

1 AN ACT concerning 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 3-3-7, 5-6-3, and 5-6-3.1 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

6 (7) report all arrests to an agent of the Department of
7 Corrections as soon as permitted by the arresting authority
8 but in no event later than 24 hours after release from
9 custody;

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term, provided funding is appropriated
12 by the General Assembly;

13 (7.8) if convicted for an offense committed on or after
14 the effective date of this amendatory Act of the 95th
15 General Assembly that would qualify the accused as a child
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961, refrain from communicating with or
18 contacting, by means of the Internet, a person who is not
19 related to the accused and whom the accused reasonably
20 believes to be under 18 years of age; for purposes of this
21 paragraph (7.8), "Internet" has the meaning ascribed to it
22 in Section 16J-5 of the Criminal Code of 1961, as added by
23 Public Act 94-179; and a person is not related to the
24 accused if the person is not: (i) the spouse, brother, or
25 sister of the accused; (ii) a descendant of the accused;
26 (iii) a first or second cousin of the accused; or (iv) a

1 step-child or adopted child of the accused;

2 (8) obtain permission of an agent of the Department of
3 Corrections before leaving the State of Illinois;

4 (9) obtain permission of an agent of the Department of
5 Corrections before changing his or her residence or
6 employment;

7 (10) consent to a search of his or her person,
8 property, or residence under his or her control;

9 (11) refrain from the use or possession of narcotics or
10 other controlled substances in any form, or both, or any
11 paraphernalia related to those substances and submit to a
12 urinalysis test as instructed by a parole agent of the
13 Department of Corrections;

14 (12) not frequent places where controlled substances
15 are illegally sold, used, distributed, or administered;

16 (13) not knowingly associate with other persons on
17 parole or mandatory supervised release without prior
18 written permission of his or her parole agent and not
19 associate with persons who are members of an organized gang
20 as that term is defined in the Illinois Streetgang
21 Terrorism Omnibus Prevention Act;

22 (14) provide true and accurate information, as it
23 relates to his or her adjustment in the community while on
24 parole or mandatory supervised release or to his or her
25 conduct while incarcerated, in response to inquiries by his
26 or her parole agent or of the Department of Corrections;

1 (15) follow any specific instructions provided by the
2 parole agent that are consistent with furthering
3 conditions set and approved by the Prisoner Review Board or
4 by law, exclusive of placement on electronic detention, to
5 achieve the goals and objectives of his or her parole or
6 mandatory supervised release or to protect the public.
7 These instructions by the parole agent may be modified at
8 any time, as the agent deems appropriate; and

9 (16) if convicted of a sex offense as defined in
10 subsection (a-5) of Section 3-1-2 of this Code, unless the
11 offender is a parent or guardian of the person under 18
12 years of age present in the home and no non-familial minors
13 are present, not participate in a holiday event involving
14 children under 18 years of age, such as distributing candy
15 or other items to children on Halloween, wearing a Santa
16 Claus costume on or preceding Christmas, being employed as
17 a department store Santa Claus, or wearing an Easter Bunny
18 costume on or preceding Easter.

19 (b) The Board may in addition to other conditions require
20 that the subject:

21 (1) work or pursue a course of study or vocational
22 training;

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

25 (3) attend or reside in a facility established for the
26 instruction or residence of persons on probation or parole;

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) comply with the terms and conditions of an order of
5 protection issued pursuant to the Illinois Domestic
6 Violence Act of 1986, enacted by the 84th General Assembly,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory; ~~and~~

9 (7.5) if convicted for an offense committed on or after
10 the effective date of this amendatory Act of the 95th
11 General Assembly that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961, refrain from communicating with or
14 contacting, by means of the Internet, a person who is
15 related to the accused and whom the accused reasonably
16 believes to be under 18 years of age; for purposes of this
17 paragraph (7.5), "Internet" has the meaning ascribed to it
18 in Section 16J-5 of the Criminal Code of 1961, as added by
19 Public Act 94-179; and a person is related to the accused
20 if the person is: (i) the spouse, brother, or sister of the
21 accused; (ii) a descendant of the accused; (iii) a first or
22 second cousin of the accused; or (iv) a step-child or
23 adopted child of the accused; and

24 (8) in addition, if a minor:

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

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;
2 or
3 (iv) contribute to his own support at home or in a
4 foster home.

5 (b-1) In addition to the conditions set forth in
6 subsections (a) and (b), persons required to register as sex
7 offenders pursuant to the Sex Offender Registration Act, upon
8 release from the custody of the Illinois Department of
9 Corrections, may be required by the Board to comply with the
10 following specific conditions of release:

11 (1) reside only at a Department approved location;

12 (2) comply with all requirements of the Sex Offender
13 Registration Act;

14 (3) notify third parties of the risks that may be
15 occasioned by his or her criminal record;

16 (4) obtain the approval of an agent of the Department
17 of Corrections prior to accepting employment or pursuing a
18 course of study or vocational training and notify the
19 Department prior to any change in employment, study, or
20 training;

21 (5) not be employed or participate in any volunteer
22 activity that involves contact with children, except under
23 circumstances approved in advance and in writing by an
24 agent of the Department of Corrections;

25 (6) be electronically monitored for a minimum of 12
26 months from the date of release as determined by the Board;

1 (7) refrain from entering into a designated geographic
2 area except upon terms approved in advance by an agent of
3 the Department of Corrections. The terms may include
4 consideration of the purpose of the entry, the time of day,
5 and others accompanying the person;

6 (8) refrain from having any contact, including written
7 or oral communications, directly or indirectly, personally
8 or by telephone, letter, or through a third party with
9 certain specified persons including, but not limited to,
10 the victim or the victim's family without the prior written
11 approval of an agent of the Department of Corrections;

12 (9) refrain from all contact, directly or indirectly,
13 personally, by telephone, letter, or through a third party,
14 with minor children without prior identification and
15 approval of an agent of the Department of Corrections;

16 (10) neither possess or have under his or her control
17 any material that is sexually oriented, sexually
18 stimulating, or that shows male or female sex organs or any
19 pictures depicting children under 18 years of age nude or
20 any written or audio material describing sexual
21 intercourse or that depicts or alludes to sexual activity,
22 including but not limited to visual, auditory, telephonic,
23 or electronic media, or any matter obtained through access
24 to any computer or material linked to computer access use;

25 (11) not patronize any business providing sexually
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,
3 schools, day care centers, swimming pools, beaches,
4 theaters, or any other places where minor children
5 congregate without advance approval of an agent of the
6 Department of Corrections and immediately report any
7 incidental contact with minor children to the Department;

8 (13) not possess or have under his or her control
9 certain specified items of contraband related to the
10 incidence of sexually offending as determined by an agent
11 of the Department of Corrections;

12 (14) may be required to provide a written daily log of
13 activities if directed by an agent of the Department of
14 Corrections;

15 (15) comply with all other special conditions that the
16 Department may impose that restrict the person from
17 high-risk situations and limit access to potential
18 victims.

19 (c) The conditions under which the parole or mandatory
20 supervised release is to be served shall be communicated to the
21 person in writing prior to his release, and he shall sign the
22 same before release. A signed copy of these conditions,
23 including a copy of an order of protection where one had been
24 issued by the criminal court, shall be retained by the person
25 and another copy forwarded to the officer in charge of his
26 supervision.

1 (d) After a hearing under Section 3-3-9, the Prisoner
2 Review Board may modify or enlarge the conditions of parole or
3 mandatory supervised release.

4 (e) The Department shall inform all offenders committed to
5 the Department of the optional services available to them upon
6 release and shall assist inmates in availing themselves of such
7 optional services upon their release on a voluntary basis.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
9 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

10 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

11 Sec. 5-6-3. Conditions of Probation and of Conditional
12 Discharge.

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

15 (1) not violate any criminal statute of any
16 jurisdiction;

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

19 (3) refrain from possessing a firearm or other
20 dangerous weapon;

21 (4) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature that prior consent
24 by the court is not possible, without the prior
25 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional
2 discharge supervision to another state is subject to
3 acceptance by the other state pursuant to the Interstate
4 Compact for Adult Offender Supervision;

5 (5) permit the probation officer to visit him at his
6 home or elsewhere to the extent necessary to discharge his
7 duties;

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

25 (7) if he or she is at least 17 years of age and has
26 been sentenced to probation or conditional discharge for a

1 misdemeanor or felony in a county of 3,000,000 or more
2 inhabitants and has not been previously convicted of a
3 misdemeanor or felony, may be required by the sentencing
4 court to attend educational courses designed to prepare the
5 defendant for a high school diploma and to work toward a
6 high school diploma or to work toward passing the high
7 school level Test of General Educational Development (GED)
8 or to work toward completing a vocational training program
9 approved by the court. The person on probation or
10 conditional discharge must attend a public institution of
11 education to obtain the educational or vocational training
12 required by this clause (7). The court shall revoke the
13 probation or conditional discharge of a person who wilfully
14 fails to comply with this clause (7). The person on
15 probation or conditional discharge shall be required to pay
16 for the cost of the educational courses or GED test, if a
17 fee is charged for those courses or test. The court shall
18 resentence the offender whose probation or conditional
19 discharge has been revoked as provided in Section 5-6-4.
20 This clause (7) does not apply to a person who has a high
21 school diploma or has successfully passed the GED test.
22 This clause (7) does not apply to a person who is
23 determined by the court to be developmentally disabled or
24 otherwise mentally incapable of completing the educational
25 or vocational program;

26 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act after a previous conviction or
4 disposition of supervision for possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances Act or after a sentence of probation
7 under Section 10 of the Cannabis Control Act, Section 410
8 of the Illinois Controlled Substances Act, or Section 70 of
9 the Methamphetamine Control and Community Protection Act
10 and upon a finding by the court that the person is
11 addicted, undergo treatment at a substance abuse program
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined
14 in the Sex Offender Management Board Act, the person shall
15 undergo and successfully complete sex offender treatment
16 by a treatment provider approved by the Board and conducted
17 in conformance with the standards developed under the Sex
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders; ~~and~~

4 (8.7) if convicted for an offense committed on or after
5 the effective date of this amendatory Act of the 95th
6 General Assembly that would qualify the accused as a child
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the
8 Criminal Code of 1961, refrain from communicating with or
9 contacting, by means of the Internet, a person who is not
10 related to the accused and whom the accused reasonably
11 believes to be under 18 years of age; for purposes of this
12 paragraph (8.7), "Internet" has the meaning ascribed to it
13 in Section 16J-5 of the Criminal Code of 1961, as added by
14 Public Act 94-179; and a person is not related to the
15 accused if the person is not: (i) the spouse, brother, or
16 sister of the accused; (ii) a descendant of the accused;
17 (iii) a first or second cousin of the accused; or (iv) a
18 step-child or adopted child of the accused;

19 (9) if convicted of a felony, physically surrender at a
20 time and place designated by the court, his or her Firearm
21 Owner's Identification Card and any and all firearms in his
22 or her possession; and

23 (10) if convicted of a sex offense as defined in
24 subsection (a-5) of Section 3-1-2 of this Code, unless the
25 offender is a parent or guardian of the person under 18
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving
2 children under 18 years of age, such as distributing candy
3 or other items to children on Halloween, wearing a Santa
4 Claus costume on or preceding Christmas, being employed as
5 a department store Santa Claus, or wearing an Easter Bunny
6 costume on or preceding Easter.

7 (b) The Court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the Court require that
11 the person:

12 (1) serve a term of periodic imprisonment under Article
13 7 for a period not to exceed that specified in paragraph
14 (d) of Section 5-7-1;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical, psychological or psychiatric
19 treatment; or treatment for drug addiction or alcoholism;

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

22 (6) support his dependents;

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

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

25 (ii) attend school;

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

1 (iv) contribute to his own support at home or in a
2 foster home;

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is convicted of a crime of
7 violence as defined in Section 2 of the Crime Victims
8 Compensation Act committed in a school, on the real
9 property comprising a school, or within 1,000 feet of
10 the real property comprising a school;

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

13 (9) perform some reasonable public or community
14 service;

15 (10) serve a term of home confinement. In addition to
16 any other applicable condition of probation or conditional
17 discharge, the conditions of home confinement shall be that
18 the offender:

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

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

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

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

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

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

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, to a "local
3 anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act;

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

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

17 (16) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of his
22 or her blood or urine or both for tests to determine the
23 presence of any illicit drug; and-

24 (17) if convicted for an offense committed on or after
25 the effective date of this amendatory Act of the 95th
26 General Assembly that would qualify the accused as a child

1 sex offender as defined in Section 11-9.3 or 11-9.4 of the
2 Criminal Code of 1961, refrain from communicating with or
3 contacting, by means of the Internet, a person who is
4 related to the accused and whom the accused reasonably
5 believes to be under 18 years of age; for purposes of this
6 paragraph (17), "Internet" has the meaning ascribed to it
7 in Section 16J-5 of the Criminal Code of 1961, as added by
8 Public Act 94-179; and a person is related to the accused
9 if the person is: (i) the spouse, brother, or sister of the
10 accused; (ii) a descendant of the accused; (iii) a first or
11 second cousin of the accused; or (iv) a step-child or
12 adopted child of the accused.

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

23 (d) An offender sentenced to probation or to conditional
24 discharge shall be given a certificate setting forth the
25 conditions thereof.

26 (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the
2 Illinois Vehicle Code, the court shall not require as a
3 condition of the sentence of probation or conditional discharge
4 that the offender be committed to a period of imprisonment in
5 excess of 6 months. This 6 month limit shall not include
6 periods of confinement given pursuant to a sentence of county
7 impact incarceration under Section 5-8-1.2. This 6 month limit
8 does not apply to a person sentenced to probation as a result
9 of a conviction of a fourth or subsequent violation of
10 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance.

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

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

19 (g) An offender sentenced to probation or to conditional
20 discharge and who during the term of either undergoes mandatory
21 drug or alcohol testing, or both, or is assigned to be placed
22 on an approved electronic monitoring device, shall be ordered
23 to pay all costs incidental to such mandatory drug or alcohol
24 testing, or both, and all costs incidental to such approved
25 electronic monitoring in accordance with the defendant's
26 ability to pay those costs. The county board with the

1 concurrence of the Chief Judge of the judicial circuit in which
2 the county is located shall establish reasonable fees for the
3 cost of maintenance, testing, and incidental expenses related
4 to the mandatory drug or alcohol testing, or both, and all
5 costs incidental to approved electronic monitoring, involved
6 in a successful probation program for the county. The
7 concurrence of the Chief Judge shall be in the form of an
8 administrative order. The fees shall be collected by the clerk
9 of the circuit court. The clerk of the circuit court shall pay
10 all moneys collected from these fees to the county treasurer
11 who shall use the moneys collected to defray the costs of drug
12 testing, alcohol testing, and electronic monitoring. The
13 county treasurer shall deposit the fees collected in the county
14 working cash fund under Section 6-27001 or Section 6-29002 of
15 the Counties Code, as the case may be.

16 (h) Jurisdiction over an offender may be transferred from
17 the sentencing court to the court of another circuit with the
18 concurrence of both courts. Further transfers or retransfers of
19 jurisdiction are also authorized in the same manner. The court
20 to which jurisdiction has been transferred shall have the same
21 powers as the sentencing court.

22 (i) The court shall impose upon an offender sentenced to
23 probation after January 1, 1989 or to conditional discharge
24 after January 1, 1992 or to community service under the
25 supervision of a probation or court services department after
26 January 1, 2004, as a condition of such probation or

1 conditional discharge or supervised community service, a fee of
2 \$50 for each month of probation or conditional discharge
3 supervision or supervised community service ordered by the
4 court, unless after determining the inability of the person
5 sentenced to probation or conditional discharge or supervised
6 community service to pay the fee, the court assesses a lesser
7 fee. The court may not impose the fee on a minor who is made a
8 ward of the State under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers Act.

16 A circuit court may not impose a probation fee under this
17 subsection (i) in excess of \$25 per month unless: (1) the
18 circuit court has adopted, by administrative order issued by
19 the chief judge, a standard probation fee guide determining an
20 offender's ability to pay, under guidelines developed by the
21 Administrative Office of the Illinois Courts; and (2) the
22 circuit court has authorized, by administrative order issued by
23 the chief judge, the creation of a Crime Victim's Services
24 Fund, to be administered by the Chief Judge or his or her
25 designee, for services to crime victims and their families. Of
26 the amount collected as a probation fee, up to \$5 of that fee

1 collected per month may be used to provide services to crime
2 victims and their families.

3 This amendatory Act of the 93rd General Assembly deletes
4 the \$10 increase in the fee under this subsection that was
5 imposed by Public Act 93-616. This deletion is intended to
6 control over any other Act of the 93rd General Assembly that
7 retains or incorporates that fee increase.

8 (i-5) In addition to the fees imposed under subsection (i)
9 of this Section, in the case of an offender convicted of a
10 felony sex offense (as defined in the Sex Offender Management
11 Board Act) or an offense that the court or probation department
12 has determined to be sexually motivated (as defined in the Sex
13 Offender Management Board Act), the court or the probation
14 department shall assess additional fees to pay for all costs of
15 treatment, assessment, evaluation for risk and treatment, and
16 monitoring the offender, based on that offender's ability to
17 pay those costs either as they occur or under a payment plan.

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

25 (k) Any offender who is sentenced to probation or
26 conditional discharge for a felony sex offense as defined in

1 the Sex Offender Management Board Act or any offense that the
2 court or probation department has determined to be sexually
3 motivated as defined in the Sex Offender Management Board Act
4 shall be required to refrain from any contact, directly or
5 indirectly, with any persons specified by the court and shall
6 be available for all evaluations and treatment programs
7 required by the court or the probation department.

8 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
9 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
10 94-556, eff. 9-11-05; revised 8-19-05.)

11 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

12 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

13 (a) When a defendant is placed on supervision, the court
14 shall enter an order for supervision specifying the period of
15 such supervision, and shall defer further proceedings in the
16 case until the conclusion of the period.

17 (b) The period of supervision shall be reasonable under all
18 of the circumstances of the case, but may not be longer than 2
19 years, unless the defendant has failed to pay the assessment
20 required by Section 10.3 of the Cannabis Control Act, Section
21 411.2 of the Illinois Controlled Substances Act, or Section 80
22 of the Methamphetamine Control and Community Protection Act, in
23 which case the court may extend supervision beyond 2 years.
24 Additionally, the court shall order the defendant to perform no
25 less than 30 hours of community service and not more than 120

1 hours of community service, if community service is available
2 in the jurisdiction and is funded and approved by the county
3 board where the offense was committed, when the offense (1) was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the defendant's membership
6 in or allegiance to an organized gang; or (2) is a violation of
7 any Section of Article 24 of the Criminal Code of 1961 where a
8 disposition of supervision is not prohibited by Section 5-6-1
9 of this Code. The community service shall include, but not be
10 limited to, the cleanup and repair of any damage caused by
11 violation of Section 21-1.3 of the Criminal Code of 1961 and
12 similar damages to property located within the municipality or
13 county in which the violation occurred. Where possible and
14 reasonable, the community service should be performed in the
15 offender's neighborhood.

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

19 (c) The court may in addition to other reasonable
20 conditions relating to the nature of the offense or the
21 rehabilitation of the defendant as determined for each
22 defendant in the proper discretion of the court require that
23 the person:

24 (1) make a report to and appear in person before or
25 participate with the court or such courts, person, or
26 social service agency as directed by the court in the order

1 of supervision;

2 (2) pay a fine and costs;

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

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

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

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other
11 dangerous weapon;

12 (8) and in addition, if a minor:

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

14 (ii) attend school;

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

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

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

26 (9) make restitution or reparation in an amount not to

1 exceed actual loss or damage to property and pecuniary loss
2 or make restitution under Section 5-5-6 to a domestic
3 violence shelter. The court shall determine the amount and
4 conditions of payment;

