



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3240

by Rep. Elizabeth Hernandez

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/5.2
705 ILCS 405/5-710
705 ILCS 405/5-901
730 ILCS 5/5-5-3

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

Amends the Criminal Identification Act. Provides that the arrest records of a gang member who is under 21 years of age and who has been found guilty of or continued under supervision for a gang-related offense and who has not previously been found guilty of or continued under supervision for a gang-related offense are eligible for sealing upon compliance with certain stated conditions. Amends the Juvenile Court Act of 1987 and the Unified Code of Corrections. Provides that in addition to any term of incarceration that may be imposed by the court and unless the court determines that it has good cause not to impose these requirements, a gang member who is under 21 years of age and who has been found guilty of or continued under supervision for a gang-related offense and who has not previously been found guilty of or continued under supervision for a gang-related offense shall, upon completion of any term of incarceration, be required to fulfill certain stated conditions.

LRB098 11177 RLC 41897 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 3. The Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

7 (E) "Expunge" means to physically destroy the
8 records or return them to the petitioner and to
9 obliterate the petitioner's name from any official
10 index or public record, or both. Nothing in this Act
11 shall require the physical destruction of the circuit
12 court file, but such records relating to arrests or
13 charges, or both, ordered expunged shall be impounded
14 as required by subsections (d)(9)(A)(ii) and
15 (d)(9)(B)(ii).

16 (E-5) "Gang member" and "gang-related" have the
17 meanings ascribed to those terms in Section 10 of the
18 Illinois Streetgang Terrorism Omnibus Prevention Act.

19 (F) As used in this Section, "last sentence" means
20 the sentence, order of supervision, or order of
21 qualified probation (as defined by subsection
22 (a)(1)(J)), for a criminal offense (as defined by
23 subsection (a)(1)(D)) that terminates last in time in
24 any jurisdiction, regardless of whether the petitioner
25 has included the criminal offense for which the
26 sentence or order of supervision or qualified

1 probation was imposed in his or her petition. If
2 multiple sentences, orders of supervision, or orders
3 of qualified probation terminate on the same day and
4 are last in time, they shall be collectively considered
5 the "last sentence" regardless of whether they were
6 ordered to run concurrently.

7 (G) "Minor traffic offense" means a petty offense,
8 business offense, or Class C misdemeanor under the
9 Illinois Vehicle Code or a similar provision of a
10 municipal or local ordinance.

11 (H) "Municipal ordinance violation" means an
12 offense defined by a municipal or local ordinance that
13 is criminal in nature and with which the petitioner was
14 charged or for which the petitioner was arrested and
15 released without charging.

16 (I) "Petitioner" means an adult or a minor
17 prosecuted as an adult who has applied for relief under
18 this Section.

19 (J) "Qualified probation" means an order of
20 probation under Section 10 of the Cannabis Control Act,
21 Section 410 of the Illinois Controlled Substances Act,
22 Section 70 of the Methamphetamine Control and
23 Community Protection Act, Section 5-6-3.3 of the
24 Unified Code of Corrections, Section 12-4.3(b)(1) and
25 (2) of the Criminal Code of 1961 (as those provisions
26 existed before their deletion by Public Act 89-313),

1 Section 10-102 of the Illinois Alcoholism and Other
2 Drug Dependency Act, Section 40-10 of the Alcoholism
3 and Other Drug Abuse and Dependency Act, or Section 10
4 of the Steroid Control Act. For the purpose of this
5 Section, "successful completion" of an order of
6 qualified probation under Section 10-102 of the
7 Illinois Alcoholism and Other Drug Dependency Act and
8 Section 40-10 of the Alcoholism and Other Drug Abuse
9 and Dependency Act means that the probation was
10 terminated satisfactorily and the judgment of
11 conviction was vacated.

12 (K) "Seal" means to physically and electronically
13 maintain the records, unless the records would
14 otherwise be destroyed due to age, but to make the
15 records unavailable without a court order, subject to
16 the exceptions in Sections 12 and 13 of this Act. The
17 petitioner's name shall also be obliterated from the
18 official index required to be kept by the circuit court
19 clerk under Section 16 of the Clerks of Courts Act, but
20 any index issued by the circuit court clerk before the
21 entry of the order to seal shall not be affected.

22 (L) "Sexual offense committed against a minor"
23 includes but is not limited to the offenses of indecent
24 solicitation of a child or criminal sexual abuse when
25 the victim of such offense is under 18 years of age.

26 (M) "Terminate" as it relates to a sentence or

1 order of supervision or qualified probation includes
2 either satisfactory or unsatisfactory termination of
3 the sentence, unless otherwise specified in this
4 Section.

5 (2) Minor Traffic Offenses. Orders of supervision or
6 convictions for minor traffic offenses shall not affect a
7 petitioner's eligibility to expunge or seal records
8 pursuant to this Section.

9 (3) Exclusions. Except as otherwise provided in
10 subsections (b) (5), (b) (6), (c) (2) (G), (e), and (e-5) of
11 this Section, the court shall not order:

12 (A) the sealing or expungement of the records of
13 arrests or charges not initiated by arrest that result
14 in an order of supervision for or conviction of: (i)
15 any sexual offense committed against a minor; (ii)
16 Section 11-501 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance; or (iii)
18 Section 11-503 of the Illinois Vehicle Code or a
19 similar provision of a local ordinance, unless the
20 arrest or charge is for a misdemeanor violation of
21 subsection (a) of Section 11-503 or a similar provision
22 of a local ordinance, that occurred prior to the
23 offender reaching the age of 25 years and the offender
24 has no other conviction for violating Section 11-501 or
25 11-503 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance.

1 (B) the sealing or expungement of records of minor
2 traffic offenses (as defined in subsection (a)(1)(G)),
3 unless the petitioner was arrested and released
4 without charging.

5 (C) the sealing of the records of arrests or
6 charges not initiated by arrest which result in an
7 order of supervision, an order of qualified probation
8 (as defined in subsection (a)(1)(J)), or a conviction
9 for the following offenses:

10 (i) offenses included in Article 11 of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 or a similar provision of a local ordinance, except
13 Section 11-14 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or a similar provision of a
15 local ordinance;

16 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
17 26-5, or 48-1 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, or a similar provision of a
19 local ordinance;

20 (iii) offenses defined as "crimes of violence"
21 in Section 2 of the Crime Victims Compensation Act
22 or a similar provision of a local ordinance;

23 (iv) offenses which are Class A misdemeanors
24 under the Humane Care for Animals Act; or

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) the sealing of the records of an arrest which
3 results in the petitioner being charged with a felony
4 offense or records of a charge not initiated by arrest
5 for a felony offense unless:

6 (i) the charge is amended to a misdemeanor and
7 is otherwise eligible to be sealed pursuant to
8 subsection (c);

9 (ii) the charge is brought along with another
10 charge as a part of one case and the charge results
11 in acquittal, dismissal, or conviction when the
12 conviction was reversed or vacated, and another
13 charge brought in the same case results in a
14 disposition for a misdemeanor offense that is
15 eligible to be sealed pursuant to subsection (c) or
16 a disposition listed in paragraph (i), (iii), or
17 (iv) of this subsection;

18 (iii) the charge results in first offender
19 probation as set forth in subsection (c)(2)(E);

20 (iv) the charge is for a Class 4 felony offense
21 listed in subsection (c)(2)(F) or the charge is
22 amended to a Class 4 felony offense listed in
23 subsection (c)(2)(F). Records of arrests which
24 result in the petitioner being charged with a Class
25 4 felony offense listed in subsection (c)(2)(F),
26 records of charges not initiated by arrest for

1 Class 4 felony offenses listed in subsection
2 (c)(2)(F), and records of charges amended to a
3 Class 4 felony offense listed in (c)(2)(F) may be
4 sealed, regardless of the disposition, subject to
5 any waiting periods set forth in subsection
6 (c)(3);

7 (v) the charge results in acquittal,
8 dismissal, or the petitioner's release without
9 conviction; or

10 (vi) the charge results in a conviction, but
11 the conviction was reversed or vacated.

