



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5215

by Rep. Keith R. Wheeler

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Illinois 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Attorneys and the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended.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 Illinois 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 Owners Identification Card Act. Amends the Firearm Owners Identification Card Act. Provides that the Illinois State Police shall include in the report the reason the person's Firearm Owner's Identification Card was revoked or suspended.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 that the defendant shall physically surrender each firearm in his or her possession to a law enforcement agency designated by the court to take custody of and impound the firearm 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. Effective immediately.

LRB101 17545 RLC 66963 b

FISCAL NOTE ACT  
MAY APPLY

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 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) Records that are exempt from disclosure under  
9 Section 4.2 of the Crime Victims Compensation Act.

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

12 (oo) Communications, notes, records, and reports  
13 arising out of a peer support counseling session prohibited  
14 from disclosure under the First Responders Suicide  
15 Prevention Act.

16 (pp) Names and all identifying information relating to  
17 an employee of an emergency services provider or law  
18 enforcement agency under the First Responders Suicide  
19 Prevention Act.

20 (qq) Information and records held by the Department of  
21 Public Health and its authorized representatives collected  
22 under the Reproductive Health Act.

23 (rr) Information that is exempt from disclosure under  
24 the Cannabis Regulation and Tax Act.

25 (ss) Data reported by an employer to the Department of  
26 Human Rights pursuant to Section 2-108 of the Illinois



1 Human Rights Act.

2 (tt) Recordings made under the Children's Advocacy  
3 Center Act, except to the extent authorized under that Act.

4 (uu) Information that is exempt from disclosure under  
5 Section 50 of the Sexual Assault Evidence Submission Act.

6 (vv) Information that is exempt from disclosure under  
7 subsections (f) and (j) of Section 5-36 of the Illinois  
8 Public Aid Code.

9 (ww) Information that is exempt from disclosure under  
10 Section 16.8 of the State Treasurer Act.

11 (xx) Information that is exempt from disclosure or  
12 information that shall not be made public under the  
13 Illinois Insurance Code.

14 (yy) ~~(oo)~~ Information prohibited from being disclosed  
15 under the Illinois Educational Labor Relations Act.

16 (zz) ~~(pp)~~ Information prohibited from being disclosed  
17 under the Illinois Public Labor Relations Act.

18 (aaa) ~~(qq)~~ Information prohibited from being disclosed  
19 under Section 1-167 of the Illinois Pension Code.

20 (bbb) Records and information exempt from disclosure  
21 under Section 2605-304 of the Department of State Police  
22 Law of the Civil Administrative Code of Illinois.

23 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
24 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
25 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
26 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;

1 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
2 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
3 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
4 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
5 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised  
6 1-6-20.)

7 Section 10. The Department of State Police Law of the Civil  
8 Administrative Code of Illinois is amended by adding Sections  
9 2605-304 and 2605-615 as follows:

10 (20 ILCS 2605/2605-304 new)

11 Sec. 2605-304. Prohibited persons portal.

12 (a) Within 180 days of the effective date of this  
13 amendatory Act of the 101st General Assembly, the Illinois  
14 State Police shall establish a portal for use by federal,  
15 State, or local law enforcement agencies, including State's  
16 Attorneys and the Attorney General, to capture a report of  
17 persons whose Firearm Owner's Identification Cards have been  
18 revoked or suspended. The portal is for law enforcement  
19 purposes only.

20 (b) The Illinois State Police shall include in the report  
21 the reason the person's Firearm Owner's Identification Card was  
22 subject to revocation or suspension, to the extent allowed by  
23 law, consistent with Section 8 of the Firearm Owners  
24 Identification Card Act.

1       (c) The Illinois State Police shall indicate whether the  
2 person subject to the revocation or suspension of his or her  
3 Firearm Owner's Identification Card has surrendered his or her  
4 revoked or suspended Firearm Owner's Identification Card and  
5 whether the person has completed a Firearm Disposition Record  
6 required under Section 9.5 of the Firearm Owners Identification  
7 Card Act.

