



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB2390

by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-7.1	from Ch. 38, par. 12-7.1
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 5/5-8-4	from Ch. 38, par. 1005-8-4

Amends the Criminal Code of 2012. Removes cap on restitution. Removes intent requirement for hate crime committed in or causing damage to a place of worship. Provides that as a condition of probation or conditional discharge for hate crime, the court shall require the offender to perform public or community service of no less than 200 hours (even if that service is not established in the county where the offender was convicted of hate crime) and to enroll in an educational program discouraging hate crimes involving the protected class identified in the statute that gave rise to the offense committed. The educational program must be attended in-person. Expands organization that can provide the educational program. Clarifies that any hate crime victim who files a civil action shall be entitled to recover attorney's fees and costs. Provides that the parents or legal guardians, other than guardians appointed under the Juvenile Court Act, of an unemancipated minor shall be liable for the amount of any judgment for a hate crime for all (rather than actual) damages rendered against the minor in any amount not exceeding the amount provided under the Parental Responsibility Law. Requires if a person is convicted of hate crime in addition to one or more other convictions, that if imprisonment is to be imposed on the convictions the sentences must be served consecutively.

LRB100 07950 RLC 18024 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 2012 is amended by changing  
5 Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the  
9 actual or perceived race, color, creed, religion, ancestry,  
10 gender, sexual orientation, physical or mental disability, or  
11 national origin of another individual or group of individuals,  
12 regardless of the existence of any other motivating factor or  
13 factors, he commits assault, battery, aggravated assault,  
14 misdemeanor theft, criminal trespass to residence, misdemeanor  
15 criminal damage to property, criminal trespass to vehicle,  
16 criminal trespass to real property, mob action, disorderly  
17 conduct, harassment by telephone, or harassment through  
18 electronic communications as these crimes are defined in  
19 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,  
20 25-1, 26-1, 26.5-2, and paragraphs (a) (2) and (a) (5) of Section  
21 26.5-3 of this Code, respectively.

22 (b) Except as provided in subsection (b-5), hate crime is a  
23 Class 4 felony for a first offense and a Class 2 felony for a

1 second or subsequent offense.

2 (b-5) Hate crime is a Class 3 felony for a first offense  
3 and a Class 2 felony for a second or subsequent offense if  
4 committed:

5 (1) in, or causes damage to, a church, synagogue,  
6 mosque, or other building, structure, or place identified  
7 or associated with a particular religion or used for  
8 religious worship or other religious purpose regardless of  
9 the person's intent;

10 (2) in a cemetery, mortuary, or other facility used for  
11 the purpose of burial or memorializing the dead;

12 (3) in a school or other educational facility,  
13 including an administrative facility or public or private  
14 dormitory facility of or associated with the school or  
15 other educational facility;

16 (4) in a public park or an ethnic or religious  
17 community center;

18 (5) on the real property comprising any location  
19 specified in clauses (1) through (4) of this subsection  
20 (b-5); or

21 (6) on a public way within 1,000 feet of the real  
22 property comprising any location specified in clauses (1)  
23 through (4) of this subsection (b-5).

24 (b-10) Upon imposition of any sentence, the trial court  
25 shall also either order restitution paid to the victim or  
26 impose a fine in an amount to be determined by the court based

1 on the severity of the crime and the injury or damages suffered  
2 by the victim up to \$1,000. In addition, any order of probation  
3 or conditional discharge entered following a conviction or an  
4 adjudication of delinquency shall include a condition that the  
5 offender perform public or community service of no less than  
6 200 hours ~~if that service is established in the county where~~  
7 ~~the offender was convicted of hate crime.~~ In addition, any  
8 order of probation or conditional discharge entered following a  
9 conviction or an adjudication of delinquency shall include a  
10 condition that the offender enroll in an educational program  
11 discouraging hate crimes involving the protected class  
12 identified in subsection (a) that gave rise to the offense the  
13 offender committed ~~if the offender caused criminal damage to~~  
14 ~~property consisting of religious fixtures, objects, or~~  
15 ~~decorations.~~ The educational program must be attended by the  
16 offender in-person and may be administered, as determined by  
17 the court, by a university, college, community college,  
18 non-profit organization, ~~or~~ the Illinois Holocaust and  
19 Genocide Commission, or any other organization that provides  
20 educational programs discouraging hate crimes, except that  
21 programs administered online or that can otherwise be attended  
22 remotely are prohibited. ~~Nothing in this subsection (b-10)~~  
23 ~~prohibits courses discouraging hate crimes from being made~~  
24 ~~available online.~~ The court may also impose any other condition  
25 of probation or conditional discharge under this Section. If  
26 the court sentences the offender to imprisonment or periodic

1 imprisonment for a violation of this Section, as a condition of  
2 the offender's mandatory supervised release, the court shall  
3 require that the offender perform public or community service  
4 of no less than 200 hours and enroll in an educational program  
5 discouraging hate crimes involving the protected class  
6 identified in subsection (a) that gave rise to the offense the  
7 offender committed.

