



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2511

Introduced 2/20/2009, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16D-2	from Ch. 38, par. 16D-2
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Criminal Code of 1961. Defines social networking website. Amends the Unified Code of Corrections. Requires as a condition of parole, mandatory supervised release, probation, conditional discharge, or supervision that a sex offender refrain from accessing or using a social networking website.

LRB096 05685 RLC 15751 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 16D-2 as follows:

6 (720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

7 Sec. 16D-2. Definitions. As used in this Article, unless  
8 the context otherwise indicates:

9 (a) "Computer" means a device that accepts, processes,  
10 stores, retrieves or outputs data, and includes but is not  
11 limited to auxiliary storage and telecommunications devices  
12 connected to computers.

13 (a-5) "Computer network" means a set of related, remotely  
14 connected devices and any communications facilities including  
15 more than one computer with the capability to transmit data  
16 among them through the communications facilities.

17 (b) "Computer program" or "program" means a series of coded  
18 instructions or statements in a form acceptable to a computer  
19 which causes the computer to process data and supply the  
20 results of the data processing.

21 (b-5) "Computer services" means computer time or services,  
22 including data processing services, Internet services,  
23 electronic mail services, electronic message services, or

1 information or data stored in connection therewith.

2 (c) "Data" means a representation of information,  
3 knowledge, facts, concepts or instructions, including program  
4 documentation, which is prepared in a formalized manner and is  
5 stored or processed in or transmitted by a computer. Data shall  
6 be considered property and may be in any form including but not  
7 limited to printouts, magnetic or optical storage media, punch  
8 cards or data stored internally in the memory of the computer.

9 (c-5) "Electronic mail service provider" means any person  
10 who (1) is an intermediary in sending or receiving electronic  
11 mail and (2) provides to end-users of electronic mail services  
12 the ability to send or receive electronic mail.

13 (d) In addition to its meaning as defined in Section 15-1  
14 of this Code, "property" means: (1) electronic impulses; (2)  
15 electronically produced data; (3) confidential, copyrighted or  
16 proprietary information; (4) private identification codes or  
17 numbers which permit access to a computer by authorized  
18 computer users or generate billings to consumers for purchase  
19 of goods and services, including but not limited to credit card  
20 transactions and telecommunications services or permit  
21 electronic fund transfers; (5) software or programs in either  
22 machine or human readable form; or (6) any other tangible or  
23 intangible item relating to a computer or any part thereof.

24 (e) "Access" means to use, instruct, communicate with,  
25 store data in, retrieve or intercept data from, or otherwise  
26 utilize any services of a computer.

1 (f) "Services" includes but is not limited to computer  
2 time, data manipulation or storage functions.

3 (g) "Vital services or operations" means those services or  
4 operations required to provide, operate, maintain, and repair  
5 network cabling, transmission, distribution, or computer  
6 facilities necessary to ensure or protect the public health,  
7 safety, or welfare. Public health, safety, or welfare include,  
8 but are not limited to, services provided by medical personnel  
9 or institutions, fire departments, emergency services  
10 agencies, national defense contractors, armed forces or  
11 militia personnel, private and public utility companies, or law  
12 enforcement agencies.

13 (h) "Social networking website" means an Internet website  
14 containing profile web pages of the members of the website that  
15 include the names or nicknames of such members, photographs  
16 placed on the profile web pages by such members, or any other  
17 personal or personally identifying information about such  
18 members and links to other profile web pages on social  
19 networking websites of friends or associates of such members  
20 that can be accessed by other members or visitors to the  
21 website. A social networking website provides members of or  
22 visitors to such website the ability to leave messages or  
23 comments on the profile web page that are visible to all or  
24 some visitors to the profile web page and may also include a  
25 form of electronic mail for members of the social networking  
26 website.

1 (Source: P.A. 91-233, eff. 1-1-00.)

