



Sen. Toi W. Hutchinson

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LRB099 18469 RLC 45548 a

1 AMENDMENT TO SENATE BILL 2295

2 AMENDMENT NO. _____. Amend Senate Bill 2295 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.875 as follows:

6 (30 ILCS 105/5.875 new)

7 Sec. 5.875. The Justice Reinvestment Fund.

8 Section 10. The Criminal Code of 2012 is amended by
9 changing Sections 16-1, 16-25, 17-1, 21-1, and 21-1.3 as
10 follows:

11 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

12 Sec. 16-1. Theft.

13 (a) A person commits theft when he or she knowingly:

14 (1) Obtains or exerts unauthorized control over

1 property of the owner; or

2 (2) Obtains by deception control over property of the
3 owner; or

4 (3) Obtains by threat control over property of the
5 owner; or

6 (4) Obtains control over stolen property knowing the
7 property to have been stolen or under such circumstances as
8 would reasonably induce him or her to believe that the
9 property was stolen; or

10 (5) Obtains or exerts control over property in the
11 custody of any law enforcement agency which any law
12 enforcement officer or any individual acting in behalf of a
13 law enforcement agency explicitly represents to the person
14 as being stolen or represents to the person such
15 circumstances as would reasonably induce the person to
16 believe that the property was stolen, and

17 (A) Intends to deprive the owner permanently of the
18 use or benefit of the property; or

19 (B) Knowingly uses, conceals or abandons the
20 property in such manner as to deprive the owner
21 permanently of such use or benefit; or

22 (C) Uses, conceals, or abandons the property
23 knowing such use, concealment or abandonment probably
24 will deprive the owner permanently of such use or
25 benefit.

26 (b) Sentence.

1 (1) Theft of property ~~not from the person~~ and not
2 exceeding \$2,500 ~~\$500~~ in value is a Class A misdemeanor.

3 (1.1) (Blank). ~~Theft of property not from the person~~
4 ~~and not exceeding \$500 in value is a Class 4 felony if the~~
5 ~~theft was committed in a school or place of worship or if~~
6 ~~the theft was of governmental property.~~

7 (2) (Blank). ~~A person who has been convicted of theft~~
8 ~~of property not from the person and not exceeding \$500 in~~
9 ~~value who has been previously convicted of any type of~~
10 ~~theft, robbery, armed robbery, burglary, residential~~
11 ~~burglary, possession of burglary tools, home invasion,~~
12 ~~forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or~~
13 ~~4-103.3 of the Illinois Vehicle Code relating to the~~
14 ~~possession of a stolen or converted motor vehicle, or a~~
15 ~~violation of Section 17-36 of the Criminal Code of 1961 or~~
16 ~~the Criminal Code of 2012, or Section 8 of the Illinois~~
17 ~~Credit Card and Debit Card Act is guilty of a Class 4~~
18 ~~felony.~~

19 (3) (Blank).

20 (4) Theft of property ~~from the person~~ not exceeding
21 \$2,500 ~~\$500~~ in value, ~~or theft of property exceeding \$500~~
22 and not exceeding \$10,000 in value, is a Class 3 felony.

23 (4.1) (Blank). ~~Theft of property from the person not~~
24 ~~exceeding \$500 in value, or theft of property exceeding~~
25 ~~\$500 and not exceeding \$10,000 in value, is a Class 2~~
26 ~~felony if the theft was committed in a school or place of~~

1 ~~worship or if the theft was of governmental property.~~

2 (5) Theft of property exceeding \$10,000 and not
3 exceeding \$100,000 in value is a Class 2 felony.

4 (5.1) (Blank). ~~Theft of property exceeding \$10,000 and~~
5 ~~not exceeding \$100,000 in value is a Class 1 felony if the~~
6 ~~theft was committed in a school or place of worship or if~~
7 ~~the theft was of governmental property.~~

8 (6) Theft of property exceeding \$100,000 and not
9 exceeding \$500,000 in value is a Class 1 felony.

10 (6.1) (Blank). ~~Theft of property exceeding \$100,000 in~~
11 ~~value is a Class X felony if the theft was committed in a~~
12 ~~school or place of worship or if the theft was of~~
13 ~~governmental property.~~

14 (6.2) Theft of property exceeding \$500,000 and not
15 exceeding \$1,000,000 in value is a Class 1
16 non-probationable felony.

17 (6.3) Theft of property exceeding \$1,000,000 in value
18 is a Class X felony.

19 (7) Theft by deception, as described by paragraph (2)
20 of subsection (a) of this Section, in which the offender
21 obtained money or property valued at \$5,000 or more from a
22 victim 60 years of age or older is a Class 2 felony.

23 (8) Theft by deception, as described by paragraph (2)
24 of subsection (a) of this Section, in which the offender
25 falsely poses as a landlord or agent or employee of the
26 landlord and obtains a rent payment or a security deposit

1 from a tenant is a Class 3 felony if the rent payment or
2 security deposit obtained does not exceed \$500.

3 (9) Theft by deception, as described by paragraph (2)
4 of subsection (a) of this Section, in which the offender
5 falsely poses as a landlord or agent or employee of the
6 landlord and obtains a rent payment or a security deposit
7 from a tenant is a Class 2 felony if the rent payment or
8 security deposit obtained exceeds \$500 and does not exceed
9 \$10,000.

10 (10) Theft by deception, as described by paragraph (2)
11 of subsection (a) of this Section, in which the offender
12 falsely poses as a landlord or agent or employee of the
13 landlord and obtains a rent payment or a security deposit
14 from a tenant is a Class 1 felony if the rent payment or
15 security deposit obtained exceeds \$10,000 and does not
16 exceed \$100,000.

17 (11) Theft by deception, as described by paragraph (2)
18 of subsection (a) of this Section, in which the offender
19 falsely poses as a landlord or agent or employee of the
20 landlord and obtains a rent payment or a security deposit
21 from a tenant is a Class X felony if the rent payment or
22 security deposit obtained exceeds \$100,000.

23 (c) When a charge of theft of property exceeding a
24 specified value is brought, the value of the property involved
25 is an element of the offense to be resolved by the trier of
26 fact as either exceeding or not exceeding the specified value.

1 (d) Theft by lessee; permissive inference. The trier of
2 fact may infer evidence that a person intends to deprive the
3 owner permanently of the use or benefit of the property (1) if
4 a lessee of the personal property of another fails to return it
5 to the owner within 10 days after written demand from the owner
6 for its return or (2) if a lessee of the personal property of
7 another fails to return it to the owner within 24 hours after
8 written demand from the owner for its return and the lessee had
9 presented identification to the owner that contained a
10 materially fictitious name, address, or telephone number. A
11 notice in writing, given after the expiration of the leasing
12 agreement, addressed and mailed, by registered mail, to the
13 lessee at the address given by him and shown on the leasing
14 agreement shall constitute proper demand.

15 (e) Permissive inference; evidence of intent that a person
16 obtains by deception control over property. The trier of fact
17 may infer that a person "knowingly obtains by deception control
18 over property of the owner" when he or she fails to return,
19 within 45 days after written demand from the owner, the
20 downpayment and any additional payments accepted under a
21 promise, oral or in writing, to perform services for the owner
22 for consideration of \$3,000 or more, and the promisor knowingly
23 without good cause failed to substantially perform pursuant to
24 the agreement after taking a down payment of 10% or more of the
25 agreed upon consideration. This provision shall not apply where
26 the owner initiated the suspension of performance under the

1 agreement, or where the promisor responds to the notice within
2 the 45-day notice period. A notice in writing, addressed and
3 mailed, by registered mail, to the promisor at the last known
4 address of the promisor, shall constitute proper demand.

