

HB4605



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4605

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code, the Department of State Police Law, the County Shelter Care and Detention Home Act, the School Code, the Criminal Code of 1961, the Code of Criminal Procedure of 1963, the Rights of Crime Victims and Witnesses Act, the Unified Code of Corrections, and the Probation and Probation Officers Act. Eliminates electronic home detention and furloughs. Repeals the Electronic Home Detention Law. Effective immediately.

LRB096 13507 RLC 28243 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Election Code is amended by changing Section
5 3-5 as follows:

6 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

7 Sec. 3-5. No person who has been legally convicted, in this
8 or another State or in any federal court, of any crime, and is
9 serving a sentence of confinement in any penal institution, or
10 who has been convicted under any section of this Act and is
11 serving a sentence of confinement in any penal institution,
12 shall vote, offer to vote, attempt to vote or be permitted to
13 vote at any election until his release from confinement.

14 Confinement for purposes of this Section shall include any
15 person ~~convicted and imprisoned but granted a furlough as~~
16 ~~provided by Section 3-11-1 of the "Unified Code of~~
17 ~~Corrections",~~ or admitted to a work release program as provided
18 by Section 3-13-2 of the "Unified Code of Corrections".
19 Confinement shall not include any person convicted and
20 imprisoned but released on parole.

21 Confinement or detention in a jail pending acquittal or
22 conviction of a crime is not a disqualification for voting.

23 (Source: P.A. 94-637, eff. 1-1-06.)

1 (20 ILCS 2605/2605-525 rep.)

2 Section 10. The Department of State Police Law of the Civil
3 Administrative Code of Illinois is amended by repealing Section
4 2605-525.

5 Section 15. The County Shelter Care and Detention Home Act
6 is amended by changing Section 1.2 as follows:

7 (55 ILCS 75/1.2) (from Ch. 23, par. 2681.2)

8 Sec. 1.2. A court acting under the Juvenile Court Act of
9 1987 may, except as otherwise provided in that Act, place any
10 minor coming within the terms of that Act in ~~home detention or~~
11 a shelter care or detention home established pursuant to this
12 Act.

13 (Source: P.A. 85-1209.)

14 Section 20. The School Code is amended by changing Sections
15 13-44.3 and 13-44.5 as follows:

16 (105 ILCS 5/13-44.3) (from Ch. 122, par. 13-44.3)

17 Sec. 13-44.3. In order to fully carry out the purpose of
18 this Act, the School District through its Board or designated
19 supervisory personnel, with the approval of the Director of the
20 Department of Juvenile Justice, may authorize field trips
21 outside of the particular institution or facility where a

1 school is established and may remove students therefrom or may
2 with the approval of the Director of the Department of Juvenile
3 Justice transfer inmates and wards to other schools and other
4 facilities where particular subject matter or facilities are
5 more suited to or are needed to complete the inmates' or wards'
6 education. ~~The Director of the Department of Juvenile Justice~~
7 ~~may authorize an educational furlough for an inmate or ward to~~
8 ~~attend institutions of higher education, other schools,~~
9 ~~vocational or technical schools or enroll and attend classes in~~
10 ~~subjects not available within the School District, to be~~
11 ~~financed by the inmate or ward or any grant or scholarship~~
12 ~~which may be available, including school aid funds of any kind~~
13 ~~when approved by the Board and the Director of the Department.~~

14 The Department of Juvenile Justice may extend the limits of
15 the place of confinement of an inmate or ward under the above
16 conditions and for the above purposes, to leave for the
17 aforesaid reasons, the confines of such place, accompanied or
18 unaccompanied, in the discretion of the Director of such
19 Department by a custodial agent or educational personnel.

20 The willful failure of an inmate or ward to remain within
21 the extended limits of his or her confinement or to return
22 within the time prescribed to the place of confinement
23 designated by the Department of Corrections or the Department
24 of Juvenile Justice in granting such extension or when ordered
25 to return by the custodial personnel or the educational
26 personnel or other departmental order shall be deemed an escape

1 from the custody of such Department and punishable as provided
2 in the Unified Code of Corrections as to the Department of
3 Corrections inmates, and the applicable provision of the
4 Juvenile Court Act of 1987 shall apply to wards of the
5 Department of Juvenile Justice who might abscond.

6 (Source: P.A. 94-696, eff. 6-1-06.)

7 (105 ILCS 5/13-44.5) (from Ch. 122, par. 13-44.5)

8 Sec. 13-44.5. In all cases where an inmate or ward is to
9 leave the institution or facility where he or she is confined
10 for ~~educational furloughs~~, vocational training, for field
11 trips or for any other reason herein stated, authority must
12 first be granted by the Department of Juvenile Justice and the
13 said authority shall be discretionary with the Department of
14 Juvenile Justice. The question of whether or not the said
15 inmate or ward or group of inmates or wards shall be
16 accompanied or not accompanied by security personnel,
17 custodial agent or agents or only educational personnel shall
18 be in the discretion of the Department of Juvenile Justice. All
19 transfers must be approved by the Department of Juvenile
20 Justice.

21 (Source: P.A. 94-696, eff. 6-1-06.)

22 Section 25. The Juvenile Court Act of 1987 is amended by
23 changing Sections 5-750, 5-815, and 5-820 as follows:

1 (705 ILCS 405/5-750)

2 Sec. 5-750. Commitment to the Department of Juvenile
3 Justice.

4 (1) Except as provided in subsection (2) of this Section,
5 when any delinquent has been adjudged a ward of the court under
6 this Act, the court may commit him or her to the Department of
7 Juvenile Justice, if it finds that (a) his or her parents,
8 guardian or legal custodian are unfit or are unable, for some
9 reason other than financial circumstances alone, to care for,
10 protect, train or discipline the minor, or are unwilling to do
11 so, and the best interests of the minor and the public will not
12 be served by placement under Section 5-740 or; (b) it is
13 necessary to ensure the protection of the public from the
14 consequences of criminal activity of the delinquent.

15 (2) When a minor of the age of at least 13 years is
16 adjudged delinquent for the offense of first degree murder, the
17 court shall declare the minor a ward of the court and order the
18 minor committed to the Department of Juvenile Justice until the
19 minor's 21st birthday, without the possibility of parole,
20 ~~furlough,~~ or non-emergency authorized absence for a period of 5
21 years from the date the minor was committed to the Department
22 of Juvenile Justice, except that the time that a minor spent in
23 custody for the instant offense before being committed to the
24 Department of Juvenile Justice shall be considered as time
25 credited towards that 5 year period. Nothing in this subsection
26 (2) shall preclude the State's Attorney from seeking to

1 prosecute a minor as an adult as an alternative to proceeding
2 under this Act.

3 (3) Except as provided in subsection (2), the commitment of
4 a delinquent to the Department of Juvenile Justice shall be for
5 an indeterminate term which shall automatically terminate upon
6 the delinquent attaining the age of 21 years unless the
7 delinquent is sooner discharged from parole or custodianship is
8 otherwise terminated in accordance with this Act or as
9 otherwise provided for by law.

10 (4) When the court commits a minor to the Department of
11 Juvenile Justice, it shall order him or her conveyed forthwith
12 to the appropriate reception station or other place designated
13 by the Department of Juvenile Justice, and shall appoint the
14 Director of Juvenile Justice legal custodian of the minor. The
15 clerk of the court shall issue to the Director of Juvenile
16 Justice a certified copy of the order, which constitutes proof
17 of the Director's authority. No other process need issue to
18 warrant the keeping of the minor.

19 (5) If a minor is committed to the Department of Juvenile
20 Justice, the clerk of the court shall forward to the
21 Department:

22 (a) the disposition ordered;

23 (b) all reports;

24 (c) the court's statement of the basis for ordering the
25 disposition; and

26 (d) all additional matters which the court directs the

1 clerk to transmit.

2 (6) Whenever the Department of Juvenile Justice lawfully
3 discharges from its custody and control a minor committed to
4 it, the Director of Juvenile Justice shall petition the court
5 for an order terminating his or her custodianship. The
6 custodianship shall terminate automatically 30 days after
7 receipt of the petition unless the court orders otherwise.

8 (Source: P.A. 94-696, eff. 6-1-06.)

9 (705 ILCS 405/5-815)

10 Sec. 5-815. Habitual Juvenile Offender.

11 (a) Definition. Any minor having been twice adjudicated a
12 delinquent minor for offenses which, had he been prosecuted as
13 an adult, would have been felonies under the laws of this
14 State, and who is thereafter adjudicated a delinquent minor for
15 a third time shall be adjudged an Habitual Juvenile Offender
16 where:

17 1. the third adjudication is for an offense occurring
18 after adjudication on the second; and

19 2. the second adjudication was for an offense occurring
20 after adjudication on the first; and

21 3. the third offense occurred after January 1, 1980;
22 and

23 4. the third offense was based upon the commission of
24 or attempted commission of the following offenses: first
25 degree murder, second degree murder or involuntary

1 manslaughter; criminal sexual assault or aggravated
2 criminal sexual assault; aggravated or heinous battery
3 involving permanent disability or disfigurement or great
4 bodily harm to the victim; burglary of a home or other
5 residence intended for use as a temporary or permanent
6 dwelling place for human beings; home invasion; robbery or
7 armed robbery; or aggravated arson.

8 Nothing in this Section shall preclude the State's Attorney
9 from seeking to prosecute a minor as an adult as an alternative
10 to prosecution as an habitual juvenile offender.

11 A continuance under supervision authorized by Section
12 5-615 of this Act shall not be permitted under this Section.

13 (b) Notice to minor. The State shall serve upon the minor
14 written notice of intention to prosecute under the provisions
15 of this Section within 5 judicial days of the filing of any
16 delinquency petition, adjudication upon which would mandate
17 the minor's disposition as an Habitual Juvenile Offender.

18 (c) Petition; service. A notice to seek adjudication as an
19 Habitual Juvenile Offender shall be filed only by the State's
20 Attorney.

21 The petition upon which such Habitual Juvenile Offender
22 notice is based shall contain the information and averments
23 required for all other delinquency petitions filed under this
24 Act and its service shall be according to the provisions of
25 this Act.

26 No prior adjudication shall be alleged in the petition.

1 (d) Trial. Trial on such petition shall be by jury unless
2 the minor demands, in open court and with advice of counsel, a
3 trial by the court without jury.

4 Except as otherwise provided herein, the provisions of this
5 Act concerning delinquency proceedings generally shall be
6 applicable to Habitual Juvenile Offender proceedings.

7 (e) Proof of prior adjudications. No evidence or other
8 disclosure of prior adjudications shall be presented to the
9 court or jury during any adjudicatory hearing provided for
10 under this Section unless otherwise permitted by the issues
11 properly raised in such hearing. In the event the minor who is
12 the subject of these proceedings elects to testify on his own
13 behalf, it shall be competent to introduce evidence, for
14 purposes of impeachment, that he has previously been
15 adjudicated a delinquent minor upon facts which, had he been
16 tried as an adult, would have resulted in his conviction of a
17 felony or of any offense that involved dishonesty or false
18 statement. Introduction of such evidence shall be according to
19 the rules and procedures applicable to the impeachment of an
20 adult defendant by prior conviction.

21 After an admission of the facts in the petition or
22 adjudication of delinquency, the State's Attorney may file with
23 the court a verified written statement signed by the State's
24 Attorney concerning any prior adjudication of an offense set
25 forth in subsection (a) of this Section which offense would
26 have been a felony or of any offense that involved dishonesty

1 or false statement had the minor been tried as an adult.

2 The court shall then cause the minor to be brought before
3 it; shall inform him of the allegations of the statement so
4 filed, and of his right to a hearing before the court on the
5 issue of such prior adjudication and of his right to counsel at
6 such hearing; and unless the minor admits such adjudication,
7 the court shall hear and determine such issue, and shall make a
8 written finding thereon.

9 A duly authenticated copy of the record of any such alleged
10 prior adjudication shall be prima facie evidence of such prior
11 adjudication or of any offense that involved dishonesty or
12 false statement.

13 Any claim that a previous adjudication offered by the
14 State's Attorney is not a former adjudication of an offense
15 which, had the minor been prosecuted as an adult, would have
16 resulted in his conviction of a felony or of any offense that
17 involved dishonesty or false statement, is waived unless duly
18 raised at the hearing on such adjudication, or unless the
19 State's Attorney's proof shows that such prior adjudication was
20 not based upon proof of what would have been a felony.

21 (f) Disposition. If the court finds that the prerequisites
22 established in subsection (a) of this Section have been proven,
23 it shall adjudicate the minor an Habitual Juvenile Offender and
24 commit him to the Department of Juvenile Justice until his 21st
25 birthday, without possibility of parole, ~~furlough,~~ or
26 non-emergency authorized absence. However, the minor shall be

1 entitled to earn one day of good conduct credit for each day
2 served as reductions against the period of his confinement.
3 Such good conduct credits shall be earned or revoked according
4 to the procedures applicable to the allowance and revocation of
5 good conduct credit for adult prisoners serving determinate
6 sentences for felonies.

7 For purposes of determining good conduct credit,
8 commitment as an Habitual Juvenile Offender shall be considered
9 a determinate commitment, and the difference between the date
10 of the commitment and the minor's 21st birthday shall be
11 considered the determinate period of his confinement.

12 (Source: P.A. 94-696, eff. 6-1-06.)

13 (705 ILCS 405/5-820)

14 Sec. 5-820. Violent Juvenile Offender.

15 (a) Definition. A minor having been previously adjudicated
16 a delinquent minor for an offense which, had he or she been
17 prosecuted as an adult, would have been a Class 2 or greater
18 felony involving the use or threat of physical force or
19 violence against an individual or a Class 2 or greater felony
20 for which an element of the offense is possession or use of a
21 firearm, and who is thereafter adjudicated a delinquent minor
22 for a second time for any of those offenses shall be
23 adjudicated a Violent Juvenile Offender if:

24 (1) The second adjudication is for an offense occurring
25 after adjudication on the first; and

1 (2) The second offense occurred on or after January 1,
2 1995.

3 (b) Notice to minor. The State shall serve upon the minor
4 written notice of intention to prosecute under the provisions
5 of this Section within 5 judicial days of the filing of a
6 delinquency petition, adjudication upon which would mandate
7 the minor's disposition as a Violent Juvenile Offender.

8 (c) Petition; service. A notice to seek adjudication as a
9 Violent Juvenile Offender shall be filed only by the State's
10 Attorney.

11 The petition upon which the Violent Juvenile Offender
12 notice is based shall contain the information and averments
13 required for all other delinquency petitions filed under this
14 Act and its service shall be according to the provisions of
15 this Act.

16 No prior adjudication shall be alleged in the petition.

17 (d) Trial. Trial on the petition shall be by jury unless
18 the minor demands, in open court and with advice of counsel, a
19 trial by the court without a jury.

20 Except as otherwise provided in this Section, the
21 provisions of this Act concerning delinquency proceedings
22 generally shall be applicable to Violent Juvenile Offender
23 proceedings.

24 (e) Proof of prior adjudications. No evidence or other
25 disclosure of prior adjudications shall be presented to the
26 court or jury during an adjudicatory hearing provided for under

1 this Section unless otherwise permitted by the issues properly
2 raised in that hearing. In the event the minor who is the
3 subject of these proceedings elects to testify on his or her
4 own behalf, it shall be competent to introduce evidence, for
5 purposes of impeachment, that he or she has previously been
6 adjudicated a delinquent minor upon facts which, had the minor
7 been tried as an adult, would have resulted in the minor's
8 conviction of a felony or of any offense that involved
9 dishonesty or false statement. Introduction of such evidence
10 shall be according to the rules and procedures applicable to
11 the impeachment of an adult defendant by prior conviction.

12 After an admission of the facts in the petition or
13 adjudication of delinquency, the State's Attorney may file with
14 the court a verified written statement signed by the State's
15 Attorney concerning any prior adjudication of an offense set
16 forth in subsection (a) of this Section that would have been a
17 felony or of any offense that involved dishonesty or false
18 statement had the minor been tried as an adult.

19 The court shall then cause the minor to be brought before
20 it; shall inform the minor of the allegations of the statement
21 so filed, of his or her right to a hearing before the court on
22 the issue of the prior adjudication and of his or her right to
23 counsel at the hearing; and unless the minor admits the
24 adjudication, the court shall hear and determine the issue, and
25 shall make a written finding of the issue.

26 A duly authenticated copy of the record of any alleged

1 prior adjudication shall be prima facie evidence of the prior
2 adjudication or of any offense that involved dishonesty or
3 false statement.

4 Any claim that a previous adjudication offered by the
5 State's Attorney is not a former adjudication of an offense
6 which, had the minor been prosecuted as an adult, would have
7 resulted in his or her conviction of a Class 2 or greater
8 felony involving the use or threat of force or violence, or a
9 firearm, a felony or of any offense that involved dishonesty or
10 false statement is waived unless duly raised at the hearing on
11 the adjudication, or unless the State's Attorney's proof shows
12 that the prior adjudication was not based upon proof of what
13 would have been a felony.

14 (f) Disposition. If the court finds that the prerequisites
15 established in subsection (a) of this Section have been proven,
16 it shall adjudicate the minor a Violent Juvenile Offender and
17 commit the minor to the Department of Juvenile Justice until
18 his or her 21st birthday, without possibility of parole,
19 ~~furlough~~, or non-emergency authorized absence. However, the
20 minor shall be entitled to earn one day of good conduct credit
21 for each day served as reductions against the period of his or
22 her confinement. The good conduct credits shall be earned or
23 revoked according to the procedures applicable to the allowance
24 and revocation of good conduct credit for adult prisoners
25 serving determinate sentences for felonies.

26 For purposes of determining good conduct credit,

1 commitment as a Violent Juvenile Offender shall be considered a
2 determinate commitment, and the difference between the date of
3 the commitment and the minor's 21st birthday shall be
4 considered the determinate period of his or her confinement.

5 (g) Nothing in this Section shall preclude the State's
6 Attorney from seeking to prosecute a minor as a habitual
7 juvenile offender or as an adult as an alternative to
8 prosecution as a Violent Juvenile Offender.

9 (h) A continuance under supervision authorized by Section
10 5-615 of this Act shall not be permitted under this Section.

11 (Source: P.A. 94-696, eff. 6-1-06.)

12 Section 30. The Criminal Code of 1961 is amended by
13 changing Sections 11-9.2, 31-6, and 31-7 as follows:

14 (720 ILCS 5/11-9.2)

15 Sec. 11-9.2. Custodial sexual misconduct.

16 (a) A person commits the offense of custodial sexual
17 misconduct when: (1) he or she is an employee of a penal system
18 and engages in sexual conduct or sexual penetration with a
19 person who is in the custody of that penal system or (2) he or
20 she is an employee of a treatment and detention facility and
21 engages in sexual conduct or sexual penetration with a person
22 who is in the custody of that treatment and detention facility.

23 (b) A probation or supervising officer or surveillance
24 agent commits the offense of custodial sexual misconduct when

1 the probation or supervising officer or surveillance agent
2 engages in sexual conduct or sexual penetration with a
3 probationer, parolee, or releasee or person serving a term of
4 conditional release who is under the supervisory,
5 disciplinary, or custodial authority of the officer or agent so
6 engaging in the sexual conduct or sexual penetration.

7 (c) Custodial sexual misconduct is a Class 3 felony.

8 (d) Any person convicted of violating this Section
9 immediately shall forfeit his or her employment with a penal
10 system, treatment and detention facility, or conditional
11 release program.

12 (e) For purposes of this Section, the consent of the
13 probationer, parolee, releasee, or inmate in custody of the
14 penal system or person detained or civilly committed under the
15 Sexually Violent Persons Commitment Act shall not be a defense
16 to a prosecution under this Section. A person is deemed
17 incapable of consent, for purposes of this Section, when he or
18 she is a probationer, parolee, releasee, or inmate in custody
19 of a penal system or person detained or civilly committed under
20 the Sexually Violent Persons Commitment Act.

