

Table of Contents

CHAPTER 1. SENTENCING OBJECTIVES

- § 1:1 Objectives of criminal sentencing
- § 1:2 Constitutional and statutory objectives of criminal sentencing
- § 1:3 Protecting the public
- § 1:4 Protecting crime victims
- § 1:5 Restitution
- § 1:6 Incapacitation
- § 1:7 Rehabilitation
- § 1:8 Deterrence
- § 1:9 Retribution
- § 1:10 Minimizing the cost to the community of meeting the other sentencing objectives
- § 1:11 Providing funds for government

CHAPTER 2. PARTICIPANTS IN THE SENTENCING PROCESS

- § 2:1 Participants in the sentencing process, generally
- § 2:2 Public
- § 2:3 Media
- § 2:4 Federal government
- § 2:5 State legislators
- § 2:6 State executive branch
- § 2:7 Appellate court judges
- § 2:8 Trial court judges
- § 2:9 The court support “staff”
- § 2:10 Prosecutors
- § 2:11 Law enforcement officials
- § 2:12 Defendants
- § 2:13 Defense attorneys
- § 2:14 Jury
- § 2:15 Witnesses
- § 2:16 Court observers
- § 2:17 Probation officers
- § 2:18 Victims, victim advocates, and others impacted by the offense

§ 2:19 Referral agencies and volunteers

CHAPTER 3. CLASSIFICATION OF OFFENDERS

- § 3:1 Classification of offenders, generally
- § 3:2 First-time offense
- § 3:3 Youthful offender
- § 3:4 Repeat offender
- § 3:5 Offender who commits a serious offense
- § 3:6 Offender who commits a minor offense
- § 3:7 Offender with a drug problem
- § 3:8 Offender with an alcohol problem
- § 3:9 Sex crime offender
- § 3:10 Punishment of offender who is impaired
physically, mentally or because of age or other
factor
- § 3:11 Domestic violence offender

CHAPTER 4. CLASSIFICATIONS OF OFFENSES

- § 4:1 Classification of offenses, generally
- § 4:2 Organization of Illinois criminal statutes
- § 4:3 Felony classifications
- § 4:4 Felonies
- § 4:5 Misdemeanor classifications
- § 4:6 Misdemeanors
- § 4:7 Statutes that enhance repeated offenses
- § 4:8 Traffic offenses (state and municipal)
- § 4:9 Petty and business offenses
- § 4:10 Petty and business offenses (nontraffic)
- § 4:11 Conservation offenses
- § 4:12 Nontraffic municipal ordinance offense
- § 4:13 Sentencing under ex post facto laws

CHAPTER 5. CLASSIFICATION OF VICTIMS

- § 5:1 Classification of victims, generally
- § 5:2 Public as victim
- § 5:3 Government as victim
- § 5:4 Individuals as victims
- § 5:5 Females as victims

TABLE OF CONTENTS

- § 5:6 Males as victims
- § 5:7 Minors as victims
- § 5:8 Elderly persons as victims
- § 5:9 Organizations as victims

CHAPTER 6. PRINCIPLES OF CRIMINAL RESPONSIBILITY

- § 6:1 Principles of criminal responsibility, generally
- § 6:2 Criminal acts and the mental state
- § 6:3 Accountability for a crime
- § 6:4 Criminal responsibility
- § 6:5 Criminal liability of corporations and their personnel
- § 6:6 Defenses

CHAPTER 7. OFFENSES AGAINST THE PERSON

- § 7:1 Offenses against the person, generally
- § 7:2 Homicide and related offenses
- § 7:3 Kidnapping and related offenses
- § 7:4 Robbery
- § 7:5 Bodily harm and threats
- § 7:6 Eavesdropping
- § 7:7 Ritual mutilation
- § 7:8 Possession of deadly substance

CHAPTER 8. OFFENSES AGAINST PROPERTY

- § 8:1 Offenses against property, generally
- § 8:2 Theft and related offenses
- § 8:3 Retail theft
- § 8:4 Burglary
- § 8:5 Arson
- § 8:6 Damage and trespass to property
- § 8:7 Damage to cemeteries, tombstones, dead bodies, etc
- § 8:8 Looting by individuals

