

HB6168



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6168

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5-3

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

Amends the Unified Code of Corrections. Provides that the offense of knowingly manufacturing or delivering heroin, or possessing heroin with intent to manufacture or deliver, is not eligible for probation, conditional discharge, or periodic imprisonment if the amount of the heroin is 3 (rather than over 5) grams or more.

LRB097 21379 RLC 69312 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 ~~(e)(1)~~, (c)(1.5)~~7~~ 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 (D-5) A violation of subdivision (c)(1) of Section
6 401 of the Illinois Controlled Substances Act which
7 relates to 3 or more grams of a substance containing
8 heroin or an analog thereof.

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

11 (F) A Class 2 or greater felony if the offender had
12 been convicted of a Class 2 or greater felony,
13 including any state or federal conviction for an
14 offense that contained, at the time it was committed,
15 the same elements as an offense now (the date of the
16 offense committed after the prior Class 2 or greater
17 felony) classified as a Class 2 or greater felony,
18 within 10 years of the date on which the offender
19 committed the offense for which he or she is being
20 sentenced, except as otherwise provided in Section
21 40-10 of the Alcoholism and Other Drug Abuse and
22 Dependency Act.

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

26 (G) Residential burglary, except as otherwise

1 provided in Section 40-10 of the Alcoholism and Other
2 Drug Abuse and Dependency Act.

3 (H) Criminal sexual assault.

4 (I) Aggravated battery of a senior citizen as
5 described in Section 12-4.6 or subdivision (a)(4) of
6 Section 12-3.05.

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

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

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

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the
21 offense of hate crime when the underlying offense upon
22 which the hate crime is based is felony aggravated
23 assault or felony mob action.

24 (M) A second or subsequent conviction for the
25 offense of institutional vandalism if the damage to the
26 property exceeds \$300.

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

4 (O) A violation of Section 12-6.1 or 12-6.5 of the
5 Criminal Code of 1961.

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

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

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

13 (S) (Blank).

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

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

23 (V) A violation of paragraph (4) of subsection (c)
24 of Section 11-20.1B or paragraph (4) of subsection (c)
25 of Section 11-20.3 of the Criminal Code of 1961.

26 (W) A violation of Section 24-3.5 of the Criminal

1 Code of 1961.

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

4 (Y) A conviction for unlawful possession of a
5 firearm by a street gang member when the firearm was
6 loaded or contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge
9 for a felony.

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

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

14 (CC) Knowingly selling, offering for sale, holding
15 for sale, or using 2,000 or more counterfeit items or
16 counterfeit items having a retail value in the
17 aggregate of \$500,000 or more.

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

22 (3) (Blank).

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

1 (4.1) (Blank).

2 (4.2) Except as provided in paragraphs (4.3) and (4.8)
3 of this subsection (c), a minimum of 100 hours of community
4 service shall be imposed for a second violation of Section
5 6-303 of the Illinois Vehicle Code.

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

10 (4.4) Except as provided in paragraphs (4.5), (4.6),
11 and (4.9) of this subsection (c), a minimum term of
12 imprisonment of 30 days or 300 hours of community service,
13 as determined by the court, shall be imposed for a third or
14 subsequent violation of Section 6-303 of the Illinois
15 Vehicle Code.

16 (4.5) A minimum term of imprisonment of 30 days shall
17 be imposed for a third violation of subsection (c) of
18 Section 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this
20 subsection (c), a minimum term of imprisonment of 180 days
21 shall be imposed for a fourth or subsequent violation of
22 subsection (c) of Section 6-303 of the Illinois Vehicle
23 Code.

24 (4.7) A minimum term of imprisonment of not less than
25 30 consecutive days, or 300 hours of community service,
26 shall be imposed for a violation of subsection (a-5) of

1 Section 6-303 of the Illinois Vehicle Code, as provided in
2 subsection (b-5) of that Section.

3 (4.8) A mandatory prison sentence shall be imposed for
4 a second violation of subsection (a-5) of Section 6-303 of
5 the Illinois Vehicle Code, as provided in subsection (c-5)
6 of that Section. The person's driving privileges shall be
7 revoked for a period of not less than 5 years from the date
8 of his or her release from prison.

9 (4.9) A mandatory prison sentence of not less than 4
10 and not more than 15 years shall be imposed for a third
11 violation of subsection (a-5) of Section 6-303 of the
12 Illinois Vehicle Code, as provided in subsection (d-2.5) of
13 that Section. The person's driving privileges shall be
14 revoked for the remainder of his or her life.