12 (b) Expungement.

13 (1) A petitioner may petition the circuit court to
14 expunge the records of his or her arrests and charges not
15 initiated by arrest when:

16 (A) He or she has never been convicted of a
17 criminal offense; and

18 (B) Each arrest or charge not initiated by arrest
19 sought to be expunged resulted in: (i) acquittal,
20 dismissal, or the petitioner's release without
21 charging, unless excluded by subsection (a)(3)(B);
22 (ii) a conviction which was vacated or reversed, unless
23 excluded by subsection (a)(3)(B); (iii) an order of
24 supervision and such supervision was successfully
25 completed by the petitioner, unless excluded by
26 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of

1 qualified probation (as defined in subsection
2 (a)(1)(J)) and such probation was successfully
3 completed by the petitioner.

4 (2) Time frame for filing a petition to expunge.

5 (A) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an acquittal,
7 dismissal, the petitioner's release without charging,
8 or the reversal or vacation of a conviction, there is
9 no waiting period to petition for the expungement of
10 such records.

11 (B) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an order of
13 supervision, successfully completed by the petitioner,
14 the following time frames will apply:

15 (i) Those arrests or charges that resulted in
16 orders of supervision under Section 3-707, 3-708,
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance, or under
19 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
20 Code of 1961 or the Criminal Code of 2012, or a
21 similar provision of a local ordinance, shall not
22 be eligible for expungement until 5 years have
23 passed following the satisfactory termination of
24 the supervision.

25 (i-5) Those arrests or charges that resulted
26 in orders of supervision for a misdemeanor

1 violation of subsection (a) of Section 11-503 of
2 the Illinois Vehicle Code or a similar provision of
3 a local ordinance, that occurred prior to the
4 offender reaching the age of 25 years and the
5 offender has no other conviction for violating
6 Section 11-501 or 11-503 of the Illinois Vehicle
7 Code or a similar provision of a local ordinance
8 shall not be eligible for expungement until the
9 petitioner has reached the age of 25 years.

10 (ii) Those arrests or charges that resulted in
11 orders of supervision for any other offenses shall
12 not be eligible for expungement until 2 years have
13 passed following the satisfactory termination of
14 the supervision.

15 (C) When the arrest or charge not initiated by
16 arrest sought to be expunged resulted in an order of
17 qualified probation, successfully completed by the
18 petitioner, such records shall not be eligible for
19 expungement until 5 years have passed following the
20 satisfactory termination of the probation.

21 (3) Those records maintained by the Department for
22 persons arrested prior to their 17th birthday shall be
23 expunged as provided in Section 5-915 of the Juvenile Court
24 Act of 1987.

25 (4) Whenever a person has been arrested for or
26 convicted of any offense, in the name of a person whose

1 identity he or she has stolen or otherwise come into
2 possession of, the aggrieved person from whom the identity
3 was stolen or otherwise obtained without authorization,
4 upon learning of the person having been arrested using his
5 or her identity, may, upon verified petition to the chief
6 judge of the circuit wherein the arrest was made, have a
7 court order entered nunc pro tunc by the Chief Judge to
8 correct the arrest record, conviction record, if any, and
9 all official records of the arresting authority, the
10 Department, other criminal justice agencies, the
11 prosecutor, and the trial court concerning such arrest, if
12 any, by removing his or her name from all such records in
13 connection with the arrest and conviction, if any, and by
14 inserting in the records the name of the offender, if known
15 or ascertainable, in lieu of the aggrieved's name. The
16 records of the circuit court clerk shall be sealed until
17 further order of the court upon good cause shown and the
18 name of the aggrieved person obliterated on the official
19 index required to be kept by the circuit court clerk under
20 Section 16 of the Clerks of Courts Act, but the order shall
21 not affect any index issued by the circuit court clerk
22 before the entry of the order. Nothing in this Section
23 shall limit the Department of State Police or other
24 criminal justice agencies or prosecutors from listing
25 under an offender's name the false names he or she has
26 used.

1 (5) Whenever a person has been convicted of criminal
2 sexual assault, aggravated criminal sexual assault,
3 predatory criminal sexual assault of a child, criminal
4 sexual abuse, or aggravated criminal sexual abuse, the
5 victim of that offense may request that the State's
6 Attorney of the county in which the conviction occurred
7 file a verified petition with the presiding trial judge at
8 the petitioner's trial to have a court order entered to
9 seal the records of the circuit court clerk in connection
10 with the proceedings of the trial court concerning that
11 offense. However, the records of the arresting authority
12 and the Department of State Police concerning the offense
13 shall not be sealed. The court, upon good cause shown,
14 shall make the records of the circuit court clerk in
15 connection with the proceedings of the trial court
16 concerning the offense available for public inspection.

17 (6) If a conviction has been set aside on direct review
18 or on collateral attack and the court determines by clear
19 and convincing evidence that the petitioner was factually
20 innocent of the charge, the court shall enter an
21 expungement order as provided in subsection (b) of Section
22 5-5-4 of the Unified Code of Corrections.

23 (7) Nothing in this Section shall prevent the
24 Department of State Police from maintaining all records of
25 any person who is admitted to probation upon terms and
26 conditions and who fulfills those terms and conditions

1 pursuant to Section 10 of the Cannabis Control Act, Section
2 410 of the Illinois Controlled Substances Act, Section 70
3 of the Methamphetamine Control and Community Protection
4 Act, Section 5-6-3.3 of the Unified Code of Corrections,
5 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
6 the Criminal Code of 1961 or the Criminal Code of 2012,
7 Section 10-102 of the Illinois Alcoholism and Other Drug
8 Dependency Act, Section 40-10 of the Alcoholism and Other
9 Drug Abuse and Dependency Act, or Section 10 of the Steroid
10 Control Act.

11 (c) Sealing.

12 (1) Applicability. Notwithstanding any other provision
13 of this Act to the contrary, and cumulative with any rights
14 to expungement of criminal records, this subsection
15 authorizes the sealing of criminal records of adults and of
16 minors prosecuted as adults.

17 (2) Eligible Records. The following records may be
18 sealed:

19 (A) All arrests resulting in release without
20 charging;

21 (B) Arrests or charges not initiated by arrest
22 resulting in acquittal, dismissal, or conviction when
23 the conviction was reversed or vacated, except as
24 excluded by subsection (a) (3) (B);

25 (C) Arrests or charges not initiated by arrest
26 resulting in orders of supervision successfully

1 completed by the petitioner, unless excluded by
2 subsection (a) (3);

3 (D) Arrests or charges not initiated by arrest
4 resulting in convictions unless excluded by subsection
5 (a) (3);

6 (E) Arrests or charges not initiated by arrest
7 resulting in orders of first offender probation under
8 Section 10 of the Cannabis Control Act, Section 410 of
9 the Illinois Controlled Substances Act, Section 70 of
10 the Methamphetamine Control and Community Protection
11 Act, or Section 5-6-3.3 of the Unified Code of
12 Corrections; ~~and~~

13 (F) Arrests or charges not initiated by arrest
14 resulting in Class 4 felony convictions for the
15 following offenses:

16 (i) Section 11-14 of the Criminal Code of 1961
17 or the Criminal Code of 2012;

18 (ii) Section 4 of the Cannabis Control Act;

19 (iii) Section 402 of the Illinois Controlled
20 Substances Act;

21 (iv) the Methamphetamine Precursor Control
22 Act; and

23 (v) the Steroid Control Act; and ~~and~~

24 (G) Arrests or charges not initiated by arrest
25 resulting in convictions or orders of supervision for a
26 gang-related offense of a gang member under 21 years of

1 age who has not been previously convicted of, or placed
2 on supervision for, a gang-related offense and who has
3 complied with: (i) community service determined by the
4 court; (ii) completion of educational courses designed
5 to prepare the gang member to pass the high school
6 level Test of General Educational Development (GED) if
7 the gang member does not have a GED certificate or high
8 school diploma; (iii) a curfew (A) between 11:00 p.m.
9 on Friday and 6:00 a.m. on Saturday; (B) between 11:00
10 p.m. on Saturday and 6:00 a.m. on Sunday; and (C)
11 between 10:00 p.m. on Sunday to Thursday, inclusive,
12 and 6:00 a.m. on the following day; and (iv) attendance
13 at Life Skills classes conducted by a community college
14 or by a non-profit offender re-entry program under
15 paragraph (14) of subsection (c) of Section 5-5-3 of
16 the Unified Code of Corrections.

