



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3839

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
20 ILCS 2605/2605-304 new	
20 ILCS 2605/2605-610 new	
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 65/8.4 new	
430 ILCS 65/9.5	
725 ILCS 5/110-10	from Ch. 38, par. 110-10
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the State Police shall establish a Portal for use by federal, State, or local law enforcement agencies, including State's Attorneys and the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended. Creates the Firearm Recovery Task Force led by the State Police to seize and recover the Firearm Owner's Identification Cards of revoked persons and to enforce the revocation and suspension of Firearm Owner's Identification Cards under the Firearm Owner's Identification Card Act. Amends the Firearm Owner's Identification Card Act. Provides that the State Police shall include in the report the reason the person's Firearm Owner's Identification Card was revoked or suspended. Amends the Code of Criminal Procedure of 1963. Provides the defendant shall physically surrender all firearms in his or her possession to a law enforcement agency designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of the Deadly Weapons Article of the Criminal Code of 1961 or the Criminal Code of 2012. Amends the Freedom of Information Act and the Unified Code of Corrections to make conforming changes. to make conforming changes. Makes other changes. Effective immediately.

LRB101 12423 RLC 60760 b

A BILL FOR

1 AN ACT concerning public safety.

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

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the Capital
15 Crimes Litigation Act. This subsection (n) shall apply
16 until the conclusion of the trial of the case, even if the
17 prosecution chooses not to pursue the death penalty prior
18 to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Regional Transportation Authority under Section 2.11 of
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety
2 Act.

3 (q) Information prohibited from being disclosed by the
4 Personnel Record ~~Records~~ Review Act.

5 (r) Information prohibited from being disclosed by the
6 Illinois School Student Records Act.

7 (s) Information the disclosure of which is restricted
8 under Section 5-108 of the Public Utilities Act.

9 (t) All identified or deidentified health information
10 in the form of health data or medical records contained in,
11 stored in, submitted to, transferred by, or released from
12 the Illinois Health Information Exchange, and identified
13 or deidentified health information in the form of health
14 data and medical records of the Illinois Health Information
15 Exchange in the possession of the Illinois Health
16 Information Exchange Authority due to its administration
17 of the Illinois Health Information Exchange. The terms
18 "identified" and "deidentified" shall be given the same
19 meaning as in the Health Insurance Portability and
20 Accountability Act of 1996, Public Law 104-191, or any
21 subsequent amendments thereto, and any regulations
22 promulgated thereunder.

23 (u) Records and information provided to an independent
24 team of experts under the Developmental Disability and
25 Mental Health Safety Act (also known as Brian's Law).

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under the Revised Uniform Unclaimed Property Act.

16 (gg) Information that is prohibited from being
17 disclosed under Section 7-603.5 of the Illinois Vehicle
18 Code.

19 (hh) Records that are exempt from disclosure under
20 Section 1A-16.7 of the Election Code.

21 (ii) Information which is exempted from disclosure
22 under Section 2505-800 of the Department of Revenue Law of
23 the Civil Administrative Code of Illinois.

24 (jj) Information and reports that are required to be
25 submitted to the Department of Labor by registering day and
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the
4 Seizure and Forfeiture Reporting Act.

5 (ll) Information the disclosure of which is restricted
6 and exempted under Section 5-30.8 of the Illinois Public
7 Aid Code.

8 (mm) ~~(ll)~~ Records that are exempt from disclosure under
9 Section 4.2 of the Crime Victims Compensation Act.

10 (nn) ~~(ll)~~ Information that is exempt from disclosure
11 under Section 70 of the Higher Education Student Assistance
12 Act.

13 (oo) Records and information exempt from disclosure
14 under Section 2605-304 of the Department of State Police
15 Law of the Civil Administrative Code of Illinois.

16 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
17 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
18 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
19 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
20 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
21 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
22 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
23 10-12-18.)

24 Section 10. The Department of State Police Law of the Civil
25 Administrative Code of Illinois is amended by adding Sections

1 2605-304 and 2605-610 as follows:

2 (20 ILCS 2605/2605-304 new)

3 Sec. 2605-304. Prohibited Persons Portal.

4 (a) Within 180 days of the effective date of this
5 amendatory Act of the 101st General Assembly, the Department
6 shall establish a Portal for use by federal, State, or local
7 law enforcement agencies, including State's Attorneys and the
8 Office of the Attorney General, to capture a report of persons
9 whose Firearm Owner's Identification Cards have been revoked or
10 suspended. The Portal is for law enforcement purposes only.

11 (b) The Department shall include in the report the reason
12 the person's Firearm Owner's Identification Card was subject to
13 revocation or suspension, to the extent allowed by law,
14 consistent with Section 8 of the Firearm Owners Identification
15 Card Act.

16 (c) The Department shall indicate whether the person
17 subject to the revocation or suspension of his or her Firearm
18 Owner's Identification Card has surrendered his or her revoked
19 or suspended Firearm Owner's Identification Card and whether
20 the person has completed a Firearm Disposition Record required
21 under Section 9.5 of the Firearm Owners Identification Card
22 Act.

23 (d) The Department shall provide updates of information
24 related to an individual's current Firearm Owner's
25 Identification Card revocation or suspension status, including

1 compliance under Section 9.5 of the Firearm Owners
2 Identification Card Act, in the Department's Law Enforcement
3 Agencies Data System.

4 (e) Records and information in the Portal are exempt from
5 disclosure under the Freedom of Information Act.

6 (f) The Department may adopt rules necessary to implement
7 this Section.

8 (20 ILCS 2605/2605-610 new)

9 Sec. 2605-610. Firearm Recovery Task Force.The Director
10 shall establish a statewide multi-jurisdictional Firearm
11 Recovery Task Force led by the Department to seize and recover
12 the Firearm Owner's Identification Cards of revoked persons and
13 to enforce Section 9.5 of the Firearm Owner's Identification
14 Card Act.

15 The Task Force may work with units of local government in
16 its recovery efforts. In working with a unit of local
17 government, the Task Force shall operate under an
18 intergovernmental agreement entered into with that unit of
19 local government in conformity with the provisions of the
20 Intergovernmental Cooperation Act. Units of local government
21 cooperating with the Task Force shall be reimbursed by the
22 Department for expenses incurred in their cooperation with the
23 Task Force.

24 The creation of the Task Force is subject to appropriation.

25 For purposes of this Section:

1 "Revoked person" means a person whose Firearm Owner's
2 Identification Card has been revoked under Section 8 of the
3 Firearm Owner's Identification Card Act.

4 "Unit of local government" has the meaning provided in
5 Section 1 of Article VI of the Illinois Constitution and
6 includes both home rule and non-home rule units.

7 Section 15. The Firearm Owners Identification Card Act is
8 amended by changing Sections 3.1, 8, and 9.5 and by adding
9 Section 8.4 as follows:

10 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

11 Sec. 3.1. Dial up system.

12 (a) The Department of State Police shall provide a dial up
13 telephone system or utilize other existing technology which
14 shall be used by any federally licensed firearm dealer, gun
15 show promoter, or gun show vendor who is to transfer a firearm,
16 stun gun, or taser under the provisions of this Act. The
17 Department of State Police may utilize existing technology
18 which allows the caller to be charged a fee not to exceed \$2.
19 Fees collected by the Department of State Police shall be
20 deposited in the State Police Services Fund and used to provide
21 the service.