8       (d) The Illinois State Police shall provide updates of  
9 information related to an individual's current Firearm Owner's  
10 Identification Card revocation or suspension status, including  
11 compliance under Section 9.5 of the Firearm Owners  
12 Identification Card Act, in the Illinois State Police's Law  
13 Enforcement Agencies Data System.

14       (e) Records and information in the portal are exempt from  
15 disclosure under the Freedom of Information Act.

16       (f) The Illinois State Police may adopt rules necessary to  
17 implement this Section.

18       (20 ILCS 2605/2605-615 new)

19       Sec. 2605-615. Firearm Recovery Task Force. The Director  
20 shall establish a statewide multi-jurisdictional Firearm  
21 Recovery Task Force led by the Illinois State Police to seize  
22 and recover the Firearm Owner's Identification Cards of revoked  
23 persons and to enforce Section 9.5 of the Firearm Owner's  
24 Identification Card Act.

25       The Task Force may work with units of local government in

1 its recovery efforts. In working with a unit of local  
2 government, the Task Force shall operate under an  
3 intergovernmental agreement entered into with that unit of  
4 local government in conformity with the provisions of the  
5 Intergovernmental Cooperation Act. Units of local government  
6 cooperating with the Task Force shall be reimbursed by the  
7 Illinois State Police for expenses incurred in their  
8 cooperation with the Task Force.

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

10 For purposes of this Section:

11 "Revoked person" means a person whose Firearm Owner's  
12 Identification Card has been revoked under Section 8 of the  
13 Firearm Owners Identification Card Act.

14 "Unit of local government" has the meaning provided in  
15 Section 1 of Article VII of the Illinois Constitution and  
16 includes both home rule and non-home rule units.

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

20 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

21 Sec. 3.1. Dial up system.

22 (a) The Department of State Police shall provide a dial up  
23 telephone system or utilize other existing technology which  
24 shall be used by any federally licensed firearm dealer, gun

1 show promoter, or gun show vendor who is to transfer a firearm,  
2 stun gun, or taser under the provisions of this Act. The  
3 Department of State Police may utilize existing technology  
4 which allows the caller to be charged a fee not to exceed \$2.  
5 Fees collected by the Department of State Police shall be  
6 deposited in the State Police Services Fund and used to provide  
7 the service.

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

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

4 (1) assign a unique identification number to the  
5 transfer; and

6 (2) provide the licensee, gun show promoter, or gun  
7 show vendor with the number.

8 (d) Approvals issued by the Department of State Police for  
9 the purchase of a firearm are valid for 30 days from the date  
10 of issue.

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

14 (2) The Department of State Police and the Department of  
15 Human Services shall, in accordance with State and federal law  
16 regarding confidentiality, enter into a memorandum of  
17 understanding with the Federal Bureau of Investigation for the  
18 purpose of implementing the National Instant Criminal  
19 Background Check System in the State. The Department of State  
20 Police shall report the name, date of birth, and physical  
21 description of any person prohibited from possessing a firearm  
22 pursuant to the Firearm Owners Identification Card Act or 18  
23 U.S.C. 922(g) and (n) to the National Instant Criminal  
24 Background Check System Index, Denied Persons Files.

25 (3) The Department of State Police shall provide notice of  
26 the disqualification of a person under subsection (b) of this

1 Section or the revocation of a person's Firearm Owner's  
2 Identification Card under Section 8 or Section 8.2 of this Act,  
3 and the reason for the disqualification or revocation, to all  
4 law enforcement agencies with jurisdiction to assist with the  
5 seizure of the person's Firearm Owner's Identification Card.

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

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

9 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

16 (a) A person under 21 years of age who has been  
17 convicted of a misdemeanor other than a traffic offense or  
18 adjudged delinquent;

19 (b) This subsection (b) applies through the 180th day  
20 following the effective date of this amendatory Act of the  
21 101st General Assembly. A person under 21 years of age who  
22 does not have the written consent of his parent or guardian  
23 to acquire and possess firearms and firearm ammunition, or  
24 whose parent or guardian has revoked such written consent,  
25 or where such parent or guardian does not qualify to have a