5 (f) Offender's interest in the property.

6 (1) It is no defense to a charge of theft of property
7 that the offender has an interest therein, when the owner
8 also has an interest to which the offender is not entitled.

9 (2) Where the property involved is that of the
10 offender's spouse, no prosecution for theft may be
11 maintained unless the parties were not living together as
12 man and wife and were living in separate abodes at the time
13 of the alleged theft.

14 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
15 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11; 96-1532, eff.
16 1-1-12; 96-1551, eff. 7-1-11; 97-597, eff. 1-1-12; 97-1150,
17 eff. 1-25-13.)

18 (720 ILCS 5/16-25)

19 Sec. 16-25. Retail theft.

20 (a) A person commits retail theft when he or she knowingly:

21 (1) Takes possession of, carries away, transfers or
22 causes to be carried away or transferred any merchandise
23 displayed, held, stored or offered for sale in a retail
24 mercantile establishment with the intention of retaining
25 such merchandise or with the intention of depriving the

1 merchant permanently of the possession, use or benefit of
2 such merchandise without paying the full retail value of
3 such merchandise; or

4 (2) Alters, transfers, or removes any label, price tag,
5 marking, indicia of value or any other markings which aid
6 in determining value affixed to any merchandise displayed,
7 held, stored or offered for sale in a retail mercantile
8 establishment and attempts to purchase such merchandise at
9 less than the full retail value with the intention of
10 depriving the merchant of the full retail value of such
11 merchandise; or

12 (3) Transfers any merchandise displayed, held, stored
13 or offered for sale in a retail mercantile establishment
14 from the container in or on which such merchandise is
15 displayed to any other container with the intention of
16 depriving the merchant of the full retail value of such
17 merchandise; or

18 (4) Under-rings with the intention of depriving the
19 merchant of the full retail value of the merchandise; or

20 (5) Removes a shopping cart from the premises of a
21 retail mercantile establishment without the consent of the
22 merchant given at the time of such removal with the
23 intention of depriving the merchant permanently of the
24 possession, use or benefit of such cart; or

25 (6) Represents to a merchant that he, she, or another
26 is the lawful owner of property, knowing that such

1 representation is false, and conveys or attempts to convey
2 that property to a merchant who is the owner of the
3 property in exchange for money, merchandise credit or other
4 property of the merchant; or

5 (7) Uses or possesses any theft detection shielding
6 device or theft detection device remover with the intention
7 of using such device to deprive the merchant permanently of
8 the possession, use or benefit of any merchandise
9 displayed, held, stored or offered for sale in a retail
10 mercantile establishment without paying the full retail
11 value of such merchandise; or

12 (8) Obtains or exerts unauthorized control over
13 property of the owner and thereby intends to deprive the
14 owner permanently of the use or benefit of the property
15 when a lessee of the personal property of another fails to
16 return it to the owner, or if the lessee fails to pay the
17 full retail value of such property to the lessor in
18 satisfaction of any contractual provision requiring such,
19 within 10 days after written demand from the owner for its
20 return. A notice in writing, given after the expiration of
21 the leasing agreement, by registered mail, to the lessee at
22 the address given by the lessee and shown on the leasing
23 agreement shall constitute proper demand.

24 (b) Theft by emergency exit. A person commits theft by
25 emergency exit when he or she commits a retail theft as defined
26 in subdivisions (a)(1) through (a)(8) of this Section and to

1 facilitate the theft he or she leaves the retail mercantile
2 establishment by use of a designated emergency exit.

3 (c) Permissive inference. If any person:

4 (1) conceals upon his or her person or among his or her
5 belongings unpurchased merchandise displayed, held, stored
6 or offered for sale in a retail mercantile establishment;
7 and

8 (2) removes that merchandise beyond the last known
9 station for receiving payments for that merchandise in that
10 retail mercantile establishment,

11 then the trier of fact may infer that the person possessed,
12 carried away or transferred such merchandise with the intention
13 of retaining it or with the intention of depriving the merchant
14 permanently of the possession, use or benefit of such
15 merchandise without paying the full retail value of such
16 merchandise.

17 To "conceal" merchandise means that, although there may be
18 some notice of its presence, that merchandise is not visible
19 through ordinary observation.

20 (d) Venue. Multiple thefts committed by the same person as
21 part of a continuing course of conduct in different
22 jurisdictions that have been aggregated in one jurisdiction may
23 be prosecuted in any jurisdiction in which one or more of the
24 thefts occurred.

25 (e) For the purposes of this Section, "theft detection
26 shielding device" means any laminated or coated bag or device

1 designed and intended to shield merchandise from detection by
2 an electronic or magnetic theft alarm sensor.

3 (f) Sentence.

4 (1) A violation of any of the subdivisions ~~(a)(1)~~
5 ~~through (a)(6) and (a)(8)~~ of this Section, the full retail
6 value of which does not exceed \$2,500 ~~\$300~~ for property
7 ~~other than motor fuel or \$150 for motor fuel~~, is a Class A
8 misdemeanor. ~~A violation of subdivision (a)(7) of this~~
9 ~~Section is a Class A misdemeanor for a first offense and a~~
10 ~~Class 4 felony for a second or subsequent offense. Theft by~~
11 ~~emergency exit of property, the full retail value of which~~
12 ~~does not exceed \$300, is a Class 4 felony.~~

13 (2) (Blank). ~~A person who has been convicted of retail~~
14 ~~theft of property under any of subdivisions (a)(1) through~~
15 ~~(a)(6) and (a)(8) of this Section, the full retail value of~~
16 ~~which does not exceed \$300 for property other than motor~~
17 ~~fuel or \$150 for motor fuel, and who has been previously~~
18 ~~convicted of any type of theft, robbery, armed robbery,~~
19 ~~burglary, residential burglary, possession of burglary~~
20 ~~tools, home invasion, unlawful use of a credit card, or~~
21 ~~forgery is guilty of a Class 4 felony. A person who has~~
22 ~~been convicted of theft by emergency exit of property, the~~
23 ~~full retail value of which does not exceed \$300, and who~~
24 ~~has been previously convicted of any type of theft,~~
25 ~~robbery, armed robbery, burglary, residential burglary,~~
26 ~~possession of burglary tools, home invasion, unlawful use~~

1 ~~of a credit card, or forgery is guilty of a Class 3 felony.~~

2 (3) Any retail theft of property under any of
3 subdivisions ~~(a) (1) through (a) (6) and (a) (8)~~ of this
4 Section, the full retail value of which exceeds \$2,500 ~~\$300~~
5 ~~for property other than motor fuel or \$150 for motor fuel~~
6 in a single transaction, or in separate transactions
7 committed by the same person as part of a continuing course
8 of conduct from one or more mercantile establishments over
9 a period of one year, is a Class 3 felony. ~~Theft by~~
10 ~~emergency exit of property, the full retail value of which~~
11 ~~exceeds \$300 in a single transaction, or in separate~~
12 ~~transactions committed by the same person as part of a~~
13 ~~continuing course of conduct from one or more mercantile~~
14 ~~establishments over a period of one year, is a Class 2~~
15 ~~felony.~~ When a charge of retail theft of property ~~or theft~~
16 ~~by emergency exit of property,~~ the full value of which
17 exceeds \$2,500 ~~\$300~~, is brought, the value of the property
18 involved is an element of the offense to be resolved by the
19 trier of fact as either exceeding or not exceeding \$2,500
20 ~~\$300~~.