8 (c) Independent of any criminal prosecution or the result  
9 thereof, any person suffering injury to his person or damage to  
10 his property as a result of a hate crime may bring a civil  
11 action for damages, injunction or other appropriate relief. The  
12 court may award actual damages, including damages for emotional  
13 distress, as well as ~~or~~ punitive damages. Any person who brings  
14 a civil action under this subsection shall be entitled to  
15 recover attorney's fees and costs ~~A judgment may include~~  
16 ~~attorney's fees and costs.~~ The parents or legal guardians,  
17 other than guardians appointed pursuant to the Juvenile Court  
18 Act or the Juvenile Court Act of 1987, of an unemancipated  
19 minor shall be liable for the amount of any judgment for all  
20 ~~actual~~ damages rendered against such minor under this  
21 subsection (c) in any amount not exceeding the amount provided  
22 under Section 5 of the Parental Responsibility Law.

23 (d) "Sexual orientation" has the meaning ascribed to it in  
24 paragraph (O-1) of Section 1-103 of the Illinois Human Rights  
25 Act.

26 (Source: P.A. 99-77, eff. 1-1-16.)

1 Section 10. The Unified Code of Corrections is amended by  
2 changing Sections 3-3-7, 5-6-3, and 5-8-4 as follows:

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

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

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

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

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

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

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

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

23 (6) secure permission before visiting or writing a  
24 committed person in an Illinois Department of Corrections

1 facility;

2 (7) report all arrests to an agent of the Department of  
3 Corrections as soon as permitted by the arresting authority  
4 but in no event later than 24 hours after release from  
5 custody and immediately report service or notification of  
6 an order of protection, a civil no contact order, or a  
7 stalking no contact order to an agent of the Department of  
8 Corrections;

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

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

1 Department of Human Services, or is in any licensed medical  
2 facility;

3 (7.7) if convicted for an offense that would qualify  
4 the accused as a sexual predator under the Sex Offender  
5 Registration Act on or after January 1, 2007 (the effective  
6 date of Public Act 94-988), wear an approved electronic  
7 monitoring device as defined in Section 5-8A-2 for the  
8 duration of the person's parole, mandatory supervised  
9 release term, or extended mandatory supervised release  
10 term and if convicted for an offense of criminal sexual  
11 assault, aggravated criminal sexual assault, predatory  
12 criminal sexual assault of a child, criminal sexual abuse,  
13 aggravated criminal sexual abuse, or ritualized abuse of a  
14 child committed on or after August 11, 2009 (the effective  
15 date of Public Act 96-236) when the victim was under 18  
16 years of age at the time of the commission of the offense  
17 and the defendant used force or the threat of force in the  
18 commission of the offense wear an approved electronic  
19 monitoring device as defined in Section 5-8A-2 that has  
20 Global Positioning System (GPS) capability for the  
21 duration of the person's parole, mandatory supervised  
22 release term, or extended mandatory supervised release  
23 term;

24 (7.8) if convicted for an offense committed on or after  
25 June 1, 2008 (the effective date of Public Act 95-464) that  
26 would qualify the accused as a child sex offender as



1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
2 1961 or the Criminal Code of 2012, refrain from  
3 communicating with or contacting, by means of the Internet,  
4 a person who is not related to the accused and whom the  
5 accused reasonably believes to be under 18 years of age;  
6 for purposes of this paragraph (7.8), "Internet" has the  
7 meaning ascribed to it in Section 16-0.1 of the Criminal  
8 Code of 2012; and a person is not related to the accused if  
9 the person is not: (i) the spouse, brother, or sister of  
10 the accused; (ii) a descendant of the accused; (iii) a  
11 first or second cousin of the accused; or (iv) a step-child  
12 or adopted child of the accused;

13 (7.9) if convicted under Section 11-6, 11-20.1,  
14 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012, consent to search of computers,  
16 PDAs, cellular phones, and other devices under his or her  
17 control that are capable of accessing the Internet or  
18 storing electronic files, in order to confirm Internet  
19 protocol addresses reported in accordance with the Sex  
20 Offender Registration Act and compliance with conditions  
21 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 June 1, 2008 (the  
25 effective date of Public Act 95-640), not possess  
26 prescription drugs for erectile dysfunction;

1           (7.11) if convicted for an offense under Section 11-6,  
2           11-9.1, 11-14.4 that involves soliciting for a juvenile  
3           prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
4           of the Criminal Code of 1961 or the Criminal Code of 2012,  
5           or any attempt to commit any of these offenses, committed  
6           on or after June 1, 2009 (the effective date of Public Act  
7           95-983):

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

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

1 imposed by the Board, the Department or the offender's  
2 supervising agent;