2 Section 10. The Unified Code of Corrections is amended by  
3 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

4 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

5 (Text of Section after amendment by P.A. 95-983)

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

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

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

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

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

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

22 (5) attend or reside in a facility established for the  
23 instruction or residence of persons on parole or mandatory  
24 supervised release;

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

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

8           (7.5) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, the individual shall  
10 undergo and successfully complete sex offender treatment  
11 conducted in conformance with the standards developed by  
12 the Sex Offender Management Board Act by a treatment  
13 provider approved by the Board;

14           (7.6) if convicted of a sex offense as defined in the  
15 Sex Offender Management Board Act, refrain from residing at  
16 the same address or in the same condominium unit or  
17 apartment unit or in the same condominium complex or  
18 apartment complex with another person he or she knows or  
19 reasonably should know is a convicted sex offender or has  
20 been placed on supervision for a sex offense; the  
21 provisions of this paragraph do not apply to a person  
22 convicted of a sex offense who is placed in a Department of  
23 Corrections licensed transitional housing facility for sex  
24 offenders, or is in any facility operated or licensed by  
25 the Department of Children and Family Services or by the  
26 Department of Human Services, or is in any licensed medical

1 facility;

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

10 (7.8) if convicted for an offense committed on or after  
11 the effective date of this amendatory Act of the 95th  
12 General Assembly that would qualify the accused as a child  
13 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
14 Criminal Code of 1961, refrain from communicating with or  
15 contacting, by means of the Internet, a person who is not  
16 related to the accused and whom the accused reasonably  
17 believes to be under 18 years of age; for purposes of this  
18 paragraph (7.8), "Internet" has the meaning ascribed to it  
19 in Section 16J-5 of the Criminal Code of 1961; and a person  
20 is not related to the accused if the person is not: (i) the  
21 spouse, brother, or sister of the accused; (ii) a  
22 descendant of the accused; (iii) a first or second cousin  
23 of the accused; or (iv) a step-child or adopted child of  
24 the accused;

25 (7.9) if convicted under Section 11-6, 11-20.1,  
26 11-20.3, or 11-21 of the Criminal Code of 1961, consent to

1 search of computers, PDAs, cellular phones, and other  
2 devices under his or her control that are capable of  
3 accessing the Internet or storing electronic files, in  
4 order to confirm Internet protocol addresses reported in  
5 accordance with the Sex Offender Registration Act and  
6 compliance with conditions in this Act;

7 (7.10) if convicted for an offense that would qualify  
8 the accused as a sex offender or sexual predator under the  
9 Sex Offender Registration Act on or after the effective  
10 date of this amendatory Act of the 95th General Assembly,  
11 not possess prescription drugs for erectile dysfunction;

12 (7.11) if convicted for an offense under Section 11-6,  
13 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
14 Code of 1961, or any attempt to commit any of these  
15 offenses, committed on or after June 1, 2009 (the effective  
16 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
17 ~~General Assembly:~~

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations  
22 of the offender's computer or any other device with  
23 Internet capability by the offender's supervising  
24 agent, a law enforcement officer, or assigned computer  
25 or information technology specialist, including the  
26 retrieval and copying of all data from the computer or



1 device and any internal or external peripherals and  
2 removal of such information, equipment, or device to  
3 conduct a more thorough inspection;

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

8 (iv) submit to any other appropriate restrictions  
9 concerning the offender's use of or access to a  
10 computer or any other device with Internet capability  
11 imposed by the Board, the Department or the offender's  
12 supervising agent;

13 (7.12) if convicted of a sex offense as defined in the  
14 Sex Offender Registration Act committed on or after the  
15 effective date of this amendatory Act of the 96th General  
16 Assembly, refrain from accessing or using a social  
17 networking website as defined in Section 16D-2 of the  
18 Criminal Code of 1961;

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

21 (9) obtain permission of an agent of the Department of  
22 Corrections before changing his or her residence or  
23 employment;

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

26 (11) refrain from the use or possession of narcotics or

1 other controlled substances in any form, or both, or any  
2 paraphernalia related to those substances and submit to a  
3 urinalysis test as instructed by a parole agent of the  
4 Department of Corrections;

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

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

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

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

26 (16) if convicted of a sex offense as defined in

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

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

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

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

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

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

22 (4) support his dependents;

