credits. These rules and regulations
20 shall provide for the automatic restoration of sentence
21 credits following a period in which the prisoner maintains a
22 record without a disciplinary violation.

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of sentence credit.

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

16 For purposes of this subsection (d):

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

21 (A) it lacks an arguable basis either in law or in
22 fact;

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

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

5 (D) the allegations and other factual contentions
6 do not have evidentiary support or, if specifically so
7 identified, are not likely to have evidentiary support
8 after a reasonable opportunity for further
9 investigation or discovery; or

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3
15 of the Code of Criminal Procedure of 1963, a habeas corpus
16 action under Article X of the Code of Civil Procedure or
17 under federal law (28 U.S.C. 2254), a petition for claim
18 under the Court of Claims Act, an action under the federal
19 Civil Rights Act (42 U.S.C. 1983), or a second or
20 subsequent petition for post-conviction relief under
21 Article 122 of the Code of Criminal Procedure of 1963
22 whether filed with or without leave of court or a second or
23 subsequent petition for relief from judgment under Section
24 2-1401 of the Code of Civil Procedure.

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

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

9 (Source: P.A. 101-440, eff. 1-1-20; 101-652, eff. 7-1-21;
10 102-28, eff. 6-25-21; 102-558, eff. 8-20-21; 102-784, eff.
11 5-13-22; 102-1100, eff. 1-1-23; revised 12-14-22.)

12 (730 ILCS 5/3-8-10) (from Ch. 38, par. 1003-8-10)

13 Sec. 3-8-10. Intrastate Detainers. Subsection ~~Except for~~
14 ~~persons sentenced to death, subsection~~ (b), (c) and (e) of
15 Section 103-5 of the Code of Criminal Procedure of 1963 shall
16 also apply to persons committed to any institution or facility
17 or program of the Illinois Department of Corrections who have
18 untried complaints, charges or indictments pending in any
19 county of this State, and such person shall include in the
20 demand under subsection (b), a statement of the place of
21 present commitment, the term, and length of the remaining
22 term, the charges pending against him or her to be tried and
23 the county of the charges, and the demand shall be addressed to
24 the state's attorney of the county where he or she is charged
25 with a copy to the clerk of that court and a copy to the chief

1 administrative officer of the Department of Corrections
2 institution or facility to which he or she is committed. The
3 state's attorney shall then procure the presence of the
4 defendant for trial in his county by habeas corpus. Additional
5 time may be granted by the court for the process of bringing
6 and serving an order of habeas corpus ad prosequendum. In the
7 event that the person is not brought to trial within the
8 allotted time, then the charge for which he or she has
9 requested a speedy trial shall be dismissed. The provisions of
10 this Section do not apply to persons no longer committed to a
11 facility or program of the Illinois Department of Corrections.
12 A person serving a period of parole or mandatory supervised
13 release under the supervision of the Department of
14 Corrections, for the purpose of this Section, shall not be
15 deemed to be committed to the Department.

16 (Source: P.A. 96-642, eff. 8-24-09.)

17 (730 ILCS 5/5-1-9) (from Ch. 38, par. 1005-1-9)

18 Sec. 5-1-9. Felony.

19 "Felony" means an offense for which a sentence to ~~death or~~
20 ~~to~~ a term of imprisonment in a penitentiary for one year or
21 more is provided.

22 (Source: P.A. 77-2097.)

23 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

24 Sec. 5-4-1. Sentencing hearing.

1 (a) After ~~Except when the death penalty is sought under~~
2 ~~hearing procedures otherwise specified, after~~ a determination
3 of guilt, a hearing shall be held to impose the sentence.
4 However, prior to the imposition of sentence on an individual
5 being sentenced for an offense based upon a charge for a
6 violation of Section 11-501 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance, the individual must
8 undergo a professional evaluation to determine if an alcohol
9 or other drug abuse problem exists and the extent of such a
10 problem. Programs conducting these evaluations shall be
11 licensed by the Department of Human Services. However, if the
12 individual is not a resident of Illinois, the court may, in its
13 discretion, accept an evaluation from a program in the state
14 of such individual's residence. The court shall make a
15 specific finding about whether the defendant is eligible for
16 participation in a Department impact incarceration program as
17 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
18 explanation as to why a sentence to impact incarceration is
19 not an appropriate sentence. The court may in its sentencing
20 order recommend a defendant for placement in a Department of
21 Corrections substance abuse treatment program as provided in
22 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
23 upon the defendant being accepted in a program by the
24 Department of Corrections. At the hearing the court shall:

- 25 (1) consider the evidence, if any, received upon the
26 trial;

- 1 (2) consider any presentence reports;
- 2 (3) consider the financial impact of incarceration
3 based on the financial impact statement filed with the
4 clerk of the court by the Department of Corrections;
- 5 (4) consider evidence and information offered by the
6 parties in aggravation and mitigation;
- 7 (4.5) consider substance abuse treatment, eligibility
8 screening, and an assessment, if any, of the defendant by
9 an agent designated by the State of Illinois to provide
10 assessment services for the Illinois courts;
- 11 (5) hear arguments as to sentencing alternatives;
- 12 (6) afford the defendant the opportunity to make a
13 statement in his own behalf;
- 14 (7) afford the victim of a violent crime or a
15 violation of Section 11-501 of the Illinois Vehicle Code,
16 or a similar provision of a local ordinance, the
17 opportunity to present an oral or written statement, as
18 guaranteed by Article I, Section 8.1 of the Illinois
19 Constitution and provided in Section 6 of the Rights of
20 Crime Victims and Witnesses Act. The court shall allow a
21 victim to make an oral statement if the victim is present
22 in the courtroom and requests to make an oral or written
23 statement. An oral or written statement includes the
24 victim or a representative of the victim reading the
25 written statement. The court may allow persons impacted by
26 the crime who are not victims under subsection (a) of

1 Section 3 of the Rights of Crime Victims and Witnesses Act
2 to present an oral or written statement. A victim and any
3 person making an oral statement shall not be put under
4 oath or subject to cross-examination. All statements
5 offered under this paragraph (7) shall become part of the
6 record of the court. In this paragraph (7), "victim of a
7 violent crime" means a person who is a victim of a violent
8 crime for which the defendant has been convicted after a
9 bench or jury trial or a person who is the victim of a
10 violent crime with which the defendant was charged and the
11 defendant has been convicted under a plea agreement of a
12 crime that is not a violent crime as defined in subsection
13 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

