

1 AN ACT concerning minors.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1101.3 as follows:

6 (55 ILCS 5/5-1101.3)

7 Sec. 5-1101.3. Additional fees to finance new judicial
8 facilities. The county boards of Kane County, Kendall County,
9 and Will County may by ordinance impose a judicial facilities
10 fee to be used for the building of new judicial facilities.

11 (a) In setting such fee, the county board, with the
12 concurrence of the Chief Judge of the applicable judicial
13 circuit or the presiding judge of the county in a multi-county
14 judicial circuit, may impose different rates for the various
15 types or categories of civil and criminal cases, not to exceed
16 \$30. The fees are to be paid as follows:

17 (1) In civil cases, the fee shall be paid by each party
18 at the time of filing the first pleading, paper, or other
19 appearance; provided that no additional fee shall be
20 required if more than one party is represented in a single
21 pleading, paper, or other appearance.

22 (2) In felony, misdemeanor, local or county ordinance,
23 traffic, and conservation cases, the fee shall be assessed

1 against the defendant upon the entry of a judgment of
2 conviction, an order of supervision, or a sentence of
3 probation without entry of judgment pursuant to Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, or Section 10 of the Steroid Control Act.

11 (2.5) Fines and assessments, such as fees or
12 administrative costs, authorized under this Section shall
13 not be ordered or imposed on a minor subject to Article
14 III, IV, or V of the Juvenile Court Act of 1987, or a minor
15 under the age of 18 transferred to adult court or excluded
16 from juvenile court jurisdiction under Article V of the
17 Juvenile Court Act of 1987, or the minor's parent,
18 guardian, or legal custodian.

19 (3) In local or county ordinance, traffic, and
20 conservation cases, if fines are paid in full without a
21 court appearance, then the fee shall not be imposed or
22 collected.

23 (b) The proceeds of all fees enacted under this Section
24 must be deposited into the county's Judicial Department
25 Facilities Construction Fund and used for the sole purpose of
26 funding in whole or in part the costs associated with building

1 new judicial facilities within the county, which shall be
2 designed and constructed by the county board with the
3 concurrence of the Chief Judge of the applicable judicial
4 circuit or the presiding judge of the county in a multi-county
5 judicial circuit.

6 (Source: P.A. 102-1021, eff. 7-1-22.)

7 Section 10. The Clerks of Courts Act is amended by
8 changing Sections 27.1b and 27.3b-1 as follows:

9 (705 ILCS 105/27.1b)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
12 other provision of law, all fees charged by the clerks of the
13 circuit court for the services described in this Section shall
14 be established, collected, and disbursed in accordance with
15 this Section. Except as otherwise specified in this Section,
16 all fees under this Section shall be paid in advance and
17 disbursed by each clerk on a monthly basis. In a county with a
18 population of over 3,000,000, units of local government and
19 school districts shall not be required to pay fees under this
20 Section in advance and the clerk shall instead send an
21 itemized bill to the unit of local government or school
22 district, within 30 days of the fee being incurred, and the
23 unit of local government or school district shall be allowed
24 at least 30 days from the date of the itemized bill to pay;

1 these payments shall be disbursed by each clerk on a monthly
2 basis. Unless otherwise specified in this Section, the amount
3 of a fee shall be determined by ordinance or resolution of the
4 county board and remitted to the county treasurer to be used
5 for purposes related to the operation of the court system in
6 the county. In a county with a population of over 3,000,000,
7 any amount retained by the clerk of the circuit court or
8 remitted to the county treasurer shall be subject to
9 appropriation by the county board.

10 (a) Civil cases. The fee for filing a complaint, petition,
11 or other pleading initiating a civil action shall be as set
12 forth in the applicable schedule under this subsection in
13 accordance with case categories established by the Supreme
14 Court in schedules.

15 (1) SCHEDULE 1: not to exceed a total of \$366 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$316 in any other county, except as applied to
18 units of local government and school districts in counties
19 with more than 3,000,000 inhabitants an amount not to
20 exceed \$190 through December 31, 2021 and \$184 on and
21 after January 1, 2022. The fees collected under this
22 schedule shall be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$55 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund; and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$290 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$250 in any other county, as specified by
19 ordinance or resolution passed by the county board,
20 for purposes related to the operation of the court
21 system in the county.

22 (2) SCHEDULE 2: not to exceed a total of \$357 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$266 in any other county, except as applied to
25 units of local government and school districts in counties
26 with more than 3,000,000 inhabitants an amount not to

1 exceed \$190 through December 31, 2021 and \$184 on and
2 after January 1, 2022. The fees collected under this
3 schedule shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$55 in a county with a population of
6 3,000,000 or more and in an amount not to exceed \$45 in
7 any other county determined by the clerk with the
8 approval of the Supreme Court, to be used for court
9 automation, court document storage, and administrative
10 purposes.

11 (B) The clerk shall remit up to \$21 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts, in accordance with the clerk's
14 instructions, as follows:

15 (i) up to \$10, as specified by the Supreme
16 Court in accordance with Part 10A of Article II of
17 the Code of Civil Procedure, into the Mandatory
18 Arbitration Fund;

19 (ii) \$2 into the Access to Justice Fund: and

20 (iii) \$9 into the Supreme Court Special
21 Purposes Fund.

22 (C) The clerk shall remit a sum to the County
23 Treasurer, in an amount not to exceed \$281 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$200 in any other county, as specified by
26 ordinance or resolution passed by the county board,

1 for purposes related to the operation of the court
2 system in the county.

3 (3) SCHEDULE 3: not to exceed a total of \$265 in a
4 county with a population of 3,000,000 or more and not to
5 exceed \$89 in any other county, except as applied to units
6 of local government and school districts in counties with
7 more than 3,000,000 inhabitants an amount not to exceed
8 \$190 through December 31, 2021 and \$184 on and after
9 January 1, 2022. The fees collected under this schedule
10 shall be disbursed as follows:

11 (A) The clerk shall retain a sum, in an amount not
12 to exceed \$55 in a county with a population of
13 3,000,000 or more and in an amount not to exceed \$22 in
14 any other county determined by the clerk with the
15 approval of the Supreme Court, to be used for court
16 automation, court document storage, and administrative
17 purposes.

18 (B) The clerk shall remit \$11 to the State
19 Treasurer. The State Treasurer shall deposit the
20 appropriate amounts in accordance with the clerk's
21 instructions, as follows:

22 (i) \$2 into the Access to Justice Fund; and
23 (ii) \$9 into the Supreme Court Special
24 Purposes Fund.

25 (C) The clerk shall remit a sum to the County
26 Treasurer, in an amount not to exceed \$199 in a county

1 with a population of 3,000,000 or more and in an amount
2 not to exceed \$56 in any other county, as specified by
3 ordinance or resolution passed by the county board,
4 for purposes related to the operation of the court
5 system in the county.

6 (4) SCHEDULE 4: \$0.

7 (b) Appearance. The fee for filing an appearance in a
8 civil action, including a cannabis civil law action under the
9 Cannabis Control Act, shall be as set forth in the applicable
10 schedule under this subsection in accordance with case
11 categories established by the Supreme Court in schedules.

12 (1) SCHEDULE 1: not to exceed a total of \$230 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$191 in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$75. The fees collected under this schedule shall
18 be disbursed as follows:

19 (A) The clerk shall retain a sum, in an amount not
20 to exceed \$50 in a county with a population of
21 3,000,000 or more and in an amount not to exceed \$45 in
22 any other county determined by the clerk with the
23 approval of the Supreme Court, to be used for court
24 automation, court document storage, and administrative
25 purposes.

26 (B) The clerk shall remit up to \$21 to the State

1 Treasurer. The State Treasurer shall deposit the
2 appropriate amounts, in accordance with the clerk's
3 instructions, as follows:

4 (i) up to \$10, as specified by the Supreme
5 Court in accordance with Part 10A of Article II of
6 the Code of Civil Procedure, into the Mandatory
7 Arbitration Fund;

8 (ii) \$2 into the Access to Justice Fund; and

9 (iii) \$9 into the Supreme Court Special
10 Purposes Fund.

11 (C) The clerk shall remit a sum to the County
12 Treasurer, in an amount not to exceed \$159 in a county
13 with a population of 3,000,000 or more and in an amount
14 not to exceed \$125 in any other county, as specified by
15 ordinance or resolution passed by the county board,
16 for purposes related to the operation of the court
17 system in the county.

18 (2) SCHEDULE 2: not to exceed a total of \$130 in a
19 county with a population of 3,000,000 or more and not to
20 exceed \$109 in any other county, except as applied to
21 units of local government and school districts in counties
22 with more than 3,000,000 inhabitants an amount not to
23 exceed \$75. The fees collected under this schedule shall
24 be disbursed as follows:

25 (A) The clerk shall retain a sum, in an amount not
26 to exceed \$50 in a county with a population of

1 3,000,000 or more and in an amount not to exceed \$10 in
2 any other county determined by the clerk with the
3 approval of the Supreme Court, to be used for court
4 automation, court document storage, and administrative
5 purposes.

6 (B) The clerk shall remit \$9 to the State
7 Treasurer, which the State Treasurer shall deposit
8 into the Supreme Court Special Purposes Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$71 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$90 in any other county, as specified by
13 ordinance or resolution passed by the county board,
14 for purposes related to the operation of the court
15 system in the county.

16 (3) SCHEDULE 3: \$0.

17 (b-5) Kane County and Will County. In Kane County and Will
18 County civil cases, there is an additional fee of up to \$30 as
19 set by the county board under Section 5-1101.3 of the Counties
20 Code to be paid by each party at the time of filing the first
21 pleading, paper, or other appearance; provided that no
22 additional fee shall be required if more than one party is
23 represented in a single pleading, paper, or other appearance.
24 Distribution of fees collected under this subsection (b-5)
25 shall be as provided in Section 5-1101.3 of the Counties Code.

26 (c) Counterclaim or third party complaint. When any

1 defendant files a counterclaim or third party complaint, as
2 part of the defendant's answer or otherwise, the defendant
3 shall pay a filing fee for each counterclaim or third party
4 complaint in an amount equal to the filing fee the defendant
5 would have had to pay had the defendant brought a separate
6 action for the relief sought in the counterclaim or third
7 party complaint, less the amount of the appearance fee, if
8 any, that the defendant has already paid in the action in which
9 the counterclaim or third party complaint is filed.

10 (d) Alias summons. The clerk shall collect a fee not to
11 exceed \$6 in a county with a population of 3,000,000 or more
12 and not to exceed \$5 in any other county for each alias summons
13 or citation issued by the clerk, except as applied to units of
14 local government and school districts in counties with more
15 than 3,000,000 inhabitants an amount not to exceed \$5 for each
16 alias summons or citation issued by the clerk.

17 (e) Jury services. The clerk shall collect, in addition to
18 other fees allowed by law, a sum not to exceed \$212.50, as a
19 fee for the services of a jury in every civil action not
20 quasi-criminal in its nature and not a proceeding for the
21 exercise of the right of eminent domain and in every other
22 action wherein the right of trial by jury is or may be given by
23 law. The jury fee shall be paid by the party demanding a jury
24 at the time of filing the jury demand. If the fee is not paid
25 by either party, no jury shall be called in the action or
26 proceeding, and the action or proceeding shall be tried by the

1 court without a jury.

2 (f) Change of venue. In connection with a change of venue:

3 (1) The clerk of the jurisdiction from which the case
4 is transferred may charge a fee, not to exceed \$40, for the
5 preparation and certification of the record; and

6 (2) The clerk of the jurisdiction to which the case is
7 transferred may charge the same filing fee as if it were
8 the commencement of a new suit.

9 (g) Petition to vacate or modify.

10 (1) In a proceeding involving a petition to vacate or
11 modify any final judgment or order filed within 30 days
12 after the judgment or order was entered, except for an
13 eviction case, small claims case, petition to reopen an
14 estate, petition to modify, terminate, or enforce a
15 judgment or order for child or spousal support, or
16 petition to modify, suspend, or terminate an order for
17 withholding, the fee shall not exceed \$60 in a county with
18 a population of 3,000,000 or more and shall not exceed \$50
19 in any other county, except as applied to units of local
20 government and school districts in counties with more than
21 3,000,000 inhabitants an amount not to exceed \$50.

22 (2) In a proceeding involving a petition to vacate or
23 modify any final judgment or order filed more than 30 days
24 after the judgment or order was entered, except for a
25 petition to modify, terminate, or enforce a judgment or
26 order for child or spousal support, or petition to modify,

1 suspend, or terminate an order for withholding, the fee
2 shall not exceed \$75.

3 (3) In a proceeding involving a motion to vacate or
4 amend a final order, motion to vacate an ex parte
5 judgment, judgment of forfeiture, or "failure to appear"
6 or "failure to comply" notices sent to the Secretary of
7 State, the fee shall equal \$40.

8 (h) Appeals preparation. The fee for preparation of a
9 record on appeal shall be based on the number of pages, as
10 follows:

11 (1) if the record contains no more than 100 pages, the
12 fee shall not exceed \$70 in a county with a population of
13 3,000,000 or more and shall not exceed \$50 in any other
14 county;

15 (2) if the record contains between 100 and 200 pages,
16 the fee shall not exceed \$100; and

17 (3) if the record contains 200 or more pages, the
18 clerk may collect an additional fee not to exceed 25 cents
19 per page.

20 (i) Remands. In any cases remanded to the circuit court
21 from the Supreme Court or the appellate court for a new trial,
22 the clerk shall reinstate the case with either its original
23 number or a new number. The clerk shall not charge any new or
24 additional fee for the reinstatement. Upon reinstatement, the
25 clerk shall advise the parties of the reinstatement. Parties
26 shall have the same right to a jury trial on remand and

1 reinstatement that they had before the appeal, and no
2 additional or new fee or charge shall be made for a jury trial
3 after remand.

4 (j) Garnishment, wage deduction, and citation. In
5 garnishment affidavit, wage deduction affidavit, and citation
6 petition proceedings:

7 (1) if the amount in controversy in the proceeding is
8 not more than \$1,000, the fee may not exceed \$35 in a
9 county with a population of 3,000,000 or more and may not
10 exceed \$15 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$15;

14 (2) if the amount in controversy in the proceeding is
15 greater than \$1,000 and not more than \$5,000, the fee may
16 not exceed \$45 in a county with a population of 3,000,000
17 or more and may not exceed \$30 in any other county, except
18 as applied to units of local government and school
19 districts in counties with more than 3,000,000 inhabitants
20 an amount not to exceed \$30; and

21 (3) if the amount in controversy in the proceeding is
22 greater than \$5,000, the fee may not exceed \$65 in a county
23 with a population of 3,000,000 or more and may not exceed
24 \$50 in any other county, except as applied to units of
25 local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$50.

2 (j-5) Debt collection. In any proceeding to collect a debt
3 subject to the exception in item (ii) of subparagraph (A-5) of
4 paragraph (1) of subsection (z) of this Section, the circuit
5 court shall order and the clerk shall collect from each
6 judgment debtor a fee of:

7 (1) \$35 if the amount in controversy in the proceeding
8 is not more than \$1,000;

9 (2) \$45 if the amount in controversy in the proceeding
10 is greater than \$1,000 and not more than \$5,000; and

11 (3) \$65 if the amount in controversy in the proceeding
12 is greater than \$5,000.

13 (k) Collections.

14 (1) For all collections made of others, except the
15 State and county and except in maintenance or child
16 support cases, the clerk may collect a fee of up to 2.5% of
17 the amount collected and turned over.

18 (2) In child support and maintenance cases, the clerk
19 may collect an annual fee of up to \$36 from the person
20 making payment for maintaining child support records and
21 the processing of support orders to the State of Illinois
22 KIDS system and the recording of payments issued by the
23 State Disbursement Unit for the official record of the
24 Court. This fee is in addition to and separate from
25 amounts ordered to be paid as maintenance or child support
26 and shall be deposited into a Separate Maintenance and

1 Child Support Collection Fund, of which the clerk shall be
2 the custodian, ex officio, to be used by the clerk to
3 maintain child support orders and record all payments
4 issued by the State Disbursement Unit for the official
5 record of the Court. The clerk may recover from the person
6 making the maintenance or child support payment any
7 additional cost incurred in the collection of this annual
8 fee.

9 (3) The clerk may collect a fee of \$5 for
10 certifications made to the Secretary of State as provided
11 in Section 7-703 of the Illinois Vehicle Code, and this
12 fee shall be deposited into the Separate Maintenance and
13 Child Support Collection Fund.

14 (4) In proceedings to foreclose the lien of delinquent
15 real estate taxes, State's Attorneys shall receive a fee
16 of 10% of the total amount realized from the sale of real
17 estate sold in the proceedings. The clerk shall collect
18 the fee from the total amount realized from the sale of the
19 real estate sold in the proceedings and remit to the
20 County Treasurer to be credited to the earnings of the
21 Office of the State's Attorney.

22 (l) Mailing. The fee for the clerk mailing documents shall
23 not exceed \$10 plus the cost of postage.

24 (m) Certified copies. The fee for each certified copy of a
25 judgment, after the first copy, shall not exceed \$10.

26 (n) Certification, authentication, and reproduction.

1 (1) The fee for each certification or authentication
2 for taking the acknowledgment of a deed or other
3 instrument in writing with the seal of office shall not
4 exceed \$6.

5 (2) The fee for reproduction of any document contained
6 in the clerk's files shall not exceed:

7 (A) \$2 for the first page;

8 (B) 50 cents per page for the next 19 pages; and

9 (C) 25 cents per page for all additional pages.

10 (o) Record search. For each record search, within a
11 division or municipal district, the clerk may collect a search
12 fee not to exceed \$6 for each year searched.

13 (p) Hard copy. For each page of hard copy print output,
14 when case records are maintained on an automated medium, the
15 clerk may collect a fee not to exceed \$10 in a county with a
16 population of 3,000,000 or more and not to exceed \$6 in any
17 other county, except as applied to units of local government
18 and school districts in counties with more than 3,000,000
19 inhabitants an amount not to exceed \$6.

20 (q) Index inquiry and other records. No fee shall be
21 charged for a single plaintiff and defendant index inquiry or
22 single case record inquiry when this request is made in person
23 and the records are maintained in a current automated medium,
24 and when no hard copy print output is requested. The fees to be
25 charged for management records, multiple case records, and
26 multiple journal records may be specified by the Chief Judge

1 pursuant to the guidelines for access and dissemination of
2 information approved by the Supreme Court.

3 (r) Performing a marriage. There shall be a \$10 fee for
4 performing a marriage in court.

5 (s) Voluntary assignment. For filing each deed of
6 voluntary assignment, the clerk shall collect a fee not to
7 exceed \$20. For recording a deed of voluntary assignment, the
8 clerk shall collect a fee not to exceed 50 cents for each 100
9 words. Exceptions filed to claims presented to an assignee of
10 a debtor who has made a voluntary assignment for the benefit of
11 creditors shall be considered and treated, for the purpose of
12 taxing costs therein, as actions in which the party or parties
13 filing the exceptions shall be considered as party or parties
14 plaintiff, and the claimant or claimants as party or parties
15 defendant, and those parties respectively shall pay to the
16 clerk the same fees as provided by this Section to be paid in
17 other actions.

18 (t) Expungement petition. Except as provided in Sections
19 1-19 and 5-915 of the Juvenile Court Act of 1987, the ~~the~~ clerk
20 may collect a fee not to exceed \$60 for each expungement
21 petition filed and an additional fee not to exceed \$4 for each
22 certified copy of an order to expunge arrest records.

23 (u) Transcripts of judgment. For the filing of a
24 transcript of judgment, the clerk may collect the same fee as
25 if it were the commencement of a new suit.

26 (v) Probate filings.

1 (1) For each account (other than one final account)
2 filed in the estate of a decedent, or ward, the fee shall
3 not exceed \$25.

4 (2) For filing a claim in an estate when the amount
5 claimed is greater than \$150 and not more than \$500, the
6 fee shall not exceed \$40 in a county with a population of
7 3,000,000 or more and shall not exceed \$25 in any other
8 county; when the amount claimed is greater than \$500 and
9 not more than \$10,000, the fee shall not exceed \$55 in a
10 county with a population of 3,000,000 or more and shall
11 not exceed \$40 in any other county; and when the amount
12 claimed is more than \$10,000, the fee shall not exceed \$75
13 in a county with a population of 3,000,000 or more and
14 shall not exceed \$60 in any other county; except the court
15 in allowing a claim may add to the amount allowed the
16 filing fee paid by the claimant.

17 (3) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest of
20 a will, enforcement of a contract to make a will, and
21 proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, the fee shall not
23 exceed \$60.

24 (4) There shall be no fee for filing in an estate: (i)
25 the appearance of any person for the purpose of consent;
26 or (ii) the appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem, or
2 special administrator.

3 (5) For each jury demand, the fee shall not exceed
4 \$137.50.

5 (6) For each certified copy of letters of office, of
6 court order, or other certification, the fee shall not
7 exceed \$2 per page.

8 (7) For each exemplification, the fee shall not exceed
9 \$2, plus the fee for certification.

10 (8) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall
12 pay the cost of publication by the clerk directly to the
13 newspaper.

14 (9) The person on whose behalf a charge is incurred
15 for witness, court reporter, appraiser, or other
16 miscellaneous fees shall pay the same directly to the
17 person entitled thereto.

18 (10) The executor, administrator, guardian,
19 petitioner, or other interested person or his or her
20 attorney shall pay to the clerk all postage charges
21 incurred by the clerk in mailing petitions, orders,
22 notices, or other documents pursuant to the provisions of
23 the Probate Act of 1975.

24 (w) Corrections of numbers. For correction of the case
25 number, case title, or attorney computer identification
26 number, if required by rule of court, on any document filed in

1 the clerk's office, to be charged against the party that filed
2 the document, the fee shall not exceed \$25.

3 (x) Miscellaneous.

4 (1) Interest earned on any fees collected by the clerk
5 shall be turned over to the county general fund as an
6 earning of the office.

7 (2) For any check, draft, or other bank instrument
8 returned to the clerk for non-sufficient funds, account
9 closed, or payment stopped, the clerk shall collect a fee
10 of \$25.

11 (y) Other fees. Any fees not covered in this Section shall
12 be set by rule or administrative order of the circuit court
13 with the approval of the Administrative Office of the Illinois
14 Courts. The clerk of the circuit court may provide services in
15 connection with the operation of the clerk's office, other
16 than those services mentioned in this Section, as may be
17 requested by the public and agreed to by the clerk and approved
18 by the Chief Judge. Any charges for additional services shall
19 be as agreed to between the clerk and the party making the
20 request and approved by the Chief Judge. Nothing in this
21 subsection shall be construed to require any clerk to provide
22 any service not otherwise required by law.

23 (y-5) Unpaid fees. Unless a court ordered payment schedule
24 is implemented or the fee requirements of this Section are
25 waived under a court order, the clerk of the circuit court may
26 add to any unpaid fees and costs under this Section a

1 delinquency amount equal to 5% of the unpaid fees that remain
2 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
3 after 60 days, and 15% of the unpaid fees that remain unpaid
4 after 90 days. Notice to those parties may be made by signage
5 posting or publication. The additional delinquency amounts
6 collected under this Section shall be deposited into the
7 Circuit Court Clerk Operations and Administration Fund and
8 used to defray additional administrative costs incurred by the
9 clerk of the circuit court in collecting unpaid fees and
10 costs.

11 (z) Exceptions.

12 (1) No fee authorized by this Section shall apply to:

13 (A) police departments or other law enforcement
14 agencies. In this Section, "law enforcement agency"
15 means: an agency of the State or agency of a unit of
16 local government which is vested by law or ordinance
17 with the duty to maintain public order and to enforce
18 criminal laws or ordinances; the Attorney General; or
19 any State's Attorney;

20 (A-5) any unit of local government or school
21 district, except in counties having a population of
22 500,000 or more the county board may by resolution set
23 fees for units of local government or school districts
24 no greater than the minimum fees applicable in
25 counties with a population less than 3,000,000;
26 provided however, no fee may be charged to any unit of

1 local government or school district in connection with
2 any action which, in whole or in part, is: (i) to
3 enforce an ordinance; (ii) to collect a debt; or (iii)
4 under the Administrative Review Law;

5 (B) any action instituted by the corporate
6 authority of a municipality with more than 1,000,000
7 inhabitants under Section 11-31-1 of the Illinois
8 Municipal Code and any action instituted under
9 subsection (b) of Section 11-31-1 of the Illinois
10 Municipal Code by a private owner or tenant of real
11 property within 1,200 feet of a dangerous or unsafe
12 building seeking an order compelling the owner or
13 owners of the building to take any of the actions
14 authorized under that subsection;

15 (C) any commitment petition or petition for an
16 order authorizing the administration of psychotropic
17 medication or electroconvulsive therapy under the
18 Mental Health and Developmental Disabilities Code;

19 (D) a petitioner in any order of protection
20 proceeding, including, but not limited to, fees for
21 filing, modifying, withdrawing, certifying, or
22 photocopying petitions for orders of protection,
23 issuing alias summons, any related filing service, or
24 certifying, modifying, vacating, or photocopying any
25 orders of protection; ~~or~~

26 (E) proceedings for the appointment of a

1 confidential intermediary under the Adoption Act; ~~or~~

2 (F) a minor subject to Article III, IV, or V of the
3 Juvenile Court Act of 1987, or the minor's parent,
4 guardian, or legal custodian; or

5 (G) a minor under the age of 18 transferred to
6 adult court or excluded from juvenile court
7 jurisdiction under Article V of the Juvenile Court Act
8 of 1987, or the minor's parent, guardian, or legal
9 custodian.

10 (2) No fee other than the filing fee contained in the
11 applicable schedule in subsection (a) shall be charged to
12 any person in connection with an adoption proceeding.

13 (3) Upon good cause shown, the court may waive any
14 fees associated with a special needs adoption. The term
15 "special needs adoption" has the meaning provided by the
16 Illinois Department of Children and Family Services.

17 (aa) This Section is repealed on January 1, 2024.

18 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
19 102-278, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff.
20 5-13-22.)

21 (705 ILCS 105/27.3b-1)

22 Sec. 27.3b-1. Minimum fines; disbursement of fines.

23 (a) Unless otherwise specified by law, the minimum fine
24 for a conviction or supervision disposition on a minor traffic
25 offense is \$25 and the minimum fine for a conviction,

1 supervision disposition, or violation based upon a plea of
2 guilty or finding of guilt for any other offense is \$75. If the
3 court finds that the fine would impose an undue burden on the
4 victim, the court may reduce or waive the fine. In this
5 subsection (a), "victim" shall not be construed to include the
6 defendant.