22 (b) Upon receiving a request from a federally licensed
23 firearm dealer, gun show promoter, or gun show vendor, the
24 Department of State Police shall immediately approve, or within

1 the time period established by Section 24-3 of the Criminal
2 Code of 2012 regarding the delivery of firearms, stun guns, and
3 tasers notify the inquiring dealer, gun show promoter, or gun
4 show vendor of any objection that would disqualify the
5 transferee from acquiring or possessing a firearm, stun gun, or
6 taser. In conducting the inquiry, the Department of State
7 Police shall initiate and complete an automated search of its
8 criminal history record information files and those of the
9 Federal Bureau of Investigation, including the National
10 Instant Criminal Background Check System, and of the files of
11 the Department of Human Services relating to mental health and
12 developmental disabilities to obtain any prohibiting
13 information ~~felony conviction~~ or patient hospitalization
14 information which would disqualify a person from obtaining or
15 require revocation of a currently valid Firearm Owner's
16 Identification Card.

17 (c) If receipt of a firearm would not violate Section 24-3
18 of the Criminal Code of 2012, federal law, or this Act the
19 Department of State Police shall:

20 (1) assign a unique identification number to the
21 transfer; and

22 (2) provide the licensee, gun show promoter, or gun
23 show vendor with the number.

24 (d) Approvals issued by the Department of State Police for
25 the purchase of a firearm are valid for 30 days from the date
26 of issue.

1 (e) (1) The Department of State Police must act as the
2 Illinois Point of Contact for the National Instant Criminal
3 Background Check System.

4 (2) The Department of State Police and the Department of
5 Human Services shall, in accordance with State and federal law
6 regarding confidentiality, enter into a memorandum of
7 understanding with the Federal Bureau of Investigation for the
8 purpose of implementing the National Instant Criminal
9 Background Check System in the State. The Department of State
10 Police shall report the name, date of birth, and physical
11 description of any person prohibited from possessing a firearm
12 pursuant to the Firearm Owners Identification Card Act or 18
13 U.S.C. 922(g) and (n) to the National Instant Criminal
14 Background Check System Index, Denied Persons Files.

15 (3) The Department of State Police shall provide notice of
16 the disqualification of a person under subsection (b) of this
17 Section or the revocation of a person's Firearm Owner's
18 Identification Card under Section 8 or Section 8.2 of this Act,
19 and the reason for the disqualification or revocation, to all
20 law enforcement agencies with jurisdiction to assist with the
21 seizure of the person's Firearm Owner's Identification Card.

22 (f) The Department of State Police shall adopt rules not
23 inconsistent with this Section to implement this system.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

25 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

1 Sec. 8. Grounds for denial and revocation. The Department
2 of State Police has authority to deny an application for or to
3 revoke and seize a Firearm Owner's Identification Card
4 previously issued under this Act only if the Department finds
5 that the applicant or the person to whom such card was issued
6 is or was at the time of issuance:

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

10 (b) A person under 21 years of age who does not have
11 the written consent of his parent or guardian to acquire
12 and possess firearms and firearm ammunition, or whose
13 parent or guardian has revoked such written consent, or
14 where such parent or guardian does not qualify to have a
15 Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health
20 facility within the past 5 years or a person who has been a
21 patient in a mental health facility more than 5 years ago
22 who has not received the certification required under
23 subsection (u) of this Section. An active law enforcement
24 officer employed by a unit of government who is denied,
25 revoked, or has his or her Firearm Owner's Identification
26 Card seized under this subsection (e) may obtain relief as

1 described in subsection (c-5) of Section 10 of this Act if
2 the officer did not act in a manner threatening to the
3 officer, another person, or the public as determined by the
4 treating clinical psychologist or physician, and the
5 officer seeks mental health treatment;

6 (f) A person whose mental condition is of such a nature
7 that it poses a clear and present danger to the applicant,
8 any other person or persons or the community;

9 (g) A person who has an intellectual disability;

10 (h) A person who intentionally makes a false statement
11 in the Firearm Owner's Identification Card application;

12 (i) An alien who is unlawfully present in the United
13 States under the laws of the United States;

14 (i-5) An alien who has been admitted to the United
15 States under a non-immigrant visa (as that term is defined
16 in Section 101(a)(26) of the Immigration and Nationality
17 Act (8 U.S.C. 1101(a)(26))), except that this subsection
18 (i-5) does not apply to any alien who has been lawfully
19 admitted to the United States under a non-immigrant visa if
20 that alien is:

21 (1) admitted to the United States for lawful
22 hunting or sporting purposes;

23 (2) an official representative of a foreign
24 government who is:

25 (A) accredited to the United States Government
26 or the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to
4 which that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on
10 official business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5
16 years of battery, assault, aggravated assault, violation
17 of an order of protection, or a substantially similar
18 offense in another jurisdiction, in which a firearm was
19 used or possessed;

20 (l) A person who has been convicted of domestic
21 battery, aggravated domestic battery, or a substantially
22 similar offense in another jurisdiction committed before,
23 on or after January 1, 2012 (the effective date of Public
24 Act 97-158). If the applicant or person who has been
25 previously issued a Firearm Owner's Identification Card
26 under this Act knowingly and intelligently waives the right

1 to have an offense described in this paragraph (l) tried by
2 a jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic relationship
4 is not a required element of the offense but in which a
5 determination of the applicability of 18 U.S.C. 922(g)(9)
6 is made under Section 112A-11.1 of the Code of Criminal
7 Procedure of 1963, an entry by the court of a judgment of
8 conviction for that offense shall be grounds for denying an
9 application for and for revoking and seizing a Firearm
10 Owner's Identification Card previously issued to the
11 person under this Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or
14 possessing firearms or firearm ammunition by any Illinois
15 State statute or by federal law;

16 (o) A minor subject to a petition filed under Section
17 5-520 of the Juvenile Court Act of 1987 alleging that the
18 minor is a delinquent minor for the commission of an
19 offense that if committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent
21 minor under the Juvenile Court Act of 1987 for the
22 commission of an offense that if committed by an adult
23 would be a felony;

24 (q) A person who is not a resident of the State of
25 Illinois, except as provided in subsection (a-10) of
26 Section 4;

1 (r) A person who has been adjudicated as a person with
2 a mental disability;

3 (s) A person who has been found to have a developmental
4 disability;

5 (t) A person involuntarily admitted into a mental
6 health facility; ~~or~~

7 (u) A person who has had his or her Firearm Owner's
8 Identification Card revoked or denied under subsection (e)
9 of this Section or item (iv) of paragraph (2) of subsection
10 (a) of Section 4 of this Act because he or she was a
11 patient in a mental health facility as provided in
12 subsection (e) of this Section, shall not be permitted to
13 obtain a Firearm Owner's Identification Card, after the
14 5-year period has lapsed, unless he or she has received a
15 mental health evaluation by a physician, clinical
16 psychologist, or qualified examiner as those terms are
17 defined in the Mental Health and Developmental
18 Disabilities Code, and has received a certification that he
19 or she is not a clear and present danger to himself,
20 herself, or others. The physician, clinical psychologist,
21 or qualified examiner making the certification and his or
22 her employer shall not be held criminally, civilly, or
23 professionally liable for making or not making the
24 certification required under this subsection, except for
25 willful or wanton misconduct. This subsection does not
26 apply to a person whose firearm possession rights have been

1 restored through administrative or judicial action under
2 Section 10 or 11 of this Act; or -

3 (v) A person who is under guardianship under the
4 Probate Act of 1975 because he or she is a person with a
5 disability as defined in Section 11a-2 of the Probate Act
6 of 1975.

7 Upon revocation of a person's Firearm Owner's
8 Identification Card, the Department of State Police shall
9 provide notice to the person within 7 business days and the
10 person shall comply with Section 9.5 of this Act.

