

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 3-14-1, and 5-6-3 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term and if convicted for an offense of
12 criminal sexual assault, aggravated criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 or ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) when the
17 victim was under 18 years of age at the time of the
18 commission of the offense and the defendant used force or
19 the threat of force in the commission of the offense wear
20 an approved electronic monitoring device as defined in
21 Section 5-8A-2 that has Global Positioning System (GPS)
22 capability for the duration of the person's parole,
23 mandatory supervised release term, or extended mandatory
24 supervised release term;

25 (7.8) if convicted for an offense committed on or after
26 the effective date of this amendatory Act of the 95th

1 General Assembly 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, 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
6 believes to be under 18 years of age; for purposes of this
7 paragraph (7.8), "Internet" has the meaning ascribed to it
8 in Section 16J-5 of the Criminal Code of 1961; and a person
9 is not related to the accused if the person is not: (i) the
10 spouse, brother, or sister of the accused; (ii) a
11 descendant of the accused; (iii) a first or second cousin
12 of the accused; or (iv) a step-child or adopted child of
13 the accused;

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

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

1 (7.11) if convicted for an offense under Section 11-6,
2 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
3 Code of 1961, or any attempt to commit any of these
4 offenses, committed on or after June 1, 2009 (the effective
5 date of Public Act 95-983):

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

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

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

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

1 (7.12) if convicted of a sex offense as defined in the
2 Sex Offender Registration Act committed on or after January
3 1, 2010 (the effective date of Public Act 96-262), refrain
4 from accessing or using a social networking website as
5 defined in Section 16D-2 of the Criminal Code of 1961;

6 (7.13) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed on
8 or after January 1, 2010 (the effective date of Public Act
9 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any computer
11 scrub software on any computer that the sex offender uses;

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

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

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

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

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

26 (13) not knowingly associate with other persons on

1 parole or mandatory supervised release without prior
2 written permission of his or her parole agent and not
3 associate with persons who are members of an organized gang
4 as that term is defined in the Illinois Streetgang
5 Terrorism Omnibus Prevention Act;

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

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

19 (16) 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; ~~and~~

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

7 (18) if convicted of a violation of the Methamphetamine
8 Control and Community Protection Act, the Methamphetamine
9 Precursor Control Act, or a methamphetamine related
10 offense, be:

11 (A) prohibited from purchasing, possessing, or
12 having under his or her control any product containing
13 pseudoephedrine; and

14 (B) prohibited from purchasing, possessing, or
15 having under his or her control any product containing
16 ammonium nitrate.

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

19 (1) work or pursue a course of study or vocational
20 training;

21 (2) undergo medical or psychiatric treatment, or
22 treatment for drug addiction or alcoholism;

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

25 (4) support his dependents;

26 (5) (blank);

1 (6) (blank);

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

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

21 (7.6) if convicted for an offense committed on or after
22 June 1, 2009 (the effective date of Public Act 95-983) that
23 would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the Department;

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

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

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

20 (8) in addition, if a minor:

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

22 (ii) attend school;

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

24 or

25 (iv) contribute to his own support at home or in a
26 foster home.

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

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

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

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

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

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

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

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

1 and others accompanying the person;

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

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

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

21 (11) not patronize any business providing sexually
22 stimulating or sexually oriented entertainment nor utilize
23 "900" or adult telephone numbers;

24 (12) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of an agent of the
2 Department of Corrections and immediately report any
3 incidental contact with minor children to the Department;

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

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

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

15 (16) take an annual polygraph exam;

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

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

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

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

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

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

19 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
20 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
22 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
23 96-1000, eff. 7-2-10.)

24 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

25 Sec. 3-14-1. Release from the Institution.

1 (a) Upon release of a person on parole, mandatory release,
2 final discharge or pardon the Department shall return all
3 property held for him, provide him with suitable clothing and
4 procure necessary transportation for him to his designated
5 place of residence and employment. It may provide such person
6 with a grant of money for travel and expenses which may be paid
7 in installments. The amount of the money grant shall be
8 determined by the Department.

9 The Department of Corrections may establish and maintain,
10 in any institution it administers, revolving funds to be known
11 as "Travel and Allowances Revolving Funds". These revolving
12 funds shall be used for advancing travel and expense allowances
13 to committed, paroled, and discharged prisoners. The moneys
14 paid into such revolving funds shall be from appropriations to
15 the Department for Committed, Paroled, and Discharged
16 Prisoners.

17 (b) (Blank).