14 (7.5) afford a qualified person affected by: (i) a
15 violation of Section 405, 405.1, 405.2, or 407 of the
16 Illinois Controlled Substances Act or a violation of
17 Section 55 or Section 65 of the Methamphetamine Control
18 and Community Protection Act; or (ii) a Class 4 felony
19 violation of Section 11-14, 11-14.3 except as described in
20 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
21 11-18.1, or 11-19 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, committed by the defendant the
23 opportunity to make a statement concerning the impact on
24 the qualified person and to offer evidence in aggravation
25 or mitigation; provided that the statement and evidence
26 offered in aggravation or mitigation shall first be

1 prepared in writing in conjunction with the State's
2 Attorney before it may be presented orally at the hearing.
3 Sworn testimony offered by the qualified person is subject
4 to the defendant's right to cross-examine. All statements
5 and evidence offered under this paragraph (7.5) shall
6 become part of the record of the court. In this paragraph
7 (7.5), "qualified person" means any person who: (i) lived
8 or worked within the territorial jurisdiction where the
9 offense took place when the offense took place; or (ii) is
10 familiar with various public places within the territorial
11 jurisdiction where the offense took place when the offense
12 took place. "Qualified person" includes any peace officer
13 or any member of any duly organized State, county, or
14 municipal peace officer unit assigned to the territorial
15 jurisdiction where the offense took place when the offense
16 took place;

17 (8) in cases of reckless homicide afford the victim's
18 spouse, guardians, parents or other immediate family
19 members an opportunity to make oral statements;

20 (9) in cases involving a felony sex offense as defined
21 under the Sex Offender Management Board Act, consider the
22 results of the sex offender evaluation conducted pursuant
23 to Section 5-3-2 of this Act; and

24 (10) make a finding of whether a motor vehicle was
25 used in the commission of the offense for which the
26 defendant is being sentenced.

1 (b) All sentences shall be imposed by the judge based upon
2 his independent assessment of the elements specified above and
3 any agreement as to sentence reached by the parties. The judge
4 who presided at the trial or the judge who accepted the plea of
5 guilty shall impose the sentence unless he is no longer
6 sitting as a judge in that court. Where the judge does not
7 impose sentence at the same time on all defendants who are
8 convicted as a result of being involved in the same offense,
9 the defendant or the State's Attorney may advise the
10 sentencing court of the disposition of any other defendants
11 who have been sentenced.

12 (b-1) In imposing a sentence of imprisonment or periodic
13 imprisonment for a Class 3 or Class 4 felony for which a
14 sentence of probation or conditional discharge is an available
15 sentence, if the defendant has no prior sentence of probation
16 or conditional discharge and no prior conviction for a violent
17 crime, the defendant shall not be sentenced to imprisonment
18 before review and consideration of a presentence report and
19 determination and explanation of why the particular evidence,
20 information, factor in aggravation, factual finding, or other
21 reasons support a sentencing determination that one or more of
22 the factors under subsection (a) of Section 5-6-1 of this Code
23 apply and that probation or conditional discharge is not an
24 appropriate sentence.

25 (c) In imposing a sentence for a violent crime or for an
26 offense of operating or being in physical control of a vehicle

1 while under the influence of alcohol, any other drug or any
2 combination thereof, or a similar provision of a local
3 ordinance, when such offense resulted in the personal injury
4 to someone other than the defendant, the trial judge shall
5 specify on the record the particular evidence, information,
6 factors in mitigation and aggravation or other reasons that
7 led to his sentencing determination. The full verbatim record
8 of the sentencing hearing shall be filed with the clerk of the
9 court and shall be a public record.

10 (c-1) In imposing a sentence for the offense of aggravated
11 kidnapping for ransom, home invasion, armed robbery,
12 aggravated vehicular hijacking, aggravated discharge of a
13 firearm, or armed violence with a category I weapon or
14 category II weapon, the trial judge shall make a finding as to
15 whether the conduct leading to conviction for the offense
16 resulted in great bodily harm to a victim, and shall enter that
17 finding and the basis for that finding in the record.

18 (c-1.5) Notwithstanding any other provision of law to the
19 contrary, in imposing a sentence for an offense that requires
20 a mandatory minimum sentence of imprisonment, the court may
21 instead sentence the offender to probation, conditional
22 discharge, or a lesser term of imprisonment it deems
23 appropriate if: (1) the offense involves the use or possession
24 of drugs, retail theft, or driving on a revoked license due to
25 unpaid financial obligations; (2) the court finds that the
26 defendant does not pose a risk to public safety; and (3) the

1 interest of justice requires imposing a term of probation,
2 conditional discharge, or a lesser term of imprisonment. The
3 court must state on the record its reasons for imposing
4 probation, conditional discharge, or a lesser term of
5 imprisonment.

6 (c-2) If the defendant is sentenced to prison, other than
7 when a sentence of natural life imprisonment ~~or a sentence of~~
8 ~~death~~ is imposed, at the time the sentence is imposed the judge
9 shall state on the record in open court the approximate period
10 of time the defendant will serve in custody according to the
11 then current statutory rules and regulations for sentence
12 credit found in Section 3-6-3 and other related provisions of
13 this Code. This statement is intended solely to inform the
14 public, has no legal effect on the defendant's actual release,
15 and may not be relied on by the defendant on appeal.

16 The judge's statement, to be given after pronouncing the
17 sentence, other than when the sentence is imposed for one of
18 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
19 shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois
24 as applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, assuming the defendant receives all of his or her

1 sentence credit, the period of estimated actual custody is ...
2 years and ... months, less up to 180 days additional earned
3 sentence credit. If the defendant, because of his or her own
4 misconduct or failure to comply with the institutional
5 regulations, does not receive those credits, the actual time
6 served in prison will be longer. The defendant may also
7 receive an additional one-half day sentence credit for each
8 day of participation in vocational, industry, substance abuse,
9 and educational programs as provided for by Illinois statute."

10 When the sentence is imposed for one of the offenses
11 enumerated in paragraph (a)(2) of Section 3-6-3, other than
12 first degree murder, and the offense was committed on or after
13 June 19, 1998, and when the sentence is imposed for reckless
14 homicide as defined in subsection (e) of Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 if the
16 offense was committed on or after January 1, 1999, and when the
17 sentence is imposed for aggravated driving under the influence
18 of alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of Section
21 11-501 of the Illinois Vehicle Code, and when the sentence is
22 imposed for aggravated arson if the offense was committed on
23 or after July 27, 2001 (the effective date of Public Act
24 92-176), and when the sentence is imposed for aggravated
25 driving under the influence of alcohol, other drug or drugs,
26 or intoxicating compound or compounds, or any combination

1 thereof as defined in subparagraph (C) of paragraph (1) of
2 subsection (d) of Section 11-501 of the Illinois Vehicle Code
3 committed on or after January 1, 2011 (the effective date of
4 Public Act 96-1230), the judge's statement, to be given after
5 pronouncing the sentence, shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois
10 as applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant is entitled to no more than 4 1/2 days of
13 sentence credit for each month of his or her sentence of
14 imprisonment. Therefore, this defendant will serve at least
15 85% of his or her sentence. Assuming the defendant receives 4
16 1/2 days credit for each month of his or her sentence, the
17 period of estimated actual custody is ... years and ...
18 months. If the defendant, because of his or her own misconduct
19 or failure to comply with the institutional regulations
20 receives lesser credit, the actual time served in prison will
21 be longer."

