

1 AN ACT in relation to criminal law.

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

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

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)
7 Sec. 5-5-3. Disposition.

8 (a) Every person convicted of an offense shall be
9 sentenced as provided in this Section.

10 (b) The following options shall be appropriate
11 dispositions, alone or in combination, for all felonies and
12 misdemeanors other than those identified in subsection (c) of
13 this Section:

- 14 (1) A period of probation.
- 15 (2) A term of periodic imprisonment.
- 16 (3) A term of conditional discharge.
- 17 (4) A term of imprisonment.
- 18 (5) An order directing the offender to clean up and
19 repair the damage, if the offender was convicted under
20 paragraph (h) of Section 21-1 of the Criminal Code of
21 1961.

- 22 (6) A fine.
- 23 (7) An order directing the offender to make
24 restitution to the victim under Section 5-5-6 of this
25 Code.

- 26 (8) A sentence of participation in a county impact
27 incarceration program under Section 5-8-1.2 of this Code.

28 Whenever an individual is sentenced for an offense based
29 upon an arrest for a violation of Section 11-501 of the
30 Illinois Vehicle Code, or a similar provision of a local
31 ordinance, and the professional evaluation recommends

1 remedial or rehabilitative treatment or education, neither
2 the treatment nor the education shall be the sole disposition
3 and either or both may be imposed only in conjunction with
4 another disposition. The court shall monitor compliance with
5 any remedial education or treatment recommendations contained
6 in the professional evaluation. Programs conducting alcohol
7 or other drug evaluation or remedial education must be
8 licensed by the Department of Human Services. However, if
9 the individual is not a resident of Illinois, the court may
10 accept an alcohol or other drug evaluation or remedial
11 education program in the state of such individual's
12 residence. Programs providing treatment must be licensed
13 under existing applicable alcoholism and drug treatment
14 licensure standards.

15 In addition to any other fine or penalty required by law,
16 any individual convicted of a violation of Section 11-501 of
17 the Illinois Vehicle Code or a similar provision of local
18 ordinance, whose operation of a motor vehicle while in
19 violation of Section 11-501 or such ordinance proximately
20 caused an incident resulting in an appropriate emergency
21 response, shall be required to make restitution to a public
22 agency for the costs of that emergency response. Such
23 restitution shall not exceed \$500 per public agency for each
24 such emergency response. For the purpose of this paragraph,
25 emergency response shall mean any incident requiring a
26 response by: a police officer as defined under Section 1-162
27 of the Illinois Vehicle Code; a fireman carried on the rolls
28 of a regularly constituted fire department; and an ambulance
29 as defined under Section 4.05 of the Emergency Medical
30 Services (EMS) Systems Act.

31 Neither a fine nor restitution shall be the sole
32 disposition for a felony and either or both may be imposed
33 only in conjunction with another disposition.

34 (c) (1) When a defendant is found guilty of first degree

1 murder the State may either seek a sentence of
2 imprisonment under Section 5-8-1 of this Code, or where
3 appropriate seek a sentence of death under Section 9-1 of
4 the Criminal Code of 1961.

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

12 (A) First degree murder where the death
13 penalty is not imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the
17 Illinois Controlled Substances Act, or a violation
18 of subdivision (c)(1) or (c)(2) of Section 401 of
19 that Act which relates to more than 5 grams of a
20 substance containing heroin or cocaine or an analog
21 thereof.

22 (E) A violation of Section 5.1 or 9 of the
23 Cannabis Control Act.

24 (F) A Class 2 or greater felony if the
25 offender had been convicted of a Class 2 or greater
26 felony within 10 years of the date on which the
27 offender committed the offense for which he or she
28 is being sentenced, except as otherwise provided in
29 Section 40-10 of the Alcoholism and Other Drug Abuse
30 and Dependency Act.

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

34 (H) Criminal sexual assault, except as

1 otherwise provided in subsection (e) of this
2 Section.

3 (I) Aggravated battery of a senior citizen.

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

6 Before July 1, 1994, for the purposes of this
7 paragraph, "organized gang" means an association of
8 5 or more persons, with an established hierarchy,
9 that encourages members of the association to
10 perpetrate crimes or provides support to the members
11 of the association who do commit crimes.