11 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
12 eff. 7-16-14; 99-143, eff. 7-27-15.)

13 (430 ILCS 65/8.4 new)

14 Sec. 8.4. Cancellation of Firearm Owner's Identification
15 Card. The Department of State Police may cancel a Firearm
16 Owner's Identification Card if a person is not prohibited by
17 State or federal law from acquiring or possessing a firearm or
18 firearm ammunition and the sole purpose is for an
19 administrative reason. Administrative reasons include, but are
20 not limited to: a person who surrenders his or her Illinois
21 drivers license or Illinois Identification Card to another
22 jurisdiction, death, or where a person's Firearm Owner's
23 Identification Card is reported as lost, stolen, or destroyed.
24 The Department of State Police may adopt rules necessary to
25 implement this Section.

1 (430 ILCS 65/9.5)

2 Sec. 9.5. Revocation or suspension of Firearm Owner's
3 Identification Card.

4 (a) A person who receives a revocation or suspension notice
5 under Section 9 of this Act shall, within 48 hours of receiving
6 notice of the revocation or suspension:

7 (1) surrender his or her Firearm Owner's
8 Identification Card to the local law enforcement agency
9 where the person resides. The local law enforcement agency
10 shall provide the person a receipt and transmit the Firearm
11 Owner's Identification Card to the Department of State
12 Police; and

13 (2) complete a Firearm Disposition Record on a form
14 prescribed by the Department of State Police and place his
15 or her firearms in the location or with the person reported
16 in the Firearm Disposition Record. The form shall require
17 the person to disclose:

18 (A) the make, model, and serial number of each
19 firearm owned by or under the custody and control of
20 the revoked or suspended person;

21 (B) the location where each firearm will be
22 maintained during the prohibited term; and

23 (C) if any firearm will be transferred to the
24 custody of another person, the name, address and
25 Firearm Owner's Identification Card number of the

1 transferee.

2 (a-5) The Firearm Disposition Record shall contain a
3 statement to be signed by the transferee that the transferee:

4 (1) is aware of, and will abide by, current law
5 regarding the unlawful transfer of a firearm;

6 (2) is aware of the penalties for violating the law as
7 it pertains to unlawful transfer of a firearm; and

8 (3) intends to retain possession of the firearm or
9 firearms until it is determined that the transferor is
10 legally eligible to possess a firearm and has an active
11 Firearm Owners Identification Card, if applicable, or
12 until a new person is chosen to hold the firearm or
13 firearms.

14 (b) The local law enforcement agency shall provide a copy
15 of the Firearm Disposition Record to the person whose Firearm
16 Owner's Identification Card has been revoked or suspended, the
17 transferee, and to the Department of State Police.

18 (c) If the person whose Firearm Owner's Identification Card
19 has been revoked or suspended fails to comply with the
20 requirements of this Section, the sheriff or law enforcement
21 agency where the person resides may petition the circuit court
22 to issue a warrant to search for and seize the Firearm Owner's
23 Identification Card and firearms in the possession or under the
24 custody or control of the person whose Firearm Owner's
25 Identification Card has been revoked or suspended.

26 (d) A violation of subsection (a) of this Section is a

1 Class A misdemeanor.

2 (e) The observation of a Firearm Owner's Identification
3 Card in the possession of a person whose Firearm Owner's
4 Identification Card has been revoked or suspended constitutes a
5 sufficient basis for the arrest of that person for violation of
6 this Section.

7 (f) Within 30 days after the effective date of this
8 amendatory Act of the 98th General Assembly, the Department of
9 State Police shall provide written notice of the requirements
10 of this Section to persons whose Firearm Owner's Identification
11 Cards have been revoked, suspended, or expired and who have
12 failed to surrender their cards to the Department.

13 (g) A person whose Firearm Owner's Identification Card has
14 been revoked or suspended and who received notice under
15 subsection (f) shall comply with the requirements of this
16 Section within 48 hours of receiving notice.

17 (Source: P.A. 98-63, eff. 7-9-13.)

18 Section 20. The Code of Criminal Procedure of 1963 is
19 amended by changing Section 110-10 as follows:

20 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

21 Sec. 110-10. Conditions of bail bond.

22 (a) If a person is released prior to conviction, either
23 upon payment of bail security or on his or her own
24 recognizance, the conditions of the bail bond shall be that he

1 or she will:

2 (1) Appear to answer the charge in the court having
3 jurisdiction on a day certain and thereafter as ordered by
4 the court until discharged or final order of the court;

5 (2) Submit himself or herself to the orders and process
6 of the court;

7 (3) Not depart this State without leave of the court;

8 (4) Not violate any criminal statute of any
9 jurisdiction;

10 (5) At a time and place designated by the court, the
11 defendant shall physically surrender all firearms in his or
12 her possession to a law enforcement agency designated by
13 the court to take custody of and impound the firearms and
14 physically surrender his or her Firearm Owner's
15 Identification Card to the law enforcement agency as a
16 condition of remaining on bond pending sentencing
17 ~~surrender all firearms in his or her possession to a law~~
18 ~~enforcement officer designated by the court to take custody~~
19 ~~of and impound the firearms and physically surrender his or~~
20 ~~her Firearm Owner's Identification Card to the clerk of the~~
21 ~~circuit court~~ when the offense the person has been charged
22 with is a forcible felony, stalking, aggravated stalking,
23 domestic battery, any violation of the Illinois Controlled
24 Substances Act, the Methamphetamine Control and Community
25 Protection Act, or the Cannabis Control Act that is
26 classified as a Class 2 or greater felony, or any felony

1 violation of Article 24 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, unless the defendant requests to
3 transfer his or her firearms under Section 9.5 of the
4 Firearm Owners Identification Card Act first. A defendant
5 whose Firearm Owner's Identification Card has been revoked
6 or suspended may petition the court to transfer the
7 respondent's firearm to a person who is lawfully able to
8 possess the firearm if the person does not reside at the
9 same address as the respondent. The transferee who receives
10 the respondent's firearms must swear or affirm by affidavit
11 that he or she shall not transfer the firearm to the
12 defendant or to anyone residing in the same residence as
13 the defendant, until the defendant's Firearm Owner's
14 Identification Card has been reinstated. The law
15 enforcement agency, upon transfer of the firearms, shall
16 require the defendant to complete a Firearm Disposition
17 Record under Section 9.5 of the Firearm Owners
18 Identification Card Act and provide a copy to the
19 Department of State Police along with the defendant's
20 Firearm Owner's Identification Card; the court may,
21 however, forgo the imposition of this condition when the
22 defendant has provided proof to the court that he or she
23 has legally disposed or transferred his or her firearms and
24 returned his or her Firearm Owner's Identification Card to
25 the Department of State Police. If the court finds the
26 circumstances of the case clearly do not warrant it or when

1 its imposition would be impractical, the court shall
2 indicate on the record and in writing and the court's basis
3 for making the determination ~~when the circumstances of the~~
4 ~~case clearly do not warrant it or when its imposition would~~
5 ~~be impractical;~~ all legally possessed firearms shall be
6 returned to the person upon proof being provided to the law
7 enforcement agency of the reinstatement of the person's
8 Firearm Owner's Identification Card; ~~if the Firearm~~
9 ~~Owner's Identification Card is confiscated, the clerk of~~
10 ~~the circuit court shall mail the confiscated card to the~~
11 ~~Illinois State Police;~~ ~~all legally possessed firearms~~
12 ~~shall be returned to the person upon the charges being~~
13 ~~dismissed, or if the person is found not guilty, unless the~~
14 ~~finding of not guilty is by reason of insanity;~~ and

15 (6) At a time and place designated by the court, submit
16 to a psychological evaluation when the person has been
17 charged with a violation of item (4) of subsection (a) of
18 Section 24-1 of the Criminal Code of 1961 or the Criminal
19 Code of 2012 and that violation occurred in a school or in
20 any conveyance owned, leased, or contracted by a school to
21 transport students to or from school or a school-related
22 activity, or on any public way within 1,000 feet of real
23 property comprising any school.

