

1 AN ACT concerning vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of
8 alcohol, other drug or drugs, intoxicating compound or
9 compounds or any combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood
13 or breath is 0.08 or more based on the definition of
14 blood and breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating
17 compound or combination of intoxicating compounds to a
18 degree that renders the person incapable of driving
19 safely;

20 (4) under the influence of any other drug or
21 combination of drugs to a degree that renders the person
22 incapable of safely driving;

23 (5) under the combined influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds to a
25 degree that renders the person incapable of safely
26 driving; or

27 (6) there is any amount of a drug, substance, or
28 compound in the person's breath, blood, or urine
29 resulting from the unlawful use or consumption of
30 cannabis listed in the Cannabis Control Act, a controlled
31 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this
4 Section is or has been legally entitled to use alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or any
6 combination thereof, shall not constitute a defense against
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3) and (d) of
9 this Section, every person convicted of violating this
10 Section or a similar provision of a local ordinance, shall be
11 guilty of a Class A misdemeanor and, in addition to any other
12 criminal or administrative action, for any second conviction
13 of violating this Section or a similar provision of a law of
14 another state or local ordinance committed within 5 years of
15 a previous violation of this Section or a similar provision
16 of a local ordinance shall be mandatorily sentenced to a
17 minimum of 48 consecutive hours of imprisonment or assigned
18 to a minimum of 100 hours of community service as may be
19 determined by the court. Every person convicted of violating
20 this Section or a similar provision of a local ordinance
21 shall be subject to a mandatory minimum fine of \$500 and a
22 mandatory 5 days of community service in a program benefiting
23 children if the person committed a violation of paragraph (a)
24 or a similar provision of a local ordinance while
25 transporting a person under age 16. Every person convicted a
26 second time for violating this Section or a similar provision
27 of a local ordinance within 5 years of a previous violation
28 of this Section or a similar provision of a law of another
29 state or local ordinance shall be subject to a mandatory
30 minimum fine of \$500 and 10 days of mandatory community
31 service in a program benefiting children if the current
32 offense was committed while transporting a person under age
33 16. The imprisonment or assignment under this subsection
34 shall not be subject to suspension nor shall the person be

1 eligible for probation in order to reduce the sentence or
2 assignment.

3 (c-1) (1) A person who violates this Section during a
4 period in which his or her driving privileges are revoked
5 or suspended, where the revocation or suspension was for
6 a violation of this Section, Section 11-501.1, paragraph
7 (b) of Section 11-401, or Section 9-3 of the Criminal
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time
10 during a period in which his or her driving privileges
11 are revoked or suspended where the revocation or
12 suspension was for a violation of this Section, Section
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
14 of the Criminal Code of 1961 is guilty of a Class 3
15 felony.

16 (3) A person who violates this Section a fourth or
17 subsequent time during a period in which his or her
18 driving privileges are revoked or suspended where the
19 revocation or suspension was for a violation of this
20 Section, Section 11-501.1, paragraph (b) of Section
21 11-401, or Section 9-3 of the Criminal Code of 1961 is
22 guilty of a Class 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section
25 or a similar provision of a local ordinance who had a child
26 under age 16 in the vehicle at the time of the offense shall
27 have his or her punishment under this Act enhanced by 2 days
28 of imprisonment for a first offense, 10 days of imprisonment
29 for a second offense, 30 days of imprisonment for a third
30 offense, and 90 days of imprisonment for a fourth or
31 subsequent offense, in addition to the fine and community
32 service required under subsection (c) and the possible
33 imprisonment required under subsection (d). The imprisonment
34 or assignment under this subsection shall not be subject to

1 suspension nor shall the person be eligible for probation in
2 order to reduce the sentence or assignment.

