

1 AN ACT in relation to criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-6-3 and 5-6-3.1 and by adding Section
6 5-5-10 as follows:

7 (730 ILCS 5/5-5-10 new)

8 Sec. 5-5-10. Community service fee. When an offender or
9 defendant is ordered by the court to perform community
10 service and the offender is not otherwise assessed a fee for
11 probation services, the court shall impose a fee of \$50, or a
12 greater amount beginning January 1, 2006 established by the
13 Probation Division of the Administrative Office of the
14 Illinois Courts, based on a bi-annual review of annual cost
15 of living increases and their impact on the services by these
16 probation fees, for each month the community service ordered
17 by the court is supervised by a probation and court services
18 department, unless after determining the inability of the
19 person sentenced to community service to pay the fee, the
20 court assesses a lesser fee. The court may not impose a fee
21 on a minor who is made a ward of the State under the Juvenile
22 Court Act of 1987 while the minor is in placement. The fee
23 shall be imposed only on an offender who is actively
24 supervised by the probation and court services department.
25 The fee shall be collected by the clerk of the circuit court.
26 The clerk of the circuit court shall pay all monies collected
27 from this fee to the county treasurer for deposit in the
28 probation and court services fund under Section 15.1 of the
29 Probation and Probation Officers Act.

30 A circuit court may not impose a probation fee in excess
31 of \$25 per month unless: (1) the circuit court has adopted,

1 by administrative order issued by the chief judge, a standard
2 probation fee guide determining an offender's ability to pay,
3 as promulgated and bi-annually updated by the Probation
4 Division of the Administrative Office of the Illinois Courts;
5 and (2) the circuit court has authorized, by administrative
6 order issued by the chief judge, the creation of a Crime
7 Victim's Services Fund, to be administered by the Chief Judge
8 or his or her designee, for services to crime victims and
9 their families. Of the amount collected as a probation fee,
10 not to exceed \$5 of that fee collected per month may be used
11 to provide services to crime victims and their families.

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
13 Sec. 5-6-3. Conditions of Probation and of Conditional
14 Discharge.

15 (a) The conditions of probation and of conditional
16 discharge shall be that the person:

17 (1) not violate any criminal statute of any
18 jurisdiction;

19 (2) report to or appear in person before such
20 person or agency as directed by the court;

21 (3) refrain from possessing a firearm or other
22 dangerous weapon;

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent
26 by the court is not possible, without the prior
27 notification and approval of the person's probation
28 officer. Transfer of a person's probation or conditional
29 discharge supervision to another state is subject to
30 acceptance by the other state pursuant to the Interstate
31 Compact for Adult Offender Supervision;

32 (5) permit the probation officer to visit him at
33 his home or elsewhere to the extent necessary to

1 discharge his duties;

2 (6) perform no less than 30 hours of community
3 service and not more than 120 hours of community service,
4 if community service is available in the jurisdiction and
5 is funded and approved by the county board where the
6 offense was committed, where the offense was related to
7 or in furtherance of the criminal activities of an
8 organized gang and was motivated by the offender's
9 membership in or allegiance to an organized gang. The
10 community service shall include, but not be limited to,
11 the cleanup and repair of any damage caused by a
12 violation of Section 21-1.3 of the Criminal Code of 1961
13 and similar damage to property located within the
14 municipality or county in which the violation occurred.
15 When possible and reasonable, the community service
16 should be performed in the offender's neighborhood. For
17 purposes of this Section, "organized gang" has the
18 meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act;

20 (7) if he or she is at least 17 years of age and
21 has been sentenced to probation or conditional discharge
22 for a misdemeanor or felony in a county of 3,000,000 or
23 more inhabitants and has not been previously convicted of
24 a misdemeanor or felony, may be required by the
25 sentencing court to attend educational courses designed
26 to prepare the defendant for a high school diploma and to
27 work toward a high school diploma or to work toward
28 passing the high school level Test of General Educational
29 Development (GED) or to work toward completing a
30 vocational training program approved by the court. The
31 person on probation or conditional discharge must attend
32 a public institution of education to obtain the
33 educational or vocational training required by this
34 clause (7). The court shall revoke the probation or