24 Psychological evaluations ordered pursuant to this Section
25 shall be completed promptly and made available to the State,
26 the defendant, and the court. As a further condition of bail

1 under these circumstances, the court shall order the defendant
2 to refrain from entering upon the property of the school,
3 including any conveyance owned, leased, or contracted by a
4 school to transport students to or from school or a
5 school-related activity, or on any public way within 1,000 feet
6 of real property comprising any school. Upon receipt of the
7 psychological evaluation, either the State or the defendant may
8 request a change in the conditions of bail, pursuant to Section
9 110-6 of this Code. The court may change the conditions of bail
10 to include a requirement that the defendant follow the
11 recommendations of the psychological evaluation, including
12 undergoing psychiatric treatment. The conclusions of the
13 psychological evaluation and any statements elicited from the
14 defendant during its administration are not admissible as
15 evidence of guilt during the course of any trial on the charged
16 offense, unless the defendant places his or her mental
17 competency in issue.

18 (b) The court may impose other conditions, such as the
19 following, if the court finds that such conditions are
20 reasonably necessary to assure the defendant's appearance in
21 court, protect the public from the defendant, or prevent the
22 defendant's unlawful interference with the orderly
23 administration of justice:

24 (1) Report to or appear in person before such person or
25 agency as the court may direct;

26 (2) Refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) Refrain from approaching or communicating with
3 particular persons or classes of persons;

4 (4) Refrain from going to certain described
5 geographical areas or premises;

6 (5) Refrain from engaging in certain activities or
7 indulging in intoxicating liquors or in certain drugs;

8 (6) Undergo treatment for drug addiction or
9 alcoholism;

10 (7) Undergo medical or psychiatric treatment;

11 (8) Work or pursue a course of study or vocational
12 training;

13 (9) Attend or reside in a facility designated by the
14 court;

15 (10) Support his or her dependents;

16 (11) If a minor resides with his or her parents or in a
17 foster home, attend school, attend a non-residential
18 program for youths, and contribute to his or her own
19 support at home or in a foster home;

20 (12) Observe any curfew ordered by the court;

21 (13) Remain in the custody of such designated person or
22 organization agreeing to supervise his release. Such third
23 party custodian shall be responsible for notifying the
24 court if the defendant fails to observe the conditions of
25 release which the custodian has agreed to monitor, and
26 shall be subject to contempt of court for failure so to

1 notify the court;

2 (14) Be placed under direct supervision of the Pretrial
3 Services Agency, Probation Department or Court Services
4 Department in a pretrial bond home supervision capacity
5 with or without the use of an approved electronic
6 monitoring device subject to Article 8A of Chapter V of the
7 Unified Code of Corrections;

8 (14.1) The court shall impose upon a defendant who is
9 charged with any alcohol, cannabis, methamphetamine, or
10 controlled substance violation and is placed under direct
11 supervision of the Pretrial Services Agency, Probation
12 Department or Court Services Department in a pretrial bond
13 home supervision capacity with the use of an approved
14 monitoring device, as a condition of such bail bond, a fee
15 that represents costs incidental to the electronic
16 monitoring for each day of such bail supervision ordered by
17 the court, unless after determining the inability of the
18 defendant to pay the fee, the court assesses a lesser fee
19 or no fee as the case may be. The fee shall be collected by
20 the clerk of the circuit court, except as provided in an
21 administrative order of the Chief Judge of the circuit
22 court. The clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer for deposit
24 in the substance abuse services fund under Section 5-1086.1
25 of the Counties Code, except as provided in an
26 administrative order of the Chief Judge of the circuit

1 court.

2 The Chief Judge of the circuit court of the county may
3 by administrative order establish a program for electronic
4 monitoring of offenders with regard to drug-related and
5 alcohol-related offenses, in which a vendor supplies and
6 monitors the operation of the electronic monitoring
7 device, and collects the fees on behalf of the county. The
8 program shall include provisions for indigent offenders
9 and the collection of unpaid fees. The program shall not
10 unduly burden the offender and shall be subject to review
11 by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any
13 additional charges or fees for late payment, interest, or
14 damage to any device;

15 (14.2) The court shall impose upon all defendants,
16 including those defendants subject to paragraph (14.1)
17 above, placed under direct supervision of the Pretrial
18 Services Agency, Probation Department or Court Services
19 Department in a pretrial bond home supervision capacity
20 with the use of an approved monitoring device, as a
21 condition of such bail bond, a fee which shall represent
22 costs incidental to such electronic monitoring for each day
23 of such bail supervision ordered by the court, unless after
24 determining the inability of the defendant to pay the fee,
25 the court assesses a lesser fee or no fee as the case may
26 be. The fee shall be collected by the clerk of the circuit

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

11 The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders with regard to drug-related and
14 alcohol-related offenses, in which a vendor supplies and
15 monitors the operation of the electronic monitoring
16 device, and collects the fees on behalf of the county. The
17 program shall include provisions for indigent offenders
18 and the collection of unpaid fees. The program shall not
19 unduly burden the offender and shall be subject to review
20 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 (14.3) The Chief Judge of the Judicial Circuit may
25 establish reasonable fees to be paid by a person receiving
26 pretrial services while under supervision of a pretrial

1 services agency, probation department, or court services
2 department. Reasonable fees may be charged for pretrial
3 services including, but not limited to, pretrial
4 supervision, diversion programs, electronic monitoring,
5 victim impact services, drug and alcohol testing, DNA
6 testing, GPS electronic monitoring, assessments and
7 evaluations related to domestic violence and other
8 victims, and victim mediation services. The person
9 receiving pretrial services may be ordered to pay all costs
10 incidental to pretrial services in accordance with his or
11 her ability to pay those costs;

12 (14.4) For persons charged with violating Section
13 11-501 of the Illinois Vehicle Code, refrain from operating
14 a motor vehicle not equipped with an ignition interlock
15 device, as defined in Section 1-129.1 of the Illinois
16 Vehicle Code, pursuant to the rules promulgated by the
17 Secretary of State for the installation of ignition
18 interlock devices. Under this condition the court may allow
19 a defendant who is not self-employed to operate a vehicle
20 owned by the defendant's employer that is not equipped with
21 an ignition interlock device in the course and scope of the
22 defendant's employment;

23 (15) Comply with the terms and conditions of an order
24 of protection issued by the court under the Illinois
25 Domestic Violence Act of 1986 or an order of protection
26 issued by the court of another state, tribe, or United

1 States territory;

2 (16) Under Section 110-6.5 comply with the conditions
3 of the drug testing program; and

4 (17) Such other reasonable conditions as the court may
5 impose.

6 (c) When a person is charged with an offense under Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, involving a victim who is a minor under
10 18 years of age living in the same household with the defendant
11 at the time of the offense, in granting bail or releasing the
12 defendant on his own recognizance, the judge shall impose
13 conditions to restrict the defendant's access to the victim
14 which may include, but are not limited to conditions that he
15 will:

- 16 1. Vacate the household.
17 2. Make payment of temporary support to his dependents.
18 3. Refrain from contact or communication with the child
19 victim, except as ordered by the court.