21 (Source: P.A. 97-597, eff. 1-1-12.)

22 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

23 Sec. 17-1. Deceptive practices.

24 (A) General deception.

1 A person commits a deceptive practice when, with intent to
2 defraud, the person does any of the following:

3 (1) He or she knowingly causes another, by deception or
4 threat, to execute a document disposing of property or a
5 document by which a pecuniary obligation is incurred.

6 (2) Being an officer, manager or other person
7 participating in the direction of a financial institution,
8 he or she knowingly receives or permits the receipt of a
9 deposit or other investment, knowing that the institution
10 is insolvent.

11 (3) He or she knowingly makes a false or deceptive
12 statement addressed to the public for the purpose of
13 promoting the sale of property or services.

14 (B) Bad checks.

15 A person commits a deceptive practice when:

16 (1) With intent to obtain control over property or to
17 pay for property, labor or services of another, or in
18 satisfaction of an obligation for payment of tax under the
19 Retailers' Occupation Tax Act or any other tax due to the
20 State of Illinois, he or she issues or delivers a check or
21 other order upon a real or fictitious depository for the
22 payment of money, knowing that it will not be paid by the
23 depository. The trier of fact may infer that the defendant
24 knows that the check or other order will not be paid by the
25 depository and that the defendant has acted with intent to

1 defraud when the defendant fails to have sufficient funds
2 or credit with the depository when the check or other order
3 is issued or delivered, or when such check or other order
4 is presented for payment and dishonored on each of 2
5 occasions at least 7 days apart. In this paragraph (B) (1),
6 "property" includes rental property (real or personal).

7 (2) He or she issues or delivers a check or other order
8 upon a real or fictitious depository in an amount exceeding
9 \$150 in payment of an amount owed on any credit transaction
10 for property, labor or services, or in payment of the
11 entire amount owed on any credit transaction for property,
12 labor or services, knowing that it will not be paid by the
13 depository, and thereafter fails to provide funds or credit
14 with the depository in the face amount of the check or
15 order within 7 days of receiving actual notice from the
16 depository or payee of the dishonor of the check or order.

17 (C) Bank-related fraud.

18 (1) False statement.

19 A person commits false statement bank fraud if he or she,
20 with intent to defraud, makes or causes to be made any false
21 statement in writing in order to obtain an account with a bank
22 or other financial institution, or to obtain credit from a bank
23 or other financial institution, or to obtain services from a
24 currency exchange, knowing such writing to be false, and with
25 the intent that it be relied upon.

1 For purposes of this subsection (C), a false statement
2 means any false statement representing identity, address, or
3 employment, or the identity, address, or employment of any
4 person, firm, or corporation.

5 (2) Possession of stolen or fraudulently obtained checks.

6 A person commits possession of stolen or fraudulently
7 obtained checks when he or she possesses, with the intent to
8 obtain access to funds of another person held in a real or
9 fictitious deposit account at a financial institution, makes a
10 false statement or a misrepresentation to the financial
11 institution, or possesses, transfers, negotiates, or presents
12 for payment a check, draft, or other item purported to direct
13 the financial institution to withdraw or pay funds out of the
14 account holder's deposit account with knowledge that such
15 possession, transfer, negotiation, or presentment is not
16 authorized by the account holder or the issuing financial
17 institution. A person shall be deemed to have been authorized
18 to possess, transfer, negotiate, or present for payment such
19 item if the person was otherwise entitled by law to withdraw or
20 recover funds from the account in question and followed the
21 requisite procedures under the law. If the account holder, upon
22 discovery of the withdrawal or payment, claims that the
23 withdrawal or payment was not authorized, the financial
24 institution may require the account holder to submit an
25 affidavit to that effect on a form satisfactory to the
26 financial institution before the financial institution may be

1 required to credit the account in an amount equal to the amount
2 or amounts that were withdrawn or paid without authorization.

3 (3) Possession of implements of check fraud.

4 A person commits possession of implements of check fraud
5 when he or she possesses, with the intent to defraud and
6 without the authority of the account holder or financial
7 institution, any check imprinter, signature imprinter, or
8 "certified" stamp.

9 (D) Sentence.

10 (1) The commission of a deceptive practice in violation
11 of this Section, except as otherwise provided by this
12 subsection (D), is a Class A misdemeanor.

13 (2) For purposes of paragraphs (A) (1) and (B) (1):

14 (a) The commission of a deceptive practice in
15 violation of paragraph (A) (1) or (B) (1), when the value
16 of the property so obtained, in a single transaction or
17 in separate transactions within a 90-day period,
18 exceeds \$2,500 ~~\$150~~, is a Class 4 felony. In the case
19 of a prosecution for separate transactions totaling
20 more than \$2,500 ~~\$150~~ within a 90-day period, those
21 separate transactions shall be alleged in a single
22 charge and prosecuted in a single prosecution.

23 (b) (Blank). ~~The commission of a deceptive~~
24 ~~practice in violation of paragraph (B) (1) a second or~~
25 ~~subsequent time is a Class 4 felony.~~

1 (3) (Blank). ~~For purposes of paragraph (C) (2), a person~~
2 ~~who, within any 12 month period, violates paragraph (C) (2)~~
3 ~~with respect to 3 or more checks or orders for the payment~~
4 ~~of money at the same time or consecutively, each the~~
5 ~~property of a different account holder or financial~~
6 ~~institution, is guilty of a Class 4 felony.~~

7 (4) (Blank). ~~For purposes of paragraph (C) (3), a person~~
8 ~~who within any 12 month period violates paragraph (C) (3) as~~
9 ~~to possession of 3 or more such devices at the same time or~~
10 ~~consecutively is guilty of a Class 4 felony.~~

11 (E) Civil liability. A person who issues a check or order
12 to a payee in violation of paragraph (B) (1) and who fails to
13 pay the amount of the check or order to the payee within 30
14 days following either delivery and acceptance by the addressee
15 of a written demand both by certified mail and by first class
16 mail to the person's last known address or attempted delivery
17 of a written demand sent both by certified mail and by first
18 class mail to the person's last known address and the demand by
19 certified mail is returned to the sender with a notation that
20 delivery was refused or unclaimed shall be liable to the payee
21 or a person subrogated to the rights of the payee for, in
22 addition to the amount owing upon such check or order, damages
23 of treble the amount so owing, but in no case less than \$100
24 nor more than \$1,500, plus attorney's fees and court costs. An
25 action under this subsection (E) may be brought in small claims

1 court or in any other appropriate court. As part of the written
2 demand required by this subsection (E), the plaintiff shall
3 provide written notice to the defendant of the fact that prior
4 to the hearing of any action under this subsection (E), the
5 defendant may tender to the plaintiff and the plaintiff shall
6 accept, as satisfaction of the claim, an amount of money equal
7 to the sum of the amount of the check and the incurred court
8 costs, including the cost of service of process, and attorney's
9 fees.

10 (Source: P.A. 96-1432, eff. 1-1-11; 96-1551, eff. 7-1-11.)

