



Rep. Suzanne Bassi

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1 AMENDMENT TO SENATE BILL 2135

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2135, AS AMENDED,  
3 by inserting after the enacting clause the following:

4 "Section 2. The State Finance Act is amended by adding  
5 Section 5.710 as follows:

6 (30 ILCS 105/5.710 new)

7 Sec. 5.710. The Domestic Violence Surveillance Fund."; and

8 by replacing the introductory clause of Section 10 with the  
9 following:

10 "Section 10. The Code of Criminal Procedure of 1963 is  
11 amended by changing Sections 110-5 and 112A-14 as follows:

12 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

13 Sec. 110-5. Determining the amount of bail and conditions

1 of release.

2 (a) In determining the amount of monetary bail or  
3 conditions of release, if any, which will reasonably assure the  
4 appearance of a defendant as required or the safety of any  
5 other person or the community and the likelihood of compliance  
6 by the defendant with all the conditions of bail, the court  
7 shall, on the basis of available information, take into account  
8 such matters as the nature and circumstances of the offense  
9 charged, whether the evidence shows that as part of the offense  
10 there was a use of violence or threatened use of violence,  
11 whether the offense involved corruption of public officials or  
12 employees, whether there was physical harm or threats of  
13 physical harm to any public official, public employee, judge,  
14 prosecutor, juror or witness, senior citizen, child or  
15 handicapped person, whether evidence shows that during the  
16 offense or during the arrest the defendant possessed or used a  
17 firearm, machine gun, explosive or metal piercing ammunition or  
18 explosive bomb device or any military or paramilitary armament,  
19 whether the evidence shows that the offense committed was  
20 related to or in furtherance of the criminal activities of an  
21 organized gang or was motivated by the defendant's membership  
22 in or allegiance to an organized gang, the condition of the  
23 victim, any written statement submitted by the victim or  
24 proffer or representation by the State regarding the impact  
25 which the alleged criminal conduct has had on the victim and  
26 the victim's concern, if any, with further contact with the

1 defendant if released on bail, whether the offense was based on  
2 racial, religious, sexual orientation or ethnic hatred, the  
3 likelihood of the filing of a greater charge, the likelihood of  
4 conviction, the sentence applicable upon conviction, the  
5 weight of the evidence against such defendant, whether there  
6 exists motivation or ability to flee, whether there is any  
7 verification as to prior residence, education, or family ties  
8 in the local jurisdiction, in another county, state or foreign  
9 country, the defendant's employment, financial resources,  
10 character and mental condition, past conduct, prior use of  
11 alias names or dates of birth, and length of residence in the  
12 community, the consent of the defendant to periodic drug  
13 testing in accordance with Section 110-6.5, whether a foreign  
14 national defendant is lawfully admitted in the United States of  
15 America, whether the government of the foreign national  
16 maintains an extradition treaty with the United States by which  
17 the foreign government will extradite to the United States its  
18 national for a trial for a crime allegedly committed in the  
19 United States, whether the defendant is currently subject to  
20 deportation or exclusion under the immigration laws of the  
21 United States, whether the defendant, although a United States  
22 citizen, is considered under the law of any foreign state a  
23 national of that state for the purposes of extradition or  
24 non-extradition to the United States, the amount of unrecovered  
25 proceeds lost as a result of the alleged offense, the source of  
26 bail funds tendered or sought to be tendered for bail, whether

1 from the totality of the court's consideration, the loss of  
2 funds posted or sought to be posted for bail will not deter the  
3 defendant from flight, whether the evidence shows that the  
4 defendant is engaged in significant possession, manufacture,  
5 or delivery of a controlled substance or cannabis, either  
6 individually or in consort with others, whether at the time of  
7 the offense charged he was on bond or pre-trial release pending  
8 trial, probation, periodic imprisonment or conditional  
9 discharge pursuant to this Code or the comparable Code of any  
10 other state or federal jurisdiction, whether the defendant is  
11 on bond or pre-trial release pending the imposition or  
12 execution of sentence or appeal of sentence for any offense  
13 under the laws of Illinois or any other state or federal  
14 jurisdiction, whether the defendant is under parole or  
15 mandatory supervised release or work release from the Illinois  
16 Department of Corrections or any penal institution or  
17 corrections department of any state or federal jurisdiction,  
18 the defendant's record of convictions, whether the defendant  
19 has been convicted of a misdemeanor or ordinance offense in  
20 Illinois or similar offense in other state or federal  
21 jurisdiction within the 10 years preceding the current charge  
22 or convicted of a felony in Illinois, whether the defendant was  
23 convicted of an offense in another state or federal  
24 jurisdiction that would be a felony if committed in Illinois  
25 within the 20 years preceding the current charge or has been  
26 convicted of such felony and released from the penitentiary

1 within 20 years preceding the current charge if a penitentiary  
2 sentence was imposed in Illinois or other state or federal  
3 jurisdiction, the defendant's records of juvenile adjudication  
4 of delinquency in any jurisdiction, any record of appearance or  
5 failure to appear by the defendant at court proceedings,  
6 whether there was flight to avoid arrest or prosecution,  
7 whether the defendant escaped or attempted to escape to avoid  
8 arrest, whether the defendant refused to identify himself, or  
9 whether there was a refusal by the defendant to be  
10 fingerprinted as required by law. Information used by the court  
11 in its findings or stated in or offered in connection with this  
12 Section may be by way of proffer based upon reliable  
13 information offered by the State or defendant. All evidence  
14 shall be admissible if it is relevant and reliable regardless  
15 of whether it would be admissible under the rules of evidence  
16 applicable at criminal trials. If the State presents evidence  
17 that the offense committed by the defendant was related to or  
18 in furtherance of the criminal activities of an organized gang  
19 or was motivated by the defendant's membership in or allegiance  
20 to an organized gang, and if the court determines that the  
21 evidence may be substantiated, the court shall prohibit the  
22 defendant from associating with other members of the organized  
23 gang as a condition of bail or release. For the purposes of  
24 this Section, "organized gang" has the meaning ascribed to it  
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
26 Prevention Act.

1 (b) The amount of bail shall be:

2 (1) Sufficient to assure compliance with the  
3 conditions set forth in the bail bond, which shall include  
4 the defendant's current address with a written  
5 admonishment to the defendant that he or she must comply  
6 with the provisions of Section 110-12 regarding any change  
7 in his or her address. The defendant's address shall at all  
8 times remain a matter of public record with the clerk of  
9 the court.

10 (2) Not oppressive.

11 (3) Considerate of the financial ability of the  
12 accused.

13 (4) When a person is charged with a drug related  
14 offense involving possession or delivery of cannabis or  
15 possession or delivery of a controlled substance as defined  
16 in the Cannabis Control Act, the Illinois Controlled  
17 Substances Act, or the Methamphetamine Control and  
18 Community Protection Act, the full street value of the  
19 drugs seized shall be considered. "Street value" shall be  
20 determined by the court on the basis of a proffer by the  
21 State based upon reliable information of a law enforcement  
22 official contained in a written report as to the amount  
23 seized and such proffer may be used by the court as to the  
24 current street value of the smallest unit of the drug  
25 seized.

26 (b-5) Upon the filing of a written request demonstrating

1 reasonable cause, the State's Attorney may request a source of  
2 bail hearing either before or after the posting of any funds.  
3 If the hearing is granted, before the posting of any bail, the  
4 accused must file a written notice requesting that the court  
5 conduct a source of bail hearing. The notice must be  
6 accompanied by justifying affidavits stating the legitimate  
7 and lawful source of funds for bail. At the hearing, the court  
8 shall inquire into any matters stated in any justifying  
9 affidavits, and may also inquire into matters appropriate to  
10 the determination which shall include, but are not limited to,  
11 the following:

12 (1) the background, character, reputation, and  
13 relationship to the accused of any surety; and

14 (2) the source of any money or property deposited by  
15 any surety, and whether any such money or property  
16 constitutes the fruits of criminal or unlawful conduct; and

17 (3) the source of any money posted as cash bail, and  
18 whether any such money constitutes the fruits of criminal  
19 or unlawful conduct; and

20 (4) the background, character, reputation, and  
21 relationship to the accused of the person posting cash  
22 bail.

23 Upon setting the hearing, the court shall examine, under  
24 oath, any persons who may possess material information.

25 The State's Attorney has a right to attend the hearing, to  
26 call witnesses and to examine any witness in the proceeding.

1 The court shall, upon request of the State's Attorney, continue  
2 the proceedings for a reasonable period to allow the State's  
3 Attorney to investigate the matter raised in any testimony or  
4 affidavit. If the hearing is granted after the accused has  
5 posted bail, the court shall conduct a hearing consistent with  
6 this subsection (b-5). At the conclusion of the hearing, the  
7 court must issue an order either approving or disapproving the  
8 bail.

9 (c) When a person is charged with an offense punishable by  
10 fine only the amount of the bail shall not exceed double the  
11 amount of the maximum penalty.

12 (d) When a person has been convicted of an offense and only  
13 a fine has been imposed the amount of the bail shall not exceed  
14 double the amount of the fine.

15 (e) The State may appeal any order granting bail or setting  
16 a given amount for bail.

17 (f) When a person is charged with a violation of an order  
18 of protection under Section 12-30 of the Criminal Code of 1961,  
19 the court shall order the respondent to undergo a risk  
20 assessment evaluation at an Illinois Department of Human  
21 Services protocol approved partner abuse intervention program.  
22 Based on the results of the risk assessment and the other  
23 circumstances of the violation, the court may order that the  
24 person, as a condition of bail, be placed under electronic  
25 surveillance as provided in Section 5-8A-7 of the Unified Code  
26 of Corrections.



1 (Source: P.A. 93-254, eff. 1-1-04; 93-817, eff. 7-27-04;  
2 94-556, eff. 9-11-05.)

3 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4 Sec. 112A-14. Order of protection; remedies.

5 (a) Issuance of order. If the court finds that petitioner  
6 has been abused by a family or household member, as defined in  
7 this Article, an order of protection prohibiting such abuse  
8 shall issue; provided that petitioner must also satisfy the  
9 requirements of one of the following Sections, as appropriate:  
10 Section 112A-17 on emergency orders, Section 112A-18 on interim  
11 orders, or Section 112A-19 on plenary orders. Petitioner shall  
12 not be denied an order of protection because petitioner or  
13 respondent is a minor. The court, when determining whether or  
14 not to issue an order of protection, shall not require physical  
15 manifestations of abuse on the person of the victim.  
16 Modification and extension of prior orders of protection shall  
17 be in accordance with this Article.

18 (b) Remedies and standards. The remedies to be included in  
19 an order of protection shall be determined in accordance with  
20 this Section and one of the following Sections, as appropriate:  
21 Section 112A-17 on emergency orders, Section 112A-18 on interim  
22 orders, and Section 112A-19 on plenary orders. The remedies  
23 listed in this subsection shall be in addition to other civil  
24 or criminal remedies available to petitioner.

25 (1) Prohibition of abuse. Prohibit respondent's

1 harassment, interference with personal liberty,  
2 intimidation of a dependent, physical abuse or willful  
3 deprivation, as defined in this Article, if such abuse has  
4 occurred or otherwise appears likely to occur if not  
5 prohibited.

6 (2) Grant of exclusive possession of residence.  
7 Prohibit respondent from entering or remaining in any  
8 residence or household of the petitioner, including one  
9 owned or leased by respondent, if petitioner has a right to  
10 occupancy thereof. The grant of exclusive possession of the  
11 residence shall not affect title to real property, nor  
12 shall the court be limited by the standard set forth in  
13 Section 701 of the Illinois Marriage and Dissolution of  
14 Marriage Act.

15 (A) Right to occupancy. A party has a right to  
16 occupancy of a residence or household if it is solely  
17 or jointly owned or leased by that party, that party's  
18 spouse, a person with a legal duty to support that  
19 party or a minor child in that party's care, or by any  
20 person or entity other than the opposing party that  
21 authorizes that party's occupancy (e.g., a domestic  
22 violence shelter). Standards set forth in subparagraph  
23 (B) shall not preclude equitable relief.