20 (d) When a person is charged with a criminal offense and
21 the victim is a family or household member as defined in
22 Article 112A, conditions shall be imposed at the time of the
23 defendant's release on bond that restrict the defendant's
24 access to the victim. Unless provided otherwise by the court,
25 the restrictions shall include requirements that the defendant
26 do the following:

1 (1) refrain from contact or communication with the
2 victim for a minimum period of 72 hours following the
3 defendant's release; and

4 (2) refrain from entering or remaining at the victim's
5 residence for a minimum period of 72 hours following the
6 defendant's release.

7 (e) Local law enforcement agencies shall develop
8 standardized bond forms for use in cases involving family or
9 household members as defined in Article 112A, including
10 specific conditions of bond as provided in subsection (d).
11 Failure of any law enforcement department to develop or use
12 those forms shall in no way limit the applicability and
13 enforcement of subsections (d) and (f).

14 (f) If the defendant is admitted to bail after conviction
15 the conditions of the bail bond shall be that he will, in
16 addition to the conditions set forth in subsections (a) and (b)
17 hereof:

18 (1) Duly prosecute his appeal;

19 (2) Appear at such time and place as the court may
20 direct;

21 (3) Not depart this State without leave of the court;

22 (4) Comply with such other reasonable conditions as the
23 court may impose; and

24 (5) If the judgment is affirmed or the cause reversed
25 and remanded for a new trial, forthwith surrender to the
26 officer from whose custody he was bailed.

1 (g) Upon a finding of guilty for any felony offense, the
2 defendant shall physically surrender, at a time and place
3 designated by the court, all firearms in his or her possession
4 to a law enforcement officer designated by the court to take
5 custody of and impound the firearms and physically surrender
6 his or her Firearm Owner's Identification Card to the law
7 enforcement agency as a condition of remaining on bond pending
8 sentencing, unless the defendant requests to transfer his or
9 her firearms under Section 9.5 of the Firearm Owners
10 Identification Card Act first. A defendant whose Firearm
11 Owner's Identification Card has been revoked or suspended may
12 petition the court to transfer the respondent's firearm to a
13 person who is lawfully able to possess the firearm if the
14 person does not reside at the same address as the respondent.
15 The transferee who receives the respondent's firearms must
16 swear or affirm by affidavit that he or she shall not transfer
17 the firearm to the defendant or to anyone residing in the same
18 residence as the defendant, until the defendant's Firearm
19 Owner's Identification Card has been reinstated. The law
20 enforcement agency, upon transfer of the firearms, shall
21 require the defendant to complete a Firearm Disposition Record
22 under Section 9.5 of the Firearm Owners Identification Card Act
23 and provide a copy to the Department of State Police along with
24 the defendant's Firearm Owner's Identification Card ~~the~~
25 ~~defendant shall physically surrender, at a time and place~~
26 ~~designated by the court, any and all firearms in his or her~~

1 ~~possession and his or her Firearm Owner's Identification Card~~
2 as a condition of remaining on bond pending sentencing.

3 (h) Upon indictment for any felony offense, the defendant
4 shall physically surrender, at a time and place designated by
5 the court, all firearms in his or her possession to a law
6 enforcement officer designated by the court to take custody of
7 and impound the firearms and physically surrender his or her
8 Firearm Owner's Identification Card to the law enforcement
9 agency as a condition of remaining on bond pending sentencing,
10 unless the defendant requests to transfer his or her firearms
11 under Section 9.5 of the Firearm Owners Identification Card Act
12 first. A defendant whose Firearm Owner's Identification Card
13 has been revoked or suspended may petition the court to
14 transfer the respondent's firearm to a person who is lawfully
15 able to possess the firearm if the person does not reside at
16 the same address as the respondent. The transferee who receives
17 the respondent's firearms must swear or affirm by affidavit
18 that he or she shall not transfer the firearm to the defendant
19 or to anyone residing in the same residence as the defendant,
20 until the defendant's Firearm Owner's Identification Card has
21 been reinstated. The law enforcement agency upon transfer of
22 the firearms shall require the defendant to complete a Firearm
23 Disposition Record under Section 9.5 of the Firearm Owners
24 Identification Card Act and provide a copy to the Department of
25 State Police along with the defendants Firearm Owner's
26 Identification Card. All legally possessed firearms shall be

1 returned to the person upon proof being provided to the law
2 enforcement agency of the reinstatement of the person's Firearm
3 Owner's Identification Card.

4 (Source: P.A. 99-797, eff. 8-12-16.)

5 Section 25. The Unified Code of Corrections is amended by
6 changing Section 5-6-3 as follows:

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 (Text of Section before amendment by P.A. 100-987)

9 Sec. 5-6-3. Conditions of probation and of conditional
10 discharge.

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

13 (1) not violate any criminal statute of any
14 jurisdiction;

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

17 (3) refrain from possessing a firearm or other
18 dangerous weapon where the offense is a felony or, if a
19 misdemeanor, the offense involved the intentional or
20 knowing infliction of bodily harm or threat of bodily harm;

21 (4) not leave the State without the consent of the
22 court or, in circumstances in which the reason for the
23 absence is of such an emergency nature that prior consent
24 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer. Transfer of a person's probation or conditional
3 discharge supervision to another state is subject to
4 acceptance by the other state pursuant to the Interstate
5 Compact for Adult Offender Supervision;

6 (5) permit the probation officer to visit him at his
7 home or elsewhere to the extent necessary to discharge his
8 duties;

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

1 the fulfillment of community service hours for
2 participation in activities and treatment as determined by
3 court services;

4 (7) if he or she is at least 17 years of age and has
5 been sentenced to probation or conditional discharge for a
6 misdemeanor or felony in a county of 3,000,000 or more
7 inhabitants and has not been previously convicted of a
8 misdemeanor or felony, may be required by the sentencing
9 court to attend educational courses designed to prepare the
10 defendant for a high school diploma and to work toward a
11 high school diploma or to work toward passing high school
12 equivalency testing or to work toward completing a
13 vocational training program approved by the court. The
14 person on probation or conditional discharge must attend a
15 public institution of education to obtain the educational
16 or vocational training required by this paragraph (7). The
17 court shall revoke the probation or conditional discharge
18 of a person who wilfully fails to comply with this
19 paragraph (7). The person on probation or conditional
20 discharge shall be required to pay for the cost of the
21 educational courses or high school equivalency testing if a
22 fee is charged for those courses or testing. The court
23 shall resentence the offender whose probation or
24 conditional discharge has been revoked as provided in
25 Section 5-6-4. This paragraph (7) does not apply to a
26 person who has a high school diploma or has successfully

1 passed high school equivalency testing. This paragraph (7)
2 does not apply to a person who is determined by the court
3 to be a person with a developmental disability or otherwise
4 mentally incapable of completing the educational or
5 vocational program;

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

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

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

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

25 (8.8) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 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 offender's probation officer,
9 except in connection with the offender's employment or
10 search for employment with the prior approval of the
11 offender's probation officer;

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

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

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a
2 computer or any other device with Internet capability
3 imposed by the offender's probation officer;

4 (8.9) if convicted of a sex offense as defined in the
5 Sex Offender Registration Act committed on or after January
6 1, 2010 (the effective date of Public Act 96-262), refrain
7 from accessing or using a social networking website as
8 defined in Section 17-0.5 of the Criminal Code of 2012;

