

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 1. Short title. This Act may be cited as the
5 Illinois Child Online Exploitation Reporting Act.

6 Section 5. Definitions. As used in this Act unless the
7 context otherwise requires:

8 "Electronic communications service" means any service
9 which provides to users thereof the ability to send or receive
10 wire or electronic communications.

11 "Remote computing service" means the provision to the
12 public of computer storage or processing services by means of
13 an electronic communications system.

14 Section 10. Registration. Any entity, subject to the
15 reporting requirements of 42 U.S.C. 13032, while engaged in
16 providing an electronic communication service or a remote
17 computing service to the public, must provide the following
18 information to the Cyber Tipline at the National Center for
19 Missing and Exploited Children in order to facilitate the
20 required reporting of child pornography crimes, pursuant to 42
21 U.S.C. 13032:

22 (a) the agent's name, phone number, and email address; and

1 (b) the name of the agent's employer.

2 Section 15. Scope. This Act is applicable to electronic
3 communications services and remote computing services
4 incorporated or organized under the laws of this State or
5 maintaining property or assets in this State.

6 Section 20. Penalties. A provider of electronic
7 communication services or remote computing services who
8 violates this Act by failing to register under Section 10 is
9 subject to a civil penalty in an amount not to exceed \$500 for
10 each day that the violation continues. The Attorney General may
11 bring an action in the name of the People of the State of
12 Illinois to enforce the provisions of this Act.

13 Section 105. The Criminal Code of 1961 is amended by
14 changing Section 11-20.2 as follows:

15 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

16 Sec. 11-20.2. Duty to report child pornography.

17 (a) Any commercial film and photographic print processor or
18 computer technician who has knowledge of or observes, within
19 the scope of his professional capacity or employment, any film,
20 photograph, videotape, negative, ~~or~~ slide, computer hard drive
21 or any other magnetic or optical media which depicts a child
22 whom the processor or computer technician knows or reasonably

1 should know to be under the age of 18 where such child is:

2 (i) actually or by simulation engaged in any act of sexual
3 penetration or sexual conduct ~~intercourse~~ with any person or
4 animal; or

5 (ii) actually or by simulation engaged in any act of sexual
6 penetration or sexual conduct ~~contact~~ involving the sex organs
7 of the child and the mouth, anus, or sex organs of another
8 person or animal; or which involves the mouth, anus or sex
9 organs of the child and the sex organs of another person or
10 animal; or

11 (iii) actually or by simulation engaged in any act of
12 masturbation; or

13 (iv) actually or by simulation portrayed as being the
14 object of, or otherwise engaged in, any act of lewd fondling,
15 touching, or caressing involving another person or animal; or

16 (v) actually or by simulation engaged in any act of
17 excretion or urination within a sexual context; or

18 (vi) actually or by simulation portrayed or depicted as
19 bound, fettered, or subject to sadistic, masochistic, or
20 sadomasochistic abuse in any sexual context; or

21 (vii) depicted or portrayed in any pose, posture or setting
22 involving a lewd exhibition of the unclothed or transparently
23 clothed genitals, pubic area, buttocks, or, if such person is
24 female, a fully or partially developed breast of the child or
25 other person;

26 shall report or cause a report to be made pursuant to

1 subsections (b) and (c) such instance to a peace officer
2 immediately or as soon as reasonably possible. Failure to make
3 such report shall be a business offense with a fine of \$1,000.

4 (b) Commercial film and photographic film processors shall
5 report or cause a report to be made to the local law
6 enforcement agency of the jurisdiction in which the image or
7 images described in subsection (a) are discovered.

8 (c) Computer technicians shall report or cause the report
9 to be made to the local law enforcement agency of the
10 jurisdiction in which the image or images described in
11 subsection (a) are discovered or to the Illinois Child
12 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

13 (d) Reports required by this Act shall include the
14 following information: (i) name, address, and telephone number
15 of the person filing the report; (ii) the employer of the
16 person filing the report, if any; (iii) the name, address and
17 telephone number of the person whose property is the subject of
18 the report, if known; (iv) the circumstances which led to the
19 filing of the report, including a description of the reported
20 content.

21 (e) If a report is filed with the Cyber Tipline at the
22 National Center for Missing and Exploited Children or in
23 accordance with the requirements of 42 U.S.C. 13032, the
24 requirements of this Act will be deemed to have been met.

25 (f) A computer technician or an employer caused to report
26 child pornography under this Section is immune from any

1 criminal, civil, or administrative liability in connection
2 with making the report, except for willful or wanton
3 misconduct.

4 (g) For the purposes of this Section, a "computer
5 technician" is a person who installs, maintains,
6 troubleshoots, repairs or upgrades computer hardware,
7 software, computer networks, peripheral equipment, electronic
8 mail systems, or provides user assistance for any of the
9 aforementioned tasks.

10 (Source: P.A. 84-1280.)

