

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 Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the
8 Department and no person may be employed by a licensed child
9 care facility who refuses to authorize an investigation as
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section,
12 no applicant may receive a license from the Department and no
13 person may be employed by a child care facility licensed by the
14 Department who has been declared a sexually dangerous person
15 under the Sexually Dangerous Persons Act, or convicted of
16 committing or attempting to commit any of the following
17 offenses stipulated under the Criminal Code of 1961 or the
18 Criminal Code of 2012:

19 (1) murder;

20 (1.1) solicitation of murder;

21 (1.2) solicitation of murder for hire;

22 (1.3) intentional homicide of an unborn child;

23 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) harboring a runaway;
- 14 (3.4) aiding and abetting child abduction;
- 15 (4) aggravated kidnapping;
- 16 (5) child abduction;
- 17 (6) aggravated battery of a child as described in
- 18 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 19 (7) criminal sexual assault;
- 20 (8) aggravated criminal sexual assault;
- 21 (8.1) predatory criminal sexual assault of a child;
- 22 (9) criminal sexual abuse;
- 23 (10) aggravated sexual abuse;
- 24 (11) heinous battery as described in Section 12-4.1 or
- 25 subdivision (a) (2) of Section 12-3.05;
- 26 (12) aggravated battery with a firearm as described in

1 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
2 (e) (4) of Section 12-3.05;

3 (13) tampering with food, drugs, or cosmetics;

4 (14) drug induced infliction of great bodily harm as
5 described in Section 12-4.7 or subdivision (g) (1) of
6 Section 12-3.05;

7 (15) hate crime;

8 (16) stalking;

9 (17) aggravated stalking;

10 (18) threatening public officials;

11 (19) home invasion;

12 (20) vehicular invasion;

13 (21) criminal transmission of HIV;

14 (22) criminal abuse or neglect of an elderly person or
15 person with a disability as described in Section 12-21 or
16 subsection (e) of Section 12-4.4a;

17 (23) child abandonment;

18 (24) endangering the life or health of a child;

19 (25) ritual mutilation;

20 (26) ritualized abuse of a child;

21 (27) an offense in any other jurisdiction the elements
22 of which are similar and bear a substantial relationship
23 to any of the foregoing offenses.

24 (b-1) In addition to the other provisions of this Section,
25 beginning January 1, 2004, no new applicant and, on the date of
26 licensure renewal, no current licensee may operate or receive

1 a license from the Department to operate, no person may be
2 employed by, and no adult person may reside in a child care
3 facility licensed by the Department who has been convicted of
4 committing or attempting to commit any of the following
5 offenses or an offense in any other jurisdiction the elements
6 of which are similar and bear a substantial relationship to
7 any of the following offenses:

8 (I) BODILY HARM

- 9 (1) Felony aggravated assault.
10 (2) Vehicular endangerment.
11 (3) Felony domestic battery.
12 (4) Aggravated battery.
13 (5) Heinous battery.
14 (6) Aggravated battery with a firearm.
15 (7) Aggravated battery of an unborn child.
16 (8) Aggravated battery of a senior citizen.
17 (9) Intimidation.
18 (10) Compelling organization membership of persons.
19 (11) Abuse and criminal neglect of a long term care
20 facility resident.
21 (12) Felony violation of an order of protection.

22 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 1 (1) Felony unlawful possession ~~use~~ of weapons.
- 2 (2) Aggravated discharge of a firearm.
- 3 (3) Reckless discharge of a firearm.
- 4 (4) Unlawful use of metal piercing bullets.
- 5 (5) Unlawful sale or delivery of firearms on the
- 6 premises of any school.
- 7 (6) Disarming a police officer.
- 8 (7) Obstructing justice.
- 9 (8) Concealing or aiding a fugitive.
- 10 (9) Armed violence.
- 11 (10) Felony contributing to the criminal delinquency
- 12 of a juvenile.

13 (III) DRUG OFFENSES

- 14 (1) Possession of more than 30 grams of cannabis.
- 15 (2) Manufacture of more than 10 grams of cannabis.
- 16 (3) Cannabis trafficking.
- 17 (4) Delivery of cannabis on school grounds.
- 18 (5) Unauthorized production of more than 5 cannabis
- 19 sativa plants.
- 20 (6) Calculated criminal cannabis conspiracy.
- 21 (7) Unauthorized manufacture or delivery of controlled
- 22 substances.
- 23 (8) Controlled substance trafficking.
- 24 (9) Manufacture, distribution, or advertisement of

1 look-alike substances.

2 (10) Calculated criminal drug conspiracy.

3 (11) Street gang criminal drug conspiracy.

4 (12) Permitting unlawful use of a building.

5 (13) Delivery of controlled, counterfeit, or
6 look-alike substances to persons under age 18, or at truck
7 stops, rest stops, or safety rest areas, or on school
8 property.

9 (14) Using, engaging, or employing persons under 18 to
10 deliver controlled, counterfeit, or look-alike substances.

11 (15) Delivery of controlled substances.

12 (16) Sale or delivery of drug paraphernalia.

13 (17) Felony possession, sale, or exchange of
14 instruments adapted for use of a controlled substance,
15 methamphetamine, or cannabis by subcutaneous injection.

16 (18) Felony possession of a controlled substance.

17 (19) Any violation of the Methamphetamine Control and
18 Community Protection Act.

19 (b-1.5) In addition to any other provision of this
20 Section, for applicants with access to confidential financial
21 information or who submit documentation to support billing,
22 the Department may, in its discretion, deny or refuse to renew
23 a license to an applicant who has been convicted of committing
24 or attempting to commit any of the following felony offenses:

25 (1) financial institution fraud under Section 17-10.6
26 of the Criminal Code of 1961 or the Criminal Code of 2012;

1 (2) identity theft under Section 16-30 of the Criminal
2 Code of 1961 or the Criminal Code of 2012;

3 (3) financial exploitation of an elderly person or a
4 person with a disability under Section 17-56 of the
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (4) computer tampering under Section 17-51 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (5) aggravated computer tampering under Section 17-52
9 of the Criminal Code of 1961 or the Criminal Code of 2012;

10 (6) computer fraud under Section 17-50 of the Criminal
11 Code of 1961 or the Criminal Code of 2012;

12 (7) deceptive practices under Section 17-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012;

14 (8) forgery under Section 17-3 of the Criminal Code of
15 1961 or the Criminal Code of 2012;

16 (9) State benefits fraud under Section 17-6 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (10) mail fraud and wire fraud under Section 17-24 of
19 the Criminal Code of 1961 or the Criminal Code of 2012;

20 (11) theft under paragraphs (1.1) through (11) of
21 subsection (b) of Section 16-1 of the Criminal Code of
22 1961 or the Criminal Code of 2012.

23 (b-2) Notwithstanding subsection (b-1), the Department may
24 make an exception and, for child care facilities other than
25 foster family homes, issue a new child care facility license
26 to or renew the existing child care facility license of an

1 applicant, a person employed by a child care facility, or an
2 applicant who has an adult residing in a home child care
3 facility who was convicted of an offense described in
4 subsection (b-1), provided that all of the following
5 requirements are met:

6 (1) The relevant criminal offense occurred more than 5
7 years prior to the date of application or renewal, except
8 for drug offenses. The relevant drug offense must have
9 occurred more than 10 years prior to the date of
10 application or renewal, unless the applicant passed a drug
11 test, arranged and paid for by the child care facility, no
12 less than 5 years after the offense.

13 (2) The Department must conduct a background check and
14 assess all convictions and recommendations of the child
15 care facility to determine if hiring or licensing the
16 applicant is in accordance with Department administrative
17 rules and procedures.

18 (3) The applicant meets all other requirements and
19 qualifications to be licensed as the pertinent type of
20 child care facility under this Act and the Department's
21 administrative rules.

22 (c) In addition to the other provisions of this Section,
23 no applicant may receive a license from the Department to
24 operate a foster family home, and no adult person may reside in
25 a foster family home licensed by the Department, who has been
26 convicted of committing or attempting to commit any of the

1 following offenses stipulated under the Criminal Code of 1961,
2 the Criminal Code of 2012, the Cannabis Control Act, the
3 Methamphetamine Control and Community Protection Act, and the
4 Illinois Controlled Substances Act:

5 (I) OFFENSES DIRECTED AGAINST THE PERSON

6 (A) KIDNAPPING AND RELATED OFFENSES

7 (1) Unlawful restraint.

8 (B) BODILY HARM

9 (2) Felony aggravated assault.

10 (3) Vehicular endangerment.

11 (4) Felony domestic battery.

12 (5) Aggravated battery.

13 (6) Heinous battery.

14 (7) Aggravated battery with a firearm.

15 (8) Aggravated battery of an unborn child.

16 (9) Aggravated battery of a senior citizen.

17 (10) Intimidation.

18 (11) Compelling organization membership of persons.

19 (12) Abuse and criminal neglect of a long term care
20 facility resident.

21 (13) Felony violation of an order of protection.

22 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 1 (14) Felony theft.
- 2 (15) Robbery.
- 3 (16) Armed robbery.
- 4 (17) Aggravated robbery.
- 5 (18) Vehicular hijacking.
- 6 (19) Aggravated vehicular hijacking.
- 7 (20) Burglary.
- 8 (21) Possession of burglary tools.
- 9 (22) Residential burglary.
- 10 (23) Criminal fortification of a residence or
11 building.
- 12 (24) Arson.
- 13 (25) Aggravated arson.
- 14 (26) Possession of explosive or explosive incendiary
15 devices.

16 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 17 (27) Felony unlawful possession ~~use~~ of weapons.
- 18 (28) Aggravated discharge of a firearm.
- 19 (29) Reckless discharge of a firearm.
- 20 (30) Unlawful use of metal piercing bullets.
- 21 (31) Unlawful sale or delivery of firearms on the
22 premises of any school.
- 23 (32) Disarming a police officer.

1 property.

2 (49) Using, engaging, or employing persons under 18 to
3 deliver controlled, counterfeit, or look-alike substances.

4 (50) Delivery of controlled substances.

5 (51) Sale or delivery of drug paraphernalia.

6 (52) Felony possession, sale, or exchange of
7 instruments adapted for use of a controlled substance,
8 methamphetamine, or cannabis by subcutaneous injection.

9 (53) Any violation of the Methamphetamine Control and
10 Community Protection Act.

11 (d) Notwithstanding subsection (c), the Department may
12 make an exception and issue a new foster family home license or
13 may renew an existing foster family home license of an
14 applicant who was convicted of an offense described in
15 subsection (c), provided all of the following requirements are
16 met:

17 (1) The relevant criminal offense or offenses occurred
18 more than 10 years prior to the date of application or
19 renewal.

20 (2) The applicant had previously disclosed the
21 conviction or convictions to the Department for purposes
22 of a background check.

23 (3) After the disclosure, the Department either placed
24 a child in the home or the foster family home license was
25 issued.

26 (4) During the background check, the Department had

1 assessed and waived the conviction in compliance with the
2 existing statutes and rules in effect at the time of the
3 hire or licensure.

4 (5) The applicant meets all other requirements and
5 qualifications to be licensed as a foster family home
6 under this Act and the Department's administrative rules.

7 (6) The applicant has a history of providing a safe,
8 stable home environment and appears able to continue to
9 provide a safe, stable home environment.

10 (e) In evaluating the exception pursuant to subsections
11 (b-2) and (d), the Department must carefully review any
12 relevant documents to determine whether the applicant, despite
13 the disqualifying convictions, poses a substantial risk to
14 State resources or clients. In making such a determination,
15 the following guidelines shall be used:

16 (1) the age of the applicant when the offense was
17 committed;

18 (2) the circumstances surrounding the offense;

19 (3) the length of time since the conviction;

20 (4) the specific duties and responsibilities
21 necessarily related to the license being applied for and
22 the bearing, if any, that the applicant's conviction
23 history may have on the applicant's fitness to perform
24 these duties and responsibilities;

25 (5) the applicant's employment references;

26 (6) the applicant's character references and any

1 certificates of achievement;

2 (7) an academic transcript showing educational
3 attainment since the disqualifying conviction;

4 (8) a Certificate of Relief from Disabilities or
5 Certificate of Good Conduct; and

6 (9) anything else that speaks to the applicant's
7 character.

8 (Source: P.A. 103-22, eff. 8-8-23.)

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Section 6-206 as follows:

11 (625 ILCS 5/6-206)

12 Sec. 6-206. Discretionary authority to suspend or revoke
13 license or permit; right to a hearing.

14 (a) The Secretary of State is authorized to suspend or
15 revoke the driving privileges of any person without
16 preliminary hearing upon a showing of the person's records or
17 other sufficient evidence that the person:

18 1. Has committed an offense for which mandatory
19 revocation of a driver's license or permit is required
20 upon conviction;

21 2. Has been convicted of not less than 3 offenses
22 against traffic regulations governing the movement of
23 vehicles committed within any 12-month period. No
24 revocation or suspension shall be entered more than 6

1 months after the date of last conviction;

2 3. Has been repeatedly involved as a driver in motor
3 vehicle collisions or has been repeatedly convicted of
4 offenses against laws and ordinances regulating the
5 movement of traffic, to a degree that indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 4. Has by the unlawful operation of a motor vehicle
11 caused or contributed to a crash resulting in injury
12 requiring immediate professional treatment in a medical
13 facility or doctor's office to any person, except that any
14 suspension or revocation imposed by the Secretary of State
15 under the provisions of this subsection shall start no
16 later than 6 months after being convicted of violating a
17 law or ordinance regulating the movement of traffic, which
18 violation is related to the crash, or shall start not more
19 than one year after the date of the crash, whichever date
20 occurs later;

21 5. Has permitted an unlawful or fraudulent use of a
22 driver's license, identification card, or permit;

23 6. Has been lawfully convicted of an offense or
24 offenses in another state, including the authorization
25 contained in Section 6-203.1, which if committed within
26 this State would be grounds for suspension or revocation;

1 7. Has refused or failed to submit to an examination
2 provided for by Section 6-207 or has failed to pass the
3 examination;

4 8. Is ineligible for a driver's license or permit
5 under the provisions of Section 6-103;

6 9. Has made a false statement or knowingly concealed a
7 material fact or has used false information or
8 identification in any application for a license,
9 identification card, or permit;

10 10. Has possessed, displayed, or attempted to
11 fraudulently use any license, identification card, or
12 permit not issued to the person;

13 11. Has operated a motor vehicle upon a highway of
14 this State when the person's driving privilege or
15 privilege to obtain a driver's license or permit was
16 revoked or suspended unless the operation was authorized
17 by a monitoring device driving permit, judicial driving
18 permit issued prior to January 1, 2009, probationary
19 license to drive, or restricted driving permit issued
20 under this Code;

21 12. Has submitted to any portion of the application
22 process for another person or has obtained the services of
23 another person to submit to any portion of the application
24 process for the purpose of obtaining a license,
25 identification card, or permit for some other person;

26 13. Has operated a motor vehicle upon a highway of

1 this State when the person's driver's license or permit
2 was invalid under the provisions of Sections 6-107.1 and
3 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
6 14B of the Illinois Identification Card Act or a similar
7 offense in another state if, at the time of the offense,
8 the person held an Illinois driver's license or
9 identification card;

10 15. Has been convicted of violating Section 21-2 of
11 the Criminal Code of 1961 or the Criminal Code of 2012
12 relating to criminal trespass to vehicles if the person
13 exercised actual physical control over the vehicle during
14 the commission of the offense, in which case the
15 suspension shall be for one year;

16 16. Has been convicted of violating Section 11-204 of
17 this Code relating to fleeing from a peace officer;

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the
20 person has not sought a hearing as provided for in Section
21 11-501.1;

22 18. (Blank);

23 19. Has committed a violation of paragraph (a) or (b)
24 of Section 6-101 relating to driving without a driver's
25 license;

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

2 21. Has been convicted of violating Section 11-402 of
3 this Code relating to leaving the scene of a crash
4 resulting in damage to a vehicle in excess of \$1,000, in
5 which case the suspension shall be for one year;

6 22. Has used a motor vehicle in violating paragraph
7 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
8 the Criminal Code of 1961 or the Criminal Code of 2012
9 relating to unlawful possession ~~use~~ of weapons, in which
10 case the suspension shall be for one year;

11 23. Has, as a driver, been convicted of committing a
12 violation of paragraph (a) of Section 11-502 of this Code
13 for a second or subsequent time within one year of a
14 similar violation;

15 24. Has been convicted by a court-martial or punished
16 by non-judicial punishment by military authorities of the
17 United States at a military installation in Illinois or in
18 another state of or for a traffic-related offense that is
19 the same as or similar to an offense specified under
20 Section 6-205 or 6-206 of this Code;

21 25. Has permitted any form of identification to be
22 used by another in the application process in order to
23 obtain or attempt to obtain a license, identification
24 card, or permit;

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. (Blank);

3 28. Has been convicted for a first time of the illegal
4 possession, while operating or in actual physical control,
5 as a driver, of a motor vehicle, of any controlled
6 substance prohibited under the Illinois Controlled
7 Substances Act, any cannabis prohibited under the Cannabis
8 Control Act, or any methamphetamine prohibited under the
9 Methamphetamine Control and Community Protection Act, in
10 which case the person's driving privileges shall be
11 suspended for one year. Any defendant found guilty of this
12 offense while operating a motor vehicle shall have an
13 entry made in the court record by the presiding judge that
14 this offense did occur while the defendant was operating a
15 motor vehicle and order the clerk of the court to report
16 the violation to the Secretary of State;

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle:
20 criminal sexual assault, predatory criminal sexual assault
21 of a child, aggravated criminal sexual assault, criminal
22 sexual abuse, aggravated criminal sexual abuse, juvenile
23 pimping, soliciting for a juvenile prostitute, promoting
24 juvenile prostitution as described in subdivision (a)(1),
25 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
26 of 1961 or the Criminal Code of 2012, and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