24 (B) Presumption of hardships. If petitioner and  
25 respondent each has the right to occupancy of a  
26 residence or household, the court shall balance (i) the

1 hardships to respondent and any minor child or  
2 dependent adult in respondent's care resulting from  
3 entry of this remedy with (ii) the hardships to  
4 petitioner and any minor child or dependent adult in  
5 petitioner's care resulting from continued exposure to  
6 the risk of abuse (should petitioner remain at the  
7 residence or household) or from loss of possession of  
8 the residence or household (should petitioner leave to  
9 avoid the risk of abuse). When determining the balance  
10 of hardships, the court shall also take into account  
11 the accessibility of the residence or household.  
12 Hardships need not be balanced if respondent does not  
13 have a right to occupancy.

14 The balance of hardships is presumed to favor  
15 possession by petitioner unless the presumption is  
16 rebutted by a preponderance of the evidence, showing  
17 that the hardships to respondent substantially  
18 outweigh the hardships to petitioner and any minor  
19 child or dependent adult in petitioner's care. The  
20 court, on the request of petitioner or on its own  
21 motion, may order respondent to provide suitable,  
22 accessible, alternate housing for petitioner instead  
23 of excluding respondent from a mutual residence or  
24 household.

25 (3) Stay away order and additional prohibitions. Order  
26 respondent to stay away from petitioner or any other person

1       protected by the order of protection, or prohibit  
2       respondent from entering or remaining present at  
3       petitioner's school, place of employment, or other  
4       specified places at times when petitioner is present, or  
5       both, if reasonable, given the balance of hardships.  
6       Hardships need not be balanced for the court to enter a  
7       stay away order or prohibit entry if respondent has no  
8       right to enter the premises.

9       If an order of protection grants petitioner exclusive  
10      possession of the residence, or prohibits respondent from  
11      entering the residence, or orders respondent to stay away  
12      from petitioner or other protected persons, then the court  
13      may allow respondent access to the residence to remove  
14      items of clothing and personal adornment used exclusively  
15      by respondent, medications, and other items as the court  
16      directs. The right to access shall be exercised on only one  
17      occasion as the court directs and in the presence of an  
18      agreed-upon adult third party or law enforcement officer.

19      (4) Counseling. Require or recommend the respondent to  
20      undergo counseling for a specified duration with a social  
21      worker, psychologist, clinical psychologist, psychiatrist,  
22      family service agency, alcohol or substance abuse program,  
23      mental health center guidance counselor, agency providing  
24      services to elders, program designed for domestic violence  
25      abusers or any other guidance service the court deems  
26      appropriate. The court may order the respondent in any

1       intimate partner relationship to report to an Illinois  
2       Department of Human Services protocol approved partner  
3       abuse intervention program for an assessment and to follow  
4       all recommended treatment.

5           (5) Physical care and possession of the minor child. In  
6       order to protect the minor child from abuse, neglect, or  
7       unwarranted separation from the person who has been the  
8       minor child's primary caretaker, or to otherwise protect  
9       the well-being of the minor child, the court may do either  
10      or both of the following: (i) grant petitioner physical  
11      care or possession of the minor child, or both, or (ii)  
12      order respondent to return a minor child to, or not remove  
13      a minor child from, the physical care of a parent or person  
14      in loco parentis.

15           If a court finds, after a hearing, that respondent has  
16      committed abuse (as defined in Section 112A-3) of a minor  
17      child, there shall be a rebuttable presumption that  
18      awarding physical care to respondent would not be in the  
19      minor child's best interest.

20           (6) Temporary legal custody. Award temporary legal  
21      custody to petitioner in accordance with this Section, the  
22      Illinois Marriage and Dissolution of Marriage Act, the  
23      Illinois Parentage Act of 1984, and this State's Uniform  
24      Child-Custody Jurisdiction and Enforcement Act.

25           If a court finds, after a hearing, that respondent has  
26      committed abuse (as defined in Section 112A-3) of a minor

1 child, there shall be a rebuttable presumption that  
2 awarding temporary legal custody to respondent would not be  
3 in the child's best interest.

4 (7) Visitation. Determine the visitation rights, if  
5 any, of respondent in any case in which the court awards  
6 physical care or temporary legal custody of a minor child  
7 to petitioner. The court shall restrict or deny  
8 respondent's visitation with a minor child if the court  
9 finds that respondent has done or is likely to do any of  
10 the following: (i) abuse or endanger the minor child during  
11 visitation; (ii) use the visitation as an opportunity to  
12 abuse or harass petitioner or petitioner's family or  
13 household members; (iii) improperly conceal or detain the  
14 minor child; or (iv) otherwise act in a manner that is not  
15 in the best interests of the minor child. The court shall  
16 not be limited by the standards set forth in Section 607.1  
17 of the Illinois Marriage and Dissolution of Marriage Act.  
18 If the court grants visitation, the order shall specify  
19 dates and times for the visitation to take place or other  
20 specific parameters or conditions that are appropriate. No  
21 order for visitation shall refer merely to the term  
22 "reasonable visitation".

23 Petitioner may deny respondent access to the minor  
24 child if, when respondent arrives for visitation,  
25 respondent is under the influence of drugs or alcohol and  
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in  
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's  
4 family or household from future abuse, respondent shall be  
5 prohibited from coming to petitioner's residence to meet  
6 the minor child for visitation, and the parties shall  
7 submit to the court their recommendations for reasonable  
8 alternative arrangements for visitation. A person may be  
9 approved to supervise visitation only after filing an  
10 affidavit accepting that responsibility and acknowledging  
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit  
13 respondent from removing a minor child from the State or  
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in  
16 court, alone or with a minor child, to prevent abuse,  
17 neglect, removal or concealment of the child, to return the  
18 child to the custody or care of the petitioner or to permit  
19 any court-ordered interview or examination of the child or  
20 the respondent.

21 (10) Possession of personal property. Grant petitioner  
22 exclusive possession of personal property and, if  
23 respondent has possession or control, direct respondent to  
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the  
26 property; or

1           (ii) the parties own the property jointly; sharing  
2           it would risk abuse of petitioner by respondent or is  
3           impracticable; and the balance of hardships favors  
4           temporary possession by petitioner.

5           If petitioner's sole claim to ownership of the property  
6           is that it is marital property, the court may award  
7           petitioner temporary possession thereof under the  
8           standards of subparagraph (ii) of this paragraph only if a  
9           proper proceeding has been filed under the Illinois  
10          Marriage and Dissolution of Marriage Act, as now or  
11          hereafter amended.

12          No order under this provision shall affect title to  
13          property.

14          (11) Protection of property. Forbid the respondent  
15          from taking, transferring, encumbering, concealing,  
16          damaging or otherwise disposing of any real or personal  
17          property, except as explicitly authorized by the court, if:

18               (i) petitioner, but not respondent, owns the  
19               property; or

20               (ii) the parties own the property jointly, and the  
21               balance of hardships favors granting this remedy.

22          If petitioner's sole claim to ownership of the property  
23          is that it is marital property, the court may grant  
24          petitioner relief under subparagraph (ii) of this  
25          paragraph only if a proper proceeding has been filed under  
26          the Illinois Marriage and Dissolution of Marriage Act, as



1 now or hereafter amended.

2 The court may further prohibit respondent from  
3 improperly using the financial or other resources of an  
4 aged member of the family or household for the profit or  
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the  
7 exclusive care, custody, or control of any animal owned,  
8 possessed, leased, kept, or held by either the petitioner  
9 or the respondent or a minor child residing in the  
10 residence or household of either the petitioner or the  
11 respondent and order the respondent to stay away from the  
12 animal and forbid the respondent from taking,  
13 transferring, encumbering, concealing, harming, or  
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to  
16 pay temporary support for the petitioner or any child in  
17 the petitioner's care or custody, when the respondent has a  
18 legal obligation to support that person, in accordance with  
19 the Illinois Marriage and Dissolution of Marriage Act,  
20 which shall govern, among other matters, the amount of  
21 support, payment through the clerk and withholding of  
22 income to secure payment. An order for child support may be  
23 granted to a petitioner with lawful physical care or  
24 custody of a child, or an order or agreement for physical  
25 care or custody, prior to entry of an order for legal  
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless  
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to  
4 pay petitioner for losses suffered as a direct result of  
5 the abuse. Such losses shall include, but not be limited  
6 to, medical expenses, lost earnings or other support,  
7 repair or replacement of property damaged or taken,  
8 reasonable attorney's fees, court costs and moving or other  
9 travel expenses, including additional reasonable expenses  
10 for temporary shelter and restaurant meals.

11 (i) Losses affecting family needs. If a party is  
12 entitled to seek maintenance, child support or  
13 property distribution from the other party under the  
14 Illinois Marriage and Dissolution of Marriage Act, as  
15 now or hereafter amended, the court may order  
16 respondent to reimburse petitioner's actual losses, to  
17 the extent that such reimbursement would be  
18 "appropriate temporary relief", as authorized by  
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an  
21 improper concealment or removal of a minor child, the  
22 court may order respondent to pay the reasonable  
23 expenses incurred or to be incurred in the search for  
24 and recovery of the minor child, including but not  
25 limited to legal fees, court costs, private  
26 investigator fees, and travel costs.

1           (14) Prohibition of entry. Prohibit the respondent  
2 from entering or remaining in the residence or household  
3 while the respondent is under the influence of alcohol or  
4 drugs and constitutes a threat to the safety and well-being  
5 of the petitioner or the petitioner's children.

6           (14.5) Prohibition of firearm possession.

7           (a) When a complaint is made under a request for an  
8 order of protection, that the respondent has  
9 threatened or is likely to use firearms illegally  
10 against the petitioner, and the respondent is present  
11 in court, or has failed to appear after receiving  
12 actual notice, the court shall examine on oath the  
13 petitioner, and any witnesses who may be produced. If  
14 the court is satisfied that there is any danger of the  
15 illegal use of firearms, it shall include in the order  
16 of protection the requirement that any firearms in the  
17 possession of the respondent, except as provided in  
18 subsection (b), be turned over to the local law  
19 enforcement agency for safekeeping. If the respondent  
20 fails to appear, or refuses or fails to surrender his  
21 or her firearms, the court shall issue a warrant for  
22 seizure of any firearm in the possession of the  
23 respondent. The period of safekeeping shall be for a  
24 stated period of time not to exceed 2 years. The  
25 firearm or firearms shall be returned to the respondent  
26 at the end of the stated period or at expiration of the

1 order of protection, whichever is sooner.

2 (b) If the respondent is a peace officer as defined  
3 in Section 2-13 of the Criminal Code of 1961, the court  
4 shall order that any firearms used by the respondent in  
5 the performance of his or her duties as a peace officer  
6 be surrendered to the chief law enforcement executive  
7 of the agency in which the respondent is employed, who  
8 shall retain the firearms for safekeeping for the  
9 stated period not to exceed 2 years as set forth in the  
10 court order.

11 (15) Prohibition of access to records. If an order of  
12 protection prohibits respondent from having contact with  
13 the minor child, or if petitioner's address is omitted  
14 under subsection (b) of Section 112A-5, or if necessary to  
15 prevent abuse or wrongful removal or concealment of a minor  
16 child, the order shall deny respondent access to, and  
17 prohibit respondent from inspecting, obtaining, or  
18 attempting to inspect or obtain, school or any other  
19 records of the minor child who is in the care of  
20 petitioner.

21 (16) Order for payment of shelter services. Order  
22 respondent to reimburse a shelter providing temporary  
23 housing and counseling services to the petitioner for the  
24 cost of the services, as certified by the shelter and  
25 deemed reasonable by the court.