11 Section 110. The Unified Code of Corrections is amended by
12 changing Sections 3-3-7, 5-6-3, 5-6-3.1, and 5-8-1 as follows:

13 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

14 (Text of Section after amendment by P.A. 95-464, 95-579,
15 and 95-640)

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

18 (a) The conditions of parole or mandatory supervised
19 release shall be such as the Prisoner Review Board deems
20 necessary to assist the subject in leading a law-abiding life.
21 The conditions of every parole and mandatory supervised release
22 are that the subject:

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

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

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

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

11 (6) secure permission before visiting or writing a
12 committed person in an Illinois Department of Corrections
13 facility;

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

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or

1 apartment unit or in the same condominium complex or
2 apartment complex with another person he or she knows or
3 reasonably should know is a convicted sex offender or has
4 been placed on supervision for a sex offense; the
5 provisions of this paragraph do not apply to a person
6 convicted of a sex offense who is placed in a Department of
7 Corrections licensed transitional housing facility for sex
8 offenders, or is in any facility operated or licensed by
9 the Department of Children and Family Services or by the
10 Department of Human Services, or is in any licensed medical
11 facility;

12 (7.7) if convicted for an offense that would qualify
13 the accused as a sexual predator under the Sex Offender
14 Registration Act on or after the effective date of this
15 amendatory Act of the 94th General Assembly, wear an
16 approved electronic monitoring device as defined in
17 Section 5-8A-2 for the duration of the person's parole,
18 mandatory supervised release term, or extended mandatory
19 supervised release term;

20 (7.8) if convicted for an offense committed on or after
21 the effective date of this amendatory Act of the 95th
22 General Assembly that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961, refrain from communicating with or
25 contacting, by means of the Internet, a person who is not
26 related to the accused and whom the accused reasonably

1 believes to be under 18 years of age; for purposes of this
2 paragraph (7.8), "Internet" has the meaning ascribed to it
3 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
4 ~~Public Act 94-179~~; and a person is not related to the
5 accused if the person is not: (i) the spouse, brother, or
6 sister of the accused; (ii) a descendant of the accused;
7 (iii) a first or second cousin of the accused; or (iv) a
8 step-child or adopted child of the accused;

9 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
10 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
11 search of computers, PDAs, cellular phones, and other
12 devices under his or her control that are capable of
13 accessing the Internet or storing electronic files, in
14 order to confirm Internet protocol addresses reported in
15 accordance with the Sex Offender Registration Act and
16 compliance with conditions in this Act;

17 (7.10) ~~(7.8)~~ if convicted for an offense that would
18 qualify the accused as a sex offender or sexual predator
19 under the Sex Offender Registration Act on or after the
20 effective date of this amendatory Act of the 95th General
21 Assembly, not possess prescription drugs for erectile
22 dysfunction;

23 (7.11) if convicted for an offense under Section 11-6,
24 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
25 Code of 1961, or any attempt to commit any of these
26 offenses, committed on or after the effective date of this

1 amendatory Act of the 95th General Assembly:

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the Department;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's supervising
8 agent, a law enforcement officer, or assigned computer
9 or information technology specialist, including the
10 retrieval and copying of all data from the computer or
11 device and any internal or external peripherals and
12 removal of such information, equipment, or device to
13 conduct a more thorough inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the Board, the Department or the offender's
22 supervising agent;

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

25 (9) obtain permission of an agent of the Department of
26 Corrections before changing his or her residence or

1 employment;

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

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

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

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

17 (14) provide true and accurate information, as it
18 relates to his or her adjustment in the community while on
19 parole or mandatory supervised release or to his or her
20 conduct while incarcerated, in response to inquiries by his
21 or her parole agent or of the Department of Corrections;

22 (15) follow any specific instructions provided by the
23 parole agent that are consistent with furthering
24 conditions set and approved by the Prisoner Review Board or
25 by law, exclusive of placement on electronic detention, to
26 achieve the goals and objectives of his or her parole or

1 mandatory supervised release or to protect the public.
2 These instructions by the parole agent may be modified at
3 any time, as the agent deems appropriate; and

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

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

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

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

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

22 (4) support his dependents;

23 (5) (blank);

24 (6) (blank);

25 (7) comply with the terms and conditions of an order of
26 protection issued pursuant to the Illinois Domestic

1 Violence Act of 1986, enacted by the 84th General Assembly,
2 or an order of protection issued by the court of another
3 state, tribe, or United States territory;

4 (7.5) 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
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 (7.5), "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 related to the accused
15 if the person is: (i) the spouse, brother, or sister of the
16 accused; (ii) a descendant of the accused; (iii) a first or
17 second cousin of the accused; or (iv) a step-child or
18 adopted child of the accused;

19 (7.6) if convicted for an offense committed on or after
20 the effective date of this amendatory Act of the 95th
21 General Assembly that would qualify as a sex offense as
22 defined in the Sex Offender Registration Act:

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the Department;

26 (ii) submit to periodic unannounced examinations

1 of the offender's computer or any other device with
2 Internet capability by the offender's supervising
3 agent, a law enforcement officer, or assigned computer
4 or information technology specialist, including the
5 retrieval and copying of all data from the computer or
6 device and any internal or external peripherals and
7 removal of such information, equipment, or device to
8 conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the Board, the Department or the offender's
17 supervising agent; and

18 (8) in addition, if a minor:

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

20 (ii) attend school;

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

22 or

23 (iv) contribute to his own support at home or in a
24 foster home.