3 (d) (1) Every person convicted of committing a violation
4 of this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of this
9 Section, or a similar provision of a law of another state
10 or a local ordinance when the cause of action is the same
11 as or substantially similar to this Section, for the
12 third or subsequent time;

13 (B) the person committed a violation of paragraph
14 (a) while driving a school bus with children on board;

15 (C) the person in committing a violation of
16 paragraph (a) was involved in a motor vehicle accident
17 that resulted in great bodily harm or permanent
18 disability or disfigurement to another, when the
19 violation was a proximate cause of the injuries; or

20 (D) the person committed a violation of paragraph
21 (a) for a second time and has been previously convicted
22 of violating Section 9-3 of the Criminal Code of 1961
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person has
27 previously been convicted under subparagraph (C) of this
28 paragraph (1).

29 (2) Aggravated driving under the influence of alcohol,
30 other drug or drugs, or intoxicating compound or compounds,
31 or any combination thereof is a Class 4 felony for which a
32 person, if sentenced to a term of imprisonment, shall be
33 sentenced to not less than one year and not more than 3 years
34 for a violation of subparagraph (A), (B) or (D) of paragraph

1 (1) of this subsection (d) and not less than one year and not
2 more than 12 years for a violation of subparagraph (C) of
3 paragraph (1) of this subsection (d). For any prosecution
4 under this subsection (d), a certified copy of the driving
5 abstract of the defendant shall be admitted as proof of any
6 prior conviction.

7 (3) Any person who is convicted of a violation of this
8 Section or a similar provision of a law of another state or
9 local ordinance a second or subsequent time, and, within a
10 10-year period from the date of the first conviction, is
11 convicted of a violation of this Section, is guilty of a
12 Class 1 felony. This paragraph does not apply unless each of
13 the following requirements is satisfied:

14 (i) the first conviction was entered within 10
15 years of the offense before the court;

16 (ii) the date of the offense for the second
17 conviction occurred after the date of the first
18 conviction; and

19 (iii) the date of the offense before the court
20 occurred after the date of the conviction for the
21 second offense.

22 (e) After a finding of guilt and prior to any final
23 sentencing, or an order for supervision, for an offense based
24 upon an arrest for a violation of this Section or a similar
25 provision of a local ordinance, individuals shall be required
26 to undergo a professional evaluation to determine if an
27 alcohol, drug, or intoxicating compound abuse problem exists
28 and the extent of the problem. Programs conducting these
29 evaluations shall be licensed by the Department of Human
30 Services. The cost of any professional evaluation shall be
31 paid for by the individual required to undergo the
32 professional evaluation.

33 (f) Every person found guilty of violating this Section,
34 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the
3 expense of an emergency response as provided under Section
4 5-5-3 of the Unified Code of Corrections.

5 (g) The Secretary of State shall revoke the driving
6 privileges of any person convicted under this Section or a
7 similar provision of a local ordinance.

8 (h) Every person sentenced under subsection (d) of this
9 Section and who receives a term of probation or conditional
10 discharge shall be required to serve a minimum term of either
11 30 days community service or, beginning July 1, 1993, 48
12 consecutive hours of imprisonment as a condition of the
13 probation or conditional discharge. This mandatory minimum
14 term of imprisonment or assignment of community service shall
15 not be suspended and shall not be subject to reduction by the
16 court.

17 (i) The Secretary of State may use ignition interlock
18 device requirements when granting driving relief to
19 individuals who have been arrested for a second or subsequent
20 offense of this Section or a similar provision of a local
21 ordinance. The Secretary shall establish by rule and
22 regulation the procedures for use of the interlock system.

23 (j) In addition to any other penalties and liabilities,
24 a person who is found guilty of or pleads guilty to violating
25 this Section, including any person placed on court
26 supervision for violating this Section, shall be fined \$100,
27 payable to the circuit clerk, who shall distribute the money
28 to the law enforcement agency that made the arrest. In the
29 event that more than one agency is responsible for the
30 arrest, the \$100 shall be shared equally. Any moneys
31 received by a law enforcement agency under this subsection
32 (j) shall be used to purchase law enforcement equipment that
33 will assist in the prevention of alcohol related criminal
34 violence throughout the State. This shall include, but is

1 not limited to, in-car video cameras, radar and laser speed
2 detection devices, and alcohol breath testers. Any moneys
3 received by the Department of State Police under this
4 subsection (j) shall be deposited into the State Police DUI
5 Fund and shall be used to purchase law enforcement equipment
6 that will assist in the prevention of alcohol related
7 criminal violence throughout the State.