5 30. Has been convicted a second or subsequent time for
6 any combination of the offenses named in paragraph 29 of
7 this subsection, in which case the person's driving
8 privileges shall be suspended for 5 years;

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 of this Code or Section 5-16c of the Boat
11 Registration and Safety Act or has submitted to a test
12 resulting in an alcohol concentration of 0.08 or more or
13 any amount of a drug, substance, or compound resulting
14 from the unlawful use or consumption of cannabis as listed
15 in the Cannabis Control Act, a controlled substance as
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound as listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, in
20 which case the penalty shall be as prescribed in Section
21 6-208.1;

22 32. Has been convicted of Section 24-1.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 relating to the aggravated discharge of a firearm if the
25 offender was located in a motor vehicle at the time the
26 firearm was discharged, in which case the suspension shall

1 be for 3 years;

2 33. Has as a driver, who was less than 21 years of age
3 on the date of the offense, been convicted a first time of
4 a violation of paragraph (a) of Section 11-502 of this
5 Code or a similar provision of a local ordinance;

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code or a similar provision of a local ordinance;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code or a similar provision of a local ordinance;

10 36. Is under the age of 21 years at the time of arrest
11 and has been convicted of not less than 2 offenses against
12 traffic regulations governing the movement of vehicles
13 committed within any 24-month period. No revocation or
14 suspension shall be entered more than 6 months after the
15 date of last conviction;

16 37. Has committed a violation of subsection (c) of
17 Section 11-907 of this Code that resulted in damage to the
18 property of another or the death or injury of another;

19 38. Has been convicted of a violation of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance and the person was an occupant of a motor
22 vehicle at the time of the violation;

23 39. Has committed a second or subsequent violation of
24 Section 11-1201 of this Code;

25 40. Has committed a violation of subsection (a-1) of
26 Section 11-908 of this Code;

1 41. Has committed a second or subsequent violation of
2 Section 11-605.1 of this Code, a similar provision of a
3 local ordinance, or a similar violation in any other state
4 within 2 years of the date of the previous violation, in
5 which case the suspension shall be for 90 days;

6 42. Has committed a violation of subsection (a-1) of
7 Section 11-1301.3 of this Code or a similar provision of a
8 local ordinance;

9 43. Has received a disposition of court supervision
10 for a violation of subsection (a), (d), or (e) of Section
11 6-20 of the Liquor Control Act of 1934 or a similar
12 provision of a local ordinance and the person was an
13 occupant of a motor vehicle at the time of the violation,
14 in which case the suspension shall be for a period of 3
15 months;

16 44. Is under the age of 21 years at the time of arrest
17 and has been convicted of an offense against traffic
18 regulations governing the movement of vehicles after
19 having previously had his or her driving privileges
20 suspended or revoked pursuant to subparagraph 36 of this
21 Section;

22 45. Has, in connection with or during the course of a
23 formal hearing conducted under Section 2-118 of this Code:
24 (i) committed perjury; (ii) submitted fraudulent or
25 falsified documents; (iii) submitted documents that have
26 been materially altered; or (iv) submitted, as his or her

1 own, documents that were in fact prepared or composed for
2 another person;

3 46. Has committed a violation of subsection (j) of
4 Section 3-413 of this Code;

5 47. Has committed a violation of subsection (a) of
6 Section 11-502.1 of this Code;

7 48. Has submitted a falsified or altered medical
8 examiner's certificate to the Secretary of State or
9 provided false information to obtain a medical examiner's
10 certificate;

11 49. Has been convicted of a violation of Section
12 11-1002 or 11-1002.5 that resulted in a Type A injury to
13 another, in which case the driving privileges of the
14 person shall be suspended for 12 months;

15 50. Has committed a violation of subsection (b-5) of
16 Section 12-610.2 that resulted in great bodily harm,
17 permanent disability, or disfigurement, in which case the
18 driving privileges of the person shall be suspended for 12
19 months;

20 51. Has committed a violation of Section 10-15 Of the
21 Cannabis Regulation and Tax Act or a similar provision of
22 a local ordinance while in a motor vehicle; or

23 52. Has committed a violation of subsection (b) of
24 Section 10-20 of the Cannabis Regulation and Tax Act or a
25 similar provision of a local ordinance.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license
3 is deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license, or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be,
11 provided that a certified copy of a stay order of a court is
12 filed with the Secretary of State. If the conviction is
13 affirmed on appeal, the date of the conviction shall relate
14 back to the time the original judgment of conviction was
15 entered and the 6-month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or
17 permit of any person as authorized in this Section, the
18 Secretary of State shall immediately notify the person in
19 writing of the revocation or suspension. The notice to be
20 deposited in the United States mail, postage prepaid, to the
21 last known address of the person.

22 2. If the Secretary of State suspends the driver's license
23 of a person under subsection 2 of paragraph (a) of this
24 Section, a person's privilege to operate a vehicle as an
25 occupation shall not be suspended, provided an affidavit is
26 properly completed, the appropriate fee received, and a permit

1 issued prior to the effective date of the suspension, unless 5
2 offenses were committed, at least 2 of which occurred while
3 operating a commercial vehicle in connection with the driver's
4 regular occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must submit
7 the affidavit on forms to be provided by the Secretary of State
8 setting forth the facts of the person's occupation. The
9 affidavit shall also state the number of offenses committed
10 while operating a vehicle in connection with the driver's
11 regular occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as set
18 forth in the notice that was mailed under this Section. If an
19 affidavit is received subsequent to the effective date of this
20 suspension, a permit may be issued for the remainder of the
21 suspension period.

22 The provisions of this subparagraph shall not apply to any
23 driver required to possess a CDL for the purpose of operating a
24 commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section 6-302

1 and upon conviction thereof shall have all driving privileges
2 revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118 of
4 this Code, the Secretary of State shall either rescind or
5 continue an order of revocation or shall substitute an order
6 of suspension; or, good cause appearing therefor, rescind,
7 continue, change, or extend the order of suspension. If the
8 Secretary of State does not rescind the order, the Secretary
9 may upon application, to relieve undue hardship (as defined by
10 the rules of the Secretary of State), issue a restricted
11 driving permit granting the privilege of driving a motor
12 vehicle between the petitioner's residence and petitioner's
13 place of employment or within the scope of the petitioner's
14 employment-related duties, or to allow the petitioner to
15 transport himself or herself, or a family member of the
16 petitioner's household to a medical facility, to receive
17 necessary medical care, to allow the petitioner to transport
18 himself or herself to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or to allow the petitioner to transport himself or
21 herself or a family member of the petitioner's household to
22 classes, as a student, at an accredited educational
23 institution, or to allow the petitioner to transport children,
24 elderly persons, or persons with disabilities who do not hold
25 driving privileges and are living in the petitioner's
26 household to and from daycare. The petitioner must demonstrate

1 that no alternative means of transportation is reasonably
2 available and that the petitioner will not endanger the public
3 safety or welfare.

4 (A) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating
6 Section 11-501 of this Code or a similar provision of a
7 local ordinance or a similar out-of-state offense, or
8 Section 9-3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, where the use of alcohol or other drugs is
10 recited as an element of the offense, or a similar
11 out-of-state offense, or a combination of these offenses,
12 arising out of separate occurrences, that person, if
13 issued a restricted driving permit, may not operate a
14 vehicle unless it has been equipped with an ignition
15 interlock device as defined in Section 1-129.1.

16 (B) If a person's license or permit is revoked or
17 suspended 2 or more times due to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense or Section
21 9-3 of the Criminal Code of 1961 or the Criminal Code
22 of 2012, where the use of alcohol or other drugs is
23 recited as an element of the offense, or a similar
24 out-of-state offense; or

25 (ii) a statutory summary suspension or revocation
26 under Section 11-501.1; or

1 (iii) a suspension under Section 6-203.1;
2 arising out of separate occurrences; that person, if
3 issued a restricted driving permit, may not operate a
4 vehicle unless it has been equipped with an ignition
5 interlock device as defined in Section 1-129.1.

6 (B-5) If a person's license or permit is revoked or
7 suspended due to a conviction for a violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection (d)
9 of Section 11-501 of this Code, or a similar provision of a
10 local ordinance or similar out-of-state offense, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (C) The person issued a permit conditioned upon the
15 use of an ignition interlock device must pay to the
16 Secretary of State DUI Administration Fund an amount not
17 to exceed \$30 per month. The Secretary shall establish by
18 rule the amount and the procedures, terms, and conditions
19 relating to these fees.

20 (D) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against
22 operating a motor vehicle that is not equipped with an
23 ignition interlock device does not apply to the operation
24 of an occupational vehicle owned or leased by that
25 person's employer when used solely for employment
26 purposes. For any person who, within a 5-year period, is

1 convicted of a second or subsequent offense under Section
2 11-501 of this Code, or a similar provision of a local
3 ordinance or similar out-of-state offense, this employment
4 exemption does not apply until either a one-year period
5 has elapsed during which that person had his or her
6 driving privileges revoked or a one-year period has
7 elapsed during which that person had a restricted driving
8 permit which required the use of an ignition interlock
9 device on every motor vehicle owned or operated by that
10 person.

11 (E) In each case the Secretary may issue a restricted
12 driving permit for a period deemed appropriate, except
13 that all permits shall expire no later than 2 years from
14 the date of issuance. A restricted driving permit issued
15 under this Section shall be subject to cancellation,
16 revocation, and suspension by the Secretary of State in
17 like manner and for like cause as a driver's license
18 issued under this Code may be cancelled, revoked, or
19 suspended; except that a conviction upon one or more
20 offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for
22 the revocation, suspension, or cancellation of a
23 restricted driving permit. The Secretary of State may, as
24 a condition to the issuance of a restricted driving
25 permit, require the applicant to participate in a
26 designated driver remedial or rehabilitative program. The

1 Secretary of State is authorized to cancel a restricted
2 driving permit if the permit holder does not successfully
3 complete the program.

4 (F) A person subject to the provisions of paragraph 4
5 of subsection (b) of Section 6-208 of this Code may make
6 application for a restricted driving permit at a hearing
7 conducted under Section 2-118 of this Code after the
8 expiration of 5 years from the effective date of the most
9 recent revocation or after 5 years from the date of
10 release from a period of imprisonment resulting from a
11 conviction of the most recent offense, whichever is later,
12 provided the person, in addition to all other requirements
13 of the Secretary, shows by clear and convincing evidence:

14 (i) a minimum of 3 years of uninterrupted
15 abstinence from alcohol and the unlawful use or
16 consumption of cannabis under the Cannabis Control
17 Act, a controlled substance under the Illinois
18 Controlled Substances Act, an intoxicating compound
19 under the Use of Intoxicating Compounds Act, or
20 methamphetamine under the Methamphetamine Control and
21 Community Protection Act; and

22 (ii) the successful completion of any
23 rehabilitative treatment and involvement in any
24 ongoing rehabilitative activity that may be
25 recommended by a properly licensed service provider
26 according to an assessment of the person's alcohol or

1 drug use under Section 11-501.01 of this Code.

2 In determining whether an applicant is eligible for a
3 restricted driving permit under this subparagraph (F), the
4 Secretary may consider any relevant evidence, including,
5 but not limited to, testimony, affidavits, records, and
6 the results of regular alcohol or drug tests. Persons
7 subject to the provisions of paragraph 4 of subsection (b)
8 of Section 6-208 of this Code and who have been convicted
9 of more than one violation of paragraph (3), paragraph
10 (4), or paragraph (5) of subsection (a) of Section 11-501
11 of this Code shall not be eligible to apply for a
12 restricted driving permit under this subparagraph (F).

13 A restricted driving permit issued under this
14 subparagraph (F) shall provide that the holder may only
15 operate motor vehicles equipped with an ignition interlock
16 device as required under paragraph (2) of subsection (c)
17 of Section 6-205 of this Code and subparagraph (A) of
18 paragraph 3 of subsection (c) of this Section. The
19 Secretary may revoke a restricted driving permit or amend
20 the conditions of a restricted driving permit issued under
21 this subparagraph (F) if the holder operates a vehicle
22 that is not equipped with an ignition interlock device, or
23 for any other reason authorized under this Code.

24 A restricted driving permit issued under this
25 subparagraph (F) shall be revoked, and the holder barred
26 from applying for or being issued a restricted driving

1 permit in the future, if the holder is convicted of a
2 violation of Section 11-501 of this Code, a similar
3 provision of a local ordinance, or a similar offense in
4 another state.

5 (c-3) In the case of a suspension under paragraph 43 of
6 subsection (a), reports received by the Secretary of State
7 under this Section shall, except during the actual time the
8 suspension is in effect, be privileged information and for use
9 only by the courts, police officers, prosecuting authorities,
10 the driver licensing administrator of any other state, the
11 Secretary of State, or the parent or legal guardian of a driver
12 under the age of 18. However, beginning January 1, 2008, if the
13 person is a CDL holder, the suspension shall also be made
14 available to the driver licensing administrator of any other
15 state, the U.S. Department of Transportation, and the affected
16 driver or motor carrier or prospective motor carrier upon
17 request.

18 (c-4) In the case of a suspension under paragraph 43 of
19 subsection (a), the Secretary of State shall notify the person
20 by mail that his or her driving privileges and driver's
21 license will be suspended one month after the date of the
22 mailing of the notice.

23 (c-5) The Secretary of State may, as a condition of the
24 reissuance of a driver's license or permit to an applicant
25 whose driver's license or permit has been suspended before he
26 or she reached the age of 21 years pursuant to any of the

1 provisions of this Section, require the applicant to
2 participate in a driver remedial education course and be
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the
5 Driver License Compact.

6 (e) The Secretary of State shall not issue a restricted
7 driving permit to a person under the age of 16 years whose
8 driving privileges have been suspended or revoked under any
9 provisions of this Code.

10 (f) In accordance with 49 CFR 384, the Secretary of State
11 may not issue a restricted driving permit for the operation of
12 a commercial motor vehicle to a person holding a CDL whose
13 driving privileges have been suspended, revoked, cancelled, or
14 disqualified under any provisions of this Code.

15 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
16 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
17 7-1-23; 103-154, eff. 6-30-23.)

18 Section 15. The Juvenile Court Act of 1987 is amended by
19 changing Section 1-7 as follows:

20 (705 ILCS 405/1-7)

21 Sec. 1-7. Confidentiality of juvenile law enforcement and
22 municipal ordinance violation records.

23 (A) All juvenile law enforcement records which have not
24 been expunged are confidential and may never be disclosed to

1 the general public or otherwise made widely available.
2 Juvenile law enforcement records may be obtained only under
3 this Section and Section 1-8 and Part 9 of Article V of this
4 Act, when their use is needed for good cause and with an order
5 from the juvenile court, as required by those not authorized
6 to retain them. Inspection, copying, and disclosure of
7 juvenile law enforcement records maintained by law enforcement
8 agencies or records of municipal ordinance violations
9 maintained by any State, local, or municipal agency that
10 relate to a minor who has been investigated, arrested, or
11 taken into custody before the minor's 18th birthday shall be
12 restricted to the following:

13 (0.05) The minor who is the subject of the juvenile
14 law enforcement record, the minor's parents, guardian, and
15 counsel.

16 (0.10) Judges of the circuit court and members of the
17 staff of the court designated by the judge.

18 (0.15) An administrative adjudication hearing officer
19 or members of the staff designated to assist in the
20 administrative adjudication process.

21 (1) Any local, State, or federal law enforcement
22 officers or designated law enforcement staff of any
23 jurisdiction or agency when necessary for the discharge of
24 their official duties during the investigation or
25 prosecution of a crime or relating to a minor who has been
26 adjudicated delinquent and there has been a previous

1 finding that the act which constitutes the previous
2 offense was committed in furtherance of criminal
3 activities by a criminal street gang, or, when necessary
4 for the discharge of its official duties in connection
5 with a particular investigation of the conduct of a law
6 enforcement officer, an independent agency or its staff
7 created by ordinance and charged by a unit of local
8 government with the duty of investigating the conduct of
9 law enforcement officers. For purposes of this Section,
10 "criminal street gang" has the meaning ascribed to it in
11 Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act.

13 (2) Prosecutors, public defenders, probation officers,
14 social workers, or other individuals assigned by the court
15 to conduct a pre-adjudication or pre-disposition
16 investigation, and individuals responsible for supervising
17 or providing temporary or permanent care and custody for
18 minors under the order of the juvenile court, when
19 essential to performing their responsibilities.

20 (3) Federal, State, or local prosecutors, public
21 defenders, probation officers, and designated staff:

22 (a) in the course of a trial when institution of
23 criminal proceedings has been permitted or required
24 under Section 5-805;

25 (b) when institution of criminal proceedings has
26 been permitted or required under Section 5-805 and the

1 minor is the subject of a proceeding to determine the
2 conditions of pretrial release;

3 (c) when criminal proceedings have been permitted
4 or required under Section 5-805 and the minor is the
5 subject of a pre-trial investigation, pre-sentence
6 investigation, fitness hearing, or proceedings on an
7 application for probation; or

8 (d) in the course of prosecution or administrative
9 adjudication of a violation of a traffic, boating, or
10 fish and game law, or a county or municipal ordinance.

11 (4) Adult and Juvenile Prisoner Review Board.

12 (5) Authorized military personnel.

13 (5.5) Employees of the federal government authorized
14 by law.

15 (6) Persons engaged in bona fide research, with the
16 permission of the Presiding Judge and the chief executive
17 of the respective law enforcement agency; provided that
18 publication of such research results in no disclosure of a
19 minor's identity and protects the confidentiality of the
20 minor's record.

21 (7) Department of Children and Family Services child
22 protection investigators acting in their official
23 capacity.

24 (8) The appropriate school official only if the agency
25 or officer believes that there is an imminent threat of
26 physical harm to students, school personnel, or others.