25 (b-1) In addition to the conditions set forth in
26 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release:

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

6 (2) comply with all requirements of the Sex Offender
7 Registration Act;

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

10 (4) obtain the approval of an agent of the Department
11 of Corrections prior to accepting employment or pursuing a
12 course of study or vocational training and notify the
13 Department prior to any change in employment, study, or
14 training;

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

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

21 (7) refrain from entering into a designated geographic
22 area except upon terms approved in advance by an agent of
23 the Department of Corrections. The terms may include
24 consideration of the purpose of the entry, the time of day,
25 and others accompanying the person;

26 (8) refrain from having any contact, including written

1 or oral communications, directly or indirectly, personally
2 or by telephone, letter, or through a third party with
3 certain specified persons including, but not limited to,
4 the victim or the victim's family without the prior written
5 approval of an agent of the Department of Corrections;

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

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

19 (11) not patronize any business providing sexually
20 stimulating or sexually oriented entertainment nor utilize
21 "900" or adult telephone numbers;

22 (12) not reside near, visit, or be in or about parks,
23 schools, day care centers, swimming pools, beaches,
24 theaters, or any other places where minor children
25 congregate without advance approval of an agent of the
26 Department of Corrections and immediately report any

1 incidental contact with minor children to the Department;

2 (13) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending as determined by an agent
5 of the Department of Corrections;

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

9 (15) comply with all other special conditions that the
10 Department may impose that restrict the person from
11 high-risk situations and limit access to potential
12 victims;

13 (16) take an annual polygraph exam;

14 (17) maintain a log of his or her travel; or

15 (18) obtain prior approval of his or her parole officer
16 before driving alone in a motor vehicle.

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

25 (d) After a hearing under Section 3-3-9, the Prisoner
26 Review Board may modify or enlarge the conditions of parole or

1 mandatory supervised release.

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

6 (f) When the subject is in compliance with all conditions
7 of his or her parole or mandatory supervised release, the
8 subject shall receive a reduction of the period of his or her
9 parole or mandatory supervised release of 90 days upon passage
10 of the high school level Test of General Educational
11 Development during the period of his or her parole or mandatory
12 supervised release. This reduction in the period of a subject's
13 term of parole or mandatory supervised release shall be
14 available only to subjects who have not previously earned a
15 high school diploma or who have not previously passed the high
16 school level Test of General Educational Development.

17 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
18 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
19 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

21 (Text of Section after amendment by P.A. 95-464, 95-578,
22 and 95-696)

23 Sec. 5-6-3. Conditions of Probation and of Conditional
24 Discharge.

25 (a) The conditions of probation and of conditional

1 discharge shall be that the person:

2 (1) not violate any criminal statute of any
3 jurisdiction;

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

6 (3) refrain from possessing a firearm or other
7 dangerous weapon;

8 (4) not leave the State without the consent of the
9 court or, in circumstances in which the reason for the
10 absence is of such an emergency nature that prior consent
11 by the court is not possible, without the prior
12 notification and approval of the person's probation
13 officer. Transfer of a person's probation or conditional
14 discharge supervision to another state is subject to
15 acceptance by the other state pursuant to the Interstate
16 Compact for Adult Offender Supervision;

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

20 (6) perform no less than 30 hours of community service
21 and not more than 120 hours of community service, if
22 community service is available in the jurisdiction and is
23 funded and approved by the county board where the offense
24 was committed, where the offense was related to or in
25 furtherance of the criminal activities of an organized gang
26 and was motivated by the offender's membership in or

1 allegiance to an organized gang. The community service
2 shall include, but not be limited to, the cleanup and
3 repair of any damage caused by a violation of Section
4 21-1.3 of the Criminal Code of 1961 and similar damage to
5 property located within the municipality or county in which
6 the violation occurred. When possible and reasonable, the
7 community service should be performed in the offender's
8 neighborhood. For purposes of this Section, "organized
9 gang" has the meaning ascribed to it in Section 10 of the
10 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

12 (8) if convicted of possession of a substance
13 prohibited by the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act after a previous conviction or
16 disposition of supervision for possession of a substance
17 prohibited by the Cannabis Control Act or Illinois
18 Controlled Substances Act or after a sentence of probation
19 under Section 10 of the Cannabis Control Act, Section 410
20 of the Illinois Controlled Substances Act, or Section 70 of
21 the Methamphetamine Control and Community Protection Act
22 and upon a finding by the court that the person is
23 addicted, undergo treatment at a substance abuse program
24 approved by the court;