15 (4.10) A mandatory prison sentence for a Class 1 felony
16 shall be imposed, and the person shall be eligible for an
17 extended term sentence, for a fourth or subsequent
18 violation of subsection (a-5) of Section 6-303 of the
19 Illinois Vehicle Code, as provided in subsection (d-3.5) of
20 that Section. The person's driving privileges shall be
21 revoked for the remainder of his or her life.

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

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under Section

1 5-5-6 of this Code.

2 (5.1) In addition to any other penalties imposed, and
3 except as provided in paragraph (5.2) or (5.3), a person
4 convicted of violating subsection (c) of Section 11-907 of
5 the Illinois Vehicle Code shall have his or her driver's
6 license, permit, or privileges suspended for at least 90
7 days but not more than one year, if the violation resulted
8 in damage to the property of another person.

9 (5.2) In addition to any other penalties imposed, and
10 except as provided in paragraph (5.3), a person convicted
11 of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's
13 license, permit, or privileges suspended for at least 180
14 days but not more than 2 years, if the violation resulted
15 in injury to another person.

16 (5.3) In addition to any other penalties imposed, a
17 person convicted of violating subsection (c) of Section
18 11-907 of the Illinois Vehicle Code shall have his or her
19 driver's license, permit, or privileges suspended for 2
20 years, if the violation resulted in the death of another
21 person.

22 (5.4) In addition to any other penalties imposed, a
23 person convicted of violating Section 3-707 of the Illinois
24 Vehicle Code shall have his or her driver's license,
25 permit, or privileges suspended for 3 months and until he
26 or she has paid a reinstatement fee of \$100.

1 (5.5) In addition to any other penalties imposed, a
2 person convicted of violating Section 3-707 of the Illinois
3 Vehicle Code during a period in which his or her driver's
4 license, permit, or privileges were suspended for a
5 previous violation of that Section shall have his or her
6 driver's license, permit, or privileges suspended for an
7 additional 6 months after the expiration of the original
8 3-month suspension and until he or she has paid a
9 reinstatement fee of \$100.

10 (6) (Blank).

11 (7) (Blank).

12 (8) (Blank).

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

16 (10) (Blank).

17 (11) The court shall impose a minimum fine of \$1,000
18 for a first offense and \$2,000 for a second or subsequent
19 offense upon a person convicted of or placed on supervision
20 for battery when the individual harmed was a sports
21 official or coach at any level of competition and the act
22 causing harm to the sports official or coach occurred
23 within an athletic facility or within the immediate
24 vicinity of the athletic facility at which the sports
25 official or coach was an active participant of the athletic
26 contest held at the athletic facility. For the purposes of

1 this paragraph (11), "sports official" means a person at an
2 athletic contest who enforces the rules of the contest,
3 such as an umpire or referee; "athletic facility" means an
4 indoor or outdoor playing field or recreational area where
5 sports activities are conducted; and "coach" means a person
6 recognized as a coach by the sanctioning authority that
7 conducted the sporting event.

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

13 (13) A person convicted of or placed on court
14 supervision for an assault or aggravated assault when the
15 victim and the offender are family or household members as
16 defined in Section 103 of the Illinois Domestic Violence
17 Act of 1986 or convicted of domestic battery or aggravated
18 domestic battery may be required to attend a Partner Abuse
19 Intervention Program under protocols set forth by the
20 Illinois Department of Human Services under such terms and
21 conditions imposed by the court. The costs of such classes
22 shall be paid by the offender.

23 (d) In any case in which a sentence originally imposed is
24 vacated, the case shall be remanded to the trial court. The
25 trial court shall hold a hearing under Section 5-4-1 of the
26 Unified Code of Corrections which may include evidence of the

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

15 (e) In cases where prosecution for aggravated criminal
16 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
17 Code of 1961 results in conviction of a defendant who was a
18 family member of the victim at the time of the commission of
19 the offense, the court shall consider the safety and welfare of
20 the victim and may impose a sentence of probation only where:

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

22 (A) the defendant is willing to undergo a court
23 approved counseling program for a minimum duration of 2
24 years; or

25 (B) the defendant is willing to participate in a
26 court approved plan including but not limited to the

1 defendant's:

2 (i) removal from the household;

3 (ii) restricted contact with the victim;

4 (iii) continued financial support of the
5 family;

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

7 and

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

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

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

24 For the purposes of this Section, "family member" and
25 "victim" shall have the meanings ascribed to them in Section
26 11-0.1 of the Criminal Code of 1961.

1 (f) (Blank).

