



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4525

Introduced 1/31/2012, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

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

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

LRB097 14149 RLC 58856 b

CORRECTIONAL
BUDGET AND
IMPACT 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 Unified Code of Corrections is amended by
5 changing Section 5-5-3 as follows:

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

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

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

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the
23 Illinois Controlled Substances Act, or a violation of

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

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

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

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

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

25 (H) Criminal sexual assault.

26 (I) Aggravated battery of a senior citizen as

1 described in Section 12-4.6 or subdivision (a)(4) of
2 Section 12-3.05.

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

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

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

15 (K) Vehicular hijacking.

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

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

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

26 (O) A violation of Section 12-6.1 or 12-6.5 of the

1 Criminal Code of 1961.

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

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

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

9 (S) (Blank).

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

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

19 (V) A violation of paragraph (4) of subsection (c)
20 of Section 11-20.1B or paragraph (4) of subsection (c)
21 of Section 11-20.3 of the Criminal Code of 1961.

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961.

26 (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was
2 loaded or contained firearm ammunition.

3 (Z) A Class 1 felony committed while he or she was
4 serving a term of probation or conditional discharge
5 for a felony.

6 (AA) Theft of property exceeding \$500,000 and not
7 exceeding \$1,000,000 in value.

8 (BB) Laundering of criminally derived property of
9 a value exceeding \$500,000.

10 (CC) Knowingly selling, offering for sale, holding
11 for sale, or using 2,000 or more counterfeit items or
12 counterfeit items having a retail value in the
13 aggregate of \$500,000 or more.

14 (DD) A conviction for aggravated assault under
15 paragraph (6) of subsection (c) of Section 12-2 of the
16 Criminal Code of 1961 if the firearm is aimed toward
17 the person against whom the firearm is being used.

18 (EE) A Class 3 felony or higher violation of an
19 offense involving the corruption of a public official
20 when the offense consists of theft, fraud, extortion or
21 a violation of Section 17-10.3 or Article 33 or 33E of
22 the Criminal Code of 1961 and either: (1) the defendant
23 was an elected official at the time of the offense, or
24 (2) the offense involved more than \$10,000 in money or
25 property, based on either the value of any payments or
26 the value of the item that was the object of such

1 offense. However, if the prosecutor certifies to the
2 court at the time of sentencing that the defendant has
3 provided substantial assistance in the case or another
4 prosecution of substantial public importance, this
5 paragraph (EE) does not apply.

6 (3) (Blank).

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

11 (4.1) (Blank).

12 (4.2) Except as provided in paragraphs (4.3) and (4.8)
13 of this subsection (c), a minimum of 100 hours of community
14 service shall be imposed for a second violation of Section
15 6-303 of the Illinois Vehicle Code.

16 (4.3) A minimum term of imprisonment of 30 days or 300
17 hours of community service, as determined by the court,
18 shall be imposed for a second violation of subsection (c)
19 of Section 6-303 of the Illinois Vehicle Code.

20 (4.4) Except as provided in paragraphs (4.5), (4.6),
21 and (4.9) of this subsection (c), a minimum term of
22 imprisonment of 30 days or 300 hours of community service,
23 as determined by the court, shall be imposed for a third or
24 subsequent violation of Section 6-303 of the Illinois
25 Vehicle Code.

26 (4.5) A minimum term of imprisonment of 30 days shall

1 be imposed for a third violation of subsection (c) of
2 Section 6-303 of the Illinois Vehicle Code.

3 (4.6) Except as provided in paragraph (4.10) of this
4 subsection (c), a minimum term of imprisonment of 180 days
5 shall be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle
7 Code.

8 (4.7) A minimum term of imprisonment of not less than
9 30 consecutive days, or 300 hours of community service,
10 shall be imposed for a violation of subsection (a-5) of
11 Section 6-303 of the Illinois Vehicle Code, as provided in
12 subsection (b-5) of that Section.

13 (4.8) A mandatory prison sentence shall be imposed for
14 a second violation of subsection (a-5) of Section 6-303 of
15 the Illinois Vehicle Code, as provided in subsection (c-5)
16 of that Section. The person's driving privileges shall be
17 revoked for a period of not less than 5 years from the date
18 of his or her release from prison.

19 (4.9) A mandatory prison sentence of not less than 4
20 and not more than 15 years shall be imposed for a third
21 violation of subsection (a-5) of Section 6-303 of the
22 Illinois Vehicle Code, as provided in subsection (d-2.5) of
23 that Section. The person's driving privileges shall be
24 revoked for the remainder of his or her life.

25 (4.10) A mandatory prison sentence for a Class 1 felony
26 shall be imposed, and the person shall be eligible for an

1 extended term sentence, for a fourth or subsequent
2 violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (d-3.5) of
4 that Section. The person's driving privileges shall be
5 revoked for the remainder of his or her life.

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

8 (A) a period of conditional discharge;

9 (B) a fine;

10 (C) make restitution to the victim under Section
11 5-5-6 of this Code.

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

19 (5.2) In addition to any other penalties imposed, and
20 except as provided in paragraph (5.3), a person convicted
21 of violating subsection (c) of Section 11-907 of the
22 Illinois Vehicle Code shall have his or her driver's
23 license, permit, or privileges suspended for at least 180
24 days but not more than 2 years, if the violation resulted
25 in injury to another person.

