



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3039

Introduced 2/19/2021, 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Attorneys and the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended.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that the Illinois State Police shall include in the report the reason the person's Firearm Owner's Identification Card was revoked or suspended.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.

LRB102 11922 KMF 17258 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  
9 exempt 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  
19 records 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  
21 local emergency energy plan ordinance that is adopted  
22 under 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  
15 Capital Crimes Litigation Act. This subsection (n) shall  
16 apply until the conclusion of the trial of the case, even  
17 if the prosecution chooses not to pursue the death penalty  
18 prior 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  
11 in, stored in, submitted to, transferred by, or released  
12 from the Illinois Health Information Exchange, and  
13 identified or deidentified health information in the form  
14 of health data and medical records of the Illinois Health  
15 Information Exchange in the possession of the Illinois  
16 Health Information Exchange Office due to its  
17 administration of the Illinois Health Information  
18 Exchange. The terms "identified" and "deidentified" shall  
19 be given the same meaning as in the Health Insurance  
20 Portability and Accountability Act of 1996, Public Law  
21 104-191, or any subsequent amendments thereto, and any  
22 regulations 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  
7 Carry Licensing Review Board under the Firearm Concealed  
8 Carry 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  
22 an 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  
26 and 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  
14 prohibited from disclosure under the First Responders  
15 Suicide 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  
4 Act.

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

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

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

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

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

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

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

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

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

1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
3 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
4 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
5 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
6 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,  
7 eff. 7-7-20.)

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

11 (20 ILCS 2605/2605-304 new)

12 Sec. 2605-304. Prohibited persons portal.

13 (a) Within 180 days of the effective date of this  
14 amendatory Act of the 102nd General Assembly, the Illinois  
15 State Police shall establish a portal for use by federal,  
16 State, or local law enforcement agencies, including State's  
17 Attorneys and the Attorney General, to capture a report of  
18 persons whose Firearm Owner's Identification Cards have been  
19 revoked or suspended. The portal is for law enforcement  
20 purposes only.

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

1 Identification Card Act.

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

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

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

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

19 (20 ILCS 2605/2605-615 new)

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

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

10       The creation of the Task Force is subject to  
11 appropriation.

12       For purposes of this Section:

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

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

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

22       (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

23       Sec. 3.1. Dial up system.

24       (a) The Department of State Police shall provide a dial up

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

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

1 person from obtaining or require revocation of a currently  
2 valid Firearm Owner's Identification Card.

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

6 (1) assign a unique identification number to the  
7 transfer; and

8 (2) provide the licensee, gun show promoter, or gun  
9 show vendor with the number.

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

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

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

1           (3) The Department of State Police shall provide notice of  
2 the disqualification of a person under subsection (b) of this  
3 Section or the revocation of a person's Firearm Owner's  
4 Identification Card under Section 8 or Section 8.2 of this  
5 Act, and the reason for the disqualification or revocation, to  
6 all law enforcement agencies with jurisdiction to assist with  
7 the seizure of the person's Firearm Owner's Identification  
8 Card.

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

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

12           (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

22           (b) This subsection (b) applies through the 180th day  
23 following the effective date of this amendatory Act of the  
24 101st General Assembly. A person under 21 years of age who  
25 does not have the written consent of his parent or

1 guardian to acquire and possess firearms and firearm  
2 ammunition, or whose parent or guardian has revoked such  
3 written consent, or where such parent or guardian does not  
4 qualify to have a Firearm Owner's Identification Card;

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

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

17 (d) A person addicted to narcotics;

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



1 the officer did not act in a manner threatening to the  
2 officer, another person, or the public as determined by  
3 the treating clinical psychologist or physician, and the  
4 officer seeks mental health treatment;

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

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

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

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

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

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

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

24 (A) accredited to the United States Government  
25 or the Government's mission to an international  
26 organization having its headquarters in the United

1 States; or

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

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

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

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

13 (j) (Blank);

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

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

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

11           (m) (Blank);

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

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

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

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

26           (r) A person who has been adjudicated as a person with

1 a mental disability;

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

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

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

1 under Section 10 or 11 of this Act; ~~or~~

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

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

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

11 (430 ILCS 65/8.4 new)

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

24 (430 ILCS 65/9.5)

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

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

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

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

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

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

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

26           (a-5) The Firearm Disposition Record shall contain a

1 statement to be signed by the transferee that the transferee:

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

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

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

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

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

24 (d) A violation of subsection (a) of this Section is a  
25 Class A misdemeanor.

26 (e) The observation of a Firearm Owner's Identification

1 Card in the possession of a person whose Firearm Owner's  
2 Identification Card has been revoked or suspended constitutes  
3 a sufficient basis for the arrest of that person for violation  
4 of this Section.