7 (a-5) Except for traffic fines, fines and assessments,
8 such as fees or administrative costs, authorized under this
9 Section shall not be ordered or imposed on a minor subject to
10 Article III, IV, or V of the Juvenile Court Act of 1987, or a
11 minor under the age of 18 transferred to adult court or
12 excluded from juvenile court jurisdiction under Article V of
13 the Juvenile Court Act of 1987, or the minor's parent,
14 guardian, or legal custodian.

15 (b) Unless otherwise specified by law, all fines imposed
16 on a misdemeanor offense, other than a traffic, conservation,
17 or driving under the influence offense, or on a felony offense
18 shall be disbursed within 60 days after receipt by the circuit
19 clerk to the county treasurer for deposit into the county's
20 General Fund. Unless otherwise specified by law, all fines
21 imposed on an ordinance offense or a misdemeanor traffic,
22 misdemeanor conservation, or misdemeanor driving under the
23 influence offense shall be disbursed within 60 days after
24 receipt by the circuit clerk to the treasurer of the unit of
25 government of the arresting agency. If the arresting agency is
26 the office of the sheriff, the county treasurer shall deposit

1 the portion into a fund to support the law enforcement
2 operations of the office of the sheriff. If the arresting
3 agency is a State agency, the State Treasurer shall deposit
4 the portion as follows:

5 (1) if the arresting agency is the Illinois State
6 Police, into the State Police Law Enforcement
7 Administration Fund;

8 (2) if the arresting agency is the Department of
9 Natural Resources, into the Conservation Police Operations
10 Assistance Fund;

11 (3) if the arresting agency is the Secretary of State,
12 into the Secretary of State Police Services Fund; and

13 (4) if the arresting agency is the Illinois Commerce
14 Commission, into the Transportation Regulatory Fund.

15 (Source: P.A. 101-636, eff. 6-10-20; 102-538, eff. 8-20-21.)

16 Section 15. The Criminal and Traffic Assessment Act is
17 amended by changing Sections 5-5, 5-10, 5-15, and 15-70 as
18 follows:

19 (705 ILCS 135/5-5)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 5-5. Minimum fine. Unless otherwise specified by law,
22 the minimum fine for a conviction or supervision disposition
23 on a minor traffic offense is \$25 and the minimum fine for a
24 conviction, supervision disposition, or violation based upon a

1 plea of guilty or finding of guilt for any other offense is
2 \$75. If the court finds that the fine would impose an undue
3 burden on the victim, the court may reduce or waive the fine.
4 In this Section, "victim" shall not be construed to include
5 the defendant. Except for traffic fines, fines and
6 assessments, such as fees or administrative costs, authorized
7 under this Section shall not be ordered or imposed on a minor
8 subject to Article III, IV, or V of the Juvenile Court Act of
9 1987, or a minor under the age of 18 transferred to adult court
10 or excluded from juvenile court jurisdiction under Article V
11 of the Juvenile Court Act of 1987, or the minor's parent,
12 guardian, or legal custodian.

13 (Source: P.A. 100-987, eff. 7-1-19.)

14 (705 ILCS 135/5-10)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 5-10. Schedules; payment.

17 (a) In each case, the court shall order an assessment at
18 the time of sentencing, as set forth in this Act, for a
19 defendant to pay in addition to any fine, restitution, or
20 forfeiture ordered by the court when the defendant is
21 convicted of, pleads guilty to, or is placed on court
22 supervision for a violation of a statute of this State or a
23 similar local ordinance. The court may order a fine,
24 restitution, or forfeiture on any violation that is being
25 sentenced but shall order only one assessment from the

1 Schedule of Assessments 1 through 13 of this Act for all
2 sentenced violations in a case, that being the schedule
3 applicable to the highest classified offense violation that is
4 being sentenced, plus any conditional assessments under
5 Section 15-70 of this Act applicable to any sentenced
6 violation in the case.

7 (a-5) Except for restitution and traffic violations, fines
8 and assessments, such as fees or administrative costs,
9 authorized under this Section shall not be ordered or imposed
10 on a minor subject to Article III, IV, or V of the Juvenile
11 Court Act of 1987, or a minor under the age of 18 transferred
12 to adult court or excluded from juvenile court jurisdiction
13 under Article V of the Juvenile Court Act of 1987, or the
14 minor's parent, guardian, or legal custodian.

15 (b) If the court finds that the schedule of assessments
16 will cause an undue burden on any victim in a case or if the
17 court orders community service or some other punishment in
18 place of the applicable schedule of assessments, the court may
19 reduce the amount set forth in the applicable schedule of
20 assessments or not order the applicable schedule of
21 assessments. If the court reduces the amount set forth in the
22 applicable schedule of assessments, then all recipients of the
23 funds collected will receive a prorated amount to reflect the
24 reduction.

25 (c) The court may order the assessments to be paid
26 forthwith or within a specified period of time or in

1 installments.

2 (c-3) Excluding any ordered conditional assessment, if the
3 assessment is not paid within the period of probation,
4 conditional discharge, or supervision to which the defendant
5 was originally sentenced, the court may extend the period of
6 probation, conditional discharge, or supervision under Section
7 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
8 applicable, until the assessment is paid or until successful
9 completion of public or community service set forth in
10 subsection (b) of Section 5-20 of this Act or the successful
11 completion of the substance abuse intervention or treatment
12 program set forth in subsection (c-5) of this Section.

13 Except for traffic violations, assessments, such as fees
14 or administrative costs, under this subsection (c-3) shall not
15 be ordered or imposed on a minor subject to Article III, IV, or
16 V of the Juvenile Court Act of 1987, or a minor under the age
17 of 18 transferred to adult court or excluded from juvenile
18 court jurisdiction under Article V of the Juvenile Court Act
19 of 1987, or the minor's parent, guardian, or legal custodian.

20 (c-5) Excluding any ordered conditional assessment, the
21 court may suspend the collection of the assessment; provided,
22 the defendant agrees to enter a substance abuse intervention
23 or treatment program approved by the court; and further
24 provided that the defendant agrees to pay for all or some
25 portion of the costs associated with the intervention or
26 treatment program. In this case, the collection of the

1 assessment shall be suspended during the defendant's
2 participation in the approved intervention or treatment
3 program. Upon successful completion of the program, the
4 defendant may apply to the court to reduce the assessment
5 imposed under this Section by any amount actually paid by the
6 defendant for his or her participation in the program. The
7 court shall not reduce the assessment under this subsection
8 unless the defendant establishes to the satisfaction of the
9 court that he or she has successfully completed the
10 intervention or treatment program. If the defendant's
11 participation is for any reason terminated before his or her
12 successful completion of the intervention or treatment
13 program, collection of the entire assessment imposed under
14 this Act shall be enforced. Nothing in this Section shall be
15 deemed to affect or suspend any other fines, restitution
16 costs, forfeitures, or assessments imposed under this or any
17 other Act.

18 Except for traffic violations, assessments, such as fees
19 or administrative costs, under this subsection (c-5) shall not
20 be ordered or imposed on a minor subject to Article III, IV, or
21 V of the Juvenile Court Act of 1987, or a minor under the age
22 of 18 transferred to adult court or excluded from juvenile
23 court jurisdiction under Article V of the Juvenile Court Act
24 of 1987, or the minor's parent, guardian, or legal custodian.

25 (d) Except as provided in Section 5-15 of this Act, the
26 defendant shall pay to the clerk of the court and the clerk

1 shall remit the assessment to the appropriate entity as set
2 forth in the ordered schedule of assessments within one month
3 of its receipt.

4 (e) Unless a court ordered payment schedule is implemented
5 or the assessment requirements of this Act are waived under a
6 court order, the clerk of the circuit court may add to any
7 unpaid assessments under this Act a delinquency amount equal
8 to 5% of the unpaid assessments that remain unpaid after 30
9 days, 10% of the unpaid assessments that remain unpaid after
10 60 days, and 15% of the unpaid assessments that remain unpaid
11 after 90 days. Notice to those parties may be made by signage
12 posting or publication. The additional delinquency amounts
13 collected under this Section shall be deposited into the
14 Circuit Clerk Operations and Administration Fund and used to
15 defray additional administrative costs incurred by the clerk
16 of the circuit court in collecting unpaid assessments.

17 (f) The clerk of the circuit court shall not add
18 delinquency amounts to unpaid assessments against a minor
19 subject to Article III, IV, or V of the Juvenile Court Act of
20 1987, or a minor under the age of 18 transferred to adult court
21 or excluded from juvenile court jurisdiction under Article V
22 of the Juvenile Court Act of 1987, or the minor's parent,
23 guardian, or legal custodian.

24 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 5-15. Service provider costs. Unless otherwise
3 provided in Article 15 of this Act, the defendant shall pay
4 service provider costs to the entity that provided the
5 service. Service provider costs are not eligible for credit
6 for time served, substitution of community service, or waiver.
7 The circuit court may, through administrative order or local
8 rule, appoint the clerk of the court as the receiver and
9 remitter of certain service provider costs, which may include,
10 but are not limited to, probation fees, traffic school fees,
11 or drug or alcohol testing fees. Except for traffic
12 violations, fines and assessments, such as fees or
13 administrative costs, authorized in this Section shall not be
14 ordered or imposed on a minor subject to Article III, IV, or V
15 of the Juvenile Court Act of 1987, or a minor under the age of
16 18 transferred to adult court or excluded from juvenile court
17 jurisdiction under Article V of the Juvenile Court Act of
18 1987, or the minor's parent, guardian, or legal custodian.

19 (Source: P.A. 100-987, eff. 7-1-19.)

20 (705 ILCS 135/15-70)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 15-70. Conditional assessments. In addition to
23 payments under one of the Schedule of Assessments 1 through 13
24 of this Act, the court shall also order payment of any of the
25 following conditional assessment amounts for each sentenced

1 violation in the case to which a conditional assessment is
2 applicable, which shall be collected and remitted by the Clerk
3 of the Circuit Court as provided in this Section:

4 (1) arson, residential arson, or aggravated arson,
5 \$500 per conviction to the State Treasurer for deposit
6 into the Fire Prevention Fund;

7 (2) child pornography under Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, \$500
9 per conviction, unless more than one agency is responsible
10 for the arrest in which case the amount shall be remitted
11 to each unit of government equally:

12 (A) if the arresting agency is an agency of a unit
13 of local government, \$500 to the treasurer of the unit
14 of local government for deposit into the unit of local
15 government's General Fund, except that if the Illinois
16 State Police provides digital or electronic forensic
17 examination assistance, or both, to the arresting
18 agency then \$100 to the State Treasurer for deposit
19 into the State Crime Laboratory Fund; or

20 (B) if the arresting agency is the Illinois State
21 Police, \$500 to the State Treasurer for deposit into
22 the State Crime Laboratory Fund;

23 (3) crime laboratory drug analysis for a drug-related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as
26 defined in the Cannabis Control Act, the Illinois

1 Controlled Substances Act, or the Methamphetamine Control
2 and Community Protection Act, \$100 reimbursement for
3 laboratory analysis, as set forth in subsection (f) of
4 Section 5-9-1.4 of the Unified Code of Corrections;

5 (4) DNA analysis, \$250 on each conviction in which it
6 was used to the State Treasurer for deposit into the State
7 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
8 the Unified Code of Corrections;

9 (5) DUI analysis, \$150 on each sentenced violation in
10 which it was used as set forth in subsection (f) of Section
11 5-9-1.9 of the Unified Code of Corrections;

12 (6) drug-related offense involving possession or
13 delivery of cannabis or possession or delivery of a
14 controlled substance, other than methamphetamine, as
15 defined in the Cannabis Control Act or the Illinois
16 Controlled Substances Act, an amount not less than the
17 full street value of the cannabis or controlled substance
18 seized for each conviction to be disbursed as follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or
3 to the State Treasurer if the arresting agency was a
4 state agency, to be deposited as provided in
5 subsection (c) of Section 10-5;

6 (D) if the arrest was made in combination with
7 multiple law enforcement agencies, the clerk shall
8 equitably allocate the portion in subparagraph (C) of
9 this paragraph (6) among the law enforcement agencies
10 involved in the arrest;

11 (6.5) Kane County or Will County, in felony,
12 misdemeanor, local or county ordinance, traffic, or
13 conservation cases, up to \$30 as set by the county board
14 under Section 5-1101.3 of the Counties Code upon the entry
15 of a judgment of conviction, an order of supervision, or a
16 sentence of probation without entry of judgment under
17 Section 10 of the Cannabis Control Act, Section 410 of the
18 Illinois Controlled Substances Act, Section 70 of the
19 Methamphetamine Control and Community Protection Act,
20 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
21 the Criminal Code of 1961 or the Criminal Code of 2012,
22 Section 10-102 of the Illinois Alcoholism and Other Drug
23 Dependency Act, or Section 10 of the Steroid Control Act;
24 except in local or county ordinance, traffic, and
25 conservation cases, if fines are paid in full without a
26 court appearance, then the assessment shall not be imposed

1 or collected. Distribution of assessments collected under
2 this paragraph (6.5) shall be as provided in Section
3 5-1101.3 of the Counties Code;

4 (7) methamphetamine-related offense involving
5 possession or delivery of methamphetamine or any salt of
6 an optical isomer of methamphetamine or possession of a
7 methamphetamine manufacturing material as set forth in
8 Section 10 of the Methamphetamine Control and Community
9 Protection Act with the intent to manufacture a substance
10 containing methamphetamine or salt of an optical isomer of
11 methamphetamine, an amount not less than the full street
12 value of the methamphetamine or salt of an optical isomer
13 of methamphetamine or methamphetamine manufacturing
14 materials seized for each conviction to be disbursed as
15 follows:

16 (A) 12.5% of the street value assessment shall be
17 paid into the Youth Drug Abuse Prevention Fund, to be
18 used by the Department of Human Services for the
19 funding of programs and services for drug-abuse
20 treatment, and prevention and education services;

21 (B) 37.5% to the county in which the charge was
22 prosecuted, to be deposited into the county General
23 Fund;

24 (C) 50% to the treasurer of the arresting law
25 enforcement agency of the municipality or county, or
26 to the State Treasurer if the arresting agency was a

1 state agency, to be deposited as provided in
2 subsection (c) of Section 10-5;

3 (D) if the arrest was made in combination with
4 multiple law enforcement agencies, the clerk shall
5 equitably allocate the portion in subparagraph (C) of
6 this paragraph (6) among the law enforcement agencies
7 involved in the arrest;

8 (8) order of protection violation under Section 12-3.4
9 of the Criminal Code of 2012, \$200 for each conviction to
10 the county treasurer for deposit into the Probation and
11 Court Services Fund for implementation of a domestic
12 violence surveillance program and any other assessments or
13 fees imposed under Section 5-9-1.16 of the Unified Code of
14 Corrections;

15 (9) order of protection violation, \$25 for each
16 violation to the State Treasurer, for deposit into the
17 Domestic Violence Abuser Services Fund;

18 (10) prosecution by the State's Attorney of a:

19 (A) petty or business offense, \$4 to the county
20 treasurer of which \$2 deposited into the State's
21 Attorney Records Automation Fund and \$2 into the
22 Public Defender Records Automation Fund;

23 (B) conservation or traffic offense, \$2 to the
24 county treasurer for deposit into the State's Attorney
25 Records Automation Fund;

26 (11) speeding in a construction zone violation, \$250

1 to the State Treasurer for deposit into the Transportation
2 Safety Highway Hire-back Fund, unless (i) the violation
3 occurred on a highway other than an interstate highway and
4 (ii) a county police officer wrote the ticket for the
5 violation, in which case to the county treasurer for
6 deposit into that county's Transportation Safety Highway
7 Hire-back Fund;

8 (12) supervision disposition on an offense under the
9 Illinois Vehicle Code or similar provision of a local
10 ordinance, 50 cents, unless waived by the court, into the
11 Prisoner Review Board Vehicle and Equipment Fund;

12 (13) victim and offender are family or household
13 members as defined in Section 103 of the Illinois Domestic
14 Violence Act of 1986 and offender pleads guilty or no
15 contest to or is convicted of murder, voluntary
16 manslaughter, involuntary manslaughter, burglary,
17 residential burglary, criminal trespass to residence,
18 criminal trespass to vehicle, criminal trespass to land,
19 criminal damage to property, telephone harassment,
20 kidnapping, aggravated kidnaping, unlawful restraint,
21 forcible detention, child abduction, indecent solicitation
22 of a child, sexual relations between siblings,
23 exploitation of a child, child pornography, assault,
24 aggravated assault, battery, aggravated battery, heinous
25 battery, aggravated battery of a child, domestic battery,
26 reckless conduct, intimidation, criminal sexual assault,

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, criminal sexual abuse, aggravated
3 criminal sexual abuse, violation of an order of
4 protection, disorderly conduct, endangering the life or
5 health of a child, child abandonment, contributing to
6 dependency or neglect of child, or cruelty to children and
7 others, \$200 for each sentenced violation to the State
8 Treasurer for deposit as follows: (i) for sexual assault,
9 as defined in Section 5-9-1.7 of the Unified Code of
10 Corrections, when the offender and victim are family
11 members, one-half to the Domestic Violence Shelter and
12 Service Fund, and one-half to the Sexual Assault Services
13 Fund; (ii) for the remaining offenses to the Domestic
14 Violence Shelter and Service Fund;

15 (14) violation of Section 11-501 of the Illinois
16 Vehicle Code, Section 5-7 of the Snowmobile Registration
17 and Safety Act, Section 5-16 of the Boat Registration and
18 Safety Act, or a similar provision, whose operation of a
19 motor vehicle, snowmobile, or watercraft while in
20 violation of Section 11-501, Section 5-7 of the Snowmobile
21 Registration and Safety Act, Section 5-16 of the Boat
22 Registration and Safety Act, or a similar provision
23 proximately caused an incident resulting in an appropriate
24 emergency response, \$1,000 maximum to the public agency
25 that provided an emergency response related to the
26 person's violation, or as provided in subsection (c) of

1 Section 10-5 if the arresting agency was a State agency,
2 unless more than one agency was responsible for the
3 arrest, in which case the amount shall be remitted to each
4 unit of government equally;

5 (15) violation of Section 401, 407, or 407.2 of the
6 Illinois Controlled Substances Act that proximately caused
7 any incident resulting in an appropriate drug-related
8 emergency response, \$1,000 as reimbursement for the
9 emergency response to the law enforcement agency that made
10 the arrest, or as provided in subsection (c) of Section
11 10-5 if the arresting agency was a State agency, unless
12 more than one agency was responsible for the arrest, in
13 which case the amount shall be remitted to each unit of
14 government equally;

15 (16) violation of reckless driving, aggravated
16 reckless driving, or driving 26 miles per hour or more in
17 excess of the speed limit that triggered an emergency
18 response, \$1,000 maximum reimbursement for the emergency
19 response to be distributed in its entirety to a public
20 agency that provided an emergency response related to the
21 person's violation, or as provided in subsection (c) of
22 Section 10-5 if the arresting agency was a State agency,
23 unless more than one agency was responsible for the
24 arrest, in which case the amount shall be remitted to each
25 unit of government equally;

26 (17) violation based upon each plea of guilty,

1 stipulation of facts, or finding of guilt resulting in a
2 judgment of conviction or order of supervision for an
3 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
4 the Criminal Code of 2012 that results in the imposition
5 of a fine, to be distributed as follows:

6 (A) \$50 to the county treasurer for deposit into
7 the Circuit Court Clerk Operation and Administrative
8 Fund to cover the costs in administering this
9 paragraph (17);

10 (B) \$300 to the State Treasurer who shall deposit
11 the portion as follows:

12 (i) if the arresting or investigating agency
13 is the Illinois State Police, into the State
14 Police Law Enforcement Administration Fund;

15 (ii) if the arresting or investigating agency
16 is the Department of Natural Resources, into the
17 Conservation Police Operations Assistance Fund;

18 (iii) if the arresting or investigating agency
19 is the Secretary of State, into the Secretary of
20 State Police Services Fund;

21 (iv) if the arresting or investigating agency
22 is the Illinois Commerce Commission, into the
23 Transportation Regulatory Fund; or

24 (v) if more than one of the State agencies in
25 this subparagraph (B) is the arresting or
26 investigating agency, then equal shares with the

1 shares deposited as provided in the applicable
2 items (i) through (iv) of this subparagraph (B);
3 and

4 (C) the remainder for deposit into the Specialized
5 Services for Survivors of Human Trafficking Fund;

6 (18) weapons violation under Section 24-1.1, 24-1.2,
7 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, \$100 for each conviction to the State Treasurer
9 for deposit into the Trauma Center Fund; and

10 (19) violation of subsection (c) of Section 11-907 of
11 the Illinois Vehicle Code, \$250 to the State Treasurer for
12 deposit into the Scott's Law Fund, unless a county or
13 municipal police officer wrote the ticket for the
14 violation, in which case to the county treasurer for
15 deposit into that county's or municipality's
16 Transportation Safety Highway Hire-back Fund to be used as
17 provided in subsection (j) of Section 11-907 of the
18 Illinois Vehicle Code.

19 Except for traffic violations, fines and assessments, such
20 as fees or administrative costs authorized in this Section,
21 shall not be ordered or imposed on a minor subject to Article
22 III, IV, or V of the Juvenile Court Act of 1987, or a minor
23 under the age of 18 transferred to adult court or excluded from
24 juvenile court jurisdiction under Article V of the Juvenile
25 Court Act of 1987, or the minor's parent, guardian, or legal
26 custodian.

1 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;
2 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
3 8-20-21; 102-813, eff. 5-13-22.)

4 Section 20. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-8, 3-17, 3-19, 3-21, 3-24, 3-33.5, 4-14,
6 4-16, 4-18, 4-21, 5-525, 5-610, 5-615, 5-710, 5-715, 5-915,
7 6-7, and 6-9 and by adding Section 1-19 as follows:

8 (705 ILCS 405/1-8)

9 Sec. 1-8. Confidentiality and accessibility of juvenile
10 court records.

11 (A) A juvenile adjudication shall never be considered a
12 conviction nor shall an adjudicated individual be considered a
13 criminal. Unless expressly allowed by law, a juvenile
14 adjudication shall not operate to impose upon the individual
15 any of the civil disabilities ordinarily imposed by or
16 resulting from conviction. Unless expressly allowed by law,
17 adjudications shall not prejudice or disqualify the individual
18 in any civil service application or appointment, from holding
19 public office, or from receiving any license granted by public
20 authority. All juvenile court records which have not been
21 expunged are sealed and may never be disclosed to the general
22 public or otherwise made widely available. Sealed juvenile
23 court records may be obtained only under this Section and
24 Section 1-7 and Part 9 of Article V of this Act, when their use

1 is needed for good cause and with an order from the juvenile
2 court. Inspection and copying of juvenile court records
3 relating to a minor who is the subject of a proceeding under
4 this Act shall be restricted to the following:

5 (1) The minor who is the subject of record, his or her
6 parents, guardian, and counsel.

7 (2) Law enforcement officers and law enforcement
8 agencies when such information is essential to executing
9 an arrest or search warrant or other compulsory process,
10 or to conducting an ongoing investigation or relating to a
11 minor who has been adjudicated delinquent and there has
12 been a previous finding that the act which constitutes the
13 previous offense was committed in furtherance of criminal
14 activities by a criminal street gang.

15 Before July 1, 1994, for the purposes of this Section,
16 "criminal street gang" means any ongoing organization,
17 association, or group of 3 or more persons, whether formal
18 or informal, having as one of its primary activities the
19 commission of one or more criminal acts and that has a
20 common name or common identifying sign, symbol or specific
21 color apparel displayed, and whose members individually or
22 collectively engage in or have engaged in a pattern of
23 criminal activity.

24 Beginning July 1, 1994, for purposes of this Section,
25 "criminal street gang" has the meaning ascribed to it in
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (3) Judges, hearing officers, prosecutors, public
3 defenders, probation officers, social workers, or other
4 individuals assigned by the court to conduct a
5 pre-adjudication or pre-disposition investigation, and
6 individuals responsible for supervising or providing
7 temporary or permanent care and custody for minors under
8 the order of the juvenile court when essential to
9 performing their responsibilities.

10 (4) Judges, federal, State, and local prosecutors,
11 public defenders, probation officers, and designated
12 staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

16 (b) when criminal proceedings have been permitted
17 or required under Section 5-805 and a minor is the
18 subject of a proceeding to determine the conditions of
19 pretrial release;

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and a minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation or fitness hearing, or proceedings on an
24 application for probation; or

25 (d) when a minor becomes 18 years of age or older,
26 and is the subject of criminal proceedings, including

1 a hearing to determine the conditions of pretrial
2 release, a pre-trial investigation, a pre-sentence
3 investigation, a fitness hearing, or proceedings on an
4 application for probation.

5 (5) Adult and Juvenile Prisoner Review Boards.

6 (6) Authorized military personnel.

7 (6.5) Employees of the federal government authorized
8 by law.

9 (7) Victims, their subrogees and legal
10 representatives; however, such persons shall have access
11 only to the name and address of the minor and information
12 pertaining to the disposition or alternative adjustment
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the
15 permission of the presiding judge of the juvenile court
16 and the chief executive of the agency that prepared the
17 particular records; provided that publication of such
18 research results in no disclosure of a minor's identity
19 and protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the
21 Court shall report the disposition of all cases, as
22 required in Section 6-204 of the Illinois Vehicle Code.
23 However, information reported relative to these offenses
24 shall be privileged and available only to the Secretary of
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the
4 Department of Corrections or the Department of Human
5 Services or prosecutors who are evaluating, prosecuting,
6 or investigating a potential or actual petition brought
7 under the Sexually Violent Persons Commitment Act relating
8 to a person who is the subject of juvenile court records or
9 the respondent to a petition brought under the Sexually
10 Violent Persons Commitment Act, who is the subject of
11 juvenile court records sought. Any records and any
12 information obtained from those records under this
13 paragraph (11) may be used only in sexually violent
14 persons commitment proceedings.

15 (12) (Blank). ~~Collection agencies, contracted or~~
16 ~~otherwise engaged by a governmental entity, to collect any~~
17 ~~debts due and owing to the governmental entity.~~

18 (A-1) Findings and exclusions of paternity entered in
19 proceedings occurring under Article II of this Act shall be
20 disclosed, in a manner and form approved by the Presiding
21 Judge of the Juvenile Court, to the Department of Healthcare
22 and Family Services when necessary to discharge the duties of
23 the Department of Healthcare and Family Services under Article
24 X of the Illinois Public Aid Code.

25 (B) A minor who is the victim in a juvenile proceeding
26 shall be provided the same confidentiality regarding

1 disclosure of identity as the minor who is the subject of
2 record.

3 (C)(0.1) In cases where the records concern a pending
4 juvenile court case, the requesting party seeking to inspect
5 the juvenile court records shall provide actual notice to the
6 attorney or guardian ad litem of the minor whose records are
7 sought.

