

## Summary of Non-Probationable Offenses

SPAC has identified offenses for which probation, periodic imprisonment, and conditional discharge cannot be imposed pursuant to 730 ILCS 5/5-5-3 and offenses with sentencing provisions stating that term of imprisonment shall be imposed. These are the offenses to which a mandatory minimum prison sentences apply. For reference, the table to the right provides the presumptive sentence range by felony offense class.

Class	Sentence Length
M	20-60 years
X	6-30 years
1	4-15 years
2	3-7 years
3	2-5 years
4	1-3 years

### 730 ILCS 5/5-5-3(c)(2)

A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses:

Subdivision	Description	Offense Statutes
A	First degree murder	<a href="#">720 ILCS 5/9-1(a)</a>
B	Attempted first degree murder	<a href="#">720 ILCS 5/9-1(a)</a>
C	Any Class X felony	---
D	Controlled substance trafficking	<a href="#">720 ILCS 570/401.1</a>
	Delivery a controlled substance to a minor or manufacture/delivery of a controlled substance near certain areas	<a href="#">720 ILCS 570/407</a>
	Manufacture/delivery of greater than 5 grams of fentanyl	<a href="#">720 ILCS 570/401(c)(1.5)</a>
D-5	Manufacture/delivery of 3-15 grams of heroin	<a href="#">720 ILCS 570/401(c)(1)</a>
F	Any Class 1 or greater felony committed within 10 years of a similar* prior Class 1 or greater felony conviction	---
F-3	Any Class 2 or greater felony sex or firearm offense within 10 years of a prior similar* Class 2 or greater felony conviction	---
F-5	Certain sections of unlawful use of a weapon for which a term of imprisonment is prescribed	<a href="#">720 ILCS 5/24-1(a)(7)(i)</a> <a href="#">720 ILCS 5/24-1.1(a) &amp; (b)</a> <a href="#">720 ILCS 5/24-1.6(a)**</a>
G	Residential burglary	<a href="#">720 ILCS 5/19-3(a)</a>
H	Criminal sexual assault	<a href="#">720 ILCS 5/11-1.20(a)</a>
I	Aggravated battery of a senior citizen	<a href="#">720 ILCS 5/12-3.05(a)(4)</a>
J	Forcible felony related to gang activity	---
K	Vehicular hijacking	<a href="#">720 ILCS 5/18-3(a)</a>
L	Second or subsequent conviction of hate crime when the underlying offense is felony aggravated assault or felony mob action	<a href="#">720 ILCS 5/12-7.1(a)</a>

M	Second or subsequent conviction of institutional vandalism when damage exceeds \$300	<a href="#">720 ILCS 5/21-1.2(a)**</a>
N	Class 3 felony possession of a firearm without valid FOID card	<a href="#">430 ILCS 65/2(a)(1)</a>
O	Compel membership in an organization	<a href="#">720 ILCS 5/12-6.5</a>
P	Child pornography	<a href="#">720 ILCS 5/11-20.1(a)**</a>
P-5	Child pornography possession	<a href="#">720 ILCS 5/11-20.1(a)(6)</a>
Q	Arson of residence or place of worship	<a href="#">720 ILCS 5/20(a)**</a>
R	Gunrunning	<a href="#">720 ILCS 5/24-3A(a)</a>
U	Second or subsequent violation of driving with a suspended or revoked license dependent on prior criminal history	<a href="#">625 ILCS 5/6-303(a)</a>
V	Possession of child pornography with certain prior criminal history	<a href="#">720 ILCS 5/11-20.1(a)(6)</a>
W	Unlawful purchase of a weapon	<a href="#">720 ILCS 5/24-3.5(b) &amp; (c)</a>
X	Disarming a peace officer or correctional employee*	<a href="#">720 ILCS 5/31-1A(a)</a>
Y	Unlawful possession of a firearm by a street gang member when the firearm was loaded	<a href="#">720 ILCS 5/24-1.8(a)(1)</a>
Z	Any Class 1 felony committed while serving a term of probation or conditional discharge for a felony	---
AA	Theft of property between \$500,000 and \$1,000,000 in value	<a href="#">720 ILCS 5/16-1(a)**</a>
BB	Laundering more than \$500,000 of criminally derived property	<a href="#">720 ILCS 5/29B-1(a)**</a>
CC	Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a total retail value of \$500,000 or more	<a href="#">765 ILCS 1040/2**</a>
DD	Aggravated assault with a firearm against certain occupations*	<a href="#">720 ILCS 5/12-2(c)(6)</a>
EE	Trafficking of both firearms and firearm ammunition	<a href="#">720 ILCS 5/24-3B(a)(2)</a>

\* Certain specifications apply

\*\* Does not apply to all offenses under the statute

### Criminal or Vehicle Code

Certain offenses contained in Illinois' Criminal and Vehicle Code state that a term of imprisonment shall be imposed:

Statute		Description
<a href="#">625 ILCS 5/6-303</a>	(c-5)	Second violation of driving with a suspended or revoked license if both revocations and/or suspensions relate to certain offenses
	(d-2.5)	Third violation of driving with a suspended or revoked license if all revocations and/or suspensions relate to certain offenses
	(d-3.5)	Fourth or subsequent violation of driving with a suspended or revoked license if all revocations and/or suspensions relate to certain offenses

	(d-4)	Tenth, eleventh, twelfth, thirteenth, or fourteenth violation of driving with a suspended or revoked license if all revocations and/or suspensions relate to certain offenses
	(d-5)	Fifteenth or subsequent violation of driving with a suspended or revoked license if all revocations and/or suspensions relate to certain offenses
<a href="#">625 ILCS 5/11-501(d)(2)</a>	(C)	Fourth violation of aggravated driving under the influence with 0.16+ BAC
	(D)	Fifth violation of aggravated driving under the influence with 0.16+ BAC
	(E)	Sixth or subsequent violation of aggravated driving under the influence with 0.16+ BAC
	(G)	Aggravated driving under the influence causing the death of another person*
<b>Illinois Criminal Code</b>		
<a href="#">720 ILCS 5/12-3.3</a>	(b)	Second or subsequent violation of aggravated domestic battery

\* Probation can be allowed if the court finds extraordinary circumstances exist

### Drug Trafficking Offenses

Certain drug trafficking offenses state that a term of imprisonment shall be imposed:

<b>Statute</b>	<b>Description</b>	<b>Sentence</b>
<a href="#">720 ILCS 550/5.1</a>	Cannabis trafficking	At least 2x the minimum sentence for the offense class
<a href="#">720 ILCS 570/401.1</a>	Controlled substance trafficking	
<a href="#">720 ILCS 646/56</a>	Methamphetamine trafficking	

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