8 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;
9 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.
10 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,
11 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

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

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) Every person convicted of an offense shall be
17 sentenced as provided in this Section.

18 (b) The following options shall be appropriate
19 dispositions, alone or in combination, for all felonies and
20 misdemeanors other than those identified in subsection (c) of
21 this Section:

22 (1) A period of probation.

23 (2) A term of periodic imprisonment.

24 (3) A term of conditional discharge.

25 (4) A term of imprisonment.

26 (5) An order directing the offender to clean up and
27 repair the damage, if the offender was convicted under
28 paragraph (h) of Section 21-1 of the Criminal Code of
29 1961.

30 (6) A fine.

31 (7) An order directing the offender to make
32 restitution to the victim under Section 5-5-6 of this

1 Code.

2 (8) A sentence of participation in a county impact
3 incarceration program under Section 5-8-1.2 of this Code.

4 Whenever an individual is sentenced for an offense based
5 upon an arrest for a violation of Section 11-501 of the
6 Illinois Vehicle Code, or a similar provision of a local
7 ordinance, and the professional evaluation recommends
8 remedial or rehabilitative treatment or education, neither
9 the treatment nor the education shall be the sole disposition
10 and either or both may be imposed only in conjunction with
11 another disposition. The court shall monitor compliance with
12 any remedial education or treatment recommendations contained
13 in the professional evaluation. Programs conducting alcohol
14 or other drug evaluation or remedial education must be
15 licensed by the Department of Human Services. However, if
16 the individual is not a resident of Illinois, the court may
17 accept an alcohol or other drug evaluation or remedial
18 education program in the state of such individual's
19 residence. Programs providing treatment must be licensed
20 under existing applicable alcoholism and drug treatment
21 licensure standards.

22 In addition to any other fine or penalty required by law,
23 any individual convicted of a violation of Section 11-501 of
24 the Illinois Vehicle Code or a similar provision of local
25 ordinance, whose operation of a motor vehicle while in
26 violation of Section 11-501 or such ordinance proximately
27 caused an incident resulting in an appropriate emergency
28 response, shall be required to make restitution to a public
29 agency for the costs of that emergency response. Such
30 restitution shall not exceed \$500 per public agency for each
31 such emergency response. For the purpose of this paragraph,
32 emergency response shall mean any incident requiring a
33 response by: a police officer as defined under Section 1-162
34 of the Illinois Vehicle Code; a fireman carried on the rolls

1 of a regularly constituted fire department; and an ambulance
2 as defined under Section 4.05 of the Emergency Medical
3 Services (EMS) Systems Act.

4 Neither a fine nor restitution shall be the sole
5 disposition for a felony and either or both may be imposed
6 only in conjunction with another disposition.

7 (c) (1) When a defendant is found guilty of first degree
8 murder the State may either seek a sentence of
9 imprisonment under Section 5-8-1 of this Code, or where
10 appropriate seek a sentence of death under Section 9-1 of
11 the Criminal Code of 1961.

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

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

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the
24 Illinois Controlled Substances Act, or a violation
25 of subdivision (c)(2) of Section 401 of that Act
26 which relates to more than 5 grams of a substance
27 containing cocaine or an analog thereof.

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

30 (F) A Class 2 or greater felony if the
31 offender had been convicted of a Class 2 or greater
32 felony within 10 years of the date on which the
33 offender committed the offense for which he or she
34 is being sentenced, except as otherwise provided in

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

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

6 (H) Criminal sexual assault, except as
7 otherwise provided in subsection (e) of this
8 Section.

