



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### SB2091

Introduced 2/9/2023, by Sen. Patrick J. Joyce

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1  
730 ILCS 5/3-6-3  
730 ILCS 5/5-5-3

from Ch. 38, par. 12-7.1  
from Ch. 38, par. 1003-6-3

Amends the Criminal Code of 2012. Provides that a hate crime is a Class X felony if committed by a person 18 years of age or older while armed with a firearm or if the victim of the hate crime, at the time of the offense, was under 18 years of age. Amends the Unified Code of Corrections. Provides that a period of probation, a term of periodic imprisonment, or conditional discharge shall not be imposed for such offense. Provides that such offender shall receive no more than 4.5 days of sentence credit for each month of his or her sentence of imprisonment. Effective January 1, 2024.

LRB103 29011 RLC 55397 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the  
9 actual or perceived race, color, creed, religion, ancestry,  
10 gender, sexual orientation, physical or mental disability,  
11 citizenship, immigration status, or national origin of another  
12 individual or group of individuals, regardless of the  
13 existence of any other motivating factor or factors, he or she  
14 commits assault, battery, aggravated assault, intimidation,  
15 stalking, cyberstalking, misdemeanor theft, criminal trespass  
16 to residence, misdemeanor criminal damage to property,  
17 criminal trespass to vehicle, criminal trespass to real  
18 property, mob action, disorderly conduct, transmission of  
19 obscene messages, harassment by telephone, or harassment  
20 through electronic communications as these crimes are defined  
21 in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4,  
22 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, paragraphs  
23 (a) (1), (a) (2), and (a) (3) of Section 12-6, and paragraphs

1 (a) (2) and (a) (5) of Section 26.5-3 of this Code,  
2 respectively.

3 (b) Except as provided in subsection (b-5) or (b-6), hate  
4 crime is a Class 4 felony for a first offense and a Class 2  
5 felony for a second or subsequent offense.

6 (b-5) Hate crime is a Class 3 felony for a first offense  
7 and a Class 2 felony for a second or subsequent offense if  
8 committed:

9 (1) in, or upon the exterior or grounds of, a church,  
10 synagogue, mosque, or other building, structure, or place  
11 identified or associated with a particular religion or  
12 used for religious worship or other religious purpose;

13 (2) in a cemetery, mortuary, or other facility used  
14 for the purpose of burial or memorializing the dead;

15 (3) in a school or other educational facility,  
16 including an administrative facility or public or private  
17 dormitory facility of or associated with the school or  
18 other educational facility;

19 (4) in a public park or an ethnic or religious  
20 community center;

21 (5) on the real property comprising any location  
22 specified in clauses (1) through (4) of this subsection  
23 (b-5); or

24 (6) on a public way within 1,000 feet of the real  
25 property comprising any location specified in clauses (1)  
26 through (4) of this subsection (b-5).

1       (b-6) Hate crime is a Class X felony if committed by a  
2 person 18 years of age or older while armed with a firearm or  
3 if the victim of the hate crime, at the time of the offense,  
4 was under 18 years of age.

5       (b-10) Upon imposition of any sentence, the trial court  
6 shall also either order restitution paid to the victim or  
7 impose a fine in an amount to be determined by the court based  
8 on the severity of the crime and the injury or damages suffered  
9 by the victim. In addition, any order of probation or  
10 conditional discharge entered following a conviction or an  
11 adjudication of delinquency shall include a condition that the  
12 offender perform public or community service of no less than  
13 200 hours if that service is established in the county where  
14 the offender was convicted of hate crime. In addition, any  
15 order of probation or conditional discharge entered following  
16 a conviction or an adjudication of delinquency shall include a  
17 condition that the offender enroll in an educational program  
18 discouraging hate crimes involving the protected class  
19 identified in subsection (a) that gave rise to the offense the  
20 offender committed. The educational program must be attended  
21 by the offender in-person and may be administered, as  
22 determined by the court, by a university, college, community  
23 college, non-profit organization, the Illinois Holocaust and  
24 Genocide Commission, or any other organization that provides  
25 educational programs discouraging hate crimes, except that  
26 programs administered online or that can otherwise be attended

1 remotely are prohibited. The court may also impose any other  
2 condition of probation or conditional discharge under this  
3 Section. If the court sentences the offender to imprisonment  
4 or periodic imprisonment for a violation of this Section, as a  
5 condition of the offender's mandatory supervised release, the  
6 court shall require that the offender perform public or  
7 community service of no less than 200 hours and enroll in an  
8 educational program discouraging hate crimes involving the  
9 protected class identified in subsection (a) that gave rise to  
10 the offense the offender committed.