12 Beginning July 1, 1994, for the purposes of
13 this paragraph, "organized gang" has the meaning
14 ascribed to it in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense
19 upon which the hate crime is based is felony
20 aggravated assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to
23 the property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph
25 (1) of subsection (a) of Section 2 of the Firearm
26 Owners Identification Card Act.

27 (O) A violation of Section 12-6.1 of the
28 Criminal Code of 1961.

29 (P) A violation of paragraph (1), (2), (3),
30 (4), (5), or (7) of subsection (a) of Section
31 11-20.1 of the Criminal Code of 1961.

32 (Q) A violation of Section 20-1.2 of the
33 Criminal Code of 1961.

34 (R) A violation of Section 24-3A of the

1 Criminal Code of 1961.

2 (S) A violation of Section 11-501(c-1)(3) of
3 the Illinois Vehicle Code.

4 (3) A minimum term of imprisonment of not less than
5 5 days or 30 days of community service as may be
6 determined by the court shall be imposed for a second
7 violation committed within 5 years of a previous
8 violation of Section 11-501 of the Illinois Vehicle Code
9 or a similar provision of a local ordinance. In the case
10 of a third or subsequent violation committed within 5
11 years of a previous violation of Section 11-501 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance, a minimum term of either 10 days of
14 imprisonment or 60 days of community service shall be
15 imposed.

16 (4) A minimum term of imprisonment of not less than
17 10 consecutive days or 30 days of community service shall
18 be imposed for a violation of paragraph (c) of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.1) A minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24 hour periodic imprisonment or
22 720 hours of community service, as may be determined by
23 the court, shall be imposed for a violation of Section
24 11-501 of the Illinois Vehicle Code during a period in
25 which the defendant's driving privileges are revoked or
26 suspended, where the revocation or suspension was for a
27 violation of Section 11-501 or Section 11-501.1 of that
28 Code.

29 (4.2) Except as provided in paragraph (4.3) of this
30 subsection (c), a minimum of 100 hours of community
31 service shall be imposed for a second violation of
32 Section 6-303 of the Illinois Vehicle Code.

33 (4.3) A minimum term of imprisonment of 30 days or
34 300 hours of community service, as determined by the

1 court, shall be imposed for a second violation of
2 subsection (c) of Section 6-303 of the Illinois Vehicle
3 Code.

4 (4.4) Except as provided in paragraph (4.5) and
5 paragraph (4.6) of this subsection (c), a minimum term of
6 imprisonment of 30 days or 300 hours of community
7 service, as determined by the court, shall be imposed for
8 a third or subsequent violation of Section 6-303 of the
9 Illinois Vehicle Code.

10 (4.5) A minimum term of imprisonment of 30 days
11 shall be imposed for a third violation of subsection (c)
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.6) A minimum term of imprisonment of 180 days
14 shall be imposed for a fourth or subsequent violation of
15 subsection (c) of Section 6-303 of the Illinois Vehicle
16 Code.

17 (5) The court may sentence an offender convicted of
18 a business offense or a petty offense or a corporation or
19 unincorporated association convicted of any offense to:

- 20 (A) a period of conditional discharge;
- 21 (B) a fine;
- 22 (C) make restitution to the victim under
23 Section 5-5-6 of this Code.

24 (5.1) In addition to any penalties imposed under
25 paragraph (5) of this subsection (c), and except as
26 provided in paragraph (5.2) or (5.3), a person convicted
27 of violating subsection (c) of Section 11-907 of the
28 Illinois Vehicle Code shall have his or her driver's
29 license, permit, or privileges suspended for at least 90
30 days but not more than one year, if the violation
31 resulted in damage to the property of another person.

32 (5.2) In addition to any penalties imposed under
33 paragraph (5) of this subsection (c), and except as
34 provided in paragraph (5.3), a person convicted of

1 violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's
3 license, permit, or privileges suspended for at least 180
4 days but not more than 2 years, if the violation resulted
5 in injury to another person.

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

12 (6) In no case shall an offender be eligible for a
13 disposition of probation or conditional discharge for a
14 Class 1 felony committed while he was serving a term of
15 probation or conditional discharge for a felony.

16 (7) When a defendant is adjudged a habitual
17 criminal under Article 33B of the Criminal Code of 1961,
18 the court shall sentence the defendant to a term of
19 natural life imprisonment.