1 (A) Inspection and copying shall be limited to
2 juvenile law enforcement records transmitted to the
3 appropriate school official or officials whom the
4 school has determined to have a legitimate educational
5 or safety interest by a local law enforcement agency
6 under a reciprocal reporting system established and
7 maintained between the school district and the local
8 law enforcement agency under Section 10-20.14 of the
9 School Code concerning a minor enrolled in a school
10 within the school district who has been arrested or
11 taken into custody for any of the following offenses:

12 (i) any violation of Article 24 of the
13 Criminal Code of 1961 or the Criminal Code of
14 2012;

15 (ii) a violation of the Illinois Controlled
16 Substances Act;

17 (iii) a violation of the Cannabis Control Act;

18 (iv) a forcible felony as defined in Section
19 2-8 of the Criminal Code of 1961 or the Criminal
20 Code of 2012;

21 (v) a violation of the Methamphetamine Control
22 and Community Protection Act;

23 (vi) a violation of Section 1-2 of the
24 Harassing and Obscene Communications Act;

25 (vii) a violation of the Hazing Act; or

26 (viii) a violation of Section 12-1, 12-2,

1 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
2 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
3 Criminal Code of 1961 or the Criminal Code of
4 2012.

5 The information derived from the juvenile law
6 enforcement records shall be kept separate from and
7 shall not become a part of the official school record
8 of that child and shall not be a public record. The
9 information shall be used solely by the appropriate
10 school official or officials whom the school has
11 determined to have a legitimate educational or safety
12 interest to aid in the proper rehabilitation of the
13 child and to protect the safety of students and
14 employees in the school. If the designated law
15 enforcement and school officials deem it to be in the
16 best interest of the minor, the student may be
17 referred to in-school or community-based social
18 services if those services are available.
19 "Rehabilitation services" may include interventions by
20 school support personnel, evaluation for eligibility
21 for special education, referrals to community-based
22 agencies such as youth services, behavioral healthcare
23 service providers, drug and alcohol prevention or
24 treatment programs, and other interventions as deemed
25 appropriate for the student.

26 (B) Any information provided to appropriate school

1 officials whom the school has determined to have a
2 legitimate educational or safety interest by local law
3 enforcement officials about a minor who is the subject
4 of a current police investigation that is directly
5 related to school safety shall consist of oral
6 information only, and not written juvenile law
7 enforcement records, and shall be used solely by the
8 appropriate school official or officials to protect
9 the safety of students and employees in the school and
10 aid in the proper rehabilitation of the child. The
11 information derived orally from the local law
12 enforcement officials shall be kept separate from and
13 shall not become a part of the official school record
14 of the child and shall not be a public record. This
15 limitation on the use of information about a minor who
16 is the subject of a current police investigation shall
17 in no way limit the use of this information by
18 prosecutors in pursuing criminal charges arising out
19 of the information disclosed during a police
20 investigation of the minor. For purposes of this
21 paragraph, "investigation" means an official
22 systematic inquiry by a law enforcement agency into
23 actual or suspected criminal activity.

24 (9) Mental health professionals on behalf of the
25 Department of Corrections or the Department of Human
26 Services or prosecutors who are evaluating, prosecuting,

1 or investigating a potential or actual petition brought
2 under the Sexually Violent Persons Commitment Act relating
3 to a person who is the subject of juvenile law enforcement
4 records or the respondent to a petition brought under the
5 Sexually Violent Persons Commitment Act who is the subject
6 of the juvenile law enforcement records sought. Any
7 juvenile law enforcement records and any information
8 obtained from those juvenile law enforcement records under
9 this paragraph (9) may be used only in sexually violent
10 persons commitment proceedings.

11 (10) The president of a park district. Inspection and
12 copying shall be limited to juvenile law enforcement
13 records transmitted to the president of the park district
14 by the Illinois State Police under Section 8-23 of the
15 Park District Code or Section 16a-5 of the Chicago Park
16 District Act concerning a person who is seeking employment
17 with that park district and who has been adjudicated a
18 juvenile delinquent for any of the offenses listed in
19 subsection (c) of Section 8-23 of the Park District Code
20 or subsection (c) of Section 16a-5 of the Chicago Park
21 District Act.

22 (11) Persons managing and designated to participate in
23 a court diversion program as designated in subsection (6)
24 of Section 5-105.

25 (12) The Public Access Counselor of the Office of the
26 Attorney General, when reviewing juvenile law enforcement

1 records under its powers and duties under the Freedom of
2 Information Act.

3 (13) Collection agencies, contracted or otherwise
4 engaged by a governmental entity, to collect any debts due
5 and owing to the governmental entity.

6 (B)(1) Except as provided in paragraph (2), no law
7 enforcement officer or other person or agency may knowingly
8 transmit to the Department of Corrections, the Illinois State
9 Police, or the Federal Bureau of Investigation any fingerprint
10 or photograph relating to a minor who has been arrested or
11 taken into custody before the minor's 18th birthday, unless
12 the court in proceedings under this Act authorizes the
13 transmission or enters an order under Section 5-805 permitting
14 or requiring the institution of criminal proceedings.

15 (2) Law enforcement officers or other persons or agencies
16 shall transmit to the Illinois State Police copies of
17 fingerprints and descriptions of all minors who have been
18 arrested or taken into custody before their 18th birthday for
19 the offense of unlawful possession ~~use~~ of weapons under
20 Article 24 of the Criminal Code of 1961 or the Criminal Code of
21 2012, a Class X or Class 1 felony, a forcible felony as defined
22 in Section 2-8 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, or a Class 2 or greater felony under the Cannabis
24 Control Act, the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or
26 Chapter 4 of the Illinois Vehicle Code, pursuant to Section 5

1 of the Criminal Identification Act. Information reported to
2 the Department pursuant to this Section may be maintained with
3 records that the Department files pursuant to Section 2.1 of
4 the Criminal Identification Act. Nothing in this Act prohibits
5 a law enforcement agency from fingerprinting a minor taken
6 into custody or arrested before the minor's 18th birthday for
7 an offense other than those listed in this paragraph (2).

8 (C) The records of law enforcement officers, or of an
9 independent agency created by ordinance and charged by a unit
10 of local government with the duty of investigating the conduct
11 of law enforcement officers, concerning all minors under 18
12 years of age must be maintained separate from the records of
13 arrests and may not be open to public inspection or their
14 contents disclosed to the public. For purposes of obtaining
15 documents under this Section, a civil subpoena is not an order
16 of the court.

17 (1) In cases where the law enforcement, or independent
18 agency, records concern a pending juvenile court case, the
19 party seeking to inspect the records shall provide actual
20 notice to the attorney or guardian ad litem of the minor
21 whose records are sought.

22 (2) In cases where the records concern a juvenile
23 court case that is no longer pending, the party seeking to
24 inspect the records shall provide actual notice to the
25 minor or the minor's parent or legal guardian, and the
26 matter shall be referred to the chief judge presiding over

1 matters pursuant to this Act.

2 (3) In determining whether the records should be
3 available for inspection, the court shall consider the
4 minor's interest in confidentiality and rehabilitation
5 over the moving party's interest in obtaining the
6 information. Any records obtained in violation of this
7 subsection (C) shall not be admissible in any criminal or
8 civil proceeding, or operate to disqualify a minor from
9 subsequently holding public office or securing employment,
10 or operate as a forfeiture of any public benefit, right,
11 privilege, or right to receive any license granted by
12 public authority.

13 (D) Nothing contained in subsection (C) of this Section
14 shall prohibit the inspection or disclosure to victims and
15 witnesses of photographs contained in the records of law
16 enforcement agencies when the inspection and disclosure is
17 conducted in the presence of a law enforcement officer for the
18 purpose of the identification or apprehension of any person
19 subject to the provisions of this Act or for the investigation
20 or prosecution of any crime.

21 (E) Law enforcement officers, and personnel of an
22 independent agency created by ordinance and charged by a unit
23 of local government with the duty of investigating the conduct
24 of law enforcement officers, may not disclose the identity of
25 any minor in releasing information to the general public as to
26 the arrest, investigation or disposition of any case involving

1 a minor.

2 (F) Nothing contained in this Section shall prohibit law
3 enforcement agencies from communicating with each other by
4 letter, memorandum, teletype, or intelligence alert bulletin
5 or other means the identity or other relevant information
6 pertaining to a person under 18 years of age if there are
7 reasonable grounds to believe that the person poses a real and
8 present danger to the safety of the public or law enforcement
9 officers. The information provided under this subsection (F)
10 shall remain confidential and shall not be publicly disclosed,
11 except as otherwise allowed by law.

12 (G) Nothing in this Section shall prohibit the right of a
13 Civil Service Commission or appointing authority of any
14 federal government, state, county or municipality examining
15 the character and fitness of an applicant for employment with
16 a law enforcement agency, correctional institution, or fire
17 department from obtaining and examining the records of any law
18 enforcement agency relating to any record of the applicant
19 having been arrested or taken into custody before the
20 applicant's 18th birthday.

21 (G-5) Information identifying victims and alleged victims
22 of sex offenses shall not be disclosed or open to the public
23 under any circumstances. Nothing in this Section shall
24 prohibit the victim or alleged victim of any sex offense from
25 voluntarily disclosing this identity.

26 (H) The changes made to this Section by Public Act 98-61

1 apply to law enforcement records of a minor who has been
2 arrested or taken into custody on or after January 1, 2014 (the
3 effective date of Public Act 98-61).

4 (H-5) Nothing in this Section shall require any court or
5 adjudicative proceeding for traffic, boating, fish and game
6 law, or municipal and county ordinance violations to be closed
7 to the public.

8 (I) Willful violation of this Section is a Class C
9 misdemeanor and each violation is subject to a fine of \$1,000.
10 This subsection (I) shall not apply to the person who is the
11 subject of the record.

12 (J) A person convicted of violating this Section is liable
13 for damages in the amount of \$1,000 or actual damages,
14 whichever is greater.

15 (Source: P.A. 102-538, eff. 8-20-21; 102-752, eff. 1-1-23;
16 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

17 Section 20. The Criminal Code of 2012 is amended by
18 changing Sections 2-13, 8-2, 24-1, 24-1.1, 24-1.6, 24-1.7,
19 24-2.1, 24-3.6, and 36-1 as follows:

20 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

21 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
22 person who by virtue of his office or public employment is
23 vested by law with a duty to maintain public order or to make
24 arrests for offenses, whether that duty extends to all

1 offenses or is limited to specific offenses, or (ii) any
2 person who, by statute, is granted and authorized to exercise
3 powers similar to those conferred upon any peace officer
4 employed by a law enforcement agency of this State.

5 For purposes of Sections concerning unlawful possession
6 ~~use~~ of weapons, for the purposes of assisting an Illinois
7 peace officer in an arrest, or when the commission of any
8 offense under Illinois law is directly observed by the person,
9 and statutes involving the false personation of a peace
10 officer, false personation of a peace officer while carrying a
11 deadly weapon, false personation of a peace officer in
12 attempting or committing a felony, and false personation of a
13 peace officer in attempting or committing a forcible felony,
14 then officers, agents, or employees of the federal government
15 commissioned by federal statute to make arrests for violations
16 of federal criminal laws shall be considered "peace officers"
17 under this Code, including, but not limited to, all criminal
18 investigators of:

19 (1) the United States Department of Justice, the
20 Federal Bureau of Investigation, and the Drug Enforcement
21 Administration and all United States Marshals or Deputy
22 United States Marshals whose duties involve the
23 enforcement of federal criminal laws;

24 (1.5) the United States Department of Homeland
25 Security, United States Citizenship and Immigration
26 Services, United States Coast Guard, United States Customs

1 and Border Protection, and United States Immigration and
2 Customs Enforcement;

3 (2) the United States Department of the Treasury, the
4 Alcohol and Tobacco Tax and Trade Bureau, and the United
5 States Secret Service;

6 (3) the United States Internal Revenue Service;

7 (4) the United States General Services Administration;

8 (5) the United States Postal Service;

9 (6) (blank); and

10 (7) the United States Department of Defense.

11 (Source: P.A. 102-558, eff. 8-20-21.)

12 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

13 Sec. 8-2. Conspiracy.

14 (a) Elements of the offense. A person commits the offense
15 of conspiracy when, with intent that an offense be committed,
16 he or she agrees with another to the commission of that
17 offense. No person may be convicted of conspiracy to commit an
18 offense unless an act in furtherance of that agreement is
19 alleged and proved to have been committed by him or her or by a
20 co-conspirator.

21 (b) Co-conspirators. It is not a defense to conspiracy
22 that the person or persons with whom the accused is alleged to
23 have conspired:

24 (1) have not been prosecuted or convicted,

25 (2) have been convicted of a different offense,

- 1 (3) are not amenable to justice,
2 (4) have been acquitted, or
3 (5) lacked the capacity to commit an offense.

4 (c) Sentence.

5 (1) Except as otherwise provided in this subsection or
6 Code, a person convicted of conspiracy to commit:

7 (A) a Class X felony shall be sentenced for a Class
8 1 felony;

9 (B) a Class 1 felony shall be sentenced for a Class
10 2 felony;

11 (C) a Class 2 felony shall be sentenced for a Class
12 3 felony;

13 (D) a Class 3 felony shall be sentenced for a Class
14 4 felony;

15 (E) a Class 4 felony shall be sentenced for a Class
16 4 felony; and

17 (F) a misdemeanor may be fined or imprisoned or
18 both not to exceed the maximum provided for the
19 offense that is the object of the conspiracy.

20 (2) A person convicted of conspiracy to commit any of
21 the following offenses shall be sentenced for a Class X
22 felony:

23 (A) aggravated insurance fraud conspiracy when the
24 person is an organizer of the conspiracy (720 ILCS
25 5/46-4); or

26 (B) aggravated governmental entity insurance fraud

1 conspiracy when the person is an organizer of the
2 conspiracy (720 ILCS 5/46-4).

3 (3) A person convicted of conspiracy to commit any of
4 the following offenses shall be sentenced for a Class 1
5 felony:

6 (A) first degree murder (720 ILCS 5/9-1); or

7 (B) aggravated insurance fraud (720 ILCS 5/46-3)
8 or aggravated governmental insurance fraud (720 ILCS
9 5/46-3).

10 (4) A person convicted of conspiracy to commit
11 insurance fraud (720 ILCS 5/46-3) or governmental entity
12 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
13 Class 2 felony.

14 (5) A person convicted of conspiracy to commit any of
15 the following offenses shall be sentenced for a Class 3
16 felony:

17 (A) soliciting for a prostitute (720 ILCS
18 5/11-14.3(a)(1));

19 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
20 5/11-14.3(a)(2)(B));

21 (C) keeping a place of prostitution (720 ILCS
22 5/11-14.3(a)(1));

23 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C));

24 (E) unlawful possession ~~use~~ of weapons under
25 Section 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

26 (F) unlawful possession ~~use~~ of weapons under

1 Section 24-1(a) (7) (720 ILCS 5/24-1(a) (7));
2 (G) gambling (720 ILCS 5/28-1);
3 (H) keeping a gambling place (720 ILCS 5/28-3);
4 (I) registration of federal gambling stamps
5 violation (720 ILCS 5/28-4);
6 (J) look-alike substances violation (720 ILCS
7 570/404);
8 (K) miscellaneous controlled substance violation
9 under Section 406(b) (720 ILCS 570/406(b)); or
10 (L) an inchoate offense related to any of the
11 principal offenses set forth in this item (5).
12 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11.)

13 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)
14 Sec. 24-1. Unlawful possession ~~use~~ of weapons.
15 (a) A person commits the offense of unlawful possession
16 ~~use~~ of weapons when he knowingly:
17 (1) Sells, manufactures, purchases, possesses or
18 carries any bludgeon, black-jack, slung-shot, sand-club,
19 sand-bag, metal knuckles or other knuckle weapon
20 regardless of its composition, throwing star, or any
21 knife, commonly referred to as a switchblade knife, which
22 has a blade that opens automatically by hand pressure
23 applied to a button, spring or other device in the handle
24 of the knife, or a ballistic knife, which is a device that
25 propels a knifelike blade as a projectile by means of a

1 coil spring, elastic material or compressed gas; or

2 (2) Carries or possesses with intent to use the same
3 unlawfully against another, a dagger, dirk, billy,
4 dangerous knife, razor, stiletto, broken bottle or other
5 piece of glass, stun gun or taser or any other dangerous or
6 deadly weapon or instrument of like character; or

7 (2.5) Carries or possesses with intent to use the same
8 unlawfully against another, any firearm in a church,
9 synagogue, mosque, or other building, structure, or place
10 used for religious worship; or

11 (3) Carries on or about his person or in any vehicle, a
12 tear gas gun projector or bomb or any object containing
13 noxious liquid gas or substance, other than an object
14 containing a non-lethal noxious liquid gas or substance
15 designed solely for personal defense carried by a person
16 18 years of age or older; or

17 (4) Carries or possesses in any vehicle or concealed
18 on or about his person except when on his land or in his
19 own abode, legal dwelling, or fixed place of business, or
20 on the land or in the legal dwelling of another person as
21 an invitee with that person's permission, any pistol,
22 revolver, stun gun or taser or other firearm, except that
23 this subsection (a)(4) does not apply to or affect
24 transportation of weapons that meet one of the following
25 conditions:

26 (i) are broken down in a non-functioning state; or

- 1 (ii) are not immediately accessible; or
- 2 (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person who has been issued a currently valid Firearm
- 5 Owner's Identification Card; or
- 6 (iv) are carried or possessed in accordance with
- 7 the Firearm Concealed Carry Act by a person who has
- 8 been issued a currently valid license under the
- 9 Firearm Concealed Carry Act; or
- 10 (5) Sets a spring gun; or
- 11 (6) Possesses any device or attachment of any kind
- 12 designed, used or intended for use in silencing the report
- 13 of any firearm; or
- 14 (7) Sells, manufactures, purchases, possesses or
- 15 carries:
- 16 (i) a machine gun, which shall be defined for the
- 17 purposes of this subsection as any weapon, which
- 18 shoots, is designed to shoot, or can be readily
- 19 restored to shoot, automatically more than one shot
- 20 without manually reloading by a single function of the
- 21 trigger, including the frame or receiver of any such
- 22 weapon, or sells, manufactures, purchases, possesses,
- 23 or carries any combination of parts designed or
- 24 intended for use in converting any weapon into a
- 25 machine gun, or any combination or parts from which a
- 26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less
3 than 16 inches in length or a shotgun having one or
4 more barrels less than 18 inches in length or any
5 weapon made from a rifle or shotgun, whether by
6 alteration, modification, or otherwise, if such a
7 weapon as modified has an overall length of less than
8 26 inches; or

9 (iii) any bomb, bomb-shell, grenade, bottle or
10 other container containing an explosive substance of
11 over one-quarter ounce for like purposes, such as, but
12 not limited to, black powder bombs and Molotov
13 cocktails or artillery projectiles; or

14 (8) Carries or possesses any firearm, stun gun or
15 taser or other deadly weapon in any place which is
16 licensed to sell intoxicating beverages, or at any public
17 gathering held pursuant to a license issued by any
18 governmental body or any public gathering at which an
19 admission is charged, excluding a place where a showing,
20 demonstration or lecture involving the exhibition of
21 unloaded firearms is conducted.