1 conditional discharge of a person who wilfully fails to
2 comply with this clause (7). The person on probation or
3 conditional discharge shall be required to pay for the
4 cost of the educational courses or GED test, if a fee is
5 charged for those courses or test. The court shall
6 resentence the offender whose probation or conditional
7 discharge has been revoked as provided in Section 5-6-4.
8 This clause (7) does not apply to a person who has a
9 high school diploma or has successfully passed the GED
10 test. This clause (7) does not apply to a person who is
11 determined by the court to be developmentally disabled or
12 otherwise mentally incapable of completing the
13 educational or vocational program;

14 (8) if convicted of possession of a substance
15 prohibited by the Cannabis Control Act or Illinois
16 Controlled Substances Act after a previous conviction or
17 disposition of supervision for possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act or after a sentence of
20 probation under Section 10 of the Cannabis Control Act or
21 Section 410 of the Illinois Controlled Substances Act and
22 upon a finding by the court that the person is addicted,
23 undergo treatment at a substance abuse program approved
24 by the court; and

25 (9) if convicted of a felony, physically surrender
26 at a time and place designated by the court, his or her
27 Firearm Owner's Identification Card and any and all
28 firearms in his or her possession.

29 (b) The Court may in addition to other reasonable
30 conditions relating to the nature of the offense or the
31 rehabilitation of the defendant as determined for each
32 defendant in the proper discretion of the Court require that
33 the person:

34 (1) serve a term of periodic imprisonment under

1 Article 7 for a period not to exceed that specified in
2 paragraph (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

8 (5) attend or reside in a facility established for
9 the instruction or residence of defendants on probation;

10 (6) support his dependents;

11 (7) and in addition, if a minor:

12 (i) reside with his parents or in a foster
13 home;

14 (ii) attend school;

15 (iii) attend a non-residential program for
16 youth;

17 (iv) contribute to his own support at home or
18 in a foster home;

19 (v) with the consent of the superintendent of
20 the facility, attend an educational program at a
21 facility other than the school in which the offense
22 was committed if he or she is convicted of a crime
23 of violence as defined in Section 2 of the Crime
24 Victims Compensation Act committed in a school, on
25 the real property comprising a school, or within
26 1,000 feet of the real property comprising a school;

27 (8) make restitution as provided in Section 5-5-6
28 of this Code;

29 (9) perform some reasonable public or community
30 service;

31 (10) serve a term of home confinement. In addition
32 to any other applicable condition of probation or
33 conditional discharge, the conditions of home confinement
34 shall be that the offender:

1 (i) remain within the interior premises of the
2 place designated for his confinement during the
3 hours designated by the court;

4 (ii) admit any person or agent designated by
5 the court into the offender's place of confinement
6 at any time for purposes of verifying the offender's
7 compliance with the conditions of his confinement;
8 and

9 (iii) if further deemed necessary by the court
10 or the Probation or Court Services Department, be
11 placed on an approved electronic monitoring device,
12 subject to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,
14 cannabis or controlled substance violation who are
15 placed on an approved monitoring device as a
16 condition of probation or conditional discharge, the
17 court shall impose a reasonable fee for each day of
18 the use of the device, as established by the county
19 board in subsection (g) of this Section, unless
20 after determining the inability of the offender to
21 pay the fee, the court assesses a lesser fee or no
22 fee as the case may be. This fee shall be imposed in
23 addition to the fees imposed under subsections
24 (g) and (i) of this Section. The fee shall be
25 collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies
27 collected from this fee to the county treasurer for
28 deposit in the substance abuse services fund under
29 Section 5-1086.1 of the Counties Code; and