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

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

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

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

19 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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



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

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

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

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

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

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

1 ~~Card is confiscated, the clerk of the circuit court shall~~  
2 ~~mail the confiscated card to the Illinois State Police;~~  
3 ~~all legally possessed firearms shall be returned to the~~  
4 ~~person upon the charges being dismissed, or if the person~~  
5 ~~is found not guilty, unless the finding of not guilty is by~~  
6 ~~reason of insanity; and~~

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

16 Psychological evaluations ordered pursuant to this Section  
17 shall be completed promptly and made available to the State,  
18 the defendant, and the court. As a further condition of bail  
19 under these circumstances, the court shall order the defendant  
20 to refrain from entering upon the property of the school,  
21 including any conveyance owned, leased, or contracted by a  
22 school to transport students to or from school or a  
23 school-related activity, or on any public way within 1,000  
24 feet of real property comprising any school. Upon receipt of  
25 the psychological evaluation, either the State or the  
26 defendant may request a change in the conditions of bail,

1 pursuant to Section 110-6 of this Code. The court may change  
2 the conditions of bail to include a requirement that the  
3 defendant follow the recommendations of the psychological  
4 evaluation, including undergoing psychiatric treatment. The  
5 conclusions of the psychological evaluation and any statements  
6 elicited from the defendant during its administration are not  
7 admissible as evidence of guilt during the course of any trial  
8 on the charged offense, unless the defendant places his or her  
9 mental competency in issue.

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

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

18 (2) Refrain from possessing a firearm or other  
19 dangerous weapon;

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

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

24 (5) Refrain from engaging in certain activities or  
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational  
4 training;

5 (9) Attend or reside in a facility designated by the  
6 court;

7 (10) Support his or her dependents;

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

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

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

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

26 (14.1) The court shall impose upon a defendant who is

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

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

1 and the collection of unpaid fees. The program shall not  
2 unduly burden the offender and shall be subject to review  
3 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 (14.2) The court shall impose upon all defendants,  
8 including those defendants subject to paragraph (14.1)  
9 above, placed under direct supervision of the Pretrial  
10 Services Agency, Probation Department or Court Services  
11 Department in a pretrial bond home supervision capacity  
12 with the use of an approved monitoring device, as a  
13 condition of such bail bond, a fee which shall represent  
14 costs incidental to such electronic monitoring for each  
15 day of such bail supervision ordered by the court, unless  
16 after determining the inability of the defendant to pay  
17 the fee, the court assesses a lesser fee or no fee as the  
18 case may be. The fee shall be collected by the clerk of the  
19 circuit court, except as provided in an administrative  
20 order of the Chief Judge of the circuit court. The clerk of  
21 the circuit court shall pay all monies collected from this  
22 fee to the county treasurer who shall use the monies  
23 collected to defray the costs of corrections. The county  
24 treasurer shall deposit the fee collected in the county  
25 working cash fund under Section 6-27001 or Section 6-29002  
26 of the Counties Code, as the case may be, except as

1 provided in an administrative order of the Chief Judge of  
2 the circuit court.

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

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

16 (14.3) The Chief Judge of the Judicial Circuit may  
17 establish reasonable fees to be paid by a person receiving  
18 pretrial services while under supervision of a pretrial  
19 services agency, probation department, or court services  
20 department. Reasonable fees may be charged for pretrial  
21 services including, but not limited to, pretrial  
22 supervision, diversion programs, electronic monitoring,  
23 victim impact services, drug and alcohol testing, DNA  
24 testing, GPS electronic monitoring, assessments and  
25 evaluations related to domestic violence and other  
26 victims, and victim mediation services. The person



1 receiving pretrial services may be ordered to pay all  
2 costs incidental to pretrial services in accordance with  
3 his or her ability to pay those costs;

4 (14.4) For persons charged with violating Section  
5 11-501 of the Illinois Vehicle Code, refrain from  
6 operating a motor vehicle not equipped with an ignition  
7 interlock device, as defined in Section 1-129.1 of the  
8 Illinois Vehicle Code, pursuant to the rules promulgated  
9 by the Secretary of State for the installation of ignition  
10 interlock devices. Under this condition the court may  
11 allow a defendant who is not self-employed to operate a  
12 vehicle owned by the defendant's employer that is not  
13 equipped with an ignition interlock device in the course  
14 and scope of the defendant's employment;

15 (15) Comply with the terms and conditions of an order  
16 of protection issued by the court under the Illinois  
17 Domestic Violence Act of 1986 or an order of protection  
18 issued by the court of another state, tribe, or United  
19 States territory;

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

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

24 (c) When a person is charged with an offense under Section  
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
26 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, involving a victim who is a minor under  
2 18 years of age living in the same household with the defendant  
3 at the time of the offense, in granting bail or releasing the  
4 defendant on his own recognizance, the judge shall impose  
5 conditions to restrict the defendant's access to the victim  
6 which may include, but are not limited to conditions that he  
7 will:

8 1. Vacate the household.