22 This subsection (a) (8) does not apply to any auction
23 or raffle of a firearm held pursuant to a license or permit
24 issued by a governmental body, nor does it apply to
25 persons engaged in firearm safety training courses; or

26 (9) Carries or possesses in a vehicle or on or about

1 his or her person any pistol, revolver, stun gun or taser
2 or firearm or ballistic knife, when he or she is hooded,
3 robed or masked in such manner as to conceal his or her
4 identity; or

5 (10) Carries or possesses on or about his or her
6 person, upon any public street, alley, or other public
7 lands within the corporate limits of a city, village, or
8 incorporated town, except when an invitee thereon or
9 therein, for the purpose of the display of such weapon or
10 the lawful commerce in weapons, or except when on his land
11 or in his or her own abode, legal dwelling, or fixed place
12 of business, or on the land or in the legal dwelling of
13 another person as an invitee with that person's
14 permission, any pistol, revolver, stun gun, or taser or
15 other firearm, except that this subsection (a)(10) does
16 not apply to or affect transportation of weapons that meet
17 one of the following conditions:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm
21 carrying box, shipping box, or other container by a
22 person who has been issued a currently valid Firearm
23 Owner's Identification Card; or

24 (iv) are carried or possessed in accordance with
25 the Firearm Concealed Carry Act by a person who has
26 been issued a currently valid license under the

1 Firearm Concealed Carry Act.

2 A "stun gun or taser", as used in this paragraph (a)
3 means (i) any device which is powered by electrical
4 charging units, such as, batteries, and which fires one or
5 several barbs attached to a length of wire and which, upon
6 hitting a human, can send out a current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning or (ii) any
9 device which is powered by electrical charging units, such
10 as batteries, and which, upon contact with a human or
11 clothing worn by a human, can send out current capable of
12 disrupting the person's nervous system in such a manner as
13 to render him incapable of normal functioning; or

14 (11) Sells, manufactures, delivers, imports,
15 possesses, or purchases any assault weapon attachment or
16 .50 caliber cartridge in violation of Section 24-1.9 or
17 any explosive bullet. For purposes of this paragraph (a)
18 "explosive bullet" means the projectile portion of an
19 ammunition cartridge which contains or carries an
20 explosive charge which will explode upon contact with the
21 flesh of a human or an animal. "Cartridge" means a tubular
22 metal case having a projectile affixed at the front
23 thereof and a cap or primer at the rear end thereof, with
24 the propellant contained in such tube between the
25 projectile and the cap; or

26 (12) (Blank); or

1 (13) Carries or possesses on or about his or her
2 person while in a building occupied by a unit of
3 government, a billy club, other weapon of like character,
4 or other instrument of like character intended for use as
5 a weapon. For the purposes of this Section, "billy club"
6 means a short stick or club commonly carried by police
7 officers which is either telescopic or constructed of a
8 solid piece of wood or other man-made material; or

9 (14) Manufactures, possesses, sells, or offers to
10 sell, purchase, manufacture, import, transfer, or use any
11 device, part, kit, tool, accessory, or combination of
12 parts that is designed to and functions to increase the
13 rate of fire of a semiautomatic firearm above the standard
14 rate of fire for semiautomatic firearms that is not
15 equipped with that device, part, or combination of parts;
16 or

17 (15) Carries or possesses any assault weapon or .50
18 caliber rifle in violation of Section 24-1.9; or

19 (16) Manufactures, sells, delivers, imports, or
20 purchases any assault weapon or .50 caliber rifle in
21 violation of Section 24-1.9.

22 (b) Sentence. A person convicted of a violation of
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
24 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
25 commits a Class A misdemeanor. A person convicted of a
26 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a

1 Class 4 felony; a person convicted of a violation of
2 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
3 24-1(a)(16) commits a Class 3 felony. A person convicted of a
4 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
5 and shall be sentenced to a term of imprisonment of not less
6 than 3 years and not more than 7 years, unless the weapon is
7 possessed in the passenger compartment of a motor vehicle as
8 defined in Section 1-146 of the Illinois Vehicle Code, or on
9 the person, while the weapon is loaded, in which case it shall
10 be a Class X felony. A person convicted of a second or
11 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
12 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
13 felony. A person convicted of a violation of subsection
14 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
15 possession of each weapon or device in violation of this
16 Section constitutes a single and separate violation.

17 (c) Violations in specific places.

18 (1) A person who violates subsection 24-1(a)(6) or
19 24-1(a)(7) in any school, regardless of the time of day or
20 the time of year, in residential property owned, operated
21 or managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or mixed-income
23 development, in a public park, in a courthouse, on the
24 real property comprising any school, regardless of the
25 time of day or the time of year, on residential property
26 owned, operated or managed by a public housing agency or

1 leased by a public housing agency as part of a scattered
2 site or mixed-income development, on the real property
3 comprising any public park, on the real property
4 comprising any courthouse, in any conveyance owned, leased
5 or contracted by a school to transport students to or from
6 school or a school related activity, in any conveyance
7 owned, leased, or contracted by a public transportation
8 agency, or on any public way within 1,000 feet of the real
9 property comprising any school, public park, courthouse,
10 public transportation facility, or residential property
11 owned, operated, or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development commits a Class 2 felony
14 and shall be sentenced to a term of imprisonment of not
15 less than 3 years and not more than 7 years.

16 (1.5) A person who violates subsection 24-1(a)(4),
17 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
18 the time of day or the time of year, in residential
19 property owned, operated, or managed by a public housing
20 agency or leased by a public housing agency as part of a
21 scattered site or mixed-income development, in a public
22 park, in a courthouse, on the real property comprising any
23 school, regardless of the time of day or the time of year,
24 on residential property owned, operated, or managed by a
25 public housing agency or leased by a public housing agency
26 as part of a scattered site or mixed-income development,

1 on the real property comprising any public park, on the
2 real property comprising any courthouse, in any conveyance
3 owned, leased, or contracted by a school to transport
4 students to or from school or a school related activity,
5 in any conveyance owned, leased, or contracted by a public
6 transportation agency, or on any public way within 1,000
7 feet of the real property comprising any school, public
8 park, courthouse, public transportation facility, or
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development
12 commits a Class 3 felony.

13 (2) A person who violates subsection 24-1(a)(1),
14 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
15 time of day or the time of year, in residential property
16 owned, operated or managed by a public housing agency or
17 leased by a public housing agency as part of a scattered
18 site or mixed-income development, in a public park, in a
19 courthouse, on the real property comprising any school,
20 regardless of the time of day or the time of year, on
21 residential property owned, operated or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development,
24 on the real property comprising any public park, on the
25 real property comprising any courthouse, in any conveyance
26 owned, leased or contracted by a school to transport

1 students to or from school or a school related activity,
2 in any conveyance owned, leased, or contracted by a public
3 transportation agency, or on any public way within 1,000
4 feet of the real property comprising any school, public
5 park, courthouse, public transportation facility, or
6 residential property owned, operated, or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development
9 commits a Class 4 felony. "Courthouse" means any building
10 that is used by the Circuit, Appellate, or Supreme Court
11 of this State for the conduct of official business.

12 (3) Paragraphs (1), (1.5), and (2) of this subsection
13 (c) shall not apply to law enforcement officers or
14 security officers of such school, college, or university
15 or to students carrying or possessing firearms for use in
16 training courses, parades, hunting, target shooting on
17 school ranges, or otherwise with the consent of school
18 authorities and which firearms are transported unloaded
19 enclosed in a suitable case, box, or transportation
20 package.

21 (4) For the purposes of this subsection (c), "school"
22 means any public or private elementary or secondary
23 school, community college, college, or university.

24 (5) For the purposes of this subsection (c), "public
25 transportation agency" means a public or private agency
26 that provides for the transportation or conveyance of

1 persons by means available to the general public, except
2 for transportation by automobiles not used for conveyance
3 of the general public as passengers; and "public
4 transportation facility" means a terminal or other place
5 where one may obtain public transportation.

6 (d) The presence in an automobile other than a public
7 omnibus of any weapon, instrument or substance referred to in
8 subsection (a)(7) is prima facie evidence that it is in the
9 possession of, and is being carried by, all persons occupying
10 such automobile at the time such weapon, instrument or
11 substance is found, except under the following circumstances:
12 (i) if such weapon, instrument or instrumentality is found
13 upon the person of one of the occupants therein; or (ii) if
14 such weapon, instrument or substance is found in an automobile
15 operated for hire by a duly licensed driver in the due, lawful
16 and proper pursuit of his or her trade, then such presumption
17 shall not apply to the driver.

18 (e) Exemptions.

19 (1) Crossbows, Common or Compound bows and Underwater
20 Spearguns are exempted from the definition of ballistic
21 knife as defined in paragraph (1) of subsection (a) of
22 this Section.

23 (2) The provision of paragraph (1) of subsection (a)
24 of this Section prohibiting the sale, manufacture,
25 purchase, possession, or carrying of any knife, commonly
26 referred to as a switchblade knife, which has a blade that

1 opens automatically by hand pressure applied to a button,
2 spring or other device in the handle of the knife, does not
3 apply to a person who possesses a currently valid Firearm
4 Owner's Identification Card previously issued in his or
5 her name by the Illinois State Police or to a person or an
6 entity engaged in the business of selling or manufacturing
7 switchblade knives.

8 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
9 102-1116, eff. 1-10-23.)

10 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

11 Sec. 24-1.1. Unlawful ~~use or~~ possession of weapons by
12 felons or persons in the custody of the Department of
13 Corrections facilities.

14 (a) It is unlawful for a person to knowingly possess on or
15 about his person or on his land or in his own abode or fixed
16 place of business any weapon prohibited under Section 24-1 of
17 this Act or any firearm or any firearm ammunition if the person
18 has been convicted of a felony under the laws of this State or
19 any other jurisdiction. This Section shall not apply if the
20 person has been granted relief by the Director of the Illinois
21 State Police under Section 10 of the Firearm Owners
22 Identification Card Act.

23 (b) It is unlawful for any person confined in a penal
24 institution, which is a facility of the Illinois Department of
25 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,
2 regardless of the intent with which he possesses it.

3 (c) It shall be an affirmative defense to a violation of
4 subsection (b), that such possession was specifically
5 authorized by rule, regulation, or directive of the Illinois
6 Department of Corrections or order issued pursuant thereto.

7 (d) The defense of necessity is not available to a person
8 who is charged with a violation of subsection (b) of this
9 Section.

10 (e) Sentence. Violation of this Section by a person not
11 confined in a penal institution shall be a Class 3 felony for
12 which the person shall be sentenced to no less than 2 years and
13 no more than 10 years. A second or subsequent violation of this
14 Section shall be a Class 2 felony for which the person shall be
15 sentenced to a term of imprisonment of not less than 3 years
16 and not more than 14 years, except as provided for in Section
17 5-4.5-110 of the Unified Code of Corrections. Violation of
18 this Section by a person not confined in a penal institution
19 who has been convicted of a forcible felony, a felony
20 violation of Article 24 of this Code or of the Firearm Owners
21 Identification Card Act, stalking or aggravated stalking, or a
22 Class 2 or greater felony under the Illinois Controlled
23 Substances Act, the Cannabis Control Act, or the
24 Methamphetamine Control and Community Protection Act is a
25 Class 2 felony for which the person shall be sentenced to not
26 less than 3 years and not more than 14 years, except as

1 provided for in Section 5-4.5-110 of the Unified Code of
2 Corrections. Violation of this Section by a person who is on
3 parole or mandatory supervised release is a Class 2 felony for
4 which the person shall be sentenced to not less than 3 years
5 and not more than 14 years, except as provided for in Section
6 5-4.5-110 of the Unified Code of Corrections. Violation of
7 this Section by a person not confined in a penal institution is
8 a Class X felony when the firearm possessed is a machine gun.
9 Any person who violates this Section while confined in a penal
10 institution, which is a facility of the Illinois Department of
11 Corrections, is guilty of a Class 1 felony, if he possesses any
12 weapon prohibited under Section 24-1 of this Code regardless
13 of the intent with which he possesses it, a Class X felony if
14 he possesses any firearm, firearm ammunition or explosive, and
15 a Class X felony for which the offender shall be sentenced to
16 not less than 12 years and not more than 50 years when the
17 firearm possessed is a machine gun. A violation of this
18 Section while wearing or in possession of body armor as
19 defined in Section 33F-1 is a Class X felony punishable by a
20 term of imprisonment of not less than 10 years and not more
21 than 40 years. The possession of each firearm or firearm
22 ammunition in violation of this Section constitutes a single
23 and separate violation.

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

25 (720 ILCS 5/24-1.6)

1 Sec. 24-1.6. Aggravated unlawful possession ~~use~~ of a
2 weapon.

3 (a) A person commits the offense of aggravated unlawful
4 possession ~~use~~ of a weapon when he or she knowingly:

5 (1) Carries on or about his or her person or in any
6 vehicle or concealed on or about his or her person except
7 when on his or her land or in his or her abode, legal
8 dwelling, or fixed place of business, or on the land or in
9 the legal dwelling of another person as an invitee with
10 that person's permission, any pistol, revolver, stun gun
11 or taser or other firearm; or

12 (2) Carries or possesses on or about his or her
13 person, upon any public street, alley, or other public
14 lands within the corporate limits of a city, village or
15 incorporated town, except when an invitee thereon or
16 therein, for the purpose of the display of such weapon or
17 the lawful commerce in weapons, or except when on his or
18 her own land or in his or her own abode, legal dwelling, or
19 fixed place of business, or on the land or in the legal
20 dwelling of another person as an invitee with that
21 person's permission, any pistol, revolver, stun gun or
22 taser or other firearm; and

23 (3) One of the following factors is present:

24 (A) the firearm, other than a pistol, revolver, or
25 handgun, possessed was uncased, loaded, and
26 immediately accessible at the time of the offense; or

1 (A-5) the pistol, revolver, or handgun possessed
2 was uncased, loaded, and immediately accessible at the
3 time of the offense and the person possessing the
4 pistol, revolver, or handgun has not been issued a
5 currently valid license under the Firearm Concealed
6 Carry Act; or

7 (B) the firearm, other than a pistol, revolver, or
8 handgun, possessed was uncased, unloaded, and the
9 ammunition for the weapon was immediately accessible
10 at the time of the offense; or

11 (B-5) the pistol, revolver, or handgun possessed
12 was uncased, unloaded, and the ammunition for the
13 weapon was immediately accessible at the time of the
14 offense and the person possessing the pistol,
15 revolver, or handgun has not been issued a currently
16 valid license under the Firearm Concealed Carry Act;
17 or

18 (C) the person possessing the firearm has not been
19 issued a currently valid Firearm Owner's
20 Identification Card; or

21 (D) the person possessing the weapon was
22 previously adjudicated a delinquent minor under the
23 Juvenile Court Act of 1987 for an act that if committed
24 by an adult would be a felony; or

25 (E) the person possessing the weapon was engaged
26 in a misdemeanor violation of the Cannabis Control

1 Act, in a misdemeanor violation of the Illinois
2 Controlled Substances Act, or in a misdemeanor
3 violation of the Methamphetamine Control and Community
4 Protection Act; or

5 (F) (blank); or

6 (G) the person possessing the weapon had an order
7 of protection issued against him or her within the
8 previous 2 years; or

9 (H) the person possessing the weapon was engaged
10 in the commission or attempted commission of a
11 misdemeanor involving the use or threat of violence
12 against the person or property of another; or

13 (I) the person possessing the weapon was under 21
14 years of age and in possession of a handgun, unless the
15 person under 21 is engaged in lawful activities under
16 the Wildlife Code or described in subsection
17 24-2(b)(1), (b)(3), or 24-2(f).

18 (a-5) "Handgun" as used in this Section has the meaning
19 given to it in Section 5 of the Firearm Concealed Carry Act.

20 (b) "Stun gun or taser" as used in this Section has the
21 same definition given to it in Section 24-1 of this Code.

22 (c) This Section does not apply to or affect the
23 transportation or possession of weapons that:

24 (i) are broken down in a non-functioning state; or

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a person
2 who has been issued a currently valid Firearm Owner's
3 Identification Card.

4 (d) Sentence.

5 (1) Aggravated unlawful possession ~~use~~ of a weapon is
6 a Class 4 felony; a second or subsequent offense is a Class
7 2 felony for which the person shall be sentenced to a term
8 of imprisonment of not less than 3 years and not more than
9 7 years, except as provided for in Section 5-4.5-110 of
10 the Unified Code of Corrections.