CHAPTER 9. INCHOATE OFFENSES

- § 9:1 Inchoate offenses, generally
- § 9:2 Solicitation

§ 9:3 Conspiracy

§ 9:4 Attempt

CHAPTER 10. OFFENSES AGAINST PUBLIC SAFETY AND DECENCY

§ 10:1 Offenses against the public, generally

§ 10:2 Mob action and related offenses

§ 10:3 Disorderly conduct

§ 10:4 Gambling and related offenses

§ 10:5 Bribery

§ 10:6 Money laundering

§ 10:7 Terrorism

§ 10:8 Resisting arrest

CHAPTER 11. OFFENSES AFFECTING GOVERNMENT FUNCTIONS

§ 11:1 Offenses affecting government functions,
generally

§ 11:2 Treason

§ 11:3 Interference with public officers, obstructing
justice, and escape

§ 11:4 Bringing contraband into penal institutions

§ 11:5 Interference with judicial procedure

§ 11:6 Official misconduct

§ 11:7 Public contracts

§ 11:8 Perjury

CHAPTER 12. TRAFFIC OFFENSES

§ 12:1 Traffic offenses, generally

§ 12:2 Duty to report accident involving death or
personal injury

§ 12:3 Duty to report accident involving damage to
vehicle

§ 12:4 Duty to give information and render aid at
accident

§ 12:5 Duty upon damaging unattended vehicle or other
property

§ 12:6 Reckless driving

§ 12:7 Driver's license offenses

CHAPTER 13. CONSERVATION AND ANIMAL OFFENSES

§ 13:1 Conservation offenses, generally

TABLE OF CONTENTS

§ 13:2 Animal torture

CHAPTER 14. BUSINESS OFFENSES

- § 14:1 Business offenses, generally
- § 14:2 Defaced, altered or removed manufacturer or owner identification number
- § 14:3 Computer crimes
- § 14:4 Unsolicited fax advertising
- § 14:5 Other business offenses
- § 14:6 Unauthorized videotaping
- § 14:7 Electronic mail fraud

CHAPTER 15. SEX OFFENSES

- § 15:1 Sex offenses, generally
- § 15:2 Indecent solicitation of an adult
- § 15:3 Adultery
- § 15:4 Fornication
- § 15:5 Public indecency
- § 15:6 Sexual relations within families
- § 15:7 Bigamy and marrying a bigamist
- § 15:8 Prostitution
- § 15:9 Solicitation of a sexual act
- § 15:10 Patronizing a person engaged in the sex trade
- § 15:11 Obscenity

CHAPTER 16. VIOLENT SEX CRIMES

- § 16:1 Violent sex crimes, generally
- § 16:2 Sex crimes definitions
- § 16:3 Criminal sexual assault
- § 16:4 Aggravated criminal sexual assault
- § 16:5 Criminal sexual abuse
- § 16:6 Aggravated criminal sexual abuse

CHAPTER 17. SEX OFFENSES AGAINST CHILDREN

- § 17:1 Sex offenses against children, generally
- § 17:2 Predatory criminal sexual assault of a child
- § 17:3 Indecent solicitation of a child
- § 17:4 Sexual exploitation of a child
- § 17:5 Promoting commercial sexual exploitation of a child

- § 17:6 Patronizing a sexually exploited child
- § 17:7 Child pornography
- § 17:8 Posting identifying information on pornographic internet site
- § 17:9 Distributing harmful material to a child
- § 17:10 Child sex offender in school zone
- § 17:11 Criminal sexual assault on child under 18 by accused who held position of trust, authority or supervision over victim

CHAPTER 18. OTHER OFFENSES INVOLVING CHILDREN

- § 18:1 Offenses against children, generally
- § 18:2 Child abduction
- § 18:3 Unlawful visitation interference
- § 18:4 Harboring a runaway
- § 18:5 Aiding and abetting child abduction
- § 18:6 Unlawful sale of public conveyance travel ticket to a minor
- § 18:7 Contributing to the delinquency of a child
- § 18:8 Contributing to the dependency or neglect of a child
- § 18:9 Educational intimidation
- § 18:10 Tattooing body of a minor
- § 18:11 Endangering the life or health of a child
- § 18:12 Child abandonment
- § 18:13 Aggravated battery of a child
- § 18:14 Ritualized abuse of a child
- § 18:15 Improper supervision of a child
- § 18:16 Unlawful employment or exhibition of a child
- § 18:17 Curfew

CHAPTER 19. OFFENSES AGAINST ELDERLY PERSONS

- § 19:1 Offenses against elderly persons, generally
- § 19:2 Physical injury and neglect of elderly persons
- § 19:3 Financial exploitation of elderly or disabled persons

CHAPTER 20. WEAPONS OFFENSES

- § 20:1 Weapons offenses, generally
- § 20:2 Unlawful possession of weapons

TABLE OF CONTENTS

- § 20:3 Unlawful possession of weapons by felons or persons in custody of department of corrections facilities
- § 20:4 Aggravated discharge of firearm
- § 20:5 Reckless discharge of firearm
- § 20:6 Unlawful sale or delivery of firearms
- § 20:7 Gunrunning
- § 20:8 Unlawful possession of firearms and firearm ammunition
- § 20:9 Unlawful possession of firearm by street gang member
- § 20:10 Failure of dealer to register sales of firearms
- § 20:11 Defacing identification marks of firearms
- § 20:12 Armed violence
- § 20:13 Aggravated battery with a firearm