8 (0.2) In cases where the juvenile court records concern a
9 juvenile court case that is no longer pending, the requesting
10 party seeking to inspect the juvenile court records shall
11 provide actual notice to the minor or the minor's parent or
12 legal guardian, and the matter shall be referred to the chief
13 judge presiding over matters pursuant to this Act.

14 (0.3) In determining whether juvenile court records should
15 be made available for inspection and whether inspection should
16 be limited to certain parts of the file, the court shall
17 consider the minor's interest in confidentiality and
18 rehabilitation over the requesting party's interest in
19 obtaining the information. The State's Attorney, the minor,
20 and the minor's parents, guardian, and counsel shall at all
21 times have the right to examine court files and records.

22 (0.4) Any records obtained in violation of this Section
23 shall not be admissible in any criminal or civil proceeding,
24 or operate to disqualify a minor from subsequently holding
25 public office, or operate as a forfeiture of any public
26 benefit, right, privilege, or right to receive any license

1 granted by public authority.

2 (D) Pending or following any adjudication of delinquency
3 for any offense defined in Sections 11-1.20 through 11-1.60 or
4 12-13 through 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the victim of any such offense shall
6 receive the rights set out in Sections 4 and 6 of the Bill of
7 Rights for Victims and Witnesses of Violent Crime Act; and the
8 juvenile who is the subject of the adjudication,
9 notwithstanding any other provision of this Act, shall be
10 treated as an adult for the purpose of affording such rights to
11 the victim.

12 (E) Nothing in this Section shall affect the right of a
13 Civil Service Commission or appointing authority of the
14 federal government, or any state, county, or municipality
15 examining the character and fitness of an applicant for
16 employment with a law enforcement agency, correctional
17 institution, or fire department to ascertain whether that
18 applicant was ever adjudicated to be a delinquent minor and,
19 if so, to examine the records of disposition or evidence which
20 were made in proceedings under this Act.

21 (F) Following any adjudication of delinquency for a crime
22 which would be a felony if committed by an adult, or following
23 any adjudication of delinquency for a violation of Section
24 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, the State's Attorney shall ascertain
26 whether the minor respondent is enrolled in school and, if so,

1 shall provide a copy of the dispositional order to the
2 principal or chief administrative officer of the school.
3 Access to the dispositional order shall be limited to the
4 principal or chief administrative officer of the school and
5 any school counselor designated by him or her.

6 (G) Nothing contained in this Act prevents the sharing or
7 disclosure of information or records relating or pertaining to
8 juveniles subject to the provisions of the Serious Habitual
9 Offender Comprehensive Action Program when that information is
10 used to assist in the early identification and treatment of
11 habitual juvenile offenders.

12 (H) When a court hearing a proceeding under Article II of
13 this Act becomes aware that an earlier proceeding under
14 Article II had been heard in a different county, that court
15 shall request, and the court in which the earlier proceedings
16 were initiated shall transmit, an authenticated copy of the
17 juvenile court record, including all documents, petitions, and
18 orders filed and the minute orders, transcript of proceedings,
19 and docket entries of the court.

20 (I) The Clerk of the Circuit Court shall report to the
21 Illinois State Police, in the form and manner required by the
22 Illinois State Police, the final disposition of each minor who
23 has been arrested or taken into custody before his or her 18th
24 birthday for those offenses required to be reported under
25 Section 5 of the Criminal Identification Act. Information
26 reported to the Department under this Section may be

1 maintained with records that the Department files under
2 Section 2.1 of the Criminal Identification Act.

3 (J) The changes made to this Section by Public Act 98-61
4 apply to juvenile law enforcement records of a minor who has
5 been arrested or taken into custody on or after January 1, 2014
6 (the effective date of Public Act 98-61).

7 (K) Willful violation of this Section is a Class C
8 misdemeanor and each violation is subject to a fine of \$1,000.
9 This subsection (K) shall not apply to the person who is the
10 subject of the record.

11 (L) A person convicted of violating this Section is liable
12 for damages in the amount of \$1,000 or actual damages,
13 whichever is greater.

14 (Source: P.A. 101-652, eff. 1-1-23; 102-197, eff. 7-30-21;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

16 (705 ILCS 405/1-19 new)

17 Sec. 1-19. Fines, assessments, civil judgments, and
18 outstanding balances owed by minors or their parents,
19 guardians, or legal custodians; report.

20 (a) Except for restitution and assessments issued for
21 adjudications under Section 5-125 of this Act, fines and
22 assessments, such as fees or administrative costs, shall not
23 be ordered or imposed on the following individuals as of the
24 effective date of this amendatory Act of the 103rd General
25 Assembly:

1 (1) a minor subject to Article III, IV, or V of this
2 Act, or the minor's parent, guardian, or legal custodian;
3 or

4 (2) a minor under the age of 18 transferred to adult
5 court or excluded from juvenile court jurisdiction under
6 Article V of this Act, or the minor's parent, guardian, or
7 legal custodian.

8 (b) Except for restitution and assessments issued for
9 adjudications under Section 5-125 of this Act, all unsatisfied
10 civil judgments, outstanding balances for fines, and
11 outstanding balances for assessments, such as fees or
12 administrative costs, including interest, penalties, or
13 collection fees entered prior to the effective date of this
14 amendatory Act of the 103rd General Assembly in cases pursuant
15 to subsection (a) of this Section, are null, void, satisfied,
16 and not collectible.

17 (c) Except for restitution and assessments issued for
18 adjudications under Section 5-125 of this Act, within one year
19 of the effective date of this amendatory Act of the 103rd
20 General Assembly, the circuit court clerk of each county shall
21 discharge and waive 100% of all outstanding balances for
22 unsatisfied civil judgments, unpaid fines, and unpaid
23 assessments such as fees or administrative costs, including
24 interest, penalties, or collection fees, entered against a
25 minor or the minor's parent, guardian, or legal custodian in
26 the following:

1 (1) cases involving a minor subject to Article III,
2 IV, or V of this Act; and

3 (2) cases involving a minor under the age of 18
4 transferred to adult court or excluded from juvenile court
5 jurisdiction under Article V of this Act.

6 (d) Within 30 calendar days after the effective date of
7 this amendatory Act of the 103rd General Assembly, the State's
8 Attorney or circuit court clerk in each county shall provide
9 written notice to collection agencies contracted or assigned
10 to collect outstanding balances in cases pursuant to this
11 Section that outstanding balances for unsatisfied civil
12 judgments, unpaid fines, and unpaid assessments such as fees
13 or administrative costs, including interest, penalties, or
14 collection fees, are null, void, satisfied, and not
15 collectible as of the effective date of this amendatory Act of
16 the 103rd General Assembly.

17 (e) If a payment is made by a minor or his or her parent,
18 guardian, or legal custodian on or after the effective date of
19 this amendatory Act of the 103rd General Assembly, the circuit
20 court clerk shall reimburse payments made towards unsatisfied
21 civil judgments, unpaid fines, or unpaid assessments such as
22 fees or administrative costs, including interest, penalties,
23 or collection fees, made null, void, satisfied, and
24 uncollectible by this amendatory Act of the 103rd General
25 Assembly.

26 (f) Within one year of the effective date of this

1 amendatory Act of the 103rd General Assembly, the circuit
2 court clerk of each county shall report to the Illinois
3 Juvenile Justice Commission the following data, in a form and
4 manner to be determined by the Commission, specific to all
5 outstanding balances for unsatisfied civil judgments, unpaid
6 finances, and unpaid assessments, such as fees or administrative
7 costs, made null, void, satisfied, and not collectible by this
8 amendatory Act of the 103rd General Assembly:

9 (1) As of the effective date of this amendatory Act of
10 the 103rd General Assembly, the total number of cases or
11 individuals pursuant to this amendatory Act of the 103rd
12 General Assembly which:

13 (A) have outstanding balances; and

14 (B) have outstanding balances converted into civil
15 judgments;

16 (2) The number of cases or individuals with
17 outstanding balances discharged and waived pursuant to
18 this amendatory Act of the 103rd General Assembly; and

19 (3) The total amount of outstanding balances
20 discharged and waived pursuant to this amendatory Act of
21 the 103rd General Assembly for the following:

22 (A) unsatisfied civil judgments;

23 (B) unpaid fines; and

24 (C) unpaid assessments, such as fees or
25 administrative costs.

1 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

2 Sec. 3-17. Summons. (1) When a petition is filed, the
3 clerk of the court shall issue a summons with a copy of the
4 petition attached. The summons shall be directed to the
5 minor's legal guardian or custodian and to each person named
6 as a respondent in the petition, except that summons need not
7 be directed to a minor respondent under 8 years of age for whom
8 the court appoints a guardian ad litem if the guardian ad litem
9 appears on behalf of the minor in any proceeding under this
10 Act.

11 (2) The summons must contain a statement that the minor or
12 any of the respondents is entitled to have an attorney present
13 at the hearing on the petition, and that the clerk of the court
14 should be notified promptly if the minor or any other
15 respondent desires to be represented by an attorney but is
16 financially unable to employ counsel.

17 (3) The summons shall be issued under the seal of the
18 court, attested to and signed with the name of the clerk of the
19 court, dated on the day it is issued, and shall require each
20 respondent to appear and answer the petition on the date set
21 for the adjudicatory hearing.

22 (4) The summons may be served by any county sheriff,
23 coroner or probation officer, even though the officer is the
24 petitioner. The return of the summons with endorsement of
25 service by the officer is sufficient proof thereof.

26 (5) Service of a summons and petition shall be made by: (a)

1 leaving a copy thereof with the person summoned at least 3 days
2 before the time stated therein for appearance; (b) leaving a
3 copy at his usual place of abode with some person of the
4 family, of the age of 10 years or upwards, and informing that
5 person of the contents thereof, provided the officer or other
6 person making service shall also send a copy of the summons in
7 a sealed envelope with postage fully prepaid, addressed to the
8 person summoned at his usual place of abode, at least 3 days
9 before the time stated therein for appearance; or (c) leaving
10 a copy thereof with the guardian or custodian of a minor, at
11 least 3 days before the time stated therein for appearance. If
12 the guardian or custodian is an agency of the State of
13 Illinois, proper service may be made by leaving a copy of the
14 summons and petition with any administrative employee of such
15 agency designated by such agency to accept service of summons
16 and petitions. The certificate of the officer or affidavit of
17 the person that he has sent the copy pursuant to this Section
18 is sufficient proof of service.

19 (6) When a parent or other person, who has signed a written
20 promise to appear and bring the minor to court or who has
21 waived or acknowledged service, fails to appear with the minor
22 on the date set by the court, a bench warrant may be issued for
23 the parent or other person, the minor, or both.

24 (7) The appearance of the minor's legal guardian or
25 custodian, or a person named as a respondent in a petition, in
26 any proceeding under this Act shall constitute a waiver of

1 service of summons and submission to the jurisdiction of the
2 court. A copy of the summons and petition shall be provided to
3 the person at the time of his appearance.

4 (8) Fines or assessments, such as fees or administrative
5 costs, in the service of process shall not be ordered or
6 imposed on a minor or a minor's parent, guardian, or legal
7 custodian.

8 (Source: P.A. 86-441.)

9 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

10 Sec. 3-19. Guardian ad litem.

11 (1) Immediately upon the filing of a petition alleging
12 that the minor requires authoritative intervention, the court
13 may appoint a guardian ad litem for the minor if

14 (a) such petition alleges that the minor is the victim
15 of sexual abuse or misconduct; or

16 (b) such petition alleges that charges alleging the
17 commission of any of the sex offenses defined in Article
18 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
19 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, have
21 been filed against a defendant in any court and that such
22 minor is the alleged victim of the acts of the defendant in
23 the commission of such offense.

24 (2) Unless the guardian ad litem appointed pursuant to
25 paragraph (1) is an attorney at law he shall be represented in

1 the performance of his duties by counsel.

2 (3) Before proceeding with the hearing, the court shall
3 appoint a guardian ad litem for the minor if

4 (a) no parent, guardian, custodian or relative of the
5 minor appears at the first or any subsequent hearing of
6 the case;

7 (b) the petition prays for the appointment of a
8 guardian with power to consent to adoption; or

9 (c) the petition for which the minor is before the
10 court resulted from a report made pursuant to the Abused
11 and Neglected Child Reporting Act.

12 (4) The court may appoint a guardian ad litem for the minor
13 whenever it finds that there may be a conflict of interest
14 between the minor and his parents or other custodian or that it
15 is otherwise in the minor's interest to do so.

16 (5) The reasonable fees of a guardian ad litem appointed
17 under this Section shall be fixed by the court and ~~charged to~~
18 ~~the parents of the minor, to the extent they are able to pay.~~
19 ~~If the parents are unable to pay those fees, they shall be paid~~
20 from the general fund of the county.

21 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

22 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

23 Sec. 3-21. Continuance under supervision.

24 (1) The court may enter an order of continuance under
25 supervision (a) upon an admission or stipulation by the

1 appropriate respondent or minor respondent of the facts
2 supporting the petition and before proceeding to findings and
3 adjudication, or after hearing the evidence at the
4 adjudicatory hearing but before noting in the minutes of
5 proceedings a finding of whether or not the minor is a person
6 requiring authoritative intervention; and (b) in the absence
7 of objection made in open court by the minor, his parent,
8 guardian, custodian, responsible relative, defense attorney or
9 the State's Attorney.

10 (2) If the minor, his parent, guardian, custodian,
11 responsible relative, defense attorney or State's Attorney,
12 objects in open court to any such continuance and insists upon
13 proceeding to findings and adjudication, the court shall so
14 proceed.

15 (3) Nothing in this Section limits the power of the court
16 to order a continuance of the hearing for the production of
17 additional evidence or for any other proper reason.

18 (4) When a hearing where a minor is alleged to be a minor
19 requiring authoritative intervention is continued pursuant to
20 this Section, the court may permit the minor to remain in his
21 home subject to such conditions concerning his conduct and
22 supervision as the court may require by order.

23 (5) If a petition is filed charging a violation of a
24 condition of the continuance under supervision, the court
25 shall conduct a hearing. If the court finds that such
26 condition of supervision has not been fulfilled the court may

1 proceed to findings and adjudication and disposition. The
2 filing of a petition for violation of a condition of the
3 continuance under supervision shall toll the period of
4 continuance under supervision until the final determination of
5 the charge, and the term of the continuance under supervision
6 shall not run until the hearing and disposition of the
7 petition for violation; provided where the petition alleges
8 conduct that does not constitute a criminal offense, the
9 hearing must be held within 15 days of the filing of the
10 petition unless a delay in such hearing has been occasioned by
11 the minor, in which case the delay shall continue the tolling
12 of the period of continuance under supervision for the period
13 of such delay.

14 (6) (Blank). ~~The court must impose upon a minor under an~~
15 ~~order of continuance under supervision or an order of~~
16 ~~disposition under this Article III, as a condition of the~~
17 ~~order, a fee of \$25 for each month or partial month of~~
18 ~~supervision with a probation officer. If the court determines~~
19 ~~the inability of the minor, or the parent, guardian, or legal~~
20 ~~eustodian of the minor to pay the fee, the court may impose a~~
21 ~~lesser fee. The court may not impose the fee on a minor who is~~
22 ~~placed in the guardianship or custody of the Department of~~
23 ~~Children and Family Services under this Act. The fee may be~~
24 ~~imposed only upon a minor who is actively supervised by the~~
25 ~~probation and court services department. The fee must be~~
26 ~~collected by the clerk of the circuit court. The clerk of the~~

1 ~~circuit court must pay all monies collected from this fee to~~
2 ~~the county treasurer for deposit into the probation and court~~
3 ~~services fund under Section 15.1 of the Probation and~~
4 ~~Probation Officers Act.~~

5 (Source: P.A. 100-159, eff. 8-18-17.)

6 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

7 Sec. 3-24. Kinds of dispositional orders.

8 (1) The following kinds of orders of disposition may be
9 made in respect to wards of the court: A minor found to be
10 requiring authoritative intervention under Section 3-3 may be
11 (a) committed to the Department of Children and Family
12 Services, subject to Section 5 of the Children and Family
13 Services Act; (b) placed under supervision and released to his
14 or her parents, guardian or legal custodian; (c) placed in
15 accordance with Section 3-28 with or without also being placed
16 under supervision. Conditions of supervision may be modified
17 or terminated by the court if it deems that the best interests
18 of the minor and the public will be served thereby; (d) ordered
19 partially or completely emancipated in accordance with the
20 provisions of the Emancipation of Minors Act; or (e) subject
21 to having his or her driver's license or driving privilege
22 suspended for such time as determined by the Court but only
23 until he or she attains 18 years of age.

24 (2) Any order of disposition may provide for protective
25 supervision under Section 3-25 and may include an order of

1 protection under Section 3-26.

2 (3) Unless the order of disposition expressly so provides,
3 it does not operate to close proceedings on the pending
4 petition, but is subject to modification until final closing
5 and discharge of the proceedings under Section 3-32.

6 (4) In addition to any other order of disposition, the
7 court may order any person found to be a minor requiring
8 authoritative intervention under Section 3-3 to make
9 restitution, in monetary or non-monetary form, under the terms
10 and conditions of Section 5-5-6 of the Unified Code of
11 Corrections, except that the "presentence hearing" referred to
12 therein shall be the dispositional hearing for purposes of
13 this Section. The parent, guardian or legal custodian of the
14 minor may pay some or all of such restitution on the minor's
15 behalf.

16 (5) Any order for disposition where the minor is committed
17 or placed in accordance with Section 3-28 shall provide for
18 the parents or guardian of the estate of such minor to pay to
19 the legal custodian or guardian of the person of the minor such
20 sums as are determined by the custodian or guardian of the
21 person of the minor as necessary for the minor's needs. Such
22 payments may not exceed the maximum amounts provided for by
23 Section 9.1 of the Children and Family Services Act.

24 (6) Whenever the order of disposition requires the minor
25 to attend school or participate in a program of training, the
26 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code.

3 (7) (Blank). ~~The court must impose upon a minor under an~~
4 ~~order of continuance under supervision or an order of~~
5 ~~disposition under this Article III, as a condition of the~~
6 ~~order, a fee of \$25 for each month or partial month of~~
7 ~~supervision with a probation officer. If the court determines~~
8 ~~the inability of the minor, or the parent, guardian, or legal~~
9 ~~eustodian of the minor to pay the fee, the court may impose a~~
10 ~~lesser fee. The court may not impose the fee on a minor who is~~
11 ~~placed in the guardianship or custody of the Department of~~
12 ~~Children and Family Services under this Act. The fee may be~~
13 ~~imposed only upon a minor who is actively supervised by the~~
14 ~~probation and court services department. The fee must be~~
15 ~~collected by the clerk of the circuit court. The clerk of the~~
16 ~~circuit court must pay all monies collected from this fee to~~
17 ~~the county treasurer for deposit into the probation and court~~
18 ~~services fund under Section 15.1 of the Probation and~~
19 ~~Probation Officers Act.~~

20 (Source: P.A. 100-159, eff. 8-18-17.)

21 (705 ILCS 405/3-33.5)

22 Sec. 3-33.5. Truant minors in need of supervision.

23 (a) Definition. A minor who is reported by the office of
24 the regional superintendent of schools as a chronic truant may
25 be subject to a petition for adjudication and adjudged a

1 truant minor in need of supervision, provided that prior to
2 the filing of the petition, the office of the regional
3 superintendent of schools or a community truancy review board
4 certifies that the local school has provided appropriate
5 truancy intervention services to the truant minor and his or
6 her family. For purposes of this Section, "truancy
7 intervention services" means services designed to assist the
8 minor's return to an educational program, and includes but is
9 not limited to: assessments, counseling, mental health
10 services, shelter, optional and alternative education
11 programs, tutoring, and educational advocacy. If, after review
12 by the regional office of education or community truancy
13 review board, it is determined the local school did not
14 provide the appropriate interventions, then the minor shall be
15 referred to a comprehensive community based youth service
16 agency for truancy intervention services. If the comprehensive
17 community based youth service agency is incapable to provide
18 intervention services, then this requirement for services is
19 not applicable. The comprehensive community based youth
20 service agency shall submit reports to the office of the
21 regional superintendent of schools or truancy review board
22 within 20, 40, and 80 school days of the initial referral or at
23 any other time requested by the office of the regional
24 superintendent of schools or truancy review board, which
25 reports each shall certify the date of the minor's referral
26 and the extent of the minor's progress and participation in

1 truancy intervention services provided by the comprehensive
2 community based youth service agency. In addition, if, after
3 referral by the office of the regional superintendent of
4 schools or community truancy review board, the minor declines
5 or refuses to fully participate in truancy intervention
6 services provided by the comprehensive community based youth
7 service agency, then the agency shall immediately certify such
8 facts to the office of the regional superintendent of schools
9 or community truancy review board.

10 (a-1) There is a rebuttable presumption that a chronic
11 truant is a truant minor in need of supervision.

12 (a-2) There is a rebuttable presumption that school
13 records of a minor's attendance at school are authentic.

14 (a-3) For purposes of this Section, "chronic truant" has
15 the meaning ascribed to it in Section 26-2a of the School Code.

16 (a-4) For purposes of this Section, a "community truancy
17 review board" is a local community based board comprised of
18 but not limited to: representatives from local comprehensive
19 community based youth service agencies, representatives from
20 court service agencies, representatives from local schools,
21 representatives from health service agencies, and
22 representatives from local professional and community
23 organizations as deemed appropriate by the office of the
24 regional superintendent of schools. The regional
25 superintendent of schools must approve the establishment and
26 organization of a community truancy review board, and the

1 regional superintendent of schools or his or her designee
2 shall chair the board.

3 (a-5) Nothing in this Section shall be construed to create
4 a private cause of action or right of recovery against a
5 regional office of education, its superintendent, or its staff
6 with respect to truancy intervention services where the
7 determination to provide the services is made in good faith.

8 (b) Kinds of dispositional orders. A minor found to be a
9 truant minor in need of supervision may be:

10 (1) committed to the appropriate regional
11 superintendent of schools for a student assistance team
12 staffing, a service plan, or referral to a comprehensive
13 community based youth service agency;

14 (2) required to comply with a service plan as
15 specifically provided by the appropriate regional
16 superintendent of schools;

17 (3) ordered to obtain counseling or other supportive
18 services;

19 (4) (blank);

20 (5) required to perform some reasonable public service
21 work that does not interfere with school hours,
22 school-related activities, or work commitments of the
23 minor or the minor's parent, guardian, or legal custodian
24 ~~such as, but not limited to, the picking up of litter in~~
25 ~~public parks or along public highways or the maintenance~~
26 ~~of public facilities; or~~

1 (6) (blank).

2 A dispositional order may include public service only if
3 the court has made an express written finding that a truancy
4 prevention program has been offered by the school, regional
5 superintendent of schools, or a comprehensive community based
6 youth service agency to the truant minor in need of
7 supervision.

8 (c) Orders entered under this Section may be enforced by
9 contempt proceedings. Fines or assessments, such as fees or
10 administrative costs, shall not be ordered or imposed in
11 contempt proceedings under this Section.

12 (Source: P.A. 102-456, eff. 1-1-22.)

13 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

14 Sec. 4-14. Summons. (1) When a petition is filed, the
15 clerk of the court shall issue a summons with a copy of the
16 petition attached. The summons shall be directed to the
17 minor's legal guardian or custodian and to each person named
18 as a respondent in the petition, except that summons need not
19 be directed to a minor respondent under 8 years of age for whom
20 the court appoints a guardian ad litem if the guardian ad litem
21 appears on behalf of the minor in any proceeding under this
22 Act.

23 (2) The summons must contain a statement that the minor or
24 any of the respondents is entitled to have an attorney present
25 at the hearing on the petition, and that the clerk of the court

1 should be notified promptly if the minor or any other
2 respondent desires to be represented by an attorney but is
3 financially unable to employ counsel.

4 (3) The summons shall be issued under the seal of the
5 court, attested to and signed with the name of the clerk of the
6 court, dated on the day it is issued, and shall require each
7 respondent to appear and answer the petition on the date set
8 for the adjudicatory hearing.

9 (4) The summons may be served by any county sheriff,
10 coroner or probation officer, even though the officer is the
11 petitioner. The return of the summons with endorsement of
12 service by the officer is sufficient proof thereof.

13 (5) Service of a summons and petition shall be made by: (a)
14 leaving a copy thereof with the person summoned at least 3 days
15 before the time stated therein for appearance; (b) leaving a
16 copy at his usual place of abode with some person of the
17 family, of the age of 10 years or upwards, and informing that
18 person of the contents thereof, provided that the officer or
19 other person making service shall also send a copy of the
20 summons in a sealed envelope with postage fully prepaid,
21 addressed to the person summoned at his usual place of abode,
22 at least 3 days before the time stated therein for appearance;
23 or (c) leaving a copy thereof with the guardian or custodian of
24 a minor, at least 3 days before the time stated therein for
25 appearance. If the guardian or custodian is an agency of the
26 State of Illinois, proper service may be made by leaving a copy

1 of the summons and petition with any administrative employee
2 of such agency designated by such agency to accept service of
3 summons and petitions. The certificate of the officer or
4 affidavit of the person that he has sent the copy pursuant to
5 this Section is sufficient proof of service.

6 (6) When a parent or other person, who has signed a written
7 promise to appear and bring the minor to court or who has
8 waived or acknowledged service, fails to appear with the minor
9 on the date set by the court, a bench warrant may be issued for
10 the parent or other person, the minor, or both.

11 (7) The appearance of the minor's legal guardian or
12 custodian, or a person named as a respondent in a petition, in
13 any proceeding under this Act shall constitute a waiver of
14 service of summons and submission to the jurisdiction of the
15 court. A copy of the summons and petition shall be provided to
16 the person at the time of his appearance.

17 (8) Fines or assessments, such as fees or administrative
18 costs, in the service of process shall not be ordered or
19 imposed on a minor or a minor's parent, guardian, or legal
20 custodian.

21 (Source: P.A. 86-441.)

22 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

23 Sec. 4-16. Guardian ad litem.

24 (1) Immediately upon the filing of a petition alleging
25 that the minor is a person described in Section 4-3 of this

1 Act, the court may appoint a guardian ad litem for the minor
2 if:

3 (a) such petition alleges that the minor is the victim
4 of sexual abuse or misconduct; or

5 (b) such petition alleges that charges alleging the
6 commission of any of the sex offenses defined in Article
7 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
8 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, have
10 been filed against a defendant in any court and that such
11 minor is the alleged victim of the acts of the defendant in
12 the commission of such offense.

13 Unless the guardian ad litem appointed pursuant to this
14 paragraph (1) is an attorney at law he shall be represented in
15 the performance of his duties by counsel.

