

NON-PROBATIONABLE ABRIDGED TABLE — AUGUST 2021

In response to the frequent requests for a list of non-probationable offenses SPAC used the Code of Corrections (730 ILCS 5/5-5-3), the Criminal Code of 2012, the Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Vehicle Code to identify offenses for which probation cannot be used pursuant to 730 ILCS 5/5-5-3 and those for which the sentencing provision in the individual offense states that a term of imprisonment shall be imposed. These are the offenses to which mandatory minimum prison sentences apply.

For the detailed offenses view, SPAC used the AOIC statute table, the most comprehensive data source for statute citations in Illinois, as the basis for statute citations that are on the non-probationable list. After manually identifying the appropriate statute citations, SPAC researchers joined the AOIC tables to the other relevant data sources used in Illinois, Criminal History Records Information (CHRI) and the Illinois Department of Corrections (IDOC) data. This process resulted in a document that is universally applicable to AOIC, CHRI and DOC data to ensure consistent measurement across data sources. For additional details about the fields in the detailed offense view, please use the Non-Probationable Data Dictionary.

As with any data resource, the more eyes that are on it the more likely issues that require correction will be found. Please contact John Specker at john.specker@illinois.gov if you find errors or omissions and they will be corrected. As always, constructive feedback of any type is appreciated.

Probation Restriction		Description	Offense Citation	Multiple Sections	Minimum Sentence in Years
Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
730 ILCS 5/5-5-3(2)	A	First Degree Murder	720 ILCS 5/9-1	Yes	20
730 ILCS 5/5-5-3	B	Attempted First Degree Murder	720 ILCS 5/9-1 720 ILCS 5/8-4	Yes	6
730 ILCS 5/5-5-3	C	Class X Felony	Multiple	Yes	6
730 ILCS 5/5-5-3	D	Violation of 401.1 or 407 Controlled Substance act. 720 ILCS 570.0/401-c-1.5 (More than 5 grams)	720 ILCS 570/401.1, 720 ILCS 5/407, 720 ILCS 570/401(c)(1.5)	Yes	3
730 ILCS 5/5-5-3	D-5	Violation of 720 ILCS 570.0/401-C	720 ILCS 570/401(c)	No	4
730 ILCS 5/5-5-3	E	Blank			
730 ILCS 5/5-5-3	F	A Class 1 or greater felony if the offender had been convicted of a Class 1 or greater felony within the prior 10 years	Multiple Dependent on Criminal History		
730 ILCS 5/5-5-3	F-3	Class 2 felony or greater sex offense of firearm offense if they have a prior Class 2 or greater conviction within the prior 10 years	Multiple Dependent on Criminal History		
730 ILCS 5/5-5-3	F-5	A violation of Sections 24-1, 24-1.1, or 24-1.6 (Unlawful Use of a Weapon) of the Criminal Code of 1961 or the Criminal Code of 2012 for which imprisonment is prescribed in those Sections.	720 ILCS 5/24-1, 720 ILCS 5/24-1.1, 720 ILCS 5/24-1.6		
730 ILCS 5/5-5-3	G	Residential Burglary	720 ILCS 5/19-3(a)	Yes	4
730 ILCS 5/5-5-3	H	Criminal Sexual Assault	720 ILCS 5/11-1.20(a)	Yes	4
730 ILCS 5/5-5-3	I	Aggravated Battery of a Senior Citizen	720 ILCS 5/12-4.6 720 ILCS 5/12-3.05(a)(4)	Yes	3
730 ILCS 5/5-5-3	J	Forcible Felony Related to Gang Activity	Multiple Dependent on Offender Characteristics		
730 ILCS 5/5-5-3	K	Vehicular Hijacking	720 ILCS 5/18-3(a)	No	4

Probation Restriction		Description	Offense Citation	Multiple Sections	Minimum Sentence in Years
Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
730 ILCS 5/5-5-3	L	Second or Subsequent conviction for the offense of Hate Crime when the underlying offense upon which the Hate Crime is based is a felony Aggravated Assault of Felony Mob Action			
730 ILCS 5/5-5-3	M	Second or subsequent conviction for the offenses of institutional vandalism if the damage to the property exceeds \$300	720 ILCS 5/21-1.2	Yes	
730 ILCS 5/5-5-3	N	A Class 3 felony violation of paragraph 1 of subsection A of section 2 of the FOID Card Act	430 ILCS 650/2(a)(1)	No	2
730 ILCS 5/5-5-3	O	Compel Membership in an Organization	720 ILCS 5/12-6.1 720 ILCS 5/12-6.5		3
730 ILCS 5/5-5-3	P	Child Pornography	720 ILCS 5/11-20.1(a)	Yes	3
730 ILCS 5/5-5-3	Q	Violation of Subsection B or B-5 of section 20-1, section 20-1.2 or section 20-1.3 of the Criminal Code of 2012	720 ILCS 5/20-1, 720 ILCS 5/20-1.2, 720 ILCS 5/20-1.3		
730 ILCS 5/5-5-3	R	Gunrunning	720 ILCS 5/24-3a	No	4
730 ILCS 5/5-5-3	S	Blank			
730 ILCS 5/5-5-3	T	Blank			
730 ILCS 5/5-5-3	U	A second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state.	625 ILCS 5/6-303	Yes	2