CHAPTER 21. DRUG-RELATED OFFENSES

- § 21:1 Cannabis Control Act
- § 21:2 Illinois Controlled Substance Act
- § 21:3 Methamphetamine Control and Community Protection Act
- § 21:4 Drug Paraphernalia Control Act
- § 21:5 Hypodermic Syringes and Needles Act
- § 21:6 Use of Intoxicating Compounds Act
- § 21:7 Narcotics racketeering

CHAPTER 22. DRIVING UNDER THE INFLUENCE

- § 22:1 Offenses of driving under the influence
- § 22:2 Driving while under the influence of alcohol, other drug or combination of both

CHAPTER 23. FRAUD AND DECEPTIVE PRACTICES

- § 23:1 Fraud and deceptive practices, generally
- § 23:2 Deceptive practices
- § 23:3 Insurance fraud
- § 23:4 Mail fraud and wire fraud
- § 23:5 Fraud in stock transactions

CHAPTER 24. DOMESTIC VIOLENCE

- § 24:1 The protection of family members from abuse and violence, generally
- § 24:2 Domestic battery
- § 24:3 Definitions in the Illinois Domestic Violence Act
- § 24:4 Persons protected by the Domestic Violence Act
- § 24:5 The order of protection
- § 24:6 Contents of the order of protection
- § 24:7 Enforcement of orders of protection
- § 24:8 Criminal violation of an order of protection

CHAPTER 25. THE DEFENDANT'S ARRAIGNMENT

- § 25:1 The importance of the arraignment to the sentencing and appeals process
- § 25:2 Plea agreements
- § 25:3 Enforcement of plea agreements
- § 25:4 The arraignment procedures
- § 25:5 The defendant's arraignment appearance
- § 25:6 Waiver of counsel
- § 25:7 Admonitions to defendant before accepting guilty plea
- § 25:8 The entry of a plea nolo contendere
- § 25:9 Plea of guilty but mentally ill
- § 25:10 Factual basis for guilty plea
- § 25:11 Determining whether plea is voluntary
- § 25:12 Acceptance or rejection of guilty plea
- § 25:13 Revocation of acceptance of guilty plea
- § 25:14 Withdrawal of guilty plea

CHAPTER 26. PRESENTENCING INVESTIGATIONS AND PROCEDURES

- § 26:1 Presentencing investigations, generally
- § 26:2 Preparation for sentencing
- § 26:3 Referral for a presentence report of investigation
- § 26:4 Presentence commitment for study
- § 26:5 Physical or mental examination of the defendant
- § 26:6 Election of treatment by drug addict or alcoholic
- § 26:7 Investigation of other matters the court deems relevant
- § 26:8 Private investigations by the judge

TABLE OF CONTENTS

§ 26:9 Use of polygraph tests by judge in sentencing

CHAPTER 27. PRESENTENCE REPORT

- § 27:1 Preparation and use of the presentence report
- § 27:2 Contents of the presentence report (PSI)
- § 27:3 Presentence report in misdemeanors or business or petty offenses
- § 27:4 Sufficiency of presentence report
- § 27:5 Need for filing the report
- § 27:6 Disclosure of presentence reports
- § 27:7 Waiver of the presentence report
- § 27:8 Right of defendant to examine report
- § 27:9 Right of defendant to refuse to give information
- § 27:10 Probation officer's recommendations
- § 27:11 Objections to the presentence report
- § 27:12 Duty of trial judge to consider presentence investigation report

CHAPTER 28. INFORMATION NEEDED TO IMPOSE AN APPROPRIATE SENTENCE

- § 28:1 Information needed to impose an appropriate sentence, generally
- § 28:2 Information about the offense committed
- § 28:3 Information about the defendant's actions in committing the crime
- § 28:4 Information about the impact of the crime upon the victim and others
- § 28:5 Information about the defendant's age, family, education, employment, skills, etc
- § 28:6 Information about the defendant's emotional, mental, and physical problem, alcoholism, drug addiction, etc
- § 28:7 Information about the defendant's criminal record, associates, and activities and relation to gangs or other organized criminal activities
- § 28:8 Information about the defendant's remorse, acceptance of responsibility, cooperative attitude, etc