22 When a sentence of imprisonment is imposed for first
23 degree murder and the offense was committed on or after June
24 19, 1998, the judge's statement, to be given after pronouncing
25 the sentence, shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in
2 prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois
4 as applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, the defendant is not entitled to sentence credit.
7 Therefore, this defendant will serve 100% of his or her
8 sentence."

9 When the sentencing order recommends placement in a
10 substance abuse program for any offense that results in
11 incarceration in a Department of Corrections facility and the
12 crime was committed on or after September 1, 2003 (the
13 effective date of Public Act 93-354), the judge's statement,
14 in addition to any other judge's statement required under this
15 Section, to be given after pronouncing the sentence, shall
16 include the following:

17 "The purpose of this statement is to inform the public of
18 the actual period of time this defendant is likely to spend in
19 prison as a result of this sentence. The actual period of
20 prison time served is determined by the statutes of Illinois
21 as applied to this sentence by the Illinois Department of
22 Corrections and the Illinois Prisoner Review Board. In this
23 case, the defendant shall receive no earned sentence credit
24 under clause (3) of subsection (a) of Section 3-6-3 until he or
25 she participates in and completes a substance abuse treatment
26 program or receives a waiver from the Director of Corrections

1 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

2 (c-4) Before the sentencing hearing and as part of the
3 presentence investigation under Section 5-3-1, the court shall
4 inquire of the defendant whether the defendant is currently
5 serving in or is a veteran of the Armed Forces of the United
6 States. If the defendant is currently serving in the Armed
7 Forces of the United States or is a veteran of the Armed Forces
8 of the United States and has been diagnosed as having a mental
9 illness by a qualified psychiatrist or clinical psychologist
10 or physician, the court may:

11 (1) order that the officer preparing the presentence
12 report consult with the United States Department of
13 Veterans Affairs, Illinois Department of Veterans'
14 Affairs, or another agency or person with suitable
15 knowledge or experience for the purpose of providing the
16 court with information regarding treatment options
17 available to the defendant, including federal, State, and
18 local programming; and

19 (2) consider the treatment recommendations of any
20 diagnosing or treating mental health professionals
21 together with the treatment options available to the
22 defendant in imposing sentence.

23 For the purposes of this subsection (c-4), "qualified
24 psychiatrist" means a reputable physician licensed in Illinois
25 to practice medicine in all its branches, who has specialized
26 in the diagnosis and treatment of mental and nervous disorders

1 for a period of not less than 5 years.

2 (c-6) In imposing a sentence, the trial judge shall
3 specify, on the record, the particular evidence and other
4 reasons which led to his or her determination that a motor
5 vehicle was used in the commission of the offense.

6 (c-7) In imposing a sentence for a Class 3 or 4 felony,
7 other than a violent crime as defined in Section 3 of the
8 Rights of Crime Victims and Witnesses Act, the court shall
9 determine and indicate in the sentencing order whether the
10 defendant has 4 or more or fewer than 4 months remaining on his
11 or her sentence accounting for time served.

12 (d) When the defendant is committed to the Department of
13 Corrections, the State's Attorney shall and counsel for the
14 defendant may file a statement with the clerk of the court to
15 be transmitted to the department, agency or institution to
16 which the defendant is committed to furnish such department,
17 agency or institution with the facts and circumstances of the
18 offense for which the person was committed together with all
19 other factual information accessible to them in regard to the
20 person prior to his commitment relative to his habits,
21 associates, disposition and reputation and any other facts and
22 circumstances which may aid such department, agency or
23 institution during its custody of such person. The clerk shall
24 within 10 days after receiving any such statements transmit a
25 copy to such department, agency or institution and a copy to
26 the other party, provided, however, that this shall not be

1 cause for delay in conveying the person to the department,
2 agency or institution to which he has been committed.

3 (e) The clerk of the court shall transmit to the
4 department, agency or institution, if any, to which the
5 defendant is committed, the following:

6 (1) the sentence imposed;

7 (2) any statement by the court of the basis for
8 imposing the sentence;

9 (3) any presentence reports;

10 (3.5) any sex offender evaluations;

11 (3.6) any substance abuse treatment eligibility
12 screening and assessment of the defendant by an agent
13 designated by the State of Illinois to provide assessment
14 services for the Illinois courts;

15 (4) the number of days, if any, which the defendant
16 has been in custody and for which he is entitled to credit
17 against the sentence, which information shall be provided
18 to the clerk by the sheriff;

19 (4.1) any finding of great bodily harm made by the
20 court with respect to an offense enumerated in subsection
21 (c-1);

22 (5) all statements filed under subsection (d) of this
23 Section;

24 (6) any medical or mental health records or summaries
25 of the defendant;

26 (7) the municipality where the arrest of the offender

1 or the commission of the offense has occurred, where such
2 municipality has a population of more than 25,000 persons;

3 (8) all statements made and evidence offered under
4 paragraph (7) of subsection (a) of this Section; and

5 (9) all additional matters which the court directs the
6 clerk to transmit.

7 (f) In cases in which the court finds that a motor vehicle
8 was used in the commission of the offense for which the
9 defendant is being sentenced, the clerk of the court shall,
10 within 5 days thereafter, forward a report of such conviction
11 to the Secretary of State.

12 (Source: P.A. 101-81, eff. 7-12-19; 101-105, eff. 1-1-20;
13 101-652, Article 10, Section 10-281, eff. 7-1-21; 101-652,
14 Article 20, Section 20-5, eff. 7-1-21; 102-813, eff. 5-13-22.)