30 (v) for persons convicted of offenses other
31 than those referenced in clause (iv) above and who
32 are placed on an approved monitoring device as a
33 condition of probation or conditional discharge, the
34 court shall impose a reasonable fee for each day of

1 the use of the device, as established by the county
2 board in subsection (g) of this Section, unless
3 after determining the inability of the defendant to
4 pay the fee, the court assesses a lesser fee or no
5 fee as the case may be. This fee shall be imposed
6 in addition to the fees imposed under subsections
7 (g) and (i) of this Section. The fee shall be
8 collected by the clerk of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer who
11 shall use the monies collected to defray the costs
12 of corrections. The county treasurer shall deposit
13 the fee collected in the county working cash fund
14 under Section 6-27001 or Section 6-29002 of the
15 Counties Code, as the case may be.

16 (11) comply with the terms and conditions of an
17 order of protection issued by the court pursuant to the
18 Illinois Domestic Violence Act of 1986, as now or
19 hereafter amended, or an order of protection issued by
20 the court of another state, tribe, or United States
21 territory. A copy of the order of protection shall be
22 transmitted to the probation officer or agency having
23 responsibility for the case;

24 (12) reimburse any "local anti-crime program" as
25 defined in Section 7 of the Anti-Crime Advisory Council
26 Act for any reasonable expenses incurred by the program
27 on the offender's case, not to exceed the maximum amount
28 of the fine authorized for the offense for which the
29 defendant was sentenced;

30 (13) contribute a reasonable sum of money, not to
31 exceed the maximum amount of the fine authorized for the
32 offense for which the defendant was sentenced, to a
33 "local anti-crime program", as defined in Section 7 of
34 the Anti-Crime Advisory Council Act;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer, if the defendant has been placed on
7 probation or advance approval by the court, if the
8 defendant was placed on conditional discharge;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of persons, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act or the Illinois Controlled Substances Act,
16 unless prescribed by a physician, and submit samples of
17 his or her blood or urine or both for tests to determine
18 the presence of any illicit drug.

19 (c) The court may as a condition of probation or of
20 conditional discharge require that a person under 18 years of
21 age found guilty of any alcohol, cannabis or controlled
22 substance violation, refrain from acquiring a driver's
23 license during the period of probation or conditional
24 discharge. If such person is in possession of a permit or
25 license, the court may require that the minor refrain from
26 driving or operating any motor vehicle during the period of
27 probation or conditional discharge, except as may be
28 necessary in the course of the minor's lawful employment.

29 (d) An offender sentenced to probation or to conditional
30 discharge shall be given a certificate setting forth the
31 conditions thereof.

32 (e) Except where the offender has committed a fourth or
33 subsequent violation of subsection (c) of Section 6-303 of
34 the Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional
2 discharge that the offender be committed to a period of
3 imprisonment in excess of 6 months. This 6 month limit shall
4 not include periods of confinement given pursuant to a
5 sentence of county impact incarceration under Section
6 5-8-1.2. This 6 month limit does not apply to a person
7 sentenced to probation as a result of a conviction of a
8 fourth or subsequent violation of subsection (c-4) of Section
9 11-501 of the Illinois Vehicle Code or a similar provision of
10 a local ordinance.

11 Persons committed to imprisonment as a condition of
12 probation or conditional discharge shall not be committed to
13 the Department of Corrections.

14 (f) The court may combine a sentence of periodic
15 imprisonment under Article 7 or a sentence to a county impact
16 incarceration program under Article 8 with a sentence of
17 probation or conditional discharge.

