



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4577

Introduced 5/28/2009, by Rep. Dennis M. Reboletti - Sidney H. Mathias - Patricia R. Bellock - Donald L. Moffitt

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 period of probation, a term of periodic imprisonment, or conditional discharge may not be imposed if the defendant is convicted of a Class 3 felony or higher violation of an offense involving the corruption of a public official when the offense consists of theft, fraud, extortion or a violation of the Official Misconduct, Deception Relating To Certification Of Disadvantaged Business Enterprises, or Public Contracts Article of the Criminal Code of 1961 and either: (1) the defendant was an elected official at the time of the offense, or (2) the offense involved more than \$10,000 in money or property, based on either the value of any payments or the value of the item that was the object of such offense. Provides that this provision does not apply if the prosecutor certifies to the court at the time of sentencing that the defendant has provided substantial assistance in the case or another prosecution of substantial public importance.

LRB096 13125 RLC 27522 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 after amendment by P.A. 95-1052)

8 Sec. 5-5-3. Disposition.

9 (a) (Blank.)

10 (b) (Blank.)

11 (c) (1) (Blank.)

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

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

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

8 (F) A Class 2 or greater felony if the offender had
9 been convicted of a Class 2 or greater felony,
10 including any state or federal conviction for an
11 offense that contained, at the time it was committed,
12 the same elements as an offense now (the date of the
13 offense committed after the prior Class 2 or greater
14 felony) classified as a Class 2 or greater felony,
15 within 10 years of the date on which the offender
16 committed the offense for which he or she is being
17 sentenced, except as otherwise provided in Section
18 40-10 of the Alcoholism and Other Drug Abuse and
19 Dependency Act.

20 (F-5) A violation of Section 24-1, 24-1.1, or
21 24-1.6 of the Criminal Code of 1961 for which
22 imprisonment is prescribed in those Sections.

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

26 (H) Criminal sexual assault.

1 (I) Aggravated battery of a senior citizen.

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

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

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

14 (K) Vehicular hijacking.

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

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

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

25 (O) A violation of Section 12-6.1 of the Criminal
26 Code of 1961.

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

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

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

8 (S) (Blank).

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

11 (U) A second or subsequent violation of Section
12 6-303 of the Illinois Vehicle Code committed while his
13 or her driver's license, permit, or privilege was
14 revoked because of a violation of Section 9-3 of the
15 Criminal Code of 1961, relating to the offense of
16 reckless homicide, or a similar provision of a law of
17 another state.

18 (V) A violation of paragraph (4) of subsection (c)
19 of Section 11-20.3 of the Criminal Code of 1961.

20 (W) A violation of Section 24-3.5 of the Criminal
21 Code of 1961.

22 (X) A Class 3 felony or higher violation of an
23 offense involving the corruption of a public official
24 when the offense consists of theft, fraud, extortion or
25 a violation of Article 33, 33C, or 33E of the Criminal
26 Code of 1961 and either: (1) the defendant was an

1 elected official at the time of the offense, or (2) the
2 offense involved more than \$10,000 in money or
3 property, based on either the value of any payments or
4 the value of the item that was the object of such
5 offense. However, if the prosecutor certifies to the
6 court at the time of sentencing that the defendant has
7 provided substantial assistance in the case or another
8 prosecution of substantial public importance, this
9 paragraph (X) does not apply.

10 (3) (Blank).

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

15 (4.1) (Blank).

16 (4.2) Except as provided in paragraphs (4.3) and (4.8)
17 of this subsection (c), a minimum of 100 hours of community
18 service shall be imposed for a second violation of Section
19 6-303 of the Illinois Vehicle Code.

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

24 (4.4) Except as provided in paragraphs (4.5), (4.6),
25 and (4.9) of this subsection (c), a minimum term of
26 imprisonment of 30 days or 300 hours of community service,

1 as determined by the court, shall be imposed for a third or
2 subsequent violation of Section 6-303 of the Illinois
3 Vehicle Code.