16 (2) Before proceeding with the hearing, the court shall
17 appoint a guardian ad litem for the minor if

18 (a) no parent, guardian, custodian or relative of the
19 minor appears at the first or any subsequent hearing of
20 the case;

21 (b) the petition prays for the appointment of a
22 guardian with power to consent to adoption; or

23 (c) the petition for which the minor is before the
24 court resulted from a report made pursuant to the Abused
25 and Neglected Child Reporting Act.

26 (3) The court may appoint a guardian ad litem for the minor

1 whenever it finds that there may be a conflict of interest
2 between the minor and his parents or other custodian or that it
3 is otherwise in the minor's interest to do so.

4 (4) Unless the guardian ad litem is an attorney, he shall
5 be represented by counsel.

6 (5) The reasonable fees of a guardian ad litem appointed
7 under this Section shall be fixed by the court and ~~charged to~~
8 ~~the parents of the minor, to the extent they are able to pay.~~
9 ~~If the parents are unable to pay those fees, they shall be paid~~
10 from the general fund of the county.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

12 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

13 Sec. 4-18. Continuance under supervision.

14 (1) The court may enter an order of continuance under
15 supervision (a) upon an admission or stipulation by the
16 appropriate respondent or minor respondent of the facts
17 supporting the petition and before proceeding to findings and
18 adjudication, or after hearing the evidence at the
19 adjudicatory hearing but before noting in the minutes of the
20 proceeding a finding of whether or not the minor is an addict,
21 and (b) in the absence of objection made in open court by the
22 minor, his parent, guardian, custodian, responsible relative,
23 defense attorney or the State's Attorney.

24 (2) If the minor, his parent, guardian, custodian,
25 responsible relative, defense attorney or State's Attorney,

1 objects in open court to any such continuance and insists upon
2 proceeding to findings and adjudication, the court shall so
3 proceed.

4 (3) Nothing in this Section limits the power of the court
5 to order a continuance of the hearing for the production of
6 additional evidence or for any other proper reason.

7 (4) When a hearing is continued pursuant to this Section,
8 the court may permit the minor to remain in his home subject to
9 such conditions concerning his conduct and supervision as the
10 court may require by order.

11 (5) If a petition is filed charging a violation of a
12 condition of the continuance under supervision, the court
13 shall conduct a hearing. If the court finds that such
14 condition of supervision has not been fulfilled the court may
15 proceed to findings and adjudication and disposition. The
16 filing of a petition for violation of a condition of the
17 continuance under supervision shall toll the period of
18 continuance under supervision until the final determination of
19 the charge, and the term of the continuance under supervision
20 shall not run until the hearing and disposition of the
21 petition for violation; provided where the petition alleges
22 conduct that does not constitute a criminal offense, the
23 hearing must be held within 15 days of the filing of the
24 petition unless a delay in such hearing has been occasioned by
25 the minor, in which case the delay shall continue the tolling
26 of the period of continuance under supervision for the period

1 of such delay.

2 (6) (Blank). ~~The court must impose upon a minor under an~~
3 ~~order of continuance under supervision or an order of~~
4 ~~disposition under this Article IV, as a condition of the~~
5 ~~order, a fee of \$25 for each month or partial month of~~
6 ~~supervision with a probation officer. If the court determines~~
7 ~~the inability of the minor, or the parent, guardian, or legal~~
8 ~~eustodian of the minor to pay the fee, the court may impose a~~
9 ~~lesser fee. The court may not impose the fee on a minor who is~~
10 ~~placed in the guardianship or custody of the Department of~~
11 ~~Children and Family Services under this Act. The fee may be~~
12 ~~imposed only upon a minor who is actively supervised by the~~
13 ~~probation and court services department. The fee must be~~
14 ~~collected by the clerk of the circuit court. The clerk of the~~
15 ~~circuit court must pay all monies collected from this fee to~~
16 ~~the county treasurer for deposit into the probation and court~~
17 ~~services fund under Section 15.1 of the Probation and~~
18 ~~Probation Officers Act.~~

19 (Source: P.A. 100-159, eff. 8-18-17.)

20 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

21 Sec. 4-21. Kinds of dispositional orders.

22 (1) A minor found to be addicted under Section 4-3 may be
23 (a) committed to the Department of Children and Family
24 Services, subject to Section 5 of the Children and Family
25 Services Act; (b) placed under supervision and released to his

1 or her parents, guardian or legal custodian; (c) placed in
2 accordance with Section 4-25 with or without also being placed
3 under supervision. Conditions of supervision may be modified
4 or terminated by the court if it deems that the best interests
5 of the minor and the public will be served thereby; (d)
6 required to attend an approved alcohol or drug abuse treatment
7 or counseling program on an inpatient or outpatient basis
8 instead of or in addition to the disposition otherwise
9 provided for in this paragraph; (e) ordered partially or
10 completely emancipated in accordance with the provisions of
11 the Emancipation of Minors Act; or (f) subject to having his or
12 her driver's license or driving privilege suspended for such
13 time as determined by the Court but only until he or she
14 attains 18 years of age. No disposition under this subsection
15 shall provide for the minor's placement in a secure facility.

16 (2) Any order of disposition may provide for protective
17 supervision under Section 4-22 and may include an order of
18 protection under Section 4-23.

19 (3) Unless the order of disposition expressly so provides,
20 it does not operate to close proceedings on the pending
21 petition, but is subject to modification until final closing
22 and discharge of the proceedings under Section 4-29.

23 (4) In addition to any other order of disposition, the
24 court may order any minor found to be addicted under this
25 Article as neglected with respect to his or her own injurious
26 behavior, to make restitution, in monetary or non-monetary

1 form, under the terms and conditions of Section 5-5-6 of the
2 Unified Code of Corrections, except that the "presentence
3 hearing" referred to therein shall be the dispositional
4 hearing for purposes of this Section. The parent, guardian or
5 legal custodian of the minor may pay some or all of such
6 restitution on the minor's behalf.

7 (5) Any order for disposition where the minor is placed in
8 accordance with Section 4-25 shall provide for the parents or
9 guardian of the estate of such minor to pay to the legal
10 custodian or guardian of the person of the minor such sums as
11 are determined by the custodian or guardian of the person of
12 the minor as necessary for the minor's needs. Such payments
13 may not exceed the maximum amounts provided for by Section 9.1
14 of the Children and Family Services Act.

15 (6) Whenever the order of disposition requires the minor
16 to attend school or participate in a program of training, the
17 truant officer or designated school official shall regularly
18 report to the court if the minor is a chronic or habitual
19 truant under Section 26-2a of the School Code.

20 (7) (Blank). ~~The court must impose upon a minor under an~~
21 ~~order of continuance under supervision or an order of~~
22 ~~disposition under this Article IV, as a condition of the~~
23 ~~order, a fee of \$25 for each month or partial month of~~
24 ~~supervision with a probation officer. If the court determines~~
25 ~~the inability of the minor, or the parent, guardian, or legal~~
26 ~~custodian of the minor to pay the fee, the court may impose a~~

~~1 lesser fee. The court may not impose the fee on a minor who is
2 placed in the guardianship or custody of the Department of
3 Children and Family Services under this Act. The fee may be
4 imposed only upon a minor who is actively supervised by the
5 probation and court services department. The fee must be
6 collected by the clerk of the circuit court. The clerk of the
7 circuit court must pay all monies collected from this fee to
8 the county treasurer for deposit into the probation and court
9 services fund under Section 15.1 of the Probation and
10 Probation Officers Act.~~

11 (Source: P.A. 100-159, eff. 8-18-17.)

12 (705 ILCS 405/5-525)

13 Sec. 5-525. Service.

14 (1) Service by summons.

15 (a) Upon the commencement of a delinquency
16 prosecution, the clerk of the court shall issue a summons
17 with a copy of the petition attached. The summons shall be
18 directed to the minor's parent, guardian or legal
19 custodian and to each person named as a respondent in the
20 petition, except that summons need not be directed (i) to
21 a minor respondent under 8 years of age for whom the court
22 appoints a guardian ad litem if the guardian ad litem
23 appears on behalf of the minor in any proceeding under
24 this Act, or (ii) to a parent who does not reside with the
25 minor, does not make regular child support payments to the

1 minor, to the minor's other parent, or to the minor's
2 legal guardian or custodian pursuant to a support order,
3 and has not communicated with the minor on a regular
4 basis.

5 (b) The summons must contain a statement that the
6 minor is entitled to have an attorney present at the
7 hearing on the petition, and that the clerk of the court
8 should be notified promptly if the minor desires to be
9 represented by an attorney but is financially unable to
10 employ counsel.

11 (c) The summons shall be issued under the seal of the
12 court, attested in and signed with the name of the clerk of
13 the court, dated on the day it is issued, and shall require
14 each respondent to appear and answer the petition on the
15 date set for the adjudicatory hearing.

16 (d) The summons may be served by any law enforcement
17 officer, coroner or probation officer, even though the
18 officer is the petitioner. The return of the summons with
19 endorsement of service by the officer is sufficient proof
20 of service.

21 (e) Service of a summons and petition shall be made
22 by: (i) leaving a copy of the summons and petition with the
23 person summoned at least 3 days before the time stated in
24 the summons for appearance; (ii) leaving a copy at his or
25 her usual place of abode with some person of the family, of
26 the age of 10 years or upwards, and informing that person

1 of the contents of the summons and petition, provided, the
2 officer or other person making service shall also send a
3 copy of the summons in a sealed envelope with postage
4 fully prepaid, addressed to the person summoned at his or
5 her usual place of abode, at least 3 days before the time
6 stated in the summons for appearance; or (iii) leaving a
7 copy of the summons and petition with the guardian or
8 custodian of a minor, at least 3 days before the time
9 stated in the summons for appearance. If the guardian or
10 legal custodian is an agency of the State of Illinois,
11 proper service may be made by leaving a copy of the summons
12 and petition with any administrative employee of the
13 agency designated by the agency to accept the service of
14 summons and petitions. The certificate of the officer or
15 affidavit of the person that he or she has sent the copy
16 pursuant to this Section is sufficient proof of service.

17 (f) When a parent or other person, who has signed a
18 written promise to appear and bring the minor to court or
19 who has waived or acknowledged service, fails to appear
20 with the minor on the date set by the court, a bench
21 warrant may be issued for the parent or other person, the
22 minor, or both.

23 (2) Service by certified mail or publication.

24 (a) If service on individuals as provided in
25 subsection (1) is not made on any respondent within a
26 reasonable time or if it appears that any respondent

1 resides outside the State, service may be made by
2 certified mail. In that case the clerk shall mail the
3 summons and a copy of the petition to that respondent by
4 certified mail marked for delivery to addressee only. The
5 court shall not proceed with the adjudicatory hearing
6 until 5 days after the mailing. The regular return receipt
7 for certified mail is sufficient proof of service.

8 (b) If service upon individuals as provided in
9 subsection (1) is not made on any respondents within a
10 reasonable time or if any person is made a respondent
11 under the designation of "All Whom It May Concern", or if
12 service cannot be made because the whereabouts of a
13 respondent are unknown, service may be made by
14 publication. The clerk of the court as soon as possible
15 shall cause publication to be made once in a newspaper of
16 general circulation in the county where the action is
17 pending. Service by publication is not required in any
18 case when the person alleged to have legal custody of the
19 minor has been served with summons personally or by
20 certified mail, but the court may not enter any order or
21 judgment against any person who cannot be served with
22 process other than by publication unless service by
23 publication is given or unless that person appears.
24 Failure to provide service by publication to a
25 non-custodial parent whose whereabouts are unknown shall
26 not deprive the court of jurisdiction to proceed with a

1 trial or a plea of delinquency by the minor. When a minor
 2 has been detained or sheltered under Section 5-501 of this
 3 Act and summons has not been served personally or by
 4 certified mail within 20 days from the date of the order of
 5 court directing such detention or shelter care, the clerk
 6 of the court shall cause publication. Service by
 7 publication shall be substantially as follows:

8 "A, B, C, D, (here giving the names of the named
 9 respondents, if any) and to All Whom It May Concern (if
 10 there is any respondent under that designation):

11 Take notice that on (insert date) a petition was
 12 filed under the Juvenile Court Act of 1987 by in
 13 the circuit court of county entitled 'In the
 14 interest of, a minor', and that in courtroom
 15 at on (insert date) at the hour of, or as
 16 soon thereafter as this cause may be heard, an
 17 adjudicatory hearing will be held upon the petition to
 18 have the child declared to be a ward of the court under
 19 that Act. The court has authority in this proceeding
 20 to take from you the custody and guardianship of the
 21 minor.

22 Now, unless you appear at the hearing and show
 23 cause against the petition, the allegations of the
 24 petition may stand admitted as against you and each of
 25 you, and an order or judgment entered.

26

1 Clerk

2 Dated (insert the date of publication)"

3 (c) The clerk shall also at the time of the
4 publication of the notice send a copy of the notice by mail
5 to each of the respondents on account of whom publication
6 is made at his or her last known address. The certificate
7 of the clerk that he or she has mailed the notice is
8 evidence of that mailing. No other publication notice is
9 required. Every respondent notified by publication under
10 this Section must appear and answer in open court at the
11 hearing. The court may not proceed with the adjudicatory
12 hearing until 10 days after service by publication on any
13 custodial parent, guardian or legal custodian of a minor
14 alleged to be delinquent.

15 (d) If it becomes necessary to change the date set for
16 the hearing in order to comply with this Section, notice
17 of the resetting of the date must be given, by certified
18 mail or other reasonable means, to each respondent who has
19 been served with summons personally or by certified mail.

20 (3) Once jurisdiction has been established over a party,
21 further service is not required and notice of any subsequent
22 proceedings in that prosecution shall be made in accordance
23 with provisions of Section 5-530.

24 (4) The appearance of the minor's parent, guardian or
25 legal custodian, or a person named as a respondent in a
26 petition, in any proceeding under this Act shall constitute a

1 waiver of service and submission to the jurisdiction of the
2 court. A copy of the petition shall be provided to the person
3 at the time of his or her appearance.

4 (5) Fines or assessments, such as fees or administrative
5 costs in the service of process, shall not be ordered or
6 imposed on a minor or a minor's parent, guardian, or legal
7 custodian.

8 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

9 (705 ILCS 405/5-610)

10 Sec. 5-610. Guardian ad litem and appointment of attorney.

11 (1) The court may appoint a guardian ad litem for the minor
12 whenever it finds that there may be a conflict of interest
13 between the minor and his or her parent, guardian or legal
14 custodian or that it is otherwise in the minor's interest to do
15 so.

16 (2) Unless the guardian ad litem is an attorney, he or she
17 shall be represented by counsel.

18 (3) The reasonable fees of a guardian ad litem appointed
19 under this Section shall be fixed by the court and ~~charged to~~
20 ~~the parents of the minor, to the extent they are able to pay.~~
21 ~~If the parents are unable to pay those fees, they shall be paid~~
22 from the general fund of the county.

23 (4) If, during the court proceedings, the parents,
24 guardian, or legal custodian prove that he or she has an actual
25 conflict of interest with the minor in that delinquency

1 proceeding and that the parents, guardian, or legal custodian
2 are indigent, the court shall appoint a separate attorney for
3 that parent, guardian, or legal custodian.

4 (5) A guardian ad litem appointed under this Section for a
5 minor who is in the custody or guardianship of the Department
6 of Children and Family Services or who has an open intact
7 family services case with the Department of Children and
8 Family Services is entitled to receive copies of any and all
9 classified reports of child abuse or neglect made pursuant to
10 the Abused and Neglected Child Reporting Act in which the
11 minor, who is the subject of the report under the Abused and
12 Neglected Child Reporting Act, is also a minor for whom the
13 guardian ad litem is appointed under this Act. The Department
14 of Children and Family Services' obligation under this
15 subsection to provide reports to a guardian ad litem for a
16 minor with an open intact family services case applies only if
17 the guardian ad litem notified the Department in writing of
18 the representation.

19 (Source: P.A. 100-158, eff. 1-1-18.)

20 (705 ILCS 405/5-615)

21 Sec. 5-615. Continuance under supervision.

22 (1) The court may enter an order of continuance under
23 supervision for an offense other than first degree murder, a
24 Class X felony or a forcible felony:

25 (a) upon an admission or stipulation by the

1 appropriate respondent or minor respondent of the facts
2 supporting the petition and before the court makes a
3 finding of delinquency, and in the absence of objection
4 made in open court by the minor, his or her parent,
5 guardian, or legal custodian, the minor's attorney or the
6 State's Attorney; or

7 (b) upon a finding of delinquency and after
8 considering the circumstances of the offense and the
9 history, character, and condition of the minor, if the
10 court is of the opinion that:

11 (i) the minor is not likely to commit further
12 crimes;

13 (ii) the minor and the public would be best served
14 if the minor were not to receive a criminal record; and

15 (iii) in the best interests of justice an order of
16 continuance under supervision is more appropriate than
17 a sentence otherwise permitted under this Act.

18 (2) (Blank).

19 (3) Nothing in this Section limits the power of the court
20 to order a continuance of the hearing for the production of
21 additional evidence or for any other proper reason.

22 (4) When a hearing where a minor is alleged to be a
23 delinquent is continued pursuant to this Section, the period
24 of continuance under supervision may not exceed 24 months. The
25 court may terminate a continuance under supervision at any
26 time if warranted by the conduct of the minor and the ends of

1 justice or vacate the finding of delinquency or both.

2 (5) When a hearing where a minor is alleged to be
3 delinquent is continued pursuant to this Section, the court
4 may, as conditions of the continuance under supervision,
5 require the minor to do any of the following:

6 (a) not violate any criminal statute of any
7 jurisdiction;

8 (b) make a report to and appear in person before any
9 person or agency as directed by the court;

10 (c) work or pursue a course of study or vocational
11 training;

12 (d) undergo medical or psychotherapeutic treatment
13 rendered by a therapist licensed under the provisions of
14 the Medical Practice Act of 1987, the Clinical
15 Psychologist Licensing Act, or the Clinical Social Work
16 and Social Work Practice Act, or an entity licensed by the
17 Department of Human Services as a successor to the
18 Department of Alcoholism and Substance Abuse, for the
19 provision of substance use disorder services as defined in
20 Section 1-10 of the Substance Use Disorder Act;

21 (e) attend or reside in a facility established for the
22 instruction or residence of persons on probation;

23 (f) support his or her dependents, if any;

24 (g) (blank); ~~pay costs;~~

25 (h) refrain from possessing a firearm or other
26 dangerous weapon, or an automobile;

1 (i) permit the probation officer to visit him or her
2 at his or her home or elsewhere;

3 (j) reside with his or her parents or in a foster home;

4 (k) attend school;

5 (k-5) with the consent of the superintendent of the
6 facility, attend an educational program at a facility
7 other than the school in which the offense was committed
8 if he or she committed a crime of violence as defined in
9 Section 2 of the Crime Victims Compensation Act in a
10 school, on the real property comprising a school, or
11 within 1,000 feet of the real property comprising a
12 school;

13 (l) attend a non-residential program for youth;

14 (m) provide nonfinancial contributions ~~contribute~~ to
15 his or her own support at home or in a foster home;

16 (n) perform some reasonable public or community
17 service that does not interfere with school hours,
18 school-related activities, or work commitments of the
19 minor or the minor's parent, guardian, or legal custodian;

20 (o) make restitution to the victim, in the same manner
21 and under the same conditions as provided in subsection
22 (4) of Section 5-710, except that the "sentencing hearing"
23 referred to in that Section shall be the adjudicatory
24 hearing for purposes of this Section;

25 (p) comply with curfew requirements as designated by
26 the court;

1 (q) refrain from entering into a designated geographic
2 area except upon terms as the court finds appropriate. The
3 terms may include consideration of the purpose of the
4 entry, the time of day, other persons accompanying the
5 minor, and advance approval by a probation officer;

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

10 (r-5) undergo a medical or other procedure to have a
11 tattoo symbolizing allegiance to a street gang removed
12 from his or her body;

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

20 (t) comply with any other conditions as may be ordered
21 by the court.

22 (6) A minor whose case is continued under supervision
23 under subsection (5) shall be given a certificate setting
24 forth the conditions imposed by the court. Those conditions
25 may be reduced, enlarged, or modified by the court on motion of
26 the probation officer or on its own motion, or that of the

1 State's Attorney, or, at the request of the minor after notice
2 and hearing.

3 (7) If a petition is filed charging a violation of a
4 condition of the continuance under supervision, the court
5 shall conduct a hearing. If the court finds that a condition of
6 supervision has not been fulfilled, the court may proceed to
7 findings, adjudication, and disposition or adjudication and
8 disposition. The filing of a petition for violation of a
9 condition of the continuance under supervision shall toll the
10 period of continuance under supervision until the final
11 determination of the charge, and the term of the continuance
12 under supervision shall not run until the hearing and
13 disposition of the petition for violation; provided where the
14 petition alleges conduct that does not constitute a criminal
15 offense, the hearing must be held within 30 days of the filing
16 of the petition unless a delay shall continue the tolling of
17 the period of continuance under supervision for the period of
18 the delay.

19 (8) When a hearing in which a minor is alleged to be a
20 delinquent for reasons that include a violation of Section
21 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
22 2012 is continued under this Section, the court shall, as a
23 condition of the continuance under supervision, require the
24 minor to perform community service for not less than 30 and not
25 more than 120 hours, if community service is available in the
26 jurisdiction. The community service shall include, but need

1 not be limited to, the cleanup and repair of the damage that
2 was caused by the alleged violation or similar damage to
3 property located in the municipality or county in which the
4 alleged violation occurred. The condition may be in addition
5 to any other condition. Community service shall not interfere
6 with the school hours, school-related activities, or work
7 commitments of the minor or the minor's parent, guardian, or
8 legal custodian.

9 (8.5) When a hearing in which a minor is alleged to be a
10 delinquent for reasons that include a violation of Section
11 3.02 or Section 3.03 of the Humane Care for Animals Act or
12 paragraph (d) of subsection (1) of Section 21-1 of the
13 Criminal Code of 1961 or paragraph (4) of subsection (a) of
14 Section 21-1 or the Criminal Code of 2012 is continued under
15 this Section, the court shall, as a condition of the
16 continuance under supervision, require the minor to undergo
17 medical or psychiatric treatment rendered by a psychiatrist or
18 psychological treatment rendered by a clinical psychologist.
19 The condition may be in addition to any other condition.

20 (9) When a hearing in which a minor is alleged to be a
21 delinquent is continued under this Section, the court, before
22 continuing the case, shall make a finding whether the offense
23 alleged to have been committed either: (i) was related to or in
24 furtherance of the activities of an organized gang or was
25 motivated by the minor's membership in or allegiance to an
26 organized gang, or (ii) is a violation of paragraph (13) of

1 subsection (a) of Section 12-2 or paragraph (2) of subsection
2 (c) of Section 12-2 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, a violation of any Section of Article 24
4 of the Criminal Code of 1961 or the Criminal Code of 2012, or a
5 violation of any statute that involved the unlawful use of a
6 firearm. If the court determines the question in the
7 affirmative the court shall, as a condition of the continuance
8 under supervision and as part of or in addition to any other
9 condition of the supervision, require the minor to perform
10 community service for not less than 30 hours, provided that
11 community service is available in the jurisdiction and is
12 funded and approved by the county board of the county where the
13 offense was committed. The community service shall include,
14 but need not be limited to, the cleanup and repair of any
15 damage caused by an alleged violation of Section 21-1.3 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 and similar
17 damage to property located in the municipality or county in
18 which the alleged violation occurred. When possible and
19 reasonable, the community service shall be performed in the
20 minor's neighborhood. For the purposes of this Section,
21 "organized gang" has the meaning ascribed to it in Section 10
22 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
23 Community service shall not interfere with the school hours,
24 school-related activities, or work commitments of the minor or
25 the minor's parent, guardian, or legal custodian.

26 (10) (Blank). ~~The court shall impose upon a minor placed~~

1 ~~on supervision, as a condition of the supervision, a fee of \$50~~
2 ~~for each month of supervision ordered by the court, unless~~
3 ~~after determining the inability of the minor placed on~~
4 ~~supervision to pay the fee, the court assesses a lesser~~
5 ~~amount. The court may not impose the fee on a minor who is~~
6 ~~placed in the guardianship or custody of the Department of~~
7 ~~Children and Family Services under this Act while the minor is~~
8 ~~in placement. The fee shall be imposed only upon a minor who is~~
9 ~~actively supervised by the probation and court services~~
10 ~~department. A court may order the parent, guardian, or legal~~
11 ~~eustodian of the minor to pay some or all of the fee on the~~
12 ~~minor's behalf.~~

13 (11) (Blank).

14 (12) Fines and assessments, including any fee or
15 administrative cost authorized under Section 5-4.5-105,
16 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
17 Unified Code of Corrections, shall not be ordered or imposed
18 on a minor or the minor's parent, guardian, or legal custodian
19 as a condition of continuance under supervision. If the minor
20 or the minor's parent, guardian, or legal custodian is unable
21 to cover the cost of a condition under this subsection, the
22 court shall not preclude the minor from receiving continuance
23 under supervision based on the inability to pay. Inability to
24 pay shall not be grounds to object to the minor's placement on
25 a continuance under supervision.

26 (Source: P.A. 100-159, eff. 8-18-17; 100-759, eff. 1-1-19;

1 101-2, eff. 7-1-19.)