11 (c) Independent of any criminal prosecution or the result  
12 of a criminal prosecution, any person suffering injury to his  
13 or her person, damage to his or her property, intimidation as  
14 defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section  
15 12-6 of this Code, stalking as defined in Section 12-7.3 of  
16 this Code, cyberstalking as defined in Section 12-7.5 of this  
17 Code, disorderly conduct as defined in paragraph (a)(1),  
18 (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code,  
19 transmission of obscene messages as defined in Section 26.5-1  
20 of this Code, harassment by telephone as defined in Section  
21 26.5-2 of this Code, or harassment through electronic  
22 communications as defined in paragraphs (a)(2) and (a)(5) of  
23 Section 26.5-3 of this Code as a result of a hate crime may  
24 bring a civil action for damages, injunction or other  
25 appropriate relief. The court may award actual damages,  
26 including damages for emotional distress, as well as punitive

1 damages. The court may impose a civil penalty up to \$25,000 for  
2 each violation of this subsection (c). A judgment in favor of a  
3 person who brings a civil action under this subsection (c)  
4 shall include attorney's fees and costs. After consulting with  
5 the local State's Attorney, the Attorney General may bring a  
6 civil action in the name of the People of the State for an  
7 injunction or other equitable relief under this subsection  
8 (c). In addition, the Attorney General may request and the  
9 court may impose a civil penalty up to \$25,000 for each  
10 violation under this subsection (c). The parents or legal  
11 guardians, other than guardians appointed pursuant to the  
12 Juvenile Court Act or the Juvenile Court Act of 1987, of an  
13 unemancipated minor shall be liable for the amount of any  
14 judgment for all damages rendered against such minor under  
15 this subsection (c) in any amount not exceeding the amount  
16 provided under Section 5 of the Parental Responsibility Law.

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

20 (Source: P.A. 102-235, eff. 1-1-22; 102-468, eff. 1-1-22;  
21 102-813, eff. 5-13-22.)

22 Section 10. The Unified Code of Corrections is amended by  
23 changing Sections 3-6-3 and 5-5-3 as follows:

24 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

10           (1.5) As otherwise provided by law, sentence credit may be  
11 awarded for the following:

12           (A) successful completion of programming while in  
13 custody of the Department of Corrections or the Department  
14 of Juvenile Justice or while in custody prior to  
15 sentencing;

16           (B) compliance with the rules and regulations of the  
17 Department; or

18           (C) service to the institution, service to a  
19 community, or service to the State.

20           (2) Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations on sentence credit  
22 shall provide, with respect to offenses listed in clause (i),  
23 (ii), or (iii) of this paragraph (2) committed on or after June  
24 19, 1998 or with respect to the offense listed in clause (iv)  
25 of this paragraph (2) committed on or after June 23, 2005 (the  
26 effective date of Public Act 94-71) or with respect to offense

1 listed in clause (vi) committed on or after June 1, 2008 (the  
2 effective date of Public Act 95-625) or with respect to the  
3 offense of being an armed habitual criminal committed on or  
4 after August 2, 2005 (the effective date of Public Act 94-398)  
5 or with respect to the offenses listed in clause (v) of this  
6 paragraph (2) committed on or after August 13, 2007 (the  
7 effective date of Public Act 95-134) or with respect to the  
8 offense of aggravated domestic battery committed on or after  
9 July 23, 2010 (the effective date of Public Act 96-1224) or  
10 with respect to the offense of attempt to commit terrorism  
11 committed on or after January 1, 2013 (the effective date of  
12 Public Act 97-990) or with respect to the offenses listed in  
13 clause (viii) committed on or after the effective date of this  
14 amendatory Act of the 103rd General Assembly, the following:

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

19 (ii) that a prisoner serving a sentence for attempt to  
20 commit terrorism, attempt to commit first degree murder,  
21 solicitation of murder, solicitation of murder for hire,  
22 intentional homicide of an unborn child, predatory  
23 criminal sexual assault of a child, aggravated criminal  
24 sexual assault, criminal sexual assault, aggravated  
25 kidnapping, aggravated battery with a firearm as described  
26 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),



1 or (e) (4) of Section 12-3.05, heinous battery as described  
2 in Section 12-4.1 or subdivision (a) (2) of Section  
3 12-3.05, being an armed habitual criminal, aggravated  
4 battery of a senior citizen as described in Section 12-4.6  
5 or subdivision (a) (4) of Section 12-3.05, or aggravated  
6 battery of a child as described in Section 12-4.3 or  
7 subdivision (b) (1) of Section 12-3.05 shall receive no  
8 more than 4.5 days of sentence credit for each month of his  
9 or her sentence of imprisonment;

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

20 (iv) that a prisoner serving a sentence for aggravated  
21 discharge of a firearm, whether or not the conduct leading  
22 to conviction for the offense resulted in great bodily  
23 harm to the victim, shall receive no more than 4.5 days of  
24 sentence credit for each month of his or her sentence of  
25 imprisonment;

26 (v) that a person serving a sentence for gunrunning,

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

21           (vi) that a prisoner serving a sentence for a second  
22      or subsequent offense of luring a minor shall receive no  
23      more than 4.5 days of sentence credit for each month of his  
24      or her sentence of imprisonment; ~~and~~

25           (vii) that a prisoner serving a sentence for  
26      aggravated domestic battery shall receive no more than 4.5

1 days of sentence credit for each month of his or her  
2 sentence of imprisonment ; ~~and~~.

3 (viii) that a prisoner serving a sentence for a hate  
4 crime if committed by the prisoner when the prisoner was  
5 at least 18 years of age while armed with a firearm or if  
6 the victim of the hate crime, at the time of the offense,  
7 was under 18 years of age, shall receive no more than 4.5  
8 days of sentence credit for each month of his or her  
9 sentence of imprisonment.

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

1 in subparagraph (C) of paragraph (1) of subsection (d) of  
2 Section 11-501 of the Illinois Vehicle Code committed on or  
3 after January 1, 2011 (the effective date of Public Act  
4 96-1230) and other than the offense enumerated in subdivision  
5 (a) (2) (viii) committed on or after the effective date of this  
6 amendatory Act of the 103rd General Assembly, the rules and  
7 regulations shall provide that a prisoner who is serving a  
8 term of imprisonment shall receive one day of sentence credit  
9 for each day of his or her sentence of imprisonment or  
10 recommitment under Section 3-3-9. Each day of sentence credit  
11 shall reduce by one day the prisoner's period of imprisonment  
12 or recommitment under Section 3-3-9.

13 (2.2) A prisoner serving a term of natural life  
14 imprisonment or a prisoner who has been sentenced to death  
15 shall receive no sentence credit.

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

26 (2.4) 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 the offenses of aggravated  
3 battery with a machine gun or a firearm equipped with any  
4 device or attachment designed or used for silencing the report  
5 of a firearm or aggravated discharge of a machine gun or a  
6 firearm equipped with any device or attachment designed or  
7 used for silencing the report of a firearm, committed on or  
8 after July 15, 1999 (the effective date of Public Act 91-121),  
9 that a prisoner serving a sentence for any of these offenses  
10 shall receive no more than 4.5 days of sentence credit for each  
11 month of his or her sentence of imprisonment.

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

19 (2.6) Except as provided in paragraph (4.7) of this  
20 subsection (a), the rules and regulations on sentence credit  
21 shall provide that a prisoner who is serving a sentence for  
22 aggravated driving under the influence of alcohol, other drug  
23 or drugs, or intoxicating compound or compounds or any  
24 combination thereof as defined in subparagraph (C) of  
25 paragraph (1) of subsection (d) of Section 11-501 of the  
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230) shall receive no  
2 more than 4.5 days of sentence credit for each month of his or  
3 her sentence of imprisonment.