9 (9) if convicted ~~of a felony or~~ of any misdemeanor
10 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
11 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
12 2012 that was determined, pursuant to Section 112A-11.1 of
13 the Code of Criminal Procedure of 1963, to trigger the
14 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
15 physically surrender, at a time and place designated by the
16 court, all firearms in his or her possession to a law
17 enforcement officer designated by the court to take custody
18 of and impound the firearms and physically surrender his or
19 her Firearm Owner's Identification Card to the law
20 enforcement agency as a condition of remaining on bond
21 pending sentencing, unless the defendant requests to
22 transfer his or her firearms under Section 9.5 of the
23 Firearm Owners Identification Card Act first. A defendant
24 whose Firearm Owner's Identification Card has been revoked
25 or suspended may petition the court to transfer the
26 respondent's firearm to a person who is lawfully able to

1 possess the firearm if the person does not reside at the
2 same address as the respondent. The transferee who receives
3 the respondent's firearms must swear or affirm by affidavit
4 that he or she shall not transfer the firearm to the
5 defendant or to anyone residing in the same residence as
6 the defendant, until the defendant's Firearm Owner's
7 Identification Card has been reinstated. The law
8 enforcement agency, upon transfer of the firearms, shall
9 require the defendant to complete a Firearm Disposition
10 Record under Section 9.5 of the Firearm Owner's
11 Identification Card Act and provide a copy to the
12 Department of State Police along with the defendants
13 Firearm Owner's Identification Card ~~physically surrender~~
14 ~~at a time and place designated by the court, his or her~~
15 ~~Firearm Owner's Identification Card and any and all~~
16 ~~firearms in his or her possession. The Court shall return~~
17 ~~to the Department of State Police Firearm Owner's~~
18 ~~Identification Card Office the person's Firearm Owner's~~
19 ~~Identification Card;~~

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

1 Claus costume on or preceding Christmas, being employed as
2 a department store Santa Claus, or wearing an Easter Bunny
3 costume on or preceding Easter;

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

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

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

17 (B) prohibited from purchasing, possessing, or
18 having under his or her control any product containing
19 ammonium nitrate; ~~and~~

20 (13) if convicted of a hate crime involving the
21 protected class identified in subsection (a) of Section
22 12-7.1 of the Criminal Code of 2012 that gave rise to the
23 offense the offender committed, perform public or
24 community service of no less than 200 hours and enroll in
25 an educational program discouraging hate crimes that
26 includes racial, ethnic, and cultural sensitivity training

1 ordered by the court; —

2 (14) if convicted of a felony, the defendant shall
3 physically surrender, at a time and place designated by the
4 court, all firearms in his or her possession to a law
5 enforcement officer designated by the court to take custody
6 of and impound the firearms and physically surrender his or
7 her Firearm Owner's Identification Card to the law
8 enforcement agency as a condition of remaining on bond
9 pending sentencing, unless the defendant requests to
10 transfer his or her firearms under Section 9.5 of the
11 Firearm Owners Identification Card Act first. A defendant
12 whose Firearm Owner's Identification Card has been revoked
13 or suspended may petition the court to transfer the
14 respondent's firearm to a person who is lawfully able to
15 possess the firearm if the person does not reside at the
16 same address as the respondent. The transferee who receives
17 the respondent's firearms must swear or affirm by affidavit
18 that he or she shall not transfer the firearm to the
19 defendant or to anyone residing in the same residence as
20 the defendant, until the defendant's Firearm Owner's
21 Identification Card has been reinstated. The law
22 enforcement agency, upon transfer of the firearms, shall
23 require the defendant to complete a Firearm Disposition
24 Record under Section 9.5 of the Firearm Owners
25 Identification Card Act and provide a copy to the
26 Department of State Police along with the defendants

1 Firearm Owner's Identification Card; and

2 (15) if the person is under 21 years of age who has
3 been convicted of a misdemeanor offense other than a
4 traffic offense, the defendant shall physically surrender,
5 at a time and place designated by the court, all firearms
6 in his or her possession to a law enforcement officer
7 designated by the court to take custody of and impound the
8 firearms and physically surrender his or her Firearm
9 Owner's Identification Card to the law enforcement agency
10 as a condition of remaining on bond pending sentencing,
11 unless the defendant requests to transfer his or her
12 firearms under Section 9.5 of the Firearm Owners
13 Identification Card Act first. A defendant whose Firearm
14 Owner's Identification Card has been revoked or suspended
15 may petition the court to transfer the respondent's firearm
16 to a person who is lawfully able to possess the firearm if
17 the person does not reside at the same address as the
18 respondent. The transferee who receives the respondent's
19 firearms must swear or affirm by affidavit that he or she
20 shall not transfer the firearm to the defendant or to
21 anyone residing in the same residence as the defendant,
22 until the defendant's Firearm Owner's Identification Card
23 has been reinstated. The law enforcement agency, upon
24 transfer of the firearms, shall require the defendant to
25 complete a Firearm Disposition Record under Section 9.5 of
26 the Firearm Owners Identification Card Act and provide a

1 copy to the Department of State Police along with the
2 defendants Firearm Owner's Identification Card.

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

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

11 (2) pay a fine and costs;

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

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

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

18 (6) support his dependents;

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

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

21 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

26 (iv) for persons convicted of any alcohol,

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

20 The Chief Judge of the circuit court of the county
21 may by administrative order establish a program for
22 electronic monitoring of offenders, in which a vendor
23 supplies and monitors the operation of the electronic
24 monitoring device, and collects the fees on behalf of
25 the county. The program shall include provisions for
26 indigent offenders and the collection of unpaid fees.

1 The program shall not unduly burden the offender and
2 shall be subject to review by the Chief Judge.

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

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

1 electronic monitoring of offenders, in which a vendor
2 supplies and monitors the operation of the electronic
3 monitoring device, and collects the fees on behalf of
4 the county. The program shall include provisions for
5 indigent offenders and the collection of unpaid fees.
6 The program shall not unduly burden the offender and
7 shall be subject to review by the Chief Judge.

8 The Chief Judge of the circuit court may suspend
9 any additional charges or fees for late payment,
10 interest, or damage to any device.

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

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

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, (i) to a

1 "local anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act, or (ii) for offenses under
3 the jurisdiction of the Department of Natural Resources, to
4 the fund established by the Department of Natural Resources
5 for the purchase of evidence for investigation purposes and
6 to conduct investigations as outlined in Section 805-105 of
7 the Department of Natural Resources (Conservation) Law;

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

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

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

1 (17) if convicted for an offense committed on or after
2 June 1, 2008 (the effective date of Public Act 95-464) that
3 would qualify the accused as a child sex offender as
4 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
5 1961 or the Criminal Code of 2012, refrain from
6 communicating with or contacting, by means of the Internet,
7 a person who is related to the accused and whom the accused
8 reasonably believes to be under 18 years of age; for
9 purposes of this paragraph (17), "Internet" has the meaning
10 ascribed to it in Section 16-0.1 of the Criminal Code of
11 2012; and a person is related to the accused if the person
12 is: (i) the spouse, brother, or sister of the accused; (ii)
13 a descendant of the accused; (iii) a first or second cousin
14 of the accused; or (iv) a step-child or adopted child of
15 the accused;

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

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

26 (ii) submit to periodic unannounced examinations

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

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

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

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

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's license
26 during the period of probation or conditional discharge. If

1 such person is in possession of a permit or license, the court
2 may require that the minor refrain from driving or operating
3 any motor vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (d) An offender sentenced to probation or to conditional
7 discharge shall be given a certificate setting forth the
8 conditions thereof.