17 (3) When Records Are Eligible to Be Sealed. Records
18 identified as eligible under subsection (c)(2) may be
19 sealed as follows:

20 (A) Records identified as eligible under
21 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
22 time.

23 (B) Records identified as eligible under
24 subsection (c)(2)(C) may be sealed (i) 3 years after
25 the termination of petitioner's last sentence (as
26 defined in subsection (a)(1)(F)) if the petitioner has

1 never been convicted of a criminal offense (as defined
2 in subsection (a)(1)(D)); or (ii) 4 years after the
3 termination of the petitioner's last sentence (as
4 defined in subsection (a)(1)(F)) if the petitioner has
5 ever been convicted of a criminal offense (as defined
6 in subsection (a)(1)(D)).

7 (C) Records identified as eligible under
8 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
9 sealed 4 years after the termination of the
10 petitioner's last sentence (as defined in subsection
11 (a)(1)(F)).

12 (D) Records identified in subsection
13 (a)(3)(A)(iii) may be sealed after the petitioner has
14 reached the age of 25 years.

15 (4) Subsequent felony convictions. A person may not
16 have subsequent felony conviction records sealed as
17 provided in this subsection (c) if he or she is convicted
18 of any felony offense after the date of the sealing of
19 prior felony convictions as provided in this subsection
20 (c). The court may, upon conviction for a subsequent felony
21 offense, order the unsealing of prior felony conviction
22 records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a
24 disposition for an eligible record under this subsection
25 (c), the petitioner shall be informed by the court of the
26 right to have the records sealed and the procedures for the

1 sealing of the records.

2 (d) Procedure. The following procedures apply to
3 expungement under subsections (b) and (e), and sealing under
4 subsections (c) and (e-5):

5 (1) Filing the petition. Upon becoming eligible to
6 petition for the expungement or sealing of records under
7 this Section, the petitioner shall file a petition
8 requesting the expungement or sealing of records with the
9 clerk of the court where the arrests occurred or the
10 charges were brought, or both. If arrests occurred or
11 charges were brought in multiple jurisdictions, a petition
12 must be filed in each such jurisdiction. The petitioner
13 shall pay the applicable fee, if not waived.

14 (2) Contents of petition. The petition shall be
15 verified and shall contain the petitioner's name, date of
16 birth, current address and, for each arrest or charge not
17 initiated by arrest sought to be sealed or expunged, the
18 case number, the date of arrest (if any), the identity of
19 the arresting authority, and such other information as the
20 court may require. During the pendency of the proceeding,
21 the petitioner shall promptly notify the circuit court
22 clerk of any change of his or her address. If the
23 petitioner has received a certificate of eligibility for
24 sealing from the Prisoner Review Board under paragraph (10)
25 of subsection (a) of Section 3-3-2 of the Unified Code of
26 Corrections, the certificate shall be attached to the

1 petition.

2 (3) Drug test. The petitioner must attach to the
3 petition proof that the petitioner has passed a test taken
4 within 30 days before the filing of the petition showing
5 the absence within his or her body of all illegal
6 substances as defined by the Illinois Controlled
7 Substances Act, the Methamphetamine Control and Community
8 Protection Act, and the Cannabis Control Act if he or she
9 is petitioning to seal felony records pursuant to clause
10 (c) (2) (E), (c) (2) (F) (ii)-(v), or (e-5) or if he or she is
11 petitioning to expunge felony records of a qualified
12 probation pursuant to clause (b) (1) (B) (iv).

13 (4) Service of petition. The circuit court clerk shall
14 promptly serve a copy of the petition on the State's
15 Attorney or prosecutor charged with the duty of prosecuting
16 the offense, the Department of State Police, the arresting
17 agency and the chief legal officer of the unit of local
18 government effecting the arrest.

19 (5) Objections.

20 (A) Any party entitled to notice of the petition
21 may file an objection to the petition. All objections
22 shall be in writing, shall be filed with the circuit
23 court clerk, and shall state with specificity the basis
24 of the objection.

25 (B) Objections to a petition to expunge or seal
26 must be filed within 60 days of the date of service of

1 the petition.

2 (6) Entry of order.

3 (A) The Chief Judge of the circuit wherein the
4 charge was brought, any judge of that circuit
5 designated by the Chief Judge, or in counties of less
6 than 3,000,000 inhabitants, the presiding trial judge
7 at the petitioner's trial, if any, shall rule on the
8 petition to expunge or seal as set forth in this
9 subsection (d) (6).

10 (B) Unless the State's Attorney or prosecutor, the
11 Department of State Police, the arresting agency, or
12 the chief legal officer files an objection to the
13 petition to expunge or seal within 60 days from the
14 date of service of the petition, the court shall enter
15 an order granting or denying the petition.

16 (7) Hearings. If an objection is filed, the court shall
17 set a date for a hearing and notify the petitioner and all
18 parties entitled to notice of the petition of the hearing
19 date at least 30 days prior to the hearing, and shall hear
20 evidence on whether the petition should or should not be
21 granted, and shall grant or deny the petition to expunge or
22 seal the records based on the evidence presented at the
23 hearing.

24 (8) Service of order. After entering an order to
25 expunge or seal records, the court must provide copies of
26 the order to the Department, in a form and manner

1 prescribed by the Department, to the petitioner, to the
2 State's Attorney or prosecutor charged with the duty of
3 prosecuting the offense, to the arresting agency, to the
4 chief legal officer of the unit of local government
5 effecting the arrest, and to such other criminal justice
6 agencies as may be ordered by the court.

7 (9) Effect of order.

8 (A) Upon entry of an order to expunge records
9 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

10 (i) the records shall be expunged (as defined
11 in subsection (a) (1) (E)) by the arresting agency,
12 the Department, and any other agency as ordered by
13 the court, within 60 days of the date of service of
14 the order, unless a motion to vacate, modify, or
15 reconsider the order is filed pursuant to
16 paragraph (12) of subsection (d) of this Section;

17 (ii) the records of the circuit court clerk
18 shall be impounded until further order of the court
19 upon good cause shown and the name of the
20 petitioner obliterated on the official index
21 required to be kept by the circuit court clerk
22 under Section 16 of the Clerks of Courts Act, but
23 the order shall not affect any index issued by the
24 circuit court clerk before the entry of the order;
25 and

26 (iii) in response to an inquiry for expunged

1 records, the court, the Department, or the agency
2 receiving such inquiry, shall reply as it does in
3 response to inquiries when no records ever
4 existed.

5 (B) Upon entry of an order to expunge records
6 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

7 (i) the records shall be expunged (as defined
8 in subsection (a) (1) (E)) by the arresting agency
9 and any other agency as ordered by the court,
10 within 60 days of the date of service of the order,
11 unless a motion to vacate, modify, or reconsider
12 the order is filed pursuant to paragraph (12) of
13 subsection (d) of this Section;

14 (ii) the records of the circuit court clerk
15 shall be impounded until further order of the court
16 upon good cause shown and the name of the
17 petitioner obliterated on the official index
18 required to be kept by the circuit court clerk
19 under Section 16 of the Clerks of Courts Act, but
20 the order shall not affect any index issued by the
21 circuit court clerk before the entry of the order;

22 (iii) the records shall be impounded by the
23 Department within 60 days of the date of service of
24 the order as ordered by the court, unless a motion
25 to vacate, modify, or reconsider the order is filed
26 pursuant to paragraph (12) of subsection (d) of

1 this Section;

2 (iv) records impounded by the Department may
3 be disseminated by the Department only as required
4 by law or to the arresting authority, the State's
5 Attorney, and the court upon a later arrest for the
6 same or a similar offense or for the purpose of
7 sentencing for any subsequent felony, and to the
8 Department of Corrections upon conviction for any
9 offense; and

10 (v) in response to an inquiry for such records
11 from anyone not authorized by law to access such
12 records the court, the Department, or the agency
13 receiving such inquiry shall reply as it does in
14 response to inquiries when no records ever
15 existed.