1 Firearm Owner's Identification Card;

2 (b-5) This subsection (b-5) applies on and after the  
3 181st day following the effective date of this amendatory  
4 Act of the 101st General Assembly. A person under 21 years  
5 of age who is not an active duty member of the United  
6 States Armed Forces and does not have the written consent  
7 of his or her parent or guardian to acquire and possess  
8 firearms and firearm ammunition, or whose parent or  
9 guardian has revoked such written consent, or where such  
10 parent or guardian does not qualify to have a Firearm  
11 Owner's Identification Card;

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

14 (d) A person addicted to narcotics;

15 (e) A person who has been a patient of a mental health  
16 facility within the past 5 years or a person who has been a  
17 patient in a mental health facility more than 5 years ago  
18 who has not received the certification required under  
19 subsection (u) of this Section. An active law enforcement  
20 officer employed by a unit of government who is denied,  
21 revoked, or has his or her Firearm Owner's Identification  
22 Card seized under this subsection (e) may obtain relief as  
23 described in subsection (c-5) of Section 10 of this Act if  
24 the officer did not act in a manner threatening to the  
25 officer, another person, or the public as determined by the  
26 treating clinical psychologist or physician, and the



1 officer seeks mental health treatment;

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

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

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

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

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

17 (1) admitted to the United States for lawful  
18 hunting or sporting purposes;

19 (2) an official representative of a foreign  
20 government who is:

21 (A) accredited to the United States Government  
22 or the Government's mission to an international  
23 organization having its headquarters in the United  
24 States; or

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

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

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

7           (5) one who has received a waiver from the Attorney  
8 General of the United States pursuant to 18 U.S.C.  
9 922 (y) (3);

10          (j) (Blank);

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

16          (l) A person who has been convicted of domestic  
17 battery, aggravated domestic battery, or a substantially  
18 similar offense in another jurisdiction committed before,  
19 on or after January 1, 2012 (the effective date of Public  
20 Act 97-158). If the applicant or person who has been  
21 previously issued a Firearm Owner's Identification Card  
22 under this Act knowingly and intelligently waives the right  
23 to have an offense described in this paragraph (l) tried by  
24 a jury, and by guilty plea or otherwise, results in a  
25 conviction for an offense in which a domestic relationship  
26 is not a required element of the offense but in which a

1 determination of the applicability of 18 U.S.C. 922(g) (9)  
2 is made under Section 112A-11.1 of the Code of Criminal  
3 Procedure of 1963, an entry by the court of a judgment of  
4 conviction for that offense shall be grounds for denying an  
5 application for and for revoking and seizing a Firearm  
6 Owner's Identification Card previously issued to the  
7 person under this Act;

8 (m) (Blank);

9 (n) A person who is prohibited from acquiring or  
10 possessing firearms or firearm ammunition by any Illinois  
11 State statute or by federal law;

12 (o) A minor subject to a petition filed under Section  
13 5-520 of the Juvenile Court Act of 1987 alleging that the  
14 minor is a delinquent minor for the commission of an  
15 offense that if committed by an adult would be a felony;

16 (p) An adult who had been adjudicated a delinquent  
17 minor under the Juvenile Court Act of 1987 for the  
18 commission of an offense that if committed by an adult  
19 would be a felony;

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

23 (r) A person who has been adjudicated as a person with  
24 a mental disability;

25 (s) A person who has been found to have a developmental  
26 disability;

1 (t) A person involuntarily admitted into a mental  
2 health facility; ~~or~~

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

25 (v) A person who is under guardianship under the  
26 Probate Act of 1975 because he or she is a person with a

1        disability as defined in Section 11a-2 of the Probate Act  
2        of 1975.

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

7        (Source: P.A. 101-80, eff. 7-12-19.)

8                (430 ILCS 65/8.4 new)

9        Sec. 8.4. Cancellation of Firearm Owner's Identification  
10       Card. The Illinois State Police may cancel a Firearm Owner's  
11       Identification Card if a person is not prohibited by State or  
12       federal law from acquiring or possessing a firearm or firearm  
13       ammunition and the sole purpose is for an administrative  
14       reason. "Administrative reason" includes, but is not limited  
15       to: a person who surrenders his or her Illinois drivers license  
16       or Illinois Identification Card to another jurisdiction,  
17       death, or in which a person's Firearm Owner's Identification  
18       Card is reported as lost, stolen, or destroyed. The Illinois  
19       State Police may adopt rules necessary to implement this  
20       Section.