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

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

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

24 (g) An offender sentenced to probation or to conditional
25 discharge and who during the term of either undergoes mandatory
26 drug or alcohol testing, or both, or is assigned to be placed

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

1 include provisions for indigent offenders and the collection of
2 unpaid fees. The program shall not unduly burden the offender
3 and shall be subject to review by the Chief Judge.

4 The Chief Judge of the circuit court may suspend any
5 additional charges or fees for late payment, interest, or
6 damage to any device.

7 (h) Jurisdiction over an offender may be transferred from
8 the sentencing court to the court of another circuit with the
9 concurrence of both courts. Further transfers or retransfers of
10 jurisdiction are also authorized in the same manner. The court
11 to which jurisdiction has been transferred shall have the same
12 powers as the sentencing court. The probation department within
13 the circuit to which jurisdiction has been transferred, or
14 which has agreed to provide supervision, may impose probation
15 fees upon receiving the transferred offender, as provided in
16 subsection (i). For all transfer cases, as defined in Section
17 9b of the Probation and Probation Officers Act, the probation
18 department from the original sentencing court shall retain all
19 probation fees collected prior to the transfer. After the
20 transfer, all probation fees shall be paid to the probation
21 department within the circuit to which jurisdiction has been
22 transferred.

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

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

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

25 The Court may only waive probation fees based on an
26 offender's ability to pay. The probation department may

1 re-evaluate an offender's ability to pay every 6 months, and,
2 with the approval of the Director of Court Services or the
3 Chief Probation Officer, adjust the monthly fee amount. An
4 offender may elect to pay probation fees due in a lump sum. Any
5 offender that has been assigned to the supervision of a
6 probation department, or has been transferred either under
7 subsection (h) of this Section or under any interstate compact,
8 shall be required to pay probation fees to the department
9 supervising the offender, based on the offender's ability to
10 pay.

11 Public Act 93-970 deletes the \$10 increase in the fee under
12 this subsection that was imposed by Public Act 93-616. This
13 deletion is intended to control over any other Act of the 93rd
14 General Assembly that retains or incorporates that fee
15 increase.

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

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
2 Code, or a similar provision of a local ordinance, and any
3 violation of the Child Passenger Protection Act, or a similar
4 provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under Section 27.5
6 of the Clerks of Courts Act.

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

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

20 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
21 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
22 1-8-18.)

23 (Text of Section after amendment by P.A. 100-987)

24 Sec. 5-6-3. Conditions of probation and of conditional
25 discharge.

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

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

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

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

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

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

23 (6) perform no less than 30 hours of community service
24 and not more than 120 hours of community service, if
25 community service is available in the jurisdiction and is
26 funded and approved by the county board where the offense

1 was committed, where the offense was related to or in
2 furtherance of the criminal activities of an organized gang
3 and was motivated by the offender's membership in or
4 allegiance to an organized gang. The community service
5 shall include, but not be limited to, the cleanup and
6 repair of any damage caused by a violation of Section
7 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
8 2012 and similar damage to property located within the
9 municipality or county in which the violation occurred.
10 When possible and reasonable, the community service should
11 be performed in the offender's neighborhood. For purposes
12 of this Section, "organized gang" has the meaning ascribed
13 to it in Section 10 of the Illinois Streetgang Terrorism
14 Omnibus Prevention Act. The court may give credit toward
15 the fulfillment of community service hours for
16 participation in activities and treatment as determined by
17 court services;

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

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

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

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

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

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

24 (8.7) 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 (8.7), "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 (8.8) if convicted for an offense under Section 11-6,
14 11-9.1, 11-14.4 that involves soliciting for a juvenile
15 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 or any attempt to commit any of these offenses, committed
18 on or after June 1, 2009 (the effective date of Public Act
19 95-983):

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

26 (ii) submit to periodic unannounced examinations

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

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

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

18 (8.9) if convicted of a sex offense as defined in the
19 Sex Offender Registration Act committed on or after January
20 1, 2010 (the effective date of Public Act 96-262), refrain
21 from accessing or using a social networking website as
22 defined in Section 17-0.5 of the Criminal Code of 2012;

23 (9) if convicted ~~of a felony or~~ of any misdemeanor
24 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
25 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
26 2012 that was determined, pursuant to Section 112A-11.1 of

1 the Code of Criminal Procedure of 1963, to trigger the
2 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
3 physically surrender, at a time and place designated by the
4 court, all firearms in his or her possession to a law
5 enforcement officer designated by the court to take custody
6 of and impound the firearms and physically surrender his or
7 her Firearm Owner's Identification Card to the law
8 enforcement agency as a condition of remaining on bond
9 pending sentencing, unless the defendant requests to
10 transfer his or her firearms under Section 9.5 of the
11 Firearm Owners Identification Card Act first. A defendant
12 whose Firearm Owner's Identification Card has been revoked
13 or suspended may petition the court to transfer the
14 respondent's firearm to a person who is lawfully able to
15 possess the firearm if the person does not reside at the
16 same address as the respondent. The transferee who receives
17 the respondent's firearms must swear or affirm by affidavit
18 that he or she shall not transfer the firearm to the
19 defendant or to anyone residing in the same residence as
20 the defendant, until the defendant's Firearm Owner's
21 Identification Card has been reinstated. The law
22 enforcement agency, upon transfer of the firearms, shall
23 require the defendant to complete a Firearm Disposition
24 Record under Section 9.5 of the Firearm Owner's
25 Identification Card Act and provide a copy to the
26 Department of State Police along with the defendants

1 ~~Firearm Owner's Identification Card physically surrender~~
2 ~~at a time and place designated by the court, his or her~~
3 ~~Firearm Owner's Identification Card and any and all~~
4 ~~firearms in his or her possession. The Court shall return~~
5 ~~to the Department of State Police Firearm Owner's~~
6 ~~Identification Card Office the person's Firearm Owner's~~
7 ~~Identification Card;~~

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

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

24 (12) if convicted of a violation of the Methamphetamine
25 Control and Community Protection Act, the Methamphetamine
26 Precursor Control Act, or a methamphetamine related

1 offense:

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

5 (B) prohibited from purchasing, possessing, or
6 having under his or her control any product containing
7 ammonium nitrate; ~~and~~

8 (13) if convicted of a hate crime involving the
9 protected class identified in subsection (a) of Section
10 12-7.1 of the Criminal Code of 2012 that gave rise to the
11 offense the offender committed, perform public or
12 community service of no less than 200 hours and enroll in
13 an educational program discouraging hate crimes that
14 includes racial, ethnic, and cultural sensitivity training
15 ordered by the court; ~~and~~

16 (14) if convicted of a felony, the defendant shall
17 physically surrender, at a time and place designated by the
18 court, all firearms in his or her possession to a law
19 enforcement officer designated by the court to take custody
20 of and impound the firearms and physically surrender his or
21 her Firearm Owner's Identification Card to the law
22 enforcement agency as a condition of remaining on bond
23 pending sentencing, unless the defendant requests to
24 transfer his or her firearms under Section 9.5 of the
25 Firearm Owners Identification Card Act first. A defendant
26 whose Firearm Owner's Identification Card has been revoked

1 or suspended may petition the court to transfer the
2 respondent's firearm to a person who is lawfully able to
3 possess the firearm if the person does not reside at the
4 same address as the respondent. The transferee who receives
5 the respondent's firearms must swear or affirm by affidavit
6 that he or she shall not transfer the firearm to the
7 defendant or to anyone residing in the same residence as
8 the defendant, until the defendant's Firearm Owner's
9 Identification Card has been reinstated. The law
10 enforcement agency, upon transfer of the firearms, shall
11 require the defendant to complete a Firearm Disposition
12 Record under Section 9.5 of the Firearm Owners
13 Identification Card Act and provide a copy to the
14 Department of State Police along with the defendants
15 Firearm Owner's Identification Card; and