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

19 Eligible inmates for an award of earned sentence credit  
20 under this paragraph (3) may be selected to receive the credit  
21 at either Director's or his or her designee's sole discretion.  
22 Eligibility for the additional earned sentence credit under  
23 this paragraph (3) may be based on, but is not limited to,  
24 participation in programming offered by the Department as  
25 appropriate for the prisoner based on the results of any  
26 available risk/needs assessment or other relevant assessments

1 or evaluations administered by the Department using a  
2 validated instrument, the circumstances of the crime,  
3 demonstrated commitment to rehabilitation by a prisoner with a  
4 history of conviction for a forcible felony enumerated in  
5 Section 2-8 of the Criminal Code of 2012, the inmate's  
6 behavior and improvements in disciplinary history while  
7 incarcerated, and the inmate's commitment to rehabilitation,  
8 including participation in programming offered by the  
9 Department.

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

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

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

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

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

26 The Director of Corrections or the Director of Juvenile

1 Justice shall determine the form and content of the written  
2 determination required in this subsection.

3 (3.5) The Department shall provide annual written reports  
4 to the Governor and the General Assembly on the award of earned  
5 sentence credit no later than February 1 of each year. The  
6 Department must publish both reports on its website within 48  
7 hours of transmitting the reports to the Governor and the  
8 General Assembly. The reports must include:

9 (A) the number of inmates awarded earned sentence  
10 credit;

11 (B) the average amount of earned sentence credit  
12 awarded;

13 (C) the holding offenses of inmates awarded earned  
14 sentence credit; and

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

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



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

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

23 (i) documentation provided by the Department that the  
24 inmate engaged in any full-time substance abuse programs,  
25 correctional industry assignments, educational programs,  
26 behavior modification programs, life skills courses, or

1 re-entry planning provided by the Department under this  
2 paragraph (4) and satisfactorily completed the assigned  
3 program as determined by the standards of the Department  
4 during the inmate's current term of incarceration; or

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

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

1 the Department provides no documentary proof, the inmate's  
2 proof as set forth in clause (ii) of subparagraph (B) shall  
3 control as to the amount of sentence credit provided.

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

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

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

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

20 (4.1) Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations shall also provide  
22 that an additional 90 days of sentence credit shall be awarded  
23 to any prisoner who passes high school equivalency testing  
24 while the prisoner is committed to the Department of  
25 Corrections. The sentence credit awarded under this paragraph  
26 (4.1) shall be in addition to, and shall not affect, the award

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

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

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

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

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

26 (4.2) The rules and regulations shall also provide that

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

6 (4.5) The rules and regulations on sentence credit shall  
7 also provide that when the court's sentencing order recommends  
8 a prisoner for substance abuse treatment and the crime was  
9 committed on or after September 1, 2003 (the effective date of  
10 Public Act 93-354), the prisoner shall receive no sentence  
11 credit awarded under clause (3) of this subsection (a) unless  
12 he or she participates in and completes a substance abuse  
13 treatment program. The Director of Corrections may waive the  
14 requirement to participate in or complete a substance abuse  
15 treatment program in specific instances if the prisoner is not  
16 a good candidate for a substance abuse treatment program for  
17 medical, programming, or operational reasons. Availability of  
18 substance abuse treatment shall be subject to the limits of  
19 fiscal resources appropriated by the General Assembly for  
20 these purposes. If treatment is not available and the  
21 requirement to participate and complete the treatment has not  
22 been waived by the Director, the prisoner shall be placed on a  
23 waiting list under criteria established by the Department. The  
24 Director may allow a prisoner placed on a waiting list to  
25 participate in and complete a substance abuse education class  
26 or attend substance abuse self-help meetings in lieu of a



1 substance abuse treatment program. A prisoner on a waiting  
2 list who is not placed in a substance abuse program prior to  
3 release may be eligible for a waiver and receive sentence  
4 credit under clause (3) of this subsection (a) at the  
5 discretion of the Director.

6 (4.6) The rules and regulations on sentence credit shall  
7 also provide that a prisoner who has been convicted of a sex  
8 offense as defined in Section 2 of the Sex Offender  
9 Registration Act shall receive no sentence credit unless he or  
10 she either has successfully completed or is participating in  
11 sex offender treatment as defined by the Sex Offender  
12 Management Board. However, prisoners who are waiting to  
13 receive treatment, but who are unable to do so due solely to  
14 the lack of resources on the part of the Department, may, at  
15 either Director's sole discretion, be awarded sentence credit  
16 at a rate as the Director shall determine.