21                (430 ILCS 65/9.5)

22        Sec. 9.5. Revocation or suspension of Firearm Owner's  
23        Identification Card.

24                (a) A person who receives a revocation or suspension notice

1 under Section 9 of this Act shall, within 48 hours of receiving  
2 notice of the revocation or suspension:

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

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

14 (A) the make, model, and serial number of each  
15 firearm owned by or under the custody and control of  
16 the revoked or suspended person;

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

19 (C) if any firearm will be transferred to the  
20 custody of another person, the name, address and  
21 Firearm Owner's Identification Card number of the  
22 transferee.

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

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

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

3           (3) intends to retain possession of the firearm or  
4           firearms until it is determined that the transferor is  
5           legally eligible to possess a firearm and has an active  
6           Firearm Owner's Identification Card, if applicable, or  
7           until a new person is chosen to hold the firearm or  
8           firearms.

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

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

21          (d) A violation of subsection (a) of this Section is a  
22          Class A misdemeanor.

23          (e) The observation of a Firearm Owner's Identification  
24          Card in the possession of a person whose Firearm Owner's  
25          Identification Card has been revoked or suspended constitutes a  
26          sufficient basis for the arrest of that person for violation of

1 this Section.

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

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

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

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

15 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

17 (a) If a person is released prior to conviction, either  
18 upon payment of bail security or on his or her own  
19 recognizance, the conditions of the bail bond shall be that he  
20 or she will:

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

24 (2) Submit himself or herself to the orders and process



1 of the court;

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

3 (4) Not violate any criminal statute of any  
4 jurisdiction;

5 (5) At a time and place designated by the court, the  
6 defendant shall physically surrender each firearm in his or  
7 her possession to a law enforcement agency designated by  
8 the court to take custody of and impound the firearm and  
9 physically surrender his or her Firearm Owner's  
10 Identification Card to the law enforcement agency as a  
11 condition of remaining on bond pending sentencing  
12 ~~surrender all firearms in his or her possession to a law~~  
13 ~~enforcement officer designated by the court to take custody~~  
14 ~~of and impound the firearms and physically surrender his or~~  
15 ~~her Firearm Owner's Identification Card to the clerk of the~~  
16 ~~circuit court~~ when the offense the person has been charged  
17 with is a forcible felony, stalking, aggravated stalking,  
18 domestic battery, any violation of the Illinois Controlled  
19 Substances Act, the Methamphetamine Control and Community  
20 Protection Act, or the Cannabis Control Act that is  
21 classified as a Class 2 or greater felony, or any felony  
22 violation of Article 24 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, unless the defendant requests to  
24 transfer his or her firearm 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 defendant'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 defendant. The transferee who receives  
5 the defendant's firearm 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 firearm, 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 Illinois  
14 State Police along with the defendant's Firearm Owner's  
15 Identification Card; the court may, however, forgo the  
16 imposition of this condition ~~when the circumstances of the~~  
17 ~~case clearly do not warrant it or when its imposition would~~  
18 ~~be impractical; each legally possessed firearm shall be~~  
19 ~~returned to the person upon proof being provided to the law~~  
20 ~~enforcement agency of the reinstatement of the person's~~  
21 ~~Firearm Owner's Identification Card if the Firearm Owner's~~  
22 ~~Identification Card is confiscated, the clerk of the~~  
23 ~~circuit court shall mail the confiscated card to the~~  
24 ~~Illinois State Police; all legally possessed firearms~~  
25 ~~shall be returned to the person upon the charges being~~  
26 ~~dismissed, or if the person is found not guilty, unless the~~

1 ~~finding of not guilty is by reason of insanity;~~ and

2 (6) At a time and place designated by the court, submit  
3 to a psychological evaluation when the person has been  
4 charged with a violation of item (4) of subsection (a) of  
5 Section 24-1 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012 and that violation occurred in a school or in  
7 any conveyance owned, leased, or contracted by a school to  
8 transport students to or from school or a school-related  
9 activity, or on any public way within 1,000 feet of real  
10 property comprising any school.