11 (2) Except as otherwise provided in paragraphs (3) and
12 (4) of this subsection (d), a first offense of aggravated
13 unlawful possession ~~use~~ of a weapon committed with a
14 firearm by a person 18 years of age or older where the
15 factors listed in both items (A) and (C) or both items
16 (A-5) and (C) of paragraph (3) of subsection (a) are
17 present is a Class 4 felony, for which the person shall be
18 sentenced to a term of imprisonment of not less than one
19 year and not more than 3 years.

20 (3) Aggravated unlawful possession ~~use~~ of a weapon by
21 a person who has been previously convicted of a felony in
22 this State or another jurisdiction is a Class 2 felony for
23 which the person shall be sentenced to a term of
24 imprisonment of not less than 3 years and not more than 7
25 years, except as provided for in Section 5-4.5-110 of the
26 Unified Code of Corrections.

1 (4) Aggravated unlawful possession ~~use~~ of a weapon
2 while wearing or in possession of body armor as defined in
3 Section 33F-1 by a person who has not been issued a valid
4 Firearms Owner's Identification Card in accordance with
5 Section 5 of the Firearm Owners Identification Card Act is
6 a Class X felony.

7 (e) The possession of each firearm in violation of this
8 Section constitutes a single and separate violation.

9 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

10 (720 ILCS 5/24-1.7)

11 Sec. 24-1.7. Unlawful possession of a firearm by a repeat
12 felony offender ~~Armed habitual criminal.~~

13 (a) A person commits the offense of unlawful possession of
14 a firearm by a repeat felony offender ~~being an armed habitual~~
15 ~~criminal~~ if he or she receives, sells, possesses, or transfers
16 any firearm after having been convicted a total of 2 or more
17 times of any combination of the following offenses:

18 (1) a forcible felony as defined in Section 2-8 of
19 this Code;

20 (2) unlawful possession ~~use~~ of a weapon by a felon;
21 aggravated unlawful possession ~~use~~ of a weapon; aggravated
22 discharge of a firearm; vehicular hijacking; aggravated
23 vehicular hijacking; aggravated battery of a child as
24 described in Section 12-4.3 or subdivision (b)(1) of
25 Section 12-3.05; intimidation; aggravated intimidation;

1 gunrunning; home invasion; or aggravated battery with a
2 firearm as described in Section 12-4.2 or subdivision
3 (e) (1), (e) (2), (e) (3), or (e) (4) of Section 12-3.05; or
4 (3) any violation of the Illinois Controlled
5 Substances Act or the Cannabis Control Act that is
6 punishable as a Class 3 felony or higher.

7 (b) Sentence. Unlawful possession of a firearm by a repeat
8 felony offender ~~Being an armed habitual criminal~~ is a Class X
9 felony.

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 (720 ILCS 5/24-2.1) (from Ch. 38, par. 24-2.1)

12 Sec. 24-2.1. Unlawful possession ~~use~~ of firearm
13 projectiles.

14 (a) A person commits the offense of unlawful possession
15 ~~use~~ of firearm projectiles when he or she knowingly
16 manufactures, sells, purchases, possesses, or carries any
17 armor piercing bullet, dragon's breath shotgun shell, bolo
18 shell, or flechette shell.

19 For the purposes of this Section:

20 "Armor piercing bullet" means any handgun bullet or
21 handgun ammunition with projectiles or projectile cores
22 constructed entirely (excluding the presence of traces of
23 other substances) from tungsten alloys, steel, iron, brass,
24 bronze, beryllium copper or depleted uranium, or fully
25 jacketed bullets larger than 22 caliber designed and intended

1 for use in a handgun and whose jacket has a weight of more than
2 25% of the total weight of the projectile, and excluding those
3 handgun projectiles whose cores are composed of soft materials
4 such as lead or lead alloys, zinc or zinc alloys, frangible
5 projectiles designed primarily for sporting purposes, and any
6 other projectiles or projectile cores that the U. S. Secretary
7 of the Treasury finds to be primarily intended to be used for
8 sporting purposes or industrial purposes or that otherwise
9 does not constitute "armor piercing ammunition" as that term
10 is defined by federal law.

11 The definition contained herein shall not be construed to
12 include shotgun shells.

13 "Dragon's breath shotgun shell" means any shotgun shell
14 that contains exothermic pyrophoric mesh metal as the
15 projectile and is designed for the purpose of throwing or
16 spewing a flame or fireball to simulate a flame-thrower.

17 "Bolo shell" means any shell that can be fired in a firearm
18 and expels as projectiles 2 or more metal balls connected by
19 solid metal wire.

20 "Flechette shell" means any shell that can be fired in a
21 firearm and expels 2 or more pieces of fin-stabilized solid
22 metal wire or 2 or more solid dart-type projectiles.

23 (b) Exemptions. This Section does not apply to or affect
24 any of the following:

25 (1) Peace officers.

26 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the
2 detention of persons accused or convicted of an offense.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard while in
5 the performance of their official duties.

6 (4) Federal officials required to carry firearms,
7 while engaged in the performance of their official duties.

8 (5) United States Marshals, while engaged in the
9 performance of their official duties.

10 (6) Persons licensed under federal law to manufacture,
11 import, or sell firearms and firearm ammunition, and
12 actually engaged in any such business, but only with
13 respect to activities which are within the lawful scope of
14 such business, such as the manufacture, transportation, or
15 testing of such bullets or ammunition.

16 This exemption does not authorize the general private
17 possession of any armor piercing bullet, dragon's breath
18 shotgun shell, bolo shell, or flechette shell, but only
19 such possession and activities which are within the lawful
20 scope of a licensed business described in this paragraph.

21 (7) Laboratories having a department of forensic
22 ballistics or specializing in the development of
23 ammunition or explosive ordnance.

24 (8) Manufacture, transportation, or sale of armor
25 piercing bullets, dragon's breath shotgun shells, bolo
26 shells, or flechette shells to persons specifically

1 authorized under paragraphs (1) through (7) of this
2 subsection to possess such bullets or shells.

3 (c) An information or indictment based upon a violation of
4 this Section need not negate any exemption herein contained.
5 The defendant shall have the burden of proving such an
6 exemption.

7 (d) Sentence. A person convicted of unlawful possession
8 ~~use~~ of armor piercing bullets shall be guilty of a Class 3
9 felony.

10 (Source: P.A. 92-423, eff. 1-1-02.)

11 (720 ILCS 5/24-3.6)

12 Sec. 24-3.6. Unlawful possession ~~use~~ of a firearm in the
13 shape of a wireless telephone.

14 (a) For the purposes of this Section, "wireless telephone"
15 means a device that is capable of transmitting or receiving
16 telephonic communications without a wire connecting the device
17 to the telephone network.

18 (b) A person commits the offense of unlawful possession
19 ~~use~~ of a firearm in the shape of a wireless telephone when he
20 or she manufactures, sells, transfers, purchases, possesses,
21 or carries a firearm shaped or designed to appear as a wireless
22 telephone.

23 (c) This Section does not apply to or affect the sale to or
24 possession of a firearm in the shape of a wireless telephone by
25 a peace officer.

1 (d) Sentence. Unlawful possession ~~use~~ of a firearm in the
2 shape of a wireless telephone is a Class 4 felony.

3 (Source: P.A. 92-155, eff. 1-1-02.)

4 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

5 Sec. 36-1. Property subject to forfeiture.

6 (a) Any vessel or watercraft, vehicle, or aircraft is
7 subject to forfeiture under this Article if the vessel or
8 watercraft, vehicle, or aircraft is used with the knowledge
9 and consent of the owner in the commission of or in the attempt
10 to commit as defined in Section 8-4 of this Code:

11 (1) an offense prohibited by Section 9-1 (first degree
12 murder), Section 9-3 (involuntary manslaughter and
13 reckless homicide), Section 10-2 (aggravated kidnaping),
14 Section 11-1.20 (criminal sexual assault), Section 11-1.30
15 (aggravated criminal sexual assault), Section 11-1.40
16 (predatory criminal sexual assault of a child), subsection
17 (a) of Section 11-1.50 (criminal sexual abuse), subsection
18 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
19 sexual abuse), Section 11-6 (indecent solicitation of a
20 child), Section 11-14.4 (promoting juvenile prostitution
21 except for keeping a place of juvenile prostitution),
22 Section 11-20.1 (child pornography), paragraph (a)(1),
23 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
24 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
25 (aggravated battery), Section 12-7.3 (stalking), Section

1 12-7.4 (aggravated stalking), Section 16-1 (theft if the
2 theft is of precious metal or of scrap metal), subdivision
3 (f) (2) or (f) (3) of Section 16-25 (retail theft), Section
4 18-2 (armed robbery), Section 19-1 (burglary), Section
5 19-2 (possession of burglary tools), Section 19-3
6 (residential burglary), Section 20-1 (arson; residential
7 arson; place of worship arson), Section 20-2 (possession
8 of explosives or explosive or incendiary devices),
9 subdivision (a) (6) or (a) (7) of Section 24-1 (unlawful
10 possession ~~use~~ of weapons), Section 24-1.2 (aggravated
11 discharge of a firearm), Section 24-1.2-5 (aggravated
12 discharge of a machine gun or a firearm equipped with a
13 device designed or used for silencing the report of a
14 firearm), Section 24-1.5 (reckless discharge of a
15 firearm), Section 28-1 (gambling), or Section 29D-15.2
16 (possession of a deadly substance) of this Code;

17 (2) an offense prohibited by Section 21, 22, 23, 24 or
18 26 of the Cigarette Tax Act if the vessel or watercraft,
19 vehicle, or aircraft contains more than 10 cartons of such
20 cigarettes;

21 (3) an offense prohibited by Section 28, 29, or 30 of
22 the Cigarette Use Tax Act if the vessel or watercraft,
23 vehicle, or aircraft contains more than 10 cartons of such
24 cigarettes;

25 (4) an offense prohibited by Section 44 of the
26 Environmental Protection Act;

1 (5) an offense prohibited by Section 11-204.1 of the
2 Illinois Vehicle Code (aggravated fleeing or attempting to
3 elude a peace officer);

4 (6) an offense prohibited by Section 11-501 of the
5 Illinois Vehicle Code (driving while under the influence
6 of alcohol or other drug or drugs, intoxicating compound
7 or compounds or any combination thereof) or a similar
8 provision of a local ordinance, and:

9 (A) during a period in which his or her driving
10 privileges are revoked or suspended if the revocation
11 or suspension was for:

12 (i) Section 11-501 (driving under the
13 influence of alcohol or other drug or drugs,
14 intoxicating compound or compounds or any
15 combination thereof),

16 (ii) Section 11-501.1 (statutory summary
17 suspension or revocation),

18 (iii) paragraph (b) of Section 11-401 (motor
19 vehicle crashes involving death or personal
20 injuries), or

21 (iv) reckless homicide as defined in Section
22 9-3 of this Code;

23 (B) has been previously convicted of reckless
24 homicide or a similar provision of a law of another
25 state relating to reckless homicide in which the
26 person was determined to have been under the influence

1 of alcohol, other drug or drugs, or intoxicating
2 compound or compounds as an element of the offense or
3 the person has previously been convicted of committing
4 a violation of driving under the influence of alcohol
5 or other drug or drugs, intoxicating compound or
6 compounds or any combination thereof and was involved
7 in a motor vehicle crash that resulted in death, great
8 bodily harm, or permanent disability or disfigurement
9 to another, when the violation was a proximate cause
10 of the death or injuries;

11 (C) the person committed a violation of driving
12 under the influence of alcohol or other drug or drugs,
13 intoxicating compound or compounds or any combination
14 thereof under Section 11-501 of the Illinois Vehicle
15 Code or a similar provision for the third or
16 subsequent time;

17 (D) he or she did not possess a valid driver's
18 license or permit or a valid restricted driving permit
19 or a valid judicial driving permit or a valid
20 monitoring device driving permit; or

21 (E) he or she knew or should have known that the
22 vehicle he or she was driving was not covered by a
23 liability insurance policy;

24 (7) an offense described in subsection (g) of Section
25 6-303 of the Illinois Vehicle Code;

26 (8) an offense described in subsection (e) of Section

1 6-101 of the Illinois Vehicle Code; or

2 (9) (A) operating a watercraft under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof under Section 5-16 of
5 the Boat Registration and Safety Act during a period in
6 which his or her privileges to operate a watercraft are
7 revoked or suspended and the revocation or suspension was
8 for operating a watercraft under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds,
10 or combination thereof; (B) operating a watercraft under
11 the influence of alcohol, other drug or drugs,
12 intoxicating compound or compounds, or combination thereof
13 and has been previously convicted of reckless homicide or
14 a similar provision of a law in another state relating to
15 reckless homicide in which the person was determined to
16 have been under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds, or combination
18 thereof as an element of the offense or the person has
19 previously been convicted of committing a violation of
20 operating a watercraft under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds,
22 or combination thereof and was involved in an accident
23 that resulted in death, great bodily harm, or permanent
24 disability or disfigurement to another, when the violation
25 was a proximate cause of the death or injuries; or (C) the
26 person committed a violation of operating a watercraft

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or combination thereof
3 under Section 5-16 of the Boat Registration and Safety Act
4 or a similar provision for the third or subsequent time.

5 (b) In addition, any mobile or portable equipment used in
6 the commission of an act which is in violation of Section 7g of
7 the Metropolitan Water Reclamation District Act shall be
8 subject to seizure and forfeiture under the same procedures
9 provided in this Article for the seizure and forfeiture of
10 vessels or watercraft, vehicles, and aircraft, and any such
11 equipment shall be deemed a vessel or watercraft, vehicle, or
12 aircraft for purposes of this Article.

13 (c) In addition, when a person discharges a firearm at
14 another individual from a vehicle with the knowledge and
15 consent of the owner of the vehicle and with the intent to
16 cause death or great bodily harm to that individual and as a
17 result causes death or great bodily harm to that individual,
18 the vehicle shall be subject to seizure and forfeiture under
19 the same procedures provided in this Article for the seizure
20 and forfeiture of vehicles used in violations of clauses (1),
21 (2), (3), or (4) of subsection (a) of this Section.

22 (d) If the spouse of the owner of a vehicle seized for an
23 offense described in subsection (g) of Section 6-303 of the
24 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
25 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
26 11-501 of the Illinois Vehicle Code, or Section 9-3 of this

1 Code makes a showing that the seized vehicle is the only source
2 of transportation and it is determined that the financial
3 hardship to the family as a result of the seizure outweighs the
4 benefit to the State from the seizure, the vehicle may be
5 forfeited to the spouse or family member and the title to the
6 vehicle shall be transferred to the spouse or family member
7 who is properly licensed and who requires the use of the
8 vehicle for employment or family transportation purposes. A
9 written declaration of forfeiture of a vehicle under this
10 Section shall be sufficient cause for the title to be
11 transferred to the spouse or family member. The provisions of
12 this paragraph shall apply only to one forfeiture per vehicle.
13 If the vehicle is the subject of a subsequent forfeiture
14 proceeding by virtue of a subsequent conviction of either
15 spouse or the family member, the spouse or family member to
16 whom the vehicle was forfeited under the first forfeiture
17 proceeding may not utilize the provisions of this paragraph in
18 another forfeiture proceeding. If the owner of the vehicle
19 seized owns more than one vehicle, the procedure set out in
20 this paragraph may be used for only one vehicle.

21 (e) In addition, property subject to forfeiture under
22 Section 40 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act may be seized and forfeited under this Article.

24 (Source: P.A. 102-982, eff. 7-1-23.)