3 (7.12) if convicted of a sex offense as defined in the  
4 Sex Offender Registration Act committed on or after January  
5 1, 2010 (the effective date of Public Act 96-262), refrain  
6 from accessing or using a social networking website as  
7 defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

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

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

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

26 (12) not frequent places where controlled substances

1 are illegally sold, used, distributed, or administered;

2 (13) not knowingly associate with other persons on  
3 parole or mandatory supervised release without prior  
4 written permission of his or her parole agent, except when  
5 the association involves activities related to community  
6 programs, worship services, volunteering, and engaging  
7 families, and not associate with persons who are members of  
8 an organized gang as that term is defined in the Illinois  
9 Streetgang Terrorism Omnibus Prevention Act;

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

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

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

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

7 (17) if convicted of a violation of an order of  
8 protection under Section 12-3.4 or Section 12-30 of the  
9 Criminal Code of 1961 or the Criminal Code of 2012, be  
10 placed under electronic surveillance as provided in  
11 Section 5-8A-7 of this Code;

12 (18) comply with the terms and conditions of an order  
13 of protection issued pursuant to the Illinois Domestic  
14 Violence Act of 1986; an order of protection issued by the  
15 court of another state, tribe, or United States territory;  
16 a no contact order issued pursuant to the Civil No Contact  
17 Order Act; or a no contact order issued pursuant to the  
18 Stalking No Contact Order Act; ~~and~~

19 (19) if convicted of a violation of the Methamphetamine  
20 Control and Community Protection Act, the Methamphetamine  
21 Precursor Control Act, or a methamphetamine related  
22 offense, be:

23 (A) prohibited from purchasing, possessing, or  
24 having under his or her control any product containing  
25 pseudoephedrine unless prescribed by a physician; and

26 (B) prohibited from purchasing, possessing, or

1 having under his or her control any product containing  
2 ammonium nitrate; ~~and-~~

3 (20) if convicted of hate crime under Section  
4 12-7.1 of the Criminal Code of 2012, perform public or  
5 community service of no less than 200 hours and enroll  
6 in an educational program discouraging hate crimes  
7 involving the protected class identified in subsection  
8 (a) of Section 12-7.1 of the Criminal Code of 2012 that  
9 gave rise to the offense the offender committed ordered  
10 by the court.

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

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

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

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

19 (4) support his or her dependents;

20 (5) (blank);

21 (6) (blank);

22 (7) (blank);

23 (7.5) if convicted for an offense committed on or after  
24 the effective date of this amendatory Act of the 95th  
25 General Assembly that would qualify the accused as a child  
26 sex offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, refrain  
2 from communicating with or contacting, by means of the  
3 Internet, a person who is related to the accused and whom  
4 the accused reasonably believes to be under 18 years of  
5 age; for purposes of this paragraph (7.5), "Internet" has  
6 the meaning ascribed to it in Section 16-0.1 of the  
7 Criminal Code of 2012; and a person is related to the  
8 accused if the person is: (i) the spouse, brother, or  
9 sister of the accused; (ii) a descendant of the accused;  
10 (iii) a first or second cousin of the accused; or (iv) a  
11 step-child or adopted child of the accused;

12 (7.6) if convicted for an offense committed on or after  
13 June 1, 2009 (the effective date of Public Act 95-983) that  
14 would qualify as a sex offense as defined in the Sex  
15 Offender Registration Act:

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

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

1           conduct a more thorough inspection;

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

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

11          (8) in addition, if a minor:

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

14                   (ii) attend school;

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

16          or

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

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

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

26                   (2) comply with all requirements of the Sex Offender



1 Registration Act;

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

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

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

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

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

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

26 (9) refrain from all contact, directly or indirectly,

1 personally, by telephone, letter, or through a third party,  
2 with minor children without prior identification and  
3 approval of an agent of the Department of Corrections;

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

13 (11) not patronize any business providing sexually  
14 stimulating or sexually oriented entertainment nor utilize  
15 "900" or adult telephone numbers;

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

22 (13) not possess or have under his or her control  
23 certain specified items of contraband related to the  
24 incidence of sexually offending as determined by an agent  
25 of the Department of Corrections;

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department of  
2 Corrections;

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

7 (16) take an annual polygraph exam;

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

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

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

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

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

26 (f) (Blank).

1 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-698,  
2 eff. 7-29-16; revised 9-1-16.)

