

1 AN ACT concerning driving offenses.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 3-707 and 6-118 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the
9 motor vehicle is covered by a liability insurance policy in
10 accordance with Section 7-601 of this Code.

11 (b) Any person who fails to comply with a request by a law
12 enforcement officer for display of evidence of insurance, as
13 required under Section 7-602 of this Code, shall be deemed to
14 be operating an uninsured motor vehicle.

15 (c) Any operator of a motor vehicle subject to registration
16 under this Code who is convicted of violating this Section is
17 guilty of a business offense and shall be required to pay a
18 fine in excess of \$500, but not more than \$1,000. However, no
19 person charged with violating this Section shall be convicted
20 if such person produces in court satisfactory evidence that at
21 the time of the arrest the motor vehicle was covered by a
22 liability insurance policy in accordance with Section 7-601 of
23 this Code. The chief judge of each circuit may designate an
24 officer of the court to review the documentation demonstrating
25 that at the time of arrest the motor vehicle was covered by a
26 liability insurance policy in accordance with Section 7-601 of
27 this Code.

28 (c-1) A person convicted of violating this Section shall
29 also have his or her driver's license, permit, or privileges
30 suspended for 3 months. After the expiration of the 3 months,
31 the person's driver's license, permit, or privileges shall not
32 be reinstated until he or she has paid a reinstatement fee of

1 \$100. If a person violates this Section while his or her
 2 driver's license, permit, or privileges are suspended under
 3 this subsection (c-1), his or her driver's license, permit, or
 4 privileges shall be suspended for an additional 6 months and
 5 until he or she pays the reinstatement fee.

6 (d) A person convicted a third or subsequent time of
 7 violating this Section or a similar provision of a local
 8 ordinance must give proof to the Secretary of State of the
 9 person's financial responsibility as defined in Section 7-315.
 10 The person must maintain the proof in a manner satisfactory to
 11 the Secretary for a minimum period of one year after the date
 12 the proof is first filed. The Secretary must suspend the
 13 driver's license of any person determined by the Secretary not
 14 to have provided adequate proof of financial responsibility as
 15 required by this subsection.

16 (Source: P.A. 92-775, eff. 7-1-03.)

17 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
 18 Sec. 6-118. Fees.

19 (a) The fee for licenses and permits under this Article is
 20 as follows:

21	Original driver's license	\$10
22	Original or renewal driver's license	
23	issued to 18, 19 and 20 year olds	5
24	All driver's licenses for persons	
25	age 69 through age 80	5
26	All driver's licenses for persons	
27	age 81 through age 86	2
28	All driver's licenses for persons	
29	age 87 or older	0
30	Renewal driver's license (except for	
31	applicants ages 18, 19 and 20 or	
32	age 69 and older)	10
33	Original instruction permit issued to	
34	persons (except those age 69 and older)	
35	who do not hold or have not previously	

1 held an Illinois instruction permit or
2 driver's license 20
3 Instruction permit issued to any person
4 holding an Illinois driver's license
5 who wishes a change in classifications,
6 other than at the time of renewal 5
7 Any instruction permit issued to a person
8 age 69 and older 5
9 Instruction permit issued to any person,
10 under age 69, not currently holding a
11 valid Illinois driver's license or
12 instruction permit but who has
13 previously been issued either document
14 in Illinois 10
15 Restricted driving permit 8
16 Duplicate or corrected driver's license
17 or permit 5
18 Duplicate or corrected restricted
19 driving permit 5
20 Original or renewal M or L endorsement 5

21 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

22 The fees for commercial driver licenses and permits
23 under Article V shall be as follows:

24 Commercial driver's license:

- 25 \$6 for the CDLIS/AAMVAnet Fund
- 26 (Commercial Driver's License Information
- 27 System/American Association of Motor Vehicle
- 28 Administrators network Trust Fund);
- 29 \$20 for the Motor Carrier Safety Inspection Fund;
- 30 \$10 for the driver's license;
- 31 and \$24 for the CDL: \$60