5 (10) perform some reasonable public or community
6 service;

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

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

22 (13) contribute a reasonable sum of money, not to
23 exceed the maximum amount of the fine authorized for the
24 offense for which the defendant was sentenced, to a "local
25 anti-crime program", as defined in Section 7 of the
26 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;

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

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

18 (17) refrain from operating any motor vehicle not
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1 of the Illinois Vehicle Code. Under this
21 condition the court may allow a defendant who is not
22 self-employed to operate a vehicle owned by the defendant's
23 employer that is not equipped with an ignition interlock
24 device in the course and scope of the defendant's
25 employment; ~~and~~

26 (18) if placed on supervision for a sex offense as

1 defined in subsection (a-5) of Section 3-1-2 of this Code,
2 unless the offender is a parent or guardian of the person
3 under 18 years of age present in the home and no
4 non-familial minors are present, not participate in a
5 holiday event involving children under 18 years of age,
6 such as distributing candy or other items to children on
7 Halloween, wearing a Santa Claus costume on or preceding
8 Christmas, being employed as a department store Santa
9 Claus, or wearing an Easter Bunny costume on or preceding
10 Easter.

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

13 (e) At the conclusion of the period of supervision, if the
14 court determines that the defendant has successfully complied
15 with all of the conditions of supervision, the court shall
16 discharge the defendant and enter a judgment dismissing the
17 charges.

18 (f) Discharge and dismissal upon a successful conclusion of
19 a disposition of supervision shall be deemed without
20 adjudication of guilt and shall not be termed a conviction for
21 purposes of disqualification or disabilities imposed by law
22 upon conviction of a crime. Two years after the discharge and
23 dismissal under this Section, unless the disposition of
24 supervision was for a violation of Sections 3-707, 3-708,
25 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, or for a violation of

1 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
2 case it shall be 5 years after discharge and dismissal, a
3 person may have his record of arrest sealed or expunged as may
4 be provided by law. However, any defendant placed on
5 supervision before January 1, 1980, may move for sealing or
6 expungement of his arrest record, as provided by law, at any
7 time after discharge and dismissal under this Section. A person
8 placed on supervision for a sexual offense committed against a
9 minor as defined in subsection (g) of Section 5 of the Criminal
10 Identification Act or for a violation of Section 11-501 of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance shall not have his or her record of arrest sealed or
13 expunged.

14 (g) A defendant placed on supervision and who during the
15 period of supervision undergoes mandatory drug or alcohol
16 testing, or both, or is assigned to be placed on an approved
17 electronic monitoring device, shall be ordered to pay the costs
18 incidental to such mandatory drug or alcohol testing, or both,
19 and costs incidental to such approved electronic monitoring in
20 accordance with the defendant's ability to pay those costs. The
21 county board with the concurrence of the Chief Judge of the
22 judicial circuit in which the county is located shall establish
23 reasonable fees for the cost of maintenance, testing, and
24 incidental expenses related to the mandatory drug or alcohol
25 testing, or both, and all costs incidental to approved
26 electronic monitoring, of all defendants placed on

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

10 (h) A disposition of supervision is a final order for the
11 purposes of appeal.

12 (i) The court shall impose upon a defendant placed on
13 supervision after January 1, 1992 or to community service under
14 the supervision of a probation or court services department
15 after January 1, 2004, as a condition of supervision or
16 supervised community service, a fee of \$50 for each month of
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 placed on supervision or supervised community service to pay
20 the fee, the court assesses a lesser fee. The court may not
21 impose the fee on a minor who is made a ward of the State under
22 the Juvenile Court Act of 1987 while the minor is in placement.
23 The fee shall be imposed only upon a defendant who is actively
24 supervised by the probation and court services department. The
25 fee shall be collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies collected from

1 this fee to the county treasurer for deposit in the probation
2 and court services fund pursuant to Section 15.1 of the
3 Probation and Probation Officers Act.