16 (C) Upon entry of an order to seal records under
17 subsection (c), the arresting agency, any other agency
18 as ordered by the court, the Department, and the court
19 shall seal the records (as defined in subsection
20 (a) (1) (K)). In response to an inquiry for such records
21 from anyone not authorized by law to access such
22 records the court, the Department, or the agency
23 receiving such inquiry shall reply as it does in
24 response to inquiries when no records ever existed.

25 (10) Fees. The Department may charge the petitioner a
26 fee equivalent to the cost of processing any order to

1 expunge or seal records. Notwithstanding any provision of
2 the Clerks of Courts Act to the contrary, the circuit court
3 clerk may charge a fee equivalent to the cost associated
4 with the sealing or expungement of records by the circuit
5 court clerk. From the total filing fee collected for the
6 petition to seal or expunge, the circuit court clerk shall
7 deposit \$10 into the Circuit Court Clerk Operation and
8 Administrative Fund, to be used to offset the costs
9 incurred by the circuit court clerk in performing the
10 additional duties required to serve the petition to seal or
11 expunge on all parties. The circuit court clerk shall
12 collect and forward the Department of State Police portion
13 of the fee to the Department and it shall be deposited in
14 the State Police Services Fund.

15 (11) Final Order. No court order issued under the
16 expungement or sealing provisions of this Section shall
17 become final for purposes of appeal until 30 days after
18 service of the order on the petitioner and all parties
19 entitled to notice of the petition.

20 (12) Motion to Vacate, Modify, or Reconsider. The
21 petitioner or any party entitled to notice may file a
22 motion to vacate, modify, or reconsider the order granting
23 or denying the petition to expunge or seal within 60 days
24 of service of the order.

25 (e) Whenever a person who has been convicted of an offense
26 is granted a pardon by the Governor which specifically

1 authorizes expungement, he or she may, upon verified petition
2 to the Chief Judge of the circuit where the person had been
3 convicted, any judge of the circuit designated by the Chief
4 Judge, or in counties of less than 3,000,000 inhabitants, the
5 presiding trial judge at the defendant's trial, have a court
6 order entered expunging the record of arrest from the official
7 records of the arresting authority and order that the records
8 of the circuit court clerk and the Department be sealed until
9 further order of the court upon good cause shown or as
10 otherwise provided herein, and the name of the defendant
11 obliterated from the official index requested to be kept by the
12 circuit court clerk under Section 16 of the Clerks of Courts
13 Act in connection with the arrest and conviction for the
14 offense for which he or she had been pardoned but the order
15 shall not affect any index issued by the circuit court clerk
16 before the entry of the order. All records sealed by the
17 Department may be disseminated by the Department only to the
18 arresting authority, the State's Attorney, and the court upon a
19 later arrest for the same or similar offense or for the purpose
20 of sentencing for any subsequent felony. Upon conviction for
21 any subsequent offense, the Department of Corrections shall
22 have access to all sealed records of the Department pertaining
23 to that individual. Upon entry of the order of expungement, the
24 circuit court clerk shall promptly mail a copy of the order to
25 the person who was pardoned.

26 (e-5) Whenever a person who has been convicted of an

1 offense is granted a certificate of eligibility for sealing by
2 the Prisoner Review Board which specifically authorizes
3 sealing, he or she may, upon verified petition to the Chief
4 Judge of the circuit where the person had been convicted, any
5 judge of the circuit designated by the Chief Judge, or in
6 counties of less than 3,000,000 inhabitants, the presiding
7 trial judge at the petitioner's trial, have a court order
8 entered sealing the record of arrest from the official records
9 of the arresting authority and order that the records of the
10 circuit court clerk and the Department be sealed until further
11 order of the court upon good cause shown or as otherwise
12 provided herein, and the name of the petitioner obliterated
13 from the official index requested to be kept by the circuit
14 court clerk under Section 16 of the Clerks of Courts Act in
15 connection with the arrest and conviction for the offense for
16 which he or she had been granted the certificate but the order
17 shall not affect any index issued by the circuit court clerk
18 before the entry of the order. All records sealed by the
19 Department may be disseminated by the Department only as
20 required by this Act or to the arresting authority, a law
21 enforcement agency, the State's Attorney, and the court upon a
22 later arrest for the same or similar offense or for the purpose
23 of sentencing for any subsequent felony. Upon conviction for
24 any subsequent offense, the Department of Corrections shall
25 have access to all sealed records of the Department pertaining
26 to that individual. Upon entry of the order of sealing, the

1 circuit court clerk shall promptly mail a copy of the order to
2 the person who was granted the certificate of eligibility for
3 sealing.

4 (f) Subject to available funding, the Illinois Department
5 of Corrections shall conduct a study of the impact of sealing,
6 especially on employment and recidivism rates, utilizing a
7 random sample of those who apply for the sealing of their
8 criminal records under Public Act 93-211. At the request of the
9 Illinois Department of Corrections, records of the Illinois
10 Department of Employment Security shall be utilized as
11 appropriate to assist in the study. The study shall not
12 disclose any data in a manner that would allow the
13 identification of any particular individual or employing unit.
14 The study shall be made available to the General Assembly no
15 later than September 1, 2010.

16 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
17 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
18 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
19 eff. 8-19-11; 97-698, eff. 1-1-13; 97-1026, eff. 1-1-13;
20 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1118, eff.
21 1-1-13; 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

22 Section 5. The Juvenile Court Act of 1987 is amended by
23 changing Sections 5-710 and 5-901 as follows:

24 (705 ILCS 405/5-710)

1 Sec. 5-710. Kinds of sentencing orders.

2 (1) The following kinds of sentencing orders may be made in
3 respect of wards of the court:

4 (a) Except as provided in Sections 5-805, 5-810, 5-815,
5 a minor who is found guilty under Section 5-620 may be:

6 (i) put on probation or conditional discharge and
7 released to his or her parents, guardian or legal
8 custodian, provided, however, that any such minor who
9 is not committed to the Department of Juvenile Justice
10 under this subsection and who is found to be a
11 delinquent for an offense which is first degree murder,
12 a Class X felony, or a forcible felony shall be placed
13 on probation;

14 (ii) placed in accordance with Section 5-740, with
15 or without also being put on probation or conditional
16 discharge;

17 (iii) required to undergo a substance abuse
18 assessment conducted by a licensed provider and
19 participate in the indicated clinical level of care;

20 (iv) placed in the guardianship of the Department
21 of Children and Family Services, but only if the
22 delinquent minor is under 15 years of age or, pursuant
23 to Article II of this Act, a minor for whom an
24 independent basis of abuse, neglect, or dependency
25 exists. An independent basis exists when the
26 allegations or adjudication of abuse, neglect, or

1 dependency do not arise from the same facts, incident,
2 or circumstances which give rise to a charge or
3 adjudication of delinquency;

