



Sen. Robert Peters

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LRB103 25983 RLC 57295 a

1 AMENDMENT TO SENATE BILL 1463

2 AMENDMENT NO. _____. Amend Senate Bill 1463 by replacing
3 everything after the enacting clause with the following:

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:

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

6 (2) In felony, misdemeanor, local or county ordinance,
7 traffic, and conservation cases, the fee shall be assessed
8 against the defendant upon the entry of a judgment of
9 conviction, an order of supervision, or a sentence of
10 probation without entry of judgment pursuant to Section 10
11 of the Cannabis Control Act, Section 410 of the Illinois
12 Controlled Substances Act, Section 70 of the
13 Methamphetamine Control and Community Protection Act,
14 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
15 the Criminal Code of 1961 or the Criminal Code of 2012,
16 Section 10-102 of the Illinois Alcoholism and Other Drug
17 Dependency Act, or Section 10 of the Steroid Control Act.

18 (2.5) The court shall not order any fees, fines,
19 costs, or other applicable assessments authorized under
20 this Section against a minor subject to Article III, IV,
21 or V of the Juvenile Court Act of 1987, or a minor under
22 the age of 18 transferred to adult court or excluded from
23 juvenile court jurisdiction under Article V of the
24 Juvenile Court Act of 1987, or the minor's parent,
25 guardian, or legal custodian.

26 (3) In local or county ordinance, traffic, and

1 conservation cases, if fines are paid in full without a
2 court appearance, then the fee shall not be imposed or
3 collected.

4 (b) The proceeds of all fees enacted under this Section
5 must be deposited into the county's Judicial Department
6 Facilities Construction Fund and used for the sole purpose of
7 funding in whole or in part the costs associated with building
8 new judicial facilities within the county, which shall be
9 designed and constructed by the county board with the
10 concurrence of the Chief Judge of the applicable judicial
11 circuit or the presiding judge of the county in a multi-county
12 judicial circuit.

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

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

16 (705 ILCS 105/27.1b)

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

18 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
19 other provision of law, all fees charged by the clerks of the
20 circuit court for the services described in this Section shall
21 be established, collected, and disbursed in accordance with
22 this Section. Except as otherwise specified in this Section,
23 all fees under this Section shall be paid in advance and
24 disbursed by each clerk on a monthly basis. In a county with a

1 population of over 3,000,000, units of local government and
2 school districts shall not be required to pay fees under this
3 Section in advance and the clerk shall instead send an
4 itemized bill to the unit of local government or school
5 district, within 30 days of the fee being incurred, and the
6 unit of local government or school district shall be allowed
7 at least 30 days from the date of the itemized bill to pay;
8 these payments shall be disbursed by each clerk on a monthly
9 basis. Unless otherwise specified in this Section, the amount
10 of a fee shall be determined by ordinance or resolution of the
11 county board and remitted to the county treasurer to be used
12 for purposes related to the operation of the court system in
13 the county. In a county with a population of over 3,000,000,
14 any amount retained by the clerk of the circuit court or
15 remitted to the county treasurer shall be subject to
16 appropriation by the county board.

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

22 (1) SCHEDULE 1: not to exceed a total of \$366 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$316 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 \$290 in a county
24 with a population of 3,000,000 or more and in an amount
25 not to exceed \$250 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 (2) SCHEDULE 2: not to exceed a total of \$357 in a
4 county with a population of 3,000,000 or more and not to
5 exceed \$266 in any other county, except as applied to
6 units of local government and school districts in counties
7 with more than 3,000,000 inhabitants an amount not to
8 exceed \$190 through December 31, 2021 and \$184 on and
9 after January 1, 2022. The fees collected under this
10 schedule 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 \$45 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 up to \$21 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) up to \$10, as specified by the Supreme
23 Court in accordance with Part 10A of Article II of
24 the Code of Civil Procedure, into the Mandatory
25 Arbitration Fund;

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

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

3 (C) The clerk shall remit a sum to the County
4 Treasurer, in an amount not to exceed \$281 in a county
5 with a population of 3,000,000 or more and in an amount
6 not to exceed \$200 in any other county, as specified by
7 ordinance or resolution passed by the county board,
8 for purposes related to the operation of the court
9 system in the county.

10 (3) SCHEDULE 3: not to exceed a total of \$265 in a
11 county with a population of 3,000,000 or more and not to
12 exceed \$89 in any other county, except as applied to units
13 of local government and school districts in counties with
14 more than 3,000,000 inhabitants an amount not to exceed
15 \$190 through December 31, 2021 and \$184 on and after
16 January 1, 2022. The fees collected under this schedule
17 shall be disbursed as follows:

18 (A) The clerk shall retain a sum, in an amount not
19 to exceed \$55 in a county with a population of
20 3,000,000 or more and in an amount not to exceed \$22 in
21 any other county determined by the clerk with the
22 approval of the Supreme Court, to be used for court
23 automation, court document storage, and administrative
24 purposes.