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse of  
2 a family or household member or to effectuate one of the  
3 granted remedies, if supported by the balance of hardships.  
4 If the harm to be prevented by the injunction is abuse or  
5 any other harm that one of the remedies listed in  
6 paragraphs (1) through (16) of this subsection is designed  
7 to prevent, no further evidence is necessary to establish  
8 that the harm is an irreparable injury.

9 (c) Relevant factors; findings.

10 (1) In determining whether to grant a specific remedy,  
11 other than payment of support, the court shall consider  
12 relevant factors, including but not limited to the  
13 following:

14 (i) the nature, frequency, severity, pattern and  
15 consequences of the respondent's past abuse of the  
16 petitioner or any family or household member,  
17 including the concealment of his or her location in  
18 order to evade service of process or notice, and the  
19 likelihood of danger of future abuse to petitioner or  
20 any member of petitioner's or respondent's family or  
21 household; and

22 (ii) the danger that any minor child will be abused  
23 or neglected or improperly removed from the  
24 jurisdiction, improperly concealed within the State or  
25 improperly separated from the child's primary  
26 caretaker.

1           (2) In comparing relative hardships resulting to the  
2 parties from loss of possession of the family home, the  
3 court shall consider relevant factors, including but not  
4 limited to the following:

5           (i) availability, accessibility, cost, safety,  
6 adequacy, location and other characteristics of  
7 alternate housing for each party and any minor child or  
8 dependent adult in the party's care;

9           (ii) the effect on the party's employment; and

10           (iii) the effect on the relationship of the party,  
11 and any minor child or dependent adult in the party's  
12 care, to family, school, church and community.

13           (3) Subject to the exceptions set forth in paragraph  
14 (4) of this subsection, the court shall make its findings  
15 in an official record or in writing, and shall at a minimum  
16 set forth the following:

17           (i) That the court has considered the applicable  
18 relevant factors described in paragraphs (1) and (2) of  
19 this subsection.

20           (ii) Whether the conduct or actions of respondent,  
21 unless prohibited, will likely cause irreparable harm  
22 or continued abuse.

23           (iii) Whether it is necessary to grant the  
24 requested relief in order to protect petitioner or  
25 other alleged abused persons.

26           (4) For purposes of issuing an ex parte emergency order

1 of protection, the court, as an alternative to or as a  
2 supplement to making the findings described in paragraphs  
3 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
4 the following procedure:

5 When a verified petition for an emergency order of  
6 protection in accordance with the requirements of Sections  
7 112A-5 and 112A-17 is presented to the court, the court  
8 shall examine petitioner on oath or affirmation. An  
9 emergency order of protection shall be issued by the court  
10 if it appears from the contents of the petition and the  
11 examination of petitioner that the averments are  
12 sufficient to indicate abuse by respondent and to support  
13 the granting of relief under the issuance of the emergency  
14 order of protection.

15 (5) Never married parties. No rights or  
16 responsibilities for a minor child born outside of marriage  
17 attach to a putative father until a father and child  
18 relationship has been established under the Illinois  
19 Parentage Act of 1984. Absent such an adjudication, no  
20 putative father shall be granted temporary custody of the  
21 minor child, visitation with the minor child, or physical  
22 care and possession of the minor child, nor shall an order  
23 of payment for support of the minor child be entered.

24 (d) Balance of hardships; findings. If the court finds that  
25 the balance of hardships does not support the granting of a  
26 remedy governed by paragraph (2), (3), (10), (11), or (16) of

1 subsection (b) of this Section, which may require such  
2 balancing, the court's findings shall so indicate and shall  
3 include a finding as to whether granting the remedy will result  
4 in hardship to respondent that would substantially outweigh the  
5 hardship to petitioner from denial of the remedy. The findings  
6 shall be an official record or in writing.

7 (e) Denial of remedies. Denial of any remedy shall not be  
8 based, in whole or in part, on evidence that:

9 (1) Respondent has cause for any use of force, unless  
10 that cause satisfies the standards for justifiable use of  
11 force provided by Article VII of the Criminal Code of 1961;

12 (2) Respondent was voluntarily intoxicated;

13 (3) Petitioner acted in self-defense or defense of  
14 another, provided that, if petitioner utilized force, such  
15 force was justifiable under Article VII of the Criminal  
16 Code of 1961;

17 (4) Petitioner did not act in self-defense or defense  
18 of another;

19 (5) Petitioner left the residence or household to avoid  
20 further abuse by respondent;

21 (6) Petitioner did not leave the residence or household  
22 to avoid further abuse by respondent;

23 (7) Conduct by any family or household member excused  
24 the abuse by respondent, unless that same conduct would  
25 have excused such abuse if the parties had not been family  
26 or household members.



1 (Source: P.A. 95-234, eff. 1-1-08.)

2 Section 25. The Unified Code of Corrections is amended by  
3 changing Sections 3-3-7, 3-6-3, 5-6-3, and 5-8A-4.1 and by  
4 adding Sections 5-8A-7 and 5-9-1.16 as follows:

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

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

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

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

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

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

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

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

24 (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;

12 (7.8) if convicted for an offense committed on or after  
13 the effective date of this amendatory Act of the 95th  
14 General Assembly that would qualify the accused as a child  
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
16 Criminal Code of 1961, refrain from communicating with or  
17 contacting, by means of the Internet, a person who is not  
18 related to the accused and whom the accused reasonably  
19 believes to be under 18 years of age; for purposes of this  
20 paragraph (7.8), "Internet" has the meaning ascribed to it  
21 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
22 ~~Public Act 94-179~~; and a person is not related to the  
23 accused if the person is not: (i) the spouse, brother, or  
24 sister of the accused; (ii) a descendant of the accused;  
25 (iii) a first or second cousin of the accused; or (iv) a  
26 step-child or adopted child of the accused;

1           (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,  
2           11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
3           search of computers, PDAs, cellular phones, and other  
4           devices under his or her control that are capable of  
5           accessing the Internet or storing electronic files, in  
6           order to confirm Internet protocol addresses reported in  
7           accordance with the Sex Offender Registration Act and  
8           compliance with conditions in this Act;

9           (7.10) ~~(7.8)~~ if convicted for an offense that would  
10          qualify the accused as a sex offender or sexual predator  
11          under the Sex Offender Registration Act on or after the  
12          effective date of this amendatory Act of the 95th General  
13          Assembly, not possess prescription drugs for erectile  
14          dysfunction;

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

17          (9) obtain permission of an agent of the Department of  
18          Corrections before changing his or her residence or  
19          employment;

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

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

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

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

9           (14) provide true and accurate information, as it  
10 relates to his or her adjustment in the community while on  
11 parole or mandatory supervised release or to his or her  
12 conduct while incarcerated, in response to inquiries by his  
13 or her parole agent or of the Department of Corrections;

14           (15) follow any specific instructions provided by the  
15 parole agent that are consistent with furthering  
16 conditions set and approved by the Prisoner Review Board or  
17 by law, exclusive of placement on electronic detention, to  
18 achieve the goals and objectives of his or her parole or  
19 mandatory supervised release or to protect the public.  
20 These instructions by the parole agent may be modified at  
21 any time, as the agent deems appropriate; ~~and~~

22           (16) if convicted of a sex offense as defined in  
23 subsection (a-5) of Section 3-1-2 of this Code, unless the  
24 offender is a parent or guardian of the person under 18  
25 years of age present in the home and no non-familial minors  
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy  
2 or other items to children on Halloween, wearing a Santa  
3 Claus costume on or preceding Christmas, being employed as  
4 a department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter; ~~and-~~

6 (17) if convicted of a violation of an order of  
7 protection under Section 12-30 of the Criminal Code of  
8 1961, be placed under electronic surveillance as provided  
9 in Section 5-8A-7 of this Code.

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

12 (1) work or pursue a course of study or vocational  
13 training;

14 (2) undergo medical or psychiatric treatment, or  
15 treatment for drug addiction or alcoholism;

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

18 (4) support his dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) comply with the terms and conditions of an order of  
22 protection issued pursuant to the Illinois Domestic  
23 Violence Act of 1986, enacted by the 84th General Assembly,  
24 or an order of protection issued by the court of another  
25 state, tribe, or United States territory;

26 (7.5) if convicted for an offense committed on or after

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

15 (8) in addition, if a minor:

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

17 (ii) attend school;

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

19 or

20 (iv) contribute to his own support at home or in a

21 foster home.

22 (b-1) In addition to the conditions set forth in  
23 subsections (a) and (b), persons required to register as sex  
24 offenders pursuant to the Sex Offender Registration Act, upon  
25 release from the custody of the Illinois Department of  
26 Corrections, may be required by the Board to comply with the

1 following specific conditions of release:

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

3 (2) comply with all requirements of the Sex Offender  
4 Registration Act;

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

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

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

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

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

23 (8) refrain from having any contact, including written  
24 or oral communications, directly or indirectly, personally  
25 or by telephone, letter, or through a third party with  
26 certain specified persons including, but not limited to,



1 the victim or the victim's family without the prior written  
2 approval of an agent of the Department of Corrections;

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

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

16 (11) not patronize any business providing sexually  
17 stimulating or sexually oriented entertainment nor utilize  
18 "900" or adult telephone numbers;

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

25 (13) not possess or have under his or her control  
26 certain specified items of contraband related to the

1 incidence of sexually offending as determined by an agent  
2 of the Department of Corrections;

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

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

10 (16) take an annual polygraph exam;

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

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

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

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

25 (e) The Department shall inform all offenders committed to  
26 the Department of the optional services available to them upon

1 release and shall assist inmates in availing themselves of such  
2 optional services upon their release on a voluntary basis.

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

14 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
15 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
16 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

17 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

18 (Text of Section after amendment by P.A. 95-585, 95-625,  
19 and 95-640)

20 Sec. 3-6-3. Rules and Regulations for Early Release.

21 (a) (1) The Department of Corrections shall prescribe  
22 rules and regulations for the early release on account of  
23 good conduct of persons committed to the Department which  
24 shall be subject to review by the Prisoner Review Board.

25 (2) The rules and regulations on early release shall

1 provide, with respect to offenses listed in clause (i),  
2 (ii), or (iii) of this paragraph (2) committed on or after  
3 June 19, 1998 or with respect to the offense listed in  
4 clause (iv) of this paragraph (2) committed on or after  
5 June 23, 2005 (the effective date of Public Act 94-71) or  
6 with respect to offense listed in clause (vi) ~~(v)~~ committed  
7 on or after June 1, 2008 (the effective date of Public Act  
8 95-625) ~~this amendatory Act of the 95th General Assembly~~ or  
9 with respect to the offense of being an armed habitual  
10 criminal committed on or after August 2, 2005 (the  
11 effective date of Public Act 94-398) or with respect to the  
12 offenses listed in clause (v) of this paragraph (2)  
13 committed on or after August 13, 2007 (the effective date  
14 of Public Act 95-134) ~~this amendatory Act of the 95th~~  
15 ~~General Assembly~~, the following:

16 (i) that a prisoner who is serving a term of  
17 imprisonment for first degree murder or for the offense  
18 of terrorism shall receive no good conduct credit and  
19 shall serve the entire sentence imposed by the court;

20 (ii) that a prisoner serving a sentence for attempt  
21 to commit first degree murder, solicitation of murder,  
22 solicitation of murder for hire, intentional homicide  
23 of an unborn child, predatory criminal sexual assault  
24 of a child, aggravated criminal sexual assault,  
25 criminal sexual assault, aggravated kidnapping,  
26 aggravated battery with a firearm, heinous battery,

1 being an armed habitual criminal, aggravated battery  
2 of a senior citizen, or aggravated battery of a child  
3 shall receive no more than 4.5 days of good conduct  
4 credit for each month of his or her sentence of  
5 imprisonment;

6 (iii) that a prisoner serving a sentence for home  
7 invasion, armed robbery, aggravated vehicular  
8 hijacking, aggravated discharge of a firearm, or armed  
9 violence with a category I weapon or category II  
10 weapon, when the court has made and entered a finding,  
11 pursuant to subsection (c-1) of Section 5-4-1 of this  
12 Code, that the conduct leading to conviction for the  
13 enumerated offense resulted in great bodily harm to a  
14 victim, shall receive no more than 4.5 days of good  
15 conduct credit for each month of his or her sentence of  
16 imprisonment;