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
4 11-14.3, 11-14.4 except for an offense that involves keeping a
5 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
6 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
7 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
8 defendant shall undergo medical testing to determine whether
9 the defendant has any sexually transmissible disease,
10 including a test for infection with human immunodeficiency
11 virus (HIV) or any other identified causative agent of acquired
12 immunodeficiency syndrome (AIDS). Any such medical test shall
13 be performed only by appropriately licensed medical
14 practitioners and may include an analysis of any bodily fluids
15 as well as an examination of the defendant's person. Except as
16 otherwise provided by law, the results of such test shall be
17 kept strictly confidential by all medical personnel involved in
18 the testing and must be personally delivered in a sealed
19 envelope to the judge of the court in which the conviction was
20 entered for the judge's inspection in camera. Acting in
21 accordance with the best interests of the victim and the
22 public, the judge shall have the discretion to determine to
23 whom, if anyone, the results of the testing may be revealed.
24 The court shall notify the defendant of the test results. The
25 court shall also notify the victim if requested by the victim,
26 and if the victim is under the age of 15 and if requested by the

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

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

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

1 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
2 defendant shall undergo medical testing to determine whether
3 the defendant has been exposed to human immunodeficiency virus
4 (HIV) or any other identified causative agent of acquired
5 immunodeficiency syndrome (AIDS). Except as otherwise provided
6 by law, the results of such test shall be kept strictly
7 confidential by all medical personnel involved in the testing
8 and must be personally delivered in a sealed envelope to the
9 judge of the court in which the conviction was entered for the
10 judge's inspection in camera. Acting in accordance with the
11 best interests of the public, the judge shall have the
12 discretion to determine to whom, if anyone, the results of the
13 testing may be revealed. The court shall notify the defendant
14 of a positive test showing an infection with the human
15 immunodeficiency virus (HIV). The court shall provide
16 information on the availability of HIV testing and counseling
17 at Department of Public Health facilities to all parties to
18 whom the results of the testing are revealed and shall direct
19 the State's Attorney to provide the information to the victim
20 when possible. A State's Attorney may petition the court to
21 obtain the results of any HIV test administered under this
22 Section, and the court shall grant the disclosure if the
23 State's Attorney shows it is relevant in order to prosecute a
24 charge of criminal transmission of HIV under Section 12-5.01 or
25 12-16.2 of the Criminal Code of 1961 against the defendant. The
26 court shall order that the cost of any such test shall be paid

1 by the county and may be taxed as costs against the convicted
2 defendant.

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

10 (j) In cases when prosecution for any violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
15 12-15, or 12-16 of the Criminal Code of 1961, any violation of
16 the Illinois Controlled Substances Act, any violation of the
17 Cannabis Control Act, or any violation of the Methamphetamine
18 Control and Community Protection Act results in conviction, a
19 disposition of court supervision, or an order of probation
20 granted under Section 10 of the Cannabis Control Act, Section
21 410 of the Illinois Controlled Substance Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act of a
23 defendant, the court shall determine whether the defendant is
24 employed by a facility or center as defined under the Child
25 Care Act of 1969, a public or private elementary or secondary
26 school, or otherwise works with children under 18 years of age

1 on a daily basis. When a defendant is so employed, the court
2 shall order the Clerk of the Court to send a copy of the
3 judgment of conviction or order of supervision or probation to
4 the defendant's employer by certified mail. If the employer of
5 the defendant is a school, the Clerk of the Court shall direct
6 the mailing of a copy of the judgment of conviction or order of
7 supervision or probation to the appropriate regional
8 superintendent of schools. The regional superintendent of
9 schools shall notify the State Board of Education of any
10 notification under this subsection.

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

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

17 (k) (Blank).

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

26 (1) a final order of deportation has been issued

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

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

6 Otherwise, the defendant shall be sentenced as
7 provided in this Chapter V.

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

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

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct
22 and would not be inconsistent with the ends of justice.

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

26 (D) Upon motion of the State's Attorney, if a defendant

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

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

16 (n) The court may sentence a person convicted of a
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
19 of 1961 (i) to an impact incarceration program if the person is
20 otherwise eligible for that program under Section 5-8-1.1, (ii)
21 to community service, or (iii) if the person is an addict or
22 alcoholic, as defined in the Alcoholism and Other Drug Abuse
23 and Dependency Act, to a substance or alcohol abuse program
24 licensed under that Act.

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

4 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
5 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
6 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
7 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
8 97-159, eff. 7-21-11; revised 9-14-11.)