21 (f) This Section does not apply to:

22 (1) Any employee, probation or supervising officer, or
23 surveillance agent who is lawfully married to a person in
24 custody if the marriage occurred before the date of
25 custody.

26 (2) Any employee, probation or supervising officer, or

1 surveillance agent who has no knowledge, and would have no
2 reason to believe, that the person with whom he or she
3 engaged in custodial sexual misconduct was a person in
4 custody.

5 (g) In this Section:

6 (1) "Custody" means:

7 (i) pretrial incarceration or detention;

8 (ii) incarceration or detention under a sentence
9 or commitment to a State or local penal institution;

10 (iii) parole or mandatory supervised release;

11 (iv) (blank) ~~electronic home detention~~;

12 (v) probation;

13 (vi) detention or civil commitment either in
14 secure care or in the community under the Sexually
15 Violent Persons Commitment Act.

16 (2) "Penal system" means any system which includes
17 institutions as defined in Section 2-14 of this Code or a
18 county shelter care or detention home established under
19 Section 1 of the County Shelter Care and Detention Home
20 Act.

21 (2.1) "Treatment and detention facility" means any
22 Department of Human Services facility established for the
23 detention or civil commitment of persons under the Sexually
24 Violent Persons Commitment Act.

25 (2.2) "Conditional release" means a program of
26 treatment and services, vocational services, and alcohol

1 or other drug abuse treatment provided to any person
2 civilly committed and conditionally released to the
3 community under the Sexually Violent Persons Commitment
4 Act;

5 (3) "Employee" means:

6 (i) an employee of any governmental agency of this
7 State or any county or municipal corporation that has
8 by statute, ordinance, or court order the
9 responsibility for the care, control, or supervision
10 of pretrial or sentenced persons in a penal system or
11 persons detained or civilly committed under the
12 Sexually Violent Persons Commitment Act;

13 (ii) a contractual employee of a penal system as
14 defined in paragraph (g) (2) of this Section who works
15 in a penal institution as defined in Section 2-14 of
16 this Code;

17 (iii) a contractual employee of a "treatment and
18 detention facility" as defined in paragraph (g) (2.1)
19 of this Code or a contractual employee of the
20 Department of Human Services who provides supervision
21 of persons serving a term of conditional release as
22 defined in paragraph (g) (2.2) of this Code.

23 (4) "Sexual conduct" or "sexual penetration" means any
24 act of sexual conduct or sexual penetration as defined in
25 Section 12-12 of this Code.

26 (5) "Probation officer" means any person employed in a

1 probation or court services department as defined in
2 Section 9b of the Probation and Probation Officers Act.

3 (6) "Supervising officer" means any person employed to
4 supervise persons placed on parole or mandatory supervised
5 release with the duties described in Section 3-14-2 of the
6 Unified Code of Corrections.

7 (7) "Surveillance agent" means any person employed or
8 contracted to supervise persons placed on conditional
9 release in the community under the Sexually Violent Persons
10 Commitment Act.

11 (Source: P.A. 92-415, eff. 8-17-01.)

12 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

13 Sec. 31-6. Escape; failure to report to a penal institution
14 or to report for periodic imprisonment.

15 (a) A person convicted of a felony, ~~adjudicated a~~
16 ~~delinquent minor for the commission of a felony offense under~~
17 ~~the Juvenile Court Act of 1987,~~ or charged with the commission
18 of a felony, or charged with or adjudicated delinquent for an
19 act which, if committed by an adult, would constitute a felony,
20 who intentionally escapes from any penal institution or from
21 the custody of an employee of that institution commits a Class
22 2 felony; however, a person convicted of a felony, or
23 adjudicated delinquent for an act which, if committed by an
24 adult, would constitute a felony, ~~or adjudicated a delinquent~~
25 ~~minor for the commission of a felony offense under the Juvenile~~

1 ~~Court Act of 1987~~ who knowingly fails to report to a penal
2 institution or to report for periodic imprisonment at any time
3 or knowingly fails to return from furlough authorized before
4 the effective date of this amendatory Act of the 96th General
5 Assembly or from work and day release or who knowingly fails to
6 abide by the terms of home confinement is guilty of a Class 3
7 felony.

8 (b) A person convicted of a misdemeanor, ~~adjudicated a~~
9 ~~delinquent minor for the commission of a misdemeanor offense~~
10 ~~under the Juvenile Court Act of 1987,~~ or charged with the
11 commission of a misdemeanor, or charged with or adjudicated
12 delinquent for an act which, if committed by an adult, would
13 constitute a misdemeanor, who intentionally escapes from any
14 penal institution or from the custody of an employee of that
15 institution commits a Class A misdemeanor; however, a person
16 convicted of a misdemeanor, or adjudicated delinquent for an
17 act which, if committed by an adult, would constitute a
18 misdemeanor, ~~or adjudicated a delinquent minor for the~~
19 ~~commission of a misdemeanor offense under the Juvenile Court~~
20 ~~Act of 1987~~ who knowingly fails to report to a penal
21 institution or to report for periodic imprisonment at any time
22 or knowingly fails to return from furlough authorized before
23 the effective date of this amendatory Act of the 96th General
24 Assembly or from work and day release or who knowingly fails to
25 abide by the terms of home confinement is guilty of a Class B
26 misdemeanor.

1 (b-1) A person committed to the Department of Human
2 Services under the provisions of the Sexually Violent Persons
3 Commitment Act or in detention with the Department of Human
4 Services awaiting such a commitment who intentionally escapes
5 from any secure residential facility or from the custody of an
6 employee of that facility commits a Class 2 felony.

7 (c) A person in the lawful custody of a peace officer for
8 the alleged commission of a felony offense or an act which, if
9 committed by an adult, would constitute a felony, and who
10 intentionally escapes from custody commits a Class 2 felony;
11 however, a person in the lawful custody of a peace officer for
12 the alleged commission of a misdemeanor offense or an act
13 which, if committed by an adult, would constitute a
14 misdemeanor, who intentionally escapes from custody commits a
15 Class A misdemeanor.

16 (c-5) A person in the lawful custody of a peace officer for
17 an alleged violation of a term or condition of probation,
18 conditional discharge, parole, or mandatory supervised release
19 for a felony or an act which, if committed by an adult, would
20 constitute a felony, who intentionally escapes from custody is
21 guilty of a Class 2 felony.

22 (c-6) A person in the lawful custody of a peace officer for
23 an alleged violation of a term or condition of supervision,
24 probation, or conditional discharge for a misdemeanor or an act
25 which, if committed by an adult, would constitute a
26 misdemeanor, who intentionally escapes from custody is guilty

1 of a Class A misdemeanor.

2 (d) A person who violates this Section while armed with a
3 dangerous weapon commits a Class 1 felony.

4 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
5 revised 9-25-08.)

6 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)
7 Sec. 31-7. Aiding escape.

8 (a) Whoever, with intent to aid any prisoner in escaping
9 from any penal institution, conveys into the institution or
10 transfers to the prisoner anything for use in escaping commits
11 a Class A misdemeanor.

12 (b) Whoever knowingly aids a person convicted of a felony,
13 ~~adjudicated a delinquent minor for the commission of a felony~~
14 ~~offense under the Juvenile Court Act of 1987,~~ or charged with
15 the commission of a felony, or charged with or adjudicated
16 delinquent for an act which, if committed by an adult, would
17 constitute a felony, in escaping from any penal institution or
18 from the custody of any employee of that institution commits a
19 Class 2 felony; however, whoever knowingly aids a person
20 convicted of a felony,~~adjudicated a delinquent minor for the~~
21 ~~commission of a felony offense under the Juvenile Court Act of~~
22 ~~1987,~~ or charged with the commission of a felony, or charged
23 with or adjudicated delinquent for an act which, if committed
24 by an adult, would constitute a felony, in failing to return
25 from furlough authorized before the effective date of this

1 amendatory Act of the 96th General Assembly or from work and
2 day release is guilty of a Class 3 felony.

3 (c) Whoever knowingly aids a person convicted of a
4 misdemeanor, ~~adjudicated a delinquent minor for the commission~~
5 ~~of a misdemeanor offense under the Juvenile Court Act of 1987,~~
6 or charged with the commission of a misdemeanor, or charged
7 with or adjudicated delinquent for an act which, if committed
8 by an adult, would constitute a misdemeanor, in escaping from
9 any penal institution or from the custody of an employee of
10 that institution commits a Class A misdemeanor; however,
11 whoever knowingly aids a person convicted of a misdemeanor,
12 ~~adjudicated a delinquent minor for the commission of a~~
13 ~~misdemeanor offense under the Juvenile Court Act of 1987,~~ or
14 charged with the commission of a misdemeanor, or charged with
15 or adjudicated delinquent for an act which, if committed by an
16 adult, would constitute a misdemeanor, in failing to return
17 from furlough authorized before the effective date of this
18 amendatory Act of the 96th General Assembly or from work and
19 day release is guilty of a Class B misdemeanor.

20 (d) Whoever knowingly aids a person in escaping from any
21 public institution, other than a penal institution, in which he
22 is lawfully detained, or from the custody of an employee of
23 that institution, commits a Class A misdemeanor.

24 (e) Whoever knowingly aids a person in the lawful custody
25 of a peace officer for the alleged commission of a felony
26 offense or an act which, if committed by an adult, would

1 constitute a felony, in escaping from custody commits a Class 2
2 felony; however, whoever knowingly aids a person in the lawful
3 custody of a peace officer for the alleged commission of a
4 misdemeanor offense or an act which, if committed by an adult,
5 would constitute a misdemeanor, in escaping from custody
6 commits a Class A misdemeanor.

7 (f) An officer or employee of any penal institution who
8 recklessly permits any prisoner in his custody to escape
9 commits a Class A misdemeanor.

10 (f-5) With respect to a person in the lawful custody of a
11 peace officer for an alleged violation of a term or condition
12 of probation, conditional discharge, parole, or mandatory
13 supervised release for a felony, whoever intentionally aids
14 that person to escape from that custody is guilty of a Class 2
15 felony.

16 (f-6) With respect to a person who is in the lawful custody
17 of a peace officer for an alleged violation of a term or
18 condition of supervision, probation, or conditional discharge
19 for a misdemeanor, whoever intentionally aids that person to
20 escape from that custody is guilty of a Class A misdemeanor.

21 (g) A person who violates this Section while armed with a
22 dangerous weapon commits a Class 2 felony.

23 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
24 revised 9-25-08.)

25 Section 35. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 110-5 as follows:

2 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

3 Sec. 110-5. Determining the amount of bail and conditions
4 of release.

5 (a) In determining the amount of monetary bail or
6 conditions of release, if any, which will reasonably assure the
7 appearance of a defendant as required or the safety of any
8 other person or the community and the likelihood of compliance
9 by the defendant with all the conditions of bail, the court
10 shall, on the basis of available information, take into account
11 such matters as the nature and circumstances of the offense
12 charged, whether the evidence shows that as part of the offense
13 there was a use of violence or threatened use of violence,
14 whether the offense involved corruption of public officials or
15 employees, whether there was physical harm or threats of
16 physical harm to any public official, public employee, judge,
17 prosecutor, juror or witness, senior citizen, child or
18 handicapped person, whether evidence shows that during the
19 offense or during the arrest the defendant possessed or used a
20 firearm, machine gun, explosive or metal piercing ammunition or
21 explosive bomb device or any military or paramilitary armament,
22 whether the evidence shows that the offense committed was
23 related to or in furtherance of the criminal activities of an
24 organized gang or was motivated by the defendant's membership
25 in or allegiance to an organized gang, the condition of the

1 victim, any written statement submitted by the victim or
2 proffer or representation by the State regarding the impact
3 which the alleged criminal conduct has had on the victim and
4 the victim's concern, if any, with further contact with the
5 defendant if released on bail, whether the offense was based on
6 racial, religious, sexual orientation or ethnic hatred, the
7 likelihood of the filing of a greater charge, the likelihood of
8 conviction, the sentence applicable upon conviction, the
9 weight of the evidence against such defendant, whether there
10 exists motivation or ability to flee, whether there is any
11 verification as to prior residence, education, or family ties
12 in the local jurisdiction, in another county, state or foreign
13 country, the defendant's employment, financial resources,
14 character and mental condition, past conduct, prior use of
15 alias names or dates of birth, and length of residence in the
16 community, the consent of the defendant to periodic drug
17 testing in accordance with Section 110-6.5, whether a foreign
18 national defendant is lawfully admitted in the United States of
19 America, whether the government of the foreign national
20 maintains an extradition treaty with the United States by which
21 the foreign government will extradite to the United States its
22 national for a trial for a crime allegedly committed in the
23 United States, whether the defendant is currently subject to
24 deportation or exclusion under the immigration laws of the
25 United States, whether the defendant, although a United States
26 citizen, is considered under the law of any foreign state a

1 national of that state for the purposes of extradition or
2 non-extradition to the United States, the amount of unrecovered
3 proceeds lost as a result of the alleged offense, the source of
4 bail funds tendered or sought to be tendered for bail, whether
5 from the totality of the court's consideration, the loss of
6 funds posted or sought to be posted for bail will not deter the
7 defendant from flight, whether the evidence shows that the
8 defendant is engaged in significant possession, manufacture,
9 or delivery of a controlled substance or cannabis, either
10 individually or in consort with others, whether at the time of
11 the offense charged he was on bond or pre-trial release pending
12 trial, probation, periodic imprisonment or conditional
13 discharge pursuant to this Code or the comparable Code of any
14 other state or federal jurisdiction, whether the defendant is
15 on bond or pre-trial release pending the imposition or
16 execution of sentence or appeal of sentence for any offense
17 under the laws of Illinois or any other state or federal
18 jurisdiction, whether the defendant is under parole or
19 mandatory supervised release or work release from the Illinois
20 Department of Corrections or any penal institution or
21 corrections department of any state or federal jurisdiction,
22 the defendant's record of convictions, whether the defendant
23 has been convicted of a misdemeanor or ordinance offense in
24 Illinois or similar offense in other state or federal
25 jurisdiction within the 10 years preceding the current charge
26 or convicted of a felony in Illinois, whether the defendant was

1 convicted of an offense in another state or federal
2 jurisdiction that would be a felony if committed in Illinois
3 within the 20 years preceding the current charge or has been
4 convicted of such felony and released from the penitentiary
5 within 20 years preceding the current charge if a penitentiary
6 sentence was imposed in Illinois or other state or federal
7 jurisdiction, the defendant's records of juvenile adjudication
8 of delinquency in any jurisdiction, any record of appearance or
9 failure to appear by the defendant at court proceedings,
10 whether there was flight to avoid arrest or prosecution,
11 whether the defendant escaped or attempted to escape to avoid
12 arrest, whether the defendant refused to identify himself, or
13 whether there was a refusal by the defendant to be
14 fingerprinted as required by law. Information used by the court
15 in its findings or stated in or offered in connection with this
16 Section may be by way of proffer based upon reliable
17 information offered by the State or defendant. All evidence
18 shall be admissible if it is relevant and reliable regardless
19 of whether it would be admissible under the rules of evidence
20 applicable at criminal trials. If the State presents evidence
21 that the offense committed by the defendant was related to or
22 in furtherance of the criminal activities of an organized gang
23 or was motivated by the defendant's membership in or allegiance
24 to an organized gang, and if the court determines that the
25 evidence may be substantiated, the court shall prohibit the
26 defendant from associating with other members of the organized

1 gang as a condition of bail or release. For the purposes of
2 this Section, "organized gang" has the meaning ascribed to it
3 in Section 10 of the Illinois Streetgang Terrorism Omnibus
4 Prevention Act.

5 (b) The amount of bail shall be:

6 (1) Sufficient to assure compliance with the
7 conditions set forth in the bail bond, which shall include
8 the defendant's current address with a written
9 admonishment to the defendant that he or she must comply
10 with the provisions of Section 110-12 regarding any change
11 in his or her address. The defendant's address shall at all
12 times remain a matter of public record with the clerk of
13 the court.

14 (2) Not oppressive.

15 (3) Considerate of the financial ability of the
16 accused.

17 (4) When a person is charged with a drug related
18 offense involving possession or delivery of cannabis or
19 possession or delivery of a controlled substance as defined
20 in the Cannabis Control Act, the Illinois Controlled
21 Substances Act, or the Methamphetamine Control and
22 Community Protection Act, the full street value of the
23 drugs seized shall be considered. "Street value" shall be
24 determined by the court on the basis of a proffer by the
25 State based upon reliable information of a law enforcement
26 official contained in a written report as to the amount

1 seized and such proffer may be used by the court as to the
2 current street value of the smallest unit of the drug
3 seized.

4 (b-5) Upon the filing of a written request demonstrating
5 reasonable cause, the State's Attorney may request a source of
6 bail hearing either before or after the posting of any funds.
7 If the hearing is granted, before the posting of any bail, the
8 accused must file a written notice requesting that the court
9 conduct a source of bail hearing. The notice must be
10 accompanied by justifying affidavits stating the legitimate
11 and lawful source of funds for bail. At the hearing, the court
12 shall inquire into any matters stated in any justifying
13 affidavits, and may also inquire into matters appropriate to
14 the determination which shall include, but are not limited to,
15 the following:

16 (1) the background, character, reputation, and
17 relationship to the accused of any surety; and

18 (2) the source of any money or property deposited by
19 any surety, and whether any such money or property
20 constitutes the fruits of criminal or unlawful conduct; and

21 (3) the source of any money posted as cash bail, and
22 whether any such money constitutes the fruits of criminal
23 or unlawful conduct; and

24 (4) the background, character, reputation, and
25 relationship to the accused of the person posting cash
26 bail.

1 Upon setting the hearing, the court shall examine, under
2 oath, any persons who may possess material information.

3 The State's Attorney has a right to attend the hearing, to
4 call witnesses and to examine any witness in the proceeding.
5 The court shall, upon request of the State's Attorney, continue
6 the proceedings for a reasonable period to allow the State's
7 Attorney to investigate the matter raised in any testimony or
8 affidavit. If the hearing is granted after the accused has
9 posted bail, the court shall conduct a hearing consistent with
10 this subsection (b-5). At the conclusion of the hearing, the
11 court must issue an order either approving or disapproving the
12 bail.

13 (c) When a person is charged with an offense punishable by
14 fine only the amount of the bail shall not exceed double the
15 amount of the maximum penalty.

16 (d) When a person has been convicted of an offense and only
17 a fine has been imposed the amount of the bail shall not exceed
18 double the amount of the fine.

19 (e) The State may appeal any order granting bail or setting
20 a given amount for bail.

21 (f) When a person is charged with a violation of an order
22 of protection under Section 12-30 of the Criminal Code of 1961,
23 the court shall order the respondent to undergo a risk
24 assessment evaluation at an Illinois Department of Human
25 Services protocol approved partner abuse intervention program.
26 ~~Based on the results of the risk assessment and the other~~

1 ~~circumstances of the violation, the court may order that the~~
2 ~~person, as a condition of bail, be placed under electronic~~
3 ~~surveillance as provided in Section 5-8A-7 of the Unified Code~~
4 ~~of Corrections.~~

5 (Source: P.A. 94-556, eff. 9-11-05; 95-773, eff. 1-1-09.)

6 Section 40. The Rights of Crime Victims and Witnesses Act
7 is amended by changing Section 4.5 as follows:

8 (725 ILCS 120/4.5)

9 Sec. 4.5. Procedures to implement the rights of crime
10 victims. To afford crime victims their rights, law enforcement,
11 prosecutors, judges and corrections will provide information,
12 as appropriate of the following procedures:

13 (a) At the request of the crime victim, law enforcement
14 authorities investigating the case shall provide notice of the
15 status of the investigation, except where the State's Attorney
16 determines that disclosure of such information would
17 unreasonably interfere with the investigation, until such time
18 as the alleged assailant is apprehended or the investigation is
19 closed.