18 (g) An offender sentenced to probation or to conditional
19 discharge and who during the term of either undergoes
20 mandatory drug or alcohol testing, or both, or is assigned to
21 be placed on an approved electronic monitoring device, shall
22 be ordered to pay all costs incidental to such mandatory drug
23 or alcohol testing, or both, and all costs incidental to such
24 approved electronic monitoring in accordance with the
25 defendant's ability to pay those costs. The county board
26 with the concurrence of the Chief Judge of the judicial
27 circuit in which the county is located shall establish
28 reasonable fees for the cost of maintenance, testing, and
29 incidental expenses related to the mandatory drug or alcohol
30 testing, or both, and all costs incidental to approved
31 electronic monitoring, involved in a successful probation
32 program for the county. The concurrence of the Chief Judge
33 shall be in the form of an administrative order. The fees
34 shall be collected by the clerk of the circuit court. The

1 clerk of the circuit court shall pay all moneys collected
2 from these fees to the county treasurer who shall use the
3 moneys collected to defray the costs of drug testing, alcohol
4 testing, and electronic monitoring. The county treasurer
5 shall deposit the fees collected in the county working cash
6 fund under Section 6-27001 or Section 6-29002 of the Counties
7 Code, as the case may be.

8 (h) Jurisdiction over an offender may be transferred
9 from the sentencing court to the court of another circuit
10 with the concurrence of both courts. Further transfers or
11 retransfers of jurisdiction are also authorized in the same
12 manner. The court to which jurisdiction has been transferred
13 shall have the same powers as the sentencing court.

14 (i) The court shall impose upon an offender sentenced to
15 probation after January 1, 1989 or to conditional discharge
16 after January 1, 1992 or to community service under the
17 supervision of a probation or court services department after
18 January 1, 2004, as a condition of such probation or
19 conditional discharge or supervised community service, a fee
20 of \$50, or a higher amount beginning January 1, 2006
21 established by the Probation Division of the administrative
22 Office of the Illinois Courts, based on a bi-annual review of
23 annual cost of living increases and their impact on the
24 services funded by these probation fees, \$25 for each month
25 of probation or conditional discharge supervision or
26 supervised community service ordered by the court, unless
27 after determining the inability of the person sentenced to
28 probation or conditional discharge or supervised community
29 service to pay the fee, the court assesses a lesser fee. The
30 court may not impose the fee on a minor who is made a ward of
31 the State under the Juvenile Court Act of 1987 while the
32 minor is in placement. The fee shall be imposed only upon an
33 offender who is actively supervised by the probation and
34 court services department. The fee shall be collected by the

1 clerk of the circuit court. The clerk of the circuit court
2 shall pay all monies collected from this fee to the county
3 treasurer for deposit in the probation and court services
4 fund under Section 15.1 of the Probation and Probation
5 Officers Act.

6 A circuit court may not impose a probation fee in excess
7 of \$25 per month unless: (1) the circuit court has adopted,
8 by administrative order issued by the chief judge, a standard
9 probation fee guide determining an offender's ability to pay,
10 as promulgated and bi-annually updated by the Probation
11 Division of the Administrative Office of the Illinois Courts;
12 and (2) the circuit court has authorized, by administrative
13 order issued by the chief judge, the creation of a Crime
14 Victim's Services Fund, to be administered by the Chief Judge
15 or his or her designee, for services to crime victims and
16 their families. Of the amount collected as a probation fee,
17 not to exceed \$5 of that fee collected per month may be used
18 to provide services to crime victims and their families.

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

26 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
27 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
28 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
29 eff. 6-26-02; 92-651, eff. 7-11-02.)

30 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
31 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

32 (a) When a defendant is placed on supervision, the court
33 shall enter an order for supervision specifying the period of

1 such supervision, and shall defer further proceedings in the
2 case until the conclusion of the period.

3 (b) The period of supervision shall be reasonable under
4 all of the circumstances of the case, but may not be longer
5 than 2 years, unless the defendant has failed to pay the
6 assessment required by Section 10.3 of the Cannabis Control
7 Act or Section 411.2 of the Illinois Controlled Substances
8 Act, in which case the court may extend supervision beyond 2
9 years. Additionally, the court shall order the defendant to
10 perform no less than 30 hours of community service and not
11 more than 120 hours of community service, if community
12 service is available in the jurisdiction and is funded and
13 approved by the county board where the offense was committed,
14 when the offense (1) was related to or in furtherance of the
15 criminal activities of an organized gang or was motivated by
16 the defendant's membership in or allegiance to an organized
17 gang; or (2) is a violation of any Section of Article 24 of
18 the Criminal Code of 1961 where a disposition of supervision
19 is not prohibited by Section 5-6-1 of this Code. The
20 community service shall include, but not be limited to, the
21 cleanup and repair of any damage caused by violation of
22 Section 21-1.3 of the Criminal Code of 1961 and similar
23 damages to property located within the municipality or county
24 in which the violation occurred. Where possible and
25 reasonable, the community service should be performed in the
26 offender's neighborhood.