11 Psychological evaluations ordered pursuant to this Section  
12 shall be completed promptly and made available to the State,  
13 the defendant, and the court. As a further condition of bail  
14 under these circumstances, the court shall order the defendant  
15 to refrain from entering upon the property of the school,  
16 including any conveyance owned, leased, or contracted by a  
17 school to transport students to or from school or a  
18 school-related activity, or on any public way within 1,000 feet  
19 of real property comprising any school. Upon receipt of the  
20 psychological evaluation, either the State or the defendant may  
21 request a change in the conditions of bail, pursuant to Section  
22 110-6 of this Code. The court may change the conditions of bail  
23 to include a requirement that the defendant follow the  
24 recommendations of the psychological evaluation, including  
25 undergoing psychiatric treatment. The conclusions of the  
26 psychological evaluation and any statements elicited from the

1 defendant during its administration are not admissible as  
2 evidence of guilt during the course of any trial on the charged  
3 offense, unless the defendant places his or her mental  
4 competency in issue.

5 (b) The court may impose other conditions, such as the  
6 following, if the court finds that such conditions are  
7 reasonably necessary to assure the defendant's appearance in  
8 court, protect the public from the defendant, or prevent the  
9 defendant's unlawful interference with the orderly  
10 administration of justice:

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

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

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

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

19 (5) Refrain from engaging in certain activities or  
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or  
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational  
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

3 (11) If a minor resides with his or her parents or in a  
4 foster home, attend school, attend a non-residential  
5 program for youths, and contribute to his or her own  
6 support at home or in a foster home;

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

8 (13) Remain in the custody of such designated person or  
9 organization agreeing to supervise his release. Such third  
10 party custodian shall be responsible for notifying the  
11 court if the defendant fails to observe the conditions of  
12 release which the custodian has agreed to monitor, and  
13 shall be subject to contempt of court for failure so to  
14 notify the court;

15 (14) Be placed under direct supervision of the Pretrial  
16 Services Agency, Probation Department or Court Services  
17 Department in a pretrial bond home supervision capacity  
18 with or without the use of an approved electronic  
19 monitoring device subject to Article 8A of Chapter V of the  
20 Unified Code of Corrections;

21 (14.1) The court shall impose upon a defendant who is  
22 charged with any alcohol, cannabis, methamphetamine, or  
23 controlled substance violation and is placed under direct  
24 supervision of the Pretrial Services Agency, Probation  
25 Department or Court Services Department in a pretrial bond  
26 home supervision capacity with the use of an approved

1 monitoring device, as a condition of such bail bond, a fee  
2 that represents costs incidental to the electronic  
3 monitoring for each day of such bail supervision ordered by  
4 the court, unless after determining the inability of the  
5 defendant to pay the fee, the court assesses a lesser fee  
6 or no fee as the case may be. The fee shall be collected by  
7 the clerk of the circuit court, except as provided in an  
8 administrative order of the Chief Judge of the circuit  
9 court. The clerk of the circuit court shall pay all monies  
10 collected from this fee to the county treasurer for deposit  
11 in the substance abuse services fund under Section 5-1086.1  
12 of the Counties Code, except as provided in an  
13 administrative order of the Chief Judge of the circuit  
14 court.

15 The Chief Judge of the circuit court of the county may  
16 by administrative order establish a program for electronic  
17 monitoring of offenders with regard to drug-related and  
18 alcohol-related offenses, in which a vendor supplies and  
19 monitors the operation of the electronic monitoring  
20 device, and collects the fees on behalf of the county. The  
21 program shall include provisions for indigent offenders  
22 and the collection of unpaid fees. The program shall not  
23 unduly burden the offender and shall be subject to review  
24 by the Chief Judge.