32 Renewal commercial driver's license:

- 33 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 34 \$20 for the Motor Carrier Safety Inspection Fund;
- 35 \$10 for the driver's license; and
- 36 \$24 for the CDL: \$60

1 Commercial driver instruction permit
 2 issued to any person holding a valid
 3 Illinois driver's license for the
 4 purpose of changing to a
 5 CDL classification: \$6 for the
 6 CDLIS/AAMVAnet Trust Fund;
 7 \$20 for the Motor Carrier
 8 Safety Inspection Fund; and
 9 \$24 for the CDL classification \$50

10 Commercial driver instruction permit
 11 issued to any person holding a valid
 12 Illinois CDL for the purpose of
 13 making a change in a classification,
 14 endorsement or restriction \$5
 15 CDL duplicate or corrected license \$5

16 In order to ensure the proper implementation of the Uniform
 17 Commercial Driver License Act, Article V of this Chapter, the
 18 Secretary of State is empowered to pro-rate the \$24 fee for the
 19 commercial driver's license proportionate to the expiration
 20 date of the applicant's Illinois driver's license.

21 The fee for any duplicate license or permit shall be waived
 22 for any person age 60 or older who presents the Secretary of
 23 State's office with a police report showing that his license or
 24 permit was stolen.

25 No additional fee shall be charged for a driver's license,
 26 or for a commercial driver's license, when issued to the holder
 27 of an instruction permit for the same classification or type of
 28 license who becomes eligible for such license.

29 (b) Any person whose license or privilege to operate a
 30 motor vehicle in this State has been suspended or revoked under
 31 Section 3-707, any provision of Chapter 6, Chapter 11, or
 32 Section 7-205, 7-303, or 7-702 of the Family Financial
 33 Responsibility Law of this Code, shall in addition to any other
 34 fees required by this Code, pay a reinstatement fee as follows:

35 Suspension under Section 3-707 \$100
 36 Summary suspension under Section 11-501.1 \$250

1 Other suspension \$70
 2 Revocation \$500

3 However, any person whose license or privilege to operate a
 4 motor vehicle in this State has been suspended or revoked for a
 5 second or subsequent time for a violation of Section 11-501 or
 6 11-501.1 of this Code or a similar provision of a local
 7 ordinance or a similar out-of-state offense or Section 9-3 of
 8 the Criminal Code of 1961 and each suspension or revocation was
 9 for a violation of Section 11-501 or 11-501.1 of this Code or a
 10 similar provision of a local ordinance or a similar
 11 out-of-state offense or Section 9-3 of the Criminal Code of
 12 1961 shall pay, in addition to any other fees required by this
 13 Code, a reinstatement fee as follows:

14 Summary suspension under Section 11-501.1 \$500
 15 Revocation \$500

16 (c) All fees collected under the provisions of this Chapter
 17 6 shall be paid into the Road Fund in the State Treasury except
 18 as follows:

19 1. The following amounts shall be paid into the Driver
 20 Education Fund:

- 21 (A) \$16 of the \$20 fee for an original driver's
- 22 instruction permit;
- 23 (B) \$5 of the \$10 fee for an original driver's
- 24 license;
- 25 (C) \$5 of the \$10 fee for a 4 year renewal driver's
- 26 license; and
- 27 (D) \$4 of the \$8 fee for a restricted driving
- 28 permit.

29 2. \$30 of the \$250 fee for reinstatement of a license
 30 summarily suspended under Section 11-501.1 shall be
 31 deposited into the Drunk and Drugged Driving Prevention
 32 Fund. However, for a person whose license or privilege to
 33 operate a motor vehicle in this State has been suspended or
 34 revoked for a second or subsequent time for a violation of
 35 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
 36 the Criminal Code of 1961, \$190 of the \$500 fee for

1 reinstatement of a license summarily suspended under
2 Section 11-501.1, and \$190 of the \$500 fee for
3 reinstatement of a revoked license shall be deposited into
4 the Drunk and Drugged Driving Prevention Fund.

5 3. \$6 of such original or renewal fee for a commercial
6 driver's license and \$6 of the commercial driver
7 instruction permit fee when such permit is issued to any
8 person holding a valid Illinois driver's license, shall be
9 paid into the CDLIS/AAMVAnet Trust Fund.

10 4. \$30 of the \$70 fee for reinstatement of a license
11 suspended under the Family Financial Responsibility Law
12 shall be paid into the Family Responsibility Fund.

13 5. The \$5 fee for each original or renewal M or L
14 endorsement shall be deposited into the Cycle Rider Safety
15 Training Fund.

16 6. \$20 of any original or renewal fee for a commercial
17 driver's license or commercial driver instruction permit
18 shall be paid into the Motor Carrier Safety Inspection
19 Fund.

20 7. The following amounts shall be paid into the General
21 Revenue Fund:

22 (A) \$190 of the \$250 reinstatement fee for a
23 summary suspension under Section 11-501.1;

24 (B) \$40 of the \$70 reinstatement fee for any other
25 suspension provided in subsection (b) of this Section;
26 and

27 (C) \$440 of the \$500 reinstatement fee for a first
28 offense revocation and \$310 of the \$500 reinstatement
29 fee for a second or subsequent revocation.

30 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
31 eff. 1-1-05.)

32 Section 10. The Unified Code of Corrections is amended by
33 changing Section 5-5-3 as follows:

34 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 Sec. 5-5-3. Disposition.

2 (a) Except as provided in Section 11-501 of the Illinois
3 Vehicle Code, every person convicted of an offense shall be
4 sentenced as provided in this Section.

5 (b) The following options shall be appropriate
6 dispositions, alone or in combination, for all felonies and
7 misdemeanors other than those identified in subsection (c) of
8 this Section:

9 (1) A period of probation.

10 (2) A term of periodic imprisonment.

11 (3) A term of conditional discharge.

12 (4) A term of imprisonment.

13 (5) An order directing the offender to clean up and
14 repair the damage, if the offender was convicted under
15 paragraph (h) of Section 21-1 of the Criminal Code of 1961
16 (now repealed).

17 (6) A fine.

18 (7) An order directing the offender to make restitution
19 to the victim under Section 5-5-6 of this Code.

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

22 (9) A term of imprisonment in combination with a term
23 of probation when the offender has been admitted into a
24 drug court program under Section 20 of the Drug Court
25 Treatment Act.

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

29 (c) (1) When a defendant is found guilty of first degree
30 murder the State may either seek a sentence of imprisonment
31 under Section 5-8-1 of this Code, or where appropriate seek
32 a sentence of death under Section 9-1 of the Criminal Code
33 of 1961.

34 (2) A period of probation, a term of periodic
35 imprisonment or conditional discharge shall not be imposed
36 for the following offenses. The court shall sentence the

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

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

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) A violation of Section 401.1 or 407 of the
10 Illinois Controlled Substances Act, or a violation of
11 subdivision (c) (1) or (c) (2) of Section 401 of that Act
12 which relates to more than 5 grams of a substance
13 containing heroin or cocaine or an analog thereof.

14 (E) A violation of Section 5.1 or 9 of the Cannabis
15 Control Act.

16 (F) A Class 2 or greater felony if the offender had
17 been convicted of a Class 2 or greater felony within 10
18 years of the date on which the offender committed the
19 offense for which he or she is being sentenced, except
20 as otherwise provided in Section 40-10 of the
21 Alcoholism and Other Drug Abuse and Dependency Act.

22 (F-5) A violation of Section 24-1, 24-1.1, or
23 24-1.6 of the Criminal Code of 1961 for which
24 imprisonment is prescribed in those Sections.

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

28 (H) Criminal sexual assault.

29 (I) Aggravated battery of a senior citizen.

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

32 Before July 1, 1994, for the purposes of this
33 paragraph, "organized gang" means an association of 5
34 or more persons, with an established hierarchy, that
35 encourages members of the association to perpetrate
36 crimes or provides support to the members of the

1 association who do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed
4 to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the
8 offense of hate crime when the underlying offense upon
9 which the hate crime is based is felony aggravated
10 assault or felony mob action.

11 (M) A second or subsequent conviction for the
12 offense of institutional vandalism if the damage to the
13 property exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act.

17 (O) A violation of Section 12-6.1 of the Criminal
18 Code of 1961.

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

22 (Q) A violation of Section 20-1.2 or 20-1.3 of the
23 Criminal Code of 1961.

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

26 (S) (Blank).

27 (T) A second or subsequent violation of the
28 Methamphetamine Control and Community Protection Act.

29 (3) (Blank).

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

34 (4.1) (Blank).

35 (4.2) Except as provided in paragraph (4.3) of this
36 subsection (c), a minimum of 100 hours of community service

1 shall be imposed for a second violation of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300
4 hours of community service, as determined by the court,
5 shall be imposed for a second violation of subsection (c)
6 of Section 6-303 of the Illinois Vehicle Code.

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

13 (4.5) A minimum term of imprisonment of 30 days shall
14 be imposed for a third violation of subsection (c) of
15 Section 6-303 of the Illinois Vehicle Code.

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

20 (5) The court may sentence an offender convicted of a
21 business offense or a petty offense or a corporation or
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section
26 5-5-6 of this Code.

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

35 (5.2) In addition to any penalties imposed under
36 paragraph (5) of this subsection (c), and except as

1 provided in paragraph (5.3), a person convicted of
2 violating subsection (c) of Section 11-907 of the Illinois
3 Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for at least 180 days but
5 not more than 2 years, if the violation resulted in injury
6 to another person.

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

13 (5.4) In addition to any penalties imposed under
14 paragraph (5) of this subsection (c), a person convicted of
15 violating Section 3-707 of the Illinois Vehicle Code shall
16 have his driver's license, permit, or privileges suspended
17 for 90 days and until he or she has paid a reinstatement
18 fee of \$100.

19 (5.5) In addition to any penalties imposed under
20 paragraph (5) of this subsection (c), a person convicted of
21 violating Section 3-707 of the Illinois Vehicle Code during
22 a period in which his or her driver's license, permit, or
23 privileges were suspended for a previous violation of that
24 Section shall have his driver's license, permit, or
25 privileges suspended for an additional 180 days after the
26 expiration of the original 90 day suspension and until he
27 or she has paid a reinstatement fee of \$100.

28 (6) In no case shall an offender be eligible for a
29 disposition of probation or conditional discharge for a
30 Class 1 felony committed while he was serving a term of
31 probation or conditional discharge for a felony.

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

36 (8) When a defendant, over the age of 21 years, is

1 convicted of a Class 1 or Class 2 felony, after having
2 twice been convicted in any state or federal court of an
3 offense that contains the same elements as an offense now
4 classified in Illinois as a Class 2 or greater Class felony
5 and such charges are separately brought and tried and arise
6 out of different series of acts, such defendant shall be
7 sentenced as a Class X offender. This paragraph shall not
8 apply unless (1) the first felony was committed after the
9 effective date of this amendatory Act of 1977; and (2) the
10 second felony was committed after conviction on the first;
11 and (3) the third felony was committed after conviction on
12 the second. A person sentenced as a Class X offender under
13 this paragraph is not eligible to apply for treatment as a
14 condition of probation as provided by Section 40-10 of the
15 Alcoholism and Other Drug Abuse and Dependency Act.

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

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000
21 for a first offense and \$2,000 for a second or subsequent
22 offense upon a person convicted of or placed on supervision
23 for battery when the individual harmed was a sports
24 official or coach at any level of competition and the act
25 causing harm to the sports official or coach occurred
26 within an athletic facility or within the immediate
27 vicinity of the athletic facility at which the sports
28 official or coach was an active participant of the athletic
29 contest held at the athletic facility. For the purposes of
30 this paragraph (11), "sports official" means a person at an
31 athletic contest who enforces the rules of the contest,
32 such as an umpire or referee; "athletic facility" means an
33 indoor or outdoor playing field or recreational area where
34 sports activities are conducted; and "coach" means a person
35 recognized as a coach by the sanctioning authority that
36 conducted the sporting event.

1 (12) A person may not receive a disposition of court
2 supervision for a violation of Section 5-16 of the Boat
3 Registration and Safety Act if that person has previously
4 received a disposition of court supervision for a violation
5 of that Section.

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

24 (e) In cases where prosecution for aggravated criminal
25 sexual abuse under Section 12-16 of the Criminal Code of 1961
26 results in conviction of a defendant who was a family member of
27 the victim at the time of the commission of the offense, the
28 court shall consider the safety and welfare of the victim and
29 may impose a sentence of probation only where:

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

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

34 (B) the defendant is willing to participate in a
35 court approved plan including but not limited to the
36 defendant's:

- 1 (i) removal from the household;
2 (ii) restricted contact with the victim;
3 (iii) continued financial support of the
4 family;
5 (iv) restitution for harm done to the victim;
6 and
7 (v) compliance with any other measures that
8 the court may deem appropriate; and

9 (2) the court orders the defendant to pay for the
10 victim's counseling services, to the extent that the court
11 finds, after considering the defendant's income and
12 assets, that the defendant is financially capable of paying
13 for such services, if the victim was under 18 years of age
14 at the time the offense was committed and requires
15 counseling as a result of the offense.

16 Probation may be revoked or modified pursuant to Section
17 5-6-4; except where the court determines at the hearing that
18 the defendant violated a condition of his or her probation
19 restricting contact with the victim or other family members or
20 commits another offense with the victim or other family
21 members, the court shall revoke the defendant's probation and
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and
24 "victim" shall have the meanings ascribed to them in Section
25 12-12 of the Criminal Code of 1961.

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

30 (g) Whenever a defendant is convicted of an offense under
31 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
32 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
33 of the Criminal Code of 1961, the defendant shall undergo
34 medical testing to determine whether the defendant has any
35 sexually transmissible disease, including a test for infection
36 with human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).
2 Any such medical test shall be performed only by appropriately
3 licensed medical practitioners and may include an analysis of
4 any bodily fluids as well as an examination of the defendant's
5 person. Except as otherwise provided by law, the results of
6 such test shall be kept strictly confidential by all medical
7 personnel involved in the testing and must be personally
8 delivered in a sealed envelope to the judge of the court in
9 which the conviction was entered for the judge's inspection in
10 camera. Acting in accordance with the best interests of the
11 victim and the public, the judge shall have the discretion to
12 determine to whom, if anyone, the results of the testing may be
13 revealed. The court shall notify the defendant of the test
14 results. The court shall also notify the victim if requested by
15 the victim, and if the victim is under the age of 15 and if
16 requested by the victim's parents or legal guardian, the court
17 shall notify the victim's parents or legal guardian of the test
18 results. The court shall provide information on the
19 availability of HIV testing and counseling at Department of
20 Public Health facilities to all parties to whom the results of
21 the testing are revealed and shall direct the State's Attorney
22 to provide the information to the victim when possible. A
23 State's Attorney may petition the court to obtain the results
24 of any HIV test administered under this Section, and the court
25 shall grant the disclosure if the State's Attorney shows it is
26 relevant in order to prosecute a charge of criminal
27 transmission of HIV under Section 12-16.2 of the Criminal Code
28 of 1961 against the defendant. The court shall order that the
29 cost of any such test shall be paid by the county and may be
30 taxed as costs against the convicted defendant.

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

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

5 (h) Whenever a defendant is convicted of an offense under
6 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
7 defendant shall undergo medical testing to determine whether
8 the defendant has been exposed to human immunodeficiency virus
9 (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Except as otherwise provided
11 by law, the results of such test shall be kept strictly
12 confidential by all medical personnel involved in the testing
13 and must be personally delivered in a sealed envelope to the
14 judge of the court in which the conviction was entered for the
15 judge's inspection in camera. Acting in accordance with the
16 best interests of the public, the judge shall have the
17 discretion to determine to whom, if anyone, the results of the
18 testing may be revealed. The court shall notify the defendant
19 of a positive test showing an infection with the human
20 immunodeficiency virus (HIV). The court shall provide
21 information on the availability of HIV testing and counseling
22 at Department of Public Health facilities to all parties to
23 whom the results of the testing are revealed and shall direct
24 the State's Attorney to provide the information to the victim
25 when possible. A State's Attorney may petition the court to
26 obtain the results of any HIV test administered under this
27 Section, and the court shall grant the disclosure if the
28 State's Attorney shows it is relevant in order to prosecute a
29 charge of criminal transmission of HIV under Section 12-16.2 of
30 the Criminal Code of 1961 against the defendant. The court
31 shall order that the cost of any such test shall be paid by the
32 county and may be taxed as costs against the convicted
33 defendant.

34 (i) All fines and penalties imposed under this Section for
35 any violation of Chapters 3, 4, 6, and 11 of the Illinois
36 Vehicle Code, or a similar provision of a local ordinance, and

1 any violation of the Child Passenger Protection Act, or a
2 similar provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

5 (j) In cases when prosecution for any violation of Section
6 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
7 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
8 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
9 Code of 1961, any violation of the Illinois Controlled
10 Substances Act, any violation of the Cannabis Control Act, or
11 any violation of the Methamphetamine Control and Community
12 Protection Act results in conviction, a disposition of court
13 supervision, or an order of probation granted under Section 10
14 of the Cannabis Control Act, Section 410 of the Illinois
15 Controlled Substance Act, or Section 70 of the Methamphetamine
16 Control and Community Protection Act of a defendant, the court
17 shall determine whether the defendant is employed by a facility
18 or center as defined under the Child Care Act of 1969, a public
19 or private elementary or secondary school, or otherwise works
20 with children under 18 years of age on a daily basis. When a
21 defendant is so employed, the court shall order the Clerk of
22 the Court to send a copy of the judgment of conviction or order
23 of supervision or probation to the defendant's employer by
24 certified mail. If the employer of the defendant is a school,
25 the Clerk of the Court shall direct the mailing of a copy of
26 the judgment of conviction or order of supervision or probation
27 to the appropriate regional superintendent of schools. The
28 regional superintendent of schools shall notify the State Board
29 of Education of any notification under this subsection.

30 (j-5) A defendant at least 17 years of age who is convicted
31 of a felony and who has not been previously convicted of a
32 misdemeanor or felony and who is sentenced to a term of
33 imprisonment in the Illinois Department of Corrections shall as
34 a condition of his or her sentence be required by the court to
35 attend educational courses designed to prepare the defendant
36 for a high school diploma and to work toward a high school

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

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

29 (l) (A) Except as provided in paragraph (C) of subsection
30 (l), whenever a defendant, who is an alien as defined by
31 the Immigration and Nationality Act, is convicted of any
32 felony or misdemeanor offense, the court after sentencing
33 the defendant may, upon motion of the State's Attorney,
34 hold sentence in abeyance and remand the defendant to the
35 custody of the Attorney General of the United States or his
36 or her designated agent to be deported when:

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

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

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

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

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

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

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

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

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

7 (n) The court may sentence a person convicted of a
8 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
9 Code of 1961 (i) to an impact incarceration program if the
10 person is otherwise eligible for that program under Section
11 5-8-1.1, (ii) to community service, or (iii) if the person is
12 an addict or alcoholic, as defined in the Alcoholism and Other
13 Drug Abuse and Dependency Act, to a substance or alcohol abuse
14 program licensed under that Act.

15 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
16 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
17 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
18 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
19 eff. 9-11-05; revised 8-19-05.)

20 Section 99. Effective date. This Act takes effect July 1,
21 2007.