27 For the purposes of this Section, "organized gang" has
28 the meaning ascribed to it in Section 10 of the Illinois
29 Streetgang Terrorism Omnibus Prevention Act.

30 (c) The court may in addition to other reasonable
31 conditions relating to the nature of the offense or the
32 rehabilitation of the defendant as determined for each
33 defendant in the proper discretion of the court require that
34 the person:

- 1 (1) make a report to and appear in person before or
- 2 participate with the court or such courts, person, or
- 3 social service agency as directed by the court in the
- 4 order of supervision;
- 5 (2) pay a fine and costs;
- 6 (3) work or pursue a course of study or vocational
- 7 training;
- 8 (4) undergo medical, psychological or psychiatric
- 9 treatment; or treatment for drug addiction or alcoholism;
- 10 (5) attend or reside in a facility established for
- 11 the instruction or residence of defendants on probation;
- 12 (6) support his dependents;
- 13 (7) refrain from possessing a firearm or other
- 14 dangerous weapon;
- 15 (8) and in addition, if a minor:
- 16 (i) reside with his parents or in a foster
- 17 home;
- 18 (ii) attend school;
- 19 (iii) attend a non-residential program for
- 20 youth;
- 21 (iv) contribute to his own support at home or
- 22 in a foster home; or
- 23 (v) with the consent of the superintendent of
- 24 the facility, attend an educational program at a
- 25 facility other than the school in which the offense
- 26 was committed if he or she is placed on supervision
- 27 for a crime of violence as defined in Section 2 of
- 28 the Crime Victims Compensation Act committed in a
- 29 school, on the real property comprising a school, or
- 30 within 1,000 feet of the real property comprising a
- 31 school;
- 32 (9) make restitution or reparation in an amount not
- 33 to exceed actual loss or damage to property and pecuniary
- 34 loss or make restitution under Section 5-5-6 to a

1 domestic violence shelter. The court shall determine the
2 amount and conditions of payment;

3 (10) perform some reasonable public or community
4 service;

5 (11) comply with the terms and conditions of an
6 order of protection issued by the court pursuant to the
7 Illinois Domestic Violence Act of 1986 or an order of
8 protection issued by the court of another state, tribe,
9 or United States territory. If the court has ordered the
10 defendant to make a report and appear in person under
11 paragraph (1) of this subsection, a copy of the order of
12 protection shall be transmitted to the person or agency
13 so designated by the court;

14 (12) reimburse any "local anti-crime program" as
15 defined in Section 7 of the Anti-Crime Advisory Council
16 Act for any reasonable expenses incurred by the program
17 on the offender's case, not to exceed the maximum amount
18 of the fine authorized for the offense for which the
19 defendant was sentenced;

20 (13) contribute a reasonable sum of money, not to
21 exceed the maximum amount of the fine authorized for the
22 offense for which the defendant was sentenced, to a
23 "local anti-crime program", as defined in Section 7 of
24 the Anti-Crime Advisory Council Act;

25 (14) refrain from entering into a designated
26 geographic area except upon such terms as the court finds
27 appropriate. Such terms may include consideration of the
28 purpose of the entry, the time of day, other persons
29 accompanying the defendant, and advance approval by a
30 probation officer;

31 (15) refrain from having any contact, directly or
32 indirectly, with certain specified persons or particular
33 types of person, including but not limited to members of
34 street gangs and drug users or dealers;