17 (iv) that a prisoner serving a sentence for  
18 aggravated discharge of a firearm, whether or not the  
19 conduct leading to conviction for the offense resulted  
20 in great bodily harm to the victim, shall receive no  
21 more than 4.5 days of good conduct credit for each  
22 month of his or her sentence of imprisonment; ~~and~~

23 (v) that a person serving a sentence for  
24 gunrunning, narcotics racketeering, controlled  
25 substance trafficking, methamphetamine trafficking,  
26 drug-induced homicide, aggravated

1 methamphetamine-related child endangerment, money  
2 laundering pursuant to clause (c) (4) or (5) of Section  
3 29B-1 of the Criminal Code of 1961, or a Class X felony  
4 conviction for delivery of a controlled substance,  
5 possession of a controlled substance with intent to  
6 manufacture or deliver, calculated criminal drug  
7 conspiracy, criminal drug conspiracy, street gang  
8 criminal drug conspiracy, participation in  
9 methamphetamine manufacturing, aggravated  
10 participation in methamphetamine manufacturing,  
11 delivery of methamphetamine, possession with intent to  
12 deliver methamphetamine, aggravated delivery of  
13 methamphetamine, aggravated possession with intent to  
14 deliver methamphetamine, methamphetamine conspiracy  
15 when the substance containing the controlled substance  
16 or methamphetamine is 100 grams or more shall receive  
17 no more than 7.5 days good conduct credit for each  
18 month of his or her sentence of imprisonment; and-

19 (vi) ~~(v)~~ that a prisoner serving a sentence for a  
20 second or subsequent offense of luring a minor shall  
21 receive no more than 4.5 days of good conduct credit  
22 for each month of his or her sentence of imprisonment.

23 (2.1) For all offenses, other than those enumerated in  
24 subdivision (a) (2) (i), (ii), or (iii) committed on or after  
25 June 19, 1998 or subdivision (a) (2) (iv) committed on or  
26 after June 23, 2005 (the effective date of Public Act

1 94-71) or subdivision (a)(2)(v) committed on or after  
2 August 13, 2007 (the effective date of Public Act 95-134)  
3 ~~this amendatory Act of the 95th General Assembly~~ or  
4 subdivision (a)(2) (vi) ~~(v)~~ committed on or after June 1,  
5 2008 (the effective date of Public Act 95-625) ~~this~~  
6 ~~amendatory Act of the 95th General Assembly~~, and other than  
7 the offense of reckless homicide as defined in subsection  
8 (e) of Section 9-3 of the Criminal Code of 1961 committed  
9 on or after January 1, 1999, or aggravated driving under  
10 the influence of alcohol, other drug or drugs, or  
11 intoxicating compound or compounds, or any combination  
12 thereof as defined in subparagraph (F) of paragraph (1) of  
13 subsection (d) of Section 11-501 of the Illinois Vehicle  
14 Code, the rules and regulations shall provide that a  
15 prisoner who is serving a term of imprisonment shall  
16 receive one day of good conduct credit for each day of his  
17 or her sentence of imprisonment or recommitment under  
18 Section 3-3-9. Each day of good conduct credit shall reduce  
19 by one day the prisoner's period of imprisonment or  
20 recommitment under Section 3-3-9.

21 (2.2) A prisoner serving a term of natural life  
22 imprisonment or a prisoner who has been sentenced to death  
23 shall receive no good conduct credit.

24 (2.3) The rules and regulations on early release shall  
25 provide that a prisoner who is serving a sentence for  
26 reckless homicide as defined in subsection (e) of Section

1 9-3 of the Criminal Code of 1961 committed on or after  
2 January 1, 1999, or aggravated driving under the influence  
3 of alcohol, other drug or drugs, or intoxicating compound  
4 or compounds, or any combination thereof as defined in  
5 subparagraph (F) of paragraph (1) of subsection (d) of  
6 Section 11-501 of the Illinois Vehicle Code, shall receive  
7 no more than 4.5 days of good conduct credit for each month  
8 of his or her sentence of imprisonment.

9 (2.4) The rules and regulations on early release shall  
10 provide with respect to the offenses of aggravated battery  
11 with a machine gun or a firearm equipped with any device or  
12 attachment designed or used for silencing the report of a  
13 firearm or aggravated discharge of a machine gun or a  
14 firearm equipped with any device or attachment designed or  
15 used for silencing the report of a firearm, committed on or  
16 after July 15, 1999 (the effective date of Public Act  
17 91-121), that a prisoner serving a sentence for any of  
18 these offenses shall receive no more than 4.5 days of good  
19 conduct credit for each month of his or her sentence of  
20 imprisonment.

21 (2.5) The rules and regulations on early release shall  
22 provide that a prisoner who is serving a sentence for  
23 aggravated arson committed on or after July 27, 2001 (the  
24 effective date of Public Act 92-176) shall receive no more  
25 than 4.5 days of good conduct credit for each month of his  
26 or her sentence of imprisonment.



1           (3) The rules and regulations shall also provide that  
2 the Director may award up to 180 days additional good  
3 conduct credit for meritorious service in specific  
4 instances as the Director deems proper; except that no more  
5 than 90 days of good conduct credit for meritorious service  
6 shall be awarded to any prisoner who is serving a sentence  
7 for conviction of first degree murder, reckless homicide  
8 while under the influence of alcohol or any other drug, or  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof as defined in subparagraph (F) of  
12 paragraph (1) of subsection (d) of Section 11-501 of the  
13 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
14 predatory criminal sexual assault of a child, aggravated  
15 criminal sexual assault, criminal sexual assault, deviate  
16 sexual assault, aggravated criminal sexual abuse,  
17 aggravated indecent liberties with a child, indecent  
18 liberties with a child, child pornography, heinous  
19 battery, aggravated battery of a spouse, aggravated  
20 battery of a spouse with a firearm, stalking, aggravated  
21 stalking, aggravated battery of a child, endangering the  
22 life or health of a child, or cruelty to a child.  
23 Notwithstanding the foregoing, good conduct credit for  
24 meritorious service shall not be awarded on a sentence of  
25 imprisonment imposed for conviction of: (i) one of the  
26 offenses enumerated in subdivision (a)(2)(i), (ii), or

1 (iii) when the offense is committed on or after June 19,  
2 1998 or subdivision (a)(2)(iv) when the offense is  
3 committed on or after June 23, 2005 (the effective date of  
4 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
5 is committed on or after August 13, 2007 (the effective  
6 date of Public Act 95-134) ~~this amendatory Act of the 95th~~  
7 ~~General Assembly~~ or subdivision (a)(2)(vi) ~~(v)~~ when the  
8 offense is committed on or after June 1, 2008 (the  
9 effective date of Public Act 95-625) ~~this amendatory Act of~~  
10 ~~the 95th General Assembly~~, (ii) reckless homicide as  
11 defined in subsection (e) of Section 9-3 of the Criminal  
12 Code of 1961 when the offense is committed on or after  
13 January 1, 1999, or aggravated driving under the influence  
14 of alcohol, other drug or drugs, or intoxicating compound  
15 or compounds, or any combination thereof as defined in  
16 subparagraph (F) of paragraph (1) of subsection (d) of  
17 Section 11-501 of the Illinois Vehicle Code, (iii) one of  
18 the offenses enumerated in subdivision (a)(2.4) when the  
19 offense is committed on or after July 15, 1999 (the  
20 effective date of Public Act 91-121), or (iv) aggravated  
21 arson when the offense is committed on or after July 27,  
22 2001 (the effective date of Public Act 92-176).

23 (4) The rules and regulations shall also provide that  
24 the good conduct credit accumulated and retained under  
25 paragraph (2.1) of subsection (a) of this Section by any  
26 inmate during specific periods of time in which such inmate

1 is engaged full-time in substance abuse programs,  
2 correctional industry assignments, or educational programs  
3 provided by the Department under this paragraph (4) and  
4 satisfactorily completes the assigned program as  
5 determined by the standards of the Department, shall be  
6 multiplied by a factor of 1.25 for program participation  
7 before August 11, 1993 and 1.50 for program participation  
8 on or after that date. However, no inmate shall be eligible  
9 for the additional good conduct credit under this paragraph  
10 (4) or (4.1) of this subsection (a) while assigned to a  
11 boot camp or electronic detention, or if convicted of an  
12 offense enumerated in subdivision (a)(2)(i), (ii), or  
13 (iii) of this Section that is committed on or after June  
14 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
15 committed on or after June 23, 2005 (the effective date of  
16 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
17 that is committed on or after August 13, 2007 (the  
18 effective date of Public Act 95-134) ~~this amendatory Act of~~  
19 ~~the 95th General Assembly~~ or subdivision (a)(2)(vi)(~~v~~)  
20 when the offense is committed on or after June 1, 2008 (the  
21 effective date of Public Act 95-625) ~~this amendatory Act of~~  
22 ~~the 95th General Assembly~~, or if convicted of reckless  
23 homicide as defined in subsection (e) of Section 9-3 of the  
24 Criminal Code of 1961 if the offense is committed on or  
25 after January 1, 1999, or aggravated driving under the  
26 influence of alcohol, other drug or drugs, or intoxicating

1 compound or compounds, or any combination thereof as  
2 defined in subparagraph (F) of paragraph (1) of subsection  
3 (d) of Section 11-501 of the Illinois Vehicle Code, or if  
4 convicted of an offense enumerated in paragraph (a) (2.4) of  
5 this Section that is committed on or after July 15, 1999  
6 (the effective date of Public Act 91-121), or first degree  
7 murder, a Class X felony, criminal sexual assault, felony  
8 criminal sexual abuse, aggravated criminal sexual abuse,  
9 aggravated battery with a firearm, or any predecessor or  
10 successor offenses with the same or substantially the same  
11 elements, or any inchoate offenses relating to the  
12 foregoing offenses. No inmate shall be eligible for the  
13 additional good conduct credit under this paragraph (4) who  
14 (i) has previously received increased good conduct credit  
15 under this paragraph (4) and has subsequently been  
16 convicted of a felony, or (ii) has previously served more  
17 than one prior sentence of imprisonment for a felony in an  
18 adult correctional facility.

19 Educational, vocational, substance abuse and  
20 correctional industry programs under which good conduct  
21 credit may be increased under this paragraph (4) and  
22 paragraph (4.1) of this subsection (a) shall be evaluated  
23 by the Department on the basis of documented standards. The  
24 Department shall report the results of these evaluations to  
25 the Governor and the General Assembly by September 30th of  
26 each year. The reports shall include data relating to the

1           recidivism rate among program participants.

2           Availability of these programs shall be subject to the  
3           limits of fiscal resources appropriated by the General  
4           Assembly for these purposes. Eligible inmates who are  
5           denied immediate admission shall be placed on a waiting  
6           list under criteria established by the Department. The  
7           inability of any inmate to become engaged in any such  
8           programs by reason of insufficient program resources or for  
9           any other reason established under the rules and  
10          regulations of the Department shall not be deemed a cause  
11          of action under which the Department or any employee or  
12          agent of the Department shall be liable for damages to the  
13          inmate.

14          (4.1) The rules and regulations shall also provide that  
15          an additional 60 days of good conduct credit shall be  
16          awarded to any prisoner who passes the high school level  
17          Test of General Educational Development (GED) while the  
18          prisoner is incarcerated. The good conduct credit awarded  
19          under this paragraph (4.1) shall be in addition to, and  
20          shall not affect, the award of good conduct under any other  
21          paragraph of this Section, but shall also be pursuant to  
22          the guidelines and restrictions set forth in paragraph (4)  
23          of subsection (a) of this Section. The good conduct credit  
24          provided for in this paragraph shall be available only to  
25          those prisoners who have not previously earned a high  
26          school diploma or a GED. If, after an award of the GED good

1       conduct credit has been made and the Department determines  
2       that the prisoner was not eligible, then the award shall be  
3       revoked.