23 (5) (blank);

24 (6) (blank);

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

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

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

18 (7.6) if convicted for an offense committed on or after  
19 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
20 ~~amendatory Act of the 95th General Assembly~~ that would  
21 qualify as a sex offense as defined in the Sex Offender  
22 Registration Act:

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

26 (ii) submit to periodic unannounced examinations

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

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

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

18 (8) in addition, if a minor:

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

20 (ii) attend school;

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

22 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 incidental contact with minor children to the Department;

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

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

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

13 (16) take an annual polygraph exam;

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

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

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

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



1 mandatory supervised release.

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

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

17 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
18 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
19 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
20 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

22 (Text of Section after amendment by P.A. 95-983)

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

25 (a) The conditions of probation and of conditional

1 discharge shall be that the person:

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

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

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

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

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

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

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

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

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

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

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

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

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

16          (8.7) if convicted for an offense committed on or after  
17          June 1, 2008 (the effective date of Public Act 95-464) ~~this~~  
18          ~~amendatory Act of the 95th General Assembly~~ that would  
19          qualify the accused as a child sex offender as defined in  
20          Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
21          refrain from communicating with or contacting, by means of  
22          the Internet, a person who is not related to the accused  
23          and whom the accused reasonably believes to be under 18  
24          years of age; for purposes of this paragraph (8.7),  
25          "Internet" has the meaning ascribed to it in Section 16J-5  
26          of the Criminal Code of 1961; and a person is not related

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

5 (8.8) if convicted for an offense under Section 11-6,  
6 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
7 Code of 1961, or any attempt to commit any of these  
8 offenses, committed on or after June 1, 2009 (the effective  
9 date of Public Act 95-983) ~~this amendatory Act of the 95th~~  
10 ~~General Assembly:~~

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

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

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

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

9 (8.9) if convicted of a sex offense as defined in the  
10 Sex Offender Registration Act committed on or after the  
11 effective date of this amendatory Act of the 96th General  
12 Assembly, refrain from accessing or using a social  
13 networking website as defined in Section 16D-2 of the  
14 Criminal Code of 1961;

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

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

1 a department store Santa Claus, or wearing an Easter Bunny  
2 costume on or preceding Easter.

3 (b) The Court may in addition to other reasonable  
4 conditions relating to the nature of the offense or the  
5 rehabilitation of the defendant as determined for each  
6 defendant in the proper discretion of the Court require that  
7 the person:

8 (1) serve a term of periodic imprisonment under Article  
9 7 for a period not to exceed that specified in paragraph  
10 (d) of Section 5-7-1;

11 (2) pay a fine and costs;

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

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

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

18 (6) support his dependents;

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

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

21 (ii) attend school;

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

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

25 (v) with the consent of the superintendent of the  
26 facility, attend an educational program at a facility



1 other than the school in which the offense was  
2 committed if he or she is convicted of a crime of  
3 violence as defined in Section 2 of the Crime Victims  
4 Compensation Act committed in a school, on the real  
5 property comprising a school, or within 1,000 feet of  
6 the real property comprising a school;

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

9 (9) perform some reasonable public or community  
10 service;

11 (10) serve a term of home confinement. In addition to  
12 any other applicable condition of probation or conditional  
13 discharge, the conditions of home confinement shall be that  
14 the offender:

15 (i) remain within the interior premises of the  
16 place designated for his confinement during the hours  
17 designated by the court;

18 (ii) admit any person or agent designated by the  
19 court into the offender's place of confinement at any  
20 time for purposes of verifying the offender's  
21 compliance with the conditions of his confinement; and

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

26 (iv) for persons convicted of any alcohol,

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

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

1 Section. The fee shall be collected by the clerk of the  
2 circuit court. The clerk of the circuit court shall pay  
3 all monies collected from this fee to the county  
4 treasurer who shall use the monies collected to defray  
5 the costs of corrections. The county treasurer shall  
6 deposit the fee collected in the county working cash  
7 fund under Section 6-27001 or Section 6-29002 of the  
8 Counties Code, as the case may be.