17 (4.7) On or after January 1, 2018 (the effective date of  
18 Public Act 100-3), sentence credit under paragraph (3), (4),  
19 or (4.1) of this subsection (a) may be awarded to a prisoner  
20 who is serving a sentence for an offense described in  
21 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
22 on or after January 1, 2018 (the effective date of Public Act  
23 100-3); provided, the award of the credits under this  
24 paragraph (4.7) shall not reduce the sentence of the prisoner  
25 to less than the following amounts:

26 (i) 85% of his or her sentence if the prisoner is

1 required to serve 85% of his or her sentence; or

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

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

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

1 completion of the first year of mandatory supervised release  
2 or return of the inmate to custody of the Department.

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

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

18 (2) When the Department seeks to revoke, suspend, or  
19 reduce the rate of accumulation of any sentence credits for an  
20 alleged infraction of its rules, it shall bring charges  
21 therefor against the prisoner sought to be so deprived of  
22 sentence credits before the Prisoner Review Board as provided  
23 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
24 amount of credit at issue exceeds 30 days, whether from one  
25 infraction or cumulatively from multiple infractions arising  
26 out of a single event, or when, during any 12-month period, the

1 cumulative amount of credit revoked exceeds 30 days except  
2 where the infraction is committed or discovered within 60 days  
3 of scheduled release. In those cases, the Department of  
4 Corrections may revoke up to 30 days of sentence credit. The  
5 Board may subsequently approve the revocation of additional  
6 sentence credit, if the Department seeks to revoke sentence  
7 credit in excess of 30 days. However, the Board shall not be  
8 empowered to review the Department's decision with respect to  
9 the loss of 30 days of sentence credit within any calendar year  
10 for any prisoner or to increase any penalty beyond the length  
11 requested by the Department.

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

20 Nothing contained in this Section shall prohibit the  
21 Prisoner Review Board from ordering, pursuant to Section  
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
23 sentence imposed by the court that was not served due to the  
24 accumulation of sentence credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or  
26 federal court against the State, the Department of

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

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in  
19 fact;

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

23 (C) the claims, defenses, and other legal  
24 contentions therein are not warranted by existing law  
25 or by a nonfrivolous argument for the extension,  
26 modification, or reversal of existing law or the

1 establishment of new law;

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

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

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

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

24 (f) Whenever the Department is to release any inmate who  
25 has been convicted of a violation of an order of protection  
26 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, earlier than it otherwise would  
2 because of a grant of sentence credit, the Department, as a  
3 condition of release, shall require that the person, upon  
4 release, be placed under electronic surveillance as provided  
5 in Section 5-8A-7 of this Code.

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

9 (730 ILCS 5/5-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

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

21 (A) First degree murder where the death penalty is not  
22 imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

25 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of  
2 subdivision (c)(1.5) of Section 401 of that Act which  
3 relates to more than 5 grams of a substance containing  
4 fentanyl or an analog thereof.

5 (D-5) A violation of subdivision (c)(1) of Section 401  
6 of the Illinois Controlled Substances Act which relates to  
7 3 or more grams of a substance containing heroin or an  
8 analog thereof.

9 (E) (Blank).

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

20 (F-3) A Class 2 or greater felony sex offense or  
21 felony firearm offense if the offender had been convicted  
22 of a Class 2 or greater felony, including any state or  
23 federal conviction for an offense that contained, at the  
24 time it was committed, the same elements as an offense now  
25 (the date of the offense committed after the prior Class 2  
26 or greater felony) classified as a Class 2 or greater



1 felony, within 10 years of the date on which the offender  
2 committed the offense for which he or she is being  
3 sentenced, except as otherwise provided in Section 40-10  
4 of the Substance Use Disorder Act.

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

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

10 (H) Criminal sexual assault.

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

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

17 Before July 1, 1994, for the purposes of this  
18 paragraph, "organized gang" means an association of 5 or  
19 more persons, with an established hierarchy, that  
20 encourages members of the association to perpetrate crimes  
21 or provides support to the members of the association who  
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this  
24 paragraph, "organized gang" has the meaning ascribed to it  
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense  
3 of hate crime when the underlying offense upon which the  
4 hate crime is based is felony aggravated assault or felony  
5 mob action.

