



Rep. William B. Black

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1 AMENDMENT TO SENATE BILL 1086

2 AMENDMENT NO. _____. Amend Senate Bill 1086 on page 1, by
3 replacing line 5 with the following:

4 "Sections 3-707, 6-118, and 15-116 as follows:

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

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

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

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

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

1 this Code.

2 (c-1) A person convicted of violating this Section shall
 3 also have his or her driver's license, permit, or privileges
 4 suspended for 3 months. After the expiration of the 3 months,
 5 the person's driver's license, permit, or privileges shall not
 6 be reinstated until he or she has paid a reinstatement fee of
 7 \$100. If a person violates this Section while his or her
 8 driver's license, permit, or privileges are suspended under
 9 this subsection (c-1), his or her driver's license, permit, or
 10 privileges shall be suspended for an additional 6 months and
 11 until he or she pays the reinstatement fee.

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

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

23 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

24 Sec. 6-118. Fees.

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

27	Original driver's license	\$10
28	Original or renewal driver's license	
29	issued to 18, 19 and 20 year olds	5
30	All driver's licenses for persons	
31	age 69 through age 80	5
32	All driver's licenses for persons	
33	age 81 through age 86	2

1 All driver's licenses for persons

2 age 87 or older 0

3 Renewal driver's license (except for

4 applicants ages 18, 19 and 20 or

5 age 69 and older) 10

6 Original instruction permit issued to

7 persons (except those age 69 and older)

8 who do not hold or have not previously

9 held an Illinois instruction permit or

10 driver's license 20

11 Instruction permit issued to any person

12 holding an Illinois driver's license

13 who wishes a change in classifications,

14 other than at the time of renewal 5

15 Any instruction permit issued to a person

16 age 69 and older 5

17 Instruction permit issued to any person,

18 under age 69, not currently holding a

19 valid Illinois driver's license or

20 instruction permit but who has

21 previously been issued either document

22 in Illinois 10

23 Restricted driving permit 8

24 Duplicate or corrected driver's license

25 or permit 5

26 Duplicate or corrected restricted

27 driving permit 5

28 Original or renewal M or L endorsement 5

29 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

32 Commercial driver's license:

33 \$6 for the CDLIS/AAMVAnet Fund

34 (Commercial Driver's License Information

- 1 System/American Association of Motor Vehicle
- 2 Administrators network Trust Fund);
- 3 \$20 for the Motor Carrier Safety Inspection Fund;
- 4 \$10 for the driver's license;
- 5 and \$24 for the CDL: \$60
- 6 Renewal commercial driver's license:
- 7 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 8 \$20 for the Motor Carrier Safety Inspection Fund;
- 9 \$10 for the driver's license; and
- 10 \$24 for the CDL: \$60
- 11 Commercial driver instruction permit
- 12 issued to any person holding a valid
- 13 Illinois driver's license for the
- 14 purpose of changing to a
- 15 CDL classification: \$6 for the
- 16 CDLIS/AAMVAnet Trust Fund;
- 17 \$20 for the Motor Carrier
- 18 Safety Inspection Fund; and
- 19 \$24 for the CDL classification \$50
- 20 Commercial driver instruction permit
- 21 issued to any person holding a valid
- 22 Illinois CDL for the purpose of
- 23 making a change in a classification,
- 24 endorsement or restriction \$5
- 25 CDL duplicate or corrected license \$5

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

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

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

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

11	<u>Suspension under Section 3-707</u>	<u>\$100</u>
12	Summary suspension under Section 11-501.1	\$250
13	Other suspension	\$70
14	Revocation	\$500

15 However, any person whose license or privilege to operate a
 16 motor vehicle in this State has been suspended or revoked for a
 17 second or subsequent time for a violation of Section 11-501 or
 18 11-501.1 of this Code or a similar provision of a local
 19 ordinance or a similar out-of-state offense or Section 9-3 of
 20 the Criminal Code of 1961 and each suspension or revocation was
 21 for a violation of Section 11-501 or 11-501.1 of this Code or a
 22 similar provision of a local ordinance or a similar
 23 out-of-state offense or Section 9-3 of the Criminal Code of
 24 1961 shall pay, in addition to any other fees required by this
 25 Code, a reinstatement fee as follows:

26	Summary suspension under Section 11-501.1	\$500
27	Revocation	\$500

28 (c) All fees collected under the provisions of this Chapter
 29 6 shall be paid into the Road Fund in the State Treasury except
 30 as follows:

31 1. The following amounts shall be paid into the Driver
 32 Education Fund:

33 (A) \$16 of the \$20 fee for an original driver's
 34 instruction permit;

1 (B) \$5 of the \$10 fee for an original driver's
2 license;

3 (C) \$5 of the \$10 fee for a 4 year renewal driver's
4 license; and

5 (D) \$4 of the \$8 fee for a restricted driving
6 permit.

7 2. \$30 of the \$250 fee for reinstatement of a license
8 summarily suspended under Section 11-501.1 shall be
9 deposited into the Drunk and Drugged Driving Prevention
10 Fund. However, for a person whose license or privilege to
11 operate a motor vehicle in this State has been suspended or
12 revoked for a second or subsequent time for a violation of
13 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
14 the Criminal Code of 1961, \$190 of the \$500 fee for
15 reinstatement of a license summarily suspended under
16 Section 11-501.1, and \$190 of the \$500 fee for
17 reinstatement of a revoked license shall be deposited into
18 the Drunk and Drugged Driving Prevention Fund.

19 3. \$6 of such original or renewal fee for a commercial
20 driver's license and \$6 of the commercial driver
21 instruction permit fee when such permit is issued to any
22 person holding a valid Illinois driver's license, shall be
23 paid into the CDLIS/AAMVAnet Trust Fund.

24 4. \$30 of the \$70 fee for reinstatement of a license
25 suspended under the Family Financial Responsibility Law
26 shall be paid into the Family Responsibility Fund.

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

30 6. \$20 of any original or renewal fee for a commercial
31 driver's license or commercial driver instruction permit
32 shall be paid into the Motor Carrier Safety Inspection
33 Fund.

34 7. The following amounts shall be paid into the General

1 Revenue Fund:

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

4 (B) \$40 of the \$70 reinstatement fee for any other
5 suspension provided in subsection (b) of this Section;
6 and

7 (C) \$440 of the \$500 reinstatement fee for a first
8 offense revocation and \$310 of the \$500 reinstatement
9 fee for a second or subsequent revocation.

10 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
11 eff. 1-1-05.)"; and

12 on page 1, by inserting after line 20 the following:

13 "Section 10. The Unified Code of Corrections is amended by
14 changing Section 5-5-3 as follows:

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

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

20 (b) The following options shall be appropriate
21 dispositions, alone or in combination, for all felonies and
22 misdemeanors other than those identified in subsection (c) of
23 this Section:

24 (1) A period of probation.

25 (2) A term of periodic imprisonment.

26 (3) A term of conditional discharge.

27 (4) A term of imprisonment.

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

1 (6) A fine.

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

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

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

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

13 (c) (1) When a defendant is found guilty of first degree
14 murder the State may either seek a sentence of imprisonment
15 under Section 5-8-1 of this Code, or where appropriate seek
16 a sentence of death under Section 9-1 of the Criminal Code
17 of 1961.

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

25 (A) First degree murder where the death penalty is
26 not imposed.

27 (B) Attempted first degree murder.

28 (C) A Class X felony.

29 (D) A violation of Section 401.1 or 407 of the
30 Illinois Controlled Substances Act, or a violation of
31 subdivision (c) (1) or (c) (2) of Section 401 of that Act
32 which relates to more than 5 grams of a substance
33 containing heroin or cocaine or an analog thereof.

34 (E) A violation of Section 5.1 or 9 of the Cannabis

1 Control Act.

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

8 (F-5) A violation of Section 24-1, 24-1.1, or
9 24-1.6 of the Criminal Code of 1961 for which
10 imprisonment is prescribed in those Sections.

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

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen.

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

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

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

28 (K) Vehicular hijacking.

29 (L) A second or subsequent conviction for the
30 offense of hate crime when the underlying offense upon
31 which the hate crime is based is felony aggravated
32 assault or felony mob action.

33 (M) A second or subsequent conviction for the
34 offense of institutional vandalism if the damage to the

1 property exceeds \$300.

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

5 (O) A violation of Section 12-6.1 of the Criminal
6 Code of 1961.

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

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

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

14 (S) (Blank).

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

17 (3) (Blank).

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

22 (4.1) (Blank).

23 (4.2) Except as provided in paragraph (4.3) of this
24 subsection (c), a minimum of 100 hours of community service
25 shall be imposed for a second violation of Section 6-303 of
26 the Illinois Vehicle Code.

27 (4.3) A minimum term of imprisonment of 30 days or 300
28 hours of community service, as determined by the court,
29 shall be imposed for a second violation of subsection (c)
30 of Section 6-303 of the Illinois Vehicle Code.

31 (4.4) Except as provided in paragraph (4.5) and
32 paragraph (4.6) of this subsection (c), a minimum term of
33 imprisonment of 30 days or 300 hours of community service,
34 as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois
2 Vehicle Code.

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

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

10 (5) The court may sentence an offender convicted of a
11 business offense or a petty offense or a corporation or
12 unincorporated association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section
16 5-5-6 of this Code.

17 (5.1) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), and except as
19 provided in paragraph (5.2) or (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for at least 90 days but
23 not more than one year, if the violation resulted in damage
24 to the property of another person.

25 (5.2) In addition to any penalties imposed under
26 paragraph (5) of this subsection (c), and except as
27 provided in paragraph (5.3), a person convicted of
28 violating subsection (c) of Section 11-907 of the Illinois
29 Vehicle Code shall have his or her driver's license,
30 permit, or privileges suspended for at least 180 days but
31 not more than 2 years, if the violation resulted in injury
32 to another person.

33 (5.3) In addition to any penalties imposed under
34 paragraph (5) of this subsection (c), a person convicted of

1 violating subsection (c) of Section 11-907 of the Illinois
2 Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for 2 years, if the
4 violation resulted in the death of another person.

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

11 (5.5) In addition to any penalties imposed under
12 paragraph (5) of this subsection (c), a person convicted of
13 violating Section 3-707 of the Illinois Vehicle Code during
14 a period in which his or her driver's license, permit, or
15 privileges were suspended for a previous violation of that
16 Section shall have his driver's license, permit, or
17 privileges suspended for an additional 6 months after the
18 expiration of the original 3 month suspension and until he
19 or she has paid a reinstatement fee of \$100.

20 (6) In no case shall an offender be eligible for a
21 disposition of probation or conditional discharge for a
22 Class 1 felony committed while he was serving a term of
23 probation or conditional discharge for a felony.

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

28 (8) When a defendant, over the age of 21 years, is
29 convicted of a Class 1 or Class 2 felony, after having
30 twice been convicted in any state or federal court of an
31 offense that contains the same elements as an offense now
32 classified in Illinois as a Class 2 or greater Class felony
33 and such charges are separately brought and tried and arise
34 out of different series of acts, such defendant shall be

1 sentenced as a Class X offender. This paragraph shall not
2 apply unless (1) the first felony was committed after the
3 effective date of this amendatory Act of 1977; and (2) the
4 second felony was committed after conviction on the first;
5 and (3) the third felony was committed after conviction on
6 the second. A person sentenced as a Class X offender under
7 this paragraph is not eligible to apply for treatment as a
8 condition of probation as provided by Section 40-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act.

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

13 (10) (Blank).

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

31 (12) A person may not receive a disposition of court
32 supervision for a violation of Section 5-16 of the Boat
33 Registration and Safety Act if that person has previously
34 received a disposition of court supervision for a violation

1 of that Section.

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

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

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

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

30 (B) the defendant is willing to participate in a
31 court approved plan including but not limited to the
32 defendant's:

33 (i) removal from the household;

34 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

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

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

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

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

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

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

1 or her designee in a sealed envelope to the judge of the court
2 in which the inmate must appear for the judge's inspection in
3 camera if requested by the judge. Acting in accordance with the
4 best interests of those in the courtroom, the judge shall have
5 the discretion to determine what if any precautions need to be
6 taken to prevent transmission of the disease in the courtroom.

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

1 defendant.

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

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

34 (j-5) A defendant at least 17 years of age who is convicted

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

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

1 (1) (A) Except as provided in paragraph (C) of subsection
2 (1), whenever a defendant, who is an alien as defined by
3 the Immigration and Nationality Act, is convicted of any
4 felony or misdemeanor offense, the court after sentencing
5 the defendant may, upon motion of the State's Attorney,
6 hold sentence in abeyance and remand the defendant to the
7 custody of the Attorney General of the United States or his
8 or her designated agent to be deported when:

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

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

15 Otherwise, the defendant shall be sentenced as
16 provided in this Chapter V.

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

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

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

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

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

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

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

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

30 Section 99. Effective date. This Act takes effect July 1,
31 2007."