25 (8.5) if convicted of a felony sex offense as defined
26 in the Sex Offender Management Board Act, the person shall

1 undergo and successfully complete sex offender treatment
2 by a treatment provider approved by the Board and conducted
3 in conformance with the standards developed under the Sex
4 Offender Management Board Act;

5 (8.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders;

16 (8.7) if convicted for an offense committed on or after
17 the effective date of this amendatory Act of the 95th
18 General Assembly that would qualify the accused as a child
19 sex offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961, refrain from communicating with or
21 contacting, by means of the Internet, a person who is not
22 related to the accused and whom the accused reasonably
23 believes to be under 18 years of age; for purposes of this
24 paragraph (8.7), "Internet" has the meaning ascribed to it
25 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
26 ~~Public Act 94-179~~; and a person is not related to the

1 accused if the person is not: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

5 (8.8) if convicted for an offense under Section 11-6,
6 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
7 Code of 1961, or any attempt to commit any of these
8 offenses, committed on or after the effective date of this
9 amendatory Act of the 95th General Assembly:

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer;

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

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

22 (b) The Court may in addition to other reasonable
23 conditions relating to the nature of the offense or the
24 rehabilitation of the defendant as determined for each
25 defendant in the proper discretion of the Court require that
26 the person:

1 (1) serve a term of periodic imprisonment under Article
2 7 for a period not to exceed that specified in paragraph
3 (d) of Section 5-7-1;

4 (2) pay a fine and costs;

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

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

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

11 (6) support his dependents;

12 (7) 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;

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 convicted of a crime of
22 violence as defined in Section 2 of the Crime Victims
23 Compensation Act committed in a school, on the real
24 property comprising a school, or within 1,000 feet of
25 the real property comprising a school;

26 (8) make restitution as provided in Section 5-5-6 of

1 this Code;

2 (9) perform some reasonable public or community
3 service;

4 (10) serve a term of home confinement. In addition to
5 any other applicable condition of probation or conditional
6 discharge, the conditions of home confinement shall be that
7 the offender:

8 (i) remain within the interior premises of the
9 place designated for his confinement during the hours
10 designated by the court;

11 (ii) admit any person or agent designated by the
12 court into the offender's place of confinement at any
13 time for purposes of verifying the offender's
14 compliance with the conditions of his confinement; and

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

19 (iv) for persons convicted of any alcohol,
20 cannabis or controlled substance violation who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the offender to pay the

1 fee, the court assesses a lesser fee or no fee as the
2 case may be. This fee shall be imposed in addition to
3 the fees imposed under subsections (g) and (i) of this
4 Section. The fee shall be collected by the clerk of the
5 circuit court. The clerk of the circuit court shall pay
6 all monies collected from this fee to the county
7 treasurer for deposit in the substance abuse services
8 fund under Section 5-1086.1 of the Counties Code; and

9 (v) for persons convicted of offenses other than
10 those referenced in clause (iv) above and who are
11 placed on an approved monitoring device as a condition
12 of probation or conditional discharge, the court shall
13 impose a reasonable fee for each day of the use of the
14 device, as established by the county board in
15 subsection (g) of this Section, unless after
16 determining the inability of the defendant to pay the
17 fee, the court assesses a lesser fee or no fee as the
18 case may be. This fee shall be imposed in addition to
19 the fees imposed under subsections (g) and (i) of this
20 Section. The fee shall be collected by the clerk of the
21 circuit court. The clerk of the circuit court shall pay
22 all monies collected from this fee to the county
23 treasurer who shall use the monies collected to defray
24 the costs of corrections. The county treasurer shall
25 deposit the fee collected in the county working cash
26 fund under Section 6-27001 or Section 6-29002 of the

1 Counties Code, as the case may be.

2 (11) comply with the terms and conditions of an order
3 of protection issued by the court pursuant to the Illinois
4 Domestic Violence Act of 1986, as now or hereafter amended,
5 or an order of protection issued by the court of another
6 state, tribe, or United States territory. A copy of the
7 order of protection shall be transmitted to the probation
8 officer or agency having responsibility for the case;

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

15 (13) contribute a reasonable sum of money, not to
16 exceed the maximum amount of the fine authorized for the
17 offense for which the defendant was sentenced, (i) to a
18 "local anti-crime program", as defined in Section 7 of the
19 Anti-Crime Advisory Council Act, or (ii) for offenses under
20 the jurisdiction of the Department of Natural Resources, to
21 the fund established by the Department of Natural Resources
22 for the purchase of evidence for investigation purposes and
23 to conduct investigations as outlined in Section 805-105 of
24 the Department of Natural Resources (Conservation) Law;

25 (14) refrain from entering into a designated
26 geographic area except upon such terms as the court finds