2 (705 ILCS 405/5-710)

3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made
5 in respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810, and
7 5-815, a minor who is found guilty under Section 5-620 may
8 be:

9 (i) put on probation or conditional discharge and
10 released to his or her parents, guardian or legal
11 custodian, provided, however, that any such minor who
12 is not committed to the Department of Juvenile Justice
13 under this subsection and who is found to be a
14 delinquent for an offense which is first degree
15 murder, a Class X felony, or a forcible felony shall be
16 placed on probation;

17 (ii) placed in accordance with Section 5-740, with
18 or without also being put on probation or conditional
19 discharge;

20 (iii) required to undergo a substance abuse
21 assessment conducted by a licensed provider and
22 participate in the indicated clinical level of care;

23 (iv) on and after January 1, 2015 (the effective
24 date of Public Act 98-803) and before January 1, 2017,
25 placed in the guardianship of the Department of

1 Children and Family Services, but only if the
2 delinquent minor is under 16 years of age or, pursuant
3 to Article II of this Act, a minor under the age of 18
4 for whom an independent basis of abuse, neglect, or
5 dependency exists. On and after January 1, 2017,
6 placed in the guardianship of the Department of
7 Children and Family Services, but only if the
8 delinquent minor is under 15 years of age or, pursuant
9 to Article II of this Act, a minor for whom an
10 independent basis of abuse, neglect, or dependency
11 exists. An independent basis exists when the
12 allegations or adjudication of abuse, neglect, or
13 dependency do not arise from the same facts, incident,
14 or circumstances which give rise to a charge or
15 adjudication of delinquency;

16 (v) placed in detention for a period not to exceed
17 30 days, either as the exclusive order of disposition
18 or, where appropriate, in conjunction with any other
19 order of disposition issued under this paragraph,
20 provided that any such detention shall be in a
21 juvenile detention home and the minor so detained
22 shall be 10 years of age or older. However, the 30-day
23 limitation may be extended by further order of the
24 court for a minor under age 15 committed to the
25 Department of Children and Family Services if the
26 court finds that the minor is a danger to himself or

1 others. The minor shall be given credit on the
2 sentencing order of detention for time spent in
3 detention under Sections 5-501, 5-601, 5-710, or 5-720
4 of this Article as a result of the offense for which
5 the sentencing order was imposed. The court may grant
6 credit on a sentencing order of detention entered
7 under a violation of probation or violation of
8 conditional discharge under Section 5-720 of this
9 Article for time spent in detention before the filing
10 of the petition alleging the violation. A minor shall
11 not be deprived of credit for time spent in detention
12 before the filing of a violation of probation or
13 conditional discharge alleging the same or related act
14 or acts. The limitation that the minor shall only be
15 placed in a juvenile detention home does not apply as
16 follows:

17 Persons 18 years of age and older who have a
18 petition of delinquency filed against them may be
19 confined in an adult detention facility. In making a
20 determination whether to confine a person 18 years of
21 age or older who has a petition of delinquency filed
22 against the person, these factors, among other
23 matters, shall be considered:

24 (A) the age of the person;

25 (B) any previous delinquent or criminal
26 history of the person;

1 (C) any previous abuse or neglect history of
2 the person;

3 (D) any mental health history of the person;
4 and

5 (E) any educational history of the person;

6 (vi) ordered partially or completely emancipated
7 in accordance with the provisions of the Emancipation
8 of Minors Act;

9 (vii) subject to having his or her driver's
10 license or driving privileges suspended for such time
11 as determined by the court but only until he or she
12 attains 18 years of age;

13 (viii) put on probation or conditional discharge
14 and placed in detention under Section 3-6039 of the
15 Counties Code for a period not to exceed the period of
16 incarceration permitted by law for adults found guilty
17 of the same offense or offenses for which the minor was
18 adjudicated delinquent, and in any event no longer
19 than upon attainment of age 21; this subdivision
20 (viii) notwithstanding any contrary provision of the
21 law;

22 (ix) ordered to undergo a medical or other
23 procedure to have a tattoo symbolizing allegiance to a
24 street gang removed from his or her body; or

25 (x) placed in electronic monitoring or home
26 detention under Part 7A of this Article.

1 (b) A minor found to be guilty may be committed to the
2 Department of Juvenile Justice under Section 5-750 if the
3 minor is at least 13 years and under 20 years of age,
4 provided that the commitment to the Department of Juvenile
5 Justice shall be made only if the minor was found guilty of
6 a felony offense or first degree murder. The court shall
7 include in the sentencing order any pre-custody credits
8 the minor is entitled to under Section 5-4.5-100 of the
9 Unified Code of Corrections. The time during which a minor
10 is in custody before being released upon the request of a
11 parent, guardian or legal custodian shall also be
12 considered as time spent in custody.

13 (c) When a minor is found to be guilty for an offense
14 which is a violation of the Illinois Controlled Substances
15 Act, the Cannabis Control Act, or the Methamphetamine
16 Control and Community Protection Act and made a ward of
17 the court, the court may enter a disposition order
18 requiring the minor to undergo assessment, counseling or
19 treatment in a substance use disorder treatment program
20 approved by the Department of Human Services.

21 (2) Any sentencing order other than commitment to the
22 Department of Juvenile Justice may provide for protective
23 supervision under Section 5-725 and may include an order of
24 protection under Section 5-730.

25 (3) Unless the sentencing order expressly so provides, it
26 does not operate to close proceedings on the pending petition,

1 but is subject to modification until final closing and
2 discharge of the proceedings under Section 5-750.

3 (4) In addition to any other sentence, the court may order
4 any minor found to be delinquent to make restitution, in
5 monetary or non-monetary form, under the terms and conditions
6 of Section 5-5-6 of the Unified Code of Corrections, except
7 that the "presentencing hearing" referred to in that Section
8 shall be the sentencing hearing for purposes of this Section.
9 The parent, guardian or legal custodian of the minor may be
10 ordered by the court to pay some or all of the restitution on
11 the minor's behalf, pursuant to the Parental Responsibility
12 Law. The State's Attorney is authorized to act on behalf of any
13 victim in seeking restitution in proceedings under this
14 Section, up to the maximum amount allowed in Section 5 of the
15 Parental Responsibility Law.

16 (5) Any sentencing order where the minor is committed or
17 placed in accordance with Section 5-740 shall provide for the
18 parents or guardian of the estate of the minor to pay to the
19 legal custodian or guardian of the person of the minor such
20 sums as are determined by the custodian or guardian of the
21 person of the minor as necessary for the minor's needs. The
22 payments may not exceed the maximum amounts provided for by
23 Section 9.1 of the Children and Family Services Act.

24 (6) Whenever the sentencing order requires the minor to
25 attend school or participate in a program of training, the
26 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code. Notwithstanding
3 any other provision of this Act, in instances in which
4 educational services are to be provided to a minor in a
5 residential facility where the minor has been placed by the
6 court, costs incurred in the provision of those educational
7 services must be allocated based on the requirements of the
8 School Code.

9 (7) In no event shall a guilty minor be committed to the
10 Department of Juvenile Justice for a period of time in excess
11 of that period for which an adult could be committed for the
12 same act. The court shall include in the sentencing order a
13 limitation on the period of confinement not to exceed the
14 maximum period of imprisonment the court could impose under
15 Chapter V of the Unified Code of Corrections.

16 (7.5) In no event shall a guilty minor be committed to the
17 Department of Juvenile Justice or placed in detention when the
18 act for which the minor was adjudicated delinquent would not
19 be illegal if committed by an adult.

20 (7.6) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice for an offense which is a Class
22 4 felony under Section 19-4 (criminal trespass to a
23 residence), 21-1 (criminal damage to property), 21-1.01
24 (criminal damage to government supported property), 21-1.3
25 (criminal defacement of property), 26-1 (disorderly conduct),
26 or 31-4 (obstructing justice) of the Criminal Code of 2012.

1 (7.75) In no event shall a guilty minor be committed to the
2 Department of Juvenile Justice for an offense that is a Class 3
3 or Class 4 felony violation of the Illinois Controlled
4 Substances Act unless the commitment occurs upon a third or
5 subsequent judicial finding of a violation of probation for
6 substantial noncompliance with court-ordered treatment or
7 programming.

8 (8) A minor found to be guilty for reasons that include a
9 violation of Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 shall be ordered to perform community
11 service for not less than 30 and not more than 120 hours, if
12 community service is available in the jurisdiction. The
13 community service shall include, but need not be limited to,
14 the cleanup and repair of the damage that was caused by the
15 violation or similar damage to property located in the
16 municipality or county in which the violation occurred. The
17 order may be in addition to any other order authorized by this
18 Section. Community service shall not interfere with the school
19 hours, school-related activities, or work commitments of the
20 minor or the minor's parent, guardian, or legal custodian.

21 (8.5) A minor found to be guilty for reasons that include a
22 violation of Section 3.02 or Section 3.03 of the Humane Care
23 for Animals Act or paragraph (d) of subsection (1) of Section
24 21-1 of the Criminal Code of 1961 or paragraph (4) of
25 subsection (a) of Section 21-1 of the Criminal Code of 2012
26 shall be ordered to undergo medical or psychiatric treatment

1 rendered by a psychiatrist or psychological treatment rendered
2 by a clinical psychologist. The order may be in addition to any
3 other order authorized by this Section.

4 (9) In addition to any other sentencing order, the court
5 shall order any minor found to be guilty for an act which would
6 constitute, predatory criminal sexual assault of a child,
7 aggravated criminal sexual assault, criminal sexual assault,
8 aggravated criminal sexual abuse, or criminal sexual abuse if
9 committed by an adult to undergo medical testing to determine
10 whether the defendant has any sexually transmissible disease
11 including a test for infection with human immunodeficiency
12 virus (HIV) or any other identified causative agency of
13 acquired immunodeficiency syndrome (AIDS). Any medical test
14 shall be performed only by appropriately licensed medical
15 practitioners and may include an analysis of any bodily fluids
16 as well as an examination of the minor's person. Except as
17 otherwise provided by law, the results of the test shall be
18 kept strictly confidential by all medical personnel involved
19 in the testing and must be personally delivered in a sealed
20 envelope to the judge of the court in which the sentencing
21 order was entered for the judge's inspection in camera. Acting
22 in accordance with the best interests of the victim and the
23 public, the judge shall have the discretion to determine to
24 whom the results of the testing may be revealed. The court
25 shall notify the minor of the results of the test for infection
26 with the human immunodeficiency virus (HIV). The court shall

1 also notify the victim if requested by the victim, and if the
2 victim is under the age of 15 and if requested by the victim's
3 parents or legal guardian, the court shall notify the victim's
4 parents or the legal guardian, of the results of the test for
5 infection with the human immunodeficiency virus (HIV). The
6 court shall provide information on the availability of HIV
7 testing and counseling at the Department of Public Health
8 facilities to all parties to whom the results of the testing
9 are revealed. The court shall order that the cost of any test
10 shall be paid by the county ~~and may be taxed as costs against~~
11 ~~the minor.~~

12 (10) When a court finds a minor to be guilty the court
13 shall, before entering a sentencing order under this Section,
14 make a finding whether the offense committed either: (a) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the minor's membership in
17 or allegiance to an organized gang, or (b) involved a
18 violation of subsection (a) of Section 12-7.1 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, a violation of any
20 Section of Article 24 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, or a violation of any statute that
22 involved the wrongful use of a firearm. If the court
23 determines the question in the affirmative, and the court does
24 not commit the minor to the Department of Juvenile Justice,
25 the court shall order the minor to perform community service
26 for not less than 30 hours nor more than 120 hours, provided

1 that community service is available in the jurisdiction and is
2 funded and approved by the county board of the county where the
3 offense was committed. The community service shall include,
4 but need not be limited to, the cleanup and repair of any
5 damage caused by a violation of Section 21-1.3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 and similar damage to
7 property located in the municipality or county in which the
8 violation occurred. When possible and reasonable, the
9 community service shall be performed in the minor's
10 neighborhood. This order shall be in addition to any other
11 order authorized by this Section except for an order to place
12 the minor in the custody of the Department of Juvenile
13 Justice. Community service shall not interfere with the school
14 hours, school-related activities, or work commitments of the
15 minor or the minor's parent, guardian, or legal custodian. For
16 the purposes of this Section, "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 (11) If the court determines that the offense was
20 committed in furtherance of the criminal activities of an
21 organized gang, as provided in subsection (10), and that the
22 offense involved the operation or use of a motor vehicle or the
23 use of a driver's license or permit, the court shall notify the
24 Secretary of State of that determination and of the period for
25 which the minor shall be denied driving privileges. If, at the
26 time of the determination, the minor does not hold a driver's

1 license or permit, the court shall provide that the minor
2 shall not be issued a driver's license or permit until his or
3 her 18th birthday. If the minor holds a driver's license or
4 permit at the time of the determination, the court shall
5 provide that the minor's driver's license or permit shall be
6 revoked until his or her 21st birthday, or until a later date
7 or occurrence determined by the court. If the minor holds a
8 driver's license at the time of the determination, the court
9 may direct the Secretary of State to issue the minor a judicial
10 driving permit, also known as a JDP. The JDP shall be subject
11 to the same terms as a JDP issued under Section 6-206.1 of the
12 Illinois Vehicle Code, except that the court may direct that
13 the JDP be effective immediately.

14 (12) (Blank).

15 (13) Fines and assessments, including any fee or
16 administrative cost authorized under Section 5-4.5-105,
17 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
18 Unified Code of Corrections, relating to any sentencing order
19 shall not be ordered or imposed on a minor or the minor's
20 parent, guardian, or legal custodian. The inability of a
21 minor, or minor's parent, guardian, or legal custodian, to
22 cover the costs associated with an appropriate sentencing
23 order shall not be the basis for the court to enter a
24 sentencing order incongruent with the court's findings
25 regarding the offense on which the minor was adjudicated or
26 the mitigating factors.

1 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;
2 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

3 (705 ILCS 405/5-715)

4 Sec. 5-715. Probation.

5 (1) The period of probation or conditional discharge shall
6 not exceed 5 years or until the minor has attained the age of
7 21 years, whichever is less, except as provided in this
8 Section for a minor who is found to be guilty for an offense
9 which is first degree murder. The juvenile court may terminate
10 probation or conditional discharge and discharge the minor at
11 any time if warranted by the conduct of the minor and the ends
12 of justice; provided, however, that the period of probation
13 for a minor who is found to be guilty for an offense which is
14 first degree murder shall be at least 5 years.

15 (1.5) The period of probation for a minor who is found
16 guilty of aggravated criminal sexual assault, criminal sexual
17 assault, or aggravated battery with a firearm shall be at
18 least 36 months. The period of probation for a minor who is
19 found to be guilty of any other Class X felony shall be at
20 least 24 months. The period of probation for a Class 1 or Class
21 2 forcible felony shall be at least 18 months. Regardless of
22 the length of probation ordered by the court, for all offenses
23 under this paragraph (1.5), the court shall schedule hearings
24 to determine whether it is in the best interest of the minor
25 and public safety to terminate probation after the minimum

1 period of probation has been served. In such a hearing, there
2 shall be a rebuttable presumption that it is in the best
3 interest of the minor and public safety to terminate
4 probation.

5 (2) The court may as a condition of probation or of
6 conditional discharge require that the minor:

7 (a) not violate any criminal statute of any
8 jurisdiction;

9 (b) make a report to and appear in person before any
10 person or agency as directed by the court;

11 (c) work or pursue a course of study or vocational
12 training;

13 (d) undergo medical or psychiatric treatment, rendered
14 by a psychiatrist or psychological treatment rendered by a
15 clinical psychologist or social work services rendered by
16 a clinical social worker, or treatment for drug addiction
17 or alcoholism;

18 (e) attend or reside in a facility established for the
19 instruction or residence of persons on probation;

20 (f) support his or her dependents, if any;

21 (g) refrain from possessing a firearm or other
22 dangerous weapon, or an automobile;

23 (h) permit the probation officer to visit him or her
24 at his or her home or elsewhere;

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

26 (j) attend school;

1 (j-5) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was committed
4 if he or she committed a crime of violence as defined in
5 Section 2 of the Crime Victims Compensation Act in a
6 school, on the real property comprising a school, or
7 within 1,000 feet of the real property comprising a
8 school;

9 (k) attend a non-residential program for youth;

10 (l) make restitution under the terms of subsection (4)
11 of Section 5-710;

12 (m) provide nonfinancial contributions ~~contribute~~ to
13 his or her own support at home or in a foster home;

14 (n) perform some reasonable public or community
15 service that does not interfere with school hours,
16 school-related activities, or work commitments of the
17 minor or the minor's parent, guardian, or legal custodian;

18 (o) participate with community corrections programs
19 including unified delinquency intervention services
20 administered by the Department of Human Services subject
21 to Section 5 of the Children and Family Services Act;

22 (p) (blank) ~~pay costs;~~

23 (q) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be
26 that the minor:

1 (i) remain within the interior premises of the
2 place designated for his or her confinement during the
3 hours designated by the court;

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

8 (iii) use an approved electronic monitoring device
9 if ordered by the court subject to Article 8A of
10 Chapter V of the Unified Code of Corrections;

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

19 (s) 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 (s-5) undergo a medical or other procedure to have a
24 tattoo symbolizing allegiance to a street gang removed
25 from his or her body;

26 (t) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act, the Illinois Controlled Substances Act, or
3 the Methamphetamine Control and Community Protection Act,
4 unless prescribed by a physician, and shall submit samples
5 of his or her blood or urine or both for tests to determine
6 the presence of any illicit drug; or

7 (u) comply with other conditions as may be ordered by
8 the court.

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

19 (3.5) The court shall, as a condition of probation or of
20 conditional discharge, require that a minor found to be guilty
21 and placed on probation for reasons that include a violation
22 of Section 3.02 or Section 3.03 of the Humane Care for Animals
23 Act or paragraph (4) of subsection (a) of Section 21-1 of the
24 Criminal Code of 2012 undergo medical or psychiatric treatment
25 rendered by a psychiatrist or psychological treatment rendered
26 by a clinical psychologist. The condition may be in addition

1 to any other condition.

2 (3.10) The court shall order that a minor placed on
3 probation or conditional discharge for a sex offense as
4 defined in the Sex Offender Management Board Act undergo and
5 successfully complete sex offender treatment. The treatment
6 shall be in conformance with the standards developed under the
7 Sex Offender Management Board Act and conducted by a treatment
8 provider approved by the Board. ~~The treatment shall be at the~~
9 ~~expense of the person evaluated based upon that person's~~
10 ~~ability to pay for the treatment.~~

11 (4) A minor on probation or conditional discharge shall be
12 given a certificate setting forth the conditions upon which he
13 or she is being released.

14 (5) (Blank). ~~The court shall impose upon a minor placed on~~
15 ~~probation or conditional discharge, as a condition of the~~
16 ~~probation or conditional discharge, a fee of \$50 for each~~
17 ~~month of probation or conditional discharge supervision~~
18 ~~ordered by the court, unless after determining the inability~~
19 ~~of the minor placed on probation or conditional discharge to~~
20 ~~pay the fee, the court assesses a lesser amount. The court may~~
21 ~~not impose the fee on a minor who is placed in the guardianship~~
22 ~~or custody of the Department of Children and Family Services~~
23 ~~under this Act while the minor is in placement. The fee shall~~
24 ~~be imposed only upon a minor who is actively supervised by the~~
25 ~~probation and court services department. The court may order~~
26 ~~the parent, guardian, or legal custodian of the minor to pay~~

1 ~~some or all of the fee on the minor's behalf.~~

2 (5.5) Jurisdiction over an offender may be transferred
3 from the sentencing court to the court of another circuit with
4 the concurrence of both courts. Further transfers or
5 retransfers of jurisdiction are also authorized in the same
6 manner. The court to which jurisdiction has been transferred
7 shall have the same powers as the sentencing court. ~~The~~
8 ~~probation department within the circuit to which jurisdiction~~
9 ~~has been transferred, or which has agreed to provide~~
10 ~~supervision, may impose probation fees upon receiving the~~
11 ~~transferred offender, as provided in subsection (i) of Section~~
12 ~~5-6-3 of the Unified Code of Corrections. For all transfer~~
13 ~~cases, as defined in Section 9b of the Probation and Probation~~
14 ~~Officers Act, the probation department from the original~~
15 ~~sentencing court shall retain all probation fees collected~~
16 ~~prior to the transfer. After the transfer, all probation fees~~
17 ~~shall be paid to the probation department within the circuit~~
18 ~~to which jurisdiction has been transferred.~~

19 If the transfer case originated in another state and has
20 been transferred under the Interstate Compact for Juveniles to
21 the jurisdiction of an Illinois circuit court for supervision
22 by an Illinois probation department, probation fees may be
23 imposed only if permitted by the Interstate Commission for
24 Juveniles.

25 (6) The General Assembly finds that in order to protect
26 the public, the juvenile justice system must compel compliance

1 with the conditions of probation by responding to violations
2 with swift, certain, and fair punishments and intermediate
3 sanctions. The Chief Judge of each circuit shall adopt a
4 system of structured, intermediate sanctions for violations of
5 the terms and conditions of a sentence of supervision,
6 probation or conditional discharge, under this Act.

7 The court shall provide as a condition of a disposition of
8 probation, conditional discharge, or supervision, that the
9 probation agency may invoke any sanction from the list of
10 intermediate sanctions adopted by the chief judge of the
11 circuit court for violations of the terms and conditions of
12 the sentence of probation, conditional discharge, or
13 supervision, subject to the provisions of Section 5-720 of
14 this Act.

15 (7) Fines and assessments, including any fee or
16 administrative cost authorized under Section 5-4.5-105,
17 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
18 Unified Code of Corrections, shall not be ordered or imposed
19 on a minor or the minor's parent, guardian, or legal custodian
20 as a condition of probation, conditional discharge, or
21 supervision. If the minor or the minor's parent, guardian, or
22 legal custodian is unable to cover the cost of a condition
23 under this subsection, the court shall not preclude the minor
24 from receiving probation, conditional discharge, or
25 supervision based on the inability to pay. Inability to pay
26 shall not be grounds to object to the minor's placement on

1 probation, conditional discharge, or supervision.

2 (Source: P.A. 99-879, eff. 1-1-17; 100-159, eff. 8-18-17.)

3 (705 ILCS 405/5-915)

4 Sec. 5-915. Expungement of juvenile law enforcement and
5 juvenile court records.

6 (0.05) (Blank).

7 (0.1) (a) The Illinois State Police and all law
8 enforcement agencies within the State shall automatically
9 expunge, on or before January 1 of each year, except as
10 described in paragraph (c) of subsection (0.1), all juvenile
11 law enforcement records relating to events occurring before an
12 individual's 18th birthday if:

13 (1) one year or more has elapsed since the date of the
14 arrest or law enforcement interaction documented in the
15 records;

16 (2) no petition for delinquency or criminal charges
17 were filed with the clerk of the circuit court relating to
18 the arrest or law enforcement interaction documented in
19 the records; and

20 (3) 6 months have elapsed since the date of the arrest
21 without an additional subsequent arrest or filing of a
22 petition for delinquency or criminal charges whether
23 related or not to the arrest or law enforcement
24 interaction documented in the records.

25 (b) If the law enforcement agency is unable to verify

1 satisfaction of conditions (2) and (3) of this subsection
2 (0.1), records that satisfy condition (1) of this subsection
3 (0.1) shall be automatically expunged if the records relate to
4 an offense that if committed by an adult would not be an
5 offense classified as a Class 2 felony or higher, an offense
6 under Article 11 of the Criminal Code of 1961 or Criminal Code
7 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
8 12-15, or 12-16 of the Criminal Code of 1961.

9 (c) If the juvenile law enforcement record was received
10 through a public submission to a statewide student
11 confidential reporting system administered by the Illinois
12 State Police, the record will be maintained for a period of 5
13 years according to all other provisions in subsection (0.1).

14 (0.15) If a juvenile law enforcement record meets
15 paragraph (a) of subsection (0.1) of this Section, a juvenile
16 law enforcement record created:

17 (1) prior to January 1, 2018, but on or after January
18 1, 2013 shall be automatically expunged prior to January
19 1, 2020;

20 (2) prior to January 1, 2013, but on or after January
21 1, 2000, shall be automatically expunged prior to January
22 1, 2023; and

23 (3) prior to January 1, 2000 shall not be subject to
24 the automatic expungement provisions of this Act.

25 Nothing in this subsection (0.15) shall be construed to
26 restrict or modify an individual's right to have his or her

1 juvenile law enforcement records expunged except as otherwise
2 may be provided in this Act.

3 (0.2) (a) Upon dismissal of a petition alleging
4 delinquency or upon a finding of not delinquent, the
5 successful termination of an order of supervision, or the
6 successful termination of an adjudication for an offense which
7 would be a Class B misdemeanor, Class C misdemeanor, or a petty
8 or business offense if committed by an adult, the court shall
9 automatically order the expungement of the juvenile court
10 records and juvenile law enforcement records. The clerk shall
11 deliver a certified copy of the expungement order to the
12 Illinois State Police and the arresting agency. Upon request,
13 the State's Attorney shall furnish the name of the arresting
14 agency. The expungement shall be completed within 60 business
15 days after the receipt of the expungement order.

16 (b) If the chief law enforcement officer of the agency, or
17 his or her designee, certifies in writing that certain
18 information is needed for a pending investigation involving
19 the commission of a felony, that information, and information
20 identifying the juvenile, may be retained until the statute of
21 limitations for the felony has run. If the chief law
22 enforcement officer of the agency, or his or her designee,
23 certifies in writing that certain information is needed with
24 respect to an internal investigation of any law enforcement
25 office, that information and information identifying the
26 juvenile may be retained within an intelligence file until the

1 investigation is terminated or the disciplinary action,
2 including appeals, has been completed, whichever is later.
3 Retention of a portion of a juvenile's law enforcement record
4 does not disqualify the remainder of his or her record from
5 immediate automatic expungement.

6 (0.3) (a) Upon an adjudication of delinquency based on any
7 offense except a disqualified offense, the juvenile court
8 shall automatically order the expungement of the juvenile
9 court and law enforcement records 2 years after the juvenile's
10 case was closed if no delinquency or criminal proceeding is
11 pending and the person has had no subsequent delinquency
12 adjudication or criminal conviction. The clerk shall deliver a
13 certified copy of the expungement order to the Illinois State
14 Police and the arresting agency. Upon request, the State's
15 Attorney shall furnish the name of the arresting agency. The
16 expungement shall be completed within 60 business days after
17 the receipt of the expungement order. In this subsection
18 (0.3), "disqualified offense" means any of the following
19 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,
20 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,
22 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,
23 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,
24 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,
25 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,
26 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or

1 subsection (b) of Section 8-1, paragraph (4) of subsection (a)
2 of Section 11-14.4, subsection (a-5) of Section 12-3.1,
3 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,
4 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or
5 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of
6 paragraph (1) of subsection (a) of Section 12-9, subparagraph
7 (H) of paragraph (3) of subsection (a) of Section 24-1.6,
8 paragraph (1) of subsection (a) of Section 25-1, or subsection
9 (a-7) of Section 31-1 of the Criminal Code of 2012.

10 (b) If the chief law enforcement officer of the agency, or
11 his or her designee, certifies in writing that certain
12 information is needed for a pending investigation involving
13 the commission of a felony, that information, and information
14 identifying the juvenile, may be retained in an intelligence
15 file until the investigation is terminated or for one
16 additional year, whichever is sooner. Retention of a portion
17 of a juvenile's juvenile law enforcement record does not
18 disqualify the remainder of his or her record from immediate
19 automatic expungement.

20 (0.4) Automatic expungement for the purposes of this
21 Section shall not require law enforcement agencies to
22 obliterate or otherwise destroy juvenile law enforcement
23 records that would otherwise need to be automatically expunged
24 under this Act, except after 2 years following the subject
25 arrest for purposes of use in civil litigation against a
26 governmental entity or its law enforcement agency or personnel

1 which created, maintained, or used the records. However, these
2 juvenile law enforcement records shall be considered expunged
3 for all other purposes during this period and the offense,
4 which the records or files concern, shall be treated as if it
5 never occurred as required under Section 5-923.