4 (v) placed in detention for a period not to exceed
5 30 days, either as the exclusive order of disposition
6 or, where appropriate, in conjunction with any other
7 order of disposition issued under this paragraph,
8 provided that any such detention shall be in a juvenile
9 detention home and the minor so detained shall be 10
10 years of age or older. However, the 30-day limitation
11 may be extended by further order of the court for a
12 minor under age 15 committed to the Department of
13 Children and Family Services if the court finds that
14 the minor is a danger to himself or others. The minor
15 shall be given credit on the sentencing order of
16 detention for time spent in detention under Sections
17 5-501, 5-601, 5-710, or 5-720 of this Article as a
18 result of the offense for which the sentencing order
19 was imposed. The court may grant credit on a sentencing
20 order of detention entered under a violation of
21 probation or violation of conditional discharge under
22 Section 5-720 of this Article for time spent in
23 detention before the filing of the petition alleging
24 the violation. A minor shall not be deprived of credit
25 for time spent in detention before the filing of a
26 violation of probation or conditional discharge

1 alleging the same or related act or acts;

2 (vi) ordered partially or completely emancipated
3 in accordance with the provisions of the Emancipation
4 of Minors Act;

5 (vii) subject to having his or her driver's license
6 or driving privileges suspended for such time as
7 determined by the court but only until he or she
8 attains 18 years of age;

9 (viii) put on probation or conditional discharge
10 and placed in detention under Section 3-6039 of the
11 Counties Code for a period not to exceed the period of
12 incarceration permitted by law for adults found guilty
13 of the same offense or offenses for which the minor was
14 adjudicated delinquent, and in any event no longer than
15 upon attainment of age 21; this subdivision (viii)
16 notwithstanding any contrary provision of the law;

17 (ix) ordered to undergo a medical or other
18 procedure to have a tattoo symbolizing allegiance to a
19 street gang removed from his or her body; or

20 (x) placed in electronic home detention under Part
21 7A of this Article.

22 (b) A minor found to be guilty may be committed to the
23 Department of Juvenile Justice under Section 5-750 if the
24 minor is 13 years of age or older, provided that the
25 commitment to the Department of Juvenile Justice shall be
26 made only if a term of incarceration is permitted by law

1 for adults found guilty of the offense for which the minor
2 was adjudicated delinquent. The time during which a minor
3 is in custody before being released upon the request of a
4 parent, guardian or legal custodian shall be considered as
5 time spent in detention.

6 (c) When a minor is found to be guilty for an offense
7 which is a violation of the Illinois Controlled Substances
8 Act, the Cannabis Control Act, or the Methamphetamine
9 Control and Community Protection Act and made a ward of the
10 court, the court may enter a disposition order requiring
11 the minor to undergo assessment, counseling or treatment in
12 a substance abuse program approved by the Department of
13 Human Services.

14 (2) Any sentencing order other than commitment to the
15 Department of Juvenile Justice may provide for protective
16 supervision under Section 5-725 and may include an order of
17 protection under Section 5-730.

18 (3) Unless the sentencing order expressly so provides, it
19 does not operate to close proceedings on the pending petition,
20 but is subject to modification until final closing and
21 discharge of the proceedings under Section 5-750.

22 (4) In addition to any other sentence, the court may order
23 any minor found to be delinquent to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentencing hearing" referred to in that Section

1 shall be the sentencing hearing for purposes of this Section.
2 The parent, guardian or legal custodian of the minor may be
3 ordered by the court to pay some or all of the restitution on
4 the minor's behalf, pursuant to the Parental Responsibility
5 Law. The State's Attorney is authorized to act on behalf of any
6 victim in seeking restitution in proceedings under this
7 Section, up to the maximum amount allowed in Section 5 of the
8 Parental Responsibility Law.

9 (5) Any sentencing order where the minor is committed or
10 placed in accordance with Section 5-740 shall provide for the
11 parents or guardian of the estate of the minor to pay to the
12 legal custodian or guardian of the person of the minor such
13 sums as are determined by the custodian or guardian of the
14 person of the minor as necessary for the minor's needs. The
15 payments may not exceed the maximum amounts provided for by
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to
18 attend school or participate in a program of training, the
19 truant officer or designated school official shall regularly
20 report to the court if the minor is a chronic or habitual
21 truant under Section 26-2a of the School Code. Notwithstanding
22 any other provision of this Act, in instances in which
23 educational services are to be provided to a minor in a
24 residential facility where the minor has been placed by the
25 court, costs incurred in the provision of those educational
26 services must be allocated based on the requirements of the

1 School Code.

2 (7) In no event shall a guilty minor be committed to the
3 Department of Juvenile Justice for a period of time in excess
4 of that period for which an adult could be committed for the
5 same act.

6 (8) A minor found to be guilty for reasons that include a
7 violation of Section 21-1.3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 shall be ordered to perform community
9 service for not less than 30 and not more than 120 hours, if
10 community service is available in the jurisdiction. The
11 community service shall include, but need not be limited to,
12 the cleanup and repair of the damage that was caused by the
13 violation or similar damage to property located in the
14 municipality or county in which the violation occurred. The
15 order may be in addition to any other order authorized by this
16 Section.

17 (8.5) A minor found to be guilty for reasons that include a
18 violation of Section 3.02 or Section 3.03 of the Humane Care
19 for Animals Act or paragraph (d) of subsection (1) of Section
20 21-1 of the Criminal Code of 1961 or paragraph (4) of
21 subsection (a) of Section 21-1 of the Criminal Code of 2012
22 shall be ordered to undergo medical or psychiatric treatment
23 rendered by a psychiatrist or psychological treatment rendered
24 by a clinical psychologist. The order may be in addition to any
25 other order authorized by this Section.

26 (9) In addition to any other sentencing order, the court

1 shall order any minor found to be guilty for an act which would
2 constitute, predatory criminal sexual assault of a child,
3 aggravated criminal sexual assault, criminal sexual assault,
4 aggravated criminal sexual abuse, or criminal sexual abuse if
5 committed by an adult to undergo medical testing to determine
6 whether the defendant has any sexually transmissible disease
7 including a test for infection with human immunodeficiency
8 virus (HIV) or any other identified causative agency of
9 acquired immunodeficiency syndrome (AIDS). Any medical test
10 shall be performed only by appropriately licensed medical
11 practitioners and may include an analysis of any bodily fluids
12 as well as an examination of the minor's person. Except as
13 otherwise provided by law, the results of the test shall be
14 kept strictly confidential by all medical personnel involved in
15 the testing and must be personally delivered in a sealed
16 envelope to the judge of the court in which the sentencing
17 order was entered for the judge's inspection in camera. Acting
18 in accordance with the best interests of the victim and the
19 public, the judge shall have the discretion to determine to
20 whom the results of the testing may be revealed. The court
21 shall notify the minor of the results of the test for infection
22 with the human immunodeficiency virus (HIV). The court shall
23 also notify the victim if requested by the victim, and if the
24 victim is under the age of 15 and if requested by the victim's
25 parents or legal guardian, the court shall notify the victim's
26 parents or the legal guardian, of the results of the test for

1 infection with the human immunodeficiency virus (HIV). The
2 court shall provide information on the availability of HIV
3 testing and counseling at the Department of Public Health
4 facilities to all parties to whom the results of the testing
5 are revealed. The court shall order that the cost of any test
6 shall be paid by the county and may be taxed as costs against
7 the minor.

8 (10) When a court finds a minor to be guilty the court
9 shall, before entering a sentencing order under this Section,
10 make a finding whether the offense committed either: (a) was
11 related to or in furtherance of the criminal activities of an
12 organized gang or was motivated by the minor's membership in or
13 allegiance to an organized gang, or (b) involved a violation of
14 subsection (a) of Section 12-7.1 of the Criminal Code of 1961
15 or the Criminal Code of 2012, a violation of any Section of
16 Article 24 of the Criminal Code of 1961 or the Criminal Code of
17 2012, or a violation of any statute that involved the wrongful
18 use of a firearm. If the court determines the question in the
19 affirmative, and the court does not commit the minor to the
20 Department of Juvenile Justice, the court shall order the minor
21 to perform community service for not less than 30 hours nor
22 more than 120 hours, provided that community service is
23 available in the jurisdiction and is funded and approved by the
24 county board of the county where the offense was committed. The
25 community service shall include, but need not be limited to,
26 the cleanup and repair of any damage caused by a violation of

1 Section 21-1.3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012 and similar damage to property located in the
3 municipality or county in which the violation occurred. When
4 possible and reasonable, the community service shall be
5 performed in the minor's neighborhood. This order shall be in
6 addition to any other order authorized by this Section except
7 for an order to place the minor in the custody of the
8 Department of Juvenile Justice. For the purposes of this
9 Section, "organized gang" has the meaning ascribed to it in
10 Section 10 of the Illinois Streetgang Terrorism Omnibus
11 Prevention Act.