20 (b) The office of the State's Attorney:

21 (1) shall provide notice of the filing of information,
22 the return of an indictment by which a prosecution for any
23 violent crime is commenced, or the filing of a petition to
24 adjudicate a minor as a delinquent for a violent crime;

1 (2) shall provide notice of the date, time, and place
2 of trial;

3 (3) or victim advocate personnel shall provide
4 information of social services and financial assistance
5 available for victims of crime, including information of
6 how to apply for these services and assistance;

7 (4) shall assist in having any stolen or other personal
8 property held by law enforcement authorities for
9 evidentiary or other purposes returned as expeditiously as
10 possible, pursuant to the procedures set out in Section
11 115-9 of the Code of Criminal Procedure of 1963;

12 (5) or victim advocate personnel shall provide
13 appropriate employer intercession services to ensure that
14 employers of victims will cooperate with the criminal
15 justice system in order to minimize an employee's loss of
16 pay and other benefits resulting from court appearances;

17 (6) shall provide information whenever possible, of a
18 secure waiting area during court proceedings that does not
19 require victims to be in close proximity to defendant or
20 juveniles accused of a violent crime, and their families
21 and friends;

22 (7) shall provide notice to the crime victim of the
23 right to have a translator present at all court proceedings
24 and, in compliance with the federal Americans with
25 Disabilities Act of 1990, the right to communications
26 access through a sign language interpreter or by other

1 means;

2 (8) in the case of the death of a person, which death
3 occurred in the same transaction or occurrence in which
4 acts occurred for which a defendant is charged with an
5 offense, shall notify the spouse, parent, child or sibling
6 of the decedent of the date of the trial of the person or
7 persons allegedly responsible for the death;

8 (9) shall inform the victim of the right to have
9 present at all court proceedings, subject to the rules of
10 evidence, an advocate or other support person of the
11 victim's choice, and the right to retain an attorney, at
12 the victim's own expense, who, upon written notice filed
13 with the clerk of the court and State's Attorney, is to
14 receive copies of all notices, motions and court orders
15 filed thereafter in the case, in the same manner as if the
16 victim were a named party in the case;

17 (10) at the sentencing hearing shall make a good faith
18 attempt to explain the minimum amount of time during which
19 the defendant may actually be physically imprisoned. The
20 Office of the State's Attorney shall further notify the
21 crime victim of the right to request from the Prisoner
22 Review Board information concerning the release of the
23 defendant under subparagraph (d) (1) of this Section;

24 (11) shall request restitution at sentencing and shall
25 consider restitution in any plea negotiation, as provided
26 by law; and

1 (12) shall, upon the court entering a verdict of not
2 guilty by reason of insanity, inform the victim of the
3 notification services available from the Department of
4 Human Services, including the statewide telephone number,
5 under subparagraph (d) (2) of this Section.

6 (c) At the written request of the crime victim, the office
7 of the State's Attorney shall:

8 (1) provide notice a reasonable time in advance of the
9 following court proceedings: preliminary hearing, any
10 hearing the effect of which may be the release of defendant
11 from custody, or to alter the conditions of bond and the
12 sentencing hearing. The crime victim shall also be notified
13 of the cancellation of the court proceeding in sufficient
14 time, wherever possible, to prevent an unnecessary
15 appearance in court;

16 (2) provide notice within a reasonable time after
17 receipt of notice from the custodian, of the release of the
18 defendant on bail or personal recognizance or the release
19 from detention of a minor who has been detained for a
20 violent crime;

21 (3) explain in nontechnical language the details of any
22 plea or verdict of a defendant, or any adjudication of a
23 juvenile as a delinquent for a violent crime;

24 (4) where practical, consult with the crime victim
25 before the Office of the State's Attorney makes an offer of
26 a plea bargain to the defendant or enters into negotiations

1 with the defendant concerning a possible plea agreement,
2 and shall consider the written victim impact statement, if
3 prepared prior to entering into a plea agreement;

4 (5) provide notice of the ultimate disposition of the
5 cases arising from an indictment or an information, or a
6 petition to have a juvenile adjudicated as a delinquent for
7 a violent crime;

8 (6) provide notice of any appeal taken by the defendant
9 and information on how to contact the appropriate agency
10 handling the appeal;

11 (7) provide notice of any request for post-conviction
12 review filed by the defendant under Article 122 of the Code
13 of Criminal Procedure of 1963, and of the date, time and
14 place of any hearing concerning the petition. Whenever
15 possible, notice of the hearing shall be given in advance;

16 (8) forward a copy of any statement presented under
17 Section 6 to the Prisoner Review Board to be considered by
18 the Board in making its determination under subsection (b)
19 of Section 3-3-8 of the Unified Code of Corrections.

20 (d) (1) The Prisoner Review Board shall inform a victim or
21 any other concerned citizen, upon written request, of the
22 prisoner's release on parole, mandatory supervised release,
23 ~~electronic detention,~~ work release, international transfer or
24 exchange, or by the custodian of the discharge of any
25 individual who was adjudicated a delinquent for a violent crime
26 from State custody and by the sheriff of the appropriate county

1 of any such person's final discharge from county custody. The
2 Prisoner Review Board, upon written request, shall provide to a
3 victim or any other concerned citizen a recent photograph of
4 any person convicted of a felony, upon his or her release from
5 custody. ~~The Prisoner Review Board, upon written request, shall~~
6 ~~inform a victim or any other concerned citizen when feasible at~~
7 ~~least 7 days prior to the prisoner's release on furlough of the~~
8 ~~times and dates of such furlough.~~ Upon written request by the
9 victim or any other concerned citizen, the State's Attorney
10 shall notify the person once of the times and dates of release
11 of a prisoner sentenced to periodic imprisonment. Notification
12 shall be based on the most recent information as to victim's or
13 other concerned citizen's residence or other location
14 available to the notifying authority. For purposes of this
15 paragraph (1) of subsection (d), "concerned citizen" includes
16 relatives of the victim, friends of the victim, witnesses to
17 the crime, or any other person associated with the victim or
18 prisoner.

19 (2) When the defendant has been committed to the
20 Department of Human Services pursuant to Section 5-2-4 or
21 any other provision of the Unified Code of Corrections, the
22 victim may request to be notified by the releasing
23 authority of the defendant's ~~furloughs,~~ temporary release,
24 or final discharge from State custody. The Department of
25 Human Services shall establish and maintain a statewide
26 telephone number to be used by victims to make notification

1 requests under these provisions~~7~~ and shall publicize this
2 telephone number on its website and to the State's Attorney
3 of each county.

4 (3) In the event of an escape from State custody, the
5 Department of Corrections or the Department of Juvenile
6 Justice immediately shall notify the Prisoner Review Board
7 of the escape and the Prisoner Review Board shall notify
8 the victim. The notification shall be based upon the most
9 recent information as to the victim's residence or other
10 location available to the Board. When no such information
11 is available, the Board shall make all reasonable efforts
12 to obtain the information and make the notification. When
13 the escapee is apprehended, the Department of Corrections
14 or the Department of Juvenile Justice immediately shall
15 notify the Prisoner Review Board and the Board shall notify
16 the victim.

17 (4) The victim of the crime for which the prisoner has
18 been sentenced shall receive reasonable written notice not
19 less than 15 days prior to the parole hearing and may
20 submit, in writing, on film, videotape or other electronic
21 means or in the form of a recording or in person at the
22 parole hearing or if a victim of a violent crime, by
23 calling the toll-free number established in subsection (f)
24 of this Section, information for consideration by the
25 Prisoner Review Board. The victim shall be notified within
26 7 days after the prisoner has been granted parole and shall

1 be informed of the right to inspect the registry of parole
2 decisions, established under subsection (g) of Section
3 3-3-5 of the Unified Code of Corrections. The provisions of
4 this paragraph (4) are subject to the Open Parole Hearings
5 Act.

6 (5) If a statement is presented under Section 6, the
7 Prisoner Review Board shall inform the victim of any order
8 of discharge entered by the Board pursuant to Section 3-3-8
9 of the Unified Code of Corrections.

10 (6) At the written request of the victim of the crime
11 for which the prisoner was sentenced, the Prisoner Review
12 Board shall notify the victim of the death of the prisoner
13 if the prisoner died while on parole or mandatory
14 supervised release.

15 (7) When a defendant who has been committed to the
16 Department of Corrections, the Department of Juvenile
17 Justice, or the Department of Human Services is released or
18 discharged and subsequently committed to the Department of
19 Human Services as a sexually violent person and the victim
20 had requested to be notified by the releasing authority of
21 the defendant's discharge from State custody, the
22 releasing authority shall provide to the Department of
23 Human Services such information that would allow the
24 Department of Human Services to contact the victim.

25 (8) When a defendant has been convicted of a sex
26 offense as defined in Section 2 of the Sex Offender

1 Registration Act and has been sentenced to the Department
2 of Corrections or the Department of Juvenile Justice, the
3 Prisoner Review Board shall notify the victim of the sex
4 offense of the prisoner's eligibility for release on
5 parole, mandatory supervised release, ~~electronic~~
6 ~~detention,~~ work release, international transfer or
7 exchange, or by the custodian of the discharge of any
8 individual who was adjudicated a delinquent for a sex
9 offense from State custody and by the sheriff of the
10 appropriate county of any such person's final discharge
11 from county custody. The notification shall be made to the
12 victim at least 30 days, whenever possible, before release
13 of the sex offender.

14 (e) The officials named in this Section may satisfy some or
15 all of their obligations to provide notices and other
16 information through participation in a statewide victim and
17 witness notification system established by the Attorney
18 General under Section 8.5 of this Act.

19 (f) To permit a victim of a violent crime to provide
20 information to the Prisoner Review Board for consideration by
21 the Board at a parole hearing of a person who committed the
22 crime against the victim in accordance with clause (d)(4) of
23 this Section or at a proceeding to determine the conditions of
24 mandatory supervised release of a person sentenced to a
25 determinate sentence or at a hearing on revocation of mandatory
26 supervised release of a person sentenced to a determinate

1 sentence, the Board shall establish a toll-free number that may
2 be accessed by the victim of a violent crime to present that
3 information to the Board.

4 (Source: P.A. 94-696, eff. 6-1-06; 95-317, eff. 8-21-07;
5 95-896, eff. 1-1-09; 95-897, eff. 1-1-09; 95-904, eff. 1-1-09;
6 revised 9-25-08.)

7 Section 45. The Unified Code of Corrections is amended by
8 changing Sections 3-1-2, 3-3-4, 3-3-7, 3-6-3, 3-6-4, 3-11-1,
9 5-4.5-20, 5-4.5-25, 5-4.5-30, 5-4.5-35, 5-4.5-40, 5-4.5-45,
10 5-4.5-55, 5-4.5-60, 5-4.5-65, 5-4.5-100, 5-6-3, 5-6-4, and
11 5-8-1 and the heading of Article 11 of Chapter III as follows:

12 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

13 Sec. 3-1-2. Definitions.

14 (a) "Chief Administrative Officer" means the person
15 designated by the Director to exercise the powers and duties of
16 the Department of Corrections in regard to committed persons
17 within a correctional institution or facility, and includes the
18 superintendent of any juvenile institution or facility.

19 (a-5) "Sex offense" for the purposes of paragraph (16) of
20 subsection (a) of Section 3-3-7, paragraph (10) of subsection
21 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
22 Section 5-6-3.1 only means:

23 (i) A violation of any of the following Sections of the
24 Criminal Code of 1961: 10-7 (aiding and abetting child

1 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
2 luring), 11-6 (indecent solicitation of a child), 11-6.5
3 (indecent solicitation of an adult), 11-15.1 (soliciting
4 for a juvenile prostitute), 11-17.1 (keeping a place of
5 juvenile prostitution), 11-18.1 (patronizing a juvenile
6 prostitute), 11-19.1 (juvenile pimping), 11-19.2
7 (exploitation of a child), 11-20.1 (child pornography),
8 12-14.1 (predatory criminal sexual assault of a child), or
9 12-33 (ritualized abuse of a child). An attempt to commit
10 any of these offenses.

11 (ii) A violation of any of the following Sections of
12 the Criminal Code of 1961: 12-13 (criminal sexual assault),
13 12-14 (aggravated criminal sexual assault), 12-16
14 (aggravated criminal sexual abuse), and subsection (a) of
15 Section 12-15 (criminal sexual abuse). An attempt to commit
16 any of these offenses.

17 (iii) A violation of any of the following Sections of
18 the Criminal Code of 1961 when the defendant is not a
19 parent of the victim:

20 10-1 (kidnapping),
21 10-2 (aggravated kidnapping),
22 10-3 (unlawful restraint),
23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

25 (iv) A violation of any former law of this State
26 substantially equivalent to any offense listed in this

1 subsection (a-5).

2 An offense violating federal law or the law of another
3 state that is substantially equivalent to any offense listed in
4 this subsection (a-5) shall constitute a sex offense for the
5 purpose of this subsection (a-5). A finding or adjudication as
6 a sexually dangerous person under any federal law or law of
7 another state that is substantially equivalent to the Sexually
8 Dangerous Persons Act shall constitute an adjudication for a
9 sex offense for the purposes of this subsection (a-5).

10 (b) "Commitment" means a judicially determined placement
11 in the custody of the Department of Corrections on the basis of
12 delinquency or conviction.

13 (c) "Committed Person" is a person committed to the
14 Department, however a committed person shall not be considered
15 to be an employee of the Department of Corrections for any
16 purpose, including eligibility for a pension, benefits, or any
17 other compensation or rights or privileges which may be
18 provided to employees of the Department.

19 (d) "Correctional Institution or Facility" means any
20 building or part of a building where committed persons are kept
21 in a secured manner.

22 (e) In the case of functions performed before the effective
23 date of this amendatory Act of the 94th General Assembly,
24 "Department" means the Department of Corrections of this State.
25 In the case of functions performed on or after the effective
26 date of this amendatory Act of the 94th General Assembly,

1 "Department" has the meaning ascribed to it in subsection
2 (f-5).

3 (f) In the case of functions performed before the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Director" means the Director of the Department of Corrections.
6 In the case of functions performed on or after the effective
7 date of this amendatory Act of the 94th General Assembly,
8 "Director" has the meaning ascribed to it in subsection (f-5).

9 (f-5) In the case of functions performed on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly, references to "Department" or "Director" refer to
12 either the Department of Corrections or the Director of
13 Corrections or to the Department of Juvenile Justice or the
14 Director of Juvenile Justice unless the context is specific to
15 the Department of Juvenile Justice or the Director of Juvenile
16 Justice.

17 (g) "Discharge" means the final termination of a commitment
18 to the Department of Corrections.

19 (h) "Discipline" means the rules and regulations for the
20 maintenance of order and the protection of persons and property
21 within the institutions and facilities of the Department and
22 their enforcement.

23 (i) "Escape" means the intentional and unauthorized
24 absence of a committed person from the custody of the
25 Department.

26 (j) (Blank). ~~"Furlough" means an authorized leave of~~

1 ~~absence from the Department of Corrections for a designated~~
2 ~~purpose and period of time.~~

3 (k) "Parole" means the conditional and revocable release of
4 a committed person under the supervision of a parole officer.

5 (l) "Prisoner Review Board" means the Board established in
6 Section 3-3-1(a), independent of the Department, to review
7 rules and regulations with respect to good time credits, to
8 hear charges brought by the Department against certain
9 prisoners alleged to have violated Department rules with
10 respect to good time credits, to set release dates for certain
11 prisoners sentenced under the law in effect prior to the
12 effective date of this Amendatory Act of 1977, to hear requests
13 and make recommendations to the Governor with respect to
14 pardon, reprieve or commutation, to set conditions for parole
15 and mandatory supervised release and determine whether
16 violations of those conditions justify revocation of parole or
17 release, and to assume all other functions previously exercised
18 by the Illinois Parole and Pardon Board.

19 (m) Whenever medical treatment, service, counseling, or
20 care is referred to in this Unified Code of Corrections, such
21 term may be construed by the Department or Court, within its
22 discretion, to include treatment, service or counseling by a
23 Christian Science practitioner or nursing care appropriate
24 therewith whenever request therefor is made by a person subject
25 to the provisions of this Act.

26 (n) "Victim" shall have the meaning ascribed to it in

1 subsection (a) of Section 3 of the Bill of Rights for Victims
2 and Witnesses of Violent Crime Act.

3 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

4 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

5 Sec. 3-3-4. Preparation for Parole Hearing.

6 (a) The Prisoner Review Board shall consider the parole of
7 each eligible person committed to the Adult Division at least
8 30 days prior to the date he shall first become eligible for
9 parole, and shall consider the parole of each person committed
10 to the Department of Juvenile Justice as a delinquent at least
11 30 days prior to the expiration of the first year of
12 confinement.

13 (b) A person eligible for parole shall, in advance of his
14 parole hearing, prepare a parole plan in accordance with the
15 rules of the Prisoner Review Board. The person shall be
16 assisted in preparing his parole plan by personnel of the
17 Department of Corrections, or the Department of Juvenile
18 Justice in the case of a person committed to that Department,
19 and may, for this purpose, be released ~~on furlough under~~
20 ~~Article 11 or~~ on authorized absence under Section 3-9-4. The
21 appropriate Department shall also provide assistance in
22 obtaining information and records helpful to the individual for
23 his parole hearing.

24 (c) The members of the Board shall have access at all
25 reasonable times to any committed person and to his master

1 record file within the Department, and the Department shall
2 furnish such reports to the Board as the Board may require
3 concerning the conduct and character of any such person.

4 (d) In making its determination of parole, the Board shall
5 consider:

6 (1) material transmitted to the Department of Juvenile
7 Justice by the clerk of the committing court under Section
8 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
9 5-750 of the Juvenile Court Act of 1987;

10 (2) the report under Section 3-8-2 or 3-10-2;

11 (3) a report by the Department and any report by the
12 chief administrative officer of the institution or
13 facility;

14 (4) a parole progress report;

15 (5) a medical and psychological report, if requested by
16 the Board;

17 (6) material in writing, or on film, video tape or
18 other electronic means in the form of a recording submitted
19 by the person whose parole is being considered; and

20 (7) material in writing, or on film, video tape or
21 other electronic means in the form of a recording or
22 testimony submitted by the State's Attorney and the victim
23 pursuant to the Rights of Crime Victims and Witnesses Act.

24 (e) The prosecuting State's Attorney's office shall
25 receive reasonable written notice not less than 15 days prior
26 to the parole hearing and may submit relevant information in

1 writing, or on film, video tape or other electronic means or in
2 the form of a recording to the Board for its consideration. The
3 State's Attorney may waive the written notice.

4 (f) The victim of the violent crime for which the prisoner
5 has been sentenced shall receive notice of a parole hearing as
6 provided in paragraph (4) of subsection (d) of Section 4.5 of
7 the Rights of Crime Victims and Witnesses Act.

8 (g) Any recording considered under the provisions of
9 subsection (d)(6), (d)(7) or (e) of this Section shall be in
10 the form designated by the Board. Such recording shall be both
11 visual and aural. Every voice on the recording and person
12 present shall be identified and the recording shall contain
13 either a visual or aural statement of the person submitting
14 such recording, the date of the recording and the name of the
15 person whose parole eligibility is being considered. Such
16 recordings, if retained by the Board shall be deemed to be
17 submitted at any subsequent parole hearing if the victim or
18 State's Attorney submits in writing a declaration clearly
19 identifying such recording as representing the present
20 position of the victim or State's Attorney regarding the issues
21 to be considered at the parole hearing.

22 (Source: P.A. 94-696, eff. 6-1-06.)