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

1 damage to any device;

2 (14.2) The court shall impose upon all defendants,  
3 including those defendants subject to paragraph (14.1)  
4 above, placed under direct supervision of the Pretrial  
5 Services Agency, Probation Department or Court Services  
6 Department in a pretrial bond home supervision capacity  
7 with the use of an approved monitoring device, as a  
8 condition of such bail bond, a fee which shall represent  
9 costs incidental to such electronic monitoring for each day  
10 of such bail supervision ordered by the court, unless after  
11 determining the inability of the defendant to pay the fee,  
12 the court assesses a lesser fee or no fee as the case may  
13 be. The fee shall be collected by the clerk of the circuit  
14 court, except as provided in an administrative order of the  
15 Chief Judge of the circuit court. The clerk of the circuit  
16 court shall pay all monies collected from this fee to the  
17 county treasurer who shall use the monies collected to  
18 defray the costs of corrections. The county treasurer shall  
19 deposit the fee collected in the county working cash fund  
20 under Section 6-27001 or Section 6-29002 of the Counties  
21 Code, as the case may be, except as provided in an  
22 administrative order of the Chief Judge of the circuit  
23 court.

24 The Chief Judge of the circuit court of the county may  
25 by administrative order establish a program for electronic  
26 monitoring of offenders with regard to drug-related and

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

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

11 (14.3) The Chief Judge of the Judicial Circuit may  
12 establish reasonable fees to be paid by a person receiving  
13 pretrial services while under supervision of a pretrial  
14 services agency, probation department, or court services  
15 department. Reasonable fees may be charged for pretrial  
16 services including, but not limited to, pretrial  
17 supervision, diversion programs, electronic monitoring,  
18 victim impact services, drug and alcohol testing, DNA  
19 testing, GPS electronic monitoring, assessments and  
20 evaluations related to domestic violence and other  
21 victims, and victim mediation services. The person  
22 receiving pretrial services may be ordered to pay all costs  
23 incidental to pretrial services in accordance with his or  
24 her ability to pay those costs;

25 (14.4) For persons charged with violating Section  
26 11-501 of the Illinois Vehicle Code, refrain from operating



1 a motor vehicle not equipped with an ignition interlock  
2 device, as defined in Section 1-129.1 of the Illinois  
3 Vehicle Code, pursuant to the rules promulgated by the  
4 Secretary of State for the installation of ignition  
5 interlock devices. Under this condition the court may allow  
6 a defendant who is not self-employed to operate a vehicle  
7 owned by the defendant's employer that is not equipped with  
8 an ignition interlock device in the course and scope of the  
9 defendant's employment;

10 (15) Comply with the terms and conditions of an order  
11 of protection issued by the court under the Illinois  
12 Domestic Violence Act of 1986 or an order of protection  
13 issued by the court of another state, tribe, or United  
14 States territory;

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

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

19 (c) When a person is charged with an offense under Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, involving a victim who is a minor under  
23 18 years of age living in the same household with the defendant  
24 at the time of the offense, in granting bail or releasing the  
25 defendant on his own recognizance, the judge shall impose  
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he  
2 will:

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

7 (d) When a person is charged with a criminal offense and  
8 the victim is a family or household member as defined in  
9 Article 112A, conditions shall be imposed at the time of the  
10 defendant's release on bond that restrict the defendant's  
11 access to the victim. Unless provided otherwise by the court,  
12 the restrictions shall include requirements that the defendant  
13 do the following:

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

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

20 (e) Local law enforcement agencies shall develop  
21 standardized bond forms for use in cases involving family or  
22 household members as defined in Article 112A, including  
23 specific conditions of bond as provided in subsection (d).  
24 Failure of any law enforcement department to develop or use  
25 those forms shall in no way limit the applicability and  
26 enforcement of subsections (d) and (f).

1 (f) If the defendant is admitted to bail after conviction  
2 the conditions of the bail bond shall be that he will, in  
3 addition to the conditions set forth in subsections (a) and (b)  
4 hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may  
7 direct;

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

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

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

14 (g) Upon a finding of guilty for any felony offense, the  
15 defendant shall physically surrender, at a time and place  
16 designated by the court, each firearm in his or her possession  
17 to a law enforcement officer designated by the court to take  
18 custody of and impound the firearm and physically surrender his  
19 or her Firearm Owner's Identification Card to the law  
20 enforcement agency as a condition of remaining on bond pending  
21 sentencing, unless the defendant requests to transfer his or  
22 her firearm under Section 9.5 of the Firearm Owners  
23 Identification Card Act first. A defendant whose Firearm  
24 Owner's Identification Card has been revoked or suspended may  
25 petition the court to transfer the defendant's firearm to a  
26 person who is lawfully able to possess the firearm if the

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

16 (h) In the event the defendant is unable to post bond, the  
17 court may impose a no contact provision with the victim or  
18 other interested party that shall be enforced while the  
19 defendant remains in custody.