6 (0.5) Subsection (0.1) or (0.2) of this Section does not
7 apply to violations of traffic, boating, fish and game laws,
8 or county or municipal ordinances.

9 (0.6) Juvenile law enforcement records of a plaintiff who
10 has filed civil litigation against the governmental entity or
11 its law enforcement agency or personnel that created,
12 maintained, or used the records, or juvenile law enforcement
13 records that contain information related to the allegations
14 set forth in the civil litigation may not be expunged until
15 after 2 years have elapsed after the conclusion of the
16 lawsuit, including any appeal.

17 (0.7) Officer-worn body camera recordings shall not be
18 automatically expunged except as otherwise authorized by the
19 Law Enforcement Officer-Worn Body Camera Act.

20 (1) Whenever a person has been arrested, charged, or
21 adjudicated delinquent for an incident occurring before his or
22 her 18th birthday that if committed by an adult would be an
23 offense, and that person's juvenile law enforcement and
24 juvenile court records are not eligible for automatic
25 expungement under subsection (0.1), (0.2), or (0.3), the
26 person may petition the court at any time at no cost to the

1 person for expungement of juvenile law enforcement records and
2 juvenile court records relating to the incident and, upon
3 termination of all juvenile court proceedings relating to that
4 incident, the court shall order the expungement of all records
5 in the possession of the Illinois State Police, the clerk of
6 the circuit court, and law enforcement agencies relating to
7 the incident, but only in any of the following circumstances:

8 (a) the minor was arrested and no petition for
9 delinquency was filed with the clerk of the circuit court;

10 (a-5) the minor was charged with an offense and the
11 petition or petitions were dismissed without a finding of
12 delinquency;

13 (b) the minor was charged with an offense and was
14 found not delinquent of that offense;

15 (c) the minor was placed under supervision under
16 Section 5-615, and the order of supervision has since been
17 successfully terminated; or

18 (d) the minor was adjudicated for an offense which
19 would be a Class B misdemeanor, Class C misdemeanor, or a
20 petty or business offense if committed by an adult.

21 (1.5) At no cost to the person, the ~~The~~ Illinois State
22 Police shall allow a person to use the Access and Review
23 process, established in the Illinois State Police, for
24 verifying that his or her juvenile law enforcement records
25 relating to incidents occurring before his or her 18th
26 birthday eligible under this Act have been expunged.

1 (1.6) (Blank).

2 (1.7) (Blank).

3 (1.8) (Blank).

4 (2) Any person whose delinquency adjudications are not
5 eligible for automatic expungement under subsection (0.3) of
6 this Section may petition the court at no cost to the person to
7 expunge all juvenile law enforcement records relating to any
8 incidents occurring before his or her 18th birthday which did
9 not result in proceedings in criminal court and all juvenile
10 court records with respect to any adjudications except those
11 based upon first degree murder or an offense under Article 11
12 of the Criminal Code of 2012 if the person is required to
13 register under the Sex Offender Registration Act at the time
14 he or she petitions the court for expungement; provided that 2
15 years have elapsed since all juvenile court proceedings
16 relating to him or her have been terminated and his or her
17 commitment to the Department of Juvenile Justice under this
18 Act has been terminated.

19 (2.5) If a minor is arrested and no petition for
20 delinquency is filed with the clerk of the circuit court at the
21 time the minor is released from custody, the youth officer, if
22 applicable, or other designated person from the arresting
23 agency, shall notify verbally and in writing to the minor or
24 the minor's parents or guardians that the minor shall have an
25 arrest record and shall provide the minor and the minor's
26 parents or guardians with an expungement information packet,

1 information regarding this State's expungement laws including
2 a petition to expunge juvenile law enforcement and juvenile
3 court records obtained from the clerk of the circuit court.

4 (2.6) If a minor is referred to court, then, at the time of
5 sentencing, dismissal of the case, or successful completion of
6 supervision, the judge shall inform the delinquent minor of
7 his or her rights regarding expungement and the clerk of the
8 circuit court shall provide an expungement information packet
9 to the minor, written in plain language, including information
10 regarding this State's expungement laws and a petition for
11 expungement, a sample of a completed petition, expungement
12 instructions that shall include information informing the
13 minor that (i) once the case is expunged, it shall be treated
14 as if it never occurred, (ii) he or she shall not be charged a
15 fee to petition for expungement ~~may apply to have petition~~
16 ~~fees waived~~, (iii) once he or she obtains an expungement, he or
17 she may not be required to disclose that he or she had a
18 juvenile law enforcement or juvenile court record, and (iv) if
19 petitioning he or she may file the petition on his or her own
20 or with the assistance of an attorney. The failure of the judge
21 to inform the delinquent minor of his or her right to petition
22 for expungement as provided by law does not create a
23 substantive right, nor is that failure grounds for: (i) a
24 reversal of an adjudication of delinquency; (ii) a new trial;
25 or (iii) an appeal.

26 (2.7) (Blank).

1 (2.8) (Blank).

2 (3) (Blank).

3 (3.1) (Blank).

4 (3.2) (Blank).

5 (3.3) (Blank).

6 (4) (Blank).

7 (5) (Blank).

8 (5.5) Whether or not expunged, records eligible for
9 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
10 (0.3) (a) may be treated as expunged by the individual subject
11 to the records.

12 (6) (Blank).

13 (6.5) The Illinois State Police or any employee of the
14 Illinois State Police shall be immune from civil or criminal
15 liability for failure to expunge any records of arrest that
16 are subject to expungement under this Section because of
17 inability to verify a record. Nothing in this Section shall
18 create Illinois State Police liability or responsibility for
19 the expungement of juvenile law enforcement records it does
20 not possess.

21 (7) (Blank).

22 (7.5) (Blank).

23 (8) The expungement of juvenile law enforcement or
24 juvenile court records under subsection (0.1), (0.2), or (0.3)
25 of this Section shall be funded by appropriation by the
26 General Assembly for that purpose.

1 (9) (Blank).

2 (10) (Blank).

3 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
4 102-752, eff. 1-1-23; revised 8-23-22.)

5 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

6 Sec. 6-7. Financial responsibility of counties.

7 (1) Each county board shall provide in its annual
8 appropriation ordinance or annual budget, as the case may be,
9 a reasonable sum for payments for the care and support of
10 minors, and for payments for court appointed counsel in
11 accordance with orders entered under this Act in an amount
12 which in the judgment of the county board may be needed for
13 that purpose. Such appropriation or budget item constitutes a
14 separate fund into which shall be paid ~~not only~~ the moneys
15 appropriated by the county board, and ~~but also~~ all
16 reimbursements by ~~parents and~~ other persons and by the State.
17 For cases involving minors subject to Article III, IV, or V of
18 this Act or minors under the age of 18 transferred to adult
19 court or excluded from juvenile court jurisdiction under
20 Article V of this Act, the county board shall not seek
21 reimbursement from a minor or the minor's parent, guardian, or
22 legal custodian.

23 (2) No county may be charged with the care and support of
24 any minor who is not a resident of the county unless his
25 parents or guardian are unknown or the minor's place of

1 residence cannot be determined.

2 (3) No order upon the county for care and support of a
3 minor may be entered until the president or chairman of the
4 county board has had due notice that such a proceeding is
5 pending.

6 (Source: P.A. 85-1235; 85-1443; 86-820.)

7 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

8 Sec. 6-9. Enforcement of liability of parents and others.

9 (1) If parentage is at issue in any proceeding under this
10 Act, other than cases involving those exceptions to the
11 definition of parent set out in item (11) in Section 1-3, then
12 the Illinois Parentage Act of 2015 shall apply and the court
13 shall enter orders consistent with that Act. If it appears at
14 any hearing that a parent or any other person named in the
15 petition, liable under the law for the support of the minor, is
16 able to contribute to his or her support, the court shall enter
17 an order requiring that parent or other person to pay the clerk
18 of the court, or to the guardian or custodian appointed under
19 Section 2-27 ~~Sections 2-27, 3-28, 4-25 or 5-740~~, a reasonable
20 sum from time to time for the care, support, and necessary
21 special care or treatment, of the minor. If the court
22 determines at any hearing that a parent or any other person
23 named in the petition, liable under the law for the support of
24 the minor, is able to contribute to help defray the costs
25 associated with the minor's detention in a county or regional

1 detention center, the court shall enter an order requiring
2 that parent or other person to pay the clerk of the court a
3 reasonable sum for the care and support of the minor. The court
4 may require reasonable security for the payments. Upon failure
5 to pay, the court may enforce obedience to the order by a
6 proceeding as for contempt of court.

7 Costs associated with detention, legal representation, or
8 other services or programs under Article III, IV, or V of this
9 Act shall not be ordered or imposed on a parent, guardian, or
10 legal custodian liable under the law for the support of a
11 minor.

12 ~~If it appears that the person liable for the support of the~~
13 ~~minor is able to contribute to legal fees for representation~~
14 ~~of the minor, the court shall enter an order requiring that~~
15 ~~person to pay a reasonable sum for the representation, to the~~
16 ~~attorney providing the representation or to the clerk of the~~
17 ~~court for deposit in the appropriate account or fund. The sum~~
18 ~~may be paid as the court directs, and the payment thereof~~
19 ~~secured and enforced as provided in this Section for support.~~

20 ~~If it appears at the detention or shelter care hearing of a~~
21 ~~minor before the court under Section 5-501 that a parent or any~~
22 ~~other person liable for support of the minor is able to~~
23 ~~contribute to his or her support, that parent or other person~~
24 ~~shall be required to pay a fee for room and board at a rate not~~
25 ~~to exceed \$10 per day established, with the concurrence of the~~
26 ~~chief judge of the judicial circuit, by the county board of the~~

1 ~~county in which the minor is detained unless the court~~
2 ~~determines that it is in the best interest and welfare of the~~
3 ~~minor to waive the fee. The concurrence of the chief judge~~
4 ~~shall be in the form of an administrative order. Each week, on~~
5 ~~a day designated by the clerk of the circuit court, that parent~~
6 ~~or other person shall pay the clerk for the minor's room and~~
7 ~~board. All fees for room and board collected by the circuit~~
8 ~~court clerk shall be disbursed into the separate county fund~~
9 ~~under Section 6-7.~~

10 ~~Upon application, the court shall waive liability for~~
11 ~~support or legal fees under this Section if the parent or other~~
12 ~~person establishes that he or she is indigent and unable to pay~~
13 ~~the incurred liability, and the court may reduce or waive~~
14 ~~liability if the parent or other person establishes~~
15 ~~circumstances showing that full payment of support or legal~~
16 ~~fees would result in financial hardship to the person or his or~~
17 ~~her family.~~

18 (2) (Blank). ~~When a person so ordered to pay for the care~~
19 ~~and support of a minor is employed for wages, salary or~~
20 ~~commission, the court may order him to make the support~~
21 ~~payments for which he is liable under this Act out of his~~
22 ~~wages, salary or commission and to assign so much thereof as~~
23 ~~will pay the support. The court may also order him to make~~
24 ~~discovery to the court as to his place of employment and the~~
25 ~~amounts earned by him. Upon his failure to obey the orders of~~
26 ~~court he may be punished as for contempt of court.~~

1 (3) If the minor is a recipient of public aid under the
2 Illinois Public Aid Code, the court shall order that payments
3 made by a parent or through assignment of his wages, salary or
4 commission be made directly to (a) the Department of
5 Healthcare and Family Services if the minor is a recipient of
6 aid under Article V of the Code, (b) the Department of Human
7 Services if the minor is a recipient of aid under Article IV of
8 the Code, or (c) the local governmental unit responsible for
9 the support of the minor if he is a recipient under Articles VI
10 or VII of the Code. The order shall permit the Department of
11 Healthcare and Family Services, the Department of Human
12 Services, or the local governmental unit, as the case may be,
13 to direct that subsequent payments be made directly to the
14 guardian or custodian of the minor, or to some other person or
15 agency in the minor's behalf, upon removal of the minor from
16 the public aid rolls; and upon such direction and removal of
17 the minor from the public aid rolls, the Department of
18 Healthcare and Family Services, Department of Human Services,
19 or local governmental unit, as the case requires, shall give
20 written notice of such action to the court. Payments received
21 by the Department of Healthcare and Family Services,
22 Department of Human Services, or local governmental unit are
23 to be covered, respectively, into the General Revenue Fund of
24 the State Treasury or General Assistance Fund of the
25 governmental unit, as provided in Section 10-19 of the
26 Illinois Public Aid Code.

1 (Source: P.A. 99-85, eff. 1-1-16.)

2 Section 25. The Juvenile Drug Court Treatment Act is
3 amended by changing Section 25 as follows:

4 (705 ILCS 410/25)

5 Sec. 25. Procedure.

6 (a) The court shall order an eligibility screening and an
7 assessment of the minor by an agent designated by the State of
8 Illinois to provide assessment services for the Illinois
9 Courts. An assessment need not be ordered if the court finds a
10 valid assessment related to the present charge pending against
11 the minor has been completed within the previous 60 days.

12 (b) The judge shall inform the minor that if the minor
13 fails to meet the conditions of the drug court program,
14 eligibility to participate in the program may be revoked and
15 the minor may be sentenced or the prosecution continued as
16 provided in the Juvenile Court Act of 1987 for the crime
17 charged.

18 (c) The minor shall execute a written agreement as to his
19 or her participation in the program and shall agree to all of
20 the terms and conditions of the program, including but not
21 limited to the possibility of sanctions or incarceration for
22 failing to abide or comply with the terms of the program.

23 (d) In addition to any conditions authorized under
24 Sections 5-505, 5-710, and 5-715 of the Juvenile Court Act of

1 1987, the court may order the minor to complete substance
2 abuse treatment in an outpatient, inpatient, residential, or
3 detention-based custodial treatment program. Any period of
4 time a minor shall serve in a detention-based treatment
5 program may not be reduced by the accumulation of good time or
6 other credits and may be for a period of up to 120 days.

7 (e) The drug court program shall include a regimen of
8 graduated requirements and rewards and sanctions, including,
9 but not limited to: ~~finer, costs,~~ restitution, reasonable
10 public service ~~employment,~~ incarceration of up to 120 days,
11 individual and group therapy, drug analysis testing, close
12 monitoring by the court at a minimum of once every 30 days and
13 supervision of progress, educational or vocational counseling
14 as appropriate, and other requirements necessary to fulfill
15 the drug court program. Reasonable public service shall not
16 interfere with school hours, school-related activities, or
17 work commitments of the minor or the minor's parent, guardian,
18 or legal custodian.

19 (f) Fines and assessments, such as fees or administrative
20 costs, under this Section shall not be ordered or imposed
21 against minors or their parents, guardians, or legal
22 custodians.

23 (Source: P.A. 92-559, eff. 1-1-03.)

24 Section 30. The Criminal Code of 2012 is amended by
25 changing Section 12C-60 as follows:

1 (720 ILCS 5/12C-60)

2 (Text of Section before amendment by P.A. 102-982)

3 Sec. 12C-60. Curfew.

4 (a) Curfew offenses.

5 (1) A minor commits a curfew offense when he or she
6 remains in any public place or on the premises of any
7 establishment during curfew hours.

8 (2) A parent or guardian of a minor or other person in
9 custody or control of a minor commits a curfew offense
10 when he or she knowingly permits the minor to remain in any
11 public place or on the premises of any establishment
12 during curfew hours.

13 (b) Curfew defenses. It is a defense to prosecution under
14 subsection (a) that the minor was:

15 (1) accompanied by the minor's parent or guardian or
16 other person in custody or control of the minor;

17 (2) on an errand at the direction of the minor's
18 parent or guardian, without any detour or stop;

19 (3) in a motor vehicle involved in interstate travel;

20 (4) engaged in an employment activity or going to or
21 returning home from an employment activity, without any
22 detour or stop;

23 (5) involved in an emergency;

24 (6) on the sidewalk abutting the minor's residence or
25 abutting the residence of a next-door neighbor if the

1 neighbor did not complain to the police department about
2 the minor's presence;

3 (7) attending an official school, religious, or other
4 recreational activity supervised by adults and sponsored
5 by a government or governmental agency, a civic
6 organization, or another similar entity that takes
7 responsibility for the minor, or going to or returning
8 home from, without any detour or stop, an official school,
9 religious, or other recreational activity supervised by
10 adults and sponsored by a government or governmental
11 agency, a civic organization, or another similar entity
12 that takes responsibility for the minor;

13 (8) exercising First Amendment rights protected by the
14 United States Constitution, such as the free exercise of
15 religion, freedom of speech, and the right of assembly; or

16 (9) married or had been married or is an emancipated
17 minor under the Emancipation of Minors Act.

18 (c) Enforcement. Before taking any enforcement action
19 under this Section, a law enforcement officer shall ask the
20 apparent offender's age and reason for being in the public
21 place. The officer shall not issue a citation or make an arrest
22 under this Section unless the officer reasonably believes that
23 an offense has occurred and that, based on any response and
24 other circumstances, no defense in subsection (b) is present.

25 (d) Definitions. In this Section:

26 (1) "Curfew hours" means:

1 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

2 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

3 and

4 (C) Between 11:00 p.m. on Sunday to Thursday,
5 inclusive, and 6:00 a.m. on the following day.

6 (2) "Emergency" means an unforeseen combination of
7 circumstances or the resulting state that calls for
8 immediate action. The term includes, but is not limited
9 to, a fire, a natural disaster, an automobile accident, or
10 any situation requiring immediate action to prevent
11 serious bodily injury or loss of life.

12 (3) "Establishment" means any privately-owned place of
13 business operated for a profit to which the public is
14 invited, including, but not limited to, any place of
15 amusement or entertainment.

16 (4) "Guardian" means:

17 (A) a person who, under court order, is the
18 guardian of the person of a minor; or

19 (B) a public or private agency with whom a minor
20 has been placed by a court.

21 (5) "Minor" means any person under 17 years of age.

22 (6) "Parent" means a person who is:

23 (A) a natural parent, adoptive parent, or
24 step-parent of another person; or

25 (B) at least 18 years of age and authorized by a
26 parent or guardian to have the care and custody of a

1 minor.

2 (7) "Public place" means any place to which the public
3 or a substantial group of the public has access and
4 includes, but is not limited to, streets, highways, and
5 the common areas of schools, hospitals, apartment houses,
6 office buildings, transport facilities, and shops.

7 (8) "Remain" means to:

8 (A) linger or stay; or

9 (B) fail to leave premises when requested to do so
10 by a police officer or the owner, operator, or other
11 person in control of the premises.

12 (9) "Serious bodily injury" means bodily injury that
13 creates a substantial risk of death or that causes death,
14 serious permanent disfigurement, or protracted loss or
15 impairment of the function of any bodily member or organ.

16 (e) Sentence. A violation of this Section is a petty
17 offense with a fine of not less than \$10 nor more than \$500,
18 except that neither a person who has been made a ward of the
19 court under the Juvenile Court Act of 1987, nor that person's
20 legal guardian, shall be subject to any fine. In addition to or
21 instead of the fine imposed by this Section, the court may
22 order a parent, legal guardian, or other person convicted of a
23 violation of subsection (a) of this Section to perform
24 community service as determined by the court, except that the
25 legal guardian of a person subject to delinquency proceedings
26 or who has been made a ward of the court under the Juvenile

1 Court Act of 1987 may not be ordered to perform community
2 service. The dates and times established for the performance
3 of community service by the parent, legal guardian, or other
4 person convicted of a violation of subsection (a) of this
5 Section shall not conflict with the dates and times that the
6 person is employed in his or her regular occupation. Fines and
7 assessments, such as fees or administrative costs, shall not
8 be ordered or imposed against a minor under the age of 18
9 transferred to adult court or excluded from juvenile court
10 jurisdiction under Article V of the Juvenile Court Act of
11 1987, or the minor's parent, guardian, or legal custodian.

12 (f) County, municipal and other local boards and bodies
13 authorized to adopt local police laws and regulations under
14 the constitution and laws of this State may exercise
15 legislative or regulatory authority over this subject matter
16 by ordinance or resolution incorporating the substance of this
17 Section or increasing the requirements thereof or otherwise
18 not in conflict with this Section.

19 (Source: P.A. 97-1109, eff. 1-1-13.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 12C-60. Curfew.

22 (a) Curfew offenses.

23 (1) A minor commits a curfew offense when he or she
24 remains in any public place or on the premises of any
25 establishment during curfew hours.

1 (2) A parent or guardian of a minor or other person in
2 custody or control of a minor commits a curfew offense
3 when he or she knowingly permits the minor to remain in any
4 public place or on the premises of any establishment
5 during curfew hours.

6 (b) Curfew defenses. It is a defense to prosecution under
7 subsection (a) that the minor was:

8 (1) accompanied by the minor's parent or guardian or
9 other person in custody or control of the minor;

10 (2) on an errand at the direction of the minor's
11 parent or guardian, without any detour or stop;

12 (3) in a motor vehicle involved in interstate travel;

13 (4) engaged in an employment activity or going to or
14 returning home from an employment activity, without any
15 detour or stop;

16 (5) involved in an emergency;

17 (6) on the sidewalk abutting the minor's residence or
18 abutting the residence of a next-door neighbor if the
19 neighbor did not complain to the police department about
20 the minor's presence;

21 (7) attending an official school, religious, or other
22 recreational activity supervised by adults and sponsored
23 by a government or governmental agency, a civic
24 organization, or another similar entity that takes
25 responsibility for the minor, or going to or returning
26 home from, without any detour or stop, an official school,

1 religious, or other recreational activity supervised by
2 adults and sponsored by a government or governmental
3 agency, a civic organization, or another similar entity
4 that takes responsibility for the minor;

5 (8) exercising First Amendment rights protected by the
6 United States Constitution, such as the free exercise of
7 religion, freedom of speech, and the right of assembly; or

8 (9) married or had been married or is an emancipated
9 minor under the Emancipation of Minors Act.

10 (c) Enforcement. Before taking any enforcement action
11 under this Section, a law enforcement officer shall ask the
12 apparent offender's age and reason for being in the public
13 place. The officer shall not issue a citation or make an arrest
14 under this Section unless the officer reasonably believes that
15 an offense has occurred and that, based on any response and
16 other circumstances, no defense in subsection (b) is present.

17 (d) Definitions. In this Section:

18 (1) "Curfew hours" means:

19 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

20 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday;

21 and

22 (C) Between 11:00 p.m. on Sunday to Thursday,
23 inclusive, and 6:00 a.m. on the following day.

24 (2) "Emergency" means an unforeseen combination of
25 circumstances or the resulting state that calls for
26 immediate action. The term includes, but is not limited

1 to, a fire, a natural disaster, an automobile crash, or
2 any situation requiring immediate action to prevent
3 serious bodily injury or loss of life.

4 (3) "Establishment" means any privately-owned place of
5 business operated for a profit to which the public is
6 invited, including, but not limited to, any place of
7 amusement or entertainment.

8 (4) "Guardian" means:

9 (A) a person who, under court order, is the
10 guardian of the person of a minor; or

11 (B) a public or private agency with whom a minor
12 has been placed by a court.

13 (5) "Minor" means any person under 17 years of age.

14 (6) "Parent" means a person who is:

15 (A) a natural parent, adoptive parent, or
16 step-parent of another person; or

17 (B) at least 18 years of age and authorized by a
18 parent or guardian to have the care and custody of a
19 minor.

20 (7) "Public place" means any place to which the public
21 or a substantial group of the public has access and
22 includes, but is not limited to, streets, highways, and
23 the common areas of schools, hospitals, apartment houses,
24 office buildings, transport facilities, and shops.

25 (8) "Remain" means to:

26 (A) linger or stay; or

1 (B) fail to leave premises when requested to do so
2 by a police officer or the owner, operator, or other
3 person in control of the premises.

4 (9) "Serious bodily injury" means bodily injury that
5 creates a substantial risk of death or that causes death,
6 serious permanent disfigurement, or protracted loss or
7 impairment of the function of any bodily member or organ.

8 (e) Sentence. A violation of this Section is a petty
9 offense with a fine of not less than \$10 nor more than \$500,
10 except that neither a person who has been made a ward of the
11 court under the Juvenile Court Act of 1987, nor that person's
12 legal guardian, shall be subject to any fine. In addition to or
13 instead of the fine imposed by this Section, the court may
14 order a parent, legal guardian, or other person convicted of a
15 violation of subsection (a) of this Section to perform
16 community service as determined by the court, except that the
17 legal guardian of a person subject to delinquency proceedings
18 or who has been made a ward of the court under the Juvenile
19 Court Act of 1987 may not be ordered to perform community
20 service. The dates and times established for the performance
21 of community service by the parent, legal guardian, or other
22 person convicted of a violation of subsection (a) of this
23 Section shall not conflict with the dates and times that the
24 person is employed in his or her regular occupation. Fines and
25 assessments, such as fees or administrative costs, shall not
26 be ordered or imposed against a minor under the age of 18

1 transferred to adult court or excluded from juvenile court
2 jurisdiction under Article V of the Juvenile Court Act of
3 1987, or the minor's parent, guardian, or legal custodian.

4 (f) County, municipal and other local boards and bodies
5 authorized to adopt local police laws and regulations under
6 the constitution and laws of this State may exercise
7 legislative or regulatory authority over this subject matter
8 by ordinance or resolution incorporating the substance of this
9 Section or increasing the requirements thereof or otherwise
10 not in conflict with this Section.

11 (Source: P.A. 102-982, eff. 7-1-23.)

12 Section 35. The Cannabis Control Act is amended by
13 changing Sections 4 and 10 as follows:

14 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

15 Sec. 4. Except as otherwise provided in the Cannabis
16 Regulation and Tax Act and the Industrial Hemp Act, it is
17 unlawful for any person knowingly to possess cannabis.

18 Any person who violates this Section with respect to:

19 (a) not more than 10 grams of any substance containing
20 cannabis is guilty of a civil law violation punishable by
21 a minimum fine of \$100 and a maximum fine of \$200. The
22 proceeds of the fine shall be payable to the clerk of the
23 circuit court. Within 30 days after the deposit of the
24 fine, the clerk shall distribute the proceeds of the fine

1 as follows:

2 (1) \$10 of the fine to the circuit clerk and \$10 of
3 the fine to the law enforcement agency that issued the
4 citation; the proceeds of each \$10 fine distributed to
5 the circuit clerk and each \$10 fine distributed to the
6 law enforcement agency that issued the citation for
7 the violation shall be used to defer the cost of
8 automatic expungements under paragraph (2.5) of
9 subsection (a) of Section 5.2 of the Criminal
10 Identification Act;

11 (2) \$15 to the county to fund drug addiction
12 services;

13 (3) \$10 to the Office of the State's Attorneys
14 Appellate Prosecutor for use in training programs;

15 (4) \$10 to the State's Attorney; and

16 (5) any remainder of the fine to the law
17 enforcement agency that issued the citation for the
18 violation.