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

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

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

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

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

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

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

25 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his  
2 duties;

3 (6) perform no less than 30 hours of community service  
4 and not more than 120 hours of community service, if  
5 community service is available in the jurisdiction and is  
6 funded and approved by the county board where the offense  
7 was committed, where the offense was related to or in  
8 furtherance of the criminal activities of an organized gang  
9 and was motivated by the offender's membership in or  
10 allegiance to an organized gang. The community service  
11 shall include, but not be limited to, the cleanup and  
12 repair of any damage caused by a violation of Section  
13 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
14 2012 and similar damage to property located within the  
15 municipality or county in which the violation occurred.  
16 When possible and reasonable, the community service should  
17 be performed in the offender's neighborhood. For purposes  
18 of this Section, "organized gang" has the meaning ascribed  
19 to it in Section 10 of the Illinois Streetgang Terrorism  
20 Omnibus Prevention Act;

21 (7) if he or she is at least 17 years of age and has  
22 been sentenced to probation or conditional discharge for a  
23 misdemeanor or felony in a county of 3,000,000 or more  
24 inhabitants and has not been previously convicted of a  
25 misdemeanor or felony, may be required by the sentencing  
26 court to attend educational courses designed to prepare the

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

22 (8) if convicted of possession of a substance  
23 prohibited by the Cannabis Control Act, the Illinois  
24 Controlled Substances Act, or the Methamphetamine Control  
25 and Community Protection Act after a previous conviction or  
26 disposition of supervision for possession of a substance

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

9 (8.5) if convicted of a felony sex offense as defined  
10 in the Sex Offender Management Board Act, the person shall  
11 undergo and successfully complete sex offender treatment  
12 by a treatment provider approved by the Board and conducted  
13 in conformance with the standards developed under the Sex  
14 Offender Management Board Act;

15 (8.6) if convicted of a sex offense as defined in the  
16 Sex Offender Management Board Act, refrain from residing at  
17 the same address or in the same condominium unit or  
18 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  
21 been placed on supervision for a sex offense; the  
22 provisions of this paragraph do not apply to a person  
23 convicted of a sex offense who is placed in a Department of  
24 Corrections licensed transitional housing facility for sex  
25 offenders;

26 (8.7) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464) that  
2 would qualify the accused as a child sex offender as  
3 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
4 1961 or the Criminal Code of 2012, refrain from  
5 communicating with or contacting, by means of the Internet,  
6 a person who is not related to the accused and whom the  
7 accused reasonably believes to be under 18 years of age;  
8 for purposes of this paragraph (8.7), "Internet" has the  
9 meaning ascribed to it in Section 16-0.1 of the Criminal  
10 Code of 2012; and a person is not related to the accused if  
11 the person is not: (i) the spouse, brother, or sister of  
12 the accused; (ii) a descendant of the accused; (iii) a  
13 first or second cousin of the accused; or (iv) a step-child  
14 or adopted child of the accused;

15 (8.8) if convicted for an offense under Section 11-6,  
16 11-9.1, 11-14.4 that involves soliciting for a juvenile  
17 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
18 of the Criminal Code of 1961 or the Criminal Code of 2012,  
19 or any attempt to commit any of these offenses, committed  
20 on or after June 1, 2009 (the effective date of Public Act  
21 95-983):

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



1 offender's probation officer;

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 probation  
5 officer, a law enforcement officer, or assigned  
6 computer or information technology specialist,  
7 including the retrieval and copying of all data from  
8 the computer or device and any internal or external  
9 peripherals and removal of such information,  
10 equipment, or device to conduct a more thorough  
11 inspection;

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

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the offender's probation officer;

20 (8.9) if convicted of a sex offense as defined in the  
21 Sex Offender Registration Act committed on or after January  
22 1, 2010 (the effective date of Public Act 96-262), refrain  
23 from accessing or using a social networking website as  
24 defined in Section 17-0.5 of the Criminal Code of 2012;

25 (9) if convicted of a felony or of any misdemeanor  
26 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or

1 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 that was determined, pursuant to Section 112A-11.1 of  
3 the Code of Criminal Procedure of 1963, to trigger the  
4 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
5 at a time and place designated by the court, his or her  
6 Firearm Owner's Identification Card and any and all  
7 firearms in his or her possession. The Court shall return  
8 to the Department of State Police Firearm Owner's  
9 Identification Card Office the person's Firearm Owner's  
10 Identification Card;

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

21 (11) if convicted of a sex offense as defined in  
22 Section 2 of the Sex Offender Registration Act committed on  
23 or after January 1, 2010 (the effective date of Public Act  
24 96-362) that requires the person to register as a sex  
25 offender under that Act, may not knowingly use any computer  
26 scrub software on any computer that the sex offender uses;

1 ~~and~~

2 (12) if convicted of a violation of the Methamphetamine  
3 Control and Community Protection Act, the Methamphetamine  
4 Precursor Control Act, or a methamphetamine related  
5 offense:

6 (A) prohibited from purchasing, possessing, or  
7 having under his or her control any product containing  
8 pseudoephedrine unless prescribed by a physician; and

9 (B) prohibited from purchasing, possessing, or  
10 having under his or her control any product containing  
11 ammonium nitrate; ~~and.~~

12 (13) if convicted of a hate crime involving the  
13 protected class identified in subsection (a) of Section  
14 12-7.1 of the Criminal Code of 2012 that gave rise to the  
15 offense the offender committed, perform public or  
16 community service of no less than 200 hours and enroll in  
17 an educational program discouraging hate crimes that  
18 includes racial, ethnic, and cultural sensitivity training  
19 ordered by the court.