9 (I) Aggravated battery of a senior citizen.

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

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

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

22 (K) Vehicular hijacking.

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

27 (M) A second or subsequent conviction for the
28 offense of institutional vandalism if the damage to
29 the property exceeds \$300.

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

33 (O) A violation of Section 12-6.1 of the
34 Criminal Code of 1961.

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

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

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

8 (S) A violation of paragraph (3) of subsection
9 (d) of Section 11-501 of the Illinois Vehicle Code.

10 (3) A minimum term of imprisonment of not less than
11 48 consecutive hours or 100 hours of community service as
12 may be determined by the court shall be imposed for a
13 second or subsequent violation committed within 5 years
14 of a previous violation of Section 11-501 of the Illinois
15 Vehicle Code or a similar provision of a local ordinance.

16 (4) A minimum term of imprisonment of not less than
17 7 consecutive days or 30 days of community service shall
18 be imposed for a violation of paragraph (c) of Section
19 6-303 of the Illinois Vehicle Code.

20 (4.1) A minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24 hour periodic imprisonment or
22 720 hours of community service, as may be determined by
23 the court, shall be imposed for a violation of Section
24 11-501 of the Illinois Vehicle Code during a period in
25 which the defendant's driving privileges are revoked or
26 suspended, where the revocation or suspension was for a
27 violation of Section 11-501 or Section 11-501.1 of that
28 Code.

29 (5) The court may sentence an offender convicted of
30 a business offense or a petty offense or a corporation or
31 unincorporated association convicted of any offense to:

32 (A) a period of conditional discharge;

33 (B) a fine;

34 (C) make restitution to the victim under

1 Section 5-5-6 of this Code.

2 (6) In no case shall an offender be eligible for a
3 disposition of probation or conditional discharge for a
4 Class 1 felony committed while he was serving a term of
5 probation or conditional discharge for a felony.

6 (7) When a defendant is adjudged a habitual
7 criminal under Article 33B of the Criminal Code of 1961,
8 the court shall sentence the defendant to a term of
9 natural life imprisonment.

10 (8) When a defendant, over the age of 21 years, is
11 convicted of a Class 1 or Class 2 felony, after having
12 twice been convicted of any Class 2 or greater Class
13 felonies in Illinois, and such charges are separately
14 brought and tried and arise out of different series of
15 acts, such defendant shall be sentenced as a Class X
16 offender. This paragraph shall not apply unless (1) the
17 first felony was committed after the effective date of
18 this amendatory Act of 1977; and (2) the second felony
19 was committed after conviction on the first; and (3) the
20 third felony was committed after conviction on the
21 second.

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

25 (d) In any case in which a sentence originally imposed
26 is vacated, the case shall be remanded to the trial court.
27 The trial court shall hold a hearing under Section 5-4-1 of
28 the Unified Code of Corrections which may include evidence of
29 the defendant's life, moral character and occupation during
30 the time since the original sentence was passed. The trial
31 court shall then impose sentence upon the defendant. The
32 trial court may impose any sentence which could have been
33 imposed at the original trial subject to Section 5-5-4 of the
34 Unified Code of Corrections.

1 (e) In cases where prosecution for criminal sexual
2 assault or aggravated criminal sexual abuse under Section
3 12-13 or 12-16 of the Criminal Code of 1961 results in
4 conviction of a defendant who was a family member of the
5 victim at the time of the commission of the offense, the
6 court shall consider the safety and welfare of the victim and
7 may impose a sentence of probation only where:

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

10 (A) the defendant is willing to undergo a
11 court approved counseling program for a minimum
12 duration of 2 years; or

13 (B) the defendant is willing to participate in
14 a court approved plan including but not limited to
15 the defendant's:

16 (i) removal from the household;

17 (ii) restricted contact with the victim;

18 (iii) continued financial support of the
19 family;

20 (iv) restitution for harm done to the
21 victim; and

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

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

31 Probation may be revoked or modified pursuant to Section
32 5-6-4; except where the court determines at the hearing that
33 the defendant violated a condition of his or her probation
34 restricting contact with the victim or other family members

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

4 For the purposes of this Section, "family member" and
5 "victim" shall have the meanings ascribed to them in Section
6 12-12 of the Criminal Code of 1961.