25 (B) The clerk shall remit \$11 to the State
26 Treasurer. The State Treasurer shall deposit the

1 appropriate amounts in accordance with the clerk's
2 instructions, as follows:

3 (i) \$2 into the Access to Justice Fund; and

4 (ii) \$9 into the Supreme Court Special
5 Purposes Fund.

6 (C) The clerk shall remit a sum to the County
7 Treasurer, in an amount not to exceed \$199 in a county
8 with a population of 3,000,000 or more and in an amount
9 not to exceed \$56 in any other county, as specified by
10 ordinance or resolution passed by the county board,
11 for purposes related to the operation of the court
12 system in the county.

13 (4) SCHEDULE 4: \$0.

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

19 (1) SCHEDULE 1: not to exceed a total of \$230 in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$191 in any other county, except as applied to
22 units of local government and school districts in counties
23 with more than 3,000,000 inhabitants an amount not to
24 exceed \$75. The fees collected under this schedule shall
25 be disbursed as follows:

26 (A) The clerk shall retain a sum, in an amount not

1 to exceed \$50 in a county with a population of
2 3,000,000 or more and in an amount not to exceed \$45 in
3 any other county determined by the clerk with the
4 approval of the Supreme Court, to be used for court
5 automation, court document storage, and administrative
6 purposes.

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

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

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

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

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$159 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$125 in any other county, as specified by
22 ordinance or resolution passed by the county board,
23 for purposes related to the operation of the court
24 system in the county.

25 (2) SCHEDULE 2: not to exceed a total of \$130 in a
26 county with a population of 3,000,000 or more and not to

1 exceed \$109 in any other county, except as applied to
2 units of local government and school districts in counties
3 with more than 3,000,000 inhabitants an amount not to
4 exceed \$75. The fees collected under this schedule shall
5 be disbursed as follows:

6 (A) The clerk shall retain a sum, in an amount not
7 to exceed \$50 in a county with a population of
8 3,000,000 or more and in an amount not to exceed \$10 in
9 any other county determined by the clerk with the
10 approval of the Supreme Court, to be used for court
11 automation, court document storage, and administrative
12 purposes.

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

16 (C) The clerk shall remit a sum to the County
17 Treasurer, in an amount not to exceed \$71 in a county
18 with a population of 3,000,000 or more and in an amount
19 not to exceed \$90 in any other county, as specified by
20 ordinance or resolution passed by the county board,
21 for purposes related to the operation of the court
22 system in the county.

23 (3) SCHEDULE 3: \$0.

24 (b-5) Kane County and Will County. In Kane County and Will
25 County civil cases, there is an additional fee of up to \$30 as
26 set by the county board under Section 5-1101.3 of the Counties

1 Code to be paid by each party at the time of filing the first
2 pleading, paper, or other appearance; provided that no
3 additional fee shall be required if more than one party is
4 represented in a single pleading, paper, or other appearance.
5 Distribution of fees collected under this subsection (b-5)
6 shall be as provided in Section 5-1101.3 of the Counties Code.

7 (c) Counterclaim or third party complaint. When any
8 defendant files a counterclaim or third party complaint, as
9 part of the defendant's answer or otherwise, the defendant
10 shall pay a filing fee for each counterclaim or third party
11 complaint in an amount equal to the filing fee the defendant
12 would have had to pay had the defendant brought a separate
13 action for the relief sought in the counterclaim or third
14 party complaint, less the amount of the appearance fee, if
15 any, that the defendant has already paid in the action in which
16 the counterclaim or third party complaint is filed.

17 (d) Alias summons. The clerk shall collect a fee not to
18 exceed \$6 in a county with a population of 3,000,000 or more
19 and not to exceed \$5 in any other county for each alias summons
20 or citation issued by the clerk, except as applied to units of
21 local government and school districts in counties with more
22 than 3,000,000 inhabitants an amount not to exceed \$5 for each
23 alias summons or citation issued by the clerk.

24 (e) Jury services. The clerk shall collect, in addition to
25 other fees allowed by law, a sum not to exceed \$212.50, as a
26 fee for the services of a jury in every civil action not

1 quasi-criminal in its nature and not a proceeding for the
2 exercise of the right of eminent domain and in every other
3 action wherein the right of trial by jury is or may be given by
4 law. The jury fee shall be paid by the party demanding a jury
5 at the time of filing the jury demand. If the fee is not paid
6 by either party, no jury shall be called in the action or
7 proceeding, and the action or proceeding shall be tried by the
8 court without a jury.

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

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

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

16 (g) Petition to vacate or modify.

17 (1) In a proceeding involving a petition to vacate or
18 modify any final judgment or order filed within 30 days
19 after the judgment or order was entered, except for an
20 eviction case, small claims case, petition to reopