



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0132

Introduced 1/19/2007, by Rep. Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

from Ch. 38, par. 1005-5-3

Amends the Unified Code of Corrections. Provides that a person convicted of or placed on court supervision for an assault or aggravated assault when the victim and the offender are family or household members as defined in the Illinois Domestic Violence Act of 1986 or convicted of domestic battery or aggravated domestic battery shall be required to attend anger management classes under such terms and conditions imposed by the court. Provides that the costs of such classes shall be paid by the offender. Effective immediately.

LRB095 04008 RLC 24042 b

1 AN ACT concerning criminal law.

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

4 Section 5. The 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 (Text of Section before amendment by P.A. 94-1035)

8 Sec. 5-5-3. Disposition.

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

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

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

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23 (now repealed).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

1 (B) Attempted first degree murder.

2 (C) A Class X felony.

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

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

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

16 (F-5) A violation of Section 24-1, 24-1.1, or  
17 24-1.6 of the Criminal Code of 1961 for which  
18 imprisonment is prescribed in those Sections.

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

22 (H) Criminal sexual assault.

23 (I) Aggravated battery of a senior citizen.

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

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5  
2 or more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate  
4 crimes or provides support to the members of the  
5 association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed  
8 to it in Section 10 of the Illinois Streetgang  
9 Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the  
12 offense of hate crime when the underlying offense upon  
13 which the hate crime is based is felony aggravated  
14 assault or felony mob action.

15 (M) A second or subsequent conviction for the  
16 offense of institutional vandalism if the damage to the  
17 property exceeds \$300.

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

21 (O) A violation of Section 12-6.1 of the Criminal  
22 Code of 1961.

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

26 (Q) A violation of Section 20-1.2 or 20-1.3 of the

1 Criminal Code of 1961.

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

4 (S) (Blank).

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

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraph (4.3) of this  
14 subsection (c), a minimum of 100 hours of community service  
15 shall be imposed for a second violation of Section 6-303 of  
16 the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court,  
19 shall be imposed for a second violation of subsection (c)  
20 of Section 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraph (4.5) and  
22 paragraph (4.6) of this subsection (c), a minimum term of  
23 imprisonment of 30 days or 300 hours of community service,  
24 as determined by the court, shall be imposed for a third or  
25 subsequent violation of Section 6-303 of the Illinois  
26 Vehicle Code.

1           (4.5) A minimum term of imprisonment of 30 days shall  
2           be imposed for a third violation of subsection (c) of  
3           Section 6-303 of the Illinois Vehicle Code.

4           (4.6) A minimum term of imprisonment of 180 days shall  
5           be imposed for a fourth or subsequent violation of  
6           subsection (c) of Section 6-303 of the Illinois Vehicle  
7           Code.

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

11                   (A) a period of conditional discharge;

12                   (B) a fine;

13                   (C) make restitution to the victim under Section  
14          5-5-6 of this Code.

15          (5.1) In addition to any penalties imposed under  
16          paragraph (5) of this subsection (c), and except as  
17          provided in paragraph (5.2) or (5.3), a person convicted of  
18          violating subsection (c) of Section 11-907 of the Illinois  
19          Vehicle Code shall have his or her driver's license,  
20          permit, or privileges suspended for at least 90 days but  
21          not more than one year, if the violation resulted in damage  
22          to the property of another person.

23          (5.2) In addition to any penalties imposed under  
24          paragraph (5) of this subsection (c), and except as  
25          provided in paragraph (5.3), a person convicted of  
26          violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,  
2 permit, or privileges suspended for at least 180 days but  
3 not more than 2 years, if the violation resulted in injury  
4 to another person.

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

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

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

19 (8) When a defendant, over the age of 21 years, is  
20 convicted of a Class 1 or Class 2 felony, after having  
21 twice been convicted in any state or federal court of an  
22 offense that contains the same elements as an offense now  
23 classified in Illinois as a Class 2 or greater Class felony  
24 and such charges are separately brought and tried and arise  
25 out of different series of acts, such defendant shall be  
26 sentenced as a Class X offender. This paragraph shall not



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

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

12 (10) (Blank).

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

1 sports activities are conducted; and "coach" means a person  
2 recognized as a coach by the sanctioning authority that  
3 conducted the sporting event.

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

9 (13) A person convicted of or placed on court  
10 supervision for an assault or aggravated assault when the  
11 victim and the offender are family or household members as  
12 defined in Section 103 of the Illinois Domestic Violence  
13 Act of 1986 or convicted of domestic battery or aggravated  
14 domestic battery shall be required to attend anger  
15 management classes under such terms and conditions imposed  
16 by the court. The costs of such classes shall be paid by  
17 the offender.

18 (d) In any case in which a sentence originally imposed is  
19 vacated, the case shall be remanded to the trial court. The  
20 trial court shall hold a hearing under Section 5-4-1 of the  
21 Unified Code of Corrections which may include evidence of the  
22 defendant's life, moral character and occupation during the  
23 time since the original sentence was passed. The trial court  
24 shall then impose sentence upon the defendant. The trial court  
25 may impose any sentence which could have been imposed at the  
26 original trial subject to Section 5-5-4 of the Unified Code of

1 Corrections. If a sentence is vacated on appeal or on  
2 collateral attack due to the failure of the trier of fact at  
3 trial to determine beyond a reasonable doubt the existence of a  
4 fact (other than a prior conviction) necessary to increase the  
5 punishment for the offense beyond the statutory maximum  
6 otherwise applicable, either the defendant may be re-sentenced  
7 to a term within the range otherwise provided or, if the State  
8 files notice of its intention to again seek the extended  
9 sentence, the defendant shall be afforded a new trial.

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

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

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

20 (B) the defendant is willing to participate in a  
21 court approved plan including but not limited to the  
22 defendant's:

23 (i) removal from the household;

24 (ii) restricted contact with the victim;

25 (iii) continued financial support of the  
26 family;

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

2 and

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

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

12 Probation may be revoked or modified pursuant to Section  
13 5-6-4; except where the court determines at the hearing that  
14 the defendant violated a condition of his or her probation  
15 restricting contact with the victim or other family members or  
16 commits another offense with the victim or other family  
17 members, the court shall revoke the defendant's probation and  
18 impose a term of imprisonment.

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

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

26 (g) Whenever a defendant is convicted of an offense under

1 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
2 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
3 of the Criminal Code of 1961, the defendant shall undergo  
4 medical testing to determine whether the defendant has any  
5 sexually transmissible disease, including a test for infection  
6 with human immunodeficiency virus (HIV) or any other identified  
7 causative agent of acquired immunodeficiency syndrome (AIDS).  
8 Any such medical test shall be performed only by appropriately  
9 licensed medical practitioners and may include an analysis of  
10 any bodily fluids as well as an examination of the defendant's  
11 person. Except as otherwise provided by law, the results of  
12 such test shall be kept strictly confidential by all medical  
13 personnel involved in the testing and must be personally  
14 delivered in a sealed envelope to the judge of the court in  
15 which the conviction was entered for the judge's inspection in  
16 camera. Acting in accordance with the best interests of the  
17 victim and the public, the judge shall have the discretion to  
18 determine to whom, if anyone, the results of the testing may be  
19 revealed. The court shall notify the defendant of the test  
20 results. The court shall also notify the victim if requested by  
21 the victim, and if the victim is under the age of 15 and if  
22 requested by the victim's parents or legal guardian, the court  
23 shall notify the victim's parents or legal guardian of the test  
24 results. The court shall provide information on the  
25 availability of HIV testing and counseling at Department of  
26 Public Health facilities to all parties to whom the results of

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

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

21 (h) Whenever a defendant is convicted of an offense under  
22 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
23 defendant shall undergo medical testing to determine whether  
24 the defendant has been exposed to human immunodeficiency virus  
25 (HIV) or any other identified causative agent of acquired  
26 immunodeficiency syndrome (AIDS). Except as otherwise provided

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

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



1 to the appropriate regional superintendent of schools. The  
2 regional superintendent of schools shall notify the State Board  
3 of Education of any notification under this subsection.

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

1 comply. The Prisoner Review Board shall recommit the defendant  
2 whose mandatory supervised release term has been revoked under  
3 this subsection (j-5) as provided in Section 3-3-9. This  
4 subsection (j-5) does not apply to a defendant who has a high  
5 school diploma or has successfully passed the GED test. This  
6 subsection (j-5) does not apply to a defendant who is  
7 determined by the court to be developmentally disabled or  
8 otherwise mentally incapable of completing the educational or  
9 vocational program.

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

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

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

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

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

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

12                   (1) a final order of deportation has been issued  
13 against the defendant pursuant to proceedings under  
14 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 justice.

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

21           (D) Upon motion of the State's Attorney, if a defendant  
22 sentenced under this Section returns to the jurisdiction of  
23 the United States, the defendant shall be recommitted to  
24 the custody of the county from which he or she was  
25 sentenced. Thereafter, the defendant shall be brought  
26 before the sentencing court, which may impose any sentence

1           that was available under Section 5-5-3 at the time of  
2           initial sentencing. In addition, the defendant shall not be  
3           eligible for additional good conduct credit for  
4           meritorious service as provided under Section 3-6-6.

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

11          (n) The court may sentence a person convicted of a  
12          violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
13          Code of 1961 (i) to an impact incarceration program if the  
14          person is otherwise eligible for that program under Section  
15          5-8-1.1, (ii) to community service, or (iii) if the person is  
16          an addict or alcoholic, as defined in the Alcoholism and Other  
17          Drug Abuse and Dependency Act, to a substance or alcohol abuse  
18          program licensed under that Act.

19          (o) Whenever a person is convicted of a sex offense as  
20          defined in Section 2 of the Sex Offender Registration Act, the  
21          defendant's driver's license or permit shall be subject to  
22          renewal on an annual basis in accordance with the provisions of  
23          license renewal established by the Secretary of State.

24          (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
25          eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
26          eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,

1 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
2 eff. 9-11-05; 94-993, eff. 1-1-07.)

3 (Text of Section after amendment by P.A. 94-1035)

4 Sec. 5-5-3. Disposition.

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

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

12 (1) A period of probation.

13 (2) A term of periodic imprisonment.

14 (3) A term of conditional discharge.

15 (4) A term of imprisonment.

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

20 (6) A fine.

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

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

25 (9) A term of imprisonment in combination with a term

1 of probation when the offender has been admitted into a  
2 drug court program under Section 20 of the Drug Court  
3 Treatment Act.

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

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

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

19 (A) First degree murder where the death penalty is  
20 not imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the  
24 Illinois Controlled Substances Act, or a violation of  
25 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
26 which relates to more than 5 grams of a substance

1 containing heroin or cocaine or an analog thereof.

2 (E) A violation of Section 5.1 or 9 of the Cannabis  
3 Control Act.

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

10 (F-5) A violation of Section 24-1, 24-1.1, or  
11 24-1.6 of the Criminal Code of 1961 for which  
12 imprisonment is prescribed in those Sections.

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

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen.

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

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

26 Beginning July 1, 1994, for the purposes of this

1 paragraph, "organized gang" has the meaning ascribed  
2 to it in Section 10 of the Illinois Streetgang  
3 Terrorism Omnibus Prevention Act.

4 (K) Vehicular hijacking.

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

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

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

15 (O) A violation of Section 12-6.1 of the Criminal  
16 Code of 1961.

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

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

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

24 (S) (Blank).

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



1 (3) (Blank).

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

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraph (4.3) of this  
8 subsection (c), a minimum of 100 hours of community service  
9 shall be imposed for a second violation of Section 6-303 of  
10 the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300  
12 hours of community service, as determined by the court,  
13 shall be imposed for a second violation of subsection (c)  
14 of Section 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraph (4.5) and  
16 paragraph (4.6) of this subsection (c), a minimum term of  
17 imprisonment of 30 days or 300 hours of community service,  
18 as determined by the court, shall be imposed for a third or  
19 subsequent violation of Section 6-303 of the Illinois  
20 Vehicle Code.

21 (4.5) A minimum term of imprisonment of 30 days shall  
22 be imposed for a third violation of subsection (c) of  
23 Section 6-303 of the Illinois Vehicle Code.

24 (4.6) A minimum term of imprisonment of 180 days shall  
25 be imposed for a fourth or subsequent violation of  
26 subsection (c) of Section 6-303 of the Illinois Vehicle

1 Code.

2 (5) The court may sentence an offender convicted of a  
3 business offense or a petty offense or a corporation or  
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

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

9 (5.1) In addition to any penalties imposed under  
10 paragraph (5) of this subsection (c), and except as  
11 provided in paragraph (5.2) or (5.3), a person convicted of  
12 violating subsection (c) of Section 11-907 of the Illinois  
13 Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 90 days but  
15 not more than one year, if the violation resulted in damage  
16 to the property of another person.

17 (5.2) In addition to any penalties imposed under  
18 paragraph (5) of this subsection (c), and except as  
19 provided in paragraph (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 180 days but  
23 not more than 2 years, if the violation resulted in injury  
24 to another person.

25 (5.3) In addition to any penalties imposed under  
26 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 or her driver's license, permit, or privileges  
9           suspended for 3 months and until he or she has paid a  
10          reinstatement 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 or her 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

1 imprisonment.

2 (8) When a defendant, over the age of 21 years, is  
3 convicted of a Class 1 or Class 2 felony, after having  
4 twice been convicted in any state or federal court of an  
5 offense that contains the same elements as an offense now  
6 classified in Illinois as a Class 2 or greater Class felony  
7 and such charges are separately brought and tried and arise  
8 out of different series of acts, such defendant shall be  
9 sentenced as a Class X offender. This paragraph shall not  
10 apply unless (1) the first felony was committed after the  
11 effective date of this amendatory Act of 1977; and (2) the  
12 second felony was committed after conviction on the first;  
13 and (3) the third felony was committed after conviction on  
14 the second. A person sentenced as a Class X offender under  
15 this paragraph is not eligible to apply for treatment as a  
16 condition of probation as provided by Section 40-10 of the  
17 Alcoholism and Other Drug Abuse and Dependency Act.

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

21 (10) (Blank).

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

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

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

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

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

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

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

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2  
2 years; or

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

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the  
9 family;

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

11 and

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

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

21 Probation may be revoked or modified pursuant to Section  
22 5-6-4; except where the court determines at the hearing that  
23 the defendant violated a condition of his or her probation  
24 restricting contact with the victim or other family members or  
25 commits another offense with the victim or other family  
26 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 impose  
8 any other civil penalty.

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



1 determine to whom, if anyone, the results of the testing may be  
2 revealed. The court shall notify the defendant of the test  
3 results. The court shall also notify the victim if requested by  
4 the victim, and if the victim is under the age of 15 and if  
5 requested by the victim's parents or legal guardian, the court  
6 shall notify the victim's parents or legal guardian of the test  
7 results. The court shall provide information on the  
8 availability of HIV testing and counseling at Department of  
9 Public Health facilities to all parties to whom the results of  
10 the testing are revealed and shall direct the State's Attorney  
11 to provide the information to the victim when possible. A  
12 State's Attorney may petition the court to obtain the results  
13 of any HIV test administered under this Section, and the court  
14 shall grant the disclosure if the State's Attorney shows it is  
15 relevant in order to prosecute a charge of criminal  
16 transmission of HIV under Section 12-16.2 of the Criminal Code  
17 of 1961 against the defendant. The court shall order that the  
18 cost of any such test shall be paid by the county and may be  
19 taxed as costs against the convicted defendant.

20 (g-5) When an inmate is tested for an airborne communicable  
21 disease, as determined by the Illinois Department of Public  
22 Health including but not limited to tuberculosis, the results  
23 of the test shall be personally delivered by the warden or his  
24 or her designee in a sealed envelope to the judge of the court  
25 in which the inmate must appear for the judge's inspection in  
26 camera if requested by the judge. Acting in accordance with the

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

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

1 State's Attorney shows it is relevant in order to prosecute a  
2 charge of criminal transmission of HIV under Section 12-16.2 of  
3 the Criminal Code of 1961 against the defendant. The court  
4 shall order that the cost of any such test shall be paid by the  
5 county and may be taxed as costs against the convicted  
6 defendant.

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

14 (j) In cases when prosecution for any violation of Section  
15 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
17 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
18 Code of 1961, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substance Act, or Section 70 of the Methamphetamine  
25 Control and Community Protection Act of a defendant, the court  
26 shall determine whether the defendant is employed by a facility

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

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

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

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

22 (l) (A) Except as provided in paragraph (C) of subsection  
23 (l), whenever a defendant, who is an alien as defined by  
24 the Immigration and Nationality Act, is convicted of any  
25 felony or misdemeanor offense, the court after sentencing  
26 the defendant may, upon motion of the State's Attorney,

1 hold sentence in abeyance and remand the defendant to the  
2 custody of the Attorney General of the United States or his  
3 or her designated agent to be deported when:

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

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

10 Otherwise, the defendant shall be sentenced as  
11 provided in this Chapter V.

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

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

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

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

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

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

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

1 program licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as  
3 defined in Section 2 of the Sex Offender Registration Act, the  
4 defendant's driver's license or permit shall be subject to  
5 renewal on an annual basis in accordance with the provisions of  
6 license renewal established by the Secretary of State.

7 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
8 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
9 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
10 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
11 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;  
12 revised 8-28-06.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.