11 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

12 Sec. 21-1. Criminal damage to property.

13 (a) A person commits criminal damage to property when he or
14 she:

15 (1) knowingly damages any property of another;

16 (2) recklessly by means of fire or explosive damages
17 property of another;

18 (3) knowingly starts a fire on the land of another;

19 (4) knowingly injures a domestic animal of another
20 without his or her consent;

21 (5) knowingly deposits on the land or in the building
22 of another any stink bomb or any offensive smelling
23 compound and thereby intends to interfere with the use by
24 another of the land or building;

25 (6) knowingly damages any property, other than as

1 described in paragraph (2) of subsection (a) of Section
2 20-1, with intent to defraud an insurer;

3 (7) knowingly shoots a firearm at any portion of a
4 railroad train;

5 (8) knowingly, without proper authorization, cuts,
6 injures, damages, defaces, destroys, or tampers with any
7 fire hydrant or any public or private fire fighting
8 equipment, or any apparatus appertaining to fire fighting
9 equipment; or

10 (9) intentionally, without proper authorization, opens
11 any fire hydrant.

12 (b) When the charge of criminal damage to property
13 exceeding a specified value is brought, the extent of the
14 damage is an element of the offense to be resolved by the trier
15 of fact as either exceeding or not exceeding the specified
16 value.

17 (c) It is an affirmative defense to a violation of
18 paragraph (1), (3), or (5) of subsection (a) of this Section
19 that the owner of the property or land damaged consented to the
20 damage.

21 (d) Sentence.

22 (1) A violation of subsection (a) shall have the
23 following penalties:

24 (A) A violation of paragraph (8) or (9) is a Class
25 B misdemeanor.

26 (B) A violation of paragraph (1), (2), (3), (5), or

1 (6) is a Class A misdemeanor when the damage to
2 property does not exceed \$2,500 ~~\$300~~.

3 (C) (Blank). ~~A violation of paragraph (1), (2),~~
4 ~~(3), (5), or (6) is a Class 4 felony when the damage to~~
5 ~~property does not exceed \$300 and the damage occurs to~~
6 ~~property of a school or place of worship or to farm~~
7 ~~equipment or immovable items of agricultural~~
8 ~~production, including but not limited to grain~~
9 ~~elevators, grain bins, and barns or property which~~
10 ~~memorializes or honors an individual or group of police~~
11 ~~officers, fire fighters, members of the United States~~
12 ~~Armed Forces, National Guard, or veterans.~~

13 (D) A violation of paragraph (4) is a Class A
14 misdemeanor ~~4 felony~~ when the damage to property does
15 not exceed \$10,000.

16 (E) A violation of paragraph (7) is a Class A
17 misdemeanor ~~4 felony~~.

18 (F) A violation of paragraph (1), (2), (3), (5) or
19 (6) is a Class 4 felony when the damage to property
20 exceeds \$2,500 ~~\$300~~ but does not exceed \$10,000.

21 (G) (Blank). ~~A violation of paragraphs (1) through~~
22 ~~(6) is a Class 3 felony when the damage to property~~
23 ~~exceeds \$300 but does not exceed \$10,000 and the damage~~
24 ~~occurs to property of a school or place of worship or~~
25 ~~to farm equipment or immovable items of agricultural~~
26 ~~production, including but not limited to grain~~

1 ~~elevators, grain bins, and barns or property which~~
2 ~~memorializes or honors an individual or group of police~~
3 ~~officers, fire fighters, members of the United States~~
4 ~~Armed Forces, National Guard, or veterans.~~

5 (H) A violation of paragraphs (1) through (6) is a
6 Class 3 felony when the damage to property exceeds
7 \$10,000 but does not exceed \$100,000.

8 (I) (Blank). ~~A violation of paragraphs (1) through~~
9 ~~(6) is a Class 2 felony when the damage to property~~
10 ~~exceeds \$10,000 but does not exceed \$100,000 and the~~
11 ~~damage occurs to property of a school or place of~~
12 ~~worship or to farm equipment or immovable items of~~
13 ~~agricultural production, including but not limited to~~
14 ~~grain elevators, grain bins, and barns or property~~
15 ~~which memorializes or honors an individual or group of~~
16 ~~police officers, fire fighters, members of the United~~
17 ~~States Armed Forces, National Guard, or veterans.~~

18 (J) A violation of paragraphs (1) through (6) is a
19 Class 2 felony when the damage to property exceeds
20 \$100,000. ~~A violation of paragraphs (1) through (6) is~~
21 ~~a Class 1 felony when the damage to property exceeds~~
22 ~~\$100,000 and the damage occurs to property of a school~~
23 ~~or place of worship or to farm equipment or immovable~~
24 ~~items of agricultural production, including but not~~
25 ~~limited to grain elevators, grain bins, and barns or~~
26 ~~property which memorializes or honors an individual or~~

1 ~~group of police officers, fire fighters, members of the~~
2 ~~United States Armed Forces, National Guard, or~~
3 ~~veterans.~~

4 (2) When the damage to property exceeds \$10,000, the
5 court shall impose upon the offender a fine equal to the
6 value of the damages to the property.

7 (3) In addition to any other sentence that may be
8 imposed, a court shall order any person convicted of
9 criminal damage to property to perform community service
10 for not less than 30 and not more than 120 hours, if
11 community service is available in the jurisdiction and is
12 funded and approved by the county board of the county where
13 the offense was committed. In addition, whenever any person
14 is placed on supervision for an alleged offense under this
15 Section, the supervision shall be conditioned upon the
16 performance of the community service.

17 The community service requirement does not apply when
18 the court imposes a sentence of incarceration.

19 (4) In addition to any criminal penalties imposed for a
20 violation of this Section, if a person is convicted of or
21 placed on supervision for knowingly damaging or destroying
22 crops of another, including crops intended for personal,
23 commercial, research, or developmental purposes, the
24 person is liable in a civil action to the owner of any
25 crops damaged or destroyed for money damages up to twice
26 the market value of the crops damaged or destroyed.

1 (5) For the purposes of this subsection (d), "farm
2 equipment" means machinery or other equipment used in
3 farming.

4 (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14.)

5 (720 ILCS 5/21-1.3)

6 Sec. 21-1.3. Criminal defacement of property.

7 (a) A person commits criminal defacement of property when
8 the person knowingly damages the property of another by
9 defacing, deforming, or otherwise damaging the property by the
10 use of paint or any other similar substance, or by the use of a
11 writing instrument, etching tool, or any other similar device.
12 It is an affirmative defense to a violation of this Section
13 that the owner of the property damaged consented to such
14 damage.

15 (b) Sentence.

16 (1) Criminal defacement of property is a Class A
17 misdemeanor ~~for a first offense~~ when the aggregate value of
18 the damage to the property does not exceed \$2,500 ~~\$300~~.
19 ~~Criminal defacement of property is a Class 4 felony when~~
20 ~~the aggregate value of the damage to property does not~~
21 ~~exceed \$300 and the property damaged is a school building~~
22 ~~or place of worship or property which memorializes or~~
23 ~~honors an individual or group of police officers, fire~~
24 ~~fighters, members of the United States Armed Forces or~~
25 ~~National Guard, or veterans.~~ Criminal defacement of

1 property is a Class 4 felony ~~for a second or subsequent~~
2 ~~conviction or~~ when the aggregate value of the damage to the
3 property exceeds \$2,500 ~~\$300~~. ~~Criminal defacement of~~
4 ~~property is a Class 3 felony when the aggregate value of~~
5 ~~the damage to property exceeds \$300 and the property~~
6 ~~damaged is a school building or place of worship or~~
7 ~~property which memorializes or honors an individual or~~
8 ~~group of police officers, fire fighters, members of the~~
9 ~~United States Armed Forces or National Guard, or veterans.~~

10 (2) In addition to any other sentence that may be
11 imposed for a violation of this Section, a person convicted
12 of criminal defacement of property shall:

13 (A) pay the actual costs incurred by the property
14 owner or the unit of government to abate, remediate,
15 repair, or remove the effect of the damage to the
16 property. To the extent permitted by law,
17 reimbursement for the costs of abatement, remediation,
18 repair, or removal shall be payable to the person who
19 incurred the costs; and

20 (B) (blank). ~~if convicted of criminal defacement~~
21 ~~of property that is chargeable as a Class 3 or Class 4~~
22 ~~felony, pay a mandatory minimum fine of \$500.~~

23 (3) In addition to any other sentence that may be
24 imposed, a court shall order any person convicted of
25 criminal defacement of property to perform community
26 service for not less than 30 and not more than 120 hours,

1 if community service is available in the jurisdiction. The
2 community service shall include, but need not be limited
3 to, the cleanup and repair of the damage to property that
4 was caused by the offense, or similar damage to property
5 located in the municipality or county in which the offense
6 occurred. When the property damaged is a school building,
7 the community service may include cleanup, removal, or
8 painting over the defacement. In addition, whenever any
9 person is placed on supervision for an alleged offense
10 under this Section, the supervision shall be conditioned
11 upon the performance of the community service.

12 (4) For the purposes of this subsection (b), aggregate
13 value shall be determined by adding the value of the damage
14 to one or more properties if the offenses were committed as
15 part of a single course of conduct.

16 (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14;
17 98-466, eff. 8-16-13; 98-756, eff. 7-16-14.)

18 Section 15. The Cannabis Control Act is amended by changing
19 Section 4 as follows:

20 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

21 Sec. 4. It is unlawful for any person knowingly to possess
22 cannabis. Any person who violates this section with respect to:

23 (a) not more than 2.5 grams of any substance containing
24 cannabis is guilty of a Class C misdemeanor;

1 (b) more than 2.5 grams but not more than 10 grams of
2 any substance containing cannabis is guilty of a Class B
3 misdemeanor;

4 (c) more than 10 grams ~~but not more than 30 grams~~ of
5 any substance containing cannabis is guilty of a Class A
6 misdemeanor; ~~provided, that if any offense under this~~
7 ~~subsection (c) is a subsequent offense, the offender shall~~
8 ~~be guilty of a Class 4 felony;~~

9 (d) (blank); ~~more than 30 grams but not more than 500~~
10 ~~grams of any substance containing cannabis is guilty of a~~
11 ~~Class 4 felony; provided that if any offense under this~~
12 ~~subsection (d) is a subsequent offense, the offender shall~~
13 ~~be guilty of a Class 3 felony;~~

14 (e) (blank); ~~more than 500 grams but not more than~~
15 ~~2,000 grams of any substance containing cannabis is guilty~~
16 ~~of a Class 3 felony;~~

17 (f) (blank); ~~more than 2,000 grams but not more than~~
18 ~~5,000 grams of any substance containing cannabis is guilty~~
19 ~~of a Class 2 felony;~~

20 (g) (blank). ~~more than 5,000 grams of any substance~~
21 ~~containing cannabis is guilty of a Class 1 felony.~~

22 (Source: P.A. 90-397, eff. 8-15-97.)

23 Section 20. The Illinois Controlled Substances Act is
24 amended by changing Section 402 as follows:

1 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

2 Sec. 402. Except as otherwise authorized by this Act, it is
3 unlawful for any person knowingly to possess a controlled or
4 counterfeit substance or controlled substance analog. A
5 violation of this Act with respect to any ~~each of the~~
6 controlled substance ~~substances listed herein~~ constitutes a
7 single and separate violation of this Act. For purposes of this
8 Section, "controlled substance analog" or "analog" means a
9 substance, other than a controlled substance, that has a
10 chemical structure substantially similar to that of a
11 controlled substance in Schedule I or II, or that was
12 specifically designed to produce an effect substantially
13 similar to that of a controlled substance in Schedule I or II.
14 Examples of chemical classes in which controlled substance
15 analogs are found include, but are not limited to, the
16 following: phenethylamines, N-substituted piperidines,
17 morphinans, ecgonines, quinazolinones, substituted indoles,
18 and arylcycloalkylamines. For purposes of this Act, a
19 controlled substance analog shall be treated in the same manner
20 as the controlled substance to which it is substantially
21 similar.

22 (a) Any person who violates this Section with respect to
23 any controlled substance or counterfeit substance or
24 controlled substance analog, with the exception of
25 methamphetamine or an anabolic steroid is guilty of a Class A
26 misdemeanor. ~~with respect to the following controlled or~~

1 ~~counterfeit substances and amounts, notwithstanding any of the~~
2 ~~provisions of subsections (c) and (d) to the contrary, is~~
3 ~~guilty of a Class 1 felony and shall, if sentenced to a term of~~
4 ~~imprisonment, be sentenced as provided in this subsection (a)~~
5 ~~and fined as provided in subsection (b):~~

6 ~~(1) (A) not less than 4 years and not more than 15~~
7 ~~years with respect to 15 grams or more but less than~~
8 ~~100 grams of a substance containing heroin;~~

9 ~~(B) not less than 6 years and not more than 30~~
10 ~~years with respect to 100 grams or more but less than~~
11 ~~400 grams of a substance containing heroin;~~

12 ~~(C) not less than 8 years and not more than 40~~
13 ~~years with respect to 400 grams or more but less than~~
14 ~~900 grams of any substance containing heroin;~~

15 ~~(D) not less than 10 years and not more than 50~~
16 ~~years with respect to 900 grams or more of any~~
17 ~~substance containing heroin;~~

18 ~~(2) (A) not less than 4 years and not more than 15~~
19 ~~years with respect to 15 grams or more but less than~~
20 ~~100 grams of any substance containing cocaine;~~

21 ~~(B) not less than 6 years and not more than 30~~
22 ~~years with respect to 100 grams or more but less than~~
23 ~~400 grams of any substance containing cocaine;~~

24 ~~(C) not less than 8 years and not more than 40~~
25 ~~years with respect to 400 grams or more but less than~~
26 ~~900 grams of any substance containing cocaine;~~

1 ~~(D) not less than 10 years and not more than 50~~
2 ~~years with respect to 900 grams or more of any~~
3 ~~substance containing cocaine;~~

4 ~~(3) (A) not less than 4 years and not more than 15~~
5 ~~years with respect to 15 grams or more but less than~~
6 ~~100 grams of any substance containing morphine;~~

7 ~~(B) not less than 6 years and not more than 30~~
8 ~~years with respect to 100 grams or more but less than~~
9 ~~400 grams of any substance containing morphine;~~

10 ~~(C) not less than 6 years and not more than 40~~
11 ~~years with respect to 400 grams or more but less than~~
12 ~~900 grams of any substance containing morphine;~~

13 ~~(D) not less than 10 years and not more than 50~~
14 ~~years with respect to 900 grams or more of any~~
15 ~~substance containing morphine;~~

16 ~~(4) 200 grams or more of any substance containing~~
17 ~~peyote;~~

18 ~~(5) 200 grams or more of any substance containing a~~
19 ~~derivative of barbituric acid or any of the salts of a~~
20 ~~derivative of barbituric acid;~~

21 ~~(6) 200 grams or more of any substance containing~~
22 ~~amphetamine or any salt of an optical isomer of~~
23 ~~amphetamine;~~

24 ~~(6.5) (blank);~~

25 ~~(7) (A) not less than 4 years and not more than 15~~
26 ~~years with respect to: (i) 15 grams or more but less~~