6 (M) A second or subsequent conviction for the offense  
7 of institutional vandalism if the damage to the property  
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of  
10 subsection (a) of Section 2 of the Firearm Owners  
11 Identification Card Act.

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

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

17 (P-5) A violation of paragraph (6) of subsection (a)  
18 of Section 11-20.1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 if the victim is a household or  
20 family member of the defendant.

21 (Q) A violation of subsection (b) or (b-5) of Section  
22 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012.

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

26 (S) (Blank).

1 (T) (Blank).

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

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

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

26 (X) A violation of subsection (a) of Section 31-1a of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

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

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

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

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

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

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

21 (EE) A conviction for a violation of paragraph (2) of  
22 subsection (a) of Section 24-3B of the Criminal Code of  
23 2012.

24 (FF) A conviction for a violation of Section 12-7.1 of  
25 the Criminal Code of 2012 if committed by a person 18 years  
26 of age or older while armed with a firearm or if the victim

1       of the hate crime, at the time of the offense, was under 18  
2       years of age.

3       (3) (Blank).

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

8       (4.1) (Blank).

9       (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
10 this subsection (c), a minimum of 100 hours of community  
11 service shall be imposed for a second violation of Section  
12 6-303 of the Illinois Vehicle Code.

13       (4.3) A minimum term of imprisonment of 30 days or 300  
14 hours of community service, as determined by the court, shall  
15 be imposed for a second violation of subsection (c) of Section  
16 6-303 of the Illinois Vehicle Code.

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

25       (4.5) A minimum term of imprisonment of 30 days shall be  
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this  
3 subsection (c), a minimum term of imprisonment of 180 days  
4 shall be imposed for a fourth or subsequent violation of  
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

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

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

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

23 (4.10) A mandatory prison sentence for a Class 1 felony  
24 shall be imposed, and the person shall be eligible for an  
25 extended term sentence, for a fourth or subsequent violation  
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

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

6 (A) a period of conditional discharge;

7 (B) a fine;

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

10 (5.1) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.2) or (5.3), a person  
12 convicted of violating subsection (c) of Section 11-907 of the  
13 Illinois Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 90 days but not  
15 more than one year, if the violation resulted in damage to the  
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and  
18 except as provided in paragraph (5.3), a person convicted of  
19 violating subsection (c) of Section 11-907 of the Illinois  
20 Vehicle Code shall have his or her driver's license, permit,  
21 or privileges suspended for at least 180 days but not more than  
22 2 years, if the violation resulted in injury to another  
23 person.

24 (5.3) In addition to any other penalties imposed, a person  
25 convicted of violating subsection (c) of Section 11-907 of the  
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation  
2 resulted in the death of another person.

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

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

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

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

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a  
24 first offense and \$2,000 for a second or subsequent offense  
25 upon a person convicted of or placed on supervision for  
26 battery when the individual harmed was a sports official or



1 coach at any level of competition and the act causing harm to  
2 the sports official or coach occurred within an athletic  
3 facility or within the immediate vicinity of the athletic  
4 facility at which the sports official or coach was an active  
5 participant of the athletic contest held at the athletic  
6 facility. For the purposes of this paragraph (11), "sports  
7 official" means a person at an athletic contest who enforces  
8 the rules of the contest, such as an umpire or referee;  
9 "athletic facility" means an indoor or outdoor playing field  
10 or recreational area where sports activities are conducted;  
11 and "coach" means a person recognized as a coach by the  
12 sanctioning authority that conducted the sporting event.

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

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

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

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

26 (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court  
3 approved counseling program for a minimum duration of  
4 2 years; or

5 (B) the defendant is willing to participate in a  
6 court approved plan, including, but not limited to,  
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the  
11 family;

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

13 and

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

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

23 Probation may be revoked or modified pursuant to Section  
24 5-6-4; except where the court determines at the hearing that  
25 the defendant violated a condition of his or her probation  
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family  
2 members, the court shall revoke the defendant's probation and  
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and  
5 "victim" shall have the meanings ascribed to them in Section  
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

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

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

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

1 disease in the courtroom.

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

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under the Criminal  
5 and Traffic Assessment Act.

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

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

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



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

15 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of license renewal established by the Secretary of State.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
3 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
4 5-27-22.)

5 Section 99. Effective date. This Act takes effect on  
6 January 1, 2024.