CHAPTER 29. SENTENCING HEARING

- § 29:1 Sentencing hearing, generally

- § 29:2 Judge's responsibility for the sentence
- § 29:3 The sentencing judge
- § 29:4 The sentencing process
- § 29:5 Right to counsel at the sentencing hearing
- § 29:6 Defendant's right to speak before being sentenced (allocution)
- § 29:7 The impact of the defendant's offense
- § 29:8 Recommendation of prosecutor as to sentence
- § 29:9 Sentencing hearing for sex offenders
- § 29:10 Exclusionary rule and sentencing hearings

CHAPTER 30. FACTORS CONSIDERED IN SENTENCING

- § 30:1 Factors that may or may not be considered in sentencing, generally
- § 30:2 Factors properly considered in sentencing
- § 30:3 Factors improperly considered in sentencing
- § 30:4 Factors that are inherent in the offense
- § 30:5 Factors that are not inherent in the offense
- § 30:6 Additional factors considered in sentencing for controlled substances offenses
- § 30:7 The impact of *Apprendi v. New Jersey* on sentencing in Illinois

CHAPTER 31. FACTORS IN MITIGATION AND AGGRAVATION

- § 31:1 Duty to hear evidence in mitigation and aggravation
- § 31:2 Checklist: Statutory factors in mitigation
- § 31:3 Checklist: Statutory factors in aggravation
- § 31:4 Evidence in mitigation and aggravation
- § 31:5 Refusal to plead guilty as a factor—Insistence on innocence
- § 31:6 Perjury as a factor in sentencing
- § 31:7 Defendant's attitude, remorse, acceptance of responsibility, etc
- § 31:8 Alcohol or drugs as aggravation or mitigation
- § 31:9 The defendant's position or duties of his office as a factor in aggravation
- § 31:10 Waiving the right to mitigation and aggravation hearing
- § 31:11 Aggravation and mitigation hearing

TABLE OF CONTENTS

§ 31:12 Findings as to aggravation and mitigation

CHAPTER 32. TRUTH IN SENTENCING

- § 32:1 Truth in Sentencing Act
- § 32:2 No good conduct credit for prisoner serving life sentence (100% Rule)
- § 32:3 Good conduct credit for prisoner serving sentence for certain serious felonies (85% Rule)
- § 32:4 Good conduct credit for prisoner serving sentence for certain felonies resulting in great bodily harm to victim (85% Rule)
- § 32:5 Good conduct credit for prisoners serving sentence for gunrunning or other specific drug offense (75% Rule)
- § 32:6 Good conduct credit for prisoner serving sentence for certain less serious felonies (50% Rule)
- § 32:7 Good conduct credit for meritorious service
- § 32:8 Disqualification of inmates for meritorious good time credit
- § 32:9 Additional good conduct credit for satisfactory completion of meritorious service program
- § 32:10 Trial judge's finding of great bodily harm to victim
- § 32:11 Judge's truth-in-sentencing statement—
Sentence to prison other than life
- § 32:12 The impact of *Apprendi v. New Jersey* on Illinois' truth-in-sentencing law

CHAPTER 33. IMPOSING THE SENTENCE FOR FELONIES OTHER THAN HOMICIDE

- § 33:1 Imposing the sentence
- § 33:2 Determination of guilt
- § 33:3 Fitness to be sentenced
- § 33:4 Fitness of defendants suffering disabilities
- § 33:5 Setting forth reasons for sentence
- § 33:6 Setting forth basis for sentencing determination for violent crimes and certain DUI offenses
- § 33:7 Advising defendant on judgment and sentence after plea of not guilty
- § 33:8 Advising defendant on judgment and sentence entered on plea of guilty

- § 33:9 Advising defendant on judgment and sentence entered on negotiated plea of guilty
- § 33:10 Sentencing in violation of the Proportionate Penalties Clause of the Illinois Constitution
- § 33:11 Request for a statement of reasons for the sentence
- § 33:12 Sentencing in absentia
- § 33:13 Stay of sentence pending alien deportation proceedings
- § 33:14 Resentencing
- § 33:15 Consolidating the sentence with that imposed in another state or in federal court
- § 33:16 Treatment of inconsistencies between oral pronouncement and written order
- § 33:17 Appellate review of excessive sentences

CHAPTER 34. ENTERING THE JUDGMENT

- § 34:1 Entering the criminal judgment
- § 34:2 The doctrine of revesting the court with jurisdiction
- § 34:3 Commitment of the offender
- § 34:4 Place of confinement
- § 34:5 Commitment of juvenile
- § 34:6 Calculating the term of imprisonment
- § 34:7 Loss and restoration of rights of convicted defendant
- § 34:8 Mandatory education for convicted felons
- § 34:9 Judgment for costs
- § 34:10 State's attorney's statement
- § 34:11 Clerk's transmission to the department, etc., to which defendant is committed
- § 34:12 Stays
- § 34:13 Notification of certain employers of defendant's conviction of sex or certain substance offenses
- § 34:14 Preservation of evidence
- § 34:15 Registration requirements imposed upon felons convicted of certain crimes
- § 34:16 Expungement of record of conviction

CHAPTER 35. POST-JUDGMENT PROCEEDINGS AND APPEAL

- § 35:1 Postconviction proceedings, generally

TABLE OF CONTENTS

- § 35:2 Void and voidable judgment
- § 35:3 Motion for new trial
- § 35:4 New trial based on newly discovered evidence
- § 35:5 Motion in arrest of judgment
- § 35:6 Motion to withdraw guilty plea and to vacate judgment
- § 35:7 Motion for reduction of sentence
- § 35:8 Motion to reconsider sentence
- § 35:9 Rescission of summary suspension of driver's license

CHAPTER 36. DIRECT APPEALS

- § 36:1 Direct appeal of a criminal judgment, generally
- § 36:2 The finality of the judgment for purposes of appeal
- § 36:3 Appeals by the state
- § 36:4 Appeals when defendant placed under supervision or sentenced to probation, conditional discharge or periodic imprisonment
- § 36:5 Appeal from judgment entered upon plea of guilty
- § 36:6 Appeal from an order finding defendant unfit to stand trial or be sentenced
- § 36:7 Appeal from denial of motion to dismiss criminal proceeding on grounds of former jeopardy
- § 36:8 Appeal for judgment entered upon negotiated plea
- § 36:9 Perfection of appeal
- § 36:10 Appeals by indigent defendants
- § 36:11 Record on appeal
- § 36:12 Cause on appeal
- § 36:13 Mandate of reviewing court
- § 36:14 Impact of *Apprendi* where direct appeal has been exhausted before *Apprendi* was decided

CHAPTER 37. OTHER POST-JUDGMENT PROCEDURES

- § 37:1 Other available postjudgment relief, generally
- § 37:2 Illinois postconviction proceedings
- § 37:3 Petition for relief from judgment
- § 37:4 Illinois habeas corpus procedures
- § 37:5 Request for leave to file petition for mandamus

- § 37:6 Executive clemency
- § 37:7 Federal habeas corpus
- § 37:8 The applicability of *Apprendi v. New Jersey* to cases on collateral review
- § 37:9 Motion for fingerprint or forensic testing regarding actual innocence not available at trial
- § 37:10 Procedures upon appeal from sentence after revocation of probation

CHAPTER 38. OTHER RULES RELATING TO SENTENCES AND SENTENCING

- § 38:1 Other rules governing imposition of sentences
- § 38:2 Delays in sentencing
- § 38:3 Imposition of excessive sentences
- § 38:4 Conviction of one defendant when another is acquitted
- § 38:5 Disparity of sentences imposed on different defendants
- § 38:6 Sentencing after a change in the statutory penalty—Ex post facto laws
- § 38:7 Waiver of sentencing errors
- § 38:8 Postconviction detention

CHAPTER 39. AUTHORIZED DISPOSITIONS AND GENERAL SENTENCING PROVISIONS

- § 39:1 Classification of offenses
- § 39:2 Authorized dispositions, generally
- § 39:3 Disposition of defendant suffering disability
- § 39:4 Improper dispositions
- § 39:5 General sentencing provisions
- § 39:6 Sentences for Class 1 felonies
- § 39:7 Sentences for Class 2 felonies
- § 39:8 Sentences for Class 3 felonies
- § 39:9 Sentences for Class 4 felonies
- § 39:10 Sentence provisions that apply to all felony sentences
- § 39:11 Sentences for Class A misdemeanors
- § 39:12 Sentences for Class B misdemeanors
- § 39:13 Sentences for Class C misdemeanor

TABLE OF CONTENTS

- § 39:14 Sentence provisions; all misdemeanors
- § 39:15 Sentences for petty offenses
- § 39:16 Sentences for business offenses
- § 39:17 Sentences for unclassified offenses

CHAPTER 40. SUPERVISION

- § 40:1 Using supervision as a sentencing alternative
- § 40:2 Entering the order for supervision
- § 40:3 Inapplicability of supervision to DUI cases
- § 40:4 Inapplicability of supervision to persons under 21 charged with serious traffic offense
- § 40:5 Inapplicability of supervision to persons with driving while license suspended or revoked under certain circumstances
- § 40:6 Incidents and conditions of supervision
- § 40:7 Supervision fees
- § 40:8 First offender “probation” under the Controlled Substances and Cannabis Control Act equals supervision

CHAPTER 41. CONDITIONAL DISCHARGE

- § 41:1 Sentence of conditional discharge
- § 41:2 Combining sentence of conditional discharge with term of periodic imprisonment

CHAPTER 42. PROBATION

- § 42:1 Probation, conditional discharge, and supervision, generally
- § 42:2 Sentence of probation or conditional discharge
- § 42:3 Ineligibility for probation
- § 42:4 Probation for felony sex offenders
- § 42:5 Automatic ineligibility for probation due to judge’s personal policy
- § 42:6 Incidents of probation and of conditional discharge
- § 42:7 Multiple terms of probation
- § 42:8 Sentence of probation consecutive to imprisonment
- § 42:9 Right to probation
- § 42:10 Statutory conditions of probation and conditional discharge

- § 42:11 Proper and improper conditions of probation and conditional discharge
- § 42:12 Restitution as condition of probation
- § 42:13 Term of imprisonment as condition of probation
- § 42:14 Community service as condition of probation
- § 42:15 Fine as condition of probation
- § 42:16 Consent to warrantless search as condition of probation
- § 42:17 Attendance at educational courses in Cook County
- § 42:18 “Banishment” from specified territory as condition of probation
- § 42:19 The “no contact” probation condition
- § 42:20 Payment of monthly supervision fees as condition of probation
- § 42:21 Probationer’s participation in the probation challenge program
- § 42:22 Probation for alcoholics and drug addicts
- § 42:23 Proceedings under the Drug Court Treatment Act
- § 42:24 Probation for cannabis offenders
- § 42:25 Probation for controlled substances first offenders
- § 42:26 Probation for sex offenses involving family members
- § 42:27 Probation for offense of child abandonment or endangering life or health of a child
- § 42:28 Termination of probation
- § 42:29 Second chance probation

CHAPTER 43. SENTENCE OF PERIODIC IMPRISONMENT

- § 43:1 Sentence of periodic imprisonment
- § 43:2 Using the sentence of periodic imprisonment
- § 43:3 Commitment under a sentence of periodic imprisonment
- § 43:4 Terms of periodic imprisonment as condition of probation
- § 43:5 Employment of offenders sentenced to periodic imprisonment
- § 43:6 Collection and disposition of offenders’ compensation
- § 43:7 Jurisdiction over offender committed to periodic punishment

TABLE OF CONTENTS

- § 43:8 Modifying and revoking the sentence of periodic imprisonment
- § 43:9 Service of sentence for subsequent conviction
- § 43:10 Calculation of term of periodic imprisonment
- § 43:11 Punishment for violation of condition of periodic imprisonment

CHAPTER 44. INTERMEDIATE SANCTIONS

- § 44:1 Intermediate criminal offender sanction strategies, generally
- § 44:2 Intermediate criminal offender sanctions currently in use in Illinois

CHAPTER 45. ELECTRONIC HOME DETECTION

- § 45:1 Use of electronic home detection
- § 45:2 Electronic home detention definitions
- § 45:3 Eligibility for electronic home supervision
- § 45:4 Consent of the participant
- § 45:5 Conditions imposed upon the participant
- § 45:6 Failure to comply with a condition of the electronic home monitoring detention program

CHAPTER 46. MODIFICATION, VIOLATION, AND REVOCATION OF PROBATION, CONDITIONAL DISCHARGE, AND SUPERVISION

- § 46:1 Modification, violation, and revocation of probation, conditional discharge, and supervision, generally
- § 46:2 The imposition of intermediate sanctions
- § 46:3 Modifying the conditions of probation, conditional discharge or supervision
- § 46:4 Proceedings upon violation of a condition of probation, conditional discharge or supervision—Other than petty offenses
- § 46:5 The defendant's right to due process in probation proceedings
- § 46:6 Revocation hearing—Other than petty offenses
- § 46:7 Burden of proof in proceedings to revoke probation

- § 46:8 Admissions or stipulations in proceedings to revoke probation, conditional discharge, or supervision
- § 46:9 Court order upon a finding of a violation of a condition of probation, conditional discharge or supervision—Other than petty cases
- § 46:10 Proceedings upon violation of a condition of probation, conditional discharge or supervision—Petty cases
- § 46:11 Court order upon a finding of a violation of a condition of probation, conditional discharge or supervision—Petty cases

CHAPTER 47. IMPRISONMENT

- § 47:1 Imprisonment, generally
- § 47:2 Sentence of imprisonment for felonies other than first-degree murder
- § 47:3 Natural life sentence
- § 47:4 Imprisonment as condition of probation
- § 47:5 Calculation of term of imprisonment
- § 47:6 Credit for time served
- § 47:7 Credit for incarceration on bailable offense or toward fines for pretrial incarceration
- § 47:8 County Jail Good Behavior Allowance Act