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

25 (1) serve a term of periodic imprisonment under Article  
26 7 for a period not to exceed that specified in paragraph

- 1 (d) of Section 5-7-1;
- 2 (2) pay a fine and costs;
- 3 (3) work or pursue a course of study or vocational  
4 training;
- 5 (4) undergo medical, psychological or psychiatric  
6 treatment; or treatment for drug addiction or alcoholism;
- 7 (5) attend or reside in a facility established for the  
8 instruction or residence of defendants on probation;
- 9 (6) support his dependents;
- 10 (7) and in addition, if a minor:
- 11 (i) reside with his parents or in a foster home;
- 12 (ii) attend school;
- 13 (iii) attend a non-residential program for youth;
- 14 (iv) contribute to his own support at home or in a  
15 foster home;
- 16 (v) with the consent of the superintendent of the  
17 facility, attend an educational program at a facility  
18 other than the school in which the offense was  
19 committed if he or she is convicted of a crime of  
20 violence as defined in Section 2 of the Crime Victims  
21 Compensation Act committed in a school, on the real  
22 property comprising a school, or within 1,000 feet of  
23 the real property comprising a school;
- 24 (8) make restitution as provided in Section 5-5-6 of  
25 this Code;
- 26 (9) perform some reasonable public or community

1 service;

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

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

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

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

17 (iv) for persons convicted of any alcohol,  
18 cannabis or controlled substance violation who are  
19 placed on an approved monitoring device as a condition  
20 of probation or conditional discharge, the court shall  
21 impose a reasonable fee for each day of the use of the  
22 device, as established by the county board in  
23 subsection (g) of this Section, unless after  
24 determining the inability of the offender to pay the  
25 fee, the court assesses a lesser fee or no fee as the  
26 case may be. This fee shall be imposed in addition to

1 the fees imposed under subsections (g) and (i) of this  
2 Section. The fee shall be collected by the clerk of the  
3 circuit court, except as provided in an administrative  
4 order of the Chief Judge of the circuit court. The  
5 clerk of the circuit court shall pay all monies  
6 collected from this fee to the county treasurer for  
7 deposit in the substance abuse services fund under  
8 Section 5-1086.1 of the Counties Code, except as  
9 provided in an administrative order of the Chief Judge  
10 of the circuit court.

11 The Chief Judge of the circuit court of the county  
12 may by administrative order establish a program for  
13 electronic monitoring of offenders, in which a vendor  
14 supplies and monitors the operation of the electronic  
15 monitoring device, and collects the fees on behalf of  
16 the county. The program shall include provisions for  
17 indigent offenders and the collection of unpaid fees.  
18 The program shall not unduly burden the offender and  
19 shall be subject to review by the Chief Judge.

20 The Chief Judge of the circuit court may suspend  
21 any additional charges or fees for late payment,  
22 interest, or damage to any device; and

23 (v) for persons convicted of offenses other than  
24 those referenced in clause (iv) above and who are  
25 placed on an approved monitoring device as a condition  
26 of probation or conditional discharge, the court shall

1 impose a reasonable fee for each day of the use of the  
2 device, as established by the county board in  
3 subsection (g) of this Section, unless after  
4 determining the inability of the defendant to pay the  
5 fee, the court assesses a lesser fee or no fee as the  
6 case may be. This fee shall be imposed in addition to  
7 the fees imposed under subsections (g) and (i) of this  
8 Section. The fee shall be collected by the clerk of the  
9 circuit court, except as provided in an administrative  
10 order of the Chief Judge of the circuit court. The  
11 clerk of the circuit court shall pay all monies  
12 collected from this fee to the county treasurer who  
13 shall use the monies collected to defray the costs of  
14 corrections. The county treasurer shall deposit the  
15 fee collected in the probation and court services fund.  
16 The Chief Judge of the circuit court of the county may  
17 by administrative order establish a program for  
18 electronic monitoring of offenders, in which a vendor  
19 supplies and monitors the operation of the electronic  
20 monitoring device, and collects the fees on behalf of  
21 the county. The program shall include provisions for  
22 indigent offenders and the collection of unpaid fees.  
23 The program shall not unduly burden the offender and  
24 shall be subject to review by the Chief Judge.

25 The Chief Judge of the circuit court may suspend  
26 any additional charges or fees for late payment,

1 interest, or damage to any device.