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

7 (4.6) Except as provided in paragraph (4.10) of this
8 subsection (c), a minimum term of imprisonment of 180 days
9 shall be imposed for a fourth or subsequent violation of
10 subsection (c) of Section 6-303 of the Illinois Vehicle
11 Code.

12 (4.7) A minimum term of imprisonment of not less than
13 30 consecutive days, or 300 hours of community service,
14 shall be imposed for a violation of subsection (a-5) of
15 Section 6-303 of the Illinois Vehicle Code, as provided in
16 subsection (b-5) of that Section.

17 (4.8) A mandatory prison sentence shall be imposed for
18 a second violation of subsection (a-5) of Section 6-303 of
19 the Illinois Vehicle Code, as provided in subsection (c-5)
20 of that Section. The person's driving privileges shall be
21 revoked for a period of not less than 5 years from the date
22 of his or her release from prison.

23 (4.9) A mandatory prison sentence of not less than 4
24 and not more than 15 years shall be imposed for a third
25 violation of subsection (a-5) of Section 6-303 of the
26 Illinois Vehicle Code, as provided in subsection (d-2.5) of

1 that Section. The person's driving privileges shall be
2 revoked for the remainder of his or her life.

3 (4.10) A mandatory prison sentence for a Class 1 felony
4 shall be imposed, and the person shall be eligible for an
5 extended term sentence, for a fourth or subsequent
6 violation of subsection (a-5) of Section 6-303 of the
7 Illinois Vehicle Code, as provided in subsection (d-3.5) of
8 that Section. The person's driving privileges shall be
9 revoked for the remainder of his or her life.

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

12 (A) a period of conditional discharge;

13 (B) a fine;

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

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

23 (5.2) In addition to any other penalties imposed, and
24 except as provided in paragraph (5.3), a person convicted
25 of violating subsection (c) of Section 11-907 of the
26 Illinois Vehicle Code shall have his or her driver's

1 license, permit, or privileges suspended for at least 180
2 days but not more than 2 years, if the violation resulted
3 in injury to another person.

4 (5.3) In addition to any other penalties imposed, a
5 person convicted of violating subsection (c) of Section
6 11-907 of the Illinois Vehicle Code shall have his or her
7 driver's license, permit, or privileges suspended for 2
8 years, if the violation resulted in the death of another
9 person.

10 (5.4) In addition to any other penalties imposed, a
11 person convicted of violating Section 3-707 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 3 months and until he
14 or she has paid a reinstatement fee of \$100.

15 (5.5) In addition to any other penalties imposed, a
16 person convicted of violating Section 3-707 of the Illinois
17 Vehicle Code during a period in which his or her driver's
18 license, permit, or privileges were suspended for a
19 previous violation of that Section shall have his or her
20 driver's license, permit, or privileges suspended for an
21 additional 6 months after the expiration of the original
22 3-month suspension and until he or she has paid a
23 reinstatement fee of \$100.

24 (6) (Blank.)

25 (7) (Blank.)

26 (8) (Blank.)

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

4 (10) (Blank).

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

22 (12) A person may not receive a disposition of court
23 supervision for a violation of Section 5-16 of the Boat
24 Registration and Safety Act if that person has previously
25 received a disposition of court supervision for a violation
26 of that Section.

1 (13) A person convicted of or placed on court
2 supervision for an assault or aggravated assault when the
3 victim and the offender are family or household members as
4 defined in Section 103 of the Illinois Domestic Violence
5 Act of 1986 or convicted of domestic battery or aggravated
6 domestic battery may be required to attend a Partner Abuse
7 Intervention Program under protocols set forth by the
8 Illinois Department of Human Services under such terms and
9 conditions imposed by the court. The costs of such classes
10 shall be paid by the offender.

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

1 files notice of its intention to again seek the extended
2 sentence, the defendant shall be afforded a new trial.

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

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

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

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

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the
19 family;

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

21 and

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

24 (2) the court orders the defendant to pay for the
25 victim's counseling services, to the extent that the court
26 finds, after considering the defendant's income and

1 assets, that the defendant is financially capable of paying
2 for such services, if the victim was under 18 years of age
3 at the time the offense was committed and requires
4 counseling as a result of the offense.