15 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

16 Sec. 5-4-3. Specimens; genetic marker groups.

17 (a) Any person convicted of, found guilty under the
18 Juvenile Court Act of 1987 for, or who received a disposition
19 of court supervision for, a qualifying offense or attempt of a
20 qualifying offense, convicted or found guilty of any offense
21 classified as a felony under Illinois law, convicted or found
22 guilty of any offense requiring registration under the Sex
23 Offender Registration Act, found guilty or given supervision
24 for any offense classified as a felony under the Juvenile
25 Court Act of 1987, convicted or found guilty of, under the

1 Juvenile Court Act of 1987, any offense requiring registration
2 under the Sex Offender Registration Act, or institutionalized
3 as a sexually dangerous person under the Sexually Dangerous
4 Persons Act, or committed as a sexually violent person under
5 the Sexually Violent Persons Commitment Act shall, regardless
6 of the sentence or disposition imposed, be required to submit
7 specimens of blood, saliva, or tissue to the Illinois State
8 Police in accordance with the provisions of this Section,
9 provided such person is:

10 (1) convicted of a qualifying offense or attempt of a
11 qualifying offense on or after July 1, 1990 and sentenced
12 to a term of imprisonment, periodic imprisonment, fine,
13 probation, conditional discharge or any other form of
14 sentence, or given a disposition of court supervision for
15 the offense;

16 (1.5) found guilty or given supervision under the
17 Juvenile Court Act of 1987 for a qualifying offense or
18 attempt of a qualifying offense on or after January 1,
19 1997;

20 (2) ordered institutionalized as a sexually dangerous
21 person on or after July 1, 1990;

22 (3) convicted of a qualifying offense or attempt of a
23 qualifying offense before July 1, 1990 and is presently
24 confined as a result of such conviction in any State
25 correctional facility or county jail or is presently
26 serving a sentence of probation, conditional discharge or

1 periodic imprisonment as a result of such conviction;

2 (3.5) convicted or found guilty of any offense
3 classified as a felony under Illinois law or found guilty
4 or given supervision for such an offense under the
5 Juvenile Court Act of 1987 on or after August 22, 2002;

6 (4) presently institutionalized as a sexually
7 dangerous person or presently institutionalized as a
8 person found guilty but mentally ill of a sexual offense
9 or attempt to commit a sexual offense; or

10 (4.5) ordered committed as a sexually violent person
11 on or after the effective date of the Sexually Violent
12 Persons Commitment Act.

13 (a-1) Any person incarcerated in a facility of the
14 Illinois Department of Corrections or the Illinois Department
15 of Juvenile Justice on or after August 22, 2002, whether for a
16 term of years or ~~7~~ natural life, ~~or a sentence of death,~~ who
17 has not yet submitted a specimen of blood, saliva, or tissue
18 shall be required to submit a specimen of blood, saliva, or
19 tissue prior to his or her final discharge, or release on
20 parole, aftercare release, or mandatory supervised release, as
21 a condition of his or her parole, aftercare release, or
22 mandatory supervised release, or within 6 months from August
23 13, 2009 (the effective date of Public Act 96-426), whichever
24 is sooner. A person incarcerated on or after August 13, 2009
25 (the effective date of Public Act 96-426) shall be required to
26 submit a specimen within 45 days of incarceration, or prior to

1 his or her final discharge, or release on parole, aftercare
2 release, or mandatory supervised release, as a condition of
3 his or her parole, aftercare release, or mandatory supervised
4 release, whichever is sooner. These specimens shall be placed
5 into the State or national DNA database, to be used in
6 accordance with other provisions of this Section, by the
7 Illinois State Police.

8 (a-2) Any person sentenced to life imprisonment in a
9 facility of the Illinois Department of Corrections after the
10 effective date of this amendatory Act of the 94th General
11 Assembly ~~or sentenced to death after the effective date of~~
12 ~~this amendatory Act of the 94th General Assembly~~ shall be
13 required to provide a specimen of blood, saliva, or tissue
14 within 45 days after sentencing or disposition at a collection
15 site designated by the Illinois State Police. Any person
16 serving a sentence of life imprisonment in a facility of the
17 Illinois Department of Corrections on the effective date of
18 this amendatory Act of the 94th General Assembly or any person
19 who is under a sentence of death on the effective date of this
20 amendatory Act of the 94th General Assembly shall be required
21 to provide a specimen of blood, saliva, or tissue upon request
22 at a collection site designated by the Illinois State Police.

23 (a-3) Any person seeking transfer to or residency in
24 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
25 Code, the Interstate Compact for Adult Offender Supervision,
26 or the Interstate Agreements on Sexually Dangerous Persons Act

1 shall be required to provide a specimen of blood, saliva, or
2 tissue within 45 days after transfer to or residency in
3 Illinois at a collection site designated by the Illinois State
4 Police.

5 (a-3.1) Any person required by an order of the court to
6 submit a DNA specimen shall be required to provide a specimen
7 of blood, saliva, or tissue within 45 days after the court
8 order at a collection site designated by the Illinois State
9 Police.

10 (a-3.2) On or after January 1, 2012 (the effective date of
11 Public Act 97-383), any person arrested for any of the
12 following offenses, after an indictment has been returned by a
13 grand jury, or following a hearing pursuant to Section 109-3
14 of the Code of Criminal Procedure of 1963 and a judge finds
15 there is probable cause to believe the arrestee has committed
16 one of the designated offenses, or an arrestee has waived a
17 preliminary hearing shall be required to provide a specimen of
18 blood, saliva, or tissue within 14 days after such indictment
19 or hearing at a collection site designated by the Illinois
20 State Police:

- 21 (A) first degree murder;
22 (B) home invasion;
23 (C) predatory criminal sexual assault of a child;
24 (D) aggravated criminal sexual assault; or
25 (E) criminal sexual assault.

26 (a-3.3) Any person required to register as a sex offender

1 under the Sex Offender Registration Act, regardless of the
2 date of conviction as set forth in subsection (c-5.2) shall be
3 required to provide a specimen of blood, saliva, or tissue
4 within the time period prescribed in subsection (c-5.2) at a
5 collection site designated by the Illinois State Police.

6 (a-5) Any person who was otherwise convicted of or
7 received a disposition of court supervision for any other
8 offense under the Criminal Code of 1961 or the Criminal Code of
9 2012 or who was found guilty or given supervision for such a
10 violation under the Juvenile Court Act of 1987, may,
11 regardless of the sentence imposed, be required by an order of
12 the court to submit specimens of blood, saliva, or tissue to
13 the Illinois State Police in accordance with the provisions of
14 this Section.

15 (b) Any person required by paragraphs (a)(1), (a)(1.5),
16 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
17 saliva, or tissue shall provide specimens of blood, saliva, or
18 tissue within 45 days after sentencing or disposition at a
19 collection site designated by the Illinois State Police.

20 (c) Any person required by paragraphs (a)(3), (a)(4), and
21 (a)(4.5) to provide specimens of blood, saliva, or tissue
22 shall be required to provide such specimens prior to final
23 discharge or within 6 months from August 13, 2009 (the
24 effective date of Public Act 96-426), whichever is sooner.
25 These specimens shall be placed into the State or national DNA
26 database, to be used in accordance with other provisions of

1 this Act, by the Illinois State Police.