4       (4.5) The rules and regulations on early release shall  
5       also provide that when the court's sentencing order  
6       recommends a prisoner for substance abuse treatment and the  
7       crime was committed on or after September 1, 2003 (the  
8       effective date of Public Act 93-354), the prisoner shall  
9       receive no good conduct credit awarded under clause (3) of  
10      this subsection (a) unless he or she participates in and  
11      completes a substance abuse treatment program. The  
12      Director may waive the requirement to participate in or  
13      complete a substance abuse treatment program and award the  
14      good conduct credit in specific instances if the prisoner  
15      is not a good candidate for a substance abuse treatment  
16      program for medical, programming, or operational reasons.  
17      Availability of substance abuse treatment shall be subject  
18      to the limits of fiscal resources appropriated by the  
19      General Assembly for these purposes. If treatment is not  
20      available and the requirement to participate and complete  
21      the treatment has not been waived by the Director, the  
22      prisoner shall be placed on a waiting list under criteria  
23      established by the Department. The Director may allow a  
24      prisoner placed on a waiting list to participate in and  
25      complete a substance abuse education class or attend  
26      substance abuse self-help meetings in lieu of a substance

1 abuse treatment program. A prisoner on a waiting list who  
2 is not placed in a substance abuse program prior to release  
3 may be eligible for a waiver and receive good conduct  
4 credit under clause (3) of this subsection (a) at the  
5 discretion of the Director.

6 (4.6) The rules and regulations on early release shall  
7 also provide that a prisoner who has been convicted of a  
8 sex offense as defined in Section 2 of the Sex Offender  
9 Registration Act shall receive no good conduct credit  
10 unless he or she either has successfully completed or is  
11 participating in sex offender treatment as defined by the  
12 Sex Offender Management Board. However, prisoners who are  
13 waiting to receive such treatment, but who are unable to do  
14 so due solely to the lack of resources on the part of the  
15 Department, may, at the Director's sole discretion, be  
16 awarded good conduct credit at such rate as the Director  
17 shall determine.

18 (5) Whenever the Department is to release any inmate  
19 earlier than it otherwise would because of a grant of good  
20 conduct credit for meritorious service given at any time  
21 during the term, the Department shall give reasonable  
22 advance notice of the impending release to the State's  
23 Attorney of the county where the prosecution of the inmate  
24 took place.

25 (b) Whenever a person is or has been committed under  
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and  
2 forfeiting of good time.

3 (c) The Department shall prescribe rules and regulations  
4 for revoking good conduct credit, or suspending or reducing the  
5 rate of accumulation of good conduct credit for specific rule  
6 violations, during imprisonment. These rules and regulations  
7 shall provide that no inmate may be penalized more than one  
8 year of good conduct credit for any one infraction.

9 When the Department seeks to revoke, suspend or reduce the  
10 rate of accumulation of any good conduct credits for an alleged  
11 infraction of its rules, it shall bring charges therefor  
12 against the prisoner sought to be so deprived of good conduct  
13 credits before the Prisoner Review Board as provided in  
14 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
15 amount of credit at issue exceeds 30 days or when during any 12  
16 month period, the cumulative amount of credit revoked exceeds  
17 30 days except where the infraction is committed or discovered  
18 within 60 days of scheduled release. In those cases, the  
19 Department of Corrections may revoke up to 30 days of good  
20 conduct credit. The Board may subsequently approve the  
21 revocation of additional good conduct credit, if the Department  
22 seeks to revoke good conduct credit in excess of 30 days.  
23 However, the Board shall not be empowered to review the  
24 Department's decision with respect to the loss of 30 days of  
25 good conduct credit within any calendar year for any prisoner  
26 or to increase any penalty beyond the length requested by the



1 Department.

2 The Director of the Department of Corrections, in  
3 appropriate cases, may restore up to 30 days good conduct  
4 credits which have been revoked, suspended or reduced. Any  
5 restoration of good conduct credits in excess of 30 days shall  
6 be subject to review by the Prisoner Review Board. However, the  
7 Board may not restore good conduct credit in excess of the  
8 amount requested by the Director.

9 Nothing contained in this Section shall prohibit the  
10 Prisoner Review Board from ordering, pursuant to Section  
11 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
12 sentence imposed by the court that was not served due to the  
13 accumulation of good conduct credit.

14 (d) If a lawsuit is filed by a prisoner in an Illinois or  
15 federal court against the State, the Department of Corrections,  
16 or the Prisoner Review Board, or against any of their officers  
17 or employees, and the court makes a specific finding that a  
18 pleading, motion, or other paper filed by the prisoner is  
19 frivolous, the Department of Corrections shall conduct a  
20 hearing to revoke up to 180 days of good conduct credit by  
21 bringing charges against the prisoner sought to be deprived of  
22 the good conduct credits before the Prisoner Review Board as  
23 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
24 If the prisoner has not accumulated 180 days of good conduct  
25 credit at the time of the finding, then the Prisoner Review  
26 Board may revoke all good conduct credit accumulated by the

1 prisoner.

2 For purposes of this subsection (d):

3 (1) "Frivolous" means that a pleading, motion, or other  
4 filing which purports to be a legal document filed by a  
5 prisoner in his or her lawsuit meets any or all of the  
6 following criteria:

7 (A) it lacks an arguable basis either in law or in  
8 fact;

9 (B) it is being presented for any improper purpose,  
10 such as to harass or to cause unnecessary delay or  
11 needless increase in the cost of litigation;

12 (C) the claims, defenses, and other legal  
13 contentions therein are not warranted by existing law  
14 or by a nonfrivolous argument for the extension,  
15 modification, or reversal of existing law or the  
16 establishment of new law;

17 (D) the allegations and other factual contentions  
18 do not have evidentiary support or, if specifically so  
19 identified, are not likely to have evidentiary support  
20 after a reasonable opportunity for further  
21 investigation or discovery; or

22 (E) the denials of factual contentions are not  
23 warranted on the evidence, or if specifically so  
24 identified, are not reasonably based on a lack of  
25 information or belief.

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus  
2 action under Article X of the Code of Civil Procedure or  
3 under federal law (28 U.S.C. 2254), a petition for claim  
4 under the Court of Claims Act, an action under the federal  
5 Civil Rights Act (42 U.S.C. 1983), or a second or  
6 subsequent petition for post-conviction relief under  
7 Article 122 of the Code of Criminal Procedure of 1963  
8 whether filed with or without leave of court or a second or  
9 subsequent petition for relief from judgment under Section  
10 2-1401 of the Code of Civil Procedure.

11 (e) Nothing in Public Act 90-592 or 90-593 affects the  
12 validity of Public Act 89-404.

13 (f) Whenever the Department is to release any inmate who  
14 has been convicted of a violation of an order of protection  
15 under Section 12-30 of the Criminal Code of 1961, earlier than  
16 it otherwise would because of a grant of good conduct credit,  
17 the Department, as a condition of such early release, shall  
18 require that the person, upon release, be placed under  
19 electronic surveillance as provided in Section 5-8A-7 of this  
20 Code.

21 (Source: P.A. 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156,  
22 eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744,  
23 eff. 5-8-06; 95-134, eff. 8-13-07; 95-585, eff. 6-1-08; 95-625,  
24 eff. 6-1-08; 95-640, eff. 6-1-08; revised 11-19-07.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

7 (1) not violate any criminal statute of any  
8 jurisdiction;

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

11 (3) refrain from possessing a firearm or other  
12 dangerous weapon;

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

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

25 (6) perform no less than 30 hours of community service  
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is  
2 funded and approved by the county board where the offense  
3 was committed, where the offense was related to or in  
4 furtherance of the criminal activities of an organized gang  
5 and was motivated by the offender's membership in or  
6 allegiance to an organized gang. The community service  
7 shall include, but not be limited to, the cleanup and  
8 repair of any damage caused by a violation of Section  
9 21-1.3 of the Criminal Code of 1961 and similar damage to  
10 property located within the municipality or county in which  
11 the violation occurred. When possible and reasonable, the  
12 community service should be performed in the offender's  
13 neighborhood. For purposes of this Section, "organized  
14 gang" has the meaning ascribed to it in Section 10 of the  
15 Illinois Streetgang Terrorism Omnibus Prevention Act;

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

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

17 (8) if convicted of possession of a substance  
18 prohibited by the Cannabis Control Act, the Illinois  
19 Controlled Substances Act, or the Methamphetamine Control  
20 and Community Protection Act after a previous conviction or  
21 disposition of supervision for possession of a substance  
22 prohibited by the Cannabis Control Act or Illinois  
23 Controlled Substances Act or after a sentence of probation  
24 under Section 10 of the Cannabis Control Act, Section 410  
25 of the Illinois Controlled Substances Act, or Section 70 of  
26 the Methamphetamine Control and Community Protection Act

1 and upon a finding by the court that the person is  
2 addicted, undergo treatment at a substance abuse program  
3 approved by the court;

4 (8.5) if convicted of a felony sex offense as defined  
5 in the Sex Offender Management Board Act, the person shall  
6 undergo and successfully complete sex offender treatment  
7 by a treatment provider approved by the Board and conducted  
8 in conformance with the standards developed under the Sex  
9 Offender Management Board Act;

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

21 (8.7) if convicted for an offense committed on or after  
22 the effective date of this amendatory Act of the 95th  
23 General Assembly that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961, refrain from communicating with or  
26 contacting, by means of the Internet, a person who is not

1 related to the accused and whom the accused reasonably  
2 believes to be under 18 years of age; for purposes of this  
3 paragraph (8.7), "Internet" has the meaning ascribed to it  
4 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
5 ~~Public Act 94-179~~; and a person is not related to the  
6 accused if the person is not: (i) the spouse, brother, or  
7 sister of the accused; (ii) a descendant of the accused;  
8 (iii) a first or second cousin of the accused; or (iv) a  
9 step-child or adopted child of the accused;

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

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

24 (b) The Court may in addition to other reasonable  
25 conditions relating to the nature of the offense or the  
26 rehabilitation of the defendant as determined for each



1 defendant in the proper discretion of the Court require that  
2 the person:

3 (1) serve a term of periodic imprisonment under Article  
4 7 for a period not to exceed that specified in paragraph  
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

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

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

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

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

16 (ii) attend school;

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

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

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

1           the real property comprising a school;

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

4           (9) perform some reasonable public or community  
5 service;

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

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

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

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

21           (iv) for persons convicted of any alcohol,  
22 cannabis or controlled substance violation who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

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

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

1           deposit the fee collected in the county working cash  
2           fund under Section 6-27001 or Section 6-29002 of the  
3           Counties Code, as the case may be.

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

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

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

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

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

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

20           (17) 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  
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 (17), "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 related to the accused  
5 if the person is: (i) the spouse, brother, or sister of the  
6 accused; (ii) a descendant of the accused; (iii) a first or  
7 second cousin of the accused; or (iv) a step-child or  
8 adopted child of the accused.

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 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order  
2 of protection be placed under electronic surveillance as  
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
5 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
6 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
7 12-26-07.)"; and

8 by inserting after the last line of Sec. 5-8A-4.1 of Section 25  
9 the following:

10 "(730 ILCS 5/5-8A-7 new)

11 Sec. 5-8A-7. Domestic violence surveillance program. If  
12 the Prisoner Review Board, Department of Corrections, or court  
13 (the supervising authority) orders electronic surveillance as  
14 a condition of parole, mandatory supervised release, early  
15 release, probation, or conditional discharge for a violation of  
16 an order of protection or as a condition of bail for a person  
17 charged with a violation of an order of protection, the  
18 supervising authority shall use the best available global  
19 positioning technology to track domestic violence offenders.  
20 Such capabilities should include technology that (1)  
21 immediately notifies law enforcement or other monitors of any  
22 breach of the court ordered inclusion zone boundaries; (2)  
23 notifies the victim in near-real time of any breach; (3) allows  
24 monitors to speak to the offender through a cell phone

1 implanted in the bracelet device; and (4) has a loud alarm that  
2 can be activated to warn the potential victim of the offender's  
3 presence in a forbidden zone.