19 With respect to funds designated for the Illinois
20 State Police, the moneys shall be remitted by the circuit
21 court clerk to the Illinois State Police within one month
22 after receipt for deposit into the State Police Operations
23 Assistance Fund. With respect to funds designated for the
24 Department of Natural Resources, the Department of Natural
25 Resources shall deposit the moneys into the Conservation
26 Police Operations Assistance Fund;

1 (b) more than 10 grams but not more than 30 grams of
2 any substance containing cannabis is guilty of a Class B
3 misdemeanor;

4 (c) more than 30 grams but not more than 100 grams of
5 any substance containing cannabis is guilty of a Class A
6 misdemeanor; provided, that if any offense under this
7 subsection (c) is a subsequent offense, the offender shall
8 be guilty of a Class 4 felony;

9 (d) more than 100 grams but not more than 500 grams of
10 any substance containing cannabis is guilty of a Class 4
11 felony; provided that if any offense under this subsection
12 (d) is a subsequent offense, the offender shall be guilty
13 of a Class 3 felony;

14 (e) more than 500 grams but not more than 2,000 grams
15 of any substance containing cannabis is guilty of a Class
16 3 felony;

17 (f) more than 2,000 grams but not more than 5,000
18 grams of any substance containing cannabis is guilty of a
19 Class 2 felony;

20 (g) more than 5,000 grams of any substance containing
21 cannabis is guilty of a Class 1 felony.

22 Fines and assessments, such as fees or administrative
23 costs, authorized under this Section shall not be ordered or
24 imposed against a minor subject to Article III, IV, or V of the
25 Juvenile Court Act of 1987, or a minor under the age of 18
26 transferred to adult court or excluded from juvenile court

1 jurisdiction under Article V of the Juvenile Court Act of
2 1987, or the minor's parent, guardian, or legal custodian.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;
4 102-538, eff. 8-20-21.)

5 (720 ILCS 550/10) (from Ch. 56 1/2, par. 710)

6 Sec. 10. (a) Whenever any person who has not previously
7 been convicted of any felony offense under this Act or any law
8 of the United States or of any State relating to cannabis, or
9 controlled substances as defined in the Illinois Controlled
10 Substances Act, pleads guilty to or is found guilty of
11 violating Sections 4(a), 4(b), 4(c), 5(a), 5(b), 5(c) or 8 of
12 this Act, the court may, without entering a judgment and with
13 the consent of such person, sentence him to probation.

14 (b) When a person is placed on probation, the court shall
15 enter an order specifying a period of probation of 24 months,
16 and shall defer further proceedings in the case until the
17 conclusion of the period or until the filing of a petition
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:
20 (1) not violate any criminal statute of any jurisdiction; (2)
21 refrain from possession of a firearm or other dangerous
22 weapon; (3) submit to periodic drug testing at a time and in a
23 manner as ordered by the court, but no less than 3 times during
24 the period of the probation, with the cost of the testing to be
25 paid by the probationer; and (4) perform no less than 30 hours

1 of community service, provided community service is available
2 in the jurisdiction and is funded and approved by the county
3 board. The court may give credit toward the fulfillment of
4 community service hours for participation in activities and
5 treatment as determined by court services.

6 (d) The court may, in addition to other conditions,
7 require that the person:

8 (1) make a report to and appear in person before or
9 participate with the court or such courts, person, or
10 social service agency as directed by the court in the
11 order of probation;

12 (2) pay a fine and costs;

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

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

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

19 (6) support his dependents;

20 (7) refrain from possessing a firearm or other
21 dangerous weapon;

22 (7-5) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or
25 the Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of

1 his or her blood or urine or both for tests to determine
2 the presence of any illicit drug;

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

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

5 (ii) attend school;

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

7 (iv) provide nonfinancial contributions ~~contribute~~

8 to his own support at home or in a foster home.

9 (e) Upon violation of a term or condition of probation,
10 the court may enter a judgment on its original finding of guilt
11 and proceed as otherwise provided.

12 (f) Upon fulfillment of the terms and conditions of
13 probation, the court shall discharge such person and dismiss
14 the proceedings against him.

15 (g) A disposition of probation is considered to be a
16 conviction for the purposes of imposing the conditions of
17 probation and for appeal, however, discharge and dismissal
18 under this Section is not a conviction for purposes of
19 disqualification or disabilities imposed by law upon
20 conviction of a crime (including the additional penalty
21 imposed for subsequent offenses under Section 4(c), 4(d), 5(c)
22 or 5(d) of this Act).

23 (h) A person may not have more than one discharge and
24 dismissal under this Section within a 4-year period.

25 (i) If a person is convicted of an offense under this Act,
26 the Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act within 5 years subsequent
2 to a discharge and dismissal under this Section, the discharge
3 and dismissal under this Section shall be admissible in the
4 sentencing proceeding for that conviction as a factor in
5 aggravation.

6 (j) Notwithstanding subsection (a), before a person is
7 sentenced to probation under this Section, the court may refer
8 the person to the drug court established in that judicial
9 circuit pursuant to Section 15 of the Drug Court Treatment
10 Act. The drug court team shall evaluate the person's
11 likelihood of successfully completing a sentence of probation
12 under this Section and shall report the results of its
13 evaluation to the court. If the drug court team finds that the
14 person suffers from a substance abuse problem that makes him
15 or her substantially unlikely to successfully complete a
16 sentence of probation under this Section, then the drug court
17 shall set forth its findings in the form of a written order,
18 and the person shall not be sentenced to probation under this
19 Section, but shall be considered for the drug court program.

20 (k) Fines and assessments, such as fees or administrative
21 costs, authorized under this Section shall not be ordered or
22 imposed against a minor subject to Article III, IV, or V of the
23 Juvenile Court Act of 1987, or a minor under the age of 18
24 transferred to adult court or excluded from juvenile court
25 jurisdiction under Article V of the Juvenile Court Act of
26 1987, or the minor's parent, guardian, or legal custodian.

1 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
2 100-575, eff. 1-8-18.)

3 Section 40. The Unified Code of Corrections is amended by
4 changing Sections 5-4.5-105, 5-5-10, 5-6-3, 5-6-3.1, 5-7-6,
5 5-8A-6, 5-9-1.4, 5-9-1.9, and 5-9-3 as follows:

6 (730 ILCS 5/5-4.5-105)

7 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
8 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

9 (a) On or after the effective date of this amendatory Act
10 of the 99th General Assembly, when a person commits an offense
11 and the person is under 18 years of age at the time of the
12 commission of the offense, the court, at the sentencing
13 hearing conducted under Section 5-4-1, shall consider the
14 following additional factors in mitigation in determining the
15 appropriate sentence:

16 (1) the person's age, impetuosity, and level of
17 maturity at the time of the offense, including the ability
18 to consider risks and consequences of behavior, and the
19 presence of cognitive or developmental disability, or
20 both, if any;

21 (2) whether the person was subjected to outside
22 pressure, including peer pressure, familial pressure, or
23 negative influences;

24 (3) the person's family, home environment, educational

1 and social background, including any history of parental
2 neglect, physical abuse, or other childhood trauma;

3 (4) the person's potential for rehabilitation or
4 evidence of rehabilitation, or both;

5 (5) the circumstances of the offense;

6 (6) the person's degree of participation and specific
7 role in the offense, including the level of planning by
8 the defendant before the offense;

9 (7) whether the person was able to meaningfully
10 participate in his or her defense;

11 (8) the person's prior juvenile or criminal history;
12 and

13 (9) any other information the court finds relevant and
14 reliable, including an expression of remorse, if
15 appropriate. However, if the person, on advice of counsel
16 chooses not to make a statement, the court shall not
17 consider a lack of an expression of remorse as an
18 aggravating factor.

19 (b) Except as provided in subsections ~~subsection~~ (c) and
20 (d), the court may sentence the defendant to any disposition
21 authorized for the class of the offense of which he or she was
22 found guilty as described in Article 4.5 of this Code, and may,
23 in its discretion, decline to impose any otherwise applicable
24 sentencing enhancement based upon firearm possession,
25 possession with personal discharge, or possession with
26 personal discharge that proximately causes great bodily harm,

1 permanent disability, permanent disfigurement, or death to
2 another person.

3 (c) Notwithstanding any other provision of law, if the
4 defendant is convicted of first degree murder and would
5 otherwise be subject to sentencing under clause (iii), (iv),
6 (v), or (vii) of subparagraph (c) of paragraph (1) of
7 subsection (a) of Section 5-8-1 of this Code based on the
8 category of persons identified therein, the court shall impose
9 a sentence of not less than 40 years of imprisonment. In
10 addition, the court may, in its discretion, decline to impose
11 the sentencing enhancements based upon the possession or use
12 of a firearm during the commission of the offense included in
13 subsection (d) of Section 5-8-1.

14 (d) Fines and assessments, such as fees or administrative
15 costs, shall not be ordered or imposed against a minor subject
16 to this Code or against the minor's parent, guardian, or legal
17 custodian. For purposes of this amendatory Act of the 103rd
18 General Assembly, "minor" has the meaning provided in Section
19 1-3 of the Juvenile Court Act of 1987 and includes any minor
20 under the age of 18 transferred to adult court or excluded from
21 juvenile court jurisdiction under Article V of the Juvenile
22 Court Act of 1987.

23 (Source: P.A. 99-69, eff. 1-1-16; 99-258, eff. 1-1-16; 99-875,
24 eff. 1-1-17.)

1 Sec. 5-5-10. Community service fee. When an offender or
2 defendant is ordered by the court to perform community service
3 and the offender is not otherwise assessed a fee for probation
4 services, the court shall impose a fee of \$50 for each month
5 the community service ordered by the court is supervised by a
6 probation and court services department, unless after
7 determining the inability of the person sentenced to community
8 service to pay the fee, the court assesses a lesser fee. The
9 court shall ~~may~~ not impose a fee on a minor who is placed in
10 the guardianship or custody of the Department of Children and
11 Family Services under the Juvenile Court Act of 1987 ~~while the~~
12 ~~minor is in placement.~~ The court shall not impose a fee on a
13 minor subject to Article V of the Juvenile Court Act of 1987 or
14 the minor's parent, guardian, or legal custodian. Except for
15 minors under the age of 18 transferred to adult court or
16 excluded from juvenile court jurisdiction under Article V of
17 the Juvenile Court Act of 1987, the ~~The~~ fee shall be imposed
18 only on an offender who is actively supervised by the
19 probation and court services department. The fee shall be
20 collected by the clerk of the circuit court. The clerk of the
21 circuit court shall pay all monies collected from this fee to
22 the county treasurer for deposit in the probation and court
23 services fund under Section 15.1 of the Probation and
24 Probation Officers Act.

25 A circuit court shall ~~may~~ not impose a probation fee on a
26 minor subject to the Juvenile Court Act of 1987, or on a minor

1 under the age of 18 transferred to adult court or excluded from
2 juvenile court jurisdiction under Article V of the Juvenile
3 Court Act of 1987, or the minor's parent, guardian, or legal
4 custodian. In all other instances, a circuit court may not
5 impose a probation fee in excess of \$25 per month unless: (1)
6 the circuit court has adopted, by administrative order issued
7 by the chief judge, a standard probation fee guide determining
8 an offender's ability to pay, under guidelines developed by
9 the Administrative Office of the Illinois Courts; and (2) the
10 circuit court has authorized, by administrative order issued
11 by the chief judge, the creation of a Crime Victim's Services
12 Fund, to be administered by the Chief Judge or his or her
13 designee, for services to crime victims and their families. Of
14 the amount collected as a probation fee, not to exceed \$5 of
15 that fee collected per month may be used to provide services to
16 crime victims and their families.

17 (Source: P.A. 100-159, eff. 8-18-17.)

18 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

23 (1) not violate any criminal statute of any
24 jurisdiction;

25 (2) report to or appear in person before such person

1 or agency as directed by the court;

2 (3) refrain from possessing a firearm or other
3 dangerous weapon where the offense is a felony or, if a
4 misdemeanor, the offense involved the intentional or
5 knowing infliction of bodily harm or threat of bodily
6 harm;

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

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

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized
25 gang and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

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

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

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

19 (8) if convicted of possession of a substance
20 prohibited by the Cannabis Control Act, the Illinois
21 Controlled Substances Act, or the Methamphetamine Control
22 and Community Protection Act after a previous conviction
23 or disposition of supervision for possession of a
24 substance prohibited by the Cannabis Control Act or
25 Illinois Controlled Substances Act or after a sentence of
26 probation under Section 10 of the Cannabis Control Act,

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

6 (8.5) if convicted of a felony sex offense as defined
7 in the Sex Offender Management Board Act, the person shall
8 undergo and successfully complete sex offender treatment
9 by a treatment provider approved by the Board and
10 conducted in conformance with the standards developed
11 under the Sex Offender Management Board Act;

12 (8.6) if convicted of a sex offense as defined in the
13 Sex Offender Management Board Act, refrain from residing
14 at the same address or in the same condominium unit or
15 apartment unit or in the same condominium complex or
16 apartment complex with another person he or she knows or
17 reasonably should know is a convicted sex offender or has
18 been placed on supervision for a sex offense; the
19 provisions of this paragraph do not apply to a person
20 convicted of a sex offense who is placed in a Department of
21 Corrections licensed transitional housing facility for sex
22 offenders;

23 (8.7) if convicted for an offense committed on or
24 after June 1, 2008 (the effective date of Public Act
25 95-464) that would qualify the accused as a child sex
26 offender as defined in Section 11-9.3 or 11-9.4 of the

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

13 (8.8) if convicted for an offense under Section 11-6,
14 11-9.1, 11-14.4 that involves soliciting for a juvenile
15 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 or any attempt to commit any of these offenses, committed
18 on or after June 1, 2009 (the effective date of Public Act
19 95-983):

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

26 (ii) submit to periodic unannounced examinations

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

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

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

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

24 (9) if convicted of a felony or of any misdemeanor
25 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
26 12-3.5 of the Criminal Code of 1961 or the Criminal Code of

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

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

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

1 offender uses;

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

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

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

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

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

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

1 paragraph (d) of Section 5-7-1;

2 (2) pay a fine and costs;

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

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

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

9 (6) support his dependents;

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

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

12 (ii) attend school;

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

14 (iv) provide nonfinancial contributions ~~contribute~~
15 to his own support at home or in a foster home;

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

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

26 (9) perform some reasonable public or community

1 service;

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

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

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

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

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

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

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

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

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

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

26 The Chief Judge of the circuit court may suspend

1 any additional charges or fees for late payment,
2 interest, or damage to any device.

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

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

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

1 Resources (Conservation) Law;

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

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

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

21 (17) if convicted for an offense committed on or after
22 June 1, 2008 (the effective date of Public Act 95-464)
23 that would qualify the accused as a child sex offender as
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
25 of 1961 or the Criminal Code of 2012, refrain from
26 communicating with or contacting, by means of the

1 Internet, a person who is related to the accused and whom
2 the accused reasonably believes to be under 18 years of
3 age; for purposes of this paragraph (17), "Internet" has
4 the meaning ascribed to it in Section 16-0.1 of the
5 Criminal Code of 2012; and a person is related to the
6 accused if the person is: (i) the spouse, brother, or
7 sister of the accused; (ii) a descendant of the accused;
8 (iii) a first or second cousin of the accused; or (iv) a
9 step-child or adopted child of the accused;

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

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

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

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

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

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

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

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

26 (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the
2 conditions thereof.

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

11 Persons committed to imprisonment as a condition of
12 probation or conditional discharge shall not be committed to
13 the Department of Corrections.

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

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

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

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

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

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

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

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

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

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

6 Public Act 93-970 deletes the \$10 increase in the fee
7 under this subsection that was imposed by Public Act 93-616.
8 This deletion is intended to control over any other Act of the
9 93rd General Assembly that retains or incorporates that fee
10 increase.

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

22 (j) All fines and costs imposed under this Section for any
23 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
24 Code, or a similar provision of a local ordinance, and any
25 violation of the Child Passenger Protection Act, or a similar
26 provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under the Criminal
2 and Traffic Assessment Act.

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

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

16 (m) Except for restitution, and assessments issued for
17 adjudications under Section 5-125 of the Juvenile Court Act of
18 1987, fines and assessments, such as fees or administrative
19 costs, authorized under this Section shall not be ordered or
20 imposed on a minor subject to Article III, IV, or V of the
21 Juvenile Court Act of 1987, or a minor under the age of 18
22 transferred to adult court or excluded from juvenile court
23 jurisdiction under Article V of the Juvenile Court Act of
24 1987, or the minor's parent, guardian, or legal custodian.

25 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

1 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

2 Sec. 5-6-3.1. Incidents and conditions of supervision.

3 (a) When a defendant is placed on supervision, the court
4 shall enter an order for supervision specifying the period of
5 such supervision, and shall defer further proceedings in the
6 case until the conclusion of the period.

7 (b) The period of supervision shall be reasonable under
8 all of the circumstances of the case, but may not be longer
9 than 2 years, unless the defendant has failed to pay the
10 assessment required by Section 10.3 of the Cannabis Control
11 Act, Section 411.2 of the Illinois Controlled Substances Act,
12 or Section 80 of the Methamphetamine Control and Community
13 Protection Act, in which case the court may extend supervision
14 beyond 2 years. Additionally, the court shall order the
15 defendant to perform no less than 30 hours of community
16 service and not more than 120 hours of community service, if
17 community service is available in the jurisdiction and is
18 funded and approved by the county board where the offense was
19 committed, when the offense (1) was related to or in
20 furtherance of the criminal activities of an organized gang or
21 was motivated by the defendant's membership in or allegiance
22 to an organized gang; or (2) is a violation of any Section of
23 Article 24 of the Criminal Code of 1961 or the Criminal Code of
24 2012 where a disposition of supervision is not prohibited by
25 Section 5-6-1 of this Code. The community service shall
26 include, but not be limited to, the cleanup and repair of any

1 damage caused by violation of Section 21-1.3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012 and similar damages
3 to property located within the municipality or county in which
4 the violation occurred. Where possible and reasonable, the
5 community service should be performed in the offender's
6 neighborhood.

7 For the purposes of this Section, "organized gang" has the
8 meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act.

10 (c) The court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the court require that
14 the person:

15 (1) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the
18 order of supervision;

19 (2) pay a fine and costs;

20 (3) work or pursue a course of study or vocational
21 training;

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

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

26 (6) support his dependents;

1 (7) refrain from possessing a firearm or other
2 dangerous weapon;

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

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

5 (ii) attend school;

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

7 (iv) provide nonfinancial contributions ~~contribute~~
8 to his own support at home or in a foster home; or

9 (v) with the consent of the superintendent of the
10 facility, attend an educational program at a facility
11 other than the school in which the offense was
12 committed if he or she is placed on supervision for a
13 crime of violence as defined in Section 2 of the Crime
14 Victims Compensation Act committed in a school, on the
15 real property comprising a school, or within 1,000
16 feet of the real property comprising a school;

17 (9) make restitution or reparation in an amount not to
18 exceed actual loss or damage to property and pecuniary
19 loss or make restitution under Section 5-5-6 to a domestic
20 violence shelter. The court shall determine the amount and
21 conditions of payment;

22 (10) perform some reasonable public or community
23 service;

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory. If the court has ordered the defendant
3 to make a report and appear in person under paragraph (1)
4 of this subsection, a copy of the order of protection
5 shall be transmitted to the person or agency so designated
6 by the court;

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

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

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer;

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

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

15 (17) refrain from operating any motor vehicle not
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1 of the Illinois Vehicle Code; under this
18 condition the court may allow a defendant who is not
19 self-employed to operate a vehicle owned by the
20 defendant's employer that is not equipped with an ignition
21 interlock device in the course and scope of the
22 defendant's employment; and

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

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

8 (c-5) If payment of restitution as ordered has not been
9 made, the victim shall file a petition notifying the
10 sentencing court, any other person to whom restitution is
11 owed, and the State's Attorney of the status of the ordered
12 restitution payments unpaid at least 90 days before the
13 supervision expiration date. If payment as ordered has not
14 been made, the court shall hold a review hearing prior to the
15 expiration date, unless the hearing is voluntarily waived by
16 the defendant with the knowledge that waiver may result in an
17 extension of the supervision period or in a revocation of
18 supervision. If the court does not extend supervision, it
19 shall issue a judgment for the unpaid restitution and direct
20 the clerk of the circuit court to file and enter the judgment
21 in the judgment and lien docket, without fee, unless it finds
22 that the victim has recovered a judgment against the defendant
23 for the amount covered by the restitution order. If the court
24 issues a judgment for the unpaid restitution, the court shall
25 send to the defendant at his or her last known address written
26 notification that a civil judgment has been issued for the

1 unpaid restitution.

2 (d) The court shall defer entering any judgment on the
3 charges until the conclusion of the supervision.

4 (e) At the conclusion of the period of supervision, if the
5 court determines that the defendant has successfully complied
6 with all of the conditions of supervision, the court shall
7 discharge the defendant and enter a judgment dismissing the
8 charges.

9 (f) Discharge and dismissal upon a successful conclusion
10 of a disposition of supervision shall be deemed without
11 adjudication of guilt and shall not be termed a conviction for
12 purposes of disqualification or disabilities imposed by law
13 upon conviction of a crime. Two years after the discharge and
14 dismissal under this Section, unless the disposition of
15 supervision was for a violation of Sections 3-707, 3-708,
16 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
17 similar provision of a local ordinance, or for a violation of
18 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
19 or the Criminal Code of 2012, in which case it shall be 5 years
20 after discharge and dismissal, a person may have his record of
21 arrest sealed or expunged as may be provided by law. However,
22 any defendant placed on supervision before January 1, 1980,
23 may move for sealing or expungement of his arrest record, as
24 provided by law, at any time after discharge and dismissal
25 under this Section. A person placed on supervision for a
26 sexual offense committed against a minor as defined in clause

1 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
2 for a violation of Section 11-501 of the Illinois Vehicle Code
3 or a similar provision of a local ordinance shall not have his
4 or her record of arrest sealed or expunged.

5 (g) A defendant placed on supervision and who during the
6 period of supervision undergoes mandatory drug or alcohol
7 testing, or both, or is assigned to be placed on an approved
8 electronic monitoring device, shall be ordered to pay the
9 costs incidental to such mandatory drug or alcohol testing, or
10 both, and costs incidental to such approved electronic
11 monitoring in accordance with the defendant's ability to pay
12 those costs. The county board with the concurrence of the
13 Chief Judge of the judicial circuit in which the county is
14 located shall establish reasonable fees for the cost of
15 maintenance, testing, and incidental expenses related to the
16 mandatory drug or alcohol testing, or both, and all costs
17 incidental to approved electronic monitoring, of all
18 defendants placed on supervision. The concurrence of the Chief
19 Judge shall be in the form of an administrative order. The fees
20 shall be collected by the clerk of the circuit court, except as
21 provided in an administrative order of the Chief Judge of the
22 circuit court. The clerk of the circuit court shall pay all
23 moneys collected from these fees to the county treasurer who
24 shall use the moneys collected to defray the costs of drug
25 testing, alcohol testing, and electronic monitoring. The
26 county treasurer shall deposit the fees collected in the

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

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

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

14 (h) A disposition of supervision is a final order for the
15 purposes of appeal.

16 (i) The court shall impose upon a defendant placed on
17 supervision after January 1, 1992 or to community service
18 under the supervision of a probation or court services
19 department after January 1, 2004, as a condition of
20 supervision or supervised community service, a fee of \$50 for
21 each month of supervision or supervised community service
22 ordered by the court, unless after determining the inability
23 of the person placed on supervision or supervised community
24 service to pay the fee, the court assesses a lesser fee. The
25 court may not impose the fee on a minor who is placed in the
26 guardianship or custody of the Department of Children and

1 Family Services under the Juvenile Court Act of 1987 while the
2 minor is in placement. The fee shall be imposed only upon a
3 defendant who is actively supervised by the probation and
4 court services department. The fee shall be collected by the
5 clerk of the circuit court. The clerk of the circuit court
6 shall pay all monies collected from this fee to the county
7 treasurer for deposit in the probation and court services fund
8 pursuant to Section 15.1 of the Probation and Probation
9 Officers Act.

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

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

1 department supervising the offender, based on the offender's
2 ability to pay.

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

10 (k) A defendant at least 17 years of age who is placed on
11 supervision for a misdemeanor in a county of 3,000,000 or more
12 inhabitants and who has not been previously convicted of a
13 misdemeanor or felony may as a condition of his or her
14 supervision be required by the court to attend educational
15 courses designed to prepare the defendant for a high school
16 diploma and to work toward a high school diploma or to work
17 toward passing high school equivalency testing or to work
18 toward completing a vocational training program approved by
19 the court. The defendant placed on supervision must attend a
20 public institution of education to obtain the educational or
21 vocational training required by this subsection (k). The
22 defendant placed on supervision shall be required to pay for
23 the cost of the educational courses or high school equivalency
24 testing if a fee is charged for those courses or testing. The
25 court shall revoke the supervision of a person who wilfully
26 fails to comply with this subsection (k). The court shall

1 resentence the defendant upon revocation of supervision as
2 provided in Section 5-6-4. This subsection (k) does not apply
3 to a defendant who has a high school diploma or has
4 successfully passed high school equivalency testing. This
5 subsection (k) does not apply to a defendant who is determined
6 by the court to be a person with a developmental disability or
7 otherwise mentally incapable of completing the educational or
8 vocational program.

9 (1) The court shall require a defendant placed on
10 supervision for possession of a substance prohibited by the
11 Cannabis Control Act, the Illinois Controlled Substances Act,
12 or the Methamphetamine Control and Community Protection Act
13 after a previous conviction or disposition of supervision for
14 possession of a substance prohibited by the Cannabis Control
15 Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act or a
17 sentence of probation under Section 10 of the Cannabis Control
18 Act or Section 410 of the Illinois Controlled Substances Act
19 and after a finding by the court that the person is addicted,
20 to undergo treatment at a substance abuse program approved by
21 the court.

22 (m) The Secretary of State shall require anyone placed on
23 court supervision for a violation of Section 3-707 of the
24 Illinois Vehicle Code or a similar provision of a local
25 ordinance to give proof of his or her financial responsibility
26 as defined in Section 7-315 of the Illinois Vehicle Code. The

1 proof shall be maintained by the individual in a manner
2 satisfactory to the Secretary of State for a minimum period of
3 3 years after the date the proof is first filed. The proof
4 shall be limited to a single action per arrest and may not be
5 affected by any post-sentence disposition. The Secretary of
6 State shall suspend the driver's license of any person
7 determined by the Secretary to be in violation of this
8 subsection. This subsection does not apply to a person who, at
9 the time of the offense, was operating a motor vehicle
10 registered in a state other than Illinois.