1 (16) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act or the Illinois Controlled Substances Act,
4 unless prescribed by a physician, and submit samples of
5 his or her blood or urine or both for tests to determine
6 the presence of any illicit drug;

7 (17) refrain from operating any motor vehicle not
8 equipped with an ignition interlock device as defined in
9 Section 1-129.1 of the Illinois Vehicle Code. Under this
10 condition the court may allow a defendant who is not
11 self-employed to operate a vehicle owned by the
12 defendant's employer that is not equipped with an
13 ignition interlock device in the course and scope of the
14 defendant's employment.

15 (d) The court shall defer entering any judgment on the
16 charges until the conclusion of the supervision.

17 (e) At the conclusion of the period of supervision, if
18 the court determines that the defendant has successfully
19 complied with all of the conditions of supervision, the court
20 shall discharge the defendant and enter a judgment dismissing
21 the charges.

22 (f) Discharge and dismissal upon a successful conclusion
23 of a disposition of supervision shall be deemed without
24 adjudication of guilt and shall not be termed a conviction
25 for purposes of disqualification or disabilities imposed by
26 law upon conviction of a crime. Two years after the
27 discharge and dismissal under this Section, unless the
28 disposition of supervision was for a violation of Sections
29 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
30 Vehicle Code or a similar provision of a local ordinance, or
31 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
32 Code of 1961, in which case it shall be 5 years after
33 discharge and dismissal, a person may have his record of
34 arrest sealed or expunged as may be provided by law.

1 However, any defendant placed on supervision before January
2 1, 1980, may move for sealing or expungement of his arrest
3 record, as provided by law, at any time after discharge and
4 dismissal under this Section. A person placed on supervision
5 for a sexual offense committed against a minor as defined in
6 subsection (g) of Section 5 of the Criminal Identification
7 Act or for a violation of Section 11-501 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance
9 shall not have his or her record of arrest sealed or
10 expunged.

11 (g) A defendant placed on supervision and who during the
12 period of supervision undergoes mandatory drug or alcohol
13 testing, or both, or is assigned to be placed on an approved
14 electronic monitoring device, shall be ordered to pay the
15 costs incidental to such mandatory drug or alcohol testing,
16 or both, and costs incidental to such approved electronic
17 monitoring in accordance with the defendant's ability to pay
18 those costs. The county board with the concurrence of the
19 Chief Judge of the judicial circuit in which the county is
20 located shall establish reasonable fees for the cost of
21 maintenance, testing, and incidental expenses related to the
22 mandatory drug or alcohol testing, or both, and all costs
23 incidental to approved electronic monitoring, of all
24 defendants placed on supervision. The concurrence of the
25 Chief Judge shall be in the form of an administrative order.
26 The fees shall be collected by the clerk of the circuit
27 court. The clerk of the circuit court shall pay all moneys
28 collected from these fees to the county treasurer who shall
29 use the moneys collected to defray the costs of drug testing,
30 alcohol testing, and electronic monitoring. The county
31 treasurer shall deposit the fees collected in the county
32 working cash fund under Section 6-27001 or Section 6-29002 of
33 the Counties Code, as the case may be.

34 (h) A disposition of supervision is a final order for

1 the purposes of appeal.

2 (i) The court shall impose upon a defendant placed on
3 supervision after January 1, 1992 or to community service
4 under the supervision of a probation or court services
5 department after January 1, 2004, as a condition of
6 supervision or supervised community service, a fee of \$50, or
7 a higher amount beginning January 1, 2006 established by the
8 Probation Division of the Administrative Office of the
9 Illinois Courts, based on a bi-annual review of annual cost
10 of living increases and their impact on the services funded
11 by these probation fees, \$25 for each month of supervision or
12 supervised community service ordered by the court, unless
13 after determining the inability of the person placed on
14 supervision or supervised community service to pay the fee,
15 the court assesses a lesser fee. The court may not impose the
16 fee on a minor who is made a ward of the State under the
17 Juvenile Court Act of 1987 while the minor is in placement.
18 The fee shall be imposed only upon a defendant who is
19 actively supervised by the probation and court services
20 department. The fee shall be collected by the clerk of the
21 circuit court. The clerk of the circuit court shall pay all
22 monies collected from this fee to the county treasurer for
23 deposit in the probation and court services fund pursuant to
24 Section 15.1 of the Probation and Probation Officers Act.