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

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

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

1 the jurisdiction of the Department of Natural Resources, to  
2 the fund established by the Department of Natural Resources  
3 for the purchase of evidence for investigation purposes and  
4 to conduct investigations as outlined in Section 805-105 of  
5 the Department of Natural Resources (Conservation) Law;

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

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

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

25 (17) if convicted for an offense committed on or after  
26 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~

1 ~~amendatory Act of the 95th General Assembly~~ that would  
2 qualify the accused as a child sex offender as defined in  
3 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,  
4 refrain from communicating with or contacting, by means of  
5 the Internet, a person who is related to the accused and  
6 whom the accused reasonably believes to be under 18 years  
7 of age; for purposes of this paragraph (17), "Internet" has  
8 the meaning ascribed to it in Section 16J-5 of the Criminal  
9 Code of 1961; and a person is related to the accused if the  
10 person is: (i) the spouse, brother, or sister of the  
11 accused; (ii) a descendant of the accused; (iii) a first or  
12 second cousin of the accused; or (iv) a step-child or  
13 adopted child of the accused; and

14 (18) if convicted for an offense committed on or after  
15 June 1, 2009 (the effective date of Public Act 95-983) ~~this~~  
16 ~~amendatory Act of the 95th General Assembly~~ that would  
17 qualify as a sex offense as defined in the Sex Offender  
18 Registration Act:

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

25 (ii) submit to periodic unannounced examinations  
26 of the offender's computer or any other device with

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

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

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

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

1           (d) An offender sentenced to probation or to conditional  
2 discharge shall be given a certificate setting forth the  
3 conditions thereof.

4           (e) Except where the offender has committed a fourth or  
5 subsequent violation of subsection (c) of Section 6-303 of the  
6 Illinois Vehicle Code, the court shall not require as a  
7 condition of the sentence of probation or conditional discharge  
8 that the offender be committed to a period of imprisonment in  
9 excess of 6 months. This 6 month limit shall not include  
10 periods of confinement given pursuant to a sentence of county  
11 impact incarceration under Section 5-8-1.2.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

8 (1) The court may order an offender who is sentenced to  
9 probation or conditional discharge for a violation of an order  
10 of protection be placed under electronic surveillance as  
11 provided in Section 5-8A-7 of this Code.

12 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
13 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
14 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.  
15 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised  
16 10-20-08.)

17 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

18 (Text of Section after amendment by P.A. 95-983)

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

20 (a) When a defendant is placed on supervision, the court  
21 shall enter an order for supervision specifying the period of  
22 such supervision, and shall defer further proceedings in the  
23 case until the conclusion of the period.

24 (b) The period of supervision shall be reasonable under all  
25 of the circumstances of the case, but may not be longer than 2

1 years, unless the defendant has failed to pay the assessment  
2 required by Section 10.3 of the Cannabis Control Act, Section  
3 411.2 of the Illinois Controlled Substances Act, or Section 80  
4 of the Methamphetamine Control and Community Protection Act, in  
5 which case the court may extend supervision beyond 2 years.  
6 Additionally, the court shall order the defendant to perform no  
7 less than 30 hours of community service and not more than 120  
8 hours of community service, if community service is available  
9 in the jurisdiction and is funded and approved by the county  
10 board where the offense was committed, when the offense (1) was  
11 related to or in furtherance of the criminal activities of an  
12 organized gang or was motivated by the defendant's membership  
13 in or allegiance to an organized gang; or (2) is a violation of  
14 any Section of Article 24 of the Criminal Code of 1961 where a  
15 disposition of supervision is not prohibited by Section 5-6-1  
16 of this Code. The community service shall include, but not be  
17 limited to, the cleanup and repair of any damage caused by  
18 violation of Section 21-1.3 of the Criminal Code of 1961 and  
19 similar damages to property located within the municipality or  
20 county in which the violation occurred. Where possible and  
21 reasonable, the community service should be performed in the  
22 offender's neighborhood.