1 appropriate. Such terms may include consideration of the
2 purpose of the entry, the time of day, other persons
3 accompanying the defendant, and advance approval by a
4 probation officer, if the defendant has been placed on
5 probation or advance approval by the court, if the
6 defendant was placed on conditional discharge;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of persons, 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; ~~and~~

18 (17) if convicted for an offense committed on or after
19 the effective date of this amendatory Act of the 95th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961, refrain from communicating with or
23 contacting, by means of the Internet, a person who is
24 related to the accused and whom the accused reasonably
25 believes to be under 18 years of age; for purposes of this
26 paragraph (17), "Internet" has the meaning ascribed to it

1 in Section 16J-5 of the Criminal Code of 1961,~~as added by~~
2 ~~Public Act 94-179~~; and a person is related to the accused
3 if the person is: (i) the spouse, brother, or sister of the
4 accused; (ii) a descendant of the accused; (iii) a first or
5 second cousin of the accused; or (iv) a step-child or
6 adopted child of the accused; and -

7 (18) if convicted for an offense committed on or after
8 the effective date of this amendatory Act of the 95th
9 General Assembly that would qualify as a sex offense as
10 defined in the Sex Offender Registration Act:

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the offender's probation officer,
14 except in connection with the offender's employment or
15 search for employment with the prior approval of the
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations
18 of the offender's computer or any other device with
19 Internet capability by the offender's probation
20 officer, a law enforcement officer, or assigned
21 computer or information technology specialist,
22 including the retrieval and copying of all data from
23 the computer or device and any internal or external
24 peripherals and removal of such information,
25 equipment, or device to conduct a more thorough
26 inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 subject's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the offender's probation officer.

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

19 (d) An offender sentenced to probation or to conditional
20 discharge shall be given a certificate setting forth the
21 conditions thereof.

22 (e) Except where the offender has committed a fourth or
23 subsequent violation of subsection (c) of Section 6-303 of the
24 Illinois Vehicle Code, the court shall not require as a
25 condition of the sentence of probation or conditional discharge
26 that the offender be committed to a period of imprisonment in

1 excess of 6 months. This 6 month limit shall not include
2 periods of confinement given pursuant to a sentence of county
3 impact incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of
5 probation or conditional discharge shall not be committed to
6 the Department of Corrections.

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

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

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

8 (h) Jurisdiction over an offender may be transferred from
9 the sentencing court to the court of another circuit with the
10 concurrence of both courts. Further transfers or retransfers of
11 jurisdiction are also authorized in the same manner. The court
12 to which jurisdiction has been transferred shall have the same
13 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 of
20 \$50 for each month of probation or conditional discharge
21 supervision or supervised community service ordered by the
22 court, unless after determining the inability of the person
23 sentenced to probation or conditional discharge or supervised
24 community service to pay the fee, the court assesses a lesser
25 fee. The court may not impose the fee on a minor who is made a
26 ward of the State under the Juvenile Court Act of 1987 while

1 the minor is in placement. The fee shall be imposed only upon
2 an offender who is actively supervised by the probation and
3 court services department. The fee shall be collected by the
4 clerk of the circuit court. The clerk of the circuit court
5 shall pay all monies collected from this fee to the county
6 treasurer for deposit in the probation and court services fund
7 under Section 15.1 of the Probation and Probation Officers Act.

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

21 This amendatory Act of the 93rd General Assembly deletes
22 the \$10 increase in the fee under this subsection that was
23 imposed by Public Act 93-616. This deletion is intended to
24 control over any other Act of the 93rd General Assembly that
25 retains or incorporates that fee increase.

26 (i-5) In addition to the fees imposed under subsection (i)

1 of this Section, in the case of an offender convicted of a
2 felony sex offense (as defined in the Sex Offender Management
3 Board Act) or an offense that the court or probation department
4 has determined to be sexually motivated (as defined in the Sex
5 Offender Management Board Act), the court or the probation
6 department shall assess additional fees to pay for all costs of
7 treatment, assessment, evaluation for risk and treatment, and
8 monitoring the offender, based on that offender's ability to
9 pay those costs either as they occur or under a payment plan.

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

17 (k) Any offender who is sentenced to probation or
18 conditional discharge for a felony sex offense as defined in
19 the Sex Offender Management Board Act or any offense that the
20 court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;

1 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
2 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised
3 12-26-07.)

4 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
5 (Text of Section after amendment by P.A. 95-464 and 95-696)
6 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

7 (a) When a defendant is placed on supervision, the court
8 shall enter an order for supervision specifying the period of
9 such supervision, and shall defer further proceedings in the
10 case until the conclusion of the period.