25 Section 25. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 110-6.1 as follows:

2 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

3 Sec. 110-6.1. Denial of pretrial release.

4 (a) Upon verified petition by the State, the court shall
5 hold a hearing and may deny a defendant pretrial release only
6 if:

7 (1) the defendant is charged with a felony offense
8 other than a forcible felony for which, based on the
9 charge or the defendant's criminal history, a sentence of
10 imprisonment, without probation, periodic imprisonment or
11 conditional discharge, is required by law upon conviction,
12 and it is alleged that the defendant's pretrial release
13 poses a real and present threat to the safety of any person
14 or persons or the community, based on the specific
15 articulable facts of the case;

16 (1.5) the defendant's pretrial release poses a real
17 and present threat to the safety of any person or persons
18 or the community, based on the specific articulable facts
19 of the case, and the defendant is charged with a forcible
20 felony, which as used in this Section, means treason,
21 first degree murder, second degree murder, predatory
22 criminal sexual assault of a child, aggravated criminal
23 sexual assault, criminal sexual assault, armed robbery,
24 aggravated robbery, robbery, burglary where there is use
25 of force against another person, residential burglary,

1 home invasion, vehicular invasion, aggravated arson,
2 arson, aggravated kidnaping, kidnaping, aggravated battery
3 resulting in great bodily harm or permanent disability or
4 disfigurement or any other felony which involves the
5 threat of or infliction of great bodily harm or permanent
6 disability or disfigurement;

7 (2) the defendant is charged with stalking or
8 aggravated stalking, and it is alleged that the
9 defendant's pre-trial release poses a real and present
10 threat to the safety of a victim of the alleged offense,
11 and denial of release is necessary to prevent fulfillment
12 of the threat upon which the charge is based;

13 (3) the defendant is charged with a violation of an
14 order of protection issued under Section 112A-14 of this
15 Code or Section 214 of the Illinois Domestic Violence Act
16 of 1986, a stalking no contact order under Section 80 of
17 the Stalking No Contact Order Act, or of a civil no contact
18 order under Section 213 of the Civil No Contact Order Act,
19 and it is alleged that the defendant's pretrial release
20 poses a real and present threat to the safety of any person
21 or persons or the community, based on the specific
22 articulable facts of the case;

23 (4) the defendant is charged with domestic battery or
24 aggravated domestic battery under Section 12-3.2 or 12-3.3
25 of the Criminal Code of 2012 and it is alleged that the
26 defendant's pretrial release poses a real and present

1 threat to the safety of any person or persons or the
2 community, based on the specific articulable facts of the
3 case;

4 (5) the defendant is charged with any offense under
5 Article 11 of the Criminal Code of 2012, except for
6 Sections 11-14, 11-14.1, 11-18, 11-20, 11-30, 11-35,
7 11-40, and 11-45 of the Criminal Code of 2012, or similar
8 provisions of the Criminal Code of 1961 and it is alleged
9 that the defendant's pretrial release poses a real and
10 present threat to the safety of any person or persons or
11 the community, based on the specific articulable facts of
12 the case;

13 (6) the defendant is charged with any of the following
14 offenses under the Criminal Code of 2012, and it is
15 alleged that the defendant's pretrial release poses a real
16 and present threat to the safety of any person or persons
17 or the community, based on the specific articulable facts
18 of the case:

19 (A) Section 24-1.2 (aggravated discharge of a
20 firearm);

21 (B) Section 24-2.5 (aggravated discharge of a
22 machine gun or a firearm equipped with a device
23 designed or use for silencing the report of a
24 firearm);

25 (C) Section 24-1.5 (reckless discharge of a
26 firearm);

1 (D) Section 24-1.7 (unlawful possession of a
2 firearm by a repeat felony offender~~armed habitual~~
3 ~~criminal~~);

4 (E) Section 24-2.2 (manufacture, sale or transfer
5 of bullets or shells represented to be armor piercing
6 bullets, dragon's breath shotgun shells, bolo shells,
7 or flechette shells);

8 (F) Section 24-3 (unlawful sale or delivery of
9 firearms);

10 (G) Section 24-3.3 (unlawful sale or delivery of
11 firearms on the premises of any school);

12 (H) Section 24-34 (unlawful sale of firearms by
13 liquor license);

14 (I) Section 24-3.5 (unlawful purchase of a
15 firearm);

16 (J) Section 24-3A (gunrunning);

17 (K) Section 24-3B (firearms trafficking);

18 (L) Section 10-9 (b) (involuntary servitude);

19 (M) Section 10-9 (c) (involuntary sexual servitude
20 of a minor);

21 (N) Section 10-9(d) (trafficking in persons);

22 (O) Non-probationable violations: (i) unlawful ~~use~~
23 ~~or~~ possession of weapons by felons or persons in the
24 Custody of the Department of Corrections facilities
25 (Section 24-1.1), (ii) aggravated unlawful possession
26 ~~use~~ of a weapon (Section 24-1.6), or (iii) aggravated

1 possession of a stolen firearm (Section 24-3.9);
2 (P) Section 9-3 (reckless homicide and involuntary
3 manslaughter);
4 (Q) Section 19-3 (residential burglary);
5 (R) Section 10-5 (child abduction);
6 (S) Felony violations of Section 12C-5 (child
7 endangerment);
8 (T) Section 12-7.1 (hate crime);
9 (U) Section 10-3.1 (aggravated unlawful
10 restraint);
11 (V) Section 12-9 (threatening a public official);
12 (W) Subdivision (f)(1) of Section 12-3.05
13 (aggravated battery with a deadly weapon other than by
14 discharge of a firearm);
15 (6.5) the defendant is charged with any of the
16 following offenses, and it is alleged that the defendant's
17 pretrial release poses a real and present threat to the
18 safety of any person or persons or the community, based on
19 the specific articulable facts of the case:
20 (A) Felony violations of Sections 3.01, 3.02, or
21 3.03 of the Humane Care for Animals Act (cruel
22 treatment, aggravated cruelty, and animal torture);
23 (B) Subdivision (d)(1)(B) of Section 11-501 of the
24 Illinois Vehicle Code (aggravated driving under the
25 influence while operating a school bus with
26 passengers);

1 (C) Subdivision (d) (1) (C) of Section 11-501 of the
2 Illinois Vehicle Code (aggravated driving under the
3 influence causing great bodily harm);

4 (D) Subdivision (d) (1) (D) of Section 11-501 of the
5 Illinois Vehicle Code (aggravated driving under the
6 influence after a previous reckless homicide
7 conviction);

8 (E) Subdivision (d) (1) (F) of Section 11-501 of the
9 Illinois Vehicle Code (aggravated driving under the
10 influence leading to death); or

11 (F) Subdivision (d) (1) (J) of Section 11-501 of the
12 Illinois Vehicle Code (aggravated driving under the
13 influence that resulted in bodily harm to a child
14 under the age of 16);

15 (7) the defendant is charged with an attempt to commit
16 any charge listed in paragraphs (1) through (6.5), and it
17 is alleged that the defendant's pretrial release poses a
18 real and present threat to the safety of any person or
19 persons or the community, based on the specific
20 articulable facts of the case; or

21 (8) the person has a high likelihood of willful flight
22 to avoid prosecution and is charged with:

23 (A) Any felony described in subdivisions (a) (1)
24 through (a) (7) of this Section; or

25 (B) A felony offense other than a Class 4 offense.

26 (b) If the charged offense is a felony, as part of the

1 detention hearing, the court shall determine whether there is
2 probable cause the defendant has committed an offense, unless
3 a hearing pursuant to Section 109-3 of this Code has already
4 been held or a grand jury has returned a true bill of
5 indictment against the defendant. If there is a finding of no
6 probable cause, the defendant shall be released. No such
7 finding is necessary if the defendant is charged with a
8 misdemeanor.

9 (c) Timing of petition.

10 (1) A petition may be filed without prior notice to
11 the defendant at the first appearance before a judge, or
12 within the 21 calendar days, except as provided in Section
13 110-6, after arrest and release of the defendant upon
14 reasonable notice to defendant; provided that while such
15 petition is pending before the court, the defendant if
16 previously released shall not be detained.

17 (2) Upon filing, the court shall immediately hold a
18 hearing on the petition unless a continuance is requested.
19 If a continuance is requested and granted, the hearing
20 shall be held within 48 hours of the defendant's first
21 appearance if the defendant is charged with first degree
22 murder or a Class X, Class 1, Class 2, or Class 3 felony,
23 and within 24 hours if the defendant is charged with a
24 Class 4 or misdemeanor offense. The Court may deny or
25 grant the request for continuance. If the court decides to
26 grant the continuance, the Court retains the discretion to

1 detain or release the defendant in the time between the
2 filing of the petition and the hearing.

3 (d) Contents of petition.

4 (1) The petition shall be verified by the State and
5 shall state the grounds upon which it contends the
6 defendant should be denied pretrial release, including the
7 real and present threat to the safety of any person or
8 persons or the community, based on the specific
9 articulable facts or flight risk, as appropriate.

10 (2) If the State seeks to file a second or subsequent
11 petition under this Section, the State shall be required
12 to present a verified application setting forth in detail
13 any new facts not known or obtainable at the time of the
14 filing of the previous petition.

15 (e) Eligibility: All defendants shall be presumed eligible
16 for pretrial release, and the State shall bear the burden of
17 proving by clear and convincing evidence that:

18 (1) the proof is evident or the presumption great that
19 the defendant has committed an offense listed in
20 subsection (a), and

21 (2) for offenses listed in paragraphs (1) through (7)
22 of subsection (a), the defendant poses a real and present
23 threat to the safety of any person or persons or the
24 community, based on the specific articulable facts of the
25 case, by conduct which may include, but is not limited to,
26 a forcible felony, the obstruction of justice,

1 intimidation, injury, or abuse as defined by paragraph (1)
2 of Section 103 of the Illinois Domestic Violence Act of
3 1986, and

4 (3) no condition or combination of conditions set
5 forth in subsection (b) of Section 110-10 of this Article
6 can mitigate (i) the real and present threat to the safety
7 of any person or persons or the community, based on the
8 specific articulable facts of the case, for offenses
9 listed in paragraphs (1) through (7) of subsection (a), or
10 (ii) the defendant's willful flight for offenses listed in
11 paragraph (8) of subsection (a), and

12 (4) for offenses under subsection (b) of Section 407
13 of the Illinois Controlled Substances Act that are subject
14 to paragraph (1) of subsection (a), no condition or
15 combination of conditions set forth in subsection (b) of
16 Section 110-10 of this Article can mitigate the real and
17 present threat to the safety of any person or persons or
18 the community, based on the specific articulable facts of
19 the case, and the defendant poses a serious risk to not
20 appear in court as required.

21 (f) Conduct of the hearings.

22 (1) Prior to the hearing, the State shall tender to
23 the defendant copies of the defendant's criminal history
24 available, any written or recorded statements, and the
25 substance of any oral statements made by any person, if
26 relied upon by the State in its petition, and any police

1 reports in the prosecutor's possession at the time of the
2 hearing.

3 (2) The State or defendant may present evidence at the
4 hearing by way of proffer based upon reliable information.

5 (3) The defendant has the right to be represented by
6 counsel, and if he or she is indigent, to have counsel
7 appointed for him or her. The defendant shall have the
8 opportunity to testify, to present witnesses on his or her
9 own behalf, and to cross-examine any witnesses that are
10 called by the State. Defense counsel shall be given
11 adequate opportunity to confer with the defendant before
12 any hearing at which conditions of release or the
13 detention of the defendant are to be considered, with an
14 accommodation for a physical condition made to facilitate
15 attorney/client consultation. If defense counsel needs to
16 confer or consult with the defendant during any hearing
17 conducted via a two-way audio-visual communication system,
18 such consultation shall not be recorded and shall be
19 undertaken consistent with constitutional protections.

20 (3.5) A hearing at which pretrial release may be
21 denied must be conducted in person (and not by way of
22 two-way audio visual communication) unless the accused
23 waives the right to be present physically in court, the
24 court determines that the physical health and safety of
25 any person necessary to the proceedings would be
26 endangered by appearing in court, or the chief judge of

1 the circuit orders use of that system due to operational
2 challenges in conducting the hearing in person. Such
3 operational challenges must be documented and approved by
4 the chief judge of the circuit, and a plan to address the
5 challenges through reasonable efforts must be presented
6 and approved by the Administrative Office of the Illinois
7 Courts every 6 months.

8 (4) If the defense seeks to compel the complaining
9 witness to testify as a witness in its favor, it shall
10 petition the court for permission. When the ends of
11 justice so require, the court may exercise its discretion
12 and compel the appearance of a complaining witness. The
13 court shall state on the record reasons for granting a
14 defense request to compel the presence of a complaining
15 witness only on the issue of the defendant's pretrial
16 detention. In making a determination under this Section,
17 the court shall state on the record the reason for
18 granting a defense request to compel the presence of a
19 complaining witness, and only grant the request if the
20 court finds by clear and convincing evidence that the
21 defendant will be materially prejudiced if the complaining
22 witness does not appear. Cross-examination of a
23 complaining witness at the pretrial detention hearing for
24 the purpose of impeaching the witness' credibility is
25 insufficient reason to compel the presence of the witness.
26 In deciding whether to compel the appearance of a

1 complaining witness, the court shall be considerate of the
2 emotional and physical well-being of the witness. The
3 pre-trial detention hearing is not to be used for purposes
4 of discovery, and the post arraignment rules of discovery
5 do not apply. The State shall tender to the defendant,
6 prior to the hearing, copies, if any, of the defendant's
7 criminal history, if available, and any written or
8 recorded statements and the substance of any oral
9 statements made by any person, if in the State's
10 Attorney's possession at the time of the hearing.

11 (5) The rules concerning the admissibility of evidence
12 in criminal trials do not apply to the presentation and
13 consideration of information at the hearing. At the trial
14 concerning the offense for which the hearing was conducted
15 neither the finding of the court nor any transcript or
16 other record of the hearing shall be admissible in the
17 State's case-in-chief, but shall be admissible for
18 impeachment, or as provided in Section 115-10.1 of this
19 Code, or in a perjury proceeding.

20 (6) The defendant may not move to suppress evidence or
21 a confession, however, evidence that proof of the charged
22 crime may have been the result of an unlawful search or
23 seizure, or both, or through improper interrogation, is
24 relevant in assessing the weight of the evidence against
25 the defendant.

26 (7) Decisions regarding release, conditions of

1 release, and detention prior to trial must be
2 individualized, and no single factor or standard may be
3 used exclusively to order detention. Risk assessment tools
4 may not be used as the sole basis to deny pretrial release.

5 (g) Factors to be considered in making a determination of
6 dangerousness. The court may, in determining whether the
7 defendant poses a real and present threat to the safety of any
8 person or persons or the community, based on the specific
9 articulable facts of the case, consider, but shall not be
10 limited to, evidence or testimony concerning:

11 (1) The nature and circumstances of any offense
12 charged, including whether the offense is a crime of
13 violence, involving a weapon, or a sex offense.

14 (2) The history and characteristics of the defendant
15 including:

16 (A) Any evidence of the defendant's prior criminal
17 history indicative of violent, abusive or assaultive
18 behavior, or lack of such behavior. Such evidence may
19 include testimony or documents received in juvenile
20 proceedings, criminal, quasi-criminal, civil
21 commitment, domestic relations, or other proceedings.

22 (B) Any evidence of the defendant's psychological,
23 psychiatric or other similar social history which
24 tends to indicate a violent, abusive, or assaultive
25 nature, or lack of any such history.

26 (3) The identity of any person or persons to whose

1 safety the defendant is believed to pose a threat, and the
2 nature of the threat.

3 (4) Any statements made by, or attributed to the
4 defendant, together with the circumstances surrounding
5 them.

6 (5) The age and physical condition of the defendant.

7 (6) The age and physical condition of any victim or
8 complaining witness.

9 (7) Whether the defendant is known to possess or have
10 access to any weapon or weapons.

11 (8) Whether, at the time of the current offense or any
12 other offense or arrest, the defendant was on probation,
13 parole, aftercare release, mandatory supervised release or
14 other release from custody pending trial, sentencing,
15 appeal or completion of sentence for an offense under
16 federal or state law.

17 (9) Any other factors, including those listed in
18 Section 110-5 of this Article deemed by the court to have a
19 reasonable bearing upon the defendant's propensity or
20 reputation for violent, abusive, or assaultive behavior,
21 or lack of such behavior.

22 (h) Detention order. The court shall, in any order for
23 detention:

24 (1) make a written finding summarizing the court's
25 reasons for concluding that the defendant should be denied
26 pretrial release, including why less restrictive

1 conditions would not avoid a real and present threat to
2 the safety of any person or persons or the community,
3 based on the specific articulable facts of the case, or
4 prevent the defendant's willful flight from prosecution;

5 (2) direct that the defendant be committed to the
6 custody of the sheriff for confinement in the county jail
7 pending trial;

8 (3) direct that the defendant be given a reasonable
9 opportunity for private consultation with counsel, and for
10 communication with others of his or her choice by
11 visitation, mail and telephone; and

12 (4) direct that the sheriff deliver the defendant as
13 required for appearances in connection with court
14 proceedings.

15 (i) Detention. If the court enters an order for the
16 detention of the defendant pursuant to subsection (e) of this
17 Section, the defendant shall be brought to trial on the
18 offense for which he is detained within 90 days after the date
19 on which the order for detention was entered. If the defendant
20 is not brought to trial within the 90-day period required by
21 the preceding sentence, he shall not be denied pretrial
22 release. In computing the 90-day period, the court shall omit
23 any period of delay resulting from a continuance granted at
24 the request of the defendant and any period of delay resulting
25 from a continuance granted at the request of the State with
26 good cause shown pursuant to Section 103-5.

1 (i-5) At each subsequent appearance of the defendant
2 before the court, the judge must find that continued detention
3 is necessary to avoid a real and present threat to the safety
4 of any person or persons or the community, based on the
5 specific articulable facts of the case, or to prevent the
6 defendant's willful flight from prosecution.

7 (j) Rights of the defendant. The defendant shall be
8 entitled to appeal any order entered under this Section
9 denying his or her pretrial release.

10 (k) Appeal. The State may appeal any order entered under
11 this Section denying any motion for denial of pretrial
12 release.

13 (l) Presumption of innocence. Nothing in this Section
14 shall be construed as modifying or limiting in any way the
15 defendant's presumption of innocence in further criminal
16 proceedings.

17 (m) Interest of victims.

18 (1) Crime victims shall be given notice by the State's
19 Attorney's office of this hearing as required in paragraph (1)
20 of subsection (b) of Section 4.5 of the Rights of Crime Victims
21 and Witnesses Act and shall be informed of their opportunity
22 at this hearing to obtain a protective order.

23 (2) If the defendant is denied pretrial release, the court
24 may impose a no contact provision with the victim or other
25 interested party that shall be enforced while the defendant
26 remains in custody.

1 (Source: P.A. 101-652, eff. 1-1-23; 102-1104, eff. 1-1-23.)

2 Section 30. The Unified Code of Corrections is amended by
3 changing Sections 3-6-3, 5-5-3.2, and 5-6-3.6 as follows:

4 (730 ILCS 5/3-6-3)

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

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

14 (1.5) As otherwise provided by law, sentence credit may be
15 awarded for the following:

16 (A) successful completion of programming while in
17 custody of the Department of Corrections or the Department
18 of Juvenile Justice or while in custody prior to
19 sentencing;

20 (B) compliance with the rules and regulations of the
21 Department; or

22 (C) service to the institution, service to a
23 community, or service to the State.