1 ~~than 100 grams of any substance containing lysergic~~
2 ~~acid diethylamide (LSD), or an analog thereof, or (ii)~~
3 ~~15 or more objects or 15 or more segregated parts of an~~
4 ~~object or objects but less than 200 objects or 200~~
5 ~~segregated parts of an object or objects containing in~~
6 ~~them or having upon them any amount of any substance~~
7 ~~containing lysergic acid diethylamide (LSD), or an~~
8 ~~analog thereof;~~

9 ~~(B) not less than 6 years and not more than 30~~
10 ~~years with respect to: (i) 100 grams or more but less~~
11 ~~than 400 grams of any substance containing lysergic~~
12 ~~acid diethylamide (LSD), or an analog thereof, or (ii)~~
13 ~~200 or more objects or 200 or more segregated parts of~~
14 ~~an object or objects but less than 600 objects or less~~
15 ~~than 600 segregated parts of an object or objects~~
16 ~~containing in them or having upon them any amount of~~
17 ~~any substance containing lysergic acid diethylamide~~
18 ~~(LSD), or an analog thereof;~~

19 ~~(C) not less than 8 years and not more than 40~~
20 ~~years with respect to: (i) 400 grams or more but less~~
21 ~~than 900 grams of any substance containing lysergic~~
22 ~~acid diethylamide (LSD), or an analog thereof, or (ii)~~
23 ~~600 or more objects or 600 or more segregated parts of~~
24 ~~an object or objects but less than 1500 objects or 1500~~
25 ~~segregated parts of an object or objects containing in~~
26 ~~them or having upon them any amount of any substance~~

1 ~~containing lysergic acid diethylamide (LSD), or an~~
2 ~~analog thereof;~~

3 ~~(D) not less than 10 years and not more than 50~~
4 ~~years with respect to: (i) 900 grams or more of any~~
5 ~~substance containing lysergic acid diethylamide (LSD),~~
6 ~~or an analog thereof, or (ii) 1500 or more objects or~~
7 ~~1500 or more segregated parts of an object or objects~~
8 ~~containing in them or having upon them any amount of a~~
9 ~~substance containing lysergic acid diethylamide (LSD),~~
10 ~~or an analog thereof;~~

11 ~~(7.5) (A) not less than 4 years and not more than 15~~
12 ~~years with respect to: (i) 15 grams or more but less~~
13 ~~than 100 grams of any substance listed in paragraph~~
14 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
15 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
16 ~~Section 204, or an analog or derivative thereof, or~~
17 ~~(ii) 15 or more pills, tablets, caplets, capsules, or~~
18 ~~objects but less than 200 pills, tablets, caplets,~~
19 ~~capsules, or objects containing in them or having upon~~
20 ~~them any amount of any substance listed in paragraph~~
21 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
22 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
23 ~~Section 204, or an analog or derivative thereof;~~

24 ~~(B) not less than 6 years and not more than 30~~
25 ~~years with respect to: (i) 100 grams or more but less~~
26 ~~than 400 grams of any substance listed in paragraph~~

1 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
2 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
3 ~~Section 204, or an analog or derivative thereof, or~~
4 ~~(ii) 200 or more pills, tablets, caplets, capsules, or~~
5 ~~objects but less than 600 pills, tablets, caplets,~~
6 ~~capsules, or objects containing in them or having upon~~
7 ~~them any amount of any substance listed in paragraph~~
8 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
9 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
10 ~~Section 204, or an analog or derivative thereof;~~

11 ~~(C) not less than 8 years and not more than 40~~
12 ~~years with respect to: (i) 400 grams or more but less~~
13 ~~than 900 grams of any substance listed in paragraph~~
14 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
15 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
16 ~~Section 204, or an analog or derivative thereof, or~~
17 ~~(ii) 600 or more pills, tablets, caplets, capsules, or~~
18 ~~objects but less than 1,500 pills, tablets, caplets,~~
19 ~~capsules, or objects containing in them or having upon~~
20 ~~them any amount of any substance listed in paragraph~~
21 ~~(1), (2), (2.1), (2.2), (3), (14.1), (19), (20),~~
22 ~~(20.1), (21), (25), or (26) of subsection (d) of~~
23 ~~Section 204, or an analog or derivative thereof;~~

24 ~~(D) not less than 10 years and not more than 50~~
25 ~~years with respect to: (i) 900 grams or more of any~~
26 ~~substance listed in paragraph (1), (2), (2.1), (2.2),~~

1 ~~(3), (14.1), (19), (20), (20.1), (21), (25), or (26) of~~
2 ~~subsection (d) of Section 204, or an analog or~~
3 ~~derivative thereof, or (ii) 1,500 or more pills,~~
4 ~~tablets, caplets, capsules, or objects containing in~~
5 ~~them or having upon them any amount of a substance~~
6 ~~listed in paragraph (1), (2), (2.1), (2.2), (3),~~
7 ~~(14.1), (19), (20), (20.1), (21), (25), or (26) of~~
8 ~~subsection (d) of Section 204, or an analog or~~
9 ~~derivative thereof;~~

10 ~~(8) 30 grams or more of any substance containing~~
11 ~~pentazocine or any of the salts, isomers and salts of~~
12 ~~isomers of pentazocine, or an analog thereof;~~

13 ~~(9) 30 grams or more of any substance containing~~
14 ~~methaqualone or any of the salts, isomers and salts of~~
15 ~~isomers of methaqualone;~~

16 ~~(10) 30 grams or more of any substance containing~~
17 ~~phencyclidine or any of the salts, isomers and salts of~~
18 ~~isomers of phencyclidine (PCP);~~

19 ~~(10.5) 30 grams or more of any substance containing~~
20 ~~ketamine or any of the salts, isomers and salts of isomers~~
21 ~~of ketamine;~~

22 ~~(11) 200 grams or more of any substance containing any~~
23 ~~substance classified as a narcotic drug in Schedules I or~~
24 ~~II, or an analog thereof, which is not otherwise included~~
25 ~~in this subsection.~~

26 (b) (Blank). ~~Any person sentenced with respect to~~

1 ~~violations of paragraph (1), (2), (3), (7), or (7.5) of~~
2 ~~subsection (a) involving 100 grams or more of the controlled~~
3 ~~substance named therein, may in addition to the penalties~~
4 ~~provided therein, be fined an amount not to exceed \$200,000 or~~
5 ~~the full street value of the controlled or counterfeit~~
6 ~~substances, whichever is greater. The term "street value" shall~~
7 ~~have the meaning ascribed in Section 110 5 of the Code of~~
8 ~~Criminal Procedure of 1963. Any person sentenced with respect~~
9 ~~to any other provision of subsection (a), may in addition to~~
10 ~~the penalties provided therein, be fined an amount not to~~
11 ~~exceed \$200,000.~~

12 (c) (Blank). ~~Any person who violates this Section with~~
13 ~~regard to an amount of a controlled substance other than~~
14 ~~methamphetamine or counterfeit substance not set forth in~~
15 ~~subsection (a) or (d) is guilty of a Class 4 felony. The fine~~
16 ~~for a violation punishable under this subsection (c) shall not~~
17 ~~be more than \$25,000.~~

18 (d) Any person who violates this Section with regard to any
19 amount of anabolic steroid is guilty of a Class C misdemeanor
20 for the first offense and a Class B misdemeanor for a
21 subsequent offense committed within 2 years of a prior
22 conviction.

23 (Source: P.A. 99-371, eff. 1-1-16.)