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

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

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

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



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

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

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

18 (17) if convicted for an offense committed on or after  
19 June 1, 2008 (the effective date of Public Act 95-464) that  
20 would qualify the accused as a child sex offender as  
21 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
22 1961 or the Criminal Code of 2012, refrain from  
23 communicating with or contacting, by means of the Internet,  
24 a person who is related to the accused and whom the accused  
25 reasonably believes to be under 18 years of age; for  
26 purposes of this paragraph (17), "Internet" has the meaning

1 ascribed to it in Section 16-0.1 of the Criminal Code of  
2 2012; and a person is related to the accused if the person  
3 is: (i) the spouse, brother, or sister of the accused; (ii)  
4 a descendant of the accused; (iii) a first or second cousin  
5 of the accused; or (iv) a step-child or adopted child of  
6 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, except as provided in an administrative  
6 order of the Chief Judge of the circuit court. The clerk of the  
7 circuit court shall pay all moneys collected from these fees to  
8 the county treasurer who shall use the moneys collected to  
9 defray the costs of drug testing, alcohol testing, and  
10 electronic monitoring. The county treasurer shall deposit the  
11 fees collected in the county working cash fund under Section  
12 6-27001 or Section 6-29002 of the Counties Code, as the case  
13 may be. The Chief Judge of the circuit court of the county may  
14 by administrative order establish a program for electronic  
15 monitoring of offenders, in which a vendor supplies and  
16 monitors the operation of the electronic monitoring device, and  
17 collects the fees on behalf of the county. The program shall  
18 include provisions for indigent offenders and the collection of  
19 unpaid fees. The program shall not unduly burden the offender  
20 and shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any  
22 additional charges or fees for late payment, interest, or  
23 damage to any device.

24 (h) Jurisdiction over an offender may be transferred from  
25 the sentencing court to the court of another circuit with the  
26 concurrence of both courts. Further transfers or retransfers of

1 jurisdiction are also authorized in the same manner. The court  
2 to which jurisdiction has been transferred shall have the same  
3 powers as the sentencing court. The probation department within  
4 the circuit to which jurisdiction has been transferred, or  
5 which has agreed to provide supervision, may impose probation  
6 fees upon receiving the transferred offender, as provided in  
7 subsection (i). For all transfer cases, as defined in Section  
8 9b of the Probation and Probation Officers Act, the probation  
9 department from the original sentencing court shall retain all  
10 probation fees collected prior to the transfer. After the  
11 transfer all probation fees shall be paid to the probation  
12 department within the circuit to which jurisdiction has been  
13 transferred.

14 (i) The court shall impose upon an offender sentenced to  
15 probation after January 1, 1989 or to conditional discharge  
16 after January 1, 1992 or to community service under the  
17 supervision of a probation or court services department after  
18 January 1, 2004, as a condition of such probation or  
19 conditional discharge or supervised community service, a fee of  
20 \$50 for each month of probation or conditional discharge  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 sentenced to probation or conditional discharge or supervised  
24 community service to pay the fee, the court assesses a lesser  
25 fee. The court may not impose the fee on a minor who is made a  
26 ward of the State under the Juvenile Court Act of 1987 while

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

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

15 The Court may only waive probation fees based on an  
16 offender's ability to pay. The probation department may  
17 re-evaluate an offender's ability to pay every 6 months, and,  
18 with the approval of the Director of Court Services or the  
19 Chief Probation Officer, adjust the monthly fee amount. An  
20 offender may elect to pay probation fees due in a lump sum. Any  
21 offender that has been assigned to the supervision of a  
22 probation department, or has been transferred either under  
23 subsection (h) of this Section or under any interstate compact,  
24 shall be required to pay probation fees to the department  
25 supervising the offender, based on the offender's ability to  
26 pay.

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

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

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

23           (k) Any offender who is sentenced to probation or  
24 conditional discharge for a felony sex offense as defined in  
25 the Sex Offender Management Board Act or any offense that the  
26 court or probation department has determined to be sexually



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

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

10 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,  
11 eff. 7-27-15; 99-797, eff. 8-12-16.)

12 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

13 Sec. 5-8-4. Concurrent and consecutive terms of  
14 imprisonment.

15 (a) Concurrent terms; multiple or additional sentences.  
16 When an Illinois court (i) imposes multiple sentences of  
17 imprisonment on a defendant at the same time or (ii) imposes a  
18 sentence of imprisonment on a defendant who is already subject  
19 to a sentence of imprisonment imposed by an Illinois court, a  
20 court of another state, or a federal court, then the sentences  
21 shall run concurrently unless otherwise determined by the  
22 Illinois court under this Section.

23 (b) Concurrent terms; misdemeanor and felony. A defendant  
24 serving a sentence for a misdemeanor who is convicted of a  
25 felony and sentenced to imprisonment shall be transferred to

1 the Department of Corrections, and the misdemeanor sentence  
2 shall be merged in and run concurrently with the felony  
3 sentence.

4 (c) Consecutive terms; permissive. The court may impose  
5 consecutive sentences in any of the following circumstances:

6 (1) If, having regard to the nature and circumstances  
7 of the offense and the history and character of the  
8 defendant, it is the opinion of the court that consecutive  
9 sentences are required to protect the public from further  
10 criminal conduct by the defendant, the basis for which the  
11 court shall set forth in the record.