25 A circuit court may not impose a probation fee in excess
26 of \$25 per month unless: (1) the circuit court has adopted,
27 by administrative order issued by the chief judge, a standard
28 probation fee guide determining an offender's ability to pay,
29 as promulgated and bi-annually updated by the Probation
30 Division of the Administrative Office of the Illinois Courts;
31 and (2) the circuit court has authorized, by administrative
32 order issued by the chief judge, the creation of a Crime
33 Victim's Services Fund, to be administered by the Chief Judge
34 or his or her designee, for services to crime victims and

1 their families. Of the amount collected as a probation fee,
2 not to exceed \$5 of that fee collected per month may be used
3 to provide services to crime victims and their families.

4 (j) All fines and costs imposed under this Section for
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois
6 Vehicle Code, or a similar provision of a local ordinance,
7 and any violation of the Child Passenger Protection Act, or a
8 similar provision of a local ordinance, shall be collected
9 and disbursed by the circuit clerk as provided under Section
10 27.5 of the Clerks of Courts Act.

11 (k) A defendant at least 17 years of age who is placed
12 on supervision for a misdemeanor in a county of 3,000,000 or
13 more inhabitants and who has not been previously convicted of
14 a misdemeanor or felony may as a condition of his or her
15 supervision be required by the court to attend educational
16 courses designed to prepare the defendant for a high school
17 diploma and to work toward a high school diploma or to work
18 toward passing the high school level Test of General
19 Educational Development (GED) or to work toward completing a
20 vocational training program approved by the court. The
21 defendant placed on supervision must attend a public
22 institution of education to obtain the educational or
23 vocational training required by this subsection (k). The
24 defendant placed on supervision shall be required to pay for
25 the cost of the educational courses or GED test, if a fee is
26 charged for those courses or test. The court shall revoke
27 the supervision of a person who wilfully fails to comply with
28 this subsection (k). The court shall resentence the
29 defendant upon revocation of supervision as provided in
30 Section 5-6-4. This subsection (k) does not apply to a
31 defendant who has a high school diploma or has successfully
32 passed the GED test. This subsection (k) does not apply to a
33 defendant who is determined by the court to be
34 developmentally disabled or otherwise mentally incapable of

1 completing the educational or vocational program.

2 (1) The court shall require a defendant placed on
3 supervision for possession of a substance prohibited by the
4 Cannabis Control Act or Illinois Controlled Substances Act
5 after a previous conviction or disposition of supervision for
6 possession of a substance prohibited by the Cannabis Control
7 Act or Illinois Controlled Substances Act or a sentence of
8 probation under Section 10 of the Cannabis Control Act or
9 Section 410 of the Illinois Controlled Substances Act and
10 after a finding by the court that the person is addicted, to
11 undergo treatment at a substance abuse program approved by
12 the court.

13 (m) The Secretary of State shall require anyone placed
14 on court supervision for a violation of Section 3-707 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance to give proof of his or her financial
17 responsibility as defined in Section 7-315 of the Illinois
18 Vehicle Code. The proof shall be maintained by the
19 individual in a manner satisfactory to the Secretary of State
20 for a minimum period of one year after the date the proof is
21 first filed. The proof shall be limited to a single action
22 per arrest and may not be affected by any post-sentence
23 disposition. The Secretary of State shall suspend the
24 driver's license of any person determined by the Secretary to
25 be in violation of this subsection.

26 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;
27 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.
28 8-22-01; 92-651, eff. 7-11-02.)