2 (c-5) Any person required by paragraph (a-3) to provide
3 specimens of blood, saliva, or tissue shall, where feasible,
4 be required to provide the specimens before being accepted for
5 conditioned residency in Illinois under the interstate compact
6 or agreement, but no later than 45 days after arrival in this
7 State.

8 (c-5.2) Unless it is determined that a registered sex
9 offender has previously submitted a specimen of blood, saliva,
10 or tissue that has been placed into the State DNA database, a
11 person registering as a sex offender shall be required to
12 submit a specimen at the time of his or her initial
13 registration pursuant to the Sex Offender Registration Act or,
14 for a person registered as a sex offender on or prior to
15 January 1, 2012 (the effective date of Public Act 97-383),
16 within one year of January 1, 2012 (the effective date of
17 Public Act 97-383) or at the time of his or her next required
18 registration.

19 (c-6) The Illinois State Police may determine which type
20 of specimen or specimens, blood, saliva, or tissue, is
21 acceptable for submission to the Division of Forensic Services
22 for analysis. The Illinois State Police may require the
23 submission of fingerprints from anyone required to give a
24 specimen under this Act.

25 (d) The Illinois State Police shall provide all equipment
26 and instructions necessary for the collection of blood

1 specimens. The collection of specimens shall be performed in a
2 medically approved manner. Only a physician authorized to
3 practice medicine, a registered nurse or other qualified
4 person trained in venipuncture may withdraw blood for the
5 purposes of this Act. The specimens shall thereafter be
6 forwarded to the Illinois State Police, Division of Forensic
7 Services, for analysis and categorizing into genetic marker
8 groupings.

9 (d-1) The Illinois State Police shall provide all
10 equipment and instructions necessary for the collection of
11 saliva specimens. The collection of saliva specimens shall be
12 performed in a medically approved manner. Only a person
13 trained in the instructions promulgated by the Illinois State
14 Police on collecting saliva may collect saliva for the
15 purposes of this Section. The specimens shall thereafter be
16 forwarded to the Illinois State Police, Division of Forensic
17 Services, for analysis and categorizing into genetic marker
18 groupings.

19 (d-2) The Illinois State Police shall provide all
20 equipment and instructions necessary for the collection of
21 tissue specimens. The collection of tissue specimens shall be
22 performed in a medically approved manner. Only a person
23 trained in the instructions promulgated by the Illinois State
24 Police on collecting tissue may collect tissue for the
25 purposes of this Section. The specimens shall thereafter be
26 forwarded to the Illinois State Police, Division of Forensic

1 Services, for analysis and categorizing into genetic marker
2 groupings.

3 (d-5) To the extent that funds are available, the Illinois
4 State Police shall contract with qualified personnel and
5 certified laboratories for the collection, analysis, and
6 categorization of known specimens, except as provided in
7 subsection (n) of this Section.

8 (d-6) Agencies designated by the Illinois State Police and
9 the Illinois State Police may contract with third parties to
10 provide for the collection or analysis of DNA, or both, of an
11 offender's blood, saliva, and tissue specimens, except as
12 provided in subsection (n) of this Section.

13 (e) The genetic marker groupings shall be maintained by
14 the Illinois State Police, Division of Forensic Services.

15 (f) The genetic marker grouping analysis information
16 obtained pursuant to this Act shall be confidential and shall
17 be released only to peace officers of the United States, of
18 other states or territories, of the insular possessions of the
19 United States, of foreign countries duly authorized to receive
20 the same, to all peace officers of the State of Illinois and to
21 all prosecutorial agencies, and to defense counsel as provided
22 by Section 116-5 of the Code of Criminal Procedure of 1963. The
23 genetic marker grouping analysis information obtained pursuant
24 to this Act shall be used only for (i) valid law enforcement
25 identification purposes and as required by the Federal Bureau
26 of Investigation for participation in the National DNA

1 database, (ii) technology validation purposes, (iii) a
2 population statistics database, (iv) quality assurance
3 purposes if personally identifying information is removed, (v)
4 assisting in the defense of the criminally accused pursuant to
5 Section 116-5 of the Code of Criminal Procedure of 1963, or
6 (vi) identifying and assisting in the prosecution of a person
7 who is suspected of committing a sexual assault as defined in
8 Section 1a of the Sexual Assault Survivors Emergency Treatment
9 Act. Notwithstanding any other statutory provision to the
10 contrary, all information obtained under this Section shall be
11 maintained in a single State data base, which may be uploaded
12 into a national database, and which information may be subject
13 to expungement only as set forth in subsection (f-1).

14 (f-1) Upon receipt of notification of a reversal of a
15 conviction based on actual innocence, or of the granting of a
16 pardon pursuant to Section 12 of Article V of the Illinois
17 Constitution, if that pardon document specifically states that
18 the reason for the pardon is the actual innocence of an
19 individual whose DNA record has been stored in the State or
20 national DNA identification index in accordance with this
21 Section by the Illinois State Police, the DNA record shall be
22 expunged from the DNA identification index, and the Department
23 shall by rule prescribe procedures to ensure that the record
24 and any specimens, analyses, or other documents relating to
25 such record, whether in the possession of the Department or
26 any law enforcement or police agency, or any forensic DNA

1 laboratory, including any duplicates or copies thereof, are
2 destroyed and a letter is sent to the court verifying the
3 expungement is completed. For specimens required to be
4 collected prior to conviction, unless the individual has other
5 charges or convictions that require submission of a specimen,
6 the DNA record for an individual shall be expunged from the DNA
7 identification databases and the specimen destroyed upon
8 receipt of a certified copy of a final court order for each
9 charge against an individual in which the charge has been
10 dismissed, resulted in acquittal, or that the charge was not
11 filed within the applicable time period. The Department shall
12 by rule prescribe procedures to ensure that the record and any
13 specimens in the possession or control of the Department are
14 destroyed and a letter is sent to the court verifying the
15 expungement is completed.

16 (f-5) Any person who intentionally uses genetic marker
17 grouping analysis information, or any other information
18 derived from a DNA specimen, beyond the authorized uses as
19 provided under this Section, or any other Illinois law, is
20 guilty of a Class 4 felony, and shall be subject to a fine of
21 not less than \$5,000.