23 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

24 (Text of Section after amendment by P.A. 95-983)

25 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised

1 Release.

2 (a) The conditions of parole or mandatory supervised
3 release shall be such as the Prisoner Review Board deems
4 necessary to assist the subject in leading a law-abiding life.
5 The conditions of every parole and mandatory supervised release
6 are that the subject:

7 (1) not violate any criminal statute of any
8 jurisdiction during the parole or release term;

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) report to an agent of the Department of
12 Corrections;

13 (4) permit the agent to visit him or her at his or her
14 home, employment, or elsewhere to the extent necessary for
15 the agent to discharge his or her duties;

16 (5) attend or reside in a facility established for the
17 instruction or residence of persons on parole or mandatory
18 supervised release;

19 (6) secure permission before visiting or writing a
20 committed person in an Illinois Department of Corrections
21 facility;

22 (7) report all arrests to an agent of the Department of
23 Corrections as soon as permitted by the arresting authority
24 but in no event later than 24 hours after release from
25 custody;

26 (7.5) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, the individual shall
2 undergo and successfully complete sex offender treatment
3 conducted in conformance with the standards developed by
4 the Sex Offender Management Board Act by a treatment
5 provider approved by the Board;

6 (7.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders, or is in any facility operated or licensed by
17 the Department of Children and Family Services or by the
18 Department of Human Services, or is in any licensed medical
19 facility;

20 (7.7) (blank) ~~if convicted for an offense that would~~
21 ~~qualify the accused as a sexual predator under the Sex~~
22 ~~Offender Registration Act on or after the effective date of~~
23 ~~this amendatory Act of the 94th General Assembly, wear an~~
24 ~~approved electronic monitoring device as defined in~~
25 ~~Section 5-8A-2 for the duration of the person's parole,~~
26 ~~mandatory supervised release term, or extended mandatory~~

1 ~~supervised release term;~~

2 (7.8) if convicted for an offense committed on or after
3 the effective date of this amendatory Act of the 95th
4 General Assembly that would qualify the accused as a child
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the
6 Criminal Code of 1961, refrain from communicating with or
7 contacting, by means of the Internet, a person who is not
8 related to the accused and whom the accused reasonably
9 believes to be under 18 years of age; for purposes of this
10 paragraph (7.8), "Internet" has the meaning ascribed to it
11 in Section 16J-5 of the Criminal Code of 1961; and a person
12 is not related to the accused if the person is not: (i) the
13 spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin
15 of the accused; or (iv) a step-child or adopted child of
16 the accused;

17 (7.9) if convicted under Section 11-6, 11-20.1,
18 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
19 search of computers, PDAs, cellular phones, and other
20 devices under his or her control that are capable of
21 accessing the Internet or storing electronic files, in
22 order to confirm Internet protocol addresses reported in
23 accordance with the Sex Offender Registration Act and
24 compliance with conditions in this Act;

25 (7.10) if convicted for an offense that would qualify
26 the accused as a sex offender or sexual predator under the

1 Sex Offender Registration Act on or after the effective
2 date of this amendatory Act of the 95th General Assembly,
3 not possess prescription drugs for erectile dysfunction;

4 (7.11) if convicted for an offense under Section 11-6,
5 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
6 Code of 1961, or any attempt to commit any of these
7 offenses, committed on or after June 1, 2009 (the effective
8 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
9 ~~General Assembly:~~

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the Department;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's supervising
16 agent, a law enforcement officer, or assigned computer
17 or information technology specialist, including the
18 retrieval and copying of all data from the computer or
19 device and any internal or external peripherals and
20 removal of such information, equipment, or device to
21 conduct a more thorough inspection;

22 (iii) submit to the installation on the offender's
23 computer or device with Internet capability, at the
24 offender's expense, of one or more hardware or software
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the Board, the Department or the offender's
4 supervising agent;

5 (8) obtain permission of an agent of the Department of
6 Corrections before leaving the State of Illinois;

7 (9) obtain permission of an agent of the Department of
8 Corrections before changing his or her residence or
9 employment;

10 (10) consent to a search of his or her person,
11 property, or residence under his or her control;

12 (11) refrain from the use or possession of narcotics or
13 other controlled substances in any form, or both, or any
14 paraphernalia related to those substances and submit to a
15 urinalysis test as instructed by a parole agent of the
16 Department of Corrections;

17 (12) not frequent places where controlled substances
18 are illegally sold, used, distributed, or administered;

19 (13) not knowingly associate with other persons on
20 parole or mandatory supervised release without prior
21 written permission of his or her parole agent and not
22 associate with persons who are members of an organized gang
23 as that term is defined in the Illinois Streetgang
24 Terrorism Omnibus Prevention Act;

25 (14) provide true and accurate information, as it
26 relates to his or her adjustment in the community while on

1 parole or mandatory supervised release or to his or her
2 conduct while incarcerated, in response to inquiries by his
3 or her parole agent or of the Department of Corrections;

4 (15) follow any specific instructions provided by the
5 parole agent that are consistent with furthering
6 conditions set and approved by the Prisoner Review Board or
7 by law, ~~exclusive of placement on electronic detention,~~ to
8 achieve the goals and objectives of his or her parole or
9 mandatory supervised release or to protect the public.
10 These instructions by the parole agent may be modified at
11 any time, as the agent deems appropriate;

12 (16) if convicted of a sex offense as defined in
13 subsection (a-5) of Section 3-1-2 of this Code, unless the
14 offender is a parent or guardian of the person under 18
15 years of age present in the home and no non-familial minors
16 are present, not participate in a holiday event involving
17 children under 18 years of age, such as distributing candy
18 or other items to children on Halloween, wearing a Santa
19 Claus costume on or preceding Christmas, being employed as
20 a department store Santa Claus, or wearing an Easter Bunny
21 costume on or preceding Easter; and

22 (17) (blank) ~~if convicted of a violation of an order of~~
23 ~~protection under Section 12-30 of the Criminal Code of~~
24 ~~1961, be placed under electronic surveillance as provided~~
25 ~~in Section 5-8A-7 of this Code.~~

26 (b) The Board may in addition to other conditions require

1 that the subject:

2 (1) work or pursue a course of study or vocational
3 training;

4 (2) undergo medical or psychiatric treatment, or
5 treatment for drug addiction or alcoholism;

6 (3) attend or reside in a facility established for the
7 instruction or residence of persons on probation or parole;

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

11 (7) comply with the terms and conditions of an order of
12 protection issued pursuant to the Illinois Domestic
13 Violence Act of 1986, enacted by the 84th General Assembly,
14 or an order of protection issued by the court of another
15 state, tribe, or United States territory;

16 (7.5) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961, refrain from communicating with or
21 contacting, by means of the Internet, a person who is
22 related to the accused and whom the accused reasonably
23 believes to be under 18 years of age; for purposes of this
24 paragraph (7.5), "Internet" has the meaning ascribed to it
25 in Section 16J-5 of the Criminal Code of 1961; and a person
26 is related to the accused if the person is: (i) the spouse,

1 brother, or sister of the accused; (ii) a descendant of the
2 accused; (iii) a first or second cousin of the accused; or
3 (iv) a step-child or adopted child of the accused;

4 (7.6) if convicted for an offense committed on or after
5 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
6 ~~amendatory Act of the 95th General Assembly~~ that would
7 qualify as a sex offense as defined in the Sex Offender
8 Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent, a law enforcement officer, or assigned computer
16 or information technology specialist, including the
17 retrieval and copying of all data from the computer or
18 device and any internal or external peripherals and
19 removal of such information, equipment, or device to
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent; and

4 (8) in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 or

9 (iv) contribute to his own support at home or in a
10 foster home.

11 (b-1) In addition to the conditions set forth in
12 subsections (a) and (b), persons required to register as sex
13 offenders pursuant to the Sex Offender Registration Act, upon
14 release from the custody of the Illinois Department of
15 Corrections, may be required by the Board to comply with the
16 following specific conditions of release:

17 (1) reside only at a Department approved location;

18 (2) comply with all requirements of the Sex Offender
19 Registration Act;

20 (3) notify third parties of the risks that may be
21 occasioned by his or her criminal record;

22 (4) obtain the approval of an agent of the Department
23 of Corrections prior to accepting employment or pursuing a
24 course of study or vocational training and notify the
25 Department prior to any change in employment, study, or
26 training;

1 (5) not be employed or participate in any volunteer
2 activity that involves contact with children, except under
3 circumstances approved in advance and in writing by an
4 agent of the Department of Corrections;

5 (6) be electronically monitored for a minimum of 12
6 months from the date of release as determined by the Board;

7 (7) refrain from entering into a designated geographic
8 area except upon terms approved in advance by an agent of
9 the Department of Corrections. The terms may include
10 consideration of the purpose of the entry, the time of day,
11 and others accompanying the person;

12 (8) refrain from having any contact, including written
13 or oral communications, directly or indirectly, personally
14 or by telephone, letter, or through a third party with
15 certain specified persons including, but not limited to,
16 the victim or the victim's family without the prior written
17 approval of an agent of the Department of Corrections;

18 (9) refrain from all contact, directly or indirectly,
19 personally, by telephone, letter, or through a third party,
20 with minor children without prior identification and
21 approval of an agent of the Department of Corrections;

22 (10) neither possess or have under his or her control
23 any material that is sexually oriented, sexually
24 stimulating, or that shows male or female sex organs or any
25 pictures depicting children under 18 years of age nude or
26 any written or audio material describing sexual

1 intercourse or that depicts or alludes to sexual activity,
2 including but not limited to visual, auditory, telephonic,
3 or electronic media, or any matter obtained through access
4 to any computer or material linked to computer access use;

5 (11) not patronize any business providing sexually
6 stimulating or sexually oriented entertainment nor utilize
7 "900" or adult telephone numbers;

8 (12) not reside near, visit, or be in or about parks,
9 schools, day care centers, swimming pools, beaches,
10 theaters, or any other places where minor children
11 congregate without advance approval of an agent of the
12 Department of Corrections and immediately report any
13 incidental contact with minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department of Corrections;

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department of
20 Corrections;

21 (15) comply with all other special conditions that the
22 Department may impose that restrict the person from
23 high-risk situations and limit access to potential
24 victims;

25 (16) take an annual polygraph exam;

26 (17) maintain a log of his or her travel; or

1 (18) obtain prior approval of his or her parole officer
2 before driving alone in a motor vehicle.

3 (c) The conditions under which the parole or mandatory
4 supervised release is to be served shall be communicated to the
5 person in writing prior to his release, and he shall sign the
6 same before release. A signed copy of these conditions,
7 including a copy of an order of protection where one had been
8 issued by the criminal court, shall be retained by the person
9 and another copy forwarded to the officer in charge of his
10 supervision.

11 (d) After a hearing under Section 3-3-9, the Prisoner
12 Review Board may modify or enlarge the conditions of parole or
13 mandatory supervised release.

14 (e) The Department shall inform all offenders committed to
15 the Department of the optional services available to them upon
16 release and shall assist inmates in availing themselves of such
17 optional services upon their release on a voluntary basis.

18 (f) When the subject is in compliance with all conditions
19 of his or her parole or mandatory supervised release, the
20 subject shall receive a reduction of the period of his or her
21 parole or mandatory supervised release of 90 days upon passage
22 of the high school level Test of General Educational
23 Development during the period of his or her parole or mandatory
24 supervised release. This reduction in the period of a subject's
25 term of parole or mandatory supervised release shall be
26 available only to subjects who have not previously earned a

1 high school diploma or who have not previously passed the high
2 school level Test of General Educational Development.

3 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
4 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
5 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
6 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

8 Sec. 3-6-3. Rules and Regulations for Early Release.

9 (a) (1) The Department of Corrections shall prescribe
10 rules and regulations for the early release on account of
11 good conduct of persons committed to the Department which
12 shall be subject to review by the Prisoner Review Board.

13 (2) The rules and regulations on early release shall
14 provide, with respect to offenses listed in clause (i),
15 (ii), or (iii) of this paragraph (2) committed on or after
16 June 19, 1998 or with respect to the offense listed in
17 clause (iv) of this paragraph (2) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 with respect to offense listed in clause (vi) committed on
20 or after June 1, 2008 (the effective date of Public Act
21 95-625) or with respect to the offense of being an armed
22 habitual criminal committed on or after August 2, 2005 (the
23 effective date of Public Act 94-398) or with respect to the
24 offenses listed in clause (v) of this paragraph (2)
25 committed on or after August 13, 2007 (the effective date

1 of Public Act 95-134), the following:

2 (i) that a prisoner who is serving a term of
3 imprisonment for first degree murder or for the offense
4 of terrorism shall receive no good conduct credit and
5 shall serve the entire sentence imposed by the court;

6 (ii) that a prisoner serving a sentence for attempt
7 to commit first degree murder, solicitation of murder,
8 solicitation of murder for hire, intentional homicide
9 of an unborn child, predatory criminal sexual assault
10 of a child, aggravated criminal sexual assault,
11 criminal sexual assault, aggravated kidnapping,
12 aggravated battery with a firearm, heinous battery,
13 being an armed habitual criminal, aggravated battery
14 of a senior citizen, or aggravated battery of a child
15 shall receive no more than 4.5 days of good conduct
16 credit for each month of his or her sentence of
17 imprisonment;

18 (iii) that a prisoner serving a sentence for home
19 invasion, armed robbery, aggravated vehicular
20 hijacking, aggravated discharge of a firearm, or armed
21 violence with a category I weapon or category II
22 weapon, when the court has made and entered a finding,
23 pursuant to subsection (c-1) of Section 5-4-1 of this
24 Code, that the conduct leading to conviction for the
25 enumerated offense resulted in great bodily harm to a
26 victim, shall receive no more than 4.5 days of good

1 conduct credit for each month of his or her sentence of
2 imprisonment;

3 (iv) that a prisoner serving a sentence for
4 aggravated discharge of a firearm, whether or not the
5 conduct leading to conviction for the offense resulted
6 in great bodily harm to the victim, shall receive no
7 more than 4.5 days of good conduct credit for each
8 month of his or her sentence of imprisonment;

9 (v) that a person serving a sentence for
10 gunrunning, narcotics racketeering, controlled
11 substance trafficking, methamphetamine trafficking,
12 drug-induced homicide, aggravated
13 methamphetamine-related child endangerment, money
14 laundering pursuant to clause (c) (4) or (5) of Section
15 29B-1 of the Criminal Code of 1961, or a Class X felony
16 conviction for delivery of a controlled substance,
17 possession of a controlled substance with intent to
18 manufacture or deliver, calculated criminal drug
19 conspiracy, criminal drug conspiracy, street gang
20 criminal drug conspiracy, participation in
21 methamphetamine manufacturing, aggravated
22 participation in methamphetamine manufacturing,
23 delivery of methamphetamine, possession with intent to
24 deliver methamphetamine, aggravated delivery of
25 methamphetamine, aggravated possession with intent to
26 deliver methamphetamine, methamphetamine conspiracy

1 when the substance containing the controlled substance
2 or methamphetamine is 100 grams or more shall receive
3 no more than 7.5 days good conduct credit for each
4 month of his or her sentence of imprisonment; and

5 (vi) that a prisoner serving a sentence for a
6 second or subsequent offense of luring a minor shall
7 receive no more than 4.5 days of good conduct credit
8 for each month of his or her sentence of imprisonment.

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2)(i), (ii), or (iii) committed on or after
11 June 19, 1998 or subdivision (a)(2)(iv) committed on or
12 after June 23, 2005 (the effective date of Public Act
13 94-71) or subdivision (a)(2)(v) committed on or after
14 August 13, 2007 (the effective date of Public Act 95-134)
15 or subdivision (a)(2)(vi) committed on or after June 1,
16 2008 (the effective date of Public Act 95-625), and other
17 than the offense of reckless homicide as defined in
18 subsection (e) of Section 9-3 of the Criminal Code of 1961
19 committed on or after January 1, 1999, or aggravated
20 driving under the influence of alcohol, other drug or
21 drugs, or intoxicating compound or compounds, or any
22 combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, the rules and regulations shall
25 provide that a prisoner who is serving a term of
26 imprisonment shall receive one day of good conduct credit

1 for each day of his or her sentence of imprisonment or
2 recommitment under Section 3-3-9. Each day of good conduct
3 credit shall reduce by one day the prisoner's period of
4 imprisonment or recommitment under Section 3-3-9.

5 (2.2) A prisoner serving a term of natural life
6 imprisonment or a prisoner who has been sentenced to death
7 shall receive no good conduct credit.

8 (2.3) The rules and regulations on early release shall
9 provide that a prisoner who is serving a sentence for
10 reckless homicide as defined in subsection (e) of Section
11 9-3 of the Criminal Code of 1961 committed on or after
12 January 1, 1999, or aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound
14 or compounds, or any combination thereof as defined in
15 subparagraph (F) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code, shall receive
17 no more than 4.5 days of good conduct credit for each month
18 of his or her sentence of imprisonment.

19 (2.4) The rules and regulations on early release shall
20 provide with respect to the offenses of aggravated battery
21 with a machine gun or a firearm equipped with any device or
22 attachment designed or used for silencing the report of a
23 firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act

1 91-121), that a prisoner serving a sentence for any of
2 these offenses shall receive no more than 4.5 days of good
3 conduct credit for each month of his or her sentence of
4 imprisonment.

5 (2.5) The rules and regulations on early release shall
6 provide that a prisoner who is serving a sentence for
7 aggravated arson committed on or after July 27, 2001 (the
8 effective date of Public Act 92-176) shall receive no more
9 than 4.5 days of good conduct credit for each month of his
10 or her sentence of imprisonment.

11 (3) The rules and regulations shall also provide that
12 the Director may award up to 180 days additional good
13 conduct credit for meritorious service in specific
14 instances as the Director deems proper; except that no more
15 than 90 days of good conduct credit for meritorious service
16 shall be awarded to any prisoner who is serving a sentence
17 for conviction of first degree murder, reckless homicide
18 while under the influence of alcohol or any other drug, or
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
24 predatory criminal sexual assault of a child, aggravated
25 criminal sexual assault, criminal sexual assault, deviate
26 sexual assault, aggravated criminal sexual abuse,

1 aggravated indecent liberties with a child, indecent
2 liberties with a child, child pornography, heinous
3 battery, aggravated battery of a spouse, aggravated
4 battery of a spouse with a firearm, stalking, aggravated
5 stalking, aggravated battery of a child, endangering the
6 life or health of a child, or cruelty to a child.
7 Notwithstanding the foregoing, good conduct credit for
8 meritorious service shall not be awarded on a sentence of
9 imprisonment imposed for conviction of: (i) one of the
10 offenses enumerated in subdivision (a)(2)(i), (ii), or
11 (iii) when the offense is committed on or after June 19,
12 1998 or subdivision (a)(2)(iv) when the offense is
13 committed on or after June 23, 2005 (the effective date of
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense
15 is committed on or after August 13, 2007 (the effective
16 date of Public Act 95-134) or subdivision (a)(2)(vi) when
17 the offense is committed on or after June 1, 2008 (the
18 effective date of Public Act 95-625), (ii) reckless
19 homicide as defined in subsection (e) of Section 9-3 of the
20 Criminal Code of 1961 when the offense is committed on or
21 after January 1, 1999, or aggravated driving under the
22 influence of alcohol, other drug or drugs, or intoxicating
23 compound or compounds, or any combination thereof as
24 defined in subparagraph (F) of paragraph (1) of subsection
25 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
26 one of the offenses enumerated in subdivision (a)(2.4) when

1 the offense is committed on or after July 15, 1999 (the
2 effective date of Public Act 91-121), or (iv) aggravated
3 arson when the offense is committed on or after July 27,
4 2001 (the effective date of Public Act 92-176).