9 2. Make payment of temporary support to his  
10 dependents.

11 3. Refrain from contact or communication with the  
12 child victim, except as ordered by the court.

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

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

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

26 (e) Local law enforcement agencies shall develop

1 standardized bond forms for use in cases involving family or  
2 household members as defined in Article 112A, including  
3 specific conditions of bond as provided in subsection (d).  
4 Failure of any law enforcement department to develop or use  
5 those forms shall in no way limit the applicability and  
6 enforcement of subsections (d) and (f).

7 (f) If the defendant is admitted to bail after conviction  
8 the conditions of the bail bond shall be that he will, in  
9 addition to the conditions set forth in subsections (a) and  
10 (b) hereof:

11 (1) Duly prosecute his appeal;

12 (2) Appear at such time and place as the court may  
13 direct;

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

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

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

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

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

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

26 (i) Upon indictment for any felony offense, the defendant

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

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

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

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

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

1 acceptance by the other state pursuant to the Interstate  
2 Compact for Adult Offender Supervision;

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

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

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



1 otherwise mentally incapable of completing the educational  
2 or vocational program;

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

16 (8.5) if convicted of a felony sex offense as defined  
17 in the Sex Offender Management Board Act, the person shall  
18 undergo and successfully complete sex offender treatment  
19 by a treatment provider approved by the Board and  
20 conducted in conformance with the standards developed  
21 under the Sex Offender Management Board Act;

22 (8.6) if convicted of a sex offense as defined in the  
23 Sex Offender Management Board Act, refrain from residing  
24 at the same address or in the same condominium unit or  
25 apartment unit or in the same condominium complex or  
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has  
2 been placed on supervision for a sex offense; the  
3 provisions of this paragraph do not apply to a person  
4 convicted of a sex offense who is placed in a Department of  
5 Corrections licensed transitional housing facility for sex  
6 offenders;

7 (8.7) if convicted for an offense committed on or  
8 after June 1, 2008 (the effective date of Public Act  
9 95-464) that would qualify the accused as a child sex  
10 offender as defined in Section 11-9.3 or 11-9.4 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012,  
12 refrain from communicating with or contacting, by means of  
13 the Internet, a person who is not related to the accused  
14 and whom the accused reasonably believes to be under 18  
15 years of age; for purposes of this paragraph (8.7),  
16 "Internet" has the meaning ascribed to it in Section  
17 16-0.1 of the Criminal Code of 2012; and a person is not  
18 related to the accused if the person is not: (i) the  
19 spouse, brother, or sister of the accused; (ii) a  
20 descendant of the accused; (iii) a first or second cousin  
21 of the accused; or (iv) a step-child or adopted child of  
22 the accused;

23 (8.8) if convicted for an offense under Section 11-6,  
24 11-9.1, 11-14.4 that involves soliciting for a juvenile  
25 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 or any attempt to commit any of these offenses, committed  
2 on or after June 1, 2009 (the effective date of Public Act  
3 95-983):

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

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

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

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

1 imposed by the offender's probation officer;

2 (8.9) if convicted of a sex offense as defined in the  
3 Sex Offender Registration Act committed on or after  
4 January 1, 2010 (the effective date of Public Act 96-262),  
5 refrain from accessing or using a social networking  
6 website as defined in Section 17-0.5 of the Criminal Code  
7 of 2012;

8 (9) if convicted ~~of a felony or~~ of any misdemeanor  
9 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
10 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
11 2012 that was determined, pursuant to Section 112A-11.1 of  
12 the Code of Criminal Procedure of 1963, to trigger the  
13 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall  
14 physically surrender, at a time and place designated by  
15 the court, each firearm in his or her possession to a law  
16 enforcement officer designated by the court to take  
17 custody of and impound the firearm and physically  
18 surrender his or her Firearm Owner's Identification Card  
19 to the law enforcement agency as a condition of remaining  
20 on bond pending sentencing, unless the defendant requests  
21 to transfer his or her firearm under Section 9.5 of the  
22 Firearm Owners Identification Card Act first. A defendant  
23 whose Firearm Owner's Identification Card has been revoked  
24 or suspended may petition the court to transfer the  
25 defendant's firearm to a person who is lawfully able to  
26 possess the firearm if the person does not reside at the

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

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

1 Claus, or wearing an Easter Bunny costume on or preceding  
2 Easter;

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

10 (12) if convicted of a violation of the  
11 Methamphetamine Control and Community Protection Act, the  
12 Methamphetamine Precursor Control Act, or a  
13 methamphetamine related 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;~~i-~~