22 (f-6) The Illinois State Police may contract with third
23 parties for the purposes of implementing this amendatory Act
24 of the 93rd General Assembly, except as provided in subsection
25 (n) of this Section. Any other party contracting to carry out
26 the functions of this Section shall be subject to the same

1 restrictions and requirements of this Section insofar as
2 applicable, as the Illinois State Police, and to any
3 additional restrictions imposed by the Illinois State Police.

4 (g) For the purposes of this Section, "qualifying offense"
5 means any of the following:

6 (1) any violation or inchoate violation of Section
7 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of
9 2012;

10 (1.1) any violation or inchoate violation of Section
11 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
12 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
13 1961 or the Criminal Code of 2012 for which persons are
14 convicted on or after July 1, 2001;

15 (2) any former statute of this State which defined a
16 felony sexual offense;

17 (3) (blank);

18 (4) any inchoate violation of Section 9-3.1, 9-3.4,
19 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
20 the Criminal Code of 2012; or

21 (5) any violation or inchoate violation of Article 29D
22 of the Criminal Code of 1961 or the Criminal Code of 2012.

23 (g-5) (Blank).

24 (h) The Illinois State Police shall be the State central
25 repository for all genetic marker grouping analysis
26 information obtained pursuant to this Act. The Illinois State

1 Police may promulgate rules for the form and manner of the
2 collection of blood, saliva, or tissue specimens and other
3 procedures for the operation of this Act. The provisions of
4 the Administrative Review Law shall apply to all actions taken
5 under the rules so promulgated.

6 (i)(1) A person required to provide a blood, saliva, or
7 tissue specimen shall cooperate with the collection of the
8 specimen and any deliberate act by that person intended to
9 impede, delay or stop the collection of the blood, saliva, or
10 tissue specimen is a Class 4 felony.

11 (2) In the event that a person's DNA specimen is not
12 adequate for any reason, the person shall provide another DNA
13 specimen for analysis. Duly authorized law enforcement and
14 corrections personnel may employ reasonable force in cases in
15 which an individual refuses to provide a DNA specimen required
16 under this Act.

17 (j) (Blank).

18 (k) All analysis and categorization assessments provided
19 under the Criminal and Traffic Assessments Act to the State
20 Crime Laboratory Fund shall be regulated as follows:

21 (1) (Blank).

22 (2) (Blank).

23 (3) Moneys deposited into the State Crime Laboratory
24 Fund shall be used by Illinois State Police crime
25 laboratories as designated by the Director of the Illinois
26 State Police. These funds shall be in addition to any

1 allocations made pursuant to existing laws and shall be
2 designated for the exclusive use of State crime
3 laboratories. These uses may include, but are not limited
4 to, the following:

5 (A) Costs incurred in providing analysis and
6 genetic marker categorization as required by
7 subsection (d).

8 (B) Costs incurred in maintaining genetic marker
9 groupings as required by subsection (e).

10 (C) Costs incurred in the purchase and maintenance
11 of equipment for use in performing analyses.

12 (D) Costs incurred in continuing research and
13 development of new techniques for analysis and genetic
14 marker categorization.

15 (E) Costs incurred in continuing education,
16 training, and professional development of forensic
17 scientists regularly employed by these laboratories.

18 (1) The failure of a person to provide a specimen, or of
19 any person or agency to collect a specimen, shall in no way
20 alter the obligation of the person to submit such specimen, or
21 the authority of the Illinois State Police or persons
22 designated by the Illinois State Police to collect the
23 specimen, or the authority of the Illinois State Police to
24 accept, analyze and maintain the specimen or to maintain or
25 upload results of genetic marker grouping analysis information
26 into a State or national database.

1 (m) If any provision of this amendatory Act of the 93rd
2 General Assembly is held unconstitutional or otherwise
3 invalid, the remainder of this amendatory Act of the 93rd
4 General Assembly is not affected.

5 (n) Neither the Illinois State Police, the Division of
6 Forensic Services, nor any laboratory of the Division of
7 Forensic Services may contract out forensic testing for the
8 purpose of an active investigation or a matter pending before
9 a court of competent jurisdiction without the written consent
10 of the prosecuting agency. For the purposes of this subsection
11 (n), "forensic testing" includes the analysis of physical
12 evidence in an investigation or other proceeding for the
13 prosecution of a violation of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or for matters adjudicated under the
15 Juvenile Court Act of 1987, and includes the use of forensic
16 databases and databanks, including DNA, firearm, and
17 fingerprint databases, and expert testimony.

18 (o) Mistake does not invalidate a database match. The
19 detention, arrest, or conviction of a person based upon a
20 database match or database information is not invalidated if
21 it is determined that the specimen was obtained or placed in
22 the database by mistake.

23 (p) This Section may be referred to as the Illinois DNA
24 Database Law of 2011.

25 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21.)

1 (730 ILCS 5/5-4.5-20)

2 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
3 degree murder:

4 (a) TERM. The defendant shall be sentenced to imprisonment
5 ~~or, if appropriate, death~~ under Section 9-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/9-1)~~.
7 Imprisonment shall be for a determinate term, subject to
8 Section 5-4.5-115 of this Code, of (1) not less than 20 years
9 and not more than 60 years; (2) not less than 60 years and not
10 more than 100 years when an extended term is imposed under
11 Section 5-8-2 ~~(730 ILCS 5/5-8-2)~~; or (3) natural life as
12 provided in Section 5-8-1 ~~(730 ILCS 5/5-8-1)~~.

13 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
14 shall not be imposed.

15 (c) IMPACT INCARCERATION. The impact incarceration program
16 or the county impact incarceration program is not an
17 authorized disposition.

18 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
19 probation or conditional discharge shall not be imposed.

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) ~~(730 ILCS 5/5-4.5-50(b))~~.

22 (f) RESTITUTION. See Section 5-5-6 ~~(730 ILCS 5/5-5-6)~~
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 ~~(730~~
26 ~~ILCS 5/5-8-4)~~ and Section 5-4.5-50 ~~(730 ILCS 5/5-4.5-50)~~.

1 (h) DRUG COURT. Drug court is not an authorized
2 disposition.

3 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 ~~(730~~
4 ~~ILCS 5/5-4.5-100)~~ concerning no credit for time spent in home
5 detention prior to judgment.

6 (j) SENTENCE CREDIT. See Section 3-6-3 ~~(730 ILCS 5/3-6-3)~~
7 for rules and regulations for sentence credit.

8 (k) ELECTRONIC MONITORING AND HOME DETENTION. Electronic
9 monitoring and home detention are not authorized dispositions,
10 except in limited circumstances as provided in Section 5-8A-3
11 ~~(730 ILCS 5/5-8A-3)~~.

12 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
13 provided in Section 3-3-8 ~~(730 ILCS 5/3-3-8)~~, the parole or
14 mandatory supervised release term shall be 3 years upon
15 release from imprisonment.