CHAPTER 48. IMPACT INCARCERATION

- § 48:1 Impact program—Sentencing order
- § 48:2 Eligibility for impact program
- § 48:3 Activities and privileges included in impact program
- § 48:4 Removal of committed person from the impact program
- § 48:5 The Cook County impact incarceration program

CHAPTER 49. THE DRUG COURT TREATMENT ACT

- § 49:1 The Drug Court Treatment Act
- § 49:2 Definitions in the Drug Court Treatment Act
- § 49:3 Eligibility for admission into a drug court treatment program
- § 49:4 The procedures under the Drug Court Treatment Act

TABLE OF CONTENTS

- § 49:5 The substance abuse treatment programs
- § 49:6 Sanctions for violations, termination and discharge from substance abuse treatment programs

CHAPTER 50. EXTENDED-TERM SENTENCE

- § 50:1 Extended-term sentence
- § 50:2 Admonishing the defendant before sentencing if extended term sentence could be imposed
- § 50:3 Imposing the extended-term sentence—The most serious class offense
- § 50:4 The “unrelated course of conduct” requirement
- § 50:5 The aggravating factors that may be considered in imposing the extended term sentence
- § 50:6 Extended term based on previous conviction
- § 50:7 Conduct that qualifies as exceptionally brutal or heinous behavior indicative of wanton cruelty
- § 50:8 Imposing extended term as improper double enhancement
- § 50:9 The impact of *Apprendi v. New Jersey* on extended-term sentence

CHAPTER 51. ENHANCED SENTENCES

- § 51:1 Enhancement of criminal offenses
- § 51:2 Enhanced offense because of prior conviction
- § 51:3 Checklist: Some statutes that enhance the offense for subsequent conviction
- § 51:4 Proof of a prior offense
- § 51:5 Imposing enhanced sentence as impermissible double enhancement
- § 51:6 Impact of *Apprendi v. New Jersey* on extended sentences
- § 51:7 Enhancement based on the use of a firearm

CHAPTER 52. CONCURRENT AND CONSECUTIVE SENTENCES

- § 52:1 Concurrent and consecutive sentences generally
- § 52:2 Imposing concurrent or consecutive terms of imprisonment
- § 52:3 Duty of court to advise defendant of possible consecutive sentences

- § 52:4 Determining the maximum length of consecutive sentences
- § 52:5 Sentences imposed to run consecutively with a life sentence
- § 52:6 “Single course of conduct” requirement
- § 52:7 Motion to serve sentence concurrently with sentence imposed by other state or district court
- § 52:8 Court’s specific finding as to consecutive sentences
- § 52:9 Imposing a sentence of periodic imprisonment consecutive to a sentence of imprisonment
- § 52:10 How consecutive sentences (including a felony) shall be served
- § 52:11 The impact of *Apprendi v. New Jersey* on consecutive sentences

CHAPTER 53. MULTIPLE PUNISHMENTS ARISING OUT OF CLOSELY RELATED ACTS

- § 53:1 Improper convictions for multiple crimes
- § 53:2 The one-act, one-crime rule—Separate sentences
- § 53:3 Conviction of both the inchoate and principal offense
- § 53:4 Convicting of a lesser-included offense
- § 53:5 Merger of misdemeanor sentence with felony sentence
- § 53:6 Convicting of an uncharged lesser-included offense
- § 53:7 Separate sentences for violating separate statutes covering the same act
- § 53:8 Defendant’s guilty plea to other offenses committed in the same county
- § 53:9 Double jeopardy resulting from multiple punishments for the same offense
- § 53:10 Separate convictions and sentence for separate victims

CHAPTER 54. HABITUAL CRIMINALS

- § 54:1 The definition of and sentence for an habitual criminal
- § 54:2 Proof of prior convictions
- § 54:3 Sentencing habitual criminals as a Class X offender

TABLE OF CONTENTS

- § 54:4 The impact of *Apprendi v. New Jersey* on sentencing as habitual criminal

CHAPTER 55. CLASS X FELONIES

- § 55:1 The sentences for Class X felonies
§ 55:2 Impact of *Apprendi* on Class X felony sentences
§ 55:3 Checklist of certain Class X felonies
§ 55:4 Proof of prior offenses
§ 55:5 Improper double enhancement in Class X felonies
§ 55:6 Use of convictions when the defendant was 17 or younger as a predicate offense

CHAPTER 56. MANDATORY SUPERVISED RELEASE (PAROLE)

- § 56:1 Mandatory supervised release (parole), generally
§ 56:2 Mandatory supervised release term (parole)
§ 56:3 Need to advise defendant about mandatory supervision release (parole) before entry of guilty plea
§ 56:4 Conditions of mandatory supervised release (parole)
§ 56:5 Release from the institution
§ 56:6 Revocation of parole or mandatory supervised release