2 (14) if convicted of a felony, the defendant shall  
3 physically surrender, at a time and place designated by  
4 the court, each firearm in his or her possession to a law  
5 enforcement officer designated by the court to take  
6 custody of and impound the firearm and physically  
7 surrender his or her Firearm Owner's Identification Card  
8 to the law enforcement agency as a condition of remaining  
9 on bond pending sentencing, unless the defendant requests  
10 to transfer his or her firearm 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 defendant'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 defendant. The transferee who receives  
17 the defendant's firearm 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 firearm, 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 Illinois  
26 State Police along with the defendant's Firearm Owner's

1       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, each firearm  
6       in his or her possession to a law enforcement officer  
7       designated by the court to take custody of and impound the  
8       firearm 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       firearm 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 defendant'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       defendant. The transferee who receives the defendant's  
19       firearm 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 firearm, 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 Illinois State Police along with the  
2       defendant's 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  
9               Article 7 for a period not to exceed that specified in  
10              paragraph (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  
14 that 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  
25          fund. The Chief Judge of the circuit court of the  
26          county may by administrative order establish a program

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

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

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

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

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the  
2 offense for which the defendant was sentenced, (i) to a  
3 "local anti-crime program", as defined in Section 7 of the  
4 Anti-Crime Advisory Council Act, or (ii) for offenses  
5 under the jurisdiction of the Department of Natural  
6 Resources, to the fund established by the Department of  
7 Natural Resources for the purchase of evidence for  
8 investigation purposes and to conduct investigations as  
9 outlined in Section 805-105 of the Department of Natural  
10 Resources (Conservation) Law;

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

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

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

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

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

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

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

1 search for employment with the prior approval of the  
2 offender's probation officer;

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

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

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

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

25 (c) The court may as a condition of probation or of  
26 conditional discharge require that a person under 18 years of



1 age found guilty of any alcohol, cannabis or controlled  
2 substance violation, refrain from acquiring a driver's license  
3 during the period of probation or conditional discharge. If  
4 such person is in possession of a permit or license, the court  
5 may require that the minor refrain from driving or operating  
6 any motor vehicle during the period of probation or  
7 conditional discharge, except as may be necessary in the  
8 course of the minor's lawful employment.

9 (d) An offender sentenced to probation or to conditional  
10 discharge shall be given a certificate setting forth the  
11 conditions thereof.

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

20 Persons committed to imprisonment as a condition of  
21 probation or conditional discharge shall not be committed to  
22 the Department of Corrections.

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

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

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

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

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

26 (i) The court shall impose upon an offender sentenced to

1 probation after January 1, 1989 or to conditional discharge  
2 after January 1, 1992 or to community service under the  
3 supervision of a probation or court services department after  
4 January 1, 2004, as a condition of such probation or  
5 conditional discharge or supervised community service, a fee  
6 of \$50 for each month of probation or conditional discharge  
7 supervision or supervised community service ordered by the  
8 court, unless after determining the inability of the person  
9 sentenced to probation or conditional discharge or supervised  
10 community service to pay the fee, the court assesses a lesser  
11 fee. The court may not impose the fee on a minor who is placed  
12 in the guardianship or custody of the Department of Children  
13 and Family Services under the Juvenile Court Act of 1987 while  
14 the minor is in placement. The fee shall be imposed only upon  
15 an offender who is actively supervised by the probation and  
16 court services department. The fee shall be collected by the  
17 clerk of the circuit court. The clerk of the circuit court  
18 shall pay all monies collected from this fee to the county  
19 treasurer for deposit in the probation and court services fund  
20 under Section 15.1 of the Probation and Probation Officers  
21 Act.

22 A circuit court may not impose a probation fee under this  
23 subsection (i) in excess of \$25 per month unless the circuit  
24 court has adopted, by administrative order issued by the chief  
25 judge, a standard probation fee guide determining an  
26 offender's ability to pay. Of the amount collected as a

1 probation fee, up to \$5 of that fee collected per month may be  
2 used to provide services to crime victims and their families.

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

15 Public Act 93-970 deletes the \$10 increase in the fee  
16 under this subsection that was imposed by Public Act 93-616.  
17 This deletion is intended to control over any other Act of the  
18 93rd General Assembly that retains or incorporates that fee  
19 increase.

20 (i-5) In addition to the fees imposed under subsection (i)  
21 of this Section, in the case of an offender convicted of a  
22 felony sex offense (as defined in the Sex Offender Management  
23 Board Act) or an offense that the court or probation  
24 department has determined to be sexually motivated (as defined  
25 in the Sex Offender Management Board Act), the court or the  
26 probation department shall assess additional fees to pay for

1 all costs of treatment, assessment, evaluation for risk and  
2 treatment, and monitoring the offender, based on that  
3 offender's ability to pay those costs either as they occur or  
4 under a payment plan.

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

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

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

25 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
26 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.

1 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

2 Section 99. Effective date. This Act takes effect upon  
3 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              |