16 (Source: P.A. 100-431, eff. 8-25-17; 100-1182, eff. 6-1-19;
17 101-288, eff. 1-1-20.)

18 (730 ILCS 5/5-5-3)
19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment
24 or conditional discharge shall not be imposed for the
25 following offenses. The court shall sentence the offender to

1 not less than the minimum term of imprisonment set forth in
2 this Code for the following offenses, and may order a fine or
3 restitution or both in conjunction with such term of
4 imprisonment:

5 (A) First degree murder ~~where the death penalty is not~~
6 ~~imposed.~~

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

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

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

18 (E) (Blank).

19 (F) A Class 1 or greater felony if the offender had
20 been convicted of a Class 1 or greater felony, including
21 any state or federal conviction for an offense that
22 contained, at the time it was committed, the same elements
23 as an offense now (the date of the offense committed after
24 the prior Class 1 or greater felony) classified as a Class
25 1 or greater felony, within 10 years of the date on which
26 the offender committed the offense for which he or she is

1 being sentenced, except as otherwise provided in Section
2 40-10 of the Substance Use Disorder Act.

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

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

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

19 (H) Criminal sexual assault.

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

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

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or
2 more persons, with an established hierarchy, that
3 encourages members of the association to perpetrate crimes
4 or provides support to the members of the association who
5 do commit crimes.

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

10 (K) Vehicular hijacking.

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

15 (M) A second or subsequent conviction for the offense
16 of institutional vandalism if the damage to the property
17 exceeds \$300.

18 (N) A Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act.

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

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

26 (P-5) A violation of paragraph (6) of subsection (a)

1 of Section 11-20.1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 if the victim is a household or
3 family member of the defendant.

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

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

9 (S) (Blank).

10 (T) (Blank).

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

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

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

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

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

11 (Y) A conviction for unlawful possession of a firearm
12 by a street gang member when the firearm was loaded or
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was
15 serving a term of probation or conditional discharge for a
16 felony.

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

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

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

25 (DD) A conviction for aggravated assault under
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 firearm is aimed toward the person against whom the
3 firearm is being used.

4 (EE) A conviction for a violation of paragraph (2) of
5 subsection (a) of Section 24-3B of the Criminal Code of
6 2012.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
14 this subsection (c), a minimum of 100 hours of community
15 service shall be imposed for a second violation of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court, shall
19 be imposed for a second violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

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

1 service hours for participation in activities and treatment as
2 determined by court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be
4 imposed for a third violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

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

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

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

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

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

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

10 (A) a period of conditional discharge;

11 (B) a fine;

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

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

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

1 person.

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

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

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

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

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

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

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

1 required to attend a Partner Abuse Intervention Program under
2 protocols set forth by the Illinois Department of Human
3 Services under such terms and conditions imposed by the court.
4 The costs of such classes shall be paid by the offender.

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

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 results in conviction
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall
2 consider the safety and welfare of the victim and may impose a
3 sentence of probation only where:

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

6 (A) the defendant is willing to undergo a court
7 approved counseling program for a minimum duration of
8 2 years; or

9 (B) the defendant is willing to participate in a
10 court approved plan, including, but not limited to,
11 the defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the
15 family;

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

17 and

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

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

1 Probation may be revoked or modified pursuant to Section
2 5-6-4; except where the court determines at the hearing that
3 the defendant violated a condition of his or her probation
4 restricting contact with the victim or other family members or
5 commits another offense with the victim or other family
6 members, the court shall revoke the defendant's probation and
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and
9 "victim" shall have the meanings ascribed to them in Section
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

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

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

21 (g-5) When an inmate is tested for an airborne
22 communicable disease, as determined by the Illinois Department
23 of Public Health, including, but not limited to, tuberculosis,
24 the results of the test shall be personally delivered by the
25 warden or his or her designee in a sealed envelope to the judge
26 of the court in which the inmate must appear for the judge's

1 inspection in camera if requested by the judge. Acting in
2 accordance with the best interests of those in the courtroom,
3 the judge shall have the discretion to determine what if any
4 precautions need to be taken to prevent transmission of the
5 disease in the courtroom.

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

1 test shall be paid by the county and may be taxed as costs
2 against the convicted defendant.

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

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

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

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

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

19 (k) (Blank).

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

1 when:

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

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

8 Otherwise, the defendant shall be sentenced as provided in
9 this Chapter V.

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

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

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

25 (C) This subsection (1) does not apply to offenders who
26 are subject to the provisions of paragraph (2) of subsection

1 (a) of Section 3-6-3.

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

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

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

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

6 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
7 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
8 5-27-22.)

9 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

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

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

17 (1) for first degree murder,

18 (a) (blank),

19 (b) if a trier of fact finds beyond a reasonable
20 doubt that the murder was accompanied by exceptionally
21 brutal or heinous behavior indicative of wanton
22 cruelty or, except as set forth in subsection
23 (a) (1) (c) of this Section, that any of the aggravating
24 factors listed in subparagraph (b-5) ~~subsection (b) or~~
25 ~~(b 5) of Section 9-1 of the Criminal Code of 1961 or~~

1 ~~the Criminal Code of 2012~~ are present, the court may
2 sentence the defendant, subject to Section 5-4.5-105,
3 to a term of natural life imprisonment, or

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

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

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

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

26 (4) the murdered individual was killed in the

1 course of another felony if:

2 (A) the murdered individual:

3 (i) was actually killed by the
4 defendant, or

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

1 individual or another; and

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

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

24 (5) the defendant committed the murder with
25 intent to prevent the murdered individual from
26 testifying or participating in any criminal

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

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

24 (7) the defendant was incarcerated in an
25 institution or facility of the Department of
26 Corrections at the time of the murder, and while

1 committing an offense punishable as a felony under
2 Illinois law, or while engaged in a conspiracy or
3 solicitation to commit such offense, intentionally
4 killed an individual or counseled, commanded,
5 induced, procured or caused the intentional
6 killing of the murdered individual;

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

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

22 (10) the murder was intentional and involved
23 the infliction of torture. For the purpose of this
24 clause (10), torture means the infliction of or
25 subjection to extreme physical pain, motivated by
26 an intent to increase or prolong the pain,

1 suffering or agony of the victim;

2 (11) the murder was committed as a result of
3 the intentional discharge of a firearm by the
4 defendant from a motor vehicle and the victim was
5 not present within the motor vehicle;

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

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

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

1 for school purposes;

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

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

11 (17)(i) the murdered individual was a
12 physician, physician assistant, psychologist,
13 nurse, or advanced practice registered nurse;

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

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

25 (c) the court shall sentence the defendant to a
26 term of natural life imprisonment if the defendant, at

1 the time of the commission of the murder, had attained
2 the age of 18, and:

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

5 (ii) is found guilty of murdering more than
6 one victim, or

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

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

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

17 (vi) (blank), or

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

26 For purposes of clause (v), "emergency medical

1 technician - ambulance", "emergency medical technician
2 - intermediate", "emergency medical technician -
3 paramedic", have the meanings ascribed to them in the
4 Emergency Medical Services (EMS) Systems Act.