11 (b) The period of supervision shall be reasonable under all
12 of the circumstances of the case, but may not be longer than 2
13 years, unless the defendant has failed to pay the assessment
14 required by Section 10.3 of the Cannabis Control Act, Section
15 411.2 of the Illinois Controlled Substances Act, or Section 80
16 of the Methamphetamine Control and Community Protection Act, in
17 which case the court may extend supervision beyond 2 years.
18 Additionally, the court shall order the defendant to perform no
19 less than 30 hours of community service and not more than 120
20 hours of community service, if community service is available
21 in the jurisdiction and is funded and approved by the county
22 board where the offense was committed, when the offense (1) was
23 related to or in furtherance of the criminal activities of an
24 organized gang or was motivated by the defendant's membership
25 in or allegiance to an organized gang; or (2) is a violation of

1 any Section of Article 24 of the Criminal Code of 1961 where a
2 disposition of supervision is not prohibited by Section 5-6-1
3 of this Code. The community service shall include, but not be
4 limited to, the cleanup and repair of any damage caused by
5 violation of Section 21-1.3 of the Criminal Code of 1961 and
6 similar damages to property located within the municipality or
7 county in which the violation occurred. Where possible and
8 reasonable, the community service should be performed in the
9 offender's neighborhood.

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

13 (c) The court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the court require that
17 the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of supervision;

22 (2) pay a fine and costs;

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

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

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

3 (6) support his dependents;

4 (7) refrain from possessing a firearm or other
5 dangerous weapon;

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

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

8 (ii) attend school;

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

10 (iv) contribute to his own support at home or in a
11 foster home; or

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

20 (9) make restitution or reparation in an amount not to
21 exceed actual loss or damage to property and pecuniary loss
22 or make restitution under Section 5-5-6 to a domestic
23 violence shelter. The court shall determine the amount and
24 conditions of payment;

25 (10) perform some reasonable public or community
26 service;

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

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

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses under
21 the jurisdiction of the Department of Natural Resources, to
22 the fund established by the Department of Natural Resources
23 for the purchase of evidence for investigation purposes and
24 to conduct investigations as outlined in Section 805-105 of
25 the Department of Natural Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds
2 appropriate. Such terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the defendant, and advance approval by a
5 probation officer;

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

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

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

25 (18) if placed on supervision for a sex offense as
26 defined in subsection (a-5) of Section 3-1-2 of this Code,

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

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

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

17 (f) Discharge and dismissal upon a successful conclusion of
18 a disposition of supervision shall be deemed without
19 adjudication of guilt and shall not be termed a conviction for
20 purposes of disqualification or disabilities imposed by law
21 upon conviction of a crime. Two years after the discharge and
22 dismissal under this Section, unless the disposition of
23 supervision was for a violation of Sections 3-707, 3-708,
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, or for a violation of
26 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which

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

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

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

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

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

1 and court services fund pursuant to Section 15.1 of the
2 Probation and Probation Officers Act.

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

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

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

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

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

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

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

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

1 required by the court or the probation department.

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

12 (p) An offender placed on supervision for an offense
13 committed on or after June 1, 2008 (the effective date of
14 Public Act 95-464) ~~this amendatory Act of the 95th General~~
15 ~~Assembly~~ that would qualify the accused as a child sex offender
16 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
17 1961 shall refrain from communicating with or contacting, by
18 means of the Internet, a person who is not related to the
19 accused and whom the accused reasonably believes to be under 18
20 years of age. For purposes of this subsection (p), "Internet"
21 has the meaning ascribed to it in Section 16J-5 of the Criminal
22 Code of 1961, ~~as added by Public Act 94-179~~; and a person is
23 not related to the accused if the person is not: (i) the
24 spouse, brother, or sister of the accused; (ii) a descendant of
25 the accused; (iii) a first or second cousin of the accused; or
26 (iv) a step-child or adopted child of the accused.

1 (q) An offender placed on supervision for an offense
2 committed on or after June 1, 2008 (the effective date of
3 Public Act 95-464) ~~this amendatory Act of the 95th General~~
4 ~~Assembly~~ that would qualify the accused as a child sex offender
5 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961 shall, if so ordered by the court, refrain from
7 communicating with or contacting, by means of the Internet, a
8 person who is related to the accused and whom the accused
9 reasonably believes to be under 18 years of age. For purposes
10 of this subsection (q), "Internet" has the meaning ascribed to
11 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
12 ~~Public Act 94-179~~; and a person is related to the accused if
13 the person is: (i) the spouse, brother, or sister of the
14 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 (r) An offender placed on supervision for an offense under
18 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of
19 the Criminal Code of 1961, or any attempt to commit any of
20 these offenses, committed on or after the effective date of
21 this amendatory Act of the 95th General Assembly shall:

22 (i) not access or use a computer or any other device
23 with Internet capability without the prior written
24 approval of the court, except in connection with the
25 offender's employment or search for employment with the
26 prior approval of the court;

1 (ii) submit to periodic unannounced examinations of
2 the offender's computer or any other device with Internet
3 capability by the offender's probation officer, a law
4 enforcement officer, or assigned computer or information
5 technology specialist, including the retrieval and copying
6 of all data from the computer or device and any internal or
7 external peripherals and removal of such information,
8 equipment, or device to conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a computer or
15 any other device with Internet capability imposed by the
16 court.