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

26 (c) The court may in addition to other reasonable

1 conditions relating to the nature of the offense or the  
2 rehabilitation of the defendant as determined for each  
3 defendant in the proper discretion of the court require that  
4 the person:

5 (1) make a report to and appear in person before or  
6 participate with the court or such courts, person, or  
7 social service agency as directed by the court in the order  
8 of supervision;

9 (2) pay a fine and costs;

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

12 (4) undergo medical, psychological or psychiatric  
13 treatment; or treatment for drug addiction or alcoholism;

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

16 (6) support his dependents;

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

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

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

21 (ii) attend school;

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

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

25 (v) with the consent of the superintendent of the  
26 facility, attend an educational program at a facility

1 other than the school in which the offense was  
2 committed if he or she is placed on supervision for a  
3 crime of violence as defined in Section 2 of the Crime  
4 Victims Compensation Act committed in a school, on the  
5 real property comprising a school, or within 1,000 feet  
6 of the real property comprising a school;

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

12 (10) perform some reasonable public or community  
13 service;

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

23 (12) reimburse any "local anti-crime program" as  
24 defined in Section 7 of the Anti-Crime Advisory Council Act  
25 for any reasonable expenses incurred by the program on the  
26 offender's case, not to exceed the maximum amount of the

1 fine authorized for the offense for which the defendant was  
2 sentenced;

3 (13) contribute a reasonable sum of money, not to  
4 exceed the maximum amount of the fine authorized for the  
5 offense for which the defendant was sentenced, (i) to a  
6 "local anti-crime program", as defined in Section 7 of the  
7 Anti-Crime Advisory Council Act, or (ii) for offenses under  
8 the jurisdiction of the Department of Natural Resources, to  
9 the fund established by the Department of Natural Resources  
10 for the purchase of evidence for investigation purposes and  
11 to conduct investigations as outlined in Section 805-105 of  
12 the Department of Natural Resources (Conservation) Law;

13 (14) refrain from entering into a designated  
14 geographic area except upon such terms as the court finds  
15 appropriate. Such terms may include consideration of the  
16 purpose of the entry, the time of day, other persons  
17 accompanying the defendant, and advance approval by a  
18 probation officer;

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

23 (16) refrain from having in his or her body the  
24 presence of any illicit drug prohibited by the Cannabis  
25 Control Act, the Illinois Controlled Substances Act, or the  
26 Methamphetamine Control and Community Protection Act,

1 unless prescribed by a physician, and submit samples of his  
2 or her blood or urine or both for tests to determine the  
3 presence of any illicit drug;

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

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

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

25 (e) At the conclusion of the period of supervision, if the  
26 court determines that the defendant has successfully complied



1 with all of the conditions of supervision, the court shall  
2 discharge the defendant and enter a judgment dismissing the  
3 charges.

4 (f) Discharge and dismissal upon a successful conclusion of  
5 a disposition of supervision shall be deemed without  
6 adjudication of guilt and shall not be termed a conviction for  
7 purposes of disqualification or disabilities imposed by law  
8 upon conviction of a crime. Two years after the discharge and  
9 dismissal under this Section, unless the disposition of  
10 supervision was for a violation of Sections 3-707, 3-708,  
11 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
12 similar provision of a local ordinance, or for a violation of  
13 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
14 case it shall be 5 years after discharge and dismissal, a  
15 person may have his record of arrest sealed or expunged as may  
16 be provided by law. However, any defendant placed on  
17 supervision before January 1, 1980, may move for sealing or  
18 expungement of his arrest record, as provided by law, at any  
19 time after discharge and dismissal under this Section. A person  
20 placed on supervision for a sexual offense committed against a  
21 minor as defined in subsection (g) of Section 5 of the Criminal  
22 Identification Act or for a violation of Section 11-501 of the  
23 Illinois Vehicle Code or a similar provision of a local  
24 ordinance shall not have his or her record of arrest sealed or  
25 expunged.