12 (2) If one of the offenses for which a defendant was  
13 convicted was a violation of Section 32-5.2 (aggravated  
14 false personation of a peace officer) of the Criminal Code  
15 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
16 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
18 offense was committed in attempting or committing a  
19 forcible felony.

20 (d) Consecutive terms; mandatory. The court shall impose  
21 consecutive sentences in each of the following circumstances:

22 (1) One of the offenses for which the defendant was  
23 convicted was first degree murder or a Class X or Class 1  
24 felony and the defendant inflicted severe bodily injury.

25 (2) The defendant was convicted of a violation of  
26 Section 11-1.20 or 12-13 (criminal sexual assault),

1 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
2 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
3 child) of the Criminal Code of 1961 or the Criminal Code of  
4 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
5 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
6 5/12-14.1).

7 (2.5) The defendant was convicted of a violation of  
8 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a)  
9 of Section 11-20.1 (child pornography) or of paragraph (1),  
10 (2), (3), (4), (5), or (7) of subsection (a) of Section  
11 11-20.1B or 11-20.3 (aggravated child pornography) of the  
12 Criminal Code of 1961 or the Criminal Code of 2012; or the  
13 defendant was convicted of a violation of paragraph (6) of  
14 subsection (a) of Section 11-20.1 (child pornography) or of  
15 paragraph (6) of subsection (a) of Section 11-20.1B or  
16 11-20.3 (aggravated child pornography) of the Criminal  
17 Code of 1961 or the Criminal Code of 2012, when the child  
18 depicted is under the age of 13.

19 (3) The defendant was convicted of armed violence based  
20 upon the predicate offense of any of the following:  
21 solicitation of murder, solicitation of murder for hire,  
22 heinous battery as described in Section 12-4.1 or  
23 subdivision (a)(2) of Section 12-3.05, aggravated battery  
24 of a senior citizen as described in Section 12-4.6 or  
25 subdivision (a)(4) of Section 12-3.05, criminal sexual  
26 assault, a violation of subsection (g) of Section 5 of the

1 Cannabis Control Act (720 ILCS 550/5), cannabis  
2 trafficking, a violation of subsection (a) of Section 401  
3 of the Illinois Controlled Substances Act (720 ILCS  
4 570/401), controlled substance trafficking involving a  
5 Class X felony amount of controlled substance under Section  
6 401 of the Illinois Controlled Substances Act (720 ILCS  
7 570/401), a violation of the Methamphetamine Control and  
8 Community Protection Act (720 ILCS 646/), calculated  
9 criminal drug conspiracy, or streetgang criminal drug  
10 conspiracy.

11 (4) The defendant was convicted of the offense of  
12 leaving the scene of a motor vehicle accident involving  
13 death or personal injuries under Section 11-401 of the  
14 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
15 aggravated driving under the influence of alcohol, other  
16 drug or drugs, or intoxicating compound or compounds, or  
17 any combination thereof under Section 11-501 of the  
18 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
19 homicide under Section 9-3 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
21 offense described in item (A) and an offense described in  
22 item (B).

23 (5) The defendant was convicted of a violation of  
24 Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
25 death) or Section 12-20.5 (dismembering a human body) of  
26 the Criminal Code of 1961 or the Criminal Code of 2012 (720

1 ILCS 5/9-3.1 or 5/12-20.5).

2 (5.5) The defendant was convicted of a violation of  
3 Section 24-3.7 (use of a stolen firearm in the commission  
4 of an offense) of the Criminal Code of 1961 or the Criminal  
5 Code of 2012.

6 (5.6) The defendant was convicted of a violation of  
7 Section 12-7.1 (hate crime) of the Criminal Code of 2012.

8 (6) If the defendant was in the custody of the  
9 Department of Corrections at the time of the commission of  
10 the offense, the sentence shall be served consecutive to  
11 the sentence under which the defendant is held by the  
12 Department of Corrections. If, however, the defendant is  
13 sentenced to punishment by death, the sentence shall be  
14 executed at such time as the court may fix without regard  
15 to the sentence under which the defendant may be held by  
16 the Department.

17 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
18 for escape or attempted escape shall be served consecutive  
19 to the terms under which the offender is held by the  
20 Department of Corrections.

21 (8) If a person charged with a felony commits a  
22 separate felony while on pretrial release or in pretrial  
23 detention in a county jail facility or county detention  
24 facility, then the sentences imposed upon conviction of  
25 these felonies shall be served consecutively regardless of  
26 the order in which the judgments of conviction are entered.

1           (8.5) If a person commits a battery against a county  
2           correctional officer or sheriff's employee while serving a  
3           sentence or in pretrial detention in a county jail  
4           facility, then the sentence imposed upon conviction of the  
5           battery shall be served consecutively with the sentence  
6           imposed upon conviction of the earlier misdemeanor or  
7           felony, regardless of the order in which the judgments of  
8           conviction are entered.