17 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
18 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
19 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised
20 11-19-07.)

21 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

22 Sec. 5-8-1. Sentence of Imprisonment for Felony.

23 (a) Except as otherwise provided in the statute defining
24 the offense, a sentence of imprisonment for a felony shall be a
25 determinate sentence set by the court under this Section,

1 according to the following limitations:

2 (1) for first degree murder,

3 (a) a term shall be not less than 20 years and not
4 more than 60 years, or

5 (b) if a trier of fact finds beyond a reasonable
6 doubt that the murder was accompanied by exceptionally
7 brutal or heinous behavior indicative of wanton
8 cruelty or, except as set forth in subsection (a)(1)(c)
9 of this Section, that any of the aggravating factors
10 listed in subsection (b) of Section 9-1 of the Criminal
11 Code of 1961 are present, the court may sentence the
12 defendant to a term of natural life imprisonment, or

13 (c) the court shall sentence the defendant to a
14 term of natural life imprisonment when the death
15 penalty is not imposed if the defendant,

16 (i) has previously been convicted of first
17 degree murder under any state or federal law, or

18 (ii) is a person who, at the time of the
19 commission of the murder, had attained the age of
20 17 or more and is found guilty of murdering an
21 individual under 12 years of age; or, irrespective
22 of the defendant's age at the time of the
23 commission of the offense, is found guilty of
24 murdering more than one victim, or

25 (iii) is found guilty of murdering a peace
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency
2 management worker was killed in the course of
3 performing his official duties, or to prevent the
4 peace officer or fireman from performing his
5 official duties, or in retaliation for the peace
6 officer, fireman, or emergency management worker
7 from performing his official duties, and the
8 defendant knew or should have known that the
9 murdered individual was a peace officer, fireman,
10 or emergency management worker, or

11 (iv) is found guilty of murdering an employee
12 of an institution or facility of the Department of
13 Corrections, or any similar local correctional
14 agency, when the employee was killed in the course
15 of performing his official duties, or to prevent
16 the employee from performing his official duties,
17 or in retaliation for the employee performing his
18 official duties, or

19 (v) is found guilty of murdering an emergency
20 medical technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver or other
23 medical assistance or first aid person while
24 employed by a municipality or other governmental
25 unit when the person was killed in the course of
26 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

9 (vi) is a person who, at the time of the
10 commission of the murder, had not attained the age
11 of 17, and is found guilty of murdering a person
12 under 12 years of age and the murder is committed
13 during the course of aggravated criminal sexual
14 assault, criminal sexual assault, or aggravated
15 kidnaping, or

16 (vii) is found guilty of first degree murder
17 and the murder was committed by reason of any
18 person's activity as a community policing
19 volunteer or to prevent any person from engaging in
20 activity as a community policing volunteer. For
21 the purpose of this Section, "community policing
22 volunteer" has the meaning ascribed to it in
23 Section 2-3.5 of the Criminal Code of 1961.

24 For purposes of clause (v), "emergency medical
25 technician - ambulance", "emergency medical technician
26 - intermediate", "emergency medical technician -

1 paramedic", have the meanings ascribed to them in the
2 Emergency Medical Services (EMS) Systems Act.

3 (d) (i) if the person committed the offense while
4 armed with a firearm, 15 years shall be added to
5 the term of imprisonment imposed by the court;

6 (ii) if, during the commission of the offense,
7 the person personally discharged a firearm, 20
8 years shall be added to the term of imprisonment
9 imposed by the court;

10 (iii) if, during the commission of the
11 offense, the person personally discharged a
12 firearm that proximately caused great bodily harm,
13 permanent disability, permanent disfigurement, or
14 death to another person, 25 years or up to a term
15 of natural life shall be added to the term of
16 imprisonment imposed by the court.

17 (1.5) for second degree murder, a term shall be not
18 less than 4 years and not more than 20 years;

19 (2) for a person adjudged a habitual criminal under
20 Article 33B of the Criminal Code of 1961, as amended, the
21 sentence shall be a term of natural life imprisonment;

22 (2.5) for a person convicted under the circumstances
23 described in paragraph (3) of subsection (b) of Section
24 12-13, paragraph (2) of subsection (d) of Section 12-14,
25 paragraph (1.2) of subsection (b) of Section 12-14.1, or
26 paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961, the sentence shall be a term of
2 natural life imprisonment;

3 (3) except as otherwise provided in the statute
4 defining the offense, for a Class X felony, the sentence
5 shall be not less than 6 years and not more than 30 years;

6 (4) for a Class 1 felony, other than second degree
7 murder, the sentence shall be not less than 4 years and not
8 more than 15 years;

9 (5) for a Class 2 felony, the sentence shall be not
10 less than 3 years and not more than 7 years;

11 (6) for a Class 3 felony, the sentence shall be not
12 less than 2 years and not more than 5 years;

13 (7) for a Class 4 felony, the sentence shall be not
14 less than 1 year and not more than 3 years.