11 (n) Any offender placed on supervision for any offense
12 that the court or probation department has determined to be
13 sexually motivated as defined in the Sex Offender Management
14 Board Act shall be required to refrain from any contact,
15 directly or indirectly, with any persons specified by the
16 court and shall be available for all evaluations and treatment
17 programs required by the court or the probation department.

18 (o) An offender placed on supervision for a sex offense as
19 defined in the Sex Offender Management Board Act shall refrain
20 from residing at the same address or in the same condominium
21 unit or apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has been
24 placed on supervision for a sex offense. The provisions of
25 this subsection (o) do not apply to a person convicted of a sex
26 offense who is placed in a Department of Corrections licensed

1 transitional housing facility for sex offenders.

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

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

1 the Criminal Code of 2012; and a person is related to the
2 accused if the person is: (i) the spouse, brother, or sister of
3 the accused; (ii) a descendant of the accused; (iii) a first or
4 second cousin of the accused; or (iv) a step-child or adopted
5 child of the accused.

6 (r) An offender placed on supervision for an offense under
7 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
8 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
9 11-21 of the Criminal Code of 1961 or the Criminal Code of
10 2012, or any attempt to commit any of these offenses,
11 committed on or after June 1, 2009 (the effective date of
12 Public Act 95-983) shall:

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

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

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

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

9 (s) An offender placed on supervision for an offense that
10 is a sex offense as defined in Section 2 of the Sex Offender
11 Registration Act that is committed on or after January 1, 2010
12 (the effective date of Public Act 96-362) that requires the
13 person to register as a sex offender under that Act, may not
14 knowingly use any computer scrub software on any computer that
15 the sex offender uses.

16 (t) An offender placed on supervision for a sex offense as
17 defined in the Sex Offender Registration Act committed on or
18 after January 1, 2010 (the effective date of Public Act
19 96-262) shall refrain from accessing or using a social
20 networking website as defined in Section 17-0.5 of the
21 Criminal Code of 2012.

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

1 the same powers as the sentencing court. The probation
2 department within the circuit to which jurisdiction has been
3 transferred may impose probation fees upon receiving the
4 transferred offender, as provided in subsection (i). The
5 probation department from the original sentencing court shall
6 retain all probation fees collected prior to the transfer.

7 (v) Except for restitution, and assessments issued for
8 adjudications under Section 5-125 of the Juvenile Court Act of
9 1987, fines and assessments, such as fees or administrative
10 costs, authorized under this Section shall not be ordered or
11 imposed on a minor subject to Article III, IV, or V of the
12 Juvenile Court Act of 1987, or a minor under the age of 18
13 transferred to adult court or excluded from juvenile court
14 jurisdiction under Article V of the Juvenile Court Act of
15 1987, or the minor's parent, guardian, or legal custodian.

16 (Source: P.A. 102-299, eff. 8-6-21.)

17 (730 ILCS 5/5-7-6) (from Ch. 38, par. 1005-7-6)

18 Sec. 5-7-6. Duty of Clerk of Court or the Department of
19 Corrections; collection and disposition of compensation.

20 (a) Every gainfully employed offender shall be responsible
21 for managing his or her earnings. The clerk of the circuit
22 court shall have only those responsibilities regarding an
23 offender's earnings as are set forth in this Section.

24 Every offender, including offenders who are sentenced to
25 periodic imprisonment for weekends only, gainfully employed

1 shall pay a fee for room and board at a rate established, with
2 the concurrence of the chief judge of the judicial circuit, by
3 the county board of the county in which the offender is
4 incarcerated. The concurrence of the chief judge shall be in
5 the form of an administrative order. In establishing the fee
6 for room and board consideration may be given to all costs
7 incidental to the incarceration of offenders. If an offender
8 is necessarily absent from the institution at mealtime he or
9 she shall, without additional charge, be furnished with a meal
10 to carry to work. Each week, on a day designated by the clerk
11 of the circuit court, every offender shall pay the clerk the
12 fees for the offender's room and board. Failure to pay the
13 clerk on the day designated shall result in the termination of
14 the offender's release. All fees for room and board collected
15 by the circuit court clerk shall be disbursed into the
16 county's General Corporate Fund.

17 By order of the court, all or a portion of the earnings of
18 employed offenders shall be turned over to the clerk to be
19 distributed for the following purposes, in the order stated:

20 (1) the room and board of the offender;

21 (2) necessary travel expenses to and from work and
22 other incidental expenses of the offender, when those
23 expenses are incurred by the administrator of the
24 offender's imprisonment;

25 (3) support of the offender's dependents, if any.

26 (b) If the offender has one or more dependents who are

1 recipients of financial assistance pursuant to the Illinois
2 Public Aid Code, or who are residents of a State hospital,
3 State school or foster care facility provided by the State,
4 the court shall order the offender to turn over all or a
5 portion of his earnings to the clerk who shall, after making
6 the deductions provided for under paragraph (a), distribute
7 those earnings to the appropriate agency as reimbursement for
8 the cost of care of such dependents. The order shall permit the
9 Department of Human Services (acting as successor to the
10 Illinois Department of Public Aid under the Department of
11 Human Services Act) or the local governmental unit, as the
12 case may be, to request the clerk that subsequent payments be
13 made directly to the dependents, or to some agency or person in
14 their behalf, upon removal of the dependents from the public
15 aid rolls; and upon such direction and removal of the
16 recipients from the public aid rolls, the Department of Human
17 Services or the local governmental unit, as the case requires,
18 shall give written notice of such action to the court.
19 Payments received by the Department of Human Services or by
20 governmental units in behalf of recipients of public aid shall
21 be deposited into the General Revenue Fund of the State
22 Treasury or General Assistance Fund of the governmental unit,
23 under Section 10-19 of the Illinois Public Aid Code.

24 (c) The clerk of the circuit court shall keep individual
25 accounts of all money collected by him as required by this
26 Article. He shall deposit all moneys as trustee in a

1 depository designated by the county board and shall make
2 payments required by the court's order from such trustee
3 account. Such accounts shall be subject to audit in the same
4 manner as accounts of the county are audited.

5 (d) If an institution or the Department of Corrections
6 certifies to the court that it can administer this Section
7 with respect to persons committed to it under this Article,
8 the clerk of the court shall be relieved of its duties under
9 this Section and they shall be assumed by such institution or
10 the Department.

11 (e) Fines and assessments, such as fees or administrative
12 costs, authorized under this Section shall not be ordered or
13 imposed on a minor subject to Article III, IV, or V of the
14 Juvenile Court Act of 1987, or a minor under the age of 18
15 transferred to adult court or excluded from juvenile court
16 jurisdiction under Article V of the Juvenile Court Act of
17 1987, or the minor's parent, guardian, or legal custodian.

18 (Source: P.A. 90-14, eff. 7-1-97; 91-357, eff. 7-29-99.)

19 (730 ILCS 5/5-8A-6)

20 Sec. 5-8A-6. Electronic monitoring of certain sex
21 offenders. For a sexual predator subject to electronic
22 monitoring under paragraph (7.7) of subsection (a) of Section
23 3-3-7, the Department of Corrections must use a system that
24 actively monitors and identifies the offender's current
25 location and timely reports or records the offender's presence

1 and that alerts the Department of the offender's presence
2 within a prohibited area described in Section 11-9.3 of the
3 Criminal Code of 2012, in a court order, or as a condition of
4 the offender's parole, mandatory supervised release, or
5 extended mandatory supervised release and the offender's
6 departure from specified geographic limitations. To the extent
7 that he or she is able to do so, which the Department of
8 Corrections by rule shall determine, the offender must pay for
9 the cost of the electronic monitoring. Fines and assessments,
10 such as fees or administrative costs, authorized under this
11 Section shall not be ordered or imposed on a minor subject to
12 Article III, IV, or V of the Juvenile Court Act of 1987, or a
13 minor under the age of 18 transferred to adult court or
14 excluded from juvenile court jurisdiction under Article V of
15 the Juvenile Court Act of 1987, or the minor's parent,
16 guardian, or legal custodian.

17 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

18 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

19 Sec. 5-9-1.4. (a) "Crime laboratory" means any
20 not-for-profit laboratory registered with the Drug Enforcement
21 Administration of the United States Department of Justice,
22 substantially funded by a unit or combination of units of
23 local government or the State of Illinois, which regularly
24 employs at least one person engaged in the analysis of
25 controlled substances, cannabis, methamphetamine, or steroids

1 for criminal justice agencies in criminal matters and provides
2 testimony with respect to such examinations.

3 (b) (Blank).

4 (c) (Blank). ~~In addition to any other disposition made~~
5 ~~pursuant to the provisions of the Juvenile Court Act of 1987,~~
6 ~~any minor adjudicated delinquent for an offense which if~~
7 ~~committed by an adult would constitute a violation of the~~
8 ~~Cannabis Control Act, the Illinois Controlled Substances Act,~~
9 ~~the Methamphetamine Control and Community Protection Act, or~~
10 ~~the Steroid Control Act shall be required to pay a criminal~~
11 ~~laboratory analysis assessment of \$100 for each adjudication.~~
12 ~~Upon verified petition of the minor, the court may suspend~~
13 ~~payment of all or part of the assessment if it finds that the~~
14 ~~minor does not have the ability to pay the assessment. The~~
15 ~~parent, guardian, or legal custodian of the minor may pay some~~
16 ~~or all of such assessment on the minor's behalf.~~

17 (c-1) A criminal laboratory analysis assessment, or
18 equivalent fine or assessment, such as fees or administrative
19 costs, shall not be ordered or imposed on a minor subject to
20 Article III, IV, or V of the Juvenile Court Act of 1987, or a
21 minor under the age of 18 transferred to adult court or
22 excluded from juvenile court jurisdiction under Article V of
23 the Juvenile Court Act of 1987, or the minor's parent,
24 guardian, or legal custodian.

25 (d) Notwithstanding subsection (c-1) of this Section, all
26 funds ~~All criminal laboratory analysis fees provided for by~~

1 this Section shall be collected by the clerk of the court and
2 forwarded to the appropriate crime laboratory fund as provided
3 in subsection (f).

4 (e) Crime laboratory funds shall be established as
5 follows:

6 (1) Any unit of local government which maintains a
7 crime laboratory may establish a crime laboratory fund
8 within the office of the county or municipal treasurer.

9 (2) Any combination of units of local government which
10 maintains a crime laboratory may establish a crime
11 laboratory fund within the office of the treasurer of the
12 county where the crime laboratory is situated.

13 (3) The State Crime Laboratory Fund is hereby created
14 as a special fund in the State Treasury. Notwithstanding
15 any other provision of law to the contrary, and in
16 addition to any other transfers that may be provided by
17 law, on August 20, 2021 (the effective date of Public Act
18 102-505), or as soon thereafter as practical, the State
19 Comptroller shall direct and the State Treasurer shall
20 transfer the remaining balance from the State Offender DNA
21 Identification System Fund into the State Crime Laboratory
22 Fund. Upon completion of the transfer, the State Offender
23 DNA Identification System Fund is dissolved, and any
24 future deposits due to that Fund and any outstanding
25 obligations or liabilities of that Fund shall pass to the
26 State Crime Laboratory Fund.

1 (f) Funds ~~The analysis assessment provided for in~~
2 ~~subsection (c) of this Section~~ shall be forwarded to the
3 office of the treasurer of the unit of local government that
4 performed the analysis if that unit of local government has
5 established a crime laboratory fund, or to the State Crime
6 Laboratory Fund if the analysis was performed by a laboratory
7 operated by the Illinois State Police. If the analysis was
8 performed by a crime laboratory funded by a combination of
9 units of local government, the funds ~~analysis assessment~~ shall
10 be forwarded to the treasurer of the county where the crime
11 laboratory is situated if a crime laboratory fund has been
12 established in that county. If the unit of local government or
13 combination of units of local government has not established a
14 crime laboratory fund, then the funds ~~analysis assessment~~
15 shall be forwarded to the State Crime Laboratory Fund.

16 (g) Moneys deposited into a crime laboratory fund created
17 pursuant to paragraph (1) or (2) of subsection (e) of this
18 Section shall be in addition to any allocations made pursuant
19 to existing law and shall be designated for the exclusive use
20 of the crime laboratory. These uses may include, but are not
21 limited to, the following:

22 (1) costs incurred in providing analysis for
23 controlled substances in connection with criminal
24 investigations conducted within this State;

25 (2) purchase and maintenance of equipment for use in
26 performing analyses; and

1 (3) continuing education, training, and professional
2 development of forensic scientists regularly employed by
3 these laboratories.

4 (h) Moneys deposited in the State Crime Laboratory Fund
5 created pursuant to paragraph (3) of subsection (d) of this
6 Section shall be used by State crime laboratories as
7 designated by the Director of the Illinois State Police. These
8 funds shall be in addition to any allocations made pursuant to
9 existing law and shall be designated for the exclusive use of
10 State crime laboratories or for the sexual assault evidence
11 tracking system created under Section 50 of the Sexual Assault
12 Evidence Submission Act. These uses may include those
13 enumerated in subsection (g) of this Section.

14 (Source: P.A. 101-377, eff. 8-16-19; 102-505, eff. 8-20-21;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

16 (730 ILCS 5/5-9-1.9)

17 Sec. 5-9-1.9. DUI analysis ~~fee~~.

18 (a) "Crime laboratory" means a not-for-profit laboratory
19 substantially funded by a single unit or combination of units
20 of local government or the State of Illinois that regularly
21 employs at least one person engaged in the DUI analysis of
22 blood, other bodily substance, and urine for criminal justice
23 agencies in criminal matters and provides testimony with
24 respect to such examinations.

25 "DUI analysis" means an analysis of blood, other bodily

1 substance, or urine for purposes of determining whether a
2 violation of Section 11-501 of the Illinois Vehicle Code has
3 occurred.

4 (b) (Blank).

5 (c) (Blank). ~~In addition to any other disposition made~~
6 ~~under the provisions of the Juvenile Court Act of 1987, any~~
7 ~~minor adjudicated delinquent for an offense which if committed~~
8 ~~by an adult would constitute a violation of Section 11-501 of~~
9 ~~the Illinois Vehicle Code shall pay a crime laboratory DUI~~
10 ~~analysis assessment of \$150 for each adjudication. Upon~~
11 ~~verified petition of the minor, the court may suspend payment~~
12 ~~of all or part of the assessment if it finds that the minor~~
13 ~~does not have the ability to pay the assessment. The parent,~~
14 ~~guardian, or legal custodian of the minor may pay some or all~~
15 ~~of the assessment on the minor's behalf.~~

16 (c-1) A criminal laboratory DUI analysis assessment, or
17 equivalent fine or assessment, such as fees or administrative
18 costs, shall not be ordered or imposed on a minor subject to
19 Article III, IV, or V of the Juvenile Court Act of 1987, or a
20 minor under the age of 18 transferred to adult court or
21 excluded from juvenile court jurisdiction under Article V of
22 the Juvenile Court Act of 1987, or the minor's parent,
23 guardian, or legal custodian.

24 (d) Notwithstanding subsection (c-1), all funds ~~All crime~~
25 ~~laboratory DUI analysis assessments~~ provided for by this
26 Section shall be collected by the clerk of the court and

1 forwarded to the appropriate crime laboratory DUI fund as
2 provided in subsection (f).

3 (e) Crime laboratory funds shall be established as
4 follows:

5 (1) A unit of local government that maintains a crime
6 laboratory may establish a crime laboratory DUI fund
7 within the office of the county or municipal treasurer.

8 (2) Any combination of units of local government that
9 maintains a crime laboratory may establish a crime
10 laboratory DUI fund within the office of the treasurer of
11 the county where the crime laboratory is situated.

12 (3) (Blank).

13 (f) Notwithstanding subsection (c-1), all funds ~~The~~
14 ~~analysis assessment provided for in subsection (c) of this~~
15 ~~Section~~ shall be forwarded to the office of the treasurer of
16 the unit of local government that performed the analysis if
17 that unit of local government has established a crime
18 laboratory DUI fund, or remitted to the State Treasurer for
19 deposit into the State Crime Laboratory Fund if the analysis
20 was performed by a laboratory operated by the Illinois State
21 Police. If the analysis was performed by a crime laboratory
22 funded by a combination of units of local government, the
23 funds ~~analysis assessment~~ shall be forwarded to the treasurer
24 of the county where the crime laboratory is situated if a crime
25 laboratory DUI fund has been established in that county. If
26 the unit of local government or combination of units of local

1 government has not established a crime laboratory DUI fund,
2 then the funds ~~analysis assessment~~ shall be remitted to the
3 State Treasurer for deposit into the State Crime Laboratory
4 Fund.

5 (g) Moneys deposited into a crime laboratory DUI fund
6 created under paragraphs (1) and (2) of subsection (e) of this
7 Section shall be in addition to any allocations made pursuant
8 to existing law and shall be designated for the exclusive use
9 of the crime laboratory. These uses may include, but are not
10 limited to, the following:

11 (1) Costs incurred in providing analysis for DUI
12 investigations conducted within this State.

13 (2) Purchase and maintenance of equipment for use in
14 performing analyses.

15 (3) Continuing education, training, and professional
16 development of forensic scientists regularly employed by
17 these laboratories.

18 (h) Moneys deposited in the State Crime Laboratory Fund
19 shall be used by State crime laboratories as designated by the
20 Director of the Illinois State Police. These funds shall be in
21 addition to any allocations made according to existing law and
22 shall be designated for the exclusive use of State crime
23 laboratories. These uses may include those enumerated in
24 subsection (g) of this Section.

25 (i) Notwithstanding any other provision of law to the
26 contrary and in addition to any other transfers that may be

1 provided by law, on June 17, 2021 (the effective date of Public
2 Act 102-16), or as soon thereafter as practical, the State
3 Comptroller shall direct and the State Treasurer shall
4 transfer the remaining balance from the State Police DUI Fund
5 into the State Police Operations Assistance Fund. Upon
6 completion of the transfer, the State Police DUI Fund is
7 dissolved, and any future deposits due to that Fund and any
8 outstanding obligations or liabilities of that Fund shall pass
9 to the State Police Operations Assistance Fund.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)

13 Sec. 5-9-3. Default.

14 (a) An offender who defaults in the payment of a fine or
15 any installment of that fine may be held in contempt and
16 imprisoned for nonpayment. The court may issue a summons for
17 his appearance or a warrant of arrest.

18 (b) Unless the offender shows that his default was not due
19 to his intentional refusal to pay, or not due to a failure on
20 his part to make a good faith effort to pay, the court may
21 order the offender imprisoned for a term not to exceed 6 months
22 if the fine was for a felony, or 30 days if the fine was for a
23 misdemeanor, a petty offense or a business offense. Payment of
24 the fine at any time will entitle the offender to be released,
25 but imprisonment under this Section shall not satisfy the

1 payment of the fine.

2 (c) If it appears that the default in the payment of a fine
3 is not intentional under paragraph (b) of this Section, the
4 court may enter an order allowing the offender additional time
5 for payment, reducing the amount of the fine or of each
6 installment, or revoking the fine or the unpaid portion.

7 (d) When a fine is imposed on a corporation or
8 unincorporated organization or association, it is the duty of
9 the person or persons authorized to make disbursement of
10 assets, and their superiors, to pay the fine from assets of the
11 corporation or unincorporated organization or association. The
12 failure of such persons to do so shall render them subject to
13 proceedings under paragraphs (a) and (b) of this Section.

14 (e) A default in the payment of a fine, fee, cost, order of
15 restitution, judgment of bond forfeiture, judgment order of
16 forfeiture, or any installment thereof may be collected by any
17 and all means authorized for the collection of money
18 judgments. The State's Attorney of the county in which the
19 fine, fee, cost, order of restitution, judgment of bond
20 forfeiture, or judgment order of forfeiture was imposed may
21 retain attorneys and private collection agents for the purpose
22 of collecting any default in payment of any fine, fee, cost,
23 order of restitution, judgment of bond forfeiture, judgment
24 order of forfeiture, or installment thereof. An additional fee
25 of 30% of the delinquent amount and each taxable court cost
26 including, without limitation, costs of service of process,

1 shall be charged to the offender for any amount of the fine,
2 fee, cost, restitution, or judgment of bond forfeiture or
3 installment of the fine, fee, cost, restitution, or judgment
4 of bond forfeiture that remains unpaid after the time fixed
5 for payment of the fine, fee, cost, restitution, or judgment
6 of bond forfeiture by the court. The additional fee shall be
7 payable to the State's Attorney in order to compensate the
8 State's Attorney for costs incurred in collecting the
9 delinquent amount. The State's Attorney may enter into
10 agreements assigning any portion of the fee to the retained
11 attorneys or the private collection agent retained by the
12 State's Attorney. Any agreement between the State's Attorney
13 and the retained attorneys or collection agents shall require
14 the approval of the Circuit Clerk of that county. A default in
15 payment of a fine, fee, cost, restitution, or judgment of bond
16 forfeiture shall draw interest at the rate of 9% per annum.

17 (f) This Section does not apply against a minor or the
18 minor's parent, guardian, or legal custodian in cases subject
19 to Article III, IV, or V of the Juvenile Court Act of 1987, or
20 a minor under the age of 18 transferred to adult court or
21 excluded from juvenile court jurisdiction under Article V of
22 the Juvenile Court Act of 1987.

23 (Source: P.A. 98-373, eff. 1-1-14.)

24 Section 45. The Code of Civil Procedure is amended by
25 changing Section 2-202 as follows:

1 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

2 Sec. 2-202. Persons authorized to serve process; place of
3 service; failure to make return.

4 (a) Process shall be served by a sheriff, or if the sheriff
5 is disqualified, by a coroner of some county of the State. In
6 matters where the county or State is an interested party,
7 process may be served by a special investigator appointed by
8 the State's Attorney of the county, as defined in Section
9 3-9005 of the Counties Code. A sheriff of a county with a
10 population of less than 2,000,000 may employ civilian
11 personnel to serve process. In counties with a population of
12 less than 2,000,000, process may be served, without special
13 appointment, by a person who is licensed or registered as a
14 private detective under the Private Detective, Private Alarm,
15 Private Security, Fingerprint Vendor, and Locksmith Act of
16 2004 or by a registered employee of a private detective agency
17 certified under that Act as defined in Section (a-5). A
18 private detective or licensed employee must supply the sheriff
19 of any county in which he serves process with a copy of his
20 license or certificate; however, the failure of a person to
21 supply the copy shall not in any way impair the validity of
22 process served by the person. The court may, in its discretion
23 upon motion, order service to be made by a private person over
24 18 years of age and not a party to the action. It is not
25 necessary that service be made by a sheriff or coroner of the

1 county in which service is made. If served or sought to be
2 served by a sheriff or coroner, he or she shall endorse his or
3 her return thereon, and if by a private person the return shall
4 be by affidavit.

5 (a-5) Upon motion and in its discretion, the court may
6 appoint as a special process server a private detective agency
7 certified under the Private Detective, Private Alarm, Private
8 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
9 the appointment, any employee of the private detective agency
10 who is registered under that Act may serve the process. The
11 motion and the order of appointment must contain the number of
12 the certificate issued to the private detective agency by the
13 Department of Professional Regulation under the Private
14 Detective, Private Alarm, Private Security, Fingerprint
15 Vendor, and Locksmith Act of 2004. A private detective or
16 private detective agency shall send, one time only, a copy of
17 his, her, or its individual private detective license or
18 private detective agency certificate to the county sheriff in
19 each county in which the detective or detective agency or his,
20 her, or its employees serve process, regardless of the size of
21 the population of the county. As long as the license or
22 certificate is valid and meets the requirements of the
23 Department of Financial and Professional Regulation, a new
24 copy of the current license or certificate need not be sent to
25 the sheriff. A private detective agency shall maintain a list
26 of its registered employees. Registered employees shall

1 consist of:

2 (1) an employee who works for the agency holding a
3 valid Permanent Employee Registration Card;

4 (2) a person who has applied for a Permanent Employee
5 Registration Card, has had his or her fingerprints
6 processed and cleared by the Illinois State Police and the
7 FBI, and as to whom the Department of Financial and
8 Professional Regulation website shows that the person's
9 application for a Permanent Employee Registration Card is
10 pending;

11 (3) a person employed by a private detective agency
12 who is exempt from a Permanent Employee Registration Card
13 requirement because the person is a current peace officer;
14 and

15 (4) a private detective who works for a private
16 detective agency as an employee.

17 A detective agency shall maintain this list and forward it to
18 any sheriff's department that requests this list within 5
19 business days after the receipt of the request.

20 (b) Summons may be served upon the defendants wherever
21 they may be found in the State, by any person authorized to
22 serve process. An officer may serve summons in his or her
23 official capacity outside his or her county, but fees for
24 mileage outside the county of the officer cannot be taxed as
25 costs. The person serving the process in a foreign county may
26 make return by mail.

1 (c) If any sheriff, coroner, or other person to whom any
2 process is delivered, neglects or refuses to make return of
3 the same, the plaintiff may petition the court to enter a rule
4 requiring the sheriff, coroner, or other person, to make
5 return of the process on a day to be fixed by the court, or to
6 show cause on that day why that person should not be attached
7 for contempt of the court. The plaintiff shall then cause a
8 written notice of the rule to be served on the sheriff,
9 coroner, or other person. If good and sufficient cause be not
10 shown to excuse the officer or other person, the court shall
11 adjudge him or her guilty of a contempt, and shall impose
12 punishment as in other cases of contempt.

13 (d) Except as provided in Sections 1-19, 3-17, 4-14, and
14 5-252 of the Juvenile Court Act of 1987, if ~~If~~ process is
15 served by a sheriff, coroner, or special investigator
16 appointed by the State's Attorney, the court may tax the fee of
17 the sheriff, coroner, or State's Attorney's special
18 investigator as costs in the proceeding. If process is served
19 by a private person or entity, the court may establish a fee
20 therefor and tax such fee as costs in the proceedings.

21 (e) In addition to the powers stated in Section 8.1a of the
22 Housing Authorities Act, in counties with a population of
23 3,000,000 or more inhabitants, members of a housing authority
24 police force may serve process for eviction actions commenced
25 by that housing authority and may execute eviction orders for
26 that housing authority.

1 (f) In counties with a population of 3,000,000 or more,
2 process may be served, with special appointment by the court,
3 by a private process server or a law enforcement agency other
4 than the county sheriff in proceedings instituted under
5 Article IX of this Code as a result of a lessor or lessor's
6 assignee declaring a lease void pursuant to Section 11 of the
7 Controlled Substance and Cannabis Nuisance Act.

8 (Source: P.A. 102-538, eff. 8-20-21.)

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.