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

12 For the purposes of this Section, "family member" and
13 "victim" shall have the meanings ascribed to them in Section
14 12-12 of the Criminal Code of 1961.

15 (f) (Blank.)

16 (g) Whenever a defendant is convicted of an offense under
17 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
18 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
19 of the Criminal Code of 1961, the defendant shall undergo
20 medical testing to determine whether the defendant has any
21 sexually transmissible disease, including a test for infection
22 with human immunodeficiency virus (HIV) or any other identified
23 causative agent of acquired immunodeficiency syndrome (AIDS).
24 Any such medical test shall be performed only by appropriately
25 licensed medical practitioners and may include an analysis of
26 any bodily fluids as well as an examination of the defendant's

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

1 (g-5) When an inmate is tested for an airborne communicable
2 disease, as determined by the Illinois Department of Public
3 Health including but not limited to tuberculosis, the results
4 of the test shall be personally delivered by the warden or his
5 or her designee in a sealed envelope to the judge of the court
6 in which the inmate must appear for the judge's inspection in
7 camera if requested by the judge. Acting in accordance with the
8 best interests of those in the courtroom, the judge shall have
9 the discretion to determine what if any precautions need to be
10 taken to prevent transmission of the disease in the courtroom.

11 (h) Whenever a defendant is convicted of an offense under
12 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
13 defendant shall undergo medical testing to determine whether
14 the defendant has been exposed to human immunodeficiency virus
15 (HIV) or any other identified causative agent of acquired
16 immunodeficiency syndrome (AIDS). Except as otherwise provided
17 by law, the results of such test shall be kept strictly
18 confidential by all medical personnel involved in the testing
19 and must be personally delivered in a sealed envelope to the
20 judge of the court in which the conviction was entered for the
21 judge's inspection in camera. Acting in accordance with the
22 best interests of the public, the judge shall have the
23 discretion to determine to whom, if anyone, the results of the
24 testing may be revealed. The court shall notify the defendant
25 of a positive test showing an infection with the human
26 immunodeficiency virus (HIV). The court shall provide

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

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

21 (j) In cases when prosecution for any violation of Section
22 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
24 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
25 Code of 1961, any violation of the Illinois Controlled
26 Substances Act, any violation of the Cannabis Control Act, or

1 any violation of the Methamphetamine Control and Community
2 Protection Act results in conviction, a disposition of court
3 supervision, or an order of probation granted under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substance Act, or Section 70 of the Methamphetamine
6 Control and Community Protection Act of a defendant, the court
7 shall determine whether the defendant is employed by a facility
8 or center as defined under the Child Care Act of 1969, a public
9 or private elementary or secondary school, or otherwise works
10 with children under 18 years of age on a daily basis. When a
11 defendant is so employed, the court shall order the Clerk of
12 the Court to send a copy of the judgment of conviction or order
13 of supervision or probation to the defendant's employer by
14 certified mail. If the employer of the defendant is a school,
15 the Clerk of the Court shall direct the mailing of a copy of
16 the judgment of conviction or order of supervision or probation
17 to the appropriate regional superintendent of schools. The
18 regional superintendent of schools shall notify the State Board
19 of Education of any notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall as
24 a condition of his or her sentence be required by the court to
25 attend educational courses designed to prepare the defendant
26 for a high school diploma and to work toward a high school

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

26 (k) (Blank.)

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

1 against the defendant pursuant to proceedings under
2 the Immigration and Nationality Act, and

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

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

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

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

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal

1 Code of 1961 (i) to an impact incarceration program if the
2 person is otherwise eligible for that program under Section
3 5-8-1.1, (ii) to community service, or (iii) if the person is
4 an addict or alcoholic, as defined in the Alcoholism and Other
5 Drug Abuse and Dependency Act, to a substance or alcohol abuse
6 program licensed under that Act.

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

12 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
13 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
14 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
15 1-1-08; 95-579, eff. 6-1-08; 95-876, eff. 8-21-08; 95-882, eff.
16 1-1-09; 95-1052, eff. 7-1-09.)