12 (11) If the court determines that the offense was committed
13 in furtherance of the criminal activities of an organized gang,
14 as provided in subsection (10), and that the offense involved
15 the operation or use of a motor vehicle or the use of a
16 driver's license or permit, the court shall notify the
17 Secretary of State of that determination and of the period for
18 which the minor shall be denied driving privileges. If, at the
19 time of the determination, the minor does not hold a driver's
20 license or permit, the court shall provide that the minor shall
21 not be issued a driver's license or permit until his or her
22 18th birthday. If the minor holds a driver's license or permit
23 at the time of the determination, the court shall provide that
24 the minor's driver's license or permit shall be revoked until
25 his or her 21st birthday, or until a later date or occurrence
26 determined by the court. If the minor holds a driver's license

1 at the time of the determination, the court may direct the
2 Secretary of State to issue the minor a judicial driving
3 permit, also known as a JDP. The JDP shall be subject to the
4 same terms as a JDP issued under Section 6-206.1 of the
5 Illinois Vehicle Code, except that the court may direct that
6 the JDP be effective immediately.

7 (12) If a minor is found to be guilty of a violation of
8 subsection (a-7) of Section 1 of the Prevention of Tobacco Use
9 by Minors Act, the court may, in its discretion, and upon
10 recommendation by the State's Attorney, order that minor and
11 his or her parents or legal guardian to attend a smoker's
12 education or youth diversion program as defined in that Act if
13 that program is available in the jurisdiction where the
14 offender resides. Attendance at a smoker's education or youth
15 diversion program shall be time-credited against any community
16 service time imposed for any first violation of subsection
17 (a-7) of Section 1 of that Act. In addition to any other
18 penalty that the court may impose for a violation of subsection
19 (a-7) of Section 1 of that Act, the court, upon request by the
20 State's Attorney, may in its discretion require the offender to
21 remit a fee for his or her attendance at a smoker's education
22 or youth diversion program.

23 For purposes of this Section, "smoker's education program"
24 or "youth diversion program" includes, but is not limited to, a
25 seminar designed to educate a person on the physical and
26 psychological effects of smoking tobacco products and the

1 health consequences of smoking tobacco products that can be
2 conducted with a locality's youth diversion program.

3 In addition to any other penalty that the court may impose
4 under this subsection (12):

5 (a) If a minor violates subsection (a-7) of Section 1
6 of the Prevention of Tobacco Use by Minors Act, the court
7 may impose a sentence of 15 hours of community service or a
8 fine of \$25 for a first violation.

9 (b) A second violation by a minor of subsection (a-7)
10 of Section 1 of that Act that occurs within 12 months after
11 the first violation is punishable by a fine of \$50 and 25
12 hours of community service.

13 (c) A third or subsequent violation by a minor of
14 subsection (a-7) of Section 1 of that Act that occurs
15 within 12 months after the first violation is punishable by
16 a \$100 fine and 30 hours of community service.

17 (d) Any second or subsequent violation not within the
18 12-month time period after the first violation is
19 punishable as provided for a first violation.

20 (13) In addition to any term of incarceration that may be
21 imposed by the court and unless the court determines that it
22 has good cause not to impose these requirements, a gang member
23 who is a minor under 21 years of age and subject to the
24 jurisdiction of the juvenile court and who has been found
25 guilty of or continued under supervision for a gang-related
26 offense and who has not previously been found guilty of or

1 continued under supervision for a gang-related offense shall,
2 upon completion of any term of incarceration, be required: (i)
3 to perform community service, the type and number of hours of
4 community service to be determined by the court; (ii) if the
5 gang member does not have a high school diploma or a GED
6 certificate, to attend and complete educational courses
7 designed to prepare the gang member to pass the high school
8 level Test of General Educational Development (GED); (iii) to
9 comply with a curfew (A) between 11:00 p.m. on Friday and 6:00
10 a.m. on Saturday; (B) between 11:00 p.m. on Saturday and 6:00
11 a.m. on Sunday; and (C) between 10:00 p.m. on Sunday to
12 Thursday, inclusive, and 6:00 a.m. on the following day; and
13 (iv) to attend Life Skills classes conducted by a community
14 college or by a non-profit offender re-entry program. The court
15 shall inform the local law enforcement agency of the
16 jurisdiction where the gang member resides after completion of
17 any term of imprisonment of the curfew imposed on the gang
18 member and shall order that the law enforcement agency conduct
19 random monitoring of the gang member to ensure compliance with
20 the curfew requirements. For the purposes of this paragraph
21 (13), "gang member" and "gang-related" have the meanings
22 ascribed to them in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (Source: P.A. 96-179, eff. 8-10-09; 96-293, eff. 1-1-10;
25 96-1000, eff. 7-2-10; 97-1150, eff. 1-25-13.)

1 (705 ILCS 405/5-901)

2 Sec. 5-901. Court file.

3 (1) The Court file with respect to proceedings under this
4 Article shall consist of the petitions, pleadings, victim
5 impact statements, process, service of process, orders, writs
6 and docket entries reflecting hearings held and judgments and
7 decrees entered by the court. The court file shall be kept
8 separate from other records of the court.

9 (a) The file, including information identifying the
10 victim or alleged victim of any sex offense, shall be
11 disclosed only to the following parties when necessary for
12 discharge of their official duties:

13 (i) A judge of the circuit court and members of the
14 staff of the court designated by the judge;

15 (ii) Parties to the proceedings and their
16 attorneys;

17 (iii) Victims and their attorneys, except in cases
18 of multiple victims of sex offenses in which case the
19 information identifying the nonrequesting victims
20 shall be redacted;

21 (iv) Probation officers, law enforcement officers
22 or prosecutors or their staff;

23 (v) Adult and juvenile Prisoner Review Boards.

24 (b) The Court file redacted to remove any information
25 identifying the victim or alleged victim of any sex offense
26 shall be disclosed only to the following parties when

1 necessary for discharge of their official duties:

2 (i) Authorized military personnel;

3 (ii) Persons engaged in bona fide research, with
4 the permission of the judge of the juvenile court and
5 the chief executive of the agency that prepared the
6 particular recording: provided that publication of
7 such research results in no disclosure of a minor's
8 identity and protects the confidentiality of the
9 record;

10 (iii) The Secretary of State to whom the Clerk of
11 the Court shall report the disposition of all cases, as
12 required in Section 6-204 or Section 6-205.1 of the
13 Illinois Vehicle Code. However, information reported
14 relative to these offenses shall be privileged and
15 available only to the Secretary of State, courts, and
16 police officers;

17 (iv) The administrator of a bonafide substance
18 abuse student assistance program with the permission
19 of the presiding judge of the juvenile court;

20 (v) Any individual, or any public or private agency
21 or institution, having custody of the juvenile under
22 court order or providing educational, medical or
23 mental health services to the juvenile or a
24 court-approved advocate for the juvenile or any
25 placement provider or potential placement provider as
26 determined by the court.

1 (3) A minor who is the victim or alleged victim in a
2 juvenile proceeding shall be provided the same confidentiality
3 regarding disclosure of identity as the minor who is the
4 subject of record. Information identifying victims and alleged
5 victims of sex offenses, shall not be disclosed or open to
6 public inspection under any circumstances. Nothing in this
7 Section shall prohibit the victim or alleged victim of any sex
8 offense from voluntarily disclosing his or her identity.

