

Offense	Sentence Range	Extended Term	Fine	MSR	Probation/Conditional Discharge
1st Degree Murder	20-60 years	60-100 years	Up to \$25,000	3 years	Not available 730 ILCS 5/5-4.5(d)
Habitual Criminal	“Habitual Criminal” is defined by 730 ILCS 5/5-4.5-95(a) For Natural Life provision, see 730 ILCS 5/5-4.5-95(a)(5)				Not available 730 ILCS 5/5-4.5-95(a)5
Class X	6-30 years	30-60 years	Up to \$25,000	3 years	Not available 730 ILCS 5/5-4.5-25(d)
Class 1	4-15 years	15-30 years	Up to \$25,000	2 years	Up to 4 years
Class 2	3-7 years	7-14 years	Up to \$25,000	2 years	Up to 4 years
Class 3	2-5 years	5-10 years	Up to \$25,000	1 years	Up to 30 months
Class 4	1-3 years	3-6 years	Up to \$25,000	1 years	Up to 30 months
Attempt Felony	Sentence for next lower Class, except an attempt to commit a Class 3 or a Class 4 felony is a Class A misdemeanor (720 ILCS 5/8-4(c))				

Extended Term Sentencing—730 ILCS 5/5-5-3.2(b): The following factors, related to all felonies, may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 [730 ILCS 5/5-8-2] upon any offender:

(b)(1) prior felony conviction for the same or greater class felony within 10 years, excluding time spent in custody;

(b)(2) defendant is convicted felony and the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty

(b)(3) defendant is convicted of any felony committed against: (i) a person under 12 at the time of the offense or such person’s property; (ii) a person 60 or older at the time of the offense or such person’s property; or (iii) a person who had a physical disability at the time of the offense or such person’s property

Non-Probationable—730 ILCS 5/5-5-3(c)(2)¹: 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**, and may order a fine or restitution or both in conjunction with such term of imprisonment:

730 ILCS 5/5-5-3(c)(2)(F)—class 1 or greater felony & defendant has prior conviction for class 1 or greater felony within 10 years

730 ILCS 5/5-5-3(c)(2)(Z)—class 1 felony committed while he or she was serving a term of probation or conditional discharge for a felony (see also

730 ILCS 5/5-4.5-30(d))

¹ see 730 ILCS 5/5-5-3(c)(2) for other non-probationable offenses

Mandatory Class X—730 ILCS 5/5-4.5-95(b): When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, except for an offense listed in subsection (c) of this Section, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now (the date the Class 1 or Class 2 felony was committed) classified in Illinois as a Class 2 or greater Class felony, except for an offense listed in subsection (c) of this Section, and those charges are separately brought and tried and arise out of different series of acts, that defendant shall be sentenced as a Class X offender. This subsection does not apply unless:

- (1) the first felony was committed after February 1, 1978 (the effective date of Public Act 80-1099);
- (2) the second felony was committed after conviction on the first; and
- (3) the third felony was committed after conviction on the second.

→ DOES NOT APPLY TO CLASS 1 OR CLASS 2 FELONY THEFT CONVICTIONS UNDER 720 ILCS 5/16-1²

Second chance probation—730 ILCS 5/5-6-3.4³: see statute for mandatory conditions of probation; Δ eligible if: no prior felony convictions and pleads guilty to or found guilty of one of the following offenses:

possession of a controlled substance < 15g (Class 4)	forgery	disorderly conduct
possession of meth < 15g (Class 4)	deceptive practices	criminal damage or trespass to property under Article 21
cannabis (probationable felony & misdemeanor)	PSMV	criminal trespass to residence
theft	burglary	offense involving fraudulent ID
retail theft	possession burglary tools	obstructing justice

- Must have consent of both the defendant and the State’s Attorney
- Δ not eligible if the offense is a violent offense, or he or she has previously been convicted of a violent offense (including juvenile)⁴
- A person may only have one discharge and dismissal under this Section within a 4-year period—730 ILCS 5/5-6-3.4(h)

410 Probation—720 ILCS 570/410: see statute for mandatory conditions of probation; Δ eligible if: no prior conviction for any felony offense relating to cannabis or controlled substances & pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under 720 ILCS 570/402(c) or of unauthorized possession of prescription form under 720 ILCS 570/406.2.⁵ There may be only one discharge and dismissal under this Section, 720 ILCS 550/10 (cannabis), 720 ILCS 646/70 (meth), or 730 ILCS 5/5-6-3.3 (diversion).

TASC—20 ILCS 301/40-5

Impact Incarceration—730 ILCS 5/5-8-1.1 (boot camp)

Calculation of Term of Imprisonment—730 ILCS 5/5-4.5-100

Factors in Mitigation—730 ILCS 5/5-5-3.1

Factors in Aggravation and Extended-Term Sentencing—730 ILCS 5/5-5-3.2

Rules and Regulations for Sentence Credit—730 ILCS 5/3-6-3

² Subsection (b) of this Section does not apply to Class 1 or Class 2 felony convictions for a violation of Section 16-1 of the Criminal Code of 2012—730 ILCS 5/5-4.5-95(c)

³ A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal; however, a discharge and dismissal under this Section is not a conviction for purposes of this Code or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

⁴ A “violent offense” is any offense where bodily harm was inflicted or where force was used against any person or threatened against any person, any offense involving sexual conduct, sexual penetration, or sexual exploitation, any offense of domestic violence, domestic battery, violation of an order of protection, stalking, hate crime, and any offense involving the possession of a firearm or dangerous weapon. A defendant shall not be eligible for this probation if he or she has previously been adjudicated a delinquent minor for the commission of a violent offense as defined in this subsection.

⁵ A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, discharge and dismissal under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.