24 (2) Except as provided in paragraph (4.7) of this

1 subsection (a), the rules and regulations on sentence credit
2 shall provide, with respect to offenses listed in clause (i),
3 (ii), or (iii) of this paragraph (2) committed on or after June
4 19, 1998 or with respect to the offense listed in clause (iv)
5 of this paragraph (2) committed on or after June 23, 2005 (the
6 effective date of Public Act 94-71) or with respect to offense
7 listed in clause (vi) committed on or after June 1, 2008 (the
8 effective date of Public Act 95-625) or with respect to the
9 offense of unlawful possession of a firearm by a repeat felony
10 offender ~~being an armed habitual criminal~~ committed on or
11 after August 2, 2005 (the effective date of Public Act 94-398)
12 or with respect to the offenses listed in clause (v) of this
13 paragraph (2) committed on or after August 13, 2007 (the
14 effective date of Public Act 95-134) or with respect to the
15 offense of aggravated domestic battery committed on or after
16 July 23, 2010 (the effective date of Public Act 96-1224) or
17 with respect to the offense of attempt to commit terrorism
18 committed on or after January 1, 2013 (the effective date of
19 Public Act 97-990), the following:

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

24 (ii) that a prisoner serving a sentence for attempt to
25 commit terrorism, attempt to commit first degree murder,
26 solicitation of murder, solicitation of murder for hire,

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

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

26 (iv) that a prisoner serving a sentence for aggravated

1 discharge of a firearm, whether or not the conduct leading
2 to conviction for the offense resulted in great bodily
3 harm to the victim, shall receive no more than 4.5 days of
4 sentence credit for each month of his or her sentence of
5 imprisonment;

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

1 (vi) that a prisoner serving a sentence for a second
2 or subsequent offense of luring a minor shall receive no
3 more than 4.5 days of sentence credit for each month of his
4 or her sentence of imprisonment; and

5 (vii) that a prisoner serving a sentence for
6 aggravated domestic battery shall receive no more than 4.5
7 days of sentence credit for each month of his or her
8 sentence of imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 subdivision (a)(2)(v) committed on or after August 13, 2007
14 (the effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) committed on or after June 1, 2008 (the effective
16 date of Public Act 95-625) or subdivision (a)(2)(vii)
17 committed on or after July 23, 2010 (the effective date of
18 Public Act 96-1224), and other than the offense of aggravated
19 driving under the influence of alcohol, other drug or drugs,
20 or intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
23 and other than the offense of aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof as defined
26 in subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or
2 after January 1, 2011 (the effective date of Public Act
3 96-1230), the rules and regulations shall provide that a
4 prisoner who is serving a term of imprisonment shall receive
5 one day of sentence credit for each day of his or her sentence
6 of imprisonment or recommitment under Section 3-3-9. Each day
7 of sentence credit shall reduce by one day the prisoner's
8 period of imprisonment or recommitment under Section 3-3-9.

9 (2.2) A prisoner serving a term of natural life
10 imprisonment shall receive no sentence credit.

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

21 (2.4) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations on sentence credit
23 shall provide with respect to the offenses of aggravated
24 battery with a machine gun or a firearm equipped with any
25 device or attachment designed or used for silencing the report
26 of a firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or
2 used for silencing the report of a firearm, committed on or
3 after July 15, 1999 (the effective date of Public Act 91-121),
4 that a prisoner serving a sentence for any of these offenses
5 shall receive no more than 4.5 days of sentence credit for each
6 month of his or her sentence of imprisonment.

7 (2.5) Except as provided in paragraph (4.7) of this
8 subsection (a), the rules and regulations on sentence credit
9 shall provide that a prisoner who is serving a sentence for
10 aggravated arson committed on or after July 27, 2001 (the
11 effective date of Public Act 92-176) shall receive no more
12 than 4.5 days of sentence credit for each month of his or her
13 sentence of imprisonment.

14 (2.6) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated driving under the influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds or any
19 combination thereof as defined in subparagraph (C) of
20 paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code committed on or after January 1, 2011
22 (the effective date of Public Act 96-1230) shall receive no
23 more than 4.5 days of sentence credit for each month of his or
24 her sentence of imprisonment.

25 (3) In addition to the sentence credits earned under
26 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this

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

14 Eligible inmates for an award of earned sentence credit
15 under this paragraph (3) may be selected to receive the credit
16 at either Director's or his or her designee's sole discretion.
17 Eligibility for the additional earned sentence credit under
18 this paragraph (3) may be based on, but is not limited to,
19 participation in programming offered by the Department as
20 appropriate for the prisoner based on the results of any
21 available risk/needs assessment or other relevant assessments
22 or evaluations administered by the Department using a
23 validated instrument, the circumstances of the crime,
24 demonstrated commitment to rehabilitation by a prisoner with a
25 history of conviction for a forcible felony enumerated in
26 Section 2-8 of the Criminal Code of 2012, the inmate's

1 behavior and improvements in disciplinary history while
2 incarcerated, and the inmate's commitment to rehabilitation,
3 including participation in programming offered by the
4 Department.

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

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

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

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

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

22 The Director of Corrections or the Director of Juvenile
23 Justice shall determine the form and content of the written
24 determination required in this subsection.

25 (3.5) The Department shall provide annual written reports
26 to the Governor and the General Assembly on the award of earned

1 sentence credit no later than February 1 of each year. The
2 Department must publish both reports on its website within 48
3 hours of transmitting the reports to the Governor and the
4 General Assembly. The reports must include:

5 (A) the number of inmates awarded earned sentence
6 credit;

7 (B) the average amount of earned sentence credit
8 awarded;

9 (C) the holding offenses of inmates awarded earned
10 sentence credit; and

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

12 (4) (A) Except as provided in paragraph (4.7) of this
13 subsection (a), the rules and regulations shall also provide
14 that any prisoner who is engaged full-time in substance abuse
15 programs, correctional industry assignments, educational
16 programs, work-release programs or activities in accordance
17 with Article 13 of Chapter III of this Code, behavior
18 modification programs, life skills courses, or re-entry
19 planning provided by the Department under this paragraph (4)
20 and satisfactorily completes the assigned program as
21 determined by the standards of the Department, shall receive
22 one day of sentence credit for each day in which that prisoner
23 is engaged in the activities described in this paragraph. The
24 rules and regulations shall also provide that sentence credit
25 may be provided to an inmate who was held in pre-trial
26 detention prior to his or her current commitment to the

1 Department of Corrections and successfully completed a
2 full-time, 60-day or longer substance abuse program,
3 educational program, behavior modification program, life
4 skills course, or re-entry planning provided by the county
5 department of corrections or county jail. Calculation of this
6 county program credit shall be done at sentencing as provided
7 in Section 5-4.5-100 of this Code and shall be included in the
8 sentencing order. The rules and regulations shall also provide
9 that sentence credit may be provided to an inmate who is in
10 compliance with programming requirements in an adult
11 transition center.

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

19 (i) documentation provided by the Department that the
20 inmate engaged in any full-time substance abuse programs,
21 correctional industry assignments, educational programs,
22 behavior modification programs, life skills courses, or
23 re-entry planning provided by the Department under this
24 paragraph (4) and satisfactorily completed the assigned
25 program as determined by the standards of the Department
26 during the inmate's current term of incarceration; or

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

12 (C) If the inmate can provide documentation that he or she
13 is entitled to sentence credit under subparagraph (B) in
14 excess of 45 days of participation in those programs, the
15 inmate shall receive 90 days of sentence credit. If the inmate
16 cannot provide documentation of more than 45 days of
17 participation in those programs, the inmate shall receive 45
18 days of sentence credit. In the event of a disagreement
19 between the Department and the inmate as to the amount of
20 credit accumulated under subparagraph (B), if the Department
21 provides documented proof of a lesser amount of days of
22 participation in those programs, that proof shall control. If
23 the Department provides no documentary proof, the inmate's
24 proof as set forth in clause (ii) of subparagraph (B) shall
25 control as to the amount of sentence credit provided.

26 (D) If the inmate has been convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act,
2 sentencing credits under subparagraph (B) of this paragraph
3 (4) shall be awarded by the Department only if the conditions
4 set forth in paragraph (4.6) of subsection (a) are satisfied.
5 No inmate serving a term of natural life imprisonment shall
6 receive sentence credit under subparagraph (B) of this
7 paragraph (4).

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

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

23 Availability of these programs shall be subject to the
24 limits of fiscal resources appropriated by the General
25 Assembly for these purposes. Eligible inmates who are denied
26 immediate admission shall be placed on a waiting list under

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

21 (4.1) Except as provided in paragraph (4.7) of this
22 subsection (a), the rules and regulations shall also provide
23 that an additional 90 days of sentence credit shall be awarded
24 to any prisoner who passes high school equivalency testing
25 while the prisoner is committed to the Department of
26 Corrections. The sentence credit awarded under this paragraph

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

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

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

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 bachelor's degree while he or she was held in pre-trial
4 detention prior to the current commitment to the Department of
5 Corrections.

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

1 (4.2) (A) The rules and regulations shall also provide that
2 any prisoner engaged in self-improvement programs, volunteer
3 work, or work assignments that are not otherwise eligible
4 activities under paragraph (4), shall receive up to 0.5 days
5 of sentence credit for each day in which the prisoner is
6 engaged in activities described in this paragraph.

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

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

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

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

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

1 on or after January 1, 2018 (the effective date of Public Act
2 100-3); provided, the award of the credits under this
3 paragraph (4.7) shall not reduce the sentence of the prisoner
4 to less than the following amounts:

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

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

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

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

1 name, any known alias, date of birth, physical
2 characteristics, commitment offense, and county where
3 conviction was imposed. The identification information shall
4 be placed on the website within 3 days of the inmate's release
5 and the information may not be removed until either:
6 completion of the first year of mandatory supervised release
7 or return of the inmate to custody of the Department.

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

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

23 (2) When the Department seeks to revoke, suspend, or
24 reduce the rate of accumulation of any sentence credits for an
25 alleged infraction of its rules, it shall bring charges
26 therefor against the prisoner sought to be so deprived of

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

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

25 Nothing contained in this Section shall prohibit the
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
2 sentence imposed by the court that was not served due to the
3 accumulation of sentence credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in
24 fact;

25 (B) it is being presented for any improper
26 purpose, such as to harass or to cause unnecessary

1 delay or needless increase in the cost of litigation;

2 (C) the claims, defenses, and other legal
3 contentions therein are not warranted by existing law
4 or by a nonfrivolous argument for the extension,
5 modification, or reversal of existing law or the
6 establishment of new law;

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

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

16 (2) "Lawsuit" means a motion pursuant to Section 116-3
17 of the Code of Criminal Procedure of 1963, a habeas corpus
18 action under Article X of the Code of Civil Procedure or
19 under federal law (28 U.S.C. 2254), a petition for claim
20 under the Court of Claims Act, an action under the federal
21 Civil Rights Act (42 U.S.C. 1983), or a second or
22 subsequent petition for post-conviction relief under
23 Article 122 of the Code of Criminal Procedure of 1963
24 whether filed with or without leave of court or a second or
25 subsequent petition for relief from judgment under Section
26 2-1401 of the Code of Civil Procedure.

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

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

11 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;
12 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.
13 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised
14 12-15-23.)

15 (730 ILCS 5/5-5-3.2)

16 Sec. 5-5-3.2. Factors in aggravation and extended-term
17 sentencing.

18 (a) The following factors shall be accorded weight in
19 favor of imposing a term of imprisonment or may be considered
20 by the court as reasons to impose a more severe sentence under
21 Section 5-8-1 or Article 4.5 of Chapter V:

22 (1) the defendant's conduct caused or threatened
23 serious harm;

24 (2) the defendant received compensation for committing
25 the offense;

1 (3) the defendant has a history of prior delinquency
2 or criminal activity;

3 (4) the defendant, by the duties of his office or by
4 his position, was obliged to prevent the particular
5 offense committed or to bring the offenders committing it
6 to justice;

7 (5) the defendant held public office at the time of
8 the offense, and the offense related to the conduct of
9 that office;

10 (6) the defendant utilized his professional reputation
11 or position in the community to commit the offense, or to
12 afford him an easier means of committing it;

13 (7) the sentence is necessary to deter others from
14 committing the same crime;

15 (8) the defendant committed the offense against a
16 person 60 years of age or older or such person's property;

17 (9) the defendant committed the offense against a
18 person who has a physical disability or such person's
19 property;

20 (10) by reason of another individual's actual or
21 perceived race, color, creed, religion, ancestry, gender,
22 sexual orientation, physical or mental disability, or
23 national origin, the defendant committed the offense
24 against (i) the person or property of that individual;
25 (ii) the person or property of a person who has an
26 association with, is married to, or has a friendship with

1 the other individual; or (iii) the person or property of a
2 relative (by blood or marriage) of a person described in
3 clause (i) or (ii). For the purposes of this Section,
4 "sexual orientation" has the meaning ascribed to it in
5 paragraph (0-1) of Section 1-103 of the Illinois Human
6 Rights Act;

7 (11) the offense took place in a place of worship or on
8 the grounds of a place of worship, immediately prior to,
9 during or immediately following worship services. For
10 purposes of this subparagraph, "place of worship" shall
11 mean any church, synagogue or other building, structure or
12 place used primarily for religious worship;

13 (12) the defendant was convicted of a felony committed
14 while he was on pretrial release or his own recognizance
15 pending trial for a prior felony and was convicted of such
16 prior felony, or the defendant was convicted of a felony
17 committed while he was serving a period of probation,
18 conditional discharge, or mandatory supervised release
19 under subsection (d) of Section 5-8-1 for a prior felony;

20 (13) the defendant committed or attempted to commit a
21 felony while he was wearing a bulletproof vest. For the
22 purposes of this paragraph (13), a bulletproof vest is any
23 device which is designed for the purpose of protecting the
24 wearer from bullets, shot or other lethal projectiles;

25 (14) the defendant held a position of trust or
26 supervision such as, but not limited to, family member as

1 defined in Section 11-0.1 of the Criminal Code of 2012,
2 teacher, scout leader, baby sitter, or day care worker, in
3 relation to a victim under 18 years of age, and the
4 defendant committed an offense in violation of Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
6 11-14.4 except for an offense that involves keeping a
7 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
8 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
9 or 12-16 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 against that victim;

11 (15) the defendant committed an offense related to the
12 activities of an organized gang. For the purposes of this
13 factor, "organized gang" has the meaning ascribed to it in
14 Section 10 of the Streetgang Terrorism Omnibus Prevention
15 Act;

16 (16) the defendant committed an offense in violation
17 of one of the following Sections while in a school,
18 regardless of the time of day or time of year; on any
19 conveyance owned, leased, or contracted by a school to
20 transport students to or from school or a school related
21 activity; on the real property of a school; or on a public
22 way within 1,000 feet of the real property comprising any
23 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
25 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
26 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,

1 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
2 for subdivision (a)(4) or (g)(1), of the Criminal Code of
3 1961 or the Criminal Code of 2012;

4 (16.5) the defendant committed an offense in violation
5 of one of the following Sections while in a day care
6 center, regardless of the time of day or time of year; on
7 the real property of a day care center, regardless of the
8 time of day or time of year; or on a public way within
9 1,000 feet of the real property comprising any day care
10 center, regardless of the time of day or time of year:
11 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
14 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
15 18-2, or 33A-2, or Section 12-3.05 except for subdivision
16 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
17 Criminal Code of 2012;

18 (17) the defendant committed the offense by reason of
19 any person's activity as a community policing volunteer or
20 to prevent any person from engaging in activity as a
21 community policing volunteer. For the purpose of this
22 Section, "community policing volunteer" has the meaning
23 ascribed to it in Section 2-3.5 of the Criminal Code of
24 2012;

25 (18) the defendant committed the offense in a nursing
26 home or on the real property comprising a nursing home.

1 For the purposes of this paragraph (18), "nursing home"
2 means a skilled nursing or intermediate long term care
3 facility that is subject to license by the Illinois
4 Department of Public Health under the Nursing Home Care
5 Act, the Specialized Mental Health Rehabilitation Act of
6 2013, the ID/DD Community Care Act, or the MC/DD Act;

7 (19) the defendant was a federally licensed firearm
8 dealer and was previously convicted of a violation of
9 subsection (a) of Section 3 of the Firearm Owners
10 Identification Card Act and has now committed either a
11 felony violation of the Firearm Owners Identification Card
12 Act or an act of armed violence while armed with a firearm;

13 (20) the defendant (i) committed the offense of
14 reckless homicide under Section 9-3 of the Criminal Code
15 of 1961 or the Criminal Code of 2012 or the offense of
16 driving under the influence of alcohol, other drug or
17 drugs, intoxicating compound or compounds or any
18 combination thereof under Section 11-501 of the Illinois
19 Vehicle Code or a similar provision of a local ordinance
20 and (ii) was operating a motor vehicle in excess of 20
21 miles per hour over the posted speed limit as provided in
22 Article VI of Chapter 11 of the Illinois Vehicle Code;

23 (21) the defendant (i) committed the offense of
24 reckless driving or aggravated reckless driving under
25 Section 11-503 of the Illinois Vehicle Code and (ii) was
26 operating a motor vehicle in excess of 20 miles per hour

1 over the posted speed limit as provided in Article VI of
2 Chapter 11 of the Illinois Vehicle Code;

3 (22) the defendant committed the offense against a
4 person that the defendant knew, or reasonably should have
5 known, was a member of the Armed Forces of the United
6 States serving on active duty. For purposes of this clause
7 (22), the term "Armed Forces" means any of the Armed
8 Forces of the United States, including a member of any
9 reserve component thereof or National Guard unit called to
10 active duty;

11 (23) the defendant committed the offense against a
12 person who was elderly or infirm or who was a person with a
13 disability by taking advantage of a family or fiduciary
14 relationship with the elderly or infirm person or person
15 with a disability;

16 (24) the defendant committed any offense under Section
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012 and possessed 100 or more images;

19 (25) the defendant committed the offense while the
20 defendant or the victim was in a train, bus, or other
21 vehicle used for public transportation;

22 (26) the defendant committed the offense of child
23 pornography or aggravated child pornography, specifically
24 including paragraph (1), (2), (3), (4), (5), or (7) of
25 subsection (a) of Section 11-20.1 of the Criminal Code of
26 1961 or the Criminal Code of 2012 where a child engaged in,