4 (730 ILCS 5/5-9-1.16 new)

5 Sec. 5-9-1.16. Protective order violation fines.

6 (a) There shall be added to every penalty imposed in  
7 sentencing for a violation of an order of protection under  
8 Section 12-30 of the Criminal Code of 1961 an additional fine  
9 to be set in an amount not less than \$200 to be imposed upon a  
10 plea of guilty or finding of guilty resulting in a judgment of  
11 conviction.

12 (b) Such additional amount shall be assessed by the court  
13 imposing sentence and shall be collected by the Circuit Clerk  
14 in addition to the fine, if any, and costs in the case to be  
15 used by the supervising authority in implementing the domestic  
16 violence surveillance program. Each such additional penalty  
17 shall be remitted by the Circuit Clerk within one month after  
18 receipt to the State Treasurer for deposit into the Domestic  
19 Violence Surveillance Fund. The Circuit Clerk shall retain 10%  
20 of such penalty and deposit that percentage into the Circuit  
21 Court Clerk Operation and Administrative Fund to cover the  
22 costs incurred in administering and enforcing this Section.  
23 Such additional penalty shall not be considered a part of the  
24 fine for purposes of any reduction in the fine for time served  
25 either before or after sentencing.

1       (c) Not later than March 1 of each year the Clerk of the  
2 Circuit Court shall submit to the State Comptroller a report of  
3 the amount of funds remitted by him or her to the State  
4 Treasurer under this Section during the preceding calendar  
5 year.

6       (d) Moneys in the Domestic Violence Surveillance Fund shall  
7 be used by the supervising authority of a respondent ordered to  
8 carry or wear a global positioning system device for a  
9 violation of an order of protection under Section 12-30 of the  
10 Criminal Code of 1961 to offset the costs of such surveillance  
11 of the respondent.

12       (e) For purposes of this Section "fees of the Circuit  
13 Clerk" shall include, if applicable, the fee provided for under  
14 Section 27.3a of the Clerks of Courts Act and the fee, if  
15 applicable, payable to the county in which the violation  
16 occurred under Section 5-1101 of the Counties Code.

17       Section 26. The Probation and Probation Officers Act is  
18 amended by changing Section 15 as follows:

19       (730 ILCS 110/15) (from Ch. 38, par. 204-7)

20       Sec. 15. (1) The Supreme Court of Illinois may establish a  
21 Division of Probation Services whose purpose shall be the  
22 development, establishment, promulgation, and enforcement of  
23 uniform standards for probation services in this State, and to  
24 otherwise carry out the intent of this Act. The Division may:

1           (a) establish qualifications for chief probation  
2 officers and other probation and court services personnel  
3 as to hiring, promotion, and training.

4           (b) make available, on a timely basis, lists of those  
5 applicants whose qualifications meet the regulations  
6 referred to herein, including on said lists all candidates  
7 found qualified.

8           (c) establish a means of verifying the conditions for  
9 reimbursement under this Act and develop criteria for  
10 approved costs for reimbursement.

11           (d) develop standards and approve employee  
12 compensation schedules for probation and court services  
13 departments.

14           (e) employ sufficient personnel in the Division to  
15 carry out the functions of the Division.

16           (f) establish a system of training and establish  
17 standards for personnel orientation and training.

18           (g) develop standards for a system of record keeping  
19 for cases and programs, gather statistics, establish a  
20 system of uniform forms, and develop research for planning  
21 of Probation Services.

22           (h) develop standards to assure adequate support  
23 personnel, office space, equipment and supplies, travel  
24 expenses, and other essential items necessary for  
25 Probation and Court Services Departments to carry out their  
26 duties.

1 (i) review and approve annual plans submitted by  
2 Probation and Court Services Departments.

3 (j) monitor and evaluate all programs operated by  
4 Probation and Court Services Departments, and may include  
5 in the program evaluation criteria such factors as the  
6 percentage of Probation sentences for felons convicted of  
7 Probationable offenses.

8 (k) seek the cooperation of local and State government  
9 and private agencies to improve the quality of probation  
10 and court services.

11 (l) where appropriate, establish programs and  
12 corresponding standards designed to generally improve the  
13 quality of probation and court services and reduce the rate  
14 of adult or juvenile offenders committed to the Department  
15 of Corrections.

16 (m) establish such other standards and regulations and  
17 do all acts necessary to carry out the intent and purposes  
18 of this Act.

19 (n) develop standards to implement the Domestic  
20 Violence Surveillance Program established under Section  
21 5-8A-7 of the Unified Code of Corrections including (i)  
22 procurement of equipment and other services necessary to  
23 implement the program and (ii) development of uniform  
24 standards for the delivery of the program through county  
25 probation departments.

26 The Division shall establish a model list of structured

1 intermediate sanctions that may be imposed by a probation  
2 agency for violations of terms and conditions of a sentence of  
3 probation, conditional discharge, or supervision.

4 The State of Illinois shall provide for the costs of  
5 personnel, travel, equipment, telecommunications, postage,  
6 commodities, printing, space, contractual services and other  
7 related costs necessary to carry out the intent of this Act.

8 (2) (a) The chief judge of each circuit shall provide  
9 full-time probation services for all counties within the  
10 circuit, in a manner consistent with the annual probation plan,  
11 the standards, policies, and regulations established by the  
12 Supreme Court. A probation district of two or more counties  
13 within a circuit may be created for the purposes of providing  
14 full-time probation services. Every county or group of counties  
15 within a circuit shall maintain a probation department which  
16 shall be under the authority of the Chief Judge of the circuit  
17 or some other judge designated by the Chief Judge. The Chief  
18 Judge, through the Probation and Court Services Department  
19 shall submit annual plans to the Division for probation and  
20 related services.

21 (b) The Chief Judge of each circuit shall appoint the Chief  
22 Probation Officer and all other probation officers for his or  
23 her circuit from lists of qualified applicants supplied by the  
24 Supreme Court. Candidates for chief managing officer and other  
25 probation officer positions must apply with both the Chief  
26 Judge of the circuit and the Supreme Court.



1           (3) A Probation and Court Service Department shall apply to  
2 the Supreme Court for funds for basic services, and may apply  
3 for funds for new and expanded programs or Individualized  
4 Services and Programs. Costs shall be reimbursed monthly based  
5 on a plan and budget approved by the Supreme Court. No  
6 Department may be reimbursed for costs which exceed or are not  
7 provided for in the approved annual plan and budget. After the  
8 effective date of this amendatory Act of 1985, each county must  
9 provide basic services in accordance with the annual plan and  
10 standards created by the division. No department may receive  
11 funds for new or expanded programs or individualized services  
12 and programs unless they are in compliance with standards as  
13 enumerated in paragraph (h) of subsection (1) of this Section,  
14 the annual plan, and standards for basic services.

15           (4) The Division shall reimburse the county or counties for  
16 probation services as follows:

17           (a) 100% of the salary of all chief managing officers  
18 designated as such by the Chief Judge and the division.

19           (b) 100% of the salary for all probation officer and  
20 supervisor positions approved for reimbursement by the  
21 division after April 1, 1984, to meet workload standards  
22 and to implement intensive sanction and probation  
23 supervision programs and other basic services as defined in  
24 this Act.

25           (c) 100% of the salary for all secure detention  
26 personnel and non-secure group home personnel approved for

1 reimbursement after December 1, 1990. For all such  
2 positions approved for reimbursement before December 1,  
3 1990, the counties shall be reimbursed \$1,250 per month  
4 beginning July 1, 1995, and an additional \$250 per month  
5 beginning each July 1st thereafter until the positions  
6 receive 100% salary reimbursement. Allocation of such  
7 positions will be based on comparative need considering  
8 capacity, staff/resident ratio, physical plant and  
9 program.

10 (d) \$1,000 per month for salaries for the remaining  
11 probation officer positions engaged in basic services and  
12 new or expanded services. All such positions shall be  
13 approved by the division in accordance with this Act and  
14 division standards.

15 (e) 100% of the travel expenses in accordance with  
16 Division standards for all Probation positions approved  
17 under paragraph (b) of subsection 4 of this Section.

18 (f) If the amount of funds reimbursed to the county  
19 under paragraphs (a) through (e) of subsection 4 of this  
20 Section on an annual basis is less than the amount the  
21 county had received during the 12 month period immediately  
22 prior to the effective date of this amendatory Act of 1985,  
23 then the Division shall reimburse the amount of the  
24 difference to the county. The effect of paragraph (b) of  
25 subsection 7 of this Section shall be considered in  
26 implementing this supplemental reimbursement provision.

1           (5) The Division shall provide funds beginning on April 1,  
2 1987 for the counties to provide Individualized Services and  
3 Programs as provided in Section 16 of this Act.

4           (6) A Probation and Court Services Department in order to  
5 be eligible for the reimbursement must submit to the Supreme  
6 Court an application containing such information and in such a  
7 form and by such dates as the Supreme Court may require.  
8 Departments to be eligible for funding must satisfy the  
9 following conditions:

10           (a) The Department shall have on file with the Supreme  
11 Court an annual Probation plan for continuing, improved,  
12 and new Probation and Court Services Programs approved by  
13 the Supreme Court or its designee. This plan shall indicate  
14 the manner in which Probation and Court Services will be  
15 delivered and improved, consistent with the minimum  
16 standards and regulations for Probation and Court  
17 Services, as established by the Supreme Court. In counties  
18 with more than one Probation and Court Services Department  
19 eligible to receive funds, all Departments within that  
20 county must submit plans which are approved by the Supreme  
21 Court.

22           (b) The annual probation plan shall seek to generally  
23 improve the quality of probation services and to reduce the  
24 commitment of adult offenders to the Department of  
25 Corrections and to reduce the commitment of juvenile  
26 offenders to the Department of Juvenile Justice and shall

1           require, when appropriate, coordination with the  
2           Department of Corrections, the Department of Juvenile  
3           Justice, and the Department of Children and Family Services  
4           in the development and use of community resources,  
5           information systems, case review and permanency planning  
6           systems to avoid the duplication of services.

7           (c) The Department shall be in compliance with  
8           standards developed by the Supreme Court for basic, new and  
9           expanded services, training, personnel hiring and  
10          promotion.

11          (d) The Department shall in its annual plan indicate  
12          the manner in which it will support the rights of crime  
13          victims and in which manner it will implement Article I,  
14          Section 8.1 of the Illinois Constitution and in what manner  
15          it will coordinate crime victims' support services with  
16          other criminal justice agencies within its jurisdiction,  
17          including but not limited to, the State's Attorney, the  
18          Sheriff and any municipal police department.

19          (7) No statement shall be verified by the Supreme Court or  
20          its designee or vouchered by the Comptroller unless each of the  
21          following conditions have been met:

22                 (a) The probation officer is a full-time employee  
23                 appointed by the Chief Judge to provide probation services.

24                 (b) The probation officer, in order to be eligible for  
25                 State reimbursement, is receiving a salary of at least  
26                 \$17,000 per year.

1           (c) The probation officer is appointed or was  
2           reappointed in accordance with minimum qualifications or  
3           criteria established by the Supreme Court; however, all  
4           probation officers appointed prior to January 1, 1978,  
5           shall be exempted from the minimum requirements  
6           established by the Supreme Court. Payments shall be made to  
7           counties employing these exempted probation officers as  
8           long as they are employed in the position held on the  
9           effective date of this amendatory Act of 1985. Promotions  
10          shall be governed by minimum qualifications established by  
11          the Supreme Court.