7 (f) This Article shall not deprive a court in other
8 proceedings to order a forfeiture of property, to suspend or
9 cancel a license, to remove a person from office, or to
10 impose any other civil penalty.

11 (g) Whenever a defendant is convicted of an offense
12 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,
13 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,
14 12-15 or 12-16 of the Criminal Code of 1961, the defendant
15 shall undergo medical testing to determine whether the
16 defendant has any sexually transmissible disease, including a
17 test for infection with human immunodeficiency virus (HIV) or
18 any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Any such medical test
20 shall be performed only by appropriately licensed medical
21 practitioners and may include an analysis of any bodily
22 fluids as well as an examination of the defendant's person.
23 Except as otherwise provided by law, the results of such test
24 shall be kept strictly confidential by all medical personnel
25 involved in the testing and must be personally delivered in a
26 sealed envelope to the judge of the court in which the
27 conviction was entered for the judge's inspection in camera.
28 Acting in accordance with the best interests of the victim
29 and the public, the judge shall have the discretion to
30 determine to whom, if anyone, the results of the testing may
31 be revealed. The court shall notify the defendant of the test
32 results. The court shall also notify the victim if requested
33 by the victim, and if the victim is under the age of 15 and
34 if requested by the victim's parents or legal guardian, the

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

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

27 (h) Whenever a defendant is convicted of an offense
28 under Section 1 or 2 of the Hypodermic Syringes and Needles
29 Act, the defendant shall undergo medical testing to determine
30 whether the defendant has been exposed to human
31 immunodeficiency virus (HIV) or any other identified
32 causative agent of acquired immunodeficiency syndrome (AIDS).
33 Except as otherwise provided by law, the results of such test
34 shall be kept strictly confidential by all medical personnel

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

22 (i) All fines and penalties imposed under this Section
23 for any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance,
25 and any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected
27 and disbursed by the circuit clerk as provided under Section
28 27.5 of the Clerks of Courts Act.

29 (j) In cases when prosecution for any violation of
30 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,
31 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
32 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or
33 12-16 of the Criminal Code of 1961, any violation of the
34 Illinois Controlled Substances Act, or any violation of the

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

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

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

18 (k) A court may not impose a sentence or disposition for
19 a felony or misdemeanor that requires the defendant to be
20 implanted or injected with or to use any form of birth
21 control.

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

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

34 (2) the deportation of the defendant would not

1 deprecate the seriousness of the defendant's conduct
2 and would not be inconsistent with the ends of
3 justice.

4 Otherwise, the defendant shall be sentenced as
5 provided in this Chapter V.

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

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

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

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

24 (D) Upon motion of the State's Attorney, if a
25 defendant sentenced under this Section returns to the
26 jurisdiction of the United States, the defendant shall be
27 recommitted to the custody of the county from which he or
28 she was sentenced. Thereafter, the defendant shall be
29 brought before the sentencing court, which may impose any
30 sentence that was available under Section 5-5-3 at the
31 time of initial sentencing. In addition, the defendant
32 shall not be eligible for additional good conduct credit
33 for meritorious service as provided under Section 3-6-6.

34 (m) A person convicted of criminal defacement of

1 property under Section 21-1.3 of the Criminal Code of 1961,
2 in which the property damage exceeds \$300 and the property
3 damaged is a school building, shall be ordered to perform
4 community service that may include cleanup, removal, or
5 painting over the defacement.

6 (Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680,
7 eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98;
8 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff.
9 12-22-99; 91-695, eff. 4-13-00.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.