20 (8) When a defendant, over the age of 21 years, is
21 convicted of a Class 1 or Class 2 felony, after having
22 twice been convicted in any state or federal court of an
23 offense that contains the same elements as an offense now
24 classified in Illinois as a Class 2 or greater Class
25 felony and such charges are separately brought and tried
26 and arise out of different series of acts, such defendant
27 shall be sentenced as a Class X offender. This paragraph
28 shall not apply unless (1) the first felony was committed
29 after the effective date of this amendatory Act of 1977;
30 and (2) the second felony was committed after conviction
31 on the first; and (3) the third felony was committed
32 after conviction on the second. A person sentenced as a
33 Class X offender under this paragraph is not eligible to
34 apply for treatment as a condition of probation as

1 provided by Section 40-10 of the Alcoholism and Other
2 Drug Abuse and Dependency Act.

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

6 (10) When a person is convicted of violating
7 Section 11-501 of the Illinois Vehicle Code or a similar
8 provision of a local ordinance, the following penalties
9 apply when his or her blood, breath, or urine was .16 or
10 more based on the definition of blood, breath, or urine
11 units in Section 11-501.2 or that person is convicted of
12 violating Section 11-501 of the Illinois Vehicle Code
13 while transporting a child under the age of 16:

14 (A) For a first violation of subsection (a) of
15 Section 11-501, in addition to any other penalty
16 that may be imposed under subsection (c) of Section
17 11-501: a mandatory minimum of 100 hours of
18 community service and a minimum fine of \$500.

19 (B) For a second violation of subsection (a)
20 of Section 11-501, in addition to any other penalty
21 that may be imposed under subsection (c) of Section
22 11-501 within 10 years: a mandatory minimum of 2
23 days of imprisonment and a minimum fine of \$1,250.

24 (C) For a third violation of subsection (a) of
25 Section 11-501, in addition to any other penalty
26 that may be imposed under subsection (c) of Section
27 11-501 within 20 years: a mandatory minimum of 90
28 days of imprisonment and a minimum fine of \$2,500.

29 (D) For a fourth or subsequent violation of
30 subsection (a) of Section 11-501: ineligibility for
31 a sentence of probation or conditional discharge and
32 a minimum fine of \$2,500.

33 (11) The court shall impose a minimum fine of
34 \$1,000 for a first offense and \$2,000 for a second or

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

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

33 (e) In cases where prosecution for criminal sexual
34 assault or aggravated criminal sexual abuse under Section

1 12-13 or 12-16 of the Criminal Code of 1961 results in
2 conviction of a defendant who was a family member of the
3 victim at the time of the commission of the offense, the
4 court shall consider the safety and welfare of the victim and
5 may impose a sentence of probation only where:

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

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

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

14 (i) removal from the household;

15 (ii) restricted contact with the victim;

16 (iii) continued financial support of the
17 family;

18 (iv) restitution for harm done to the
19 victim; and

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

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

29 Probation may be revoked or modified pursuant to Section
30 5-6-4; except where the court determines at the hearing that
31 the defendant violated a condition of his or her probation
32 restricting contact with the victim or other family members
33 or commits another offense with the victim or other family
34 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 12-12 of the Criminal Code of 1961.

5 (f) This Article shall not deprive a court in other
6 proceedings to order a forfeiture of property, to suspend or
7 cancel a license, to remove a person from office, or to
8 impose any other civil penalty.

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

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

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

25 (h) Whenever a defendant is convicted of an offense
26 under Section 1 or 2 of the Hypodermic Syringes and Needles
27 Act, the defendant shall undergo medical testing to determine
28 whether the defendant has been exposed to human
29 immunodeficiency virus (HIV) or any other identified
30 causative agent of acquired immunodeficiency syndrome (AIDS).
31 Except as otherwise provided by law, the results of such test
32 shall be kept strictly confidential by all medical personnel
33 involved in the testing and must be personally delivered in a
34 sealed envelope to the judge of the court in which the

1 conviction was entered for the judge's inspection in camera.
2 Acting in accordance with the best interests of the public,
3 the judge shall have the discretion to determine to whom, if
4 anyone, the results of the testing may be revealed. The court
5 shall notify the defendant of a positive test showing an
6 infection with the human immunodeficiency virus (HIV). The
7 court shall provide information on the availability of HIV
8 testing and counseling at Department of Public Health
9 facilities to all parties to whom the results of the testing
10 are revealed and shall direct the State's Attorney to provide
11 the information to the victim when possible. A State's
12 Attorney may petition the court to obtain the results of any
13 HIV test administered under this Section, and the court
14 shall grant the disclosure if the State's Attorney shows it
15 is relevant in order to prosecute a charge of criminal
16 transmission of HIV under Section 12-16.2 of the Criminal
17 Code of 1961 against the defendant. The court shall order
18 that the cost of any such test shall be paid by the county
19 and may be taxed as costs against the convicted defendant.