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

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

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

19 (2) (blank);

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

1 paragraph (1.2) of subsection (b) of Section 12-14.1,
2 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
3 subsection (b) of Section 12-14.1 of the Criminal Code of
4 1961 or the Criminal Code of 2012, the sentence shall be a
5 term of natural life imprisonment.

6 (b) (Blank).

7 (c) (Blank).

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

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

16 (1.5) except as provided in paragraph (7) of this
17 subsection (d), for a Class X felony except for the
18 offenses of predatory criminal sexual assault of a child,
19 aggravated criminal sexual assault, and criminal sexual
20 assault if committed on or after December 13, 2005 (the
21 effective date of Public Act 94-715) and except for the
22 offense of aggravated child pornography under Section
23 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
24 subsection (c-5) of Section 11-20.1 of the Criminal Code
25 of 1961 or the Criminal Code of 2012, if committed on or
26 after January 1, 2009, 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 pornography under
7 clauses (a)(1) and (a)(2) of Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, if
9 committed on or after January 1, 2009, 12 months;

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

25 (4) for defendants who commit the offense of predatory
26 criminal sexual assault of a child, aggravated criminal

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

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

17 (6) for a felony domestic battery, aggravated domestic
18 battery, stalking, aggravated stalking, and a felony
19 violation of an order of protection, 4 years;

20 (7) for any felony described in paragraph (a)(2)(ii),
21 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),
22 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section
23 3-6-3 of the Unified Code of Corrections requiring an
24 inmate to serve a minimum of 85% of their court-imposed
25 sentence, except for the offenses of predatory criminal
26 sexual assault of a child, aggravated criminal sexual

1 assault, and criminal sexual assault if committed on or
2 after December 13, 2005 (the effective date of Public Act
3 94-715) and except for the offense of aggravated child
4 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
5 with sentencing under subsection (c-5) of Section 11-20.1
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 if committed on or after January 1, 2009 and except as
8 provided in paragraph (4) or paragraph (6) of this
9 subsection (d), the term of mandatory supervised release
10 shall be as follows:

11 (A) Class X felony, 3 years;

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

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

14 (e) (Blank).

15 (f) (Blank).

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

25 (Source: P.A. 101-288, eff. 1-1-20; 101-652, eff. 7-1-21;
26 102-28, eff. 6-25-21; 102-687, eff. 12-17-21; 102-694, eff.

1 1-7-22; 102-1104, eff. 12-6-22.)

2 Section 55. The County Jail Act is amended by changing
3 Section 13 as follows:

4 (730 ILCS 125/13) (from Ch. 75, par. 113)

5 Sec. 13. Whenever the Warden of any jail shall have in his
6 custody any person charged with a ~~capital offense or other~~
7 high crime, and there is no jail in his county, or the jail is
8 insufficient, he may, with the advice of the judge of the
9 circuit court of such county, employ a sufficient guard, not
10 exceeding 3 persons, for the guarding and safe keeping of such
11 prisoner in his own county. The expense of such guard shall be
12 audited and paid as other county expenses.

13 (Source: P.A. 83-1073.)

14 Section 60. The Code of Civil Procedure is amended by
15 changing Section 10-103 as follows:

16 (735 ILCS 5/10-103) (from Ch. 110, par. 10-103)

17 Sec. 10-103. Application. Application for the relief shall
18 be made to the Supreme Court or to the circuit court of the
19 county in which the person in whose behalf the application is
20 made, is imprisoned or restrained, or to the circuit court of
21 the county from which such person was sentenced or committed.
22 Application shall be made by complaint signed by the person

1 for whose relief it is intended, or by some person in his or
2 her behalf, and verified by affidavit. ~~Application for relief~~
3 ~~under this Article may not be commenced on behalf of a person~~
4 ~~who has been sentenced to death without the written consent of~~
5 ~~that person, unless the person, because of a mental or~~
6 ~~physical condition, is incapable of asserting his or her own~~
7 ~~claim.~~

8 (Source: P.A. 89-684, eff. 6-1-97.)

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Statutes amended in order of appearance

3	55 ILCS 5/3-4011	from Ch. 34, par. 3-4011
4	105 ILCS 5/21B-85	
5	305 ILCS 5/1-8	
6	720 ILCS 5/2-7	from Ch. 38, par. 2-7
7	720 ILCS 5/8-4	from Ch. 38, par. 8-4
8	720 ILCS 5/9-1	from Ch. 38, par. 9-1
9	720 ILCS 5/9-1.2	from Ch. 38, par. 9-1.2
10	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
11	720 ILCS 5/30-1	from Ch. 38, par. 30-1
12	720 ILCS 550/9	from Ch. 56 1/2, par. 709
13	725 ILCS 5/104-26	from Ch. 38, par. 104-26
14	725 ILCS 5/111-3	from Ch. 38, par. 111-3
15	725 ILCS 5/114-15	
16	725 ILCS 5/116-4	
17	725 ILCS 5/121-13	from Ch. 38, par. 121-13
18	725 ILCS 5/122-1	from Ch. 38, par. 122-1
19	725 ILCS 5/122-2.1	from Ch. 38, par. 122-2.1
20	725 ILCS 5/122-2.2	
21	725 ILCS 5/122-4	from Ch. 38, par. 122-4
22	725 ILCS 5/119-5 rep.	
23	725 ILCS 105/10.5	
24	725 ILCS 235/5	from Ch. 38, par. 157-5
25	730 ILCS 5/3-3-13	from Ch. 38, par. 1003-3-13

1	730 ILCS 5/3-6-3	from Ch. 38, par. 1003-6-3
2	730 ILCS 5/3-8-10	from Ch. 38, par. 1003-8-10
3	730 ILCS 5/5-1-9	from Ch. 38, par. 1005-1-9
4	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
5	730 ILCS 5/5-4-3	from Ch. 38, par. 1005-4-3
6	730 ILCS 5/5-4.5-20	
7	730 ILCS 5/5-5-3	
8	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
9	730 ILCS 125/13	from Ch. 75, par. 113
10	735 ILCS 5/10-103	from Ch. 110, par. 10-103