5 (4) The rules and regulations shall also provide that
6 the good conduct credit accumulated and retained under
7 paragraph (2.1) of subsection (a) of this Section by any
8 inmate during specific periods of time in which such inmate
9 is engaged full-time in substance abuse programs,
10 correctional industry assignments, or educational programs
11 provided by the Department under this paragraph (4) and
12 satisfactorily completes the assigned program as
13 determined by the standards of the Department, shall be
14 multiplied by a factor of 1.25 for program participation
15 before August 11, 1993 and 1.50 for program participation
16 on or after that date. However, no inmate shall be eligible
17 for the additional good conduct credit under this paragraph
18 (4) or (4.1) of this subsection (a) while assigned to a
19 boot camp ~~or electronic detention~~, or if convicted of an
20 offense enumerated in subdivision (a)(2)(i), (ii), or
21 (iii) of this Section that is committed on or after June
22 19, 1998 or subdivision (a)(2)(iv) of this Section that is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) or subdivision (a)(2)(v) of this Section
25 that is committed on or after August 13, 2007 (the
26 effective date of Public Act 95-134) or subdivision

1 (a)(2)(vi) when the offense is committed on or after June
2 1, 2008 (the effective date of Public Act 95-625), or if
3 convicted of reckless homicide as defined in subsection (e)
4 of Section 9-3 of the Criminal Code of 1961 if the offense
5 is committed on or after January 1, 1999, or aggravated
6 driving under the influence of alcohol, other drug or
7 drugs, or intoxicating compound or compounds, or any
8 combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, or if convicted of an offense
11 enumerated in paragraph (a)(2.4) of this Section that is
12 committed on or after July 15, 1999 (the effective date of
13 Public Act 91-121), or first degree murder, a Class X
14 felony, criminal sexual assault, felony criminal sexual
15 abuse, aggravated criminal sexual abuse, aggravated
16 battery with a firearm, or any predecessor or successor
17 offenses with the same or substantially the same elements,
18 or any inchoate offenses relating to the foregoing
19 offenses. No inmate shall be eligible for the additional
20 good conduct credit under this paragraph (4) who (i) has
21 previously received increased good conduct credit under
22 this paragraph (4) and has subsequently been convicted of a
23 felony, or (ii) has previously served more than one prior
24 sentence of imprisonment for a felony in an adult
25 correctional facility.

26 Educational, vocational, substance abuse and

1 correctional industry programs under which good conduct
2 credit may be increased under this paragraph (4) and
3 paragraph (4.1) of this subsection (a) shall be evaluated
4 by the Department on the basis of documented standards. The
5 Department shall report the results of these evaluations to
6 the Governor and the General Assembly by September 30th of
7 each year. The reports shall include data relating to the
8 recidivism rate among program participants.

9 Availability of these programs shall be subject to the
10 limits of fiscal resources appropriated by the General
11 Assembly for these purposes. Eligible inmates who are
12 denied immediate admission shall be placed on a waiting
13 list under criteria established by the Department. The
14 inability of any inmate to become engaged in any such
15 programs by reason of insufficient program resources or for
16 any other reason established under the rules and
17 regulations of the Department shall not be deemed a cause
18 of action under which the Department or any employee or
19 agent of the Department shall be liable for damages to the
20 inmate.

21 (4.1) The rules and regulations shall also provide that
22 an additional 60 days of good conduct credit shall be
23 awarded to any prisoner who passes the high school level
24 Test of General Educational Development (GED) while the
25 prisoner is incarcerated. The good conduct credit awarded
26 under this paragraph (4.1) shall be in addition to, and

1 shall not affect, the award of good conduct under any other
2 paragraph of this Section, but shall also be pursuant to
3 the guidelines and restrictions set forth in paragraph (4)
4 of subsection (a) of this Section. The good conduct credit
5 provided for in this paragraph shall be available only to
6 those prisoners who have not previously earned a high
7 school diploma or a GED. If, after an award of the GED good
8 conduct credit has been made and the Department determines
9 that the prisoner was not eligible, then the award shall be
10 revoked.

11 (4.5) The rules and regulations on early release shall
12 also provide that when the court's sentencing order
13 recommends a prisoner for substance abuse treatment and the
14 crime was committed on or after September 1, 2003 (the
15 effective date of Public Act 93-354), the prisoner shall
16 receive no good conduct credit awarded under clause (3) of
17 this subsection (a) unless he or she participates in and
18 completes a substance abuse treatment program. The
19 Director may waive the requirement to participate in or
20 complete a substance abuse treatment program and award the
21 good conduct credit in specific instances if the prisoner
22 is not a good candidate for a substance abuse treatment
23 program for medical, programming, or operational reasons.
24 Availability of substance abuse treatment shall be subject
25 to the limits of fiscal resources appropriated by the
26 General Assembly for these purposes. If treatment is not

1 available and the requirement to participate and complete
2 the treatment has not been waived by the Director, the
3 prisoner shall be placed on a waiting list under criteria
4 established by the Department. The Director may allow a
5 prisoner placed on a waiting list to participate in and
6 complete a substance abuse education class or attend
7 substance abuse self-help meetings in lieu of a substance
8 abuse treatment program. A prisoner on a waiting list who
9 is not placed in a substance abuse program prior to release
10 may be eligible for a waiver and receive good conduct
11 credit under clause (3) of this subsection (a) at the
12 discretion of the Director.

13 (4.6) The rules and regulations on early release shall
14 also provide that a prisoner who has been convicted of a
15 sex offense as defined in Section 2 of the Sex Offender
16 Registration Act shall receive no good conduct credit
17 unless he or she either has successfully completed or is
18 participating in sex offender treatment as defined by the
19 Sex Offender Management Board. However, prisoners who are
20 waiting to receive such treatment, but who are unable to do
21 so due solely to the lack of resources on the part of the
22 Department, may, at the Director's sole discretion, be
23 awarded good conduct credit at such rate as the Director
24 shall determine.

25 (5) Whenever the Department is to release any inmate
26 earlier than it otherwise would because of a grant of good

1 conduct credit for meritorious service given at any time
2 during the term, the Department shall give reasonable
3 advance notice of the impending release to the State's
4 Attorney of the county where the prosecution of the inmate
5 took place.

6 (b) Whenever a person is or has been committed under
7 several convictions, with separate sentences, the sentences
8 shall be construed under Section 5-8-4 in granting and
9 forfeiting of good time.

10 (c) The Department shall prescribe rules and regulations
11 for revoking good conduct credit, or suspending or reducing the
12 rate of accumulation of good conduct credit for specific rule
13 violations, during imprisonment. These rules and regulations
14 shall provide that no inmate may be penalized more than one
15 year of good conduct credit for any one infraction.

16 When the Department seeks to revoke, suspend or reduce the
17 rate of accumulation of any good conduct credits for an alleged
18 infraction of its rules, it shall bring charges therefor
19 against the prisoner sought to be so deprived of good conduct
20 credits before the Prisoner Review Board as provided in
21 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
22 amount of credit at issue exceeds 30 days or when during any 12
23 month period, the cumulative amount of credit revoked exceeds
24 30 days except where the infraction is committed or discovered
25 within 60 days of scheduled release. In those cases, the
26 Department of Corrections may revoke up to 30 days of good

1 conduct credit. The Board may subsequently approve the
2 revocation of additional good conduct credit, if the Department
3 seeks to revoke good conduct credit in excess of 30 days.
4 However, the Board shall not be empowered to review the
5 Department's decision with respect to the loss of 30 days of
6 good conduct credit within any calendar year for any prisoner
7 or to increase any penalty beyond the length requested by the
8 Department.

9 The Director of the Department of Corrections, in
10 appropriate cases, may restore up to 30 days good conduct
11 credits which have been revoked, suspended or reduced. Any
12 restoration of good conduct credits in excess of 30 days shall
13 be subject to review by the Prisoner Review Board. However, the
14 Board may not restore good conduct credit in excess of the
15 amount requested by the Director.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of good conduct credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of good conduct credit by
2 bringing charges against the prisoner sought to be deprived of
3 the good conduct credits before the Prisoner Review Board as
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
5 If the prisoner has not accumulated 180 days of good conduct
6 credit at the time of the finding, then the Prisoner Review
7 Board may revoke all good conduct credit accumulated by the
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or other
11 filing which purports to be a legal document filed by a
12 prisoner in his or her lawsuit meets any or all of the
13 following criteria:

14 (A) it lacks an arguable basis either in law or in
15 fact;

16 (B) it is being presented for any improper purpose,
17 such as to harass or to cause unnecessary delay or
18 needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal
20 contentions therein are not warranted by existing law
21 or by a nonfrivolous argument for the extension,
22 modification, or reversal of existing law or the
23 establishment of new law;

24 (D) the allegations and other factual contentions
25 do not have evidentiary support or, if specifically so
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further
2 investigation or discovery; or

3 (E) the denials of factual contentions are not
4 warranted on the evidence, or if specifically so
5 identified, are not reasonably based on a lack of
6 information or belief.

7 (2) "Lawsuit" means a motion pursuant to Section 116-3
8 of the Code of Criminal Procedure of 1963, a habeas corpus
9 action under Article X of the Code of Civil Procedure or
10 under federal law (28 U.S.C. 2254), a petition for claim
11 under the Court of Claims Act, an action under the federal
12 Civil Rights Act (42 U.S.C. 1983), or a second or
13 subsequent petition for post-conviction relief under
14 Article 122 of the Code of Criminal Procedure of 1963
15 whether filed with or without leave of court or a second or
16 subsequent petition for relief from judgment under Section
17 2-1401 of the Code of Civil Procedure.

18 (e) Nothing in Public Act 90-592 or 90-593 affects the
19 validity of Public Act 89-404.

20 (f) (Blank) ~~Whenever the Department is to release any~~
21 ~~inmate who has been convicted of a violation of an order of~~
22 ~~protection under Section 12-30 of the Criminal Code of 1961,~~
23 ~~earlier than it otherwise would because of a grant of good~~
24 ~~conduct credit, the Department, as a condition of such early~~
25 ~~release, shall require that the person, upon release, be placed~~
26 ~~under electronic surveillance as provided in Section 5-8A-7 of~~

1 ~~this Code.~~

2 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,
3 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,
4 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,
5 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
6 eff. 8-21-08.)

7 (730 ILCS 5/3-6-4) (from Ch. 38, par. 1003-6-4)

8 Sec. 3-6-4. Enforcement of Discipline - Escape.

9 (a) A committed person who escapes or attempts to escape
10 from an institution or facility of the Adult Division, or
11 escapes or attempts to escape while in the custody of an
12 employee of the Adult Division, or holds or participates in the
13 holding of any person as a hostage by force, threat or
14 violence, or while participating in any disturbance,
15 demonstration or riot, causes, directs or participates in the
16 destruction of any property is guilty of a Class 2 felony. A
17 committed person who fails to return from furlough authorized
18 before the effective date of this amendatory Act of the 96th
19 General Assembly or from work and day release is guilty of a
20 Class 3 felony.

21 (b) If one or more committed persons injures or attempts to
22 injure in a violent manner any employee, officer, guard, other
23 peace officer or any other committed person or damages or
24 attempts to damage any building or workshop, or any
25 appurtenances thereof, or attempts to escape, or disobeys or

1 resists any lawful command, the employees, officers, guards and
2 other peace officers shall use all suitable means to defend
3 themselves, to enforce the observance of discipline, to secure
4 the persons of the offenders, and prevent such attempted
5 violence or escape; and said employees, officers, guards, or
6 other peace officers, or any of them, shall, in the attempt to
7 prevent the escape of any such person, or in attempting to
8 retake any such person who has escaped, or in attempting to
9 prevent or suppress violence by a committed person against
10 another person, a riot, revolt, mutiny or insurrection, be
11 justified in the use of force, including force likely to cause
12 death or great bodily harm under Section 7-8 of the Criminal
13 Code of 1961 which he reasonably believed necessary.

14 As used in this Section, "committed person" includes a
15 person held in detention in a secure facility or committed as a
16 sexually violent person and held in a secure facility under the
17 Sexually Violent Persons Commitment Act; and "peace officer"
18 means any officer or member of any duly organized State, county
19 or municipal police unit or police force.

20 (c) The Department shall establish procedures to provide
21 immediate notification of the escape of any person, as defined
22 in subsection (a) of this Section, to the persons specified in
23 subsection (c) of Section 3-14-1 of this Code.

24 (Source: P.A. 90-793, eff. 8-14-98; 91-695, eff. 4-13-00.)

25 (730 ILCS 5/Ch. III Art. 11 heading)

1 ARTICLE 11. FURLOUGHS ELIMINATED

2 (730 ILCS 5/3-11-1) (from Ch. 38, par. 1003-11-1)

3 Sec. 3-11-1. Furloughs eliminated. On and after the
4 effective date of this amendatory Act of the 96th General
5 Assembly, the Department may not grant furloughs to any
6 committed person and any committed person on furlough on the
7 effective of this amendatory Act shall be reconfined to the
8 Department facility from which he or she was furloughed.

9 ~~(a) The Department may extend the limits of the place of~~
10 ~~confinement of a committed person under prescribed conditions,~~
11 ~~so that he may leave such place on a furlough. Whether or not~~
12 ~~such person is to be accompanied on furlough shall be~~
13 ~~determined by the chief administrative officer. The Department~~
14 ~~may make an appropriate charge for the necessary expenses of~~
15 ~~accompanying a person on furlough. Such furloughs may be~~
16 ~~granted for a period of time not to exceed 14 days, for any of~~
17 ~~the following purposes:~~

18 ~~(1) to visit a spouse, child (including a stepchild or~~
19 ~~adopted child), parent (including a stepparent or foster~~
20 ~~parent), grandparent (including stepgrandparent) or~~
21 ~~brother or sister who is seriously ill or to attend the~~
22 ~~funeral of any such person; or~~

23 ~~(2) to obtain medical, psychiatric or psychological~~
24 ~~services when adequate services are not otherwise~~
25 ~~available; or~~

1 ~~(3) to make contacts for employment; or~~

2 ~~(4) to secure a residence upon release on parole or~~
3 ~~discharge; or~~

4 ~~(5) to visit such person's family; or~~

5 ~~(6) to appear before various educational panels, study~~
6 ~~groups, educational units, and other groups whose purpose~~
7 ~~is obtaining an understanding of the results, causes and~~
8 ~~prevention of crime and criminality, including appearances~~
9 ~~on television and radio programs.~~

10 ~~(b) Furloughs may be granted for any period of time under~~
11 ~~Section 2605-525 of the Department of State Police Law (20 ILCS~~
12 ~~2605/2605-525).~~

13 ~~(c) In any case where the person furloughed is not to be~~
14 ~~accompanied on furlough, the Department of Corrections shall~~
15 ~~give prior notice of the intended furlough to the State's~~
16 ~~Attorney of the county from which the offender was sentenced~~
17 ~~originally, the State's Attorney of the county where the~~
18 ~~furlough is to occur, and to the Sheriff of the county where~~
19 ~~the furlough is to occur. Said prior notice is to be in writing~~
20 ~~except in situations where the reason for the furlough is of~~
21 ~~such an emergency nature that previous written notice would not~~
22 ~~be possible. In such cases, oral notice of the furlough shall~~
23 ~~occur.~~

24 (Source: P.A. 91-239, eff. 1-1-00.)

25 (730 ILCS 5/5-4.5-20)

1 (This Section may contain text from a Public Act with a
2 delayed effective date)

3 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
4 degree murder:

5 (a) TERM. The defendant shall be sentenced to imprisonment
6 or, if appropriate, death under Section 9-1 of the Criminal
7 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
8 determinate term of (1) not less than 20 years and not more
9 than 60 years; (2) not less than 60 years and not more than 100
10 years when an extended term is imposed under Section 5-8-2 (730
11 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
12 (730 ILCS 5/5-8-1).

13 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
14 shall not be imposed.

15 (c) IMPACT INCARCERATION. The impact incarceration program
16 or the county impact incarceration program is not an authorized
17 disposition.

18 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
19 probation or conditional discharge shall not be imposed.

20 (e) FINE. Fines may be imposed as provided in Section
21 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730
26 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

1 (h) DRUG COURT. Drug court is not an authorized
2 disposition.

3 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
4 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time~~
5 ~~spent in home detention prior to judgment.~~

6 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
7 ILCS 5/3-6-3) for rules and regulations for early release based
8 on good conduct.

9 (k) (Blank). ~~ELECTRONIC HOME DETENTION. Electronic home~~
10 ~~detention is not an authorized disposition, except in limited~~
11 ~~circumstances as provided in Section 5-8A-3 (730 ILCS~~
12 ~~5/5-8A-3).~~

13 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
14 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
15 mandatory supervised release term shall be 3 years upon release
16 from imprisonment.

17 (Source: P.A. 95-1052, eff. 7-1-09.)

18 (730 ILCS 5/5-4.5-25)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
22 felony:

23 (a) TERM. The sentence of imprisonment shall be a
24 determinate sentence of not less than 6 years and not more than
25 30 years. The sentence of imprisonment for an extended term

1 Class X felony, as provided in Section 5-8-2 (730 ILCS
2 5/5-8-2), shall be not less than 30 years and not more than 60
3 years.

4 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
5 shall not be imposed.

6 (c) IMPACT INCARCERATION. The impact incarceration program
7 or the county impact incarceration program is not an authorized
8 disposition.

9 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
10 probation or conditional discharge shall not be imposed.

11 (e) FINE. Fines may be imposed as provided in Section
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
16 be concurrent or consecutive as provided in Section 5-8-4 (730
17 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

18 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
19 Act (730 ILCS 166/20) concerning eligibility for a drug court
20 program.

21 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
22 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning no credit for time~~
23 ~~spent in home detention prior to judgment.~~

24 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
25 ILCS 5/3-6-3) for rules and regulations for early release based
26 on good conduct.

1 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
2 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
3 ~~detention.~~

4 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
6 5/5-8-1), the parole or mandatory supervised release term shall
7 be 3 years upon release from imprisonment.

8 (Source: P.A. 95-1052, eff. 7-1-09.)

9 (730 ILCS 5/5-4.5-30)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
13 felony:

14 (a) TERM. The sentence of imprisonment, other than for
15 second degree murder, shall be a determinate sentence of not
16 less than 4 years and not more than 15 years. The sentence of
17 imprisonment for second degree murder shall be a determinate
18 sentence of not less than 4 years and not more than 20 years.
19 The sentence of imprisonment for an extended term Class 1
20 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
21 be a term not less than 15 years and not more than 30 years.

22 (b) PERIODIC IMPRISONMENT. A sentence of periodic
23 imprisonment shall be for a definite term of from 3 to 4 years,
24 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
25 ILCS 5/5-5-3 or 5/5-7-1).

1 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
3 the impact incarceration program or the county impact
4 incarceration program.

5 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
6 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
7 period of probation or conditional discharge shall not exceed 4
8 years. The court shall specify the conditions of probation or
9 conditional discharge as set forth in Section 5-6-3 (730 ILCS
10 5/5-6-3). In no case shall an offender be eligible for a
11 disposition of probation or conditional discharge for a Class 1
12 felony committed while he or she was serving a term of
13 probation or conditional discharge for a felony.

14 (e) FINE. Fines may be imposed as provided in Section
15 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
25 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
26 ~~spent in home detention prior to judgment.~~

1 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
2 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
3 Allowance Act (730 ILCS 130/) for rules and regulations for
4 early release based on good conduct.

5 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
6 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
7 ~~detention.~~

8 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
9 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
10 5/5-8-1), the parole or mandatory supervised release term shall
11 be 2 years upon release from imprisonment.

12 (Source: P.A. 95-1052, eff. 7-1-09.)

13 (730 ILCS 5/5-4.5-35)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
17 felony:

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of not less than 3 years and not more than
20 7 years. The sentence of imprisonment for an extended term
21 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
22 5/5-8-2), shall be a term not less than 7 years and not more
23 than 14 years.

24 (b) PERIODIC IMPRISONMENT. A sentence of periodic
25 imprisonment shall be for a definite term of from 18 to 30

1 months, except as otherwise provided in Section 5-5-3 or 5-7-1
2 (730 ILCS 5/5-5-3 or 5/5-7-1).

3 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
4 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
5 the impact incarceration program or the county impact
6 incarceration program.

7 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
8 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
9 period of probation or conditional discharge shall not exceed 4
10 years. The court shall specify the conditions of probation or
11 conditional discharge as set forth in Section 5-6-3 (730 ILCS
12 5/5-6-3).

13 (e) FINE. Fines may be imposed as provided in Section
14 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

15 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
16 concerning restitution.

17 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
18 be concurrent or consecutive as provided in Section 5-8-4 (730
19 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

20 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
21 Act (730 ILCS 166/20) concerning eligibility for a drug court
22 program.

23 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
24 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
25 ~~spent in home detention prior to judgment.~~

26 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this

1 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
2 Allowance Act (730 ILCS 130/) for rules and regulations for
3 early release based on good conduct.