26 (5.3) In addition to any other penalties imposed, a

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

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

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

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

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

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

23 (13) A person convicted of or placed on court
24 supervision for an assault or aggravated assault when the
25 victim and the offender are family or household members as
26 defined in Section 103 of the Illinois Domestic Violence

1 Act of 1986 or convicted of domestic battery or aggravated
2 domestic battery may be required to attend a Partner Abuse
3 Intervention Program under protocols set forth by the
4 Illinois Department of Human Services under such terms and
5 conditions imposed by the court. The costs of such classes
6 shall be paid by the offender.

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

25 (e) In cases where prosecution for aggravated criminal
26 sexual abuse under Section 11-1.60 or 12-16 of the Criminal

1 Code of 1961 results in conviction of a defendant who was a
2 family member of the victim at the time of the commission of
3 the offense, the court shall consider the safety and welfare of
4 the victim and may impose a sentence of probation only where:

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

6 (A) the defendant is willing to undergo a court
7 approved counseling program for a minimum duration of 2
8 years; or

9 (B) the defendant is willing to participate in a
10 court approved plan including but not limited to the
11 defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the
15 family;

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

17 and

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

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

1 Probation may be revoked or modified pursuant to Section
2 5-6-4; except where the court determines at the hearing that
3 the defendant violated a condition of his or her probation
4 restricting contact with the victim or other family members or
5 commits another offense with the victim or other family
6 members, the court shall revoke the defendant's probation and
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and
9 "victim" shall have the meanings ascribed to them in Section
10 11-0.1 of the Criminal Code of 1961.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
14 11-14.3, 11-14.4 except for an offense that involves keeping a
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
17 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
18 defendant shall undergo medical testing to determine whether
19 the defendant has any sexually transmissible disease,
20 including a test for infection with human immunodeficiency
21 virus (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). Any such medical test shall
23 be performed only by appropriately licensed medical
24 practitioners and may include an analysis of any bodily fluids
25 as well as an examination of the defendant's person. Except as
26 otherwise provided by law, the results of such test shall be

1 kept strictly confidential by all medical personnel involved in
2 the testing and must be personally delivered in a sealed
3 envelope to the judge of the court in which the conviction was
4 entered for the judge's inspection in camera. Acting in
5 accordance with the best interests of the victim and the
6 public, the judge shall have the discretion to determine to
7 whom, if anyone, the results of the testing may be revealed.
8 The court shall notify the defendant of the test results. The
9 court shall also notify the victim if requested by the victim,
10 and if the victim is under the age of 15 and if requested by the
11 victim's parents or legal guardian, the court shall notify the
12 victim's parents or legal guardian of the test results. The
13 court shall provide information on the availability of HIV
14 testing and counseling at Department of Public Health
15 facilities to all parties to whom the results of the testing
16 are revealed and shall direct the State's Attorney to provide
17 the information to the victim when possible. A State's Attorney
18 may petition the court to obtain the results of any HIV test
19 administered under this Section, and the court shall grant the
20 disclosure if the State's Attorney shows it is relevant in
21 order to prosecute a charge of criminal transmission of HIV
22 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
23 against the defendant. The court shall order that the cost of
24 any such test shall be paid by the county and may be taxed as
25 costs against the convicted defendant.

26 (g-5) When an inmate is tested for an airborne communicable

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

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

1 at Department of Public Health facilities to all parties to
2 whom the results of the testing are revealed and shall direct
3 the State's Attorney to provide the information to the victim
4 when possible. A State's Attorney may petition the court to
5 obtain the results of any HIV test administered under this
6 Section, and the court shall grant the disclosure if the
7 State's Attorney shows it is relevant in order to prosecute a
8 charge of criminal transmission of HIV under Section 12-5.01 or
9 12-16.2 of the Criminal Code of 1961 against the defendant. The
10 court shall order that the cost of any such test shall be paid
11 by the county and may be taxed as costs against the convicted
12 defendant.

13 (i) All fines and penalties imposed under this Section for
14 any violation of Chapters 3, 4, 6, and 11 of the Illinois
15 Vehicle Code, or a similar provision of a local ordinance, and
16 any violation of the Child Passenger Protection Act, or a
17 similar 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 (j) In cases when prosecution for any violation of Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
22 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
23 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
24 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
25 12-15, or 12-16 of the Criminal Code of 1961, any violation of
26 the Illinois Controlled Substances Act, any violation of the

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

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

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

1 (k) (Blank).

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

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

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

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

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

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

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

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

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

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

26 (n) The court may sentence a person convicted of a

1 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
2 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
3 of 1961 (i) to an impact incarceration program if the person is
4 otherwise eligible for that program under Section 5-8-1.1, (ii)
5 to community service, or (iii) if the person is an addict or
6 alcoholic, as defined in the Alcoholism and Other Drug Abuse
7 and Dependency Act, to a substance or alcohol abuse program
8 licensed under that Act.

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

14 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
15 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
16 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
17 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
18 97-159, eff. 7-21-11; revised 9-14-11.)