20 (i) Upon indictment for any felony offense, the defendant  
21 shall physically surrender, at a time and place designated by  
22 the court, each firearm in his or her possession to a law  
23 enforcement officer designated by the court to take custody of  
24 and impound the firearm and physically surrender his or her  
25 Firearm Owner's Identification Card to the law enforcement  
26 agency as a condition of remaining on bond pending sentencing,

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

21 (Source: P.A. 101-138, eff. 1-1-20.)

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

24 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

1           Sec. 5-6-3. Conditions of probation and of conditional  
2 discharge.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

1 offender's probation officer;

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

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

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

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

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

1 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 that was determined, pursuant to Section 112A-11.1 of  
3 the Code of Criminal Procedure of 1963, to trigger the  
4 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall  
5 physically surrender, at a time and place designated by the  
6 court, each firearm in his or her possession to a law  
7 enforcement officer designated by the court to take custody  
8 of and impound the firearm and physically surrender his or  
9 her Firearm Owner's Identification Card to the law  
10 enforcement agency as a condition of remaining on bond  
11 pending sentencing, unless the defendant requests to  
12 transfer his or her firearm under Section 9.5 of the  
13 Firearm Owners Identification Card Act first. A defendant  
14 whose Firearm Owner's Identification Card has been revoked  
15 or suspended may petition the court to transfer the  
16 defendant's firearm to a person who is lawfully able to  
17 possess the firearm if the person does not reside at the  
18 same address as the defendant. The transferee who receives  
19 the defendant's firearm must swear or affirm by affidavit  
20 that he or she shall not transfer the firearm to the  
21 defendant or to anyone residing in the same residence as  
22 the defendant, until the defendant's Firearm Owner's  
23 Identification Card has been reinstated. The law  
24 enforcement agency, upon transfer of the firearm, shall  
25 require the defendant to complete a Firearm Disposition  
26 Record under Section 9.5 of the Firearm Owners

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

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

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

25            (12) if convicted of a violation of the Methamphetamine  
26          Control and Community Protection Act, the Methamphetamine

1 Precursor Control Act, or a methamphetamine related  
2 offense:

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

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

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

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

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

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

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

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

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

26               (2) pay a fine and costs;



1           (3) work or pursue a course of study or vocational  
2 training;

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

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

7           (6) support his dependents;

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

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

10                (ii) attend school;

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

12                (iv) contribute to his own support at home or in a  
13 foster home;

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

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

24           (9) perform some reasonable public or community  
25 service;

26           (10) serve a term of home confinement. In addition to

1 any other applicable condition of probation or conditional  
2 discharge, the conditions of home confinement shall be that  
3 the offender:

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

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

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

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

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

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

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

21 (v) for persons convicted of offenses other than  
22 those referenced in clause (iv) above and who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

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

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

26 (11) comply with the terms and conditions of an order

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

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

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

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

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

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

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

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

1 is: (i) the spouse, brother, or sister of the accused; (ii)  
2 a descendant of the accused; (iii) a first or second cousin  
3 of the accused; or (iv) a step-child or adopted child of  
4 the accused;

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

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

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

25 (iii) submit to the installation on the offender's  
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software  
2 systems to monitor the Internet use; and

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

26 Public Act 93-970 deletes the \$10 increase in the fee under

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

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

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

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

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

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

9 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
10 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
11 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 140/7.5	
4	20 ILCS 2605/2605-304 new	
5	20 ILCS 2605/2605-615 new	
6	430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
7	430 ILCS 65/8	from Ch. 38, par. 83-8
8	430 ILCS 65/8.4 new	
9	430 ILCS 65/9.5	
10	725 ILCS 5/110-10	from Ch. 38, par. 110-10
11	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3