4 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
5 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
6 ~~detention.~~

7 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
8 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
9 5/5-8-1), the parole or mandatory supervised release term shall
10 be 2 years upon release from imprisonment.

11 (Source: P.A. 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-4.5-40)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
16 felony:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not less than 2 years and not more than
19 5 years. The sentence of imprisonment for an extended term
20 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
21 5/5-8-2), shall be a term not less than 5 years and not more
22 than 10 years.

23 (b) PERIODIC IMPRISONMENT. A sentence of periodic
24 imprisonment shall be for a definite term of up to 18 months,
25 except as otherwise provided in Section 5-5-3 or 5-7-1 (730

1 ILCS 5/5-5-3 or 5/5-7-1).

2 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
3 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
4 the impact incarceration program or the county impact
5 incarceration program.

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
8 period of probation or conditional discharge shall not exceed
9 30 months. The court shall specify the conditions of probation
10 or conditional discharge as set forth in Section 5-6-3 (730
11 ILCS 5/5-6-3).

12 (e) FINE. Fines may be imposed as provided in Section
13 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

14 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
15 concerning restitution.

16 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
17 be concurrent or consecutive as provided in Section 5-8-4 (730
18 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

19 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
20 Act (730 ILCS 166/20) concerning eligibility for a drug court
21 program.

22 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
23 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
24 ~~spent in home detention prior to judgment.~~

25 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
26 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior

1 Allowance Act (730 ILCS 130/) for rules and regulations for
2 early release based on good conduct.

3 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
4 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
5 ~~detention.~~

6 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
7 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
8 5/5-8-1), the parole or mandatory supervised release term shall
9 be one year upon release from imprisonment.

10 (Source: P.A. 95-1052, eff. 7-1-09.)

11 (730 ILCS 5/5-4.5-45)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
15 felony:

16 (a) TERM. The sentence of imprisonment shall be a
17 determinate sentence of not less than one year and not more
18 than 3 years. The sentence of imprisonment for an extended term
19 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
20 5/5-8-2), shall be a term not less than 3 years and not more
21 than 6 years.

22 (b) PERIODIC IMPRISONMENT. A sentence of periodic
23 imprisonment shall be for a definite term of up to 18 months,
24 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
25 ILCS 5/5-5-3 or 5/5-7-1).

1 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
2 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
3 the impact incarceration program or the county impact
4 incarceration program.

5 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
6 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
7 period of probation or conditional discharge shall not exceed
8 30 months. The court shall specify the conditions of probation
9 or conditional discharge as set forth in Section 5-6-3 (730
10 ILCS 5/5-6-3).

11 (e) FINE. Fines may be imposed as provided in Section
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
16 be concurrent or consecutive as provided in Section 5-8-4 (730
17 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

18 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
19 Act (730 ILCS 166/20) concerning eligibility for a drug court
20 program.

21 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
22 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
23 ~~spent in home detention prior to judgment.~~

24 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
25 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
26 Allowance Act (730 ILCS 130/) for rules and regulations for

1 early release based on good conduct.

2 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
3 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
4 ~~detention.~~

5 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
6 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
7 5/5-8-1), the parole or mandatory supervised release term shall
8 be one year upon release from imprisonment.

9 (Source: P.A. 95-1052, eff. 7-1-09.)

10 (730 ILCS 5/5-4.5-55)

11 (This Section may contain text from a Public Act with a
12 delayed effective date)

13 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
14 A misdemeanor:

15 (a) TERM. The sentence of imprisonment shall be a
16 determinate sentence of less than one year.

17 (b) PERIODIC IMPRISONMENT. A sentence of periodic
18 imprisonment shall be for a definite term of less than one
19 year, except as otherwise provided in Section 5-5-3 or 5-7-1
20 (730 ILCS 5/5-5-3 or 5/5-7-1).

21 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
22 5/5-8-1.2) concerning eligibility for the county impact
23 incarceration program.

24 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
25 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the

1 period of probation or conditional discharge shall not exceed 2
2 years. The court shall specify the conditions of probation or
3 conditional discharge as set forth in Section 5-6-3 (730 ILCS
4 5/5-6-3).

5 (e) FINE. A fine not to exceed \$2,500 for each offense or
6 the amount specified in the offense, whichever is greater, may
7 be imposed. A fine may be imposed in addition to a sentence of
8 conditional discharge, probation, periodic imprisonment, or
9 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
10 Art. 9) for imposition of additional amounts and determination
11 of amounts and payment.

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
21 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
22 ~~spent in home detention prior to judgment.~~

23 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
24 Behavior Allowance Act (730 ILCS 130/) for rules and
25 regulations for early release based on good conduct.

26 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~

1 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
2 ~~detention.~~

3 (Source: P.A. 95-1052, eff. 7-1-09.)

4 (730 ILCS 5/5-4.5-60)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
8 B misdemeanor:

9 (a) TERM. The sentence of imprisonment shall be a
10 determinate sentence of not more than 6 months.

11 (b) PERIODIC IMPRISONMENT. A sentence of periodic
12 imprisonment shall be for a definite term of up to 6 months or
13 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
15 5/5-8-1.2) concerning eligibility for the county impact
16 incarceration program.

17 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
18 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
19 conditional discharge shall not exceed 2 years. The court shall
20 specify the conditions of probation or conditional discharge as
21 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

22 (e) FINE. A fine not to exceed \$1,500 for each offense or
23 the amount specified in the offense, whichever is greater, may
24 be imposed. A fine may be imposed in addition to a sentence of
25 conditional discharge, probation, periodic imprisonment, or

1 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
2 Art. 9) for imposition of additional amounts and determination
3 of amounts and payment.

4 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
5 concerning restitution.

6 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
7 be concurrent or consecutive as provided in Section 5-8-4 (730
8 ILCS 5/5-8-4).

9 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
10 Act (730 ILCS 166/20) concerning eligibility for a drug court
11 program.

12 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
13 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
14 ~~spent in home detention prior to judgment.~~

15 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
16 Behavior Allowance Act (730 ILCS 130/) for rules and
17 regulations for early release based on good conduct.

18 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
19 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
20 ~~detention.~~

21 (Source: P.A. 95-1052, eff. 7-1-09.)

22 (730 ILCS 5/5-4.5-65)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

25 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class

1 C misdemeanor:

2 (a) TERM. The sentence of imprisonment shall be a
3 determinate sentence of not more than 30 days.

4 (b) PERIODIC IMPRISONMENT. A sentence of periodic
5 imprisonment shall be for a definite term of up to 30 days or
6 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

7 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
8 5/5-8-1.2) concerning eligibility for the county impact
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
11 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
12 conditional discharge shall not exceed 2 years. The court shall
13 specify the conditions of probation or conditional discharge as
14 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

15 (e) FINE. A fine not to exceed \$1,500 for each offense or
16 the amount specified in the offense, whichever is greater, may
17 be imposed. A fine may be imposed in addition to a sentence of
18 conditional discharge, probation, periodic imprisonment, or
19 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
20 Art. 9) for imposition of additional amounts and determination
21 of amounts and payment.

22 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
23 concerning restitution.

24 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
25 be concurrent or consecutive as provided in Section 5-8-4 (730
26 ILCS 5/5-8-4).

1 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
2 Act (730 ILCS 166/20) concerning eligibility for a drug court
3 program.

4 (i) (Blank). ~~CREDIT FOR HOME DETENTION. See Section~~
5 ~~5-4.5-100 (730 ILCS 5/5-4.5-100) concerning credit for time~~
6 ~~spent in home detention prior to judgment.~~

7 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
8 Behavior Allowance Act (730 ILCS 130/) for rules and
9 regulations for early release based on good conduct.

10 (k) (Blank). ~~ELECTRONIC HOME DETENTION. See Section 5-8A-3~~
11 ~~(730 ILCS 5/5-8A-3) concerning eligibility for electronic home~~
12 ~~detention.~~

13 (Source: P.A. 95-1052, eff. 7-1-09.)

14 (730 ILCS 5/5-4.5-100)

15 (This Section may contain text from a Public Act with a
16 delayed effective date)

17 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

18 (a) COMMENCEMENT. A sentence of imprisonment shall
19 commence on the date on which the offender is received by the
20 Department or the institution at which the sentence is to be
21 served.

22 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. The offender
23 shall be given credit on the determinate sentence or maximum
24 term and the minimum period of imprisonment for time spent in
25 custody as a result of the offense for which the sentence was

1 imposed, at the rate specified in Section 3-6-3 (730 ILCS
2 5/3-6-3). Except when prohibited by subsection (d), the trial
3 court may give credit to the defendant for time spent in home
4 detention, or when the defendant has been confined for
5 psychiatric or substance abuse treatment prior to judgment, if
6 the court finds that the detention or confinement was
7 custodial.

8 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
9 arrested on one charge and prosecuted on another charge for
10 conduct that occurred prior to his or her arrest shall be given
11 credit on the determinate sentence or maximum term and the
12 minimum term of imprisonment for time spent in custody under
13 the former charge not credited against another sentence.

14 (d) (Blank) ~~NO CREDIT; SOME HOME DETENTION. An offender~~
15 ~~sentenced to a term of imprisonment for an offense listed in~~
16 ~~paragraph (2) of subsection (c) of Section 5-5-3 (730 ILCS~~
17 ~~5/5-5-3) or in paragraph (3) of subsection (c 1) of Section~~
18 ~~11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) shall~~
19 ~~not receive credit for time spent in home detention prior to~~
20 ~~judgment.~~

21 (Source: P.A. 95-1052, eff. 7-1-09.)

22 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

23 (Text of Section after amendment by P.A. 95-983)

24 Sec. 5-6-3. Conditions of Probation and of Conditional
25 Discharge.

1 (a) The conditions of probation and of conditional
2 discharge shall be that the person:

3 (1) not violate any criminal statute of any
4 jurisdiction;

5 (2) report to or appear in person before such person or
6 agency as directed by the court;

7 (3) refrain from possessing a firearm or other
8 dangerous weapon;

9 (4) not leave the State without the consent of the
10 court or, in circumstances in which the reason for the
11 absence is of such an emergency nature that prior consent
12 by the court is not possible, without the prior
13 notification and approval of the person's probation
14 officer. Transfer of a person's probation or conditional
15 discharge supervision to another state is subject to
16 acceptance by the other state pursuant to the Interstate
17 Compact for Adult Offender Supervision;

18 (5) permit the probation officer to visit him at his
19 home or elsewhere to the extent necessary to discharge his
20 duties;

21 (6) perform no less than 30 hours of community service
22 and not more than 120 hours of community service, if
23 community service is available in the jurisdiction and is
24 funded and approved by the county board where the offense
25 was committed, where the offense was related to or in
26 furtherance of the criminal activities of an organized gang

1 and was motivated by the offender's membership in or
2 allegiance to an organized gang. The community service
3 shall include, but not be limited to, the cleanup and
4 repair of any damage caused by a violation of Section
5 21-1.3 of the Criminal Code of 1961 and similar damage to
6 property located within the municipality or county in which
7 the violation occurred. When possible and reasonable, the
8 community service should be performed in the offender's
9 neighborhood. For purposes of this Section, "organized
10 gang" has the meaning ascribed to it in Section 10 of the
11 Illinois Streetgang Terrorism Omnibus Prevention Act;

12 (7) if he or she is at least 17 years of age and has
13 been sentenced to probation or conditional discharge for a
14 misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and has not been previously convicted of a
16 misdemeanor or felony, may be required by the sentencing
17 court to attend educational courses designed to prepare the
18 defendant for a high school diploma and to work toward a
19 high school diploma or to work toward passing the high
20 school level Test of General Educational Development (GED)
21 or to work toward completing a vocational training program
22 approved by the court. The person on probation or
23 conditional discharge must attend a public institution of
24 education to obtain the educational or vocational training
25 required by this clause (7). The court shall revoke the
26 probation or conditional discharge of a person who wilfully

1 fails to comply with this clause (7). The person on
2 probation or conditional discharge shall be required to pay
3 for the cost of the educational courses or GED test, if a
4 fee is charged for those courses or test. The court shall
5 resentence the offender whose probation or conditional
6 discharge has been revoked as provided in Section 5-6-4.
7 This clause (7) does not apply to a person who has a high
8 school diploma or has successfully passed the GED test.
9 This clause (7) does not apply to a person who is
10 determined by the court to be developmentally disabled or
11 otherwise mentally incapable of completing the educational
12 or vocational program;

13 (8) if convicted of possession of a substance
14 prohibited by the Cannabis Control Act, the Illinois
15 Controlled Substances Act, or the Methamphetamine Control
16 and Community Protection Act after a previous conviction or
17 disposition of supervision for possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act or after a sentence of probation
20 under Section 10 of the Cannabis Control Act, Section 410
21 of the Illinois Controlled Substances Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act
23 and upon a finding by the court that the person is
24 addicted, undergo treatment at a substance abuse program
25 approved by the court;

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall
2 undergo and successfully complete sex offender treatment
3 by a treatment provider approved by the Board and conducted
4 in conformance with the standards developed under the Sex
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders;

17 (8.7) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
19 ~~amendatory Act of the 95th General Assembly~~ that would
20 qualify the accused as a child sex offender as defined in
21 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
22 refrain from communicating with or contacting, by means of
23 the Internet, a person who is not related to the accused
24 and whom the accused reasonably believes to be under 18
25 years of age; for purposes of this paragraph (8.7),
26 "Internet" has the meaning ascribed to it in Section 16J-5

1 of the Criminal Code of 1961; and a person is not related
2 to the accused if the person is not: (i) the spouse,
3 brother, or sister of the accused; (ii) a descendant of the
4 accused; (iii) a first or second cousin of the accused; or
5 (iv) a step-child or adopted child of the accused;

6 (8.8) if convicted for an offense under Section 11-6,
7 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
8 Code of 1961, or any attempt to commit any of these
9 offenses, committed on or after June 1, 2009 (the effective
10 date of Public Act 95-983) ~~this amendatory Act of the 95th~~
11 ~~General Assembly:~~

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the offender's probation officer,
15 except in connection with the offender's employment or
16 search for employment with the prior approval of the
17 offender's probation officer;

18 (ii) submit to periodic unannounced examinations
19 of the offender's computer or any other device with
20 Internet capability by the offender's probation
21 officer, a law enforcement officer, or assigned
22 computer or information technology specialist,
23 including the retrieval and copying of all data from
24 the computer or device and any internal or external
25 peripherals and removal of such information,
26 equipment, or device to conduct a more thorough

1 inspection;

2 (iii) submit to the installation on the offender's
3 computer or device with Internet capability, at the
4 offender's expense, of one or more hardware or software
5 systems to monitor the Internet use; and

6 (iv) submit to any other appropriate restrictions
7 concerning the offender's use of or access to a
8 computer or any other device with Internet capability
9 imposed by the offender's probation officer;

10 (9) if convicted of a felony, physically surrender at a
11 time and place designated by the court, his or her Firearm
12 Owner's Identification Card and any and all firearms in his
13 or her possession; and

14 (10) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial minors
18 are present, not participate in a holiday event involving
19 children under 18 years of age, such as distributing candy
20 or other items to children on Halloween, wearing a Santa
21 Claus costume on or preceding Christmas, being employed as
22 a department store Santa Claus, or wearing an Easter Bunny
23 costume on or preceding Easter.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under Article
4 7 for a period not to exceed that specified in paragraph
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of
3 this Code;

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or
18 the Probation or Court Services Department, be placed
19 on an approved electronic monitoring device, subject
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer for deposit in the substance abuse services
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the defendant to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court. The clerk of the circuit court shall pay
24 all monies collected from this fee to the county
25 treasurer who shall use the monies collected to defray
26 the costs of corrections. The county treasurer shall

1 deposit the fee collected in the county working cash
2 fund under Section 6-27001 or Section 6-29002 of the
3 Counties Code, as the case may be.

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986, as now or hereafter amended,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory. A copy of the
9 order of protection shall be transmitted to the probation
10 officer or agency having responsibility for the case;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council Act
13 for any reasonable expenses incurred by the program on the
14 offender's case, not to exceed the maximum amount of the
15 fine authorized for the offense for which the defendant was
16 sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses under
22 the jurisdiction of the Department of Natural Resources, to
23 the fund established by the Department of Natural Resources
24 for the purchase of evidence for investigation purposes and
25 to conduct investigations as outlined in Section 805-105 of
26 the Department of Natural Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer, if the defendant has been placed on
7 probation or advance approval by the court, if the
8 defendant was placed on conditional discharge;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of persons, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of his
18 or her blood or urine or both for tests to determine the
19 presence of any illicit drug;

20 (17) if convicted for an offense committed on or after
21 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
22 ~~amendatory Act of the 95th General Assembly~~ that would
23 qualify the accused as a child sex offender as defined in
24 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is related to the accused and

1 whom the accused reasonably believes to be under 18 years
2 of age; for purposes of this paragraph (17), "Internet" has
3 the meaning ascribed to it in Section 16J-5 of the Criminal
4 Code of 1961; and a person is related to the accused if the
5 person is: (i) the spouse, brother, or sister of the
6 accused; (ii) a descendant of the accused; (iii) a first or
7 second cousin of the accused; or (iv) a step-child or
8 adopted child of the accused; and

9 (18) if convicted for an offense committed on or after
10 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~
11 ~~amendatory Act of the 95th General Assembly~~ that would
12 qualify as a sex offense as defined in the Sex Offender
13 Registration Act:

14 (i) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the offender's probation officer,
17 except in connection with the offender's employment or
18 search for employment with the prior approval of the
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's probation
23 officer, a law enforcement officer, or assigned
24 computer or information technology specialist,
25 including the retrieval and copying of all data from
26 the computer or device and any internal or external

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 subject's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer.

12 (c) The court may as a condition of probation or of
13 conditional discharge require that a person under 18 years of
14 age found guilty of any alcohol, cannabis or controlled
15 substance violation, refrain from acquiring a driver's license
16 during the period of probation or conditional discharge. If
17 such person is in possession of a permit or license, the court
18 may require that the minor refrain from driving or operating
19 any motor vehicle during the period of probation or conditional
20 discharge, except as may be necessary in the course of the
21 minor's lawful employment.

22 (d) An offender sentenced to probation or to conditional
23 discharge shall be given a certificate setting forth the
24 conditions thereof.

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the

1 Illinois Vehicle Code, the court shall not require as a
2 condition of the sentence of probation or conditional discharge
3 that the offender be committed to a period of imprisonment in
4 excess of 6 months. This 6 month limit shall not include
5 periods of confinement given pursuant to a sentence of county
6 impact incarceration under Section 5-8-1.2.

7 Persons committed to imprisonment as a condition of
8 probation or conditional discharge shall not be committed to
9 the Department of Corrections.

10 (f) The court may combine a sentence of periodic
11 imprisonment under Article 7 or a sentence to a county impact
12 incarceration program under Article 8 with a sentence of
13 probation or conditional discharge.

14 (g) An offender sentenced to probation or to conditional
15 discharge and who during the term of either undergoes mandatory
16 drug or alcohol testing, or both, or is assigned to be placed
17 on an approved electronic monitoring device, shall be ordered
18 to pay all costs incidental to such mandatory drug or alcohol
19 testing, or both, and all costs incidental to such approved
20 electronic monitoring in accordance with the defendant's
21 ability to pay those costs. The county board with the
22 concurrence of the Chief Judge of the judicial circuit in which
23 the county is located shall establish reasonable fees for the
24 cost of maintenance, testing, and incidental expenses related
25 to the mandatory drug or alcohol testing, or both, and all
26 costs incidental to approved electronic monitoring, involved

1 in a successful probation program for the county. The
2 concurrence of the Chief Judge shall be in the form of an
3 administrative order. The fees shall be collected by the clerk
4 of the circuit court. The clerk of the circuit court shall pay
5 all moneys collected from these fees to the county treasurer
6 who shall use the moneys collected to defray the costs of drug
7 testing, alcohol testing, and electronic monitoring. The
8 county treasurer shall deposit the fees collected in the county
9 working cash fund under Section 6-27001 or Section 6-29002 of
10 the Counties Code, as the case may be.