Probation Restriction		Description	Offense Citation	Multiple Sections	Minimum Sentence in Years
Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
730 ILCS 5/5-5-3	V	A violation of paragraph (4) of subsection (c) of Section 11-20.1B or paragraph (4) of subsection (c) of Section 11-20.3 of the Criminal Code of 1961, or paragraph (6) of subsection (a) of Section 11-20.1 of the Criminal Code of 2012 when the victim is under 13 years of age and the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses.	720 ILCS 5/11-20.1(a)(6)	Yes	3
730 ILCS 5/5-5-3	W	Unlawful Purchase of a Weapon	720 ILCS 5/24-3.5	Yes	3
730 ILCS 5/5-5-3	X	A violation of subsection (a) of Section 31-1a of the Criminal Code of 1961 or the Criminal Code of 2012.	720 ILCS 5/31-1A-(a)	No	3
730 ILCS 5/5-5-3	Y	A conviction for unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition.	720 ILCS 5/24-1.8(a)(1)	Yes	3
730 ILCS 5/5-5-3	Z	A Class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony.	Multiple Depends on Individuals Status	Yes	
730 ILCS 5/5-5-3	AA	Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value.	720 ILCS 5/16-1(a)	Yes	4

Probation Restriction		Description	Offense Citation	Multiple Sections	Minimum Sentence in Years
Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
730 ILCS 5/5-5-3	BB	Laundering of criminally derived property of a value exceeding \$500,000.	720 ILCS 5/29B-1(a)(1.5)(B)	Yes	4
730 ILCS 5/5-5-3	CC	Knowingly selling, offering for sale, holding for sale, or using 2,000 or more counterfeit items or counterfeit items having a retail value in the aggregate of \$500,000 or more.	765 ILCS 1040/2	No	4
730 ILCS 5/5-5-3	DD	A conviction for aggravated assault under paragraph (6) of subsection (c) of Section 12-2 of the Criminal Code of 1961 or the Criminal Code of 2012 if the firearm is aimed toward the person against whom the firearm is being used.	720 ILCS 5/12-2(c)(6)	No	1
730 ILCS 5/5-5-3	EE	A conviction for a violation of paragraph (2) of subsection (a) of Section 24-3B of the Criminal Code of 2012.	720 ILCS 5/24-3B(a)(2)		
730 ILCS 5/5-5-3	4.8	A mandatory prison sentence shall be imposed for a second violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (c-5) of that Section. The person's driving privileges shall be revoked for a period of not less than 5 years from the date of his or her release from prison.	625 ILCS 5/6-303(a-5) 625 ILCS 5/6-303(c-5)	No	3
730 ILCS 5/5-5-3	4.9	A mandatory prison sentence of not less than 4 and not more than 15 years shall be imposed for a third violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-2.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.	625 ILCS 5/6-303(a-5) 625 ILCS 5/6-303(d-2.5)	No	4

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Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
730 ILCS 5/5-5-3	4.10	A mandatory prison sentence for a Class 1 felony shall be imposed, and the person shall be eligible for an extended term sentence, for a fourth or subsequent violation of subsection (a-5) of Section 6-303 of the Illinois Vehicle Code, as provided in subsection (d-3.5) of that Section. The person's driving privileges shall be revoked for the remainder of his or her life.	625 ILCS 5/6-303(a-5) 625 ILCS 5/6-303(d-3.5)	No	4
Vehicle Code					
625 ILCS 5/6-303	d(3)	Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days	625 ILCS 5/6-303(a)	Yes	1
625 ILCS 5/6-303	d-4	Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if:	625 ILCS 5/6-303(a)	Yes	2
625 ILCS 5/6-303	d-5	Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if:	625 ILCS 5/6-303(a)	Yes	3
625 ILCS 5/11-501(d)(2)	B	A third offense for aggravated driving under the influence has a mandatory minimum of 90 days of imprisonment but the section does not specify IDOC or jail custody.			
625 ILCS 5/11-501(d)(2)	C	Fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed.	625 ILCS 5/11-501(d)(2)	No	3

Probation Restriction		Description	Offense Citation	Multiple Sections	Minimum Sentence in Years
Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
625 ILCS 5/11-501(d)(2)	d	5th violation of this section of similar provision is a class 2 felony, for which a sentence of probation or conditional discharge may not be imposed	625 ILCS 5/11-501(d)(2)	No	3
625 ILCS 5/11-501(d)(2)	E	6th or subsequent, violation of this section of similar provision is a class 2 felony, for which a sentence of probation or conditional discharge may not be imposed	625 ILCS 5/11-501(d)(2)	No	3
625 ILCS 5/11-501-(d)(2)	G	A violation of subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. Driving Under the Influence of Drugs or Alcohol and was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death;	625 ILCS 5/11-501(d)(1)(F)	No	3
625 ILCS 5/11-501-(d)(2)	J	A violation of subparagraph (D) of paragraph (1) of this subsection (d) is a Class 3 felony, for which a sentence of probation or conditional discharge may not be imposed.	625 ILCS 5/11-501(d)(1)(D)	No	2

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Uniform Code of Corrections 730 ILCS 5/5-5-3	Subsection				
Controlled Substance Statute					
720 ILCS 570/401.1	b	Controlled Substance Trafficking			2x Minimum Term
720 ILCS 550/5.1	b	Cannabis Trafficking			2x Minimum Term
720 ILCS 646/56	b	Methamphetamine Trafficking			2x Minimum Term
720 ILCS 646/56	c	Methamphetamine Trafficking (precursor)			2x Minimum Term
720 ILCS 646/56	d	Methamphetamine Trafficking (Anhydrous Ammonia)			2x Minimum Term