12          (d) The Department has an established compensation  
13          schedule approved by the Supreme Court. The compensation  
14          schedule shall include salary ranges with necessary  
15          increments to compensate each employee. The increments  
16          shall, within the salary ranges, be based on such factors  
17          as bona fide occupational qualifications, performance, and  
18          length of service. Each position in the Department shall be  
19          placed on the compensation schedule according to job duties  
20          and responsibilities of such position. The policy and  
21          procedures of the compensation schedule shall be made  
22          available to each employee.

23          (8) In order to obtain full reimbursement of all approved  
24          costs, each Department must continue to employ at least the  
25          same number of probation officers and probation managers as  
26          were authorized for employment for the fiscal year which

1 includes January 1, 1985. This number shall be designated as  
2 the base amount of the Department. No positions approved by the  
3 Division under paragraph (b) of subsection 4 will be included  
4 in the base amount. In the event that the Department employs  
5 fewer Probation officers and Probation managers than the base  
6 amount for a period of 90 days, funding received by the  
7 Department under subsection 4 of this Section may be reduced on  
8 a monthly basis by the amount of the current salaries of any  
9 positions below the base amount.

10 (9) Before the 15th day of each month, the treasurer of any  
11 county which has a Probation and Court Services Department, or  
12 the treasurer of the most populous county, in the case of a  
13 Probation or Court Services Department funded by more than one  
14 county, shall submit an itemized statement of all approved  
15 costs incurred in the delivery of Basic Probation and Court  
16 Services under this Act to the Supreme Court. The treasurer may  
17 also submit an itemized statement of all approved costs  
18 incurred in the delivery of new and expanded Probation and  
19 Court Services as well as Individualized Services and Programs.  
20 The Supreme Court or its designee shall verify compliance with  
21 this Section and shall examine and audit the monthly statement  
22 and, upon finding them to be correct, shall forward them to the  
23 Comptroller for payment to the county treasurer. In the case of  
24 payment to a treasurer of a county which is the most populous  
25 of counties sharing the salary and expenses of a Probation and  
26 Court Services Department, the treasurer shall divide the money

1 between the counties in a manner that reflects each county's  
2 share of the cost incurred by the Department.

3 (10) The county treasurer must certify that funds received  
4 under this Section shall be used solely to maintain and improve  
5 Probation and Court Services. The county or circuit shall  
6 remain in compliance with all standards, policies and  
7 regulations established by the Supreme Court. If at any time  
8 the Supreme Court determines that a county or circuit is not in  
9 compliance, the Supreme Court shall immediately notify the  
10 Chief Judge, county board chairman and the Director of Court  
11 Services Chief Probation Officer. If after 90 days of written  
12 notice the noncompliance still exists, the Supreme Court shall  
13 be required to reduce the amount of monthly reimbursement by  
14 10%. An additional 10% reduction of monthly reimbursement shall  
15 occur for each consecutive month of noncompliance. Except as  
16 provided in subsection 5 of Section 15, funding to counties  
17 shall commence on April 1, 1986. Funds received under this Act  
18 shall be used to provide for Probation Department expenses  
19 including those required under Section 13 of this Act. The  
20 Mandatory Arbitration Fund may be used to provide for Probation  
21 Department expenses, including those required under Section 13  
22 of this Act.

23 (11) The respective counties shall be responsible for  
24 capital and space costs, fringe benefits, clerical costs,  
25 equipment, telecommunications, postage, commodities and  
26 printing.

1           (12) For purposes of this Act only, probation officers  
2 shall be considered peace officers. In the exercise of their  
3 official duties, probation officers, sheriffs, and police  
4 officers may, anywhere within the State, arrest any probationer  
5 who is in violation of any of the conditions of his or her  
6 probation, conditional discharge, or supervision, and it shall  
7 be the duty of the officer making the arrest to take the  
8 probationer before the Court having jurisdiction over the  
9 probationer for further order.

10       (Source: P.A. 94-91, eff. 7-1-05; 94-696, eff. 6-1-06; 94-839,  
11 eff. 6-6-06; 95-707, eff. 1-11-08.)

12           Section 30. The Illinois Domestic Violence Act of 1986 is  
13 amended by changing Section 214 as follows:

14           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

15           Sec. 214. Order of protection; remedies.

16           (a) Issuance of order. If the court finds that petitioner  
17 has been abused by a family or household member or that  
18 petitioner is a high-risk adult who has been abused, neglected,  
19 or exploited, as defined in this Act, an order of protection  
20 prohibiting the abuse, neglect, or exploitation shall issue;  
21 provided that petitioner must also satisfy the requirements of  
22 one of the following Sections, as appropriate: Section 217 on  
23 emergency orders, Section 218 on interim orders, or Section 219  
24 on plenary orders. Petitioner shall not be denied an order of



1 protection because petitioner or respondent is a minor. The  
2 court, when determining whether or not to issue an order of  
3 protection, shall not require physical manifestations of abuse  
4 on the person of the victim. Modification and extension of  
5 prior orders of protection shall be in accordance with this  
6 Act.

7 (b) Remedies and standards. The remedies to be included in  
8 an order of protection shall be determined in accordance with  
9 this Section and one of the following Sections, as appropriate:  
10 Section 217 on emergency orders, Section 218 on interim orders,  
11 and Section 219 on plenary orders. The remedies listed in this  
12 subsection shall be in addition to other civil or criminal  
13 remedies available to petitioner.

14 (1) Prohibition of abuse, neglect, or exploitation.  
15 Prohibit respondent's harassment, interference with  
16 personal liberty, intimidation of a dependent, physical  
17 abuse, or willful deprivation, neglect or exploitation, as  
18 defined in this Act, or stalking of the petitioner, as  
19 defined in Section 12-7.3 of the Criminal Code of 1961, if  
20 such abuse, neglect, exploitation, or stalking has  
21 occurred or otherwise appears likely to occur if not  
22 prohibited.

23 (2) Grant of exclusive possession of residence.  
24 Prohibit respondent from entering or remaining in any  
25 residence or household of the petitioner, including one  
26 owned or leased by respondent, if petitioner has a right to

1 occupancy thereof. The grant of exclusive possession of the  
2 residence shall not affect title to real property, nor  
3 shall the court be limited by the standard set forth in  
4 Section 701 of the Illinois Marriage and Dissolution of  
5 Marriage Act.

6 (A) Right to occupancy. A party has a right to  
7 occupancy of a residence or household if it is solely  
8 or jointly owned or leased by that party, that party's  
9 spouse, a person with a legal duty to support that  
10 party or a minor child in that party's care, or by any  
11 person or entity other than the opposing party that  
12 authorizes that party's occupancy (e.g., a domestic  
13 violence shelter). Standards set forth in subparagraph  
14 (B) shall not preclude equitable relief.

15 (B) Presumption of hardships. If petitioner and  
16 respondent each has the right to occupancy of a  
17 residence or household, the court shall balance (i) the  
18 hardships to respondent and any minor child or  
19 dependent adult in respondent's care resulting from  
20 entry of this remedy with (ii) the hardships to  
21 petitioner and any minor child or dependent adult in  
22 petitioner's care resulting from continued exposure to  
23 the risk of abuse (should petitioner remain at the  
24 residence or household) or from loss of possession of  
25 the residence or household (should petitioner leave to  
26 avoid the risk of abuse). When determining the balance

1 of hardships, the court shall also take into account  
2 the accessibility of the residence or household.  
3 Hardships need not be balanced if respondent does not  
4 have a right to occupancy.

5 The balance of hardships is presumed to favor  
6 possession by petitioner unless the presumption is  
7 rebutted by a preponderance of the evidence, showing  
8 that the hardships to respondent substantially  
9 outweigh the hardships to petitioner and any minor  
10 child or dependent adult in petitioner's care. The  
11 court, on the request of petitioner or on its own  
12 motion, may order respondent to provide suitable,  
13 accessible, alternate housing for petitioner instead  
14 of excluding respondent from a mutual residence or  
15 household.

16 (3) Stay away order and additional prohibitions. Order  
17 respondent to stay away from petitioner or any other person  
18 protected by the order of protection, or prohibit  
19 respondent from entering or remaining present at  
20 petitioner's school, place of employment, or other  
21 specified places at times when petitioner is present, or  
22 both, if reasonable, given the balance of hardships.  
23 Hardships need not be balanced for the court to enter a  
24 stay away order or prohibit entry if respondent has no  
25 right to enter the premises.

26 If an order of protection grants petitioner exclusive

1 possession of the residence, or prohibits respondent from  
2 entering the residence, or orders respondent to stay away  
3 from petitioner or other protected persons, then the court  
4 may allow respondent access to the residence to remove  
5 items of clothing and personal adornment used exclusively  
6 by respondent, medications, and other items as the court  
7 directs. The right to access shall be exercised on only one  
8 occasion as the court directs and in the presence of an  
9 agreed-upon adult third party or law enforcement officer.

10 (4) Counseling. Require or recommend the respondent to  
11 undergo counseling for a specified duration with a social  
12 worker, psychologist, clinical psychologist, psychiatrist,  
13 family service agency, alcohol or substance abuse program,  
14 mental health center guidance counselor, agency providing  
15 services to elders, program designed for domestic violence  
16 abusers or any other guidance service the court deems  
17 appropriate. The court may order the respondent in any  
18 intimate partner relationship to report to an Illinois  
19 Department of Human Services protocol approved partner  
20 abuse intervention program for an assessment and to follow  
21 all recommended treatment.

22 (5) Physical care and possession of the minor child. In  
23 order to protect the minor child from abuse, neglect, or  
24 unwarranted separation from the person who has been the  
25 minor child's primary caretaker, or to otherwise protect  
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical  
2 care or possession of the minor child, or both, or (ii)  
3 order respondent to return a minor child to, or not remove  
4 a minor child from, the physical care of a parent or person  
5 in loco parentis.

6 If a court finds, after a hearing, that respondent has  
7 committed abuse (as defined in Section 103) of a minor  
8 child, there shall be a rebuttable presumption that  
9 awarding physical care to respondent would not be in the  
10 minor child's best interest.

11 (6) Temporary legal custody. Award temporary legal  
12 custody to petitioner in accordance with this Section, the  
13 Illinois Marriage and Dissolution of Marriage Act, the  
14 Illinois Parentage Act of 1984, and this State's Uniform  
15 Child-Custody Jurisdiction and Enforcement Act.

16 If a court finds, after a hearing, that respondent has  
17 committed abuse (as defined in Section 103) of a minor  
18 child, there shall be a rebuttable presumption that  
19 awarding temporary legal custody to respondent would not be  
20 in the child's best interest.

21 (7) Visitation. Determine the visitation rights, if  
22 any, of respondent in any case in which the court awards  
23 physical care or temporary legal custody of a minor child  
24 to petitioner. The court shall restrict or deny  
25 respondent's visitation with a minor child if the court  
26 finds that respondent has done or is likely to do any of

1 the following: (i) abuse or endanger the minor child during  
2 visitation; (ii) use the visitation as an opportunity to  
3 abuse or harass petitioner or petitioner's family or  
4 household members; (iii) improperly conceal or detain the  
5 minor child; or (iv) otherwise act in a manner that is not  
6 in the best interests of the minor child. The court shall  
7 not be limited by the standards set forth in Section 607.1  
8 of the Illinois Marriage and Dissolution of Marriage Act.  
9 If the court grants visitation, the order shall specify  
10 dates and times for the visitation to take place or other  
11 specific parameters or conditions that are appropriate. No  
12 order for visitation shall refer merely to the term  
13 "reasonable visitation".

14 Petitioner may deny respondent access to the minor  
15 child if, when respondent arrives for visitation,  
16 respondent is under the influence of drugs or alcohol and  
17 constitutes a threat to the safety and well-being of  
18 petitioner or petitioner's minor children or is behaving in  
19 a violent or abusive manner.

20 If necessary to protect any member of petitioner's  
21 family or household from future abuse, respondent shall be  
22 prohibited from coming to petitioner's residence to meet  
23 the minor child for visitation, and the parties shall  
24 submit to the court their recommendations for reasonable  
25 alternative arrangements for visitation. A person may be  
26 approved to supervise visitation only after filing an

1 affidavit accepting that responsibility and acknowledging  
2 accountability to the court.