11 (h) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court.

17 (i) The court shall impose upon an offender sentenced to
18 probation after January 1, 1989 or to conditional discharge
19 after January 1, 1992 or to community service under the
20 supervision of a probation or court services department after
21 January 1, 2004, as a condition of such probation or
22 conditional discharge or supervised community service, a fee of
23 \$50 for each month of probation or conditional discharge
24 supervision or supervised community service ordered by the
25 court, unless after determining the inability of the person
26 sentenced to probation or conditional discharge or supervised

1 community service to pay the fee, the court assesses a lesser
2 fee. The court may not impose the fee on a minor who is made a
3 ward of the State under the Juvenile Court Act of 1987 while
4 the minor is in placement. The fee shall be imposed only upon
5 an offender who is actively supervised by the probation and
6 court services department. The fee shall be collected by the
7 clerk of the circuit court. The clerk of the circuit court
8 shall pay all monies collected from this fee to the county
9 treasurer for deposit in the probation and court services fund
10 under Section 15.1 of the Probation and Probation Officers Act.

11 A circuit court may not impose a probation fee under this
12 subsection (i) in excess of \$25 per month unless: (1) the
13 circuit court has adopted, by administrative order issued by
14 the chief judge, a standard probation fee guide determining an
15 offender's ability to pay, under guidelines developed by the
16 Administrative Office of the Illinois Courts; and (2) the
17 circuit court has authorized, by administrative order issued by
18 the chief judge, the creation of a Crime Victim's Services
19 Fund, to be administered by the Chief Judge or his or her
20 designee, for services to crime victims and their families. Of
21 the amount collected as a probation fee, up to \$5 of that fee
22 collected per month may be used to provide services to crime
23 victims and their families.

24 This amendatory Act of the 93rd General Assembly deletes
25 the \$10 increase in the fee under this subsection that was
26 imposed by Public Act 93-616. This deletion is intended to

1 control over any other Act of the 93rd General Assembly that
2 retains or incorporates that fee increase.

3 (i-5) In addition to the fees imposed under subsection (i)
4 of this Section, in the case of an offender convicted of a
5 felony sex offense (as defined in the Sex Offender Management
6 Board Act) or an offense that the court or probation department
7 has determined to be sexually motivated (as defined in the Sex
8 Offender Management Board Act), the court or the probation
9 department shall assess additional fees to pay for all costs of
10 treatment, assessment, evaluation for risk and treatment, and
11 monitoring the offender, based on that offender's ability to
12 pay those costs either as they occur or under a payment plan.

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

20 (k) Any offender who is sentenced to probation or
21 conditional discharge for a felony sex offense as defined in
22 the Sex Offender Management Board Act or any offense that the
23 court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

3 (1) (Blank) ~~The court may order an offender who is~~
4 ~~sentenced to probation or conditional discharge for a violation~~
5 ~~of an order of protection be placed under electronic~~
6 ~~surveillance as provided in Section 5-8A-7 of this Code.~~

7 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
8 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
9 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
10 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
11 10-20-08.)

12 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

13 (Text of Section after amendment by P.A. 95-1052)

14 Sec. 5-6-4. Violation, Modification or Revocation of
15 Probation, of Conditional Discharge or Supervision or of a
16 sentence of county impact incarceration - Hearing.

17 (a) Except in cases where conditional discharge or
18 supervision was imposed for a petty offense as defined in
19 Section 5-1-17, when a petition is filed charging a violation
20 of a condition, the court may:

21 (1) in the case of probation violations, order the
22 issuance of a notice to the offender to be present by the
23 County Probation Department or such other agency
24 designated by the court to handle probation matters; and in
25 the case of conditional discharge or supervision

1 violations, such notice to the offender shall be issued by
2 the Circuit Court Clerk; and in the case of a violation of
3 a sentence of county impact incarceration, such notice
4 shall be issued by the Sheriff;

5 (2) order a summons to the offender to be present for
6 hearing; or

7 (3) order a warrant for the offender's arrest where
8 there is danger of his fleeing the jurisdiction or causing
9 serious harm to others or when the offender fails to answer
10 a summons or notice from the clerk of the court or Sheriff.

11 Personal service of the petition for violation of probation
12 or the issuance of such warrant, summons or notice shall toll
13 the period of probation, conditional discharge, supervision,
14 or sentence of county impact incarceration until the final
15 determination of the charge, and the term of probation,
16 conditional discharge, supervision, or sentence of county
17 impact incarceration shall not run until the hearing and
18 disposition of the petition for violation.

19 (b) The court shall conduct a hearing of the alleged
20 violation. The court shall admit the offender to bail pending
21 the hearing unless the alleged violation is itself a criminal
22 offense in which case the offender shall be admitted to bail on
23 such terms as are provided in the Code of Criminal Procedure of
24 1963, as amended. In any case where an offender remains
25 incarcerated only as a result of his alleged violation of the
26 court's earlier order of probation, supervision, conditional

1 discharge, or county impact incarceration such hearing shall be
2 held within 14 days of the onset of said incarceration, unless
3 the alleged violation is the commission of another offense by
4 the offender during the period of probation, supervision or
5 conditional discharge in which case such hearing shall be held
6 within the time limits described in Section 103-5 of the Code
7 of Criminal Procedure of 1963, as amended.

8 (c) The State has the burden of going forward with the
9 evidence and proving the violation by the preponderance of the
10 evidence. The evidence shall be presented in open court with
11 the right of confrontation, cross-examination, and
12 representation by counsel.

13 (d) Probation, conditional discharge, periodic
14 imprisonment and supervision shall not be revoked for failure
15 to comply with conditions of a sentence or supervision, which
16 imposes financial obligations upon the offender unless such
17 failure is due to his willful refusal to pay.

18 (e) If the court finds that the offender has violated a
19 condition at any time prior to the expiration or termination of
20 the period, it may continue him on the existing sentence, with
21 or without modifying or enlarging the conditions, or may impose
22 any other sentence that was available under Article 4.5 of
23 Chapter V of this Code or Section 11-501 of the Illinois
24 Vehicle Code at the time of initial sentencing. If the court
25 finds that the person has failed to successfully complete his
26 or her sentence to a county impact incarceration program, the

1 court may impose any other sentence that was available under
2 Article 4.5 of Chapter V of this Code or Section 11-501 of the
3 Illinois Vehicle Code at the time of initial sentencing, except
4 for a sentence of probation or conditional discharge. If the
5 court finds that the offender has violated paragraph (8.6) of
6 subsection (a) of Section 5-6-3, the court shall revoke the
7 probation of the offender. If the court finds that the offender
8 has violated subsection (o) of Section 5-6-3.1, the court shall
9 revoke the supervision of the offender.

10 (f) The conditions of probation, of conditional discharge,
11 of supervision, or of a sentence of county impact incarceration
12 may be modified by the court on motion of the supervising
13 agency or on its own motion or at the request of the offender
14 after notice and a hearing.

15 (g) A judgment revoking supervision, probation,
16 conditional discharge, or a sentence of county impact
17 incarceration is a final appealable order.

18 (h) Resentencing after revocation of probation,
19 conditional discharge, supervision, or a sentence of county
20 impact incarceration shall be under Article 4. The term on
21 probation, conditional discharge or supervision shall not be
22 credited by the court against a sentence of imprisonment or
23 periodic imprisonment unless the court orders otherwise. The
24 amount of credit to be applied against a sentence of
25 imprisonment or periodic imprisonment when the defendant
26 served a term or partial term of periodic imprisonment shall be

1 calculated upon the basis of the actual days spent in
2 confinement rather than the duration of the term.

3 (i) Instead of filing a violation of probation, conditional
4 discharge, supervision, or a sentence of county impact
5 incarceration, an agent or employee of the supervising agency
6 with the concurrence of his or her supervisor may serve on the
7 defendant a Notice of Intermediate Sanctions. The Notice shall
8 contain the technical violation or violations involved, the
9 date or dates of the violation or violations, and the
10 intermediate sanctions to be imposed. Upon receipt of the
11 Notice, the defendant shall immediately accept or reject the
12 intermediate sanctions. If the sanctions are accepted, they
13 shall be imposed immediately. If the intermediate sanctions are
14 rejected or the defendant does not respond to the Notice, a
15 violation of probation, conditional discharge, supervision, or
16 a sentence of county impact incarceration shall be immediately
17 filed with the court. The State's Attorney and the sentencing
18 court shall be notified of the Notice of Sanctions. Upon
19 successful completion of the intermediate sanctions, a court
20 may not revoke probation, conditional discharge, supervision,
21 or a sentence of county impact incarceration or impose
22 additional sanctions for the same violation. A notice of
23 intermediate sanctions may not be issued for any violation of
24 probation, conditional discharge, supervision, or a sentence
25 of county impact incarceration which could warrant an
26 additional, separate felony charge. ~~The intermediate sanctions~~

1 ~~shall include a term of home detention as provided in Article~~
2 ~~8A of Chapter V of this Code for multiple or repeat violations~~
3 ~~of the terms and conditions of a sentence of probation,~~
4 ~~conditional discharge, or supervision.~~

5 (j) When an offender is re-sentenced after revocation of
6 probation that was imposed in combination with a sentence of
7 imprisonment for the same offense, the aggregate of the
8 sentences may not exceed the maximum term authorized under
9 Article 8 of this Chapter.

10 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08;
11 95-1052, eff. 7-1-09.)

12 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

13 (Text of Section after amendment by P.A. 95-983)

14 Sec. 5-8-1. Sentence of Imprisonment for Felony.

15 (a) Except as otherwise provided in the statute defining
16 the offense, a sentence of imprisonment for a felony shall be a
17 determinate sentence set by the court under this Section,
18 according to the following limitations:

19 (1) for first degree murder,

20 (a) a term shall be not less than 20 years and not
21 more than 60 years, or

22 (b) if a trier of fact finds beyond a reasonable
23 doubt that the murder was accompanied by exceptionally
24 brutal or heinous behavior indicative of wanton
25 cruelty or, except as set forth in subsection (a) (1) (c)

1 of this Section, that any of the aggravating factors
2 listed in subsection (b) of Section 9-1 of the Criminal
3 Code of 1961 are present, the court may sentence the
4 defendant to a term of natural life imprisonment, or

5 (c) the court shall sentence the defendant to a
6 term of natural life imprisonment when the death
7 penalty is not imposed if the defendant,

8 (i) has previously been convicted of first
9 degree murder under any state or federal law, or

10 (ii) is a person who, at the time of the
11 commission of the murder, had attained the age of
12 17 or more and is found guilty of murdering an
13 individual under 12 years of age; or, irrespective
14 of the defendant's age at the time of the
15 commission of the offense, is found guilty of
16 murdering more than one victim, or

17 (iii) is found guilty of murdering a peace
18 officer, fireman, or emergency management worker
19 when the peace officer, fireman, or emergency
20 management worker was killed in the course of
21 performing his official duties, or to prevent the
22 peace officer or fireman from performing his
23 official duties, or in retaliation for the peace
24 officer, fireman, or emergency management worker
25 from performing his official duties, and the
26 defendant knew or should have known that the

1 murdered individual was a peace officer, fireman,
2 or emergency management worker, or

3 (iv) is found guilty of murdering an employee
4 of an institution or facility of the Department of
5 Corrections, or any similar local correctional
6 agency, when the employee was killed in the course
7 of performing his official duties, or to prevent
8 the employee from performing his official duties,
9 or in retaliation for the employee performing his
10 official duties, or

11 (v) is found guilty of murdering an emergency
12 medical technician - ambulance, emergency medical
13 technician - intermediate, emergency medical
14 technician - paramedic, ambulance driver or other
15 medical assistance or first aid person while
16 employed by a municipality or other governmental
17 unit when the person was killed in the course of
18 performing official duties or to prevent the
19 person from performing official duties or in
20 retaliation for performing official duties and the
21 defendant knew or should have known that the
22 murdered individual was an emergency medical
23 technician - ambulance, emergency medical
24 technician - intermediate, emergency medical
25 technician - paramedic, ambulance driver, or other
26 medical assistant or first aid personnel, or

1 (vi) is a person who, at the time of the
2 commission of the murder, had not attained the age
3 of 17, and is found guilty of murdering a person
4 under 12 years of age and the murder is committed
5 during the course of aggravated criminal sexual
6 assault, criminal sexual assault, or aggravated
7 kidnaping, or

8 (vii) is found guilty of first degree murder
9 and the murder was committed by reason of any
10 person's activity as a community policing
11 volunteer or to prevent any person from engaging in
12 activity as a community policing volunteer. For
13 the purpose of this Section, "community policing
14 volunteer" has the meaning ascribed to it in
15 Section 2-3.5 of the Criminal Code of 1961.

16 For purposes of clause (v), "emergency medical
17 technician - ambulance", "emergency medical technician
18 - intermediate", "emergency medical technician -
19 paramedic", have the meanings ascribed to them in the
20 Emergency Medical Services (EMS) Systems Act.

21 (d) (i) if the person committed the offense while
22 armed with a firearm, 15 years shall be added to
23 the term of imprisonment imposed by the court;

24 (ii) if, during the commission of the offense,
25 the person personally discharged a firearm, 20
26 years shall be added to the term of imprisonment

1 imposed by the court;

2 (iii) if, during the commission of the
3 offense, the person personally discharged a
4 firearm that proximately caused great bodily harm,
5 permanent disability, permanent disfigurement, or
6 death to another person, 25 years or up to a term
7 of natural life shall be added to the term of
8 imprisonment imposed by the court.

9 (1.5) for second degree murder, a term shall be not
10 less than 4 years and not more than 20 years;

11 (2) for a person adjudged a habitual criminal under
12 Article 33B of the Criminal Code of 1961, as amended, the
13 sentence shall be a term of natural life imprisonment;

14 (2.5) for a person convicted under the circumstances
15 described in paragraph (3) of subsection (b) of Section
16 12-13, paragraph (2) of subsection (d) of Section 12-14,
17 paragraph (1.2) of subsection (b) of Section 12-14.1, or
18 paragraph (2) of subsection (b) of Section 12-14.1 of the
19 Criminal Code of 1961, the sentence shall be a term of
20 natural life imprisonment;

21 (3) except as otherwise provided in the statute
22 defining the offense, for a Class X felony, the sentence
23 shall be not less than 6 years and not more than 30 years;

24 (4) for a Class 1 felony, other than second degree
25 murder, the sentence shall be not less than 4 years and not
26 more than 15 years;

1 (5) for a Class 2 felony, the sentence shall be not
2 less than 3 years and not more than 7 years;

3 (6) for a Class 3 felony, the sentence shall be not
4 less than 2 years and not more than 5 years;

5 (7) for a Class 4 felony, the sentence shall be not
6 less than 1 year and not more than 3 years.

7 (b) The sentencing judge in each felony conviction shall
8 set forth his reasons for imposing the particular sentence he
9 enters in the case, as provided in Section 5-4-1 of this Code.
10 Those reasons may include any mitigating or aggravating factors
11 specified in this Code, or the lack of any such circumstances,
12 as well as any other such factors as the judge shall set forth
13 on the record that are consistent with the purposes and
14 principles of sentencing set out in this Code.

15 (c) A motion to reduce a sentence may be made, or the court
16 may reduce a sentence without motion, within 30 days after the
17 sentence is imposed. A defendant's challenge to the correctness
18 of a sentence or to any aspect of the sentencing hearing shall
19 be made by a written motion filed within 30 days following the
20 imposition of sentence. However, the court may not increase a
21 sentence once it is imposed.

22 If a motion filed pursuant to this subsection is timely
23 filed within 30 days after the sentence is imposed, the
24 proponent of the motion shall exercise due diligence in seeking
25 a determination on the motion and the court shall thereafter
26 decide such motion within a reasonable time.

1 If a motion filed pursuant to this subsection is timely
2 filed within 30 days after the sentence is imposed, then for
3 purposes of perfecting an appeal, a final judgment shall not be
4 considered to have been entered until the motion to reduce a
5 sentence has been decided by order entered by the trial court.

6 A motion filed pursuant to this subsection shall not be
7 considered to have been timely filed unless it is filed with
8 the circuit court clerk within 30 days after the sentence is
9 imposed together with a notice of motion, which notice of
10 motion shall set the motion on the court's calendar on a date
11 certain within a reasonable time after the date of filing.

12 (d) Except where a term of natural life is imposed, every
13 sentence shall include as though written therein a term in
14 addition to the term of imprisonment. For those sentenced under
15 the law in effect prior to February 1, 1978, such term shall be
16 identified as a parole term. For those sentenced on or after
17 February 1, 1978, such term shall be identified as a mandatory
18 supervised release term. Subject to earlier termination under
19 Section 3-3-8, the parole or mandatory supervised release term
20 shall be as follows:

21 (1) for first degree murder or a Class X felony except
22 for the offenses of predatory criminal sexual assault of a
23 child, aggravated criminal sexual assault, and criminal
24 sexual assault if committed on or after the effective date
25 of this amendatory Act of the 94th General Assembly and
26 except for the offense of aggravated child pornography

1 under Section 11-20.3 of the Criminal Code of 1961, if
2 committed on or after January 1, 2009, 3 years;

3 (2) for a Class 1 felony or a Class 2 felony except for
4 the offense of criminal sexual assault if committed on or
5 after the effective date of this amendatory Act of the 94th
6 General Assembly and except for the offenses of manufacture
7 and dissemination of child pornography under clauses
8 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
9 of 1961, if committed on or after January 1, 2009, 2 years;

10 (3) for a Class 3 felony or a Class 4 felony, 1 year;

11 (4) for defendants who commit the offense of predatory
12 criminal sexual assault of a child, aggravated criminal
13 sexual assault, or criminal sexual assault, on or after the
14 effective date of this amendatory Act of the 94th General
15 Assembly, or who commit the offense of aggravated child
16 pornography, manufacture of child pornography, or
17 dissemination of child pornography after January 1, 2009,
18 the term of mandatory supervised release shall range from a
19 minimum of 3 years to a maximum of the natural life of the
20 defendant;

21 (5) if the victim is under 18 years of age, for a
22 second or subsequent offense of aggravated criminal sexual
23 abuse or felony criminal sexual abuse, 4 years, ~~at least~~
24 ~~the first 2 years of which the defendant shall serve in an~~
25 ~~electronic home detention program under Article 8A of~~
26 ~~Chapter V of this Code.~~

1 (e) A defendant who has a previous and unexpired sentence
2 of imprisonment imposed by another state or by any district
3 court of the United States and who, after sentence for a crime
4 in Illinois, must return to serve the unexpired prior sentence
5 may have his sentence by the Illinois court ordered to be
6 concurrent with the prior sentence in the other state. The
7 court may order that any time served on the unexpired portion
8 of the sentence in the other state, prior to his return to
9 Illinois, shall be credited on his Illinois sentence. The other
10 state shall be furnished with a copy of the order imposing
11 sentence which shall provide that, when the offender is
12 released from confinement of the other state, whether by parole
13 or by termination of sentence, the offender shall be
14 transferred by the Sheriff of the committing county to the
15 Illinois Department of Corrections. The court shall cause the
16 Department of Corrections to be notified of such sentence at
17 the time of commitment and to be provided with copies of all
18 records regarding the sentence.

19 (f) A defendant who has a previous and unexpired sentence
20 of imprisonment imposed by an Illinois circuit court for a
21 crime in this State and who is subsequently sentenced to a term
22 of imprisonment by another state or by any district court of
23 the United States and who has served a term of imprisonment
24 imposed by the other state or district court of the United
25 States, and must return to serve the unexpired prior sentence
26 imposed by the Illinois Circuit Court may apply to the court

1 which imposed sentence to have his sentence reduced.

2 The circuit court may order that any time served on the
3 sentence imposed by the other state or district court of the
4 United States be credited on his Illinois sentence. Such
5 application for reduction of a sentence under this subsection
6 (f) shall be made within 30 days after the defendant has
7 completed the sentence imposed by the other state or district
8 court of the United States.