18 (c) Except as otherwise provided in this Code, the
19 Department shall establish procedures to provide written
20 notification of any release of any person who has been
21 convicted of a felony to the State's Attorney and sheriff of
22 the county from which the offender was committed, and the
23 State's Attorney and sheriff of the county into which the
24 offender is to be paroled or released. Except as otherwise
25 provided in this Code, the Department shall establish
26 procedures to provide written notification to the proper law

1 enforcement agency for any municipality of any release of any
2 person who has been convicted of a felony if the arrest of the
3 offender or the commission of the offense took place in the
4 municipality, if the offender is to be paroled or released into
5 the municipality, or if the offender resided in the
6 municipality at the time of the commission of the offense. If a
7 person convicted of a felony who is in the custody of the
8 Department of Corrections or on parole or mandatory supervised
9 release informs the Department that he or she has resided,
10 resides, or will reside at an address that is a housing
11 facility owned, managed, operated, or leased by a public
12 housing agency, the Department must send written notification
13 of that information to the public housing agency that owns,
14 manages, operates, or leases the housing facility. The written
15 notification shall, when possible, be given at least 14 days
16 before release of the person from custody, or as soon
17 thereafter as possible.

18 (c-1) (Blank).

19 (c-2) The Department shall establish procedures to provide
20 notice to the Department of State Police of the release or
21 discharge of persons convicted of violations of the
22 Methamphetamine Control and Community Protection Act or a
23 violation of the Methamphetamine Precursor Control Act. The
24 Department of State Police shall make this information
25 available to local, State, or federal law enforcement agencies
26 upon request.

1 (c-5) If a person on parole or mandatory supervised release
2 becomes a resident of a facility licensed or regulated by the
3 Department of Public Health, the Illinois Department of Public
4 Aid, or the Illinois Department of Human Services, the
5 Department of Corrections shall provide copies of the following
6 information to the appropriate licensing or regulating
7 Department and the licensed or regulated facility where the
8 person becomes a resident:

9 (1) The mittimus and any pre-sentence investigation
10 reports.

11 (2) The social evaluation prepared pursuant to Section
12 3-8-2.

13 (3) Any pre-release evaluation conducted pursuant to
14 subsection (j) of Section 3-6-2.

15 (4) Reports of disciplinary infractions and
16 dispositions.

17 (5) Any parole plan, including orders issued by the
18 Prisoner Review Board, and any violation reports and
19 dispositions.

20 (6) The name and contact information for the assigned
21 parole agent and parole supervisor.

22 This information shall be provided within 3 days of the
23 person becoming a resident of the facility.

24 (c-10) If a person on parole or mandatory supervised
25 release becomes a resident of a facility licensed or regulated
26 by the Department of Public Health, the Illinois Department of

1 Public Aid, or the Illinois Department of Human Services, the
2 Department of Corrections shall provide written notification
3 of such residence to the following:

4 (1) The Prisoner Review Board.

5 (2) The chief of police and sheriff in the municipality
6 and county in which the licensed facility is located.

7 The notification shall be provided within 3 days of the
8 person becoming a resident of the facility.

9 (d) Upon the release of a committed person on parole,
10 mandatory supervised release, final discharge or pardon, the
11 Department shall provide such person with information
12 concerning programs and services of the Illinois Department of
13 Public Health to ascertain whether such person has been exposed
14 to the human immunodeficiency virus (HIV) or any identified
15 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

16 (e) Upon the release of a committed person on parole,
17 mandatory supervised release, final discharge, or pardon, the
18 Department shall provide the person who has met the criteria
19 established by the Department with an identification card
20 identifying the person as being on parole, mandatory supervised
21 release, final discharge, or pardon, as the case may be. The
22 Department, in consultation with the Office of the Secretary of
23 State, shall prescribe the form of the identification card,
24 which may be similar to the form of the standard Illinois
25 Identification Card. The Department shall inform the committed
26 person that he or she may present the identification card to

1 the Office of the Secretary of State upon application for a
2 standard Illinois Identification Card in accordance with the
3 Illinois Identification Card Act. The Department shall require
4 the committed person to pay a \$1 fee for the identification
5 card.

6 For purposes of a committed person receiving an
7 identification card issued by the Department under this
8 subsection, the Department shall establish criteria that the
9 committed person must meet before the card is issued. It is the
10 sole responsibility of the committed person requesting the
11 identification card issued by the Department to meet the
12 established criteria. The person's failure to meet the criteria
13 is sufficient reason to deny the committed person the
14 identification card. An identification card issued by the
15 Department under this subsection shall be valid for a period of
16 time not to exceed 30 calendar days from the date the card is
17 issued. The Department shall not be held civilly or criminally
18 liable to anyone because of any act of any person utilizing a
19 card issued by the Department under this subsection.

20 The Department shall adopt rules governing the issuance of
21 identification cards to committed persons being released on
22 parole, mandatory supervised release, final discharge, or
23 pardon.

24 (Source: P.A. 94-163, eff. 7-11-05.)