26 (g) A defendant placed on supervision and who during the

1 period of supervision undergoes mandatory drug or alcohol  
2 testing, or both, or is assigned to be placed on an approved  
3 electronic monitoring device, shall be ordered to pay the costs  
4 incidental to such mandatory drug or alcohol testing, or both,  
5 and costs incidental to such approved electronic monitoring in  
6 accordance with the defendant's ability to pay those costs. The  
7 county board with the concurrence of the Chief Judge of the  
8 judicial circuit in which the county is located shall establish  
9 reasonable fees for the cost of maintenance, testing, and  
10 incidental expenses related to the mandatory drug or alcohol  
11 testing, or both, and all costs incidental to approved  
12 electronic monitoring, of all defendants placed on  
13 supervision. The concurrence of the Chief Judge shall be in the  
14 form of an administrative order. The fees shall be collected by  
15 the clerk of the circuit court. The clerk of the circuit court  
16 shall pay all moneys collected from these fees to the county  
17 treasurer who shall use the moneys collected to defray the  
18 costs of drug testing, alcohol testing, and electronic  
19 monitoring. The county treasurer shall deposit the fees  
20 collected in the county working cash fund under Section 6-27001  
21 or Section 6-29002 of the Counties Code, as the case may be.

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

24 (i) The court shall impose upon a defendant placed on  
25 supervision after January 1, 1992 or to community service under  
26 the supervision of a probation or court services department

1 after January 1, 2004, as a condition of supervision or  
2 supervised community service, a fee of \$50 for each month of  
3 supervision or supervised community service ordered by the  
4 court, unless after determining the inability of the person  
5 placed on supervision or supervised community service to pay  
6 the fee, the court assesses a lesser fee. The court may not  
7 impose the fee on a minor who is made a ward of the State under  
8 the Juvenile Court Act of 1987 while the minor is in placement.  
9 The fee shall be imposed only upon a defendant who is actively  
10 supervised by the probation and court services department. The  
11 fee shall be collected by the clerk of the circuit court. The  
12 clerk of the circuit court shall pay all monies collected from  
13 this fee to the county treasurer for deposit in the probation  
14 and court services fund pursuant to Section 15.1 of the  
15 Probation and Probation Officers Act.

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

1 provide services to crime victims and their families.

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

9 (k) A defendant at least 17 years of age who is placed on  
10 supervision for a misdemeanor in a county of 3,000,000 or more  
11 inhabitants and who has not been previously convicted of a  
12 misdemeanor or felony may as a condition of his or her  
13 supervision be required by the court to attend educational  
14 courses designed to prepare the defendant for a high school  
15 diploma and to work toward a high school diploma or to work  
16 toward passing the high school level Test of General  
17 Educational Development (GED) or to work toward completing a  
18 vocational training program approved by the court. The  
19 defendant placed on supervision must attend a public  
20 institution of education to obtain the educational or  
21 vocational training required by this subsection (k). The  
22 defendant placed on supervision shall be required to pay for  
23 the cost of the educational courses or GED test, if a fee is  
24 charged for those courses or test. The court shall revoke the  
25 supervision of a person who wilfully fails to comply with this  
26 subsection (k). The court shall resentence the defendant upon

1 revocation of supervision as provided in Section 5-6-4. This  
2 subsection (k) does not apply to a defendant who has a high  
3 school diploma or has successfully passed the GED test. This  
4 subsection (k) does not apply to a defendant who is determined  
5 by the court to be developmentally disabled or otherwise  
6 mentally incapable of completing the educational or vocational  
7 program.

8 (l) The court shall require a defendant placed on  
9 supervision for possession of a substance prohibited by the  
10 Cannabis Control Act, the Illinois Controlled Substances Act,  
11 or the Methamphetamine Control and Community Protection Act  
12 after a previous conviction or disposition of supervision for  
13 possession of a substance prohibited by the Cannabis Control  
14 Act, the Illinois Controlled Substances Act, or the  
15 Methamphetamine Control and Community Protection Act or a  
16 sentence of probation under Section 10 of the Cannabis Control  
17 Act or Section 410 of the Illinois Controlled Substances Act  
18 and after a finding by the court that the person is addicted,  
19 to undergo treatment at a substance abuse program approved by  
20 the court.