24 Section 25. The Methamphetamine Control and Community
25 Protection Act is amended by changing Section 60 as follows:

1 (720 ILCS 646/60)

2 Sec. 60. Methamphetamine possession.

3 (a) It is unlawful knowingly to possess methamphetamine or
4 a substance containing methamphetamine.

5 (b) A person who violates subsection (a) is guilty of a
6 Class A misdemeanor. ~~subject to the following penalties:~~

7 ~~(1) A person who possesses less than 5 grams of~~
8 ~~methamphetamine or a substance containing methamphetamine~~
9 ~~is guilty of a Class 3 felony.~~

10 ~~(2) A person who possesses 5 or more grams but less~~
11 ~~than 15 grams of methamphetamine or a substance containing~~
12 ~~methamphetamine is guilty of a Class 2 felony.~~

13 ~~(3) A person who possesses 15 or more grams but less~~
14 ~~than 100 grams of methamphetamine or a substance containing~~
15 ~~methamphetamine is guilty of a Class 1 felony.~~

16 ~~(4) A person who possesses 100 or more grams but less~~
17 ~~than 400 grams of methamphetamine or a substance containing~~
18 ~~methamphetamine is guilty of a Class X felony, subject to a~~
19 ~~term of imprisonment of not less than 6 years and not more~~
20 ~~than 30 years, and subject to a fine not to exceed~~
21 ~~\$100,000.~~

22 ~~(5) A person who possesses 400 or more grams but less~~
23 ~~than 900 grams of methamphetamine or a substance containing~~
24 ~~methamphetamine is guilty of a Class X felony, subject to a~~
25 ~~term of imprisonment of not less than 8 years and not more~~

1 ~~than 40 years, and subject to a fine not to exceed~~
2 ~~\$200,000.~~

3 ~~(6) A person who possesses 900 or more grams of~~
4 ~~methamphetamine or a substance containing methamphetamine~~
5 ~~is guilty of a Class X felony, subject to a term of~~
6 ~~imprisonment of not less than 10 years and not more than 50~~
7 ~~years, and subject to a fine not to exceed \$300,000.~~

8 (Source: P.A. 94-556, eff. 9-11-05.)

9 Section 30. The Unified Code of Corrections is amended by
10 adding Sections 5-9-5 and 8-7-1 as follows:

11 (730 ILCS 5/5-9-5 new)

12 Sec. 5-9-5. Resentencing as misdemeanants.

13 (a) In the case of a person who is facing criminal charges
14 for an offense committed before the effective date of this
15 amendatory Act of the 99th General Assembly that would have
16 qualified as a felony under Section 16-1, 16-25, 17-1, 21-1, or
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
18 2012, the Cannabis Control Act, the Illinois Controlled
19 Substances Act, or the Methamphetamine Control and Community
20 Protection Act at the time it was committed, but the person has
21 not been sentenced by the time this amendatory Act of the 99th
22 General Assembly takes effect and this amendatory Act of the
23 99th General Assembly reclassifies the offense as a
24 misdemeanor, the sentencing court shall sentence the defendant

1 based on the amended penalties under the Criminal Code of 2012,
2 the Cannabis Control Act, the Illinois Controlled Substances
3 Act, or the Methamphetamine Control and Community Protection
4 Act.

5 (b) In the case of a person who is, at the time of the
6 effective date of this amendatory Act of the 99th General
7 Assembly, incarcerated for a felony offense under Section 16-1,
8 16-25, 17-1, 21-1, or 21-1.3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, the Cannabis Control Act, the
10 Illinois Controlled Substances Act, or the Methamphetamine
11 Control and Community Protection Act that has been subsequently
12 reclassified as a misdemeanor, the sentencing court, the
13 Director of Corrections, or the incarcerated person may make a
14 motion to recall the original sentence issued and re-sentence
15 the person to a misdemeanor under the amended penalties under
16 the Criminal Code of 2012, the Cannabis Control Act, the
17 Illinois Controlled Substances Act, or the Methamphetamine
18 Control and Community Protection Act. The sentencing court
19 shall determine whether the petitioner qualifies for
20 resentencing as a result of the reclassification of felony
21 offenses as misdemeanors under this amendatory Act of the 99th
22 General Assembly. If the petitioner qualifies for
23 resentencing, the petitioner's felony sentence shall be
24 recalled and the petitioner shall be re-sentenced to a
25 misdemeanor under Section 16-1, 16-25, 17-1, 21-1, or 21-1.3 of
26 the Criminal Code of 2012, the Cannabis Control Act, the

1 Illinois Controlled Substances Act, or the Methamphetamine
2 Control and Community Protection Act as amended by this
3 amendatory Act of the 99th General Assembly, unless the court,
4 in its discretion, determines that re-sentencing the
5 petitioner would pose an unreasonable risk of danger to public
6 safety. Under no circumstances shall re-sentencing result in a
7 sentence that is longer than the original sentence.

8 (c) In the case of a person who has completed his or her
9 sentence for a felony conviction under Section 16-1, 16-25,
10 17-1, 21-1, or 21-1.3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the Cannabis Control Act, the Illinois
12 Controlled Substances Act, or the Methamphetamine Control and
13 Community Protection Act that is reclassified as a misdemeanor
14 by this amendatory Act of the 99th General Assembly, he or she
15 may apply to have the felony conviction designated as a
16 misdemeanor, or the sentencing court or Director of Corrections
17 may make a motion to have the felony conviction designated as a
18 misdemeanor. All sentencing courts throughout this State shall
19 provide applications for this purpose. If the court finds that
20 the felony conviction was for an offense that has been
21 reclassified as a misdemeanor by this amendatory Act of the
22 99th General Assembly, the court shall designate that the
23 conviction was for a misdemeanor.

24 (d) If the original sentencing court is not available for
25 re-sentencing under subsections (b) and (c) of this Section,
26 the presiding judge shall designate another judge to rule on

1 the motion or application.

2 (e) Nothing in subsections (a) through (d) of this Section
3 is intended to diminish or abrogate any rights or remedies
4 otherwise available to the petitioner or applicant, or to the
5 victims of the crimes that resulted in the felony convictions
6 at issue.

7 (730 ILCS 5/8-7-1 new)

8 Sec. 8-7-1. Purpose.

9 (a) From 1982 to 2013, Illinois' incarcerated population
10 nearly tripled, with much of the expansion caused by the
11 increased criminalization of poverty and the
12 disproportionately aggressive enforcement of criminal laws
13 within communities of color. These trends resulted in justice
14 expenditures more than doubling, in real dollars, during this
15 period. The General Assembly hereby declares it a priority to
16 right-size our justice system and realign our spending
17 priorities to maximize public health and safety. Through the
18 creation of the Justice Reinvestment Fund in the State
19 treasury, a substantial portion of the savings realized from
20 reducing our incarceration rate by reclassifying a series of
21 non-violent felony offenses as misdemeanors will be reinvested
22 in addressing the root causes of crime, violence, and
23 recidivism. Among a wide range of positive effects, this
24 initiative will create substantially healthier and safer
25 communities across the State by:

1 (1) addressing the destabilizing effects that high
2 incarceration rates have had on families and communities;

3 (2) targeting the community conditions that perpetuate
4 the cycle of crime; and

5 (3) providing formerly incarcerated persons a better
6 chance to succeed outside of prison.