9 (4) Relevant information, reports and records shall be made
10 available to the Department of Juvenile Justice when a juvenile
11 offender has been placed in the custody of the Department of
12 Juvenile Justice.

13 (5) Except as otherwise provided in this subsection (5),
14 juvenile court records shall not be made available to the
15 general public but may be inspected by representatives of
16 agencies, associations and news media or other properly
17 interested persons by general or special order of the court.
18 The State's Attorney, the minor, his or her parents, guardian
19 and counsel shall at all times have the right to examine court
20 files and records.

21 (a) The court shall allow the general public to have
22 access to the name, address, and offense of a minor who is
23 adjudicated a delinquent minor under this Act under either
24 of the following circumstances:

25 (i) The adjudication of delinquency was based upon
26 the minor's commission of first degree murder, attempt

1 to commit first degree murder, aggravated criminal
2 sexual assault, or criminal sexual assault; or

3 (ii) The court has made a finding that the minor
4 was at least 13 years of age at the time the act was
5 committed and the adjudication of delinquency was
6 based upon the minor's commission of: (A) an act in
7 furtherance of the commission of a felony as a member
8 of or on behalf of a criminal street gang, except that
9 the name, address, and offense of a minor who is
10 adjudicated a delinquent minor under this Act shall not
11 be disclosed if the minor complies with the provisions
12 of clauses (i) through (iv) of subsection (13) of
13 Section 5-710 of this Act, (B) an act involving the use
14 of a firearm in the commission of a felony, (C) an act
15 that would be a Class X felony offense under or the
16 minor's second or subsequent Class 2 or greater felony
17 offense under the Cannabis Control Act if committed by
18 an adult, (D) an act that would be a second or
19 subsequent offense under Section 402 of the Illinois
20 Controlled Substances Act if committed by an adult, (E)
21 an act that would be an offense under Section 401 of
22 the Illinois Controlled Substances Act if committed by
23 an adult, or (F) an act that would be an offense under
24 the Methamphetamine Control and Community Protection
25 Act if committed by an adult.

26 (b) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 at least 13 years of age at the time the offense is
3 committed and who is convicted, in criminal proceedings
4 permitted or required under Section 5-805, under either of
5 the following circumstances:

6 (i) The minor has been convicted of first degree
7 murder, attempt to commit first degree murder,
8 aggravated criminal sexual assault, or criminal sexual
9 assault,

10 (ii) The court has made a finding that the minor
11 was at least 13 years of age at the time the offense
12 was committed and the conviction was based upon the
13 minor's commission of: (A) an offense in furtherance of
14 the commission of a felony as a member of or on behalf
15 of a criminal street gang, (B) an offense involving the
16 use of a firearm in the commission of a felony, (C) a
17 Class X felony offense under the Cannabis Control Act
18 or a second or subsequent Class 2 or greater felony
19 offense under the Cannabis Control Act, (D) a second or
20 subsequent offense under Section 402 of the Illinois
21 Controlled Substances Act, (E) an offense under
22 Section 401 of the Illinois Controlled Substances Act,
23 or (F) an offense under the Methamphetamine Control and
24 Community Protection Act.

25 (6) Nothing in this Section shall be construed to limit the
26 use of a adjudication of delinquency as evidence in any

1 juvenile or criminal proceeding, where it would otherwise be
2 admissible under the rules of evidence, including but not
3 limited to, use as impeachment evidence against any witness,
4 including the minor if he or she testifies.

5 (7) Nothing in this Section shall affect the right of a
6 Civil Service Commission or appointing authority examining the
7 character and fitness of an applicant for a position as a law
8 enforcement officer to ascertain whether that applicant was
9 ever adjudicated to be a delinquent minor and, if so, to
10 examine the records or evidence which were made in proceedings
11 under this Act.

12 (8) Following any adjudication of delinquency for a crime
13 which would be a felony if committed by an adult, or following
14 any adjudication of delinquency for a violation of Section
15 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the State's Attorney shall ascertain
17 whether the minor respondent is enrolled in school and, if so,
18 shall provide a copy of the sentencing order to the principal
19 or chief administrative officer of the school. Access to such
20 juvenile records shall be limited to the principal or chief
21 administrative officer of the school and any guidance counselor
22 designated by him or her.

23 (9) Nothing contained in this Act prevents the sharing or
24 disclosure of information or records relating or pertaining to
25 juveniles subject to the provisions of the Serious Habitual
26 Offender Comprehensive Action Program when that information is

1 used to assist in the early identification and treatment of
2 habitual juvenile offenders.

3 (11) The Clerk of the Circuit Court shall report to the
4 Department of State Police, in the form and manner required by
5 the Department of State Police, the final disposition of each
6 minor who has been arrested or taken into custody before his or
7 her 17th birthday for those offenses required to be reported
8 under Section 5 of the Criminal Identification Act. Information
9 reported to the Department under this Section may be maintained
10 with records that the Department files under Section 2.1 of the
11 Criminal Identification Act.

12 (12) Information or records may be disclosed to the general
13 public when the court is conducting hearings under Section
14 5-805 or 5-810.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 5-5-3 as follows:

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic
24 imprisonment or conditional discharge shall not be imposed

1 for the following offenses. The court shall sentence the
2 offender to not less than the minimum term of imprisonment
3 set forth in this Code for the following offenses, and may
4 order a fine or restitution or both in conjunction with
5 such term of imprisonment:

6 (A) First degree murder where the death penalty is
7 not imposed.

8 (B) Attempted first degree murder.

9 (C) A Class X felony.

10 (D) A violation of Section 401.1 or 407 of the
11 Illinois Controlled Substances Act, or a violation of
12 subdivision (c)(1.5) or (c)(2) of Section 401 of that
13 Act which relates to more than 5 grams of a substance
14 containing cocaine, fentanyl, or an analog thereof.

15 (D-5) A violation of subdivision (c)(1) of Section
16 401 of the Illinois Controlled Substances Act which
17 relates to 3 or more grams of a substance containing
18 heroin or an analog thereof.

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

21 (F) A Class 2 or greater felony if the offender had
22 been convicted of a Class 2 or greater felony,
23 including any state or federal conviction for an
24 offense that contained, at the time it was committed,
25 the same elements as an offense now (the date of the
26 offense committed after the prior Class 2 or greater

1 felony) classified as a Class 2 or greater felony,
2 within 10 years of the date on which the offender
3 committed the offense for which he or she is being
4 sentenced, except as otherwise provided in Section
5 40-10 of the Alcoholism and Other Drug Abuse and
6 Dependency Act.

7 (F-5) A violation of Section 24-1, 24-1.1, or
8 24-1.6 of the Criminal Code of 1961 or the Criminal
9 Code of 2012 for which imprisonment is prescribed in
10 those Sections.

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

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen as
16 described in Section 12-4.6 or subdivision (a)(4) of
17 Section 12-3.05 of the Criminal Code of 1961 or the
18 Criminal Code of 2012.

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

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

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

5 (K) Vehicular hijacking.

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

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

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

16 (O) A violation of Section 12-6.1 or 12-6.5 of the
17 Criminal Code of 1961 or the Criminal Code of 2012.

18 (P) A violation of paragraph (1), (2), (3), (4),
19 (5), or (7) of subsection (a) of Section 11-20.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012.

21 (Q) A violation of subsection (b) or (b-5) of
22 Section 20-1, Section 20-1.2, or Section 20-1.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 (R) A violation of Section 24-3A of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (S) (Blank).

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

3 (U) A second or subsequent violation of Section
4 6-303 of the Illinois Vehicle Code committed while his
5 or her driver's license, permit, or privilege was
6 revoked because of a violation of Section 9-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012,
8 relating to the offense of reckless homicide, or a
9 similar provision of a law of another state.