21 (m) The Secretary of State shall require anyone placed on  
22 court supervision for a violation of Section 3-707 of the  
23 Illinois Vehicle Code or a similar provision of a local  
24 ordinance to give proof of his or her financial responsibility  
25 as defined in Section 7-315 of the Illinois Vehicle Code. The  
26 proof shall be maintained by the individual in a manner

1 satisfactory to the Secretary of State for a minimum period of  
2 3 years after the date the proof is first filed. The proof  
3 shall be limited to a single action per arrest and may not be  
4 affected by any post-sentence disposition. The Secretary of  
5 State shall suspend the driver's license of any person  
6 determined by the Secretary to be in violation of this  
7 subsection.

8 (n) Any offender placed on supervision for any offense that  
9 the court or probation department has determined to be sexually  
10 motivated as defined in the Sex Offender Management Board Act  
11 shall be required to refrain from any contact, directly or  
12 indirectly, with any persons specified by the court and shall  
13 be available for all evaluations and treatment programs  
14 required by the court or the probation department.

15 (o) An offender placed on supervision for a sex offense as  
16 defined in the Sex Offender Management Board Act shall refrain  
17 from residing at the same address or in the same condominium  
18 unit or apartment unit or in the same condominium complex or  
19 apartment complex with another person he or she knows or  
20 reasonably should know is a convicted sex offender or has been  
21 placed on supervision for a sex offense. The provisions of this  
22 subsection (o) do not apply to a person convicted of a sex  
23 offense who is placed in a Department of Corrections licensed  
24 transitional housing facility for sex offenders.

25 (p) An offender placed on supervision for an offense  
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child  
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
3 Criminal Code of 1961 shall refrain from communicating with or  
4 contacting, by means of the Internet, a person who is not  
5 related to the accused and whom the accused reasonably believes  
6 to be under 18 years of age. For purposes of this subsection  
7 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
8 of the Criminal Code of 1961; and a person is not related to  
9 the accused if the person is not: (i) the spouse, brother, or  
10 sister of the accused; (ii) a descendant of the accused; (iii)  
11 a first or second cousin of the accused; or (iv) a step-child  
12 or adopted child of the accused.

13 (q) An offender placed on supervision for an offense  
14 committed on or after June 1, 2008 (the effective date of  
15 Public Act 95-464) that would qualify the accused as a child  
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
17 Criminal Code of 1961 shall, if so ordered by the court,  
18 refrain from communicating with or contacting, by means of the  
19 Internet, a person who is related to the accused and whom the  
20 accused reasonably believes to be under 18 years of age. For  
21 purposes of this subsection (q), "Internet" has the meaning  
22 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
23 and a person is related to the accused if the person is: (i)  
24 the spouse, brother, or sister of the accused; (ii) a  
25 descendant of the accused; (iii) a first or second cousin of  
26 the accused; or (iv) a step-child or adopted child of the

1 accused.

2 (r) An offender placed on supervision for an offense under  
3 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
4 the Criminal Code of 1961, or any attempt to commit any of  
5 these offenses, committed on or after the effective date of  
6 this amendatory Act of the 95th General Assembly shall:

7 (i) not access or use a computer or any other device  
8 with Internet capability without the prior written  
9 approval of the court, except in connection with the  
10 offender's employment or search for employment with the  
11 prior approval of the court;

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

20 (iii) submit to the installation on the offender's  
21 computer or device with Internet capability, at the  
22 offender's expense, of one or more hardware or software  
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions  
25 concerning the offender's use of or access to a computer or  
26 any other device with Internet capability imposed by the



1 court.

2 (s) An offender placed on supervision for a sex offense as  
3 defined in the Sex Offender Registration Act committed on or  
4 after the effective date of this amendatory Act of the 96th  
5 General Assembly shall refrain from accessing or using a social  
6 networking website as defined in Section 16D-2 of the Criminal  
7 Code of 1961.

8 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
9 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
10 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.  
11 8-21-08; 95-983, eff. 6-1-09.)