7 (b) On or before July 31, 2017, and on or before July 31 of
8 each fiscal year thereafter, the Sentencing Policy Advisory
9 Council shall calculate the savings that accrued to the State
10 during the fiscal year ending June 30, 2017, as compared to the
11 fiscal year preceding the enactment of this amendatory Act of
12 the 99th General Assembly, due to the re-classification of
13 felony offenses under Sections 16-1, 16-25, 17-1, 21-1, and
14 21-1.3 of the Criminal Code of 2012, the Cannabis Control Act,
15 the Illinois Controlled Substances Act, and the
16 Methamphetamine Control and Community Protection Act as
17 misdemeanors. The savings calculation shall be solely based on:

18 (1) the number of persons incarcerated in a Department
19 of Corrections facility during the fiscal year ending June
20 30, 2016 for the offenses that have been reclassified as
21 misdemeanors by this amendatory Act of the 99th General
22 Assembly compared to the number of persons incarcerated for
23 those same offenses in a Department of Corrections facility
24 during the fiscal year for which the calculation is being
25 made;

26 (2) the average length of stay in Department of

1 Corrections facilities for these offenses before they were
2 reclassified as misdemeanors;

3 (3) the marginal cost per inmate per year; and

4 (4) any reduction in fixed costs, overhead costs, or
5 administrative costs due to the closing of a Department of
6 Corrections facility, or portion of a Department of
7 Corrections facility, as a result of this amendatory Act of
8 the 99th General Assembly.

9 In making the calculations required by this subsection (b),
10 the Sentencing Policy Advisory Council shall use actual data or
11 best available estimates where actual data is not available.
12 The calculations shall be final and shall not be adjusted for
13 any subsequent changes in the underlying data. The State
14 Comptroller shall certify the results of the calculation no
15 later than August 15 of each fiscal year.

16 (c) On or before August 31, 2017, and before August 31 of
17 each fiscal year thereafter, the Comptroller shall transfer
18 from the General Fund to the Justice Reinvestment Fund 85% of
19 the total savings calculated under subsection (b) minus any
20 necessary deductions under subsections (m) and (n).

21 (d) Funds in the Justice Reinvestment Fund shall be
22 continuously appropriated for the purposes of this amendatory
23 Act. Funds transferred to the Justice Reinvestment Fund shall
24 be used exclusively for the purposes of this amendatory Act of
25 the 99th General Assembly and shall not be subject to
26 appropriation or transfer by the General Assembly for any other

1 purpose. The funds in the Justice Reinvestment Fund may be used
2 without regard to fiscal year.

3 (e) On or before April 30, 2017, the Sentencing Policy
4 Advisory Council shall calculate, for each county in the State,
5 the 3-year average of the number of residents of that county
6 who were incarcerated within a State prison for felony offenses
7 under Sections 16-1, 16-25, 17-1, 21-1, and 21-1.3 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, the
9 Cannabis Control Act, the Illinois Controlled Substances Act,
10 and the Methamphetamine Control and Community Protection Act
11 that are re-classified as misdemeanors by this amendatory Act
12 of the 99th General Assembly. The 3-year average shall be based
13 on the fiscal years ending June 30, 2014; June 30, 2015; and
14 June 30, 2016.

15 (f) On or before April 30, 2017, the Sentencing Policy
16 Advisory Council shall calculate, for the entire State, the
17 3-year average of the number of persons who were incarcerated
18 within a State prison for felony offenses under Sections 16-1,
19 16-25, 17-1, 21-1, and 21-1.3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, the Cannabis Control Act, the
21 Illinois Controlled Substances Act, and the Methamphetamine
22 Control and Community Protection Act that are re-classified as
23 misdemeanors by this amendatory Act of the 99th General
24 Assembly. The 3-year average shall be based on the fiscal years
25 ending June 30, 2014; June 30, 2015; and June 30, 2016.

26 (g) The Justice Reinvestment Fund shall be administered by

1 the Department of Human Services, and each county shall be
2 entitled to a proportionate share of the annual funds available
3 provided it meets the criteria described in subsection (h) of
4 this Section. For the fiscal year ending on June 30, 2017, each
5 county's proportionate share shall be based on their
6 contribution to the total number of persons who have
7 pre-existing felony convictions at the time of enactment of
8 this amendatory Act of the 99th General Assembly that are
9 re-sentenced or designated as misdemeanors under Section 5-9-5
10 of this Code by June 30, 2017. For each fiscal year thereafter,
11 each county's share of available funds shall be determined by
12 their 3-year average calculated in subsection (e) as a
13 percentage of the 3-year average for the State calculated in
14 subsection (f).

15 (h) To receive funds under this Section, counties must meet
16 the following criteria:

17 (1) They must submit an annual application in which
18 they specify how they will use the funds to improve public
19 health and safety through creating or expanding one or more
20 of the following:

21 (A) living-wage job opportunities;

22 (B) training programs for jobs that pay a living
23 wage;

24 (C) drug treatment services;

25 (D) mental health services, including trauma
26 recovery services for crime victims;

1 (E) afterschool programs for children and youth;

2 (F) pre-k programs;

3 (G) summer and year-round jobs for youth;

4 (H) affordable housing opportunities;

5 (I) alternatives to justice-system involvement
6 within schools and throughout the community, including
7 but not limited to restorative justice programs and
8 increased use of social workers, psychologists,
9 conflict mediators, mental health counselors, and drug
10 treatment counselors to address low-level offenses.

11 (2) The application must specify how the funds will be
12 directed toward one or more of the following:

13 (A) The neighborhoods in the county that have the
14 largest number of residents in jail or prison;

15 (B) The neighborhoods in the county that have the
16 largest number of crime victims;

17 (C) Formerly incarcerated persons who are
18 re-entering the county from prison.

19 (i) Counties shall not use the funds to supplant existing
20 funds in the chosen programmatic areas.

21 (j) Counties receiving funds shall submit an annual report
22 to the Department of Human Services detailing the uses of the
23 funds and the impact they have had on public health and safety.
24 The Department of Human Services shall provide a summary report
25 to the Governor and the General Assembly on an annual basis.

26 (k) Funds left unclaimed due to a qualifying county failing

1 to submit an application or meet the specified criteria shall
2 be reallocated to the remaining counties on a proportionate
3 basis, based on the same proportion used in subsection (g)
4 while excluding the non-participating county or counties.

5 (l) The Comptroller shall annually conduct a randomized
6 audit of up to 10% of the counties receiving grants to ensure
7 the funds are disbursed and expended in accordance with the
8 requirements specified in this Section. The Comptroller shall
9 report his or her findings to the General Assembly and the
10 public.

11 (m) Any costs incurred by the Comptroller and the
12 Sentencing Policy Advisory Council in connection with the
13 fulfillment of its duties described in this Section shall be
14 deducted from the Justice Reinvestment Fund before the funds
15 are disbursed under subsection (c).

16 (n) Beginning with the fiscal year ending June 30, 2017,
17 the Sentencing Policy Advisory Council shall deduct any
18 additional costs incurred by the State court system in
19 fulfilling its duties under Section 5-9-5 of this Act during
20 the preceding year from the Justice Reinvestment Fund before
21 the funds are disbursed under subsection (c). The
22 administrative costs shall not account for more than 10% of the
23 total funds to be deposited into the Justice Reinvestment Fund
24 for the fiscal year ending June 30, 2017, and shall not account
25 for more than 5% of the total funds to be deposited into the
26 Justice Reinvestment Fund for each fiscal year thereafter.

1 (o) Any administrative costs incurred by the Department of
2 Human Services in fulfilling its duties under this amendatory
3 Act shall be deducted from the available pool of funds. The
4 administrative costs shall not account for more than 5% of the
5 total funds deposited into the Justice Reinvestment Fund each
6 year."