16 (15) if the person is under 21 years of age who has
17 been convicted of a misdemeanor offense other than a
18 traffic offense, the defendant shall physically surrender,
19 at a time and place designated by the court, all firearms
20 in his or her possession to a law enforcement officer
21 designated by the court to take custody of and impound the
22 firearms and physically surrender his or her Firearm
23 Owner's Identification Card to the law enforcement agency
24 as a condition of remaining on bond pending sentencing,
25 unless the defendant requests to transfer his or her
26 firearms under Section 9.5 of the Firearm Owners

1 Identification Card Act first. A defendant whose Firearm
2 Owner's Identification Card has been revoked or suspended
3 may petition the court to transfer the respondent's firearm
4 to a person who is lawfully able to possess the firearm if
5 the person does not reside at the same address as the
6 respondent. The transferee who receives the respondent's
7 firearms must swear or affirm by affidavit that he or she
8 shall not transfer the firearm to the defendant or to
9 anyone residing in the same residence as the defendant,
10 until the defendant's Firearm Owner's Identification Card
11 has been reinstated. The law enforcement agency, upon
12 transfer of the firearms, shall require the defendant to
13 complete a Firearm Disposition Record under Section 9.5 of
14 the Firearm Owners Identification Card Act and provide a
15 copy to the Department of State Police along with the
16 defendants Firearm Owner's Identification Card.

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

22 (1) serve a term of periodic imprisonment under Article
23 7 for a period not to exceed that specified in paragraph
24 (d) of Section 5-7-1;

25 (2) pay a fine and costs;

26 (3) work or pursue a course of study or vocational

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

1 discharge, the conditions of home confinement shall be that
2 the offender:

3 (i) remain within the interior premises of the
4 place designated for his confinement during the hours
5 designated by the court;

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

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

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

1 order of the Chief Judge of the circuit court. The
2 clerk of the circuit court shall pay all monies
3 collected from this fee to the county treasurer for
4 deposit in the substance abuse services fund under
5 Section 5-1086.1 of the Counties Code, except as
6 provided in an administrative order of the Chief Judge
7 of the circuit court.

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

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

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and 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 defendant 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, except as provided in an administrative
7 order of the Chief Judge of the circuit court. The
8 clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer who
10 shall use the monies collected to defray the costs of
11 corrections. The county treasurer shall deposit the
12 fee collected in the probation and court services fund.
13 The Chief Judge of the circuit court of the county may
14 by administrative order establish a program for
15 electronic monitoring of offenders, in which a vendor
16 supplies and monitors the operation of the electronic
17 monitoring device, and collects the fees on behalf of
18 the county. The program shall include provisions for
19 indigent offenders and the collection of unpaid fees.
20 The program shall not unduly burden the offender and
21 shall be subject to review by the Chief Judge.

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

25 (11) comply with the terms and conditions of an order
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986, as now or hereafter amended,
2 or an order of protection issued by the court of another
3 state, tribe, or United States territory. A copy of the
4 order of protection shall be transmitted to the probation
5 officer or agency having responsibility for the case;

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

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

22 (14) refrain from entering into a designated
23 geographic area except upon such terms as the court finds
24 appropriate. Such terms may include consideration of the
25 purpose of the entry, the time of day, other persons
26 accompanying the defendant, and advance approval by a

1 probation officer, if the defendant has been placed on
2 probation or advance approval by the court, if the
3 defendant was placed on conditional discharge;

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

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

15 (17) if convicted for an offense committed on or after
16 June 1, 2008 (the effective date of Public Act 95-464) that
17 would qualify the accused as a child sex offender as
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
19 1961 or the Criminal Code of 2012, refrain from
20 communicating with or contacting, by means of the Internet,
21 a person who is related to the accused and whom the accused
22 reasonably believes to be under 18 years of age; for
23 purposes of this paragraph (17), "Internet" has the meaning
24 ascribed to it in Section 16-0.1 of the Criminal Code of
25 2012; and a person is related to the accused if the person
26 is: (i) the spouse, brother, or sister of the accused; (ii)

1 a descendant of the accused; (iii) a first or second cousin
2 of the accused; or (iv) a step-child or adopted child of
3 the accused;

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

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

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

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 subject's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

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

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

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

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

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

1 that the offender be committed to a period of imprisonment in
2 excess of 6 months. This 6-month limit shall not include
3 periods of confinement given pursuant to a sentence of county
4 impact incarceration under Section 5-8-1.2.

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

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

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

1 administrative order. The fees shall be collected by the clerk
2 of the circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The clerk of the
4 circuit court shall pay all moneys collected from these fees to
5 the county treasurer who shall use the moneys collected to
6 defray the costs of drug testing, alcohol testing, and
7 electronic monitoring. The county treasurer shall deposit the
8 fees collected in the county working cash fund under Section
9 6-27001 or Section 6-29002 of the Counties Code, as the case
10 may be. The Chief Judge of the circuit court of the county may
11 by administrative order establish a program for electronic
12 monitoring of offenders, in which a vendor supplies and
13 monitors the operation of the electronic monitoring device, and
14 collects the fees on behalf of the county. The program shall
15 include provisions for indigent offenders and the collection of
16 unpaid fees. The program shall not unduly burden the offender
17 and shall be subject to review by the Chief Judge.

18 The Chief Judge of the circuit court may suspend any
19 additional charges or fees for late payment, interest, or
20 damage to any device.

21 (h) Jurisdiction over an offender may be transferred from
22 the sentencing court to the court of another circuit with the
23 concurrence of both courts. Further transfers or retransfers of
24 jurisdiction are also authorized in the same manner. The court
25 to which jurisdiction has been transferred shall have the same
26 powers as the sentencing court. The probation department within

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

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992 or to community service under the
14 supervision of a probation or court services department after
15 January 1, 2004, as a condition of such probation or
16 conditional discharge or supervised community service, a fee of
17 \$50 for each month of probation or conditional discharge
18 supervision or supervised community service ordered by the
19 court, unless after determining the inability of the person
20 sentenced to probation or conditional discharge or supervised
21 community service to pay the fee, the court assesses a lesser
22 fee. The court may not impose the fee on a minor who is placed
23 in the guardianship or custody of the Department of Children
24 and Family Services under the Juvenile Court Act of 1987 while
25 the minor is in placement. The fee shall be imposed only upon
26 an offender who is actively supervised by the probation and

1 court services department. The fee shall be collected by the
2 clerk of the circuit court. The clerk of the circuit court
3 shall pay all monies collected from this fee to the county
4 treasurer for deposit in the probation and court services fund
5 under Section 15.1 of the Probation and Probation Officers Act.

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

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

25 Public Act 93-970 deletes the \$10 increase in the fee under
26 this subsection that was imposed by Public Act 93-616. This

1 deletion is intended to control over any other Act of the 93rd
2 General Assembly that retains or incorporates that fee
3 increase.

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

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

21 (k) Any offender who is sentenced to probation or
22 conditional discharge for a felony sex offense as defined in
23 the Sex Offender Management Board Act or any offense that the
24 court or probation department has determined to be sexually
25 motivated as defined in the Sex Offender Management Board Act
26 shall be required to refrain from any contact, directly or

1 indirectly, with any persons specified by the court and shall
2 be available for all evaluations and treatment programs
3 required by the court or the probation department.

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

8 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
9 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
10 1-8-18; 100-987, eff. 7-1-19.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.