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

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

23 (k) A defendant at least 17 years of age who is placed on
24 supervision for a misdemeanor in a county of 3,000,000 or more
25 inhabitants and who has not been previously convicted of a
26 misdemeanor or felony may as a condition of his or her

1 supervision be required by the court to attend educational
2 courses designed to prepare the defendant for a high school
3 diploma and to work toward a high school diploma or to work
4 toward passing the high school level Test of General
5 Educational Development (GED) or to work toward completing a
6 vocational training program approved by the court. The
7 defendant placed on supervision must attend a public
8 institution of education to obtain the educational or
9 vocational training required by this subsection (k). The
10 defendant placed on supervision shall be required to pay for
11 the cost of the educational courses or GED test, if a fee is
12 charged for those courses or test. The court shall revoke the
13 supervision of a person who wilfully fails to comply with this
14 subsection (k). The court shall resentence the defendant upon
15 revocation of supervision as provided in Section 5-6-4. This
16 subsection (k) does not apply to a defendant who has a high
17 school diploma or has successfully passed the GED test. This
18 subsection (k) does not apply to a defendant who is determined
19 by the court to be developmentally disabled or otherwise
20 mentally incapable of completing the educational or vocational
21 program.

22 (1) The court shall require a defendant placed on
23 supervision for possession of a substance prohibited by the
24 Cannabis Control Act, the Illinois Controlled Substances Act,
25 or the Methamphetamine Control and Community Protection Act
26 after a previous conviction or disposition of supervision for

1 possession of a substance prohibited by the Cannabis Control
2 Act, the Illinois Controlled Substances Act, or the
3 Methamphetamine Control and Community Protection Act or a
4 sentence of probation under Section 10 of the Cannabis Control
5 Act or Section 410 of the Illinois Controlled Substances Act
6 and after a finding by the court that the person is addicted,
7 to undergo treatment at a substance abuse program approved by
8 the court.

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

22 (n) Any offender placed on supervision for any offense that
23 the court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

3 (o) An offender placed on supervision for a sex offense as
4 defined in the Sex Offender Management Board Act shall refrain
5 from residing at the same address or in the same condominium
6 unit or apartment unit or in the same condominium complex or
7 apartment complex with another person he or she knows or
8 reasonably should know is a convicted sex offender or has been
9 placed on supervision for a sex offense. The provisions of this
10 subsection (o) do not apply to a person convicted of a sex
11 offense who is placed in a Department of Corrections licensed
12 transitional housing facility for sex offenders.

13 (p) An offender placed on supervision for an offense
14 committed on or after the effective date of this amendatory Act
15 of the 95th General Assembly that would qualify the accused as
16 a child sex offender as defined in Section 11-9.3 or 11-9.4 of
17 the Criminal Code of 1961 shall refrain from communicating with
18 or contacting, by means of the Internet, a person who is not
19 related to the accused and whom the accused reasonably believes
20 to be under 18 years of age. For purposes of this subsection
21 (p), "Internet" has the meaning ascribed to it in Section 16J-5
22 of the Criminal Code of 1961, as added by Public Act 94-179;
23 and a person is not related to the accused if the person is
24 not: (i) the spouse, brother, or sister of the accused; (ii) a
25 descendant of the accused; (iii) a first or second cousin of
26 the accused; or (iv) a step-child or adopted child of the

1 accused.

2 (q) An offender placed on supervision for an offense
3 committed on or after the effective date of this amendatory Act
4 of the 95th General Assembly that would qualify the accused as
5 a child sex offender as defined in Section 11-9.3 or 11-9.4 of
6 the Criminal Code of 1961 shall, if so ordered by the court,
7 refrain from communicating with or contacting, by means of the
8 Internet, a person who is related to the accused and whom the
9 accused reasonably believes to be under 18 years of age. For
10 purposes of this subsection (q), "Internet" has the meaning
11 ascribed to it in Section 16J-5 of the Criminal Code of 1961,
12 as added by Public Act 94-179; and a person is related to the
13 accused if the person is: (i) the spouse, brother, or sister of
14 the accused; (ii) a descendant of the accused; (iii) a first or
15 second cousin of the accused; or (iv) a step-child or adopted
16 child of the accused.

17 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
18 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
19 9-11-05; revised 8-19-05.)