3 (8) Removal or concealment of minor child. Prohibit  
4 respondent from removing a minor child from the State or  
5 concealing the child within the State.

6 (9) Order to appear. Order the respondent to appear in  
7 court, alone or with a minor child, to prevent abuse,  
8 neglect, removal or concealment of the child, to return the  
9 child to the custody or care of the petitioner or to permit  
10 any court-ordered interview or examination of the child or  
11 the respondent.

12 (10) Possession of personal property. Grant petitioner  
13 exclusive possession of personal property and, if  
14 respondent has possession or control, direct respondent to  
15 promptly make it available to petitioner, if:

16 (i) petitioner, but not respondent, owns the  
17 property; or

18 (ii) the parties own the property jointly; sharing  
19 it would risk abuse of petitioner by respondent or is  
20 impracticable; and the balance of hardships favors  
21 temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the property  
23 is that it is marital property, the court may award  
24 petitioner temporary possession thereof under the  
25 standards of subparagraph (ii) of this paragraph only if a  
26 proper proceeding has been filed under the Illinois

1 Marriage and Dissolution of Marriage Act, as now or  
2 hereafter amended.

3 No order under this provision shall affect title to  
4 property.

5 (11) Protection of property. Forbid the respondent  
6 from taking, transferring, encumbering, concealing,  
7 damaging or otherwise disposing of any real or personal  
8 property, except as explicitly authorized by the court, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly, and the  
12 balance of hardships favors granting this remedy.

13 If petitioner's sole claim to ownership of the property  
14 is that it is marital property, the court may grant  
15 petitioner relief under subparagraph (ii) of this  
16 paragraph only if a proper proceeding has been filed under  
17 the Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended.

19 The court may further prohibit respondent from  
20 improperly using the financial or other resources of an  
21 aged member of the family or household for the profit or  
22 advantage of respondent or of any other person.

23 (11.5) Protection of animals. Grant the petitioner the  
24 exclusive care, custody, or control of any animal owned,  
25 possessed, leased, kept, or held by either the petitioner  
26 or the respondent or a minor child residing in the



1 residence or household of either the petitioner or the  
2 respondent and order the respondent to stay away from the  
3 animal and forbid the respondent from taking,  
4 transferring, encumbering, concealing, harming, or  
5 otherwise disposing of the animal.

6 (12) Order for payment of support. Order respondent to  
7 pay temporary support for the petitioner or any child in  
8 the petitioner's care or custody, when the respondent has a  
9 legal obligation to support that person, in accordance with  
10 the Illinois Marriage and Dissolution of Marriage Act,  
11 which shall govern, among other matters, the amount of  
12 support, payment through the clerk and withholding of  
13 income to secure payment. An order for child support may be  
14 granted to a petitioner with lawful physical care or  
15 custody of a child, or an order or agreement for physical  
16 care or custody, prior to entry of an order for legal  
17 custody. Such a support order shall expire upon entry of a  
18 valid order granting legal custody to another, unless  
19 otherwise provided in the custody order.

20 (13) Order for payment of losses. Order respondent to  
21 pay petitioner for losses suffered as a direct result of  
22 the abuse, neglect, or exploitation. Such losses shall  
23 include, but not be limited to, medical expenses, lost  
24 earnings or other support, repair or replacement of  
25 property damaged or taken, reasonable attorney's fees,  
26 court costs and moving or other travel expenses, including

1 additional reasonable expenses for temporary shelter and  
2 restaurant meals.

3 (i) Losses affecting family needs. If a party is  
4 entitled to seek maintenance, child support or  
5 property distribution from the other party under the  
6 Illinois Marriage and Dissolution of Marriage Act, as  
7 now or hereafter amended, the court may order  
8 respondent to reimburse petitioner's actual losses, to  
9 the extent that such reimbursement would be  
10 "appropriate temporary relief", as authorized by  
11 subsection (a) (3) of Section 501 of that Act.

12 (ii) Recovery of expenses. In the case of an  
13 improper concealment or removal of a minor child, the  
14 court may order respondent to pay the reasonable  
15 expenses incurred or to be incurred in the search for  
16 and recovery of the minor child, including but not  
17 limited to legal fees, court costs, private  
18 investigator fees, and travel costs.

19 (14) Prohibition of entry. Prohibit the respondent  
20 from entering or remaining in the residence or household  
21 while the respondent is under the influence of alcohol or  
22 drugs and constitutes a threat to the safety and well-being  
23 of the petitioner or the petitioner's children.

24 (14.5) Prohibition of firearm possession.

25 (a) When a complaint is made under a request for an  
26 order of protection, that the respondent has

1           threatened or is likely to use firearms illegally  
2           against the petitioner, and the respondent is present  
3           in court, or has failed to appear after receiving  
4           actual notice, the court shall examine on oath the  
5           petitioner, and any witnesses who may be produced. If  
6           the court is satisfied that there is any danger of the  
7           illegal use of firearms, it shall issue an order that  
8           any firearms in the possession of the respondent,  
9           except as provided in subsection (b), be turned over to  
10          the local law enforcement agency for safekeeping. If  
11          the respondent has failed to appear, the court shall  
12          issue a warrant for seizure of any firearm in the  
13          possession of the respondent. The period of  
14          safekeeping shall be for a stated period of time not to  
15          exceed 2 years. The firearm or firearms shall be  
16          returned to the respondent at the end of the stated  
17          period or at expiration of the order of protection,  
18          whichever is sooner.

19               (b) If the respondent is a peace officer as defined  
20               in Section 2-13 of the Criminal Code of 1961, the court  
21               shall order that any firearms used by the respondent in  
22               the performance of his or her duties as a peace officer  
23               be surrendered to the chief law enforcement executive  
24               of the agency in which the respondent is employed, who  
25               shall retain the firearms for safekeeping for the  
26               stated period not to exceed 2 years as set forth in the

1 court order.

2 (15) Prohibition of access to records. If an order of  
3 protection prohibits respondent from having contact with  
4 the minor child, or if petitioner's address is omitted  
5 under subsection (b) of Section 203, or if necessary to  
6 prevent abuse or wrongful removal or concealment of a minor  
7 child, the order shall deny respondent access to, and  
8 prohibit respondent from inspecting, obtaining, or  
9 attempting to inspect or obtain, school or any other  
10 records of the minor child who is in the care of  
11 petitioner.

12 (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse of  
19 a family or household member or further abuse, neglect, or  
20 exploitation of a high-risk adult with disabilities or to  
21 effectuate one of the granted remedies, if supported by the  
22 balance of hardships. If the harm to be prevented by the  
23 injunction is abuse or any other harm that one of the  
24 remedies listed in paragraphs (1) through (16) of this  
25 subsection is designed to prevent, no further evidence is  
26 necessary that the harm is an irreparable injury.

1 (c) Relevant factors; findings.

2 (1) In determining whether to grant a specific remedy,  
3 other than payment of support, the court shall consider  
4 relevant factors, including but not limited to the  
5 following:

6 (i) the nature, frequency, severity, pattern and  
7 consequences of the respondent's past abuse, neglect  
8 or exploitation of the petitioner or any family or  
9 household member, including the concealment of his or  
10 her location in order to evade service of process or  
11 notice, and the likelihood of danger of future abuse,  
12 neglect, or exploitation to petitioner or any member of  
13 petitioner's or respondent's family or household; and

14 (ii) the danger that any minor child will be abused  
15 or neglected or improperly removed from the  
16 jurisdiction, improperly concealed within the State or  
17 improperly separated from the child's primary  
18 caretaker.

19 (2) In comparing relative hardships resulting to the  
20 parties from loss of possession of the family home, the  
21 court shall consider relevant factors, including but not  
22 limited to the following:

23 (i) availability, accessibility, cost, safety,  
24 adequacy, location and other characteristics of  
25 alternate housing for each party and any minor child or  
26 dependent adult in the party's care;

1 (ii) the effect on the party's employment; and

2 (iii) the effect on the relationship of the party,  
3 and any minor child or dependent adult in the party's  
4 care, to family, school, church and community.

5 (3) Subject to the exceptions set forth in paragraph  
6 (4) of this subsection, the court shall make its findings  
7 in an official record or in writing, and shall at a minimum  
8 set forth the following:

9 (i) That the court has considered the applicable  
10 relevant factors described in paragraphs (1) and (2) of  
11 this subsection.

12 (ii) Whether the conduct or actions of respondent,  
13 unless prohibited, will likely cause irreparable harm  
14 or continued abuse.

15 (iii) Whether it is necessary to grant the  
16 requested relief in order to protect petitioner or  
17 other alleged abused persons.

18 (4) For purposes of issuing an ex parte emergency order  
19 of protection, the court, as an alternative to or as a  
20 supplement to making the findings described in paragraphs  
21 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
22 the following procedure:

23 When a verified petition for an emergency order of  
24 protection in accordance with the requirements of Sections  
25 203 and 217 is presented to the court, the court shall  
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it  
2 appears from the contents of the petition and the  
3 examination of petitioner that the averments are  
4 sufficient to indicate abuse by respondent and to support  
5 the granting of relief under the issuance of the emergency  
6 order of protection.

7 (5) Never married parties. No rights or  
8 responsibilities for a minor child born outside of marriage  
9 attach to a putative father until a father and child  
10 relationship has been established under the Illinois  
11 Parentage Act of 1984, the Illinois Public Aid Code,  
12 Section 12 of the Vital Records Act, the Juvenile Court Act  
13 of 1987, the Probate Act of 1985, the Revised Uniform  
14 Reciprocal Enforcement of Support Act, the Uniform  
15 Interstate Family Support Act, the Expedited Child Support  
16 Act of 1990, any judicial, administrative, or other act of  
17 another state or territory, any other Illinois statute, or  
18 by any foreign nation establishing the father and child  
19 relationship, any other proceeding substantially in  
20 conformity with the Personal Responsibility and Work  
21 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
22 or where both parties appeared in open court or at an  
23 administrative hearing acknowledging under oath or  
24 admitting by affirmation the existence of a father and  
25 child relationship. Absent such an adjudication, finding,  
26 or acknowledgement, no putative father shall be granted

1 temporary custody of the minor child, visitation with the  
2 minor child, or physical care and possession of the minor  
3 child, nor shall an order of payment for support of the  
4 minor child be entered.

5 (d) Balance of hardships; findings. If the court finds that  
6 the balance of hardships does not support the granting of a  
7 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
8 subsection (b) of this Section, which may require such  
9 balancing, the court's findings shall so indicate and shall  
10 include a finding as to whether granting the remedy will result  
11 in hardship to respondent that would substantially outweigh the  
12 hardship to petitioner from denial of the remedy. The findings  
13 shall be an official record or in writing.

14 (e) Denial of remedies. Denial of any remedy shall not be  
15 based, in whole or in part, on evidence that:

16 (1) Respondent has cause for any use of force, unless  
17 that cause satisfies the standards for justifiable use of  
18 force provided by Article VII of the Criminal Code of 1961;

19 (2) Respondent was voluntarily intoxicated;

20 (3) Petitioner acted in self-defense or defense of  
21 another, provided that, if petitioner utilized force, such  
22 force was justifiable under Article VII of the Criminal  
23 Code of 1961;

24 (4) Petitioner did not act in self-defense or defense  
25 of another;

26 (5) Petitioner left the residence or household to avoid



1 further abuse, neglect, or exploitation by respondent;

2 (6) Petitioner did not leave the residence or household  
3 to avoid further abuse, neglect, or exploitation by  
4 respondent;

5 (7) Conduct by any family or household member excused  
6 the abuse, neglect, or exploitation by respondent, unless  
7 that same conduct would have excused such abuse, neglect,  
8 or exploitation if the parties had not been family or  
9 household members.

10 (Source: P.A. 95-234, eff. 1-1-08.)".