CHAPTER 57. FINES AND FEES

- § 57:1 Imposition of fines
§ 57:2 Amount of the fine—Excessive fines
§ 57:3 Additional penalty for certain criminal and traffic offenses
§ 57:4 Determining ability of defendant to pay fine
§ 57:5 Terms of payment of the fine
§ 57:6 Amount of fine for theft or deceptive practices
§ 57:7 Fines assessed for the Violent Crime Victims Assistance Fund
§ 57:8 Sexual assault fines
§ 57:9 Revocation of a fine
§ 57:10 Default in the payment of a fine
§ 57:11 Order of withholding to collect a fine
§ 57:12 Payment of fine from bail bond deposit
§ 57:13 Credit against fine for pretrial incarceration
§ 57:14 Driving under the influence (DUI) fines, fees and emergency response costs

- § 57:15 Propriety of imposing fees as part of the sentence
- § 57:16 Public defender reimbursement

CHAPTER 58. RESTITUTION

- § 58:1 Restitution as part of the criminal sentence
- § 58:2 Order of restitution
- § 58:3 Payment of restitution by corporation
- § 58:4 Ability of the defendant to make restitution
- § 58:5 Persons entitled to restitution
- § 58:6 Determining the amount of restitution
- § 58:7 Time and manner of making restitution
- § 58:8 Payment of sex victim's counseling fees
- § 58:9 Apportioning restitution among defendants
- § 58:10 Restitution to victims of defendant's various offenses
- § 58:11 Collecting restitution
- § 58:12 Crime victims fund
- § 58:13 Restitution to victim 65 or older
- § 58:14 Modifying or revoking the sentence of restitution
- § 58:15 Treatment of amounts received from collateral sources
- § 58:16 Restitution in misdemeanor cases
- § 58:17 Reimbursement of county or state for services of court appointed attorney
- § 58:18 Reimbursement for expenses of incarceration, education and medical expenses

CHAPTER 59. COMMUNITY SERVICE

- § 59:1 Use of community service by offenders
- § 59:2 Community service as condition of probation or conditional discharge
- § 59:3 Community service—Assault
- § 59:4 —Hate crimes
- § 59:5 —Criminal damage to property
- § 59:6 —Weapons offenses
- § 59:7 —Mob action
- § 59:8 —Disorderly conduct
- § 59:9 —Looting
- § 59:10 —Cannabis—First offenders

TABLE OF CONTENTS

**CHAPTER 60. THE TRIAL AND
SENTENCING OF MINORS UNDER THE
CRIMINAL LAWS OF THE STATE OF
ILLINOIS**

- § 60:1 The prosecution of minors under the criminal laws of Illinois
- § 60:2 Sentencing a juvenile
- § 60:3 The procedure for transferring a juvenile from the juvenile division for trial under the Illinois criminal code
- § 60:4 The procedure for the sentencing of juveniles tried as adults
- § 60:5 Determining whether to sentence a juvenile as an adult
- § 60:6 The impact of *Apprendi v. New Jersey* on trial of minor under the criminal laws

**CHAPTER 61. DEALING WITH
DEFENDANT WITH ALCOHOL OR DRUG
PROBLEMS**

- § 61:1 Dealing with the defendant who is an alcoholic or drug addict
- § 61:2 Treatment alternatives for alcoholism and drug addiction
- § 61:3 Remedial education or treatment for persons convicted of DUI
- § 61:4 Evaluation and treatment of defendant convicted of driving under influence
- § 61:5 HIV testing for certain drug offenders

**CHAPTER 62. DEALING WITH SEX
OFFENDERS**

- § 62:1 Dealing with sex offenders, generally
- § 62:2 Sexually dangerous person
- § 62:3 Proceedings to declare a person sexually dangerous
- § 62:4 Recovery proceedings under the Sexually Dangerous Persons Act
- § 62:5 Sex Offender Registration Act
- § 62:6 DNA tests of persons convicted of sex crimes
- § 62:7 The sex offender and child murderer community notification law

§ 62:8 The Sexually Violent Persons Commitment Act

CHAPTER 63. GUILTY BUT MENTALLY ILL

§ 63:1 Sentencing and treatment of defendant found guilty but mentally ill

§ 63:2 Mental treatment for defendant placed on probation, periodic imprisonment or conditional discharge

CHAPTER 64. NOT GUILTY BECAUSE OF INSANITY

§ 64:1 Proceedings after acquittal by reason of insanity

§ 64:2 Definitions applicable to proceedings after acquittal by reason of insanity

§ 64:3 Counsel for insane defendant subject to involuntary admission or in need of mental treatment

§ 64:4 Imposing an extended term on a defendant found not guilty because of insanity

Table of Laws and Rules

Table of Cases

Index