1 solicited for, depicted in, or posed in any act of sexual
2 penetration or bound, fettered, or subject to sadistic,
3 masochistic, or sadomasochistic abuse in a sexual context
4 and specifically including paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1B or
6 Section 11-20.3 of the Criminal Code of 1961 where a child
7 engaged in, solicited for, depicted in, or posed in any
8 act of sexual penetration or bound, fettered, or subject
9 to sadistic, masochistic, or sadomasochistic abuse in a
10 sexual context;

11 (27) the defendant committed the offense of first
12 degree murder, assault, aggravated assault, battery,
13 aggravated battery, robbery, armed robbery, or aggravated
14 robbery against a person who was a veteran and the
15 defendant knew, or reasonably should have known, that the
16 person was a veteran performing duties as a representative
17 of a veterans' organization. For the purposes of this
18 paragraph (27), "veteran" means an Illinois resident who
19 has served as a member of the United States Armed Forces, a
20 member of the Illinois National Guard, or a member of the
21 United States Reserve Forces; and "veterans' organization"
22 means an organization comprised of members of which
23 substantially all are individuals who are veterans or
24 spouses, widows, or widowers of veterans, the primary
25 purpose of which is to promote the welfare of its members
26 and to provide assistance to the general public in such a

1 way as to confer a public benefit;

2 (28) the defendant committed the offense of assault,
3 aggravated assault, battery, aggravated battery, robbery,
4 armed robbery, or aggravated robbery against a person that
5 the defendant knew or reasonably should have known was a
6 letter carrier or postal worker while that person was
7 performing his or her duties delivering mail for the
8 United States Postal Service;

9 (29) the defendant committed the offense of criminal
10 sexual assault, aggravated criminal sexual assault,
11 criminal sexual abuse, or aggravated criminal sexual abuse
12 against a victim with an intellectual disability, and the
13 defendant holds a position of trust, authority, or
14 supervision in relation to the victim;

15 (30) the defendant committed the offense of promoting
16 juvenile prostitution, patronizing a prostitute, or
17 patronizing a minor engaged in prostitution and at the
18 time of the commission of the offense knew that the
19 prostitute or minor engaged in prostitution was in the
20 custody or guardianship of the Department of Children and
21 Family Services;

22 (31) the defendant (i) committed the offense of
23 driving while under the influence of alcohol, other drug
24 or drugs, intoxicating compound or compounds or any
25 combination thereof in violation of Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance and (ii) the defendant during the commission of
2 the offense was driving his or her vehicle upon a roadway
3 designated for one-way traffic in the opposite direction
4 of the direction indicated by official traffic control
5 devices;

6 (32) the defendant committed the offense of reckless
7 homicide while committing a violation of Section 11-907 of
8 the Illinois Vehicle Code;

9 (33) the defendant was found guilty of an
10 administrative infraction related to an act or acts of
11 public indecency or sexual misconduct in the penal
12 institution. In this paragraph (33), "penal institution"
13 has the same meaning as in Section 2-14 of the Criminal
14 Code of 2012; or

15 (34) the defendant committed the offense of leaving
16 the scene of a crash in violation of subsection (b) of
17 Section 11-401 of the Illinois Vehicle Code and the crash
18 resulted in the death of a person and at the time of the
19 offense, the defendant was: (i) driving under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds or any combination thereof as
22 defined by Section 11-501 of the Illinois Vehicle Code; or
23 (ii) operating the motor vehicle while using an electronic
24 communication device as defined in Section 12-610.2 of the
25 Illinois Vehicle Code.

26 For the purposes of this Section:

1 "School" is defined as a public or private elementary or
2 secondary school, community college, college, or university.

3 "Day care center" means a public or private State
4 certified and licensed day care center as defined in Section
5 2.09 of the Child Care Act of 1969 that displays a sign in
6 plain view stating that the property is a day care center.

7 "Intellectual disability" means significantly subaverage
8 intellectual functioning which exists concurrently with
9 impairment in adaptive behavior.

10 "Public transportation" means the transportation or
11 conveyance of persons by means available to the general
12 public, and includes paratransit services.

13 "Traffic control devices" means all signs, signals,
14 markings, and devices that conform to the Illinois Manual on
15 Uniform Traffic Control Devices, placed or erected by
16 authority of a public body or official having jurisdiction,
17 for the purpose of regulating, warning, or guiding traffic.

18 (b) The following factors, related to all felonies, may be
19 considered by the court as reasons to impose an extended term
20 sentence under Section 5-8-2 upon any offender:

21 (1) When a defendant is convicted of any felony, after
22 having been previously convicted in Illinois or any other
23 jurisdiction of the same or similar class felony or
24 greater class felony, when such conviction has occurred
25 within 10 years after the previous conviction, excluding
26 time spent in custody, and such charges are separately

1 brought and tried and arise out of different series of
2 acts; or

3 (2) When a defendant is convicted of any felony and
4 the court finds that the offense was accompanied by
5 exceptionally brutal or heinous behavior indicative of
6 wanton cruelty; or

7 (3) When a defendant is convicted of any felony
8 committed against:

9 (i) a person under 12 years of age at the time of
10 the offense or such person's property;

11 (ii) a person 60 years of age or older at the time
12 of the offense or such person's property; or

13 (iii) a person who had a physical disability at
14 the time of the offense or such person's property; or

15 (4) When a defendant is convicted of any felony and
16 the offense involved any of the following types of
17 specific misconduct committed as part of a ceremony, rite,
18 initiation, observance, performance, practice or activity
19 of any actual or ostensible religious, fraternal, or
20 social group:

21 (i) the brutalizing or torturing of humans or
22 animals;

23 (ii) the theft of human corpses;

24 (iii) the kidnapping of humans;

25 (iv) the desecration of any cemetery, religious,
26 fraternal, business, governmental, educational, or

1 other building or property; or

2 (v) ritualized abuse of a child; or

3 (5) When a defendant is convicted of a felony other
4 than conspiracy and the court finds that the felony was
5 committed under an agreement with 2 or more other persons
6 to commit that offense and the defendant, with respect to
7 the other individuals, occupied a position of organizer,
8 supervisor, financier, or any other position of management
9 or leadership, and the court further finds that the felony
10 committed was related to or in furtherance of the criminal
11 activities of an organized gang or was motivated by the
12 defendant's leadership in an organized gang; or

13 (6) When a defendant is convicted of an offense
14 committed while using a firearm with a laser sight
15 attached to it. For purposes of this paragraph, "laser
16 sight" has the meaning ascribed to it in Section 26-7 of
17 the Criminal Code of 2012; or

18 (7) When a defendant who was at least 17 years of age
19 at the time of the commission of the offense is convicted
20 of a felony and has been previously adjudicated a
21 delinquent minor under the Juvenile Court Act of 1987 for
22 an act that if committed by an adult would be a Class X or
23 Class 1 felony when the conviction has occurred within 10
24 years after the previous adjudication, excluding time
25 spent in custody; or

26 (8) When a defendant commits any felony and the

1 defendant used, possessed, exercised control over, or
2 otherwise directed an animal to assault a law enforcement
3 officer engaged in the execution of his or her official
4 duties or in furtherance of the criminal activities of an
5 organized gang in which the defendant is engaged; or

6 (9) When a defendant commits any felony and the
7 defendant knowingly video or audio records the offense
8 with the intent to disseminate the recording.

9 (c) The following factors may be considered by the court
10 as reasons to impose an extended term sentence under Section
11 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
12 offenses:

13 (1) When a defendant is convicted of first degree
14 murder, after having been previously convicted in Illinois
15 of any offense listed under paragraph (c)(2) of Section
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
17 occurred within 10 years after the previous conviction,
18 excluding time spent in custody, and the charges are
19 separately brought and tried and arise out of different
20 series of acts.

21 (1.5) When a defendant is convicted of first degree
22 murder, after having been previously convicted of domestic
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
24 (720 ILCS 5/12-3.3) committed on the same victim or after
25 having been previously convicted of violation of an order
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary
3 manslaughter, second degree murder, involuntary
4 manslaughter, or reckless homicide in which the defendant
5 has been convicted of causing the death of more than one
6 individual.

7 (3) When a defendant is convicted of aggravated
8 criminal sexual assault or criminal sexual assault, when
9 there is a finding that aggravated criminal sexual assault
10 or criminal sexual assault was also committed on the same
11 victim by one or more other individuals, and the defendant
12 voluntarily participated in the crime with the knowledge
13 of the participation of the others in the crime, and the
14 commission of the crime was part of a single course of
15 conduct during which there was no substantial change in
16 the nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time
18 of the commission of the offense, when a defendant is
19 convicted of aggravated criminal sexual assault or
20 predatory criminal sexual assault of a child under
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
22 of Section 12-14.1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony
25 violation of Section 24-1 of the Criminal Code of 1961 or
26 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized
2 gang.

3 (6) When a defendant was convicted of unlawful
4 possession ~~use~~ of weapons under Section 24-1 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 (720
6 ILCS 5/24-1) for possessing a weapon that is not readily
7 distinguishable as one of the weapons enumerated in
8 Section 24-1 of the Criminal Code of 1961 or the Criminal
9 Code of 2012 (720 ILCS 5/24-1).

10 (7) When a defendant is convicted of an offense
11 involving the illegal manufacture of a controlled
12 substance under Section 401 of the Illinois Controlled
13 Substances Act (720 ILCS 570/401), the illegal manufacture
14 of methamphetamine under Section 25 of the Methamphetamine
15 Control and Community Protection Act (720 ILCS 646/25), or
16 the illegal possession of explosives and an emergency
17 response officer in the performance of his or her duties
18 is killed or injured at the scene of the offense while
19 responding to the emergency caused by the commission of
20 the offense. In this paragraph, "emergency" means a
21 situation in which a person's life, health, or safety is
22 in jeopardy; and "emergency response officer" means a
23 peace officer, community policing volunteer, fireman,
24 emergency medical technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency
2 room personnel.

3 (8) When the defendant is convicted of attempted mob
4 action, solicitation to commit mob action, or conspiracy
5 to commit mob action under Section 8-1, 8-2, or 8-4 of the
6 Criminal Code of 2012, where the criminal object is a
7 violation of Section 25-1 of the Criminal Code of 2012,
8 and an electronic communication is used in the commission
9 of the offense. For the purposes of this paragraph (8),
10 "electronic communication" shall have the meaning provided
11 in Section 26.5-0.1 of the Criminal Code of 2012.

12 (d) For the purposes of this Section, "organized gang" has
13 the meaning ascribed to it in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (e) The court may impose an extended term sentence under
16 Article 4.5 of Chapter V upon an offender who has been
17 convicted of a felony violation of Section 11-1.20, 11-1.30,
18 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
19 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
20 when the victim of the offense is under 18 years of age at the
21 time of the commission of the offense and, during the
22 commission of the offense, the victim was under the influence
23 of alcohol, regardless of whether or not the alcohol was
24 supplied by the offender; and the offender, at the time of the
25 commission of the offense, knew or should have known that the
26 victim had consumed alcohol.

1 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
2 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
3 8-20-21; 102-982, eff. 7-1-23.)

4 (730 ILCS 5/5-6-3.6)

5 Sec. 5-6-3.6. First Time Weapon Offense Program.

6 (a) The General Assembly has sought to promote public
7 safety, reduce recidivism, and conserve valuable resources of
8 the criminal justice system through the creation of diversion
9 programs for non-violent offenders. This amendatory Act of the
10 103rd General Assembly establishes a program for first-time,
11 non-violent offenders charged with certain weapons possession
12 offenses. The General Assembly recognizes some persons,
13 particularly in areas of high crime or poverty, may have
14 experienced trauma that contributes to poor decision making
15 skills, and the creation of a diversionary program poses a
16 greater benefit to the community and the person than
17 incarceration. Under this program, a court, with the consent
18 of the defendant and the State's Attorney, may sentence a
19 defendant charged with an unlawful possession ~~use~~ of weapons
20 offense under Section 24-1 of the Criminal Code of 2012 or
21 aggravated unlawful possession ~~use~~ of a weapon offense under
22 Section 24-1.6 of the Criminal Code of 2012, if punishable as a
23 Class 4 felony or lower, to a First Time Weapon Offense
24 Program.

25 (b) A defendant is not eligible for this Program if:

1 (1) the offense was committed during the commission of
2 a violent offense as defined in subsection (h) of this
3 Section;

4 (2) he or she has previously been convicted or placed
5 on probation or conditional discharge for any violent
6 offense under the laws of this State, the laws of any other
7 state, or the laws of the United States;

8 (3) he or she had a prior successful completion of the
9 First Time Weapon Offense Program under this Section;

10 (4) he or she has previously been adjudicated a
11 delinquent minor for the commission of a violent offense;

12 (5) (blank); or

13 (6) he or she has an existing order of protection
14 issued against him or her.

15 (b-5) In considering whether a defendant shall be
16 sentenced to the First Time Weapon Offense Program, the court
17 shall consider the following:

18 (1) the age, immaturity, or limited mental capacity of
19 the defendant;

20 (2) the nature and circumstances of the offense;

21 (3) whether participation in the Program is in the
22 interest of the defendant's rehabilitation, including any
23 employment or involvement in community, educational,
24 training, or vocational programs;

25 (4) whether the defendant suffers from trauma, as
26 supported by documentation or evaluation by a licensed

1 professional; and

2 (5) the potential risk to public safety.

3 (c) For an offense committed on or after January 1, 2018
4 (the effective date of Public Act 100-3) whenever an eligible
5 person pleads guilty to an unlawful possession ~~use~~ of weapons
6 offense under Section 24-1 of the Criminal Code of 2012 or
7 aggravated unlawful possession ~~use~~ of a weapon offense under
8 Section 24-1.6 of the Criminal Code of 2012, which is
9 punishable as a Class 4 felony or lower, the court, with the
10 consent of the defendant and the State's Attorney, may,
11 without entering a judgment, sentence the defendant to
12 complete the First Time Weapon Offense Program. When a
13 defendant is placed in the Program, the court shall defer
14 further proceedings in the case until the conclusion of the
15 period or until the filing of a petition alleging violation of
16 a term or condition of the Program. Upon violation of a term or
17 condition of the Program, the court may enter a judgment on its
18 original finding of guilt and proceed as otherwise provided by
19 law. Upon fulfillment of the terms and conditions of the
20 Program, the court shall discharge the person and dismiss the
21 proceedings against the person.

22 (d) The Program shall be at least 6 months and not to
23 exceed 24 months, as determined by the court at the
24 recommendation of the Program administrator and the State's
25 Attorney. The Program administrator may be appointed by the
26 Chief Judge of each Judicial Circuit.

1 (e) The conditions of the Program shall be that the
2 defendant:

3 (1) not violate any criminal statute of this State or
4 any other jurisdiction;

5 (2) refrain from possessing a firearm or other
6 dangerous weapon;

7 (3) (blank);

8 (4) (blank);

9 (5) (blank);

10 (6) (blank);

11 (7) attend and participate in any Program activities
12 deemed required by the Program administrator, such as:
13 counseling sessions, in-person and over the phone
14 check-ins, and educational classes; and

15 (8) (blank).

16 (f) The Program may, in addition to other conditions,
17 require that the defendant:

18 (1) obtain or attempt to obtain employment;

19 (2) attend educational courses designed to prepare the
20 defendant for obtaining a high school diploma or to work
21 toward passing high school equivalency testing or to work
22 toward completing a vocational training program;

23 (3) refrain from having in his or her body the
24 presence of any illicit drug prohibited by the
25 Methamphetamine Control and Community Protection Act or
26 the Illinois Controlled Substances Act, unless prescribed

1 by a physician, and submit samples of his or her blood or
2 urine or both for tests to determine the presence of any
3 illicit drug;

4 (4) perform community service;

5 (5) pay all fines, assessments, fees, and costs; and

6 (6) comply with such other reasonable conditions as
7 the court may impose.

8 (g) There may be only one discharge and dismissal under
9 this Section. If a person is convicted of any offense which
10 occurred within 5 years subsequent to a discharge and
11 dismissal under this Section, the discharge and dismissal
12 under this Section shall be admissible in the sentencing
13 proceeding for that conviction as evidence in aggravation.

14 (h) For purposes of this Section, "violent offense" means
15 any offense in which bodily harm was inflicted or force was
16 used against any person or threatened against any person; any
17 offense involving the possession of a firearm or dangerous
18 weapon; any offense involving sexual conduct, sexual
19 penetration, or sexual exploitation; violation of an order of
20 protection, stalking, hate crime, domestic battery, or any
21 offense of domestic violence.

22 (i) (Blank).

23 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22;
24 103-370, eff. 7-28-23.)

25 Section 99. Effective date. This Act takes effect January
26 1, 2025.

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| 1 | | INDEX |
| 2 | | Statutes amended in order of appearance |
| 3 | 225 ILCS 10/4.2 | from Ch. 23, par. 2214.2 |
| 4 | 625 ILCS 5/6-206 | |
| 5 | 705 ILCS 405/1-7 | |
| 6 | 720 ILCS 5/2-13 | from Ch. 38, par. 2-13 |
| 7 | 720 ILCS 5/8-2 | from Ch. 38, par. 8-2 |
| 8 | 720 ILCS 5/24-1 | from Ch. 38, par. 24-1 |
| 9 | 720 ILCS 5/24-1.1 | from Ch. 38, par. 24-1.1 |
| 10 | 720 ILCS 5/24-1.6 | |
| 11 | 720 ILCS 5/24-1.7 | |
| 12 | 720 ILCS 5/24-2.1 | from Ch. 38, par. 24-2.1 |
| 13 | 720 ILCS 5/24-3.6 | |
| 14 | 720 ILCS 5/24-11 new | |
| 15 | 720 ILCS 5/36-1 | from Ch. 38, par. 36-1 |
| 16 | 725 ILCS 5/110-6.1 | from Ch. 38, par. 110-6.1 |
| 17 | 730 ILCS 5/3-6-3 | |
| 18 | 730 ILCS 5/5-5-3.2 | |
| 19 | 730 ILCS 5/5-6-3.6 | |