9 (g) On and after the effective date of this amendatory Act
10 of the 96th General Assembly, a person charged with or
11 convicted of an offense may not be placed in an electronic home
12 detention program.

13 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
14 94-715, eff. 12-13-05; 95-983, eff. 6-1-09.)

15 (Text of Section after amendment by P.A. 95-1052)

16 Sec. 5-8-1. Natural life imprisonment; mandatory
17 supervised release.

18 (a) Except as otherwise provided in the statute defining
19 the offense or in Article 4.5 of Chapter V, a sentence of
20 imprisonment for a felony shall be a determinate sentence set
21 by the court under this Section, according to the following
22 limitations:

23 (1) for first degree murder,

24 (a) (blank),

25 (b) if a trier of fact finds beyond a reasonable

1 doubt that the murder was accompanied by exceptionally
2 brutal or heinous behavior indicative of wanton
3 cruelty or, except as set forth in subsection (a)(1)(c)
4 of this Section, that any of the aggravating factors
5 listed in subsection (b) of Section 9-1 of the Criminal
6 Code of 1961 are present, the court may sentence the
7 defendant to a term of natural life imprisonment, or

8 (c) the court shall sentence the defendant to a
9 term of natural life imprisonment when the death
10 penalty is not imposed if the defendant,

11 (i) has previously been convicted of first
12 degree murder under any state or federal law, or

13 (ii) is a person who, at the time of the
14 commission of the murder, had attained the age of
15 17 or more and is found guilty of murdering an
16 individual under 12 years of age; or, irrespective
17 of the defendant's age at the time of the
18 commission of the offense, is found guilty of
19 murdering more than one victim, or

20 (iii) is found guilty of murdering a peace
21 officer, fireman, or emergency management worker
22 when the peace officer, fireman, or emergency
23 management worker was killed in the course of
24 performing his official duties, or to prevent the
25 peace officer or fireman from performing his
26 official duties, or in retaliation for the peace

1 officer, fireman, or emergency management worker
2 from performing his official duties, and the
3 defendant knew or should have known that the
4 murdered individual was a peace officer, fireman,
5 or emergency management worker, or

6 (iv) is found guilty of murdering an employee
7 of an institution or facility of the Department of
8 Corrections, or any similar local correctional
9 agency, when the employee was killed in the course
10 of performing his official duties, or to prevent
11 the employee from performing his official duties,
12 or in retaliation for the employee performing his
13 official duties, or

14 (v) is found guilty of murdering an emergency
15 medical technician - ambulance, emergency medical
16 technician - intermediate, emergency medical
17 technician - paramedic, ambulance driver or other
18 medical assistance or first aid person while
19 employed by a municipality or other governmental
20 unit when the person was killed in the course of
21 performing official duties or to prevent the
22 person from performing official duties or in
23 retaliation for performing official duties and the
24 defendant knew or should have known that the
25 murdered individual was an emergency medical
26 technician - ambulance, emergency medical

1 technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver, or other
3 medical assistant or first aid personnel, or

4 (vi) is a person who, at the time of the
5 commission of the murder, had not attained the age
6 of 17, and is found guilty of murdering a person
7 under 12 years of age and the murder is committed
8 during the course of aggravated criminal sexual
9 assault, criminal sexual assault, or aggravated
10 kidnaping, or

11 (vii) is found guilty of first degree murder
12 and the murder was committed by reason of any
13 person's activity as a community policing
14 volunteer or to prevent any person from engaging in
15 activity as a community policing volunteer. For
16 the purpose of this Section, "community policing
17 volunteer" has the meaning ascribed to it in
18 Section 2-3.5 of the Criminal Code of 1961.

19 For purposes of clause (v), "emergency medical
20 technician - ambulance", "emergency medical technician
21 - intermediate", "emergency medical technician -
22 paramedic", have the meanings ascribed to them in the
23 Emergency Medical Services (EMS) Systems Act.

24 (d) (i) if the person committed the offense while
25 armed with a firearm, 15 years shall be added to
26 the term of imprisonment imposed by the court;

1 (ii) if, during the commission of the offense,
2 the person personally discharged a firearm, 20
3 years shall be added to the term of imprisonment
4 imposed by the court;

5 (iii) if, during the commission of the
6 offense, the person personally discharged a
7 firearm that proximately caused great bodily harm,
8 permanent disability, permanent disfigurement, or
9 death to another person, 25 years or up to a term
10 of natural life shall be added to the term of
11 imprisonment imposed by the court.

12 (2) (blank);

13 (2.5) for a person convicted under the circumstances
14 described in paragraph (3) of subsection (b) of Section
15 12-13, paragraph (2) of subsection (d) of Section 12-14,
16 paragraph (1.2) of subsection (b) of Section 12-14.1, or
17 paragraph (2) of subsection (b) of Section 12-14.1 of the
18 Criminal Code of 1961, the sentence shall be a term of
19 natural life imprisonment.

20 (b) (Blank.)

21 (c) (Blank.)

22 (d) Subject to earlier termination under Section 3-3-8, the
23 parole or mandatory supervised release term shall be as
24 follows:

25 (1) for first degree murder or a Class X felony except
26 for the offenses of predatory criminal sexual assault of a

1 child, aggravated criminal sexual assault, and criminal
2 sexual assault if committed on or after the effective date
3 of this amendatory Act of the 94th General Assembly and
4 except for the offense of aggravated child pornography
5 under Section 11-20.3 of the Criminal Code of 1961, if
6 committed on or after January 1, 2009, 3 years;

7 (2) for a Class 1 felony or a Class 2 felony except for
8 the offense of criminal sexual assault if committed on or
9 after the effective date of this amendatory Act of the 94th
10 General Assembly and except for the offenses of manufacture
11 and dissemination of child pornography under clauses
12 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
13 of 1961, if committed on or after January 1, 2009, 2 years;

14 (3) for a Class 3 felony or a Class 4 felony, 1 year;

15 (4) for defendants who commit the offense of predatory
16 criminal sexual assault of a child, aggravated criminal
17 sexual assault, or criminal sexual assault, on or after the
18 effective date of this amendatory Act of the 94th General
19 Assembly, or who commit the offense of aggravated child
20 pornography, manufacture of child pornography, or
21 dissemination of child pornography after January 1, 2009,
22 the term of mandatory supervised release shall range from a
23 minimum of 3 years to a maximum of the natural life of the
24 defendant;

25 (5) if the victim is under 18 years of age, for a
26 second or subsequent offense of aggravated criminal sexual

1 abuse or felony criminal sexual abuse, 4 years, ~~at least~~
2 ~~the first 2 years of which the defendant shall serve in an~~
3 ~~electronic home detention program under Article 8A of~~
4 ~~Chapter V of this Code.~~

5 (e) (Blank.)

6 (f) (Blank.)

7 (g) On and after the effective date of this amendatory Act
8 of the 96th General Assembly, a person charged with or
9 convicted of an offense may not be placed in an electronic home
10 detention program.

11 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
12 94-715, eff. 12-13-05; 95-983, eff. 6-1-09; 95-1052, eff.
13 7-1-09.)

14 (730 ILCS 5/Ch. V Art. 8A rep.)

15 Section 50. The Unified Code of Corrections is amended by
16 repealing Article 8A of Chapter V.

17 Section 55. The Probation and Probation Officers Act is
18 amended by changing Section 15 as follows:

19 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

20 Sec. 15. (1) The Supreme Court of Illinois may establish a
21 Division of Probation Services whose purpose shall be the
22 development, establishment, promulgation, and enforcement of
23 uniform standards for probation services in this State, and to

1 otherwise carry out the intent of this Act. The Division may:

2 (a) establish qualifications for chief probation
3 officers and other probation and court services personnel
4 as to hiring, promotion, and training.

5 (b) make available, on a timely basis, lists of those
6 applicants whose qualifications meet the regulations
7 referred to herein, including on said lists all candidates
8 found qualified.

9 (c) establish a means of verifying the conditions for
10 reimbursement under this Act and develop criteria for
11 approved costs for reimbursement.

12 (d) develop standards and approve employee
13 compensation schedules for probation and court services
14 departments.

15 (e) employ sufficient personnel in the Division to
16 carry out the functions of the Division.

17 (f) establish a system of training and establish
18 standards for personnel orientation and training.

19 (g) develop standards for a system of record keeping
20 for cases and programs, gather statistics, establish a
21 system of uniform forms, and develop research for planning
22 of Probation Services.

23 (h) develop standards to assure adequate support
24 personnel, office space, equipment and supplies, travel
25 expenses, and other essential items necessary for
26 Probation and Court Services Departments to carry out their

1 duties.

2 (i) review and approve annual plans submitted by
3 Probation and Court Services Departments.

4 (j) monitor and evaluate all programs operated by
5 Probation and Court Services Departments, and may include
6 in the program evaluation criteria such factors as the
7 percentage of Probation sentences for felons convicted of
8 Probationable offenses.

9 (k) seek the cooperation of local and State government
10 and private agencies to improve the quality of probation
11 and court services.

12 (l) where appropriate, establish programs and
13 corresponding standards designed to generally improve the
14 quality of probation and court services and reduce the rate
15 of adult or juvenile offenders committed to the Department
16 of Corrections.

17 (m) establish such other standards and regulations and
18 do all acts necessary to carry out the intent and purposes
19 of this Act.

20 (n) (Blank) ~~develop standards to implement the~~
21 ~~Domestic Violence Surveillance Program established under~~
22 ~~Section 5-8A-7 of the Unified Code of Corrections including~~
23 ~~(i) procurement of equipment and other services necessary~~
24 ~~to implement the program and (ii) development of uniform~~
25 ~~standards for the delivery of the program through county~~
26 ~~probation departments.~~

1 The Division shall establish a model list of structured
2 intermediate sanctions that may be imposed by a probation
3 agency for violations of terms and conditions of a sentence of
4 probation, conditional discharge, or supervision.

5 The State of Illinois shall provide for the costs of
6 personnel, travel, equipment, telecommunications, postage,
7 commodities, printing, space, contractual services and other
8 related costs necessary to carry out the intent of this Act.

9 (2) (a) The chief judge of each circuit shall provide
10 full-time probation services for all counties within the
11 circuit, in a manner consistent with the annual probation plan,
12 the standards, policies, and regulations established by the
13 Supreme Court. A probation district of two or more counties
14 within a circuit may be created for the purposes of providing
15 full-time probation services. Every county or group of counties
16 within a circuit shall maintain a probation department which
17 shall be under the authority of the Chief Judge of the circuit
18 or some other judge designated by the Chief Judge. The Chief
19 Judge, through the Probation and Court Services Department
20 shall submit annual plans to the Division for probation and
21 related services.

22 (b) The Chief Judge of each circuit shall appoint the Chief
23 Probation Officer and all other probation officers for his or
24 her circuit from lists of qualified applicants supplied by the
25 Supreme Court. Candidates for chief managing officer and other
26 probation officer positions must apply with both the Chief

1 Judge of the circuit and the Supreme Court.

2 (3) A Probation and Court Service Department shall apply to
3 the Supreme Court for funds for basic services, and may apply
4 for funds for new and expanded programs or Individualized
5 Services and Programs. Costs shall be reimbursed monthly based
6 on a plan and budget approved by the Supreme Court. No
7 Department may be reimbursed for costs which exceed or are not
8 provided for in the approved annual plan and budget. After the
9 effective date of this amendatory Act of 1985, each county must
10 provide basic services in accordance with the annual plan and
11 standards created by the division. No department may receive
12 funds for new or expanded programs or individualized services
13 and programs unless they are in compliance with standards as
14 enumerated in paragraph (h) of subsection (1) of this Section,
15 the annual plan, and standards for basic services.

16 (4) The Division shall reimburse the county or counties for
17 probation services as follows:

18 (a) 100% of the salary of all chief managing officers
19 designated as such by the Chief Judge and the division.

20 (b) 100% of the salary for all probation officer and
21 supervisor positions approved for reimbursement by the
22 division after April 1, 1984, to meet workload standards
23 and to implement intensive sanction and probation
24 supervision programs and other basic services as defined in
25 this Act.

26 (c) 100% of the salary for all secure detention

1 personnel and non-secure group home personnel approved for
2 reimbursement after December 1, 1990. For all such
3 positions approved for reimbursement before December 1,
4 1990, the counties shall be reimbursed \$1,250 per month
5 beginning July 1, 1995, and an additional \$250 per month
6 beginning each July 1st thereafter until the positions
7 receive 100% salary reimbursement. Allocation of such
8 positions will be based on comparative need considering
9 capacity, staff/resident ratio, physical plant and
10 program.

11 (d) \$1,000 per month for salaries for the remaining
12 probation officer positions engaged in basic services and
13 new or expanded services. All such positions shall be
14 approved by the division in accordance with this Act and
15 division standards.

16 (e) 100% of the travel expenses in accordance with
17 Division standards for all Probation positions approved
18 under paragraph (b) of subsection 4 of this Section.

19 (f) If the amount of funds reimbursed to the county
20 under paragraphs (a) through (e) of subsection 4 of this
21 Section on an annual basis is less than the amount the
22 county had received during the 12 month period immediately
23 prior to the effective date of this amendatory Act of 1985,
24 then the Division shall reimburse the amount of the
25 difference to the county. The effect of paragraph (b) of
26 subsection 7 of this Section shall be considered in

1 implementing this supplemental reimbursement provision.

2 (5) The Division shall provide funds beginning on April 1,
3 1987 for the counties to provide Individualized Services and
4 Programs as provided in Section 16 of this Act.

5 (6) A Probation and Court Services Department in order to
6 be eligible for the reimbursement must submit to the Supreme
7 Court an application containing such information and in such a
8 form and by such dates as the Supreme Court may require.
9 Departments to be eligible for funding must satisfy the
10 following conditions:

11 (a) The Department shall have on file with the Supreme
12 Court an annual Probation plan for continuing, improved,
13 and new Probation and Court Services Programs approved by
14 the Supreme Court or its designee. This plan shall indicate
15 the manner in which Probation and Court Services will be
16 delivered and improved, consistent with the minimum
17 standards and regulations for Probation and Court
18 Services, as established by the Supreme Court. In counties
19 with more than one Probation and Court Services Department
20 eligible to receive funds, all Departments within that
21 county must submit plans which are approved by the Supreme
22 Court.

23 (b) The annual probation plan shall seek to generally
24 improve the quality of probation services and to reduce the
25 commitment of adult offenders to the Department of
26 Corrections and to reduce the commitment of juvenile

1 offenders to the Department of Juvenile Justice and shall
2 require, when appropriate, coordination with the
3 Department of Corrections, the Department of Juvenile
4 Justice, and the Department of Children and Family Services
5 in the development and use of community resources,
6 information systems, case review and permanency planning
7 systems to avoid the duplication of services.

8 (c) The Department shall be in compliance with
9 standards developed by the Supreme Court for basic, new and
10 expanded services, training, personnel hiring and
11 promotion.

12 (d) The Department shall in its annual plan indicate
13 the manner in which it will support the rights of crime
14 victims and in which manner it will implement Article I,
15 Section 8.1 of the Illinois Constitution and in what manner
16 it will coordinate crime victims' support services with
17 other criminal justice agencies within its jurisdiction,
18 including but not limited to, the State's Attorney, the
19 Sheriff and any municipal police department.

20 (7) No statement shall be verified by the Supreme Court or
21 its designee or vouchered by the Comptroller unless each of the
22 following conditions have been met:

23 (a) The probation officer is a full-time employee
24 appointed by the Chief Judge to provide probation services.

25 (b) The probation officer, in order to be eligible for
26 State reimbursement, is receiving a salary of at least

1 \$17,000 per year.

2 (c) The probation officer is appointed or was
3 reappointed in accordance with minimum qualifications or
4 criteria established by the Supreme Court; however, all
5 probation officers appointed prior to January 1, 1978,
6 shall be exempted from the minimum requirements
7 established by the Supreme Court. Payments shall be made to
8 counties employing these exempted probation officers as
9 long as they are employed in the position held on the
10 effective date of this amendatory Act of 1985. Promotions
11 shall be governed by minimum qualifications established by
12 the Supreme Court.

13 (d) The Department has an established compensation
14 schedule approved by the Supreme Court. The compensation
15 schedule shall include salary ranges with necessary
16 increments to compensate each employee. The increments
17 shall, within the salary ranges, be based on such factors
18 as bona fide occupational qualifications, performance, and
19 length of service. Each position in the Department shall be
20 placed on the compensation schedule according to job duties
21 and responsibilities of such position. The policy and
22 procedures of the compensation schedule shall be made
23 available to each employee.

24 (8) In order to obtain full reimbursement of all approved
25 costs, each Department must continue to employ at least the
26 same number of probation officers and probation managers as

1 were authorized for employment for the fiscal year which
2 includes January 1, 1985. This number shall be designated as
3 the base amount of the Department. No positions approved by the
4 Division under paragraph (b) of subsection 4 will be included
5 in the base amount. In the event that the Department employs
6 fewer Probation officers and Probation managers than the base
7 amount for a period of 90 days, funding received by the
8 Department under subsection 4 of this Section may be reduced on
9 a monthly basis by the amount of the current salaries of any
10 positions below the base amount.

11 (9) Before the 15th day of each month, the treasurer of any
12 county which has a Probation and Court Services Department, or
13 the treasurer of the most populous county, in the case of a
14 Probation or Court Services Department funded by more than one
15 county, shall submit an itemized statement of all approved
16 costs incurred in the delivery of Basic Probation and Court
17 Services under this Act to the Supreme Court. The treasurer may
18 also submit an itemized statement of all approved costs
19 incurred in the delivery of new and expanded Probation and
20 Court Services as well as Individualized Services and Programs.
21 The Supreme Court or its designee shall verify compliance with
22 this Section and shall examine and audit the monthly statement
23 and, upon finding them to be correct, shall forward them to the
24 Comptroller for payment to the county treasurer. In the case of
25 payment to a treasurer of a county which is the most populous
26 of counties sharing the salary and expenses of a Probation and

1 Court Services Department, the treasurer shall divide the money
2 between the counties in a manner that reflects each county's
3 share of the cost incurred by the Department.

4 (10) The county treasurer must certify that funds received
5 under this Section shall be used solely to maintain and improve
6 Probation and Court Services. The county or circuit shall
7 remain in compliance with all standards, policies and
8 regulations established by the Supreme Court. If at any time
9 the Supreme Court determines that a county or circuit is not in
10 compliance, the Supreme Court shall immediately notify the
11 Chief Judge, county board chairman and the Director of Court
12 Services Chief Probation Officer. If after 90 days of written
13 notice the noncompliance still exists, the Supreme Court shall
14 be required to reduce the amount of monthly reimbursement by
15 10%. An additional 10% reduction of monthly reimbursement shall
16 occur for each consecutive month of noncompliance. Except as
17 provided in subsection 5 of Section 15, funding to counties
18 shall commence on April 1, 1986. Funds received under this Act
19 shall be used to provide for Probation Department expenses
20 including those required under Section 13 of this Act. The
21 Mandatory Arbitration Fund may be used to provide for Probation
22 Department expenses, including those required under Section 13
23 of this Act.

24 (11) The respective counties shall be responsible for
25 capital and space costs, fringe benefits, clerical costs,
26 equipment, telecommunications, postage, commodities and

1 printing.

2 (12) For purposes of this Act only, probation officers
3 shall be considered peace officers. In the exercise of their
4 official duties, probation officers, sheriffs, and police
5 officers may, anywhere within the State, arrest any probationer
6 who is in violation of any of the conditions of his or her
7 probation, conditional discharge, or supervision, and it shall
8 be the duty of the officer making the arrest to take the
9 probationer before the Court having jurisdiction over the
10 probationer for further order.

11 (Source: P.A. 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,
12 eff. 6-6-06; 95-707, eff. 1-11-08; 95-773, eff. 1-1-09.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

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6	105 ILCS 5/13-44.3	from Ch. 122, par. 13-44.3
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