15 (b) The sentencing judge in each felony conviction shall
16 set forth his reasons for imposing the particular sentence he
17 enters in the case, as provided in Section 5-4-1 of this Code.
18 Those reasons may include any mitigating or aggravating factors
19 specified in this Code, or the lack of any such circumstances,
20 as well as any other such factors as the judge shall set forth
21 on the record that are consistent with the purposes and
22 principles of sentencing set out in this Code.

23 (c) A motion to reduce a sentence may be made, or the court
24 may reduce a sentence without motion, within 30 days after the
25 sentence is imposed. A defendant's challenge to the correctness
26 of a sentence or to any aspect of the sentencing hearing shall

1 be made by a written motion filed within 30 days following the
2 imposition of sentence. However, the court may not increase a
3 sentence once it is imposed.

4 If a motion filed pursuant to this subsection is timely
5 filed within 30 days after the sentence is imposed, the
6 proponent of the motion shall exercise due diligence in seeking
7 a determination on the motion and the court shall thereafter
8 decide such motion within a reasonable time.

9 If a motion filed pursuant to this subsection is timely
10 filed within 30 days after the sentence is imposed, then for
11 purposes of perfecting an appeal, a final judgment shall not be
12 considered to have been entered until the motion to reduce a
13 sentence has been decided by order entered by the trial court.

14 A motion filed pursuant to this subsection shall not be
15 considered to have been timely filed unless it is filed with
16 the circuit court clerk within 30 days after the sentence is
17 imposed together with a notice of motion, which notice of
18 motion shall set the motion on the court's calendar on a date
19 certain within a reasonable time after the date of filing.

20 (d) Except where a term of natural life is imposed, every
21 sentence shall include as though written therein a term in
22 addition to the term of imprisonment. For those sentenced under
23 the law in effect prior to February 1, 1978, such term shall be
24 identified as a parole term. For those sentenced on or after
25 February 1, 1978, such term shall be identified as a mandatory
26 supervised release term. Subject to earlier termination under

1 Section 3-3-8, the parole or mandatory supervised release term
2 shall be as follows:

3 (1) for first degree murder or a Class X felony except
4 for the offenses of predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, and criminal
6 sexual assault if committed on or after the effective date
7 of this amendatory Act of the 94th General Assembly and
8 except for the offense of aggravated child pornography
9 under Section 11-20.3 of the Criminal Code of 1961, if
10 committed on or after January 1, 2009, 3 years;

11 (2) for a Class 1 felony or a Class 2 felony except for
12 the offense of criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the 94th
14 General Assembly and except for the offenses of manufacture
15 and dissemination of child pornography under clauses
16 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
17 of 1961, if committed on or after January 1, 2009, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, or who commit the offense of aggravated child
24 pornography, manufacture of child pornography, or
25 dissemination of child pornography after January 1, 2009,
26 the term of mandatory supervised release shall range from a

1 minimum of 3 years to a maximum of the natural life of the
2 defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic home detention program under Article 8A of
8 Chapter V of this Code.

9 (e) A defendant who has a previous and unexpired sentence
10 of imprisonment imposed by another state or by any district
11 court of the United States and who, after sentence for a crime
12 in Illinois, must return to serve the unexpired prior sentence
13 may have his sentence by the Illinois court ordered to be
14 concurrent with the prior sentence in the other state. The
15 court may order that any time served on the unexpired portion
16 of the sentence in the other state, prior to his return to
17 Illinois, shall be credited on his Illinois sentence. The other
18 state shall be furnished with a copy of the order imposing
19 sentence which shall provide that, when the offender is
20 released from confinement of the other state, whether by parole
21 or by termination of sentence, the offender shall be
22 transferred by the Sheriff of the committing county to the
23 Illinois Department of Corrections. The court shall cause the
24 Department of Corrections to be notified of such sentence at
25 the time of commitment and to be provided with copies of all
26 records regarding the sentence.

1 (f) A defendant who has a previous and unexpired sentence
2 of imprisonment imposed by an Illinois circuit court for a
3 crime in this State and who is subsequently sentenced to a term
4 of imprisonment by another state or by any district court of
5 the United States and who has served a term of imprisonment
6 imposed by the other state or district court of the United
7 States, and must return to serve the unexpired prior sentence
8 imposed by the Illinois Circuit Court may apply to the court
9 which imposed sentence to have his sentence reduced.

10 The circuit court may order that any time served on the
11 sentence imposed by the other state or district court of the
12 United States be credited on his Illinois sentence. Such
13 application for reduction of a sentence under this subsection
14 (f) shall be made within 30 days after the defendant has
15 completed the sentence imposed by the other state or district
16 court of the United States.

17 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
18 94-715, eff. 12-13-05.)

19 Section 99. Effective date. Sections 1, 5, 10, 15, 20, and
20 this Section take effect upon becoming law.