10 (V) A violation of paragraph (4) of subsection (c)
11 of Section 11-20.1B or paragraph (4) of subsection (c)
12 of Section 11-20.3 of the Criminal Code of 1961, or
13 paragraph (6) of subsection (a) of Section 11-20.1 of
14 the Criminal Code of 2012 when the victim is under 13
15 years of age and the defendant has previously been
16 convicted under the laws of this State or any other
17 state of the offense of child pornography, aggravated
18 child pornography, aggravated criminal sexual abuse,
19 aggravated criminal sexual assault, predatory criminal
20 sexual assault of a child, or any of the offenses
21 formerly known as rape, deviate sexual assault,
22 indecent liberties with a child, or aggravated
23 indecent liberties with a child where the victim was
24 under the age of 18 years or an offense that is
25 substantially equivalent to those offenses.

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

1 Code of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a
3 of the Criminal Code of 1961 or the Criminal Code of
4 2012.

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

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

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

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

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

19 (DD) A conviction for aggravated assault under
20 paragraph (6) of subsection (c) of Section 12-2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 if
22 the firearm is aimed toward the person against whom the
23 firearm is being used.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

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

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8)
5 of this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

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

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

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

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

26 (4.7) A minimum term of imprisonment of not less than

1 30 consecutive days, or 300 hours of community service,
2 shall be imposed for a violation of subsection (a-5) of
3 Section 6-303 of the Illinois Vehicle Code, as provided in
4 subsection (b-5) of that Section.

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

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

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

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

26 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section
3 5-5-6 of this Code.

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

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

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

24 (5.4) In addition to any other penalties imposed, a
25 person convicted of violating Section 3-707 of the Illinois
26 Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 3 months and until he
2 or she has paid a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a
4 person convicted of violating Section 3-707 of the Illinois
5 Vehicle Code during a period in which his or her driver's
6 license, permit, or privileges were suspended for a
7 previous violation of that Section shall have his or her
8 driver's license, permit, or privileges suspended for an
9 additional 6 months after the expiration of the original
10 3-month suspension and until he or she has paid a
11 reinstatement fee of \$100.

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

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

18 (10) (Blank).

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

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

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

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

25 (14) In addition to any term of imprisonment that may
26 be imposed by the court and unless the court determines

1 that it has good cause not to impose these requirements, a
2 gang member under 21 years of age who has been convicted of
3 or placed on supervision for a gang-related offense and who
4 has not previously been convicted of or placed on
5 supervision for a gang-related offense shall, upon
6 completion of any term of imprisonment, be required: (i) to
7 perform community service, the type and number of hours of
8 community service to be determined by the court; (ii) if
9 the gang member does not have a high school diploma or a
10 GED certificate, to attend and complete educational
11 courses designed to prepare the gang member to pass the
12 high school level Test of General Educational Development
13 (GED); (iii) to comply with a curfew (A) between 11:00 p.m.
14 on Friday and 6:00 a.m. on Saturday; (B) between 11:00 p.m.
15 on Saturday and 6:00 a.m. on Sunday; and (C) between 10:00
16 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the
17 following day; and (iv) to attend Life Skills classes
18 conducted by a community college or by a non-profit
19 offender re-entry program. The court shall inform the local
20 law enforcement agency of the jurisdiction where the gang
21 member resides after completion of any term of imprisonment
22 of the curfew imposed on the gang member and shall order
23 that the law enforcement agency conduct random monitoring
24 of the gang member to ensure compliance with the curfew
25 requirements. For the purposes of this paragraph (14),
26 "gang member" and "gang-related" have the meanings

1 ascribed to them in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

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

21 (e) In cases where prosecution for aggravated criminal
22 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 results in conviction
24 of a defendant who was a family member of the victim at the
25 time of the commission of the offense, the court shall consider
26 the safety and welfare of the victim and may impose a sentence

1 of probation only where:

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

3 (A) the defendant is willing to undergo a court
4 approved counseling program for a minimum duration of 2
5 years; or

6 (B) the defendant is willing to participate in a
7 court approved plan including but not limited to the
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the
12 family;

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

14 and

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

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

24 Probation may be revoked or modified pursuant to Section
25 5-6-4; except where the court determines at the hearing that
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 11-0.1 of the Criminal Code of 2012.

8 (f) (Blank).

9 (g) Whenever a defendant is convicted of an offense under
10 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
11 11-14.3, 11-14.4 except for an offense that involves keeping a
12 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
13 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
14 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, the defendant shall undergo medical
16 testing to determine whether the defendant has any sexually
17 transmissible disease, including a test for infection with
18 human immunodeficiency virus (HIV) or any other identified
19 causative agent of acquired immunodeficiency syndrome (AIDS).
20 Any such medical test shall be performed only by appropriately
21 licensed medical practitioners and may include an analysis of
22 any bodily fluids as well as an examination of the defendant's
23 person. Except as otherwise provided by law, the results of
24 such test shall be kept strictly confidential by all medical
25 personnel involved in the testing and must be personally
26 delivered in a sealed envelope to the judge of the court in

1 which the conviction was entered for the judge's inspection in
2 camera. Acting in accordance with the best interests of the
3 victim and the public, the judge shall have the discretion to
4 determine to whom, if anyone, the results of the testing may be
5 revealed. The court shall notify the defendant of the test
6 results. The court shall also notify the victim if requested by
7 the victim, and if the victim is under the age of 15 and if
8 requested by the victim's parents or legal guardian, the court
9 shall notify the victim's parents or legal guardian of the test
10 results. The court shall provide information on the
11 availability of HIV testing and counseling at Department of
12 Public Health facilities to all parties to whom the results of
13 the testing are revealed and shall direct the State's Attorney
14 to provide the information to the victim when possible. A
15 State's Attorney may petition the court to obtain the results
16 of any HIV test administered under this Section, and the court
17 shall grant the disclosure if the State's Attorney shows it is
18 relevant in order to prosecute a charge of criminal
19 transmission of HIV under Section 12-5.01 or 12-16.2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 against the
21 defendant. The court shall order that the cost of any such test
22 shall be paid by the county and may be taxed as costs against
23 the convicted defendant.

24 (g-5) When an inmate is tested for an airborne communicable
25 disease, as determined by the Illinois Department of Public
26 Health including but not limited to tuberculosis, the results

1 of the test shall be personally delivered by the warden or his
2 or her designee in a sealed envelope to the judge of the court
3 in which the inmate must appear for the judge's inspection in
4 camera if requested by the judge. Acting in accordance with the
5 best interests of those in the courtroom, the judge shall have
6 the discretion to determine what if any precautions need to be
7 taken to prevent transmission of the disease in the courtroom.

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

1 the State's Attorney to provide the information to the victim
2 when possible. A State's Attorney may petition the court to
3 obtain the results of any HIV test administered under this
4 Section, and the court shall grant the disclosure if the
5 State's Attorney shows it is relevant in order to prosecute a
6 charge of criminal transmission of HIV under Section 12-5.01 or
7 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
8 2012 against the defendant. The court shall order that the cost
9 of any such test shall be paid by the county and may be taxed as
10 costs against the convicted defendant.

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

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, any violation of the Illinois Controlled
25 Substances Act, any violation of the Cannabis Control Act, or
26 any violation of the Methamphetamine Control and Community

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

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

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

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

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

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

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

14 Otherwise, the defendant shall be sentenced as
15 provided in this Chapter V.

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

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

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

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

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

18 (m) A person convicted of criminal defacement of property
19 under Section 21-1.3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, in which the property damage exceeds
21 \$300 and the property damaged is a school building, shall be
22 ordered to perform community service that may include cleanup,
23 removal, or painting over the defacement.

24 (n) The court may sentence a person convicted of a
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012 (i) to an impact
2 incarceration program if the person is otherwise eligible for
3 that program under Section 5-8-1.1, (ii) to community service,
4 or (iii) if the person is an addict or alcoholic, as defined in
5 the Alcoholism and Other Drug Abuse and Dependency Act, to a
6 substance or alcohol abuse program licensed under that Act.

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

12 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
13 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
14 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
15 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
16 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.
17 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,
18 eff. 1-25-13.)