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

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

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

5 (1) not violate any criminal statute of any
6 jurisdiction;

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

9 (3) refrain from possessing a firearm or other
10 dangerous weapon where the offense is a felony or, if a
11 misdemeanor, the offense involved the intentional or
12 knowing infliction of bodily harm or threat of bodily harm;

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 June 1, 2008 (the effective date of Public Act 95-464) that
23 would qualify the accused as a child sex offender as
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
25 1961, refrain from communicating with or contacting, by
26 means of the Internet, a person who is not related to the

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

10 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
12 Code of 1961, or any attempt to commit any of these
13 offenses, committed on or after June 1, 2009 (the effective
14 date of Public Act 95-983):

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

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 probation
24 officer, a law enforcement officer, or assigned
25 computer or information technology specialist,
26 including the retrieval and copying of all data from

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

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

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the offender's probation officer;

13 (8.9) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after January
15 1, 2010 (the effective date of Public Act 96-262), refrain
16 from accessing or using a social networking website as
17 defined in Section 16D-2 of the Criminal Code of 1961;

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

22 (10) 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 (11) if convicted of a sex offense as defined in
7 Section 2 of the Sex Offender Registration Act committed on
8 or after January 1, 2010 (the effective date of Public Act
9 96-362) that requires the person to register as a sex
10 offender under that Act, may not knowingly use any computer
11 scrub software on any computer that the sex offender uses;
12 and -

13 (12) if convicted of a violation of the Methamphetamine
14 Control and Community Protection Act, the Methamphetamine
15 Precursor Control Act, or a methamphetamine related
16 offense:

17 (A) prohibited from purchasing, possessing, or
18 having under his or her control any product containing
19 pseudoephedrine; and

20 (B) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 ammonium nitrate.

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

1 the person:

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

5 (2) pay a fine and costs;

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

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

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

12 (6) support his dependents;

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

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

15 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

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

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

1 fund under Section 6-27001 or Section 6-29002 of the
2 Counties Code, as the case may be.

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

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

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

26 (14) refrain from entering into a designated

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

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

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

19 (17) if convicted for an offense committed on or after
20 June 1, 2008 (the effective date of Public Act 95-464) that
21 would qualify the accused as a child sex offender as
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
23 1961, refrain from communicating with or contacting, by
24 means of the Internet, a person who is related to the
25 accused and whom the accused reasonably believes to be
26 under 18 years of age; for purposes of this paragraph (17),

1 "Internet" has the meaning ascribed to it in Section 16J-5
2 of the Criminal Code of 1961; and a person is related to
3 the accused if the person is: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused;
5 (iii) a first or second cousin of the accused; or (iv) a
6 step-child or adopted child of the accused;

7 (18) if convicted for an offense committed on or after
8 June 1, 2009 (the effective date of Public Act 95-983) that
9 would qualify as a sex offense as defined in the Sex
10 Offender Registration Act:

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

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

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

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

9 (19) refrain from possessing a firearm or other
10 dangerous weapon where the offense is a misdemeanor that
11 did not involve the intentional or knowing infliction of
12 bodily harm or threat of bodily harm.

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

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

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

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

8 Persons committed to imprisonment as a condition of
9 probation or conditional discharge shall not be committed to
10 the Department of Corrections.

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

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

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

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

18 (i) The court shall impose upon an offender sentenced to
19 probation after January 1, 1989 or to conditional discharge
20 after January 1, 1992 or to community service under the
21 supervision of a probation or court services department after
22 January 1, 2004, as a condition of such probation or
23 conditional discharge or supervised community service, a fee of
24 \$50 for each month of probation or conditional discharge
25 supervision or supervised community service ordered by the
26 court, unless after determining the inability of the person

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

12 A circuit court may not impose a probation fee under this
13 subsection (i) in excess of \$25 per month unless the circuit
14 court has adopted, by administrative order issued by the chief
15 judge, a standard probation fee guide determining an offender's
16 ability to pay Of the amount collected as a probation fee, up
17 to \$5 of that fee collected per month may be used to provide
18 services to crime victims and their families.

19 The Court may only waive probation fees based on an
20 offender's ability to pay. The probation department may
21 re-evaluate an offender's ability to pay every 6 months, and,
22 with the approval of the Director of Court Services or the
23 Chief Probation Officer, adjust the monthly fee amount. An
24 offender may elect to pay probation fees due in a lump sum. Any
25 offender that has been assigned to the supervision of a
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate compact,
2 shall be required to pay probation fees to the department
3 supervising the offender, based on the offender's ability to
4 pay.

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

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

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

1 (k) Any offender who is sentenced to probation or
2 conditional discharge for a felony sex offense as defined in
3 the Sex Offender Management Board Act or any offense that the
4 court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

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

14 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
15 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
16 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
17 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
18 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)