9           (9) If a person admitted to bail following conviction  
10          of a felony commits a separate felony while free on bond or  
11          if a person detained in a county jail facility or county  
12          detention facility following conviction of a felony  
13          commits a separate felony while in detention, then any  
14          sentence following conviction of the separate felony shall  
15          be consecutive to that of the original sentence for which  
16          the defendant was on bond or detained.

17          (10) If a person is found to be in possession of an  
18          item of contraband, as defined in Section 31A-0.1 of the  
19          Criminal Code of 2012, while serving a sentence in a county  
20          jail or while in pre-trial detention in a county jail, the  
21          sentence imposed upon conviction for the offense of  
22          possessing contraband in a penal institution shall be  
23          served consecutively to the sentence imposed for the  
24          offense in which the person is serving sentence in the  
25          county jail or serving pretrial detention, regardless of  
26          the order in which the judgments of conviction are entered.

1           (11) If a person is sentenced for a violation of bail  
2           bond under Section 32-10 of the Criminal Code of 1961 or  
3           the Criminal Code of 2012, any sentence imposed for that  
4           violation shall be served consecutive to the sentence  
5           imposed for the charge for which bail had been granted and  
6           with respect to which the defendant has been convicted.

7           (e) Consecutive terms; subsequent non-Illinois term. If an  
8           Illinois court has imposed a sentence of imprisonment on a  
9           defendant and the defendant is subsequently sentenced to a term  
10          of imprisonment by a court of another state or a federal court,  
11          then the Illinois sentence shall run consecutively to the  
12          sentence imposed by the court of the other state or the federal  
13          court. That same Illinois court, however, may order that the  
14          Illinois sentence run concurrently with the sentence imposed by  
15          the court of the other state or the federal court, but only if  
16          the defendant applies to that same Illinois court within 30  
17          days after the sentence imposed by the court of the other state  
18          or the federal court is finalized.

19          (f) Consecutive terms; aggregate maximums and minimums.  
20          The aggregate maximum and aggregate minimum of consecutive  
21          sentences shall be determined as follows:

22                (1) For sentences imposed under law in effect prior to  
23                February 1, 1978, the aggregate maximum of consecutive  
24                sentences shall not exceed the maximum term authorized  
25                under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
26                Chapter V for the 2 most serious felonies involved. The

1 aggregate minimum period of consecutive sentences shall  
2 not exceed the highest minimum term authorized under  
3 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
4 V for the 2 most serious felonies involved. When sentenced  
5 only for misdemeanors, a defendant shall not be  
6 consecutively sentenced to more than the maximum for one  
7 Class A misdemeanor.

8 (2) For sentences imposed under the law in effect on or  
9 after February 1, 1978, the aggregate of consecutive  
10 sentences for offenses that were committed as part of a  
11 single course of conduct during which there was no  
12 substantial change in the nature of the criminal objective  
13 shall not exceed the sum of the maximum terms authorized  
14 under Article 4.5 of Chapter V for the 2 most serious  
15 felonies involved, but no such limitation shall apply for  
16 offenses that were not committed as part of a single course  
17 of conduct during which there was no substantial change in  
18 the nature of the criminal objective. When sentenced only  
19 for misdemeanors, a defendant shall not be consecutively  
20 sentenced to more than the maximum for one Class A  
21 misdemeanor.

22 (g) Consecutive terms; manner served. In determining the  
23 manner in which consecutive sentences of imprisonment, one or  
24 more of which is for a felony, will be served, the Department  
25 of Corrections shall treat the defendant as though he or she  
26 had been committed for a single term subject to each of the



1 following:

2 (1) The maximum period of a term of imprisonment shall  
3 consist of the aggregate of the maximums of the imposed  
4 indeterminate terms, if any, plus the aggregate of the  
5 imposed determinate sentences for felonies, plus the  
6 aggregate of the imposed determinate sentences for  
7 misdemeanors, subject to subsection (f) of this Section.

8 (2) The parole or mandatory supervised release term  
9 shall be as provided in paragraph (e) of Section 5-4.5-50  
10 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
11 involved.

12 (3) The minimum period of imprisonment shall be the  
13 aggregate of the minimum and determinate periods of  
14 imprisonment imposed by the court, subject to subsection  
15 (f) of this Section.

16 (4) The defendant shall be awarded credit against the  
17 aggregate maximum term and the aggregate minimum term of  
18 imprisonment for all time served in an institution since  
19 the commission of the offense or offenses and as a  
20 consequence thereof at the rate specified in Section 3-6-3  
21 (730 ILCS 5/3-6-3).

22 (Source: P.A. 97-475, eff. 8-22-11; 97-1108, eff. 1-1-13;  
23 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-437, eff.  
24 1-1-14.)