20 (i) All fines and penalties imposed under this Section
21 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance,
23 and any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected
25 and disbursed by the circuit clerk as provided under Section
26 27.5 of the Clerks of Courts Act.

27 (j) In cases when prosecution for any violation of
28 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
29 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
30 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
31 12-16 of the Criminal Code of 1961, any violation of the
32 Illinois Controlled Substances Act, or any violation of the
33 Cannabis Control Act results in conviction, a disposition of
34 court supervision, or an order of probation granted under

1 Section 10 of the Cannabis Control Act or Section 410 of the
2 Illinois Controlled Substance Act of a defendant, the court
3 shall determine whether the defendant is employed by a
4 facility or center as defined under the Child Care Act of
5 1969, a public or private elementary or secondary school, or
6 otherwise works with children under 18 years of age on a
7 daily basis. When a defendant is so employed, the court
8 shall order the Clerk of the Court to send a copy of the
9 judgment of conviction or order of supervision or probation
10 to the defendant's employer by certified mail. If the
11 employer of the defendant is a school, the Clerk of the Court
12 shall direct the mailing of a copy of the judgment of
13 conviction or order of supervision or probation to the
14 appropriate regional superintendent of schools. The regional
15 superintendent of schools shall notify the State Board of
16 Education of any notification under this subsection.

17 (j-5) A defendant at least 17 years of age who is
18 convicted of a felony and who has not been previously
19 convicted of a misdemeanor or felony and who is sentenced to
20 a term of imprisonment in the Illinois Department of
21 Corrections shall as a condition of his or her sentence be
22 required by the court to attend educational courses designed
23 to prepare the defendant for a high school diploma and to
24 work toward a high school diploma or to work toward passing
25 the high school level Test of General Educational Development
26 (GED) or to work toward completing a vocational training
27 program offered by the Department of Corrections. If a
28 defendant fails to complete the educational training required
29 by his or her sentence during the term of incarceration, the
30 Prisoner Review Board shall, as a condition of mandatory
31 supervised release, require the defendant, at his or her own
32 expense, to pursue a course of study toward a high school
33 diploma or passage of the GED test. The Prisoner Review
34 Board shall revoke the mandatory supervised release of a

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

16 (k) A court may not impose a sentence or disposition for
17 a felony or misdemeanor that requires the defendant to be
18 implanted or injected with or to use any form of birth
19 control.

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

29 (1) a final order of deportation has been
30 issued against the defendant pursuant to proceedings
31 under the Immigration and Nationality Act, and

32 (2) the deportation of the defendant would not
33 deprecate the seriousness of the defendant's conduct
34 and would not be inconsistent with the ends of

1 justice.

2 Otherwise, the defendant shall be sentenced as
3 provided in this Chapter V.

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

12 (1) a final order of deportation has been
13 issued against the defendant pursuant to proceedings
14 under the Immigration and Nationality Act, and

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

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

22 (D) Upon motion of the State's Attorney, if a
23 defendant sentenced under this Section returns to the
24 jurisdiction of the United States, the defendant shall be
25 recommitted to the custody of the county from which he or
26 she was sentenced. Thereafter, the defendant shall be
27 brought before the sentencing court, which may impose any
28 sentence that was available under Section 5-5-3 at the
29 time of initial sentencing. In addition, the defendant
30 shall not be eligible for additional good conduct credit
31 for meritorious service as provided under Section 3-6-6.

32 (m) A person convicted of criminal defacement of
33 property under Section 21-1.3 of the Criminal Code of 1961,
34 in which the property damage exceeds \$300 and the property

1 damaged is a school building, shall be ordered to perform
2 community service that may include cleanup, removal, or
3 painting over the defacement.

4 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;
5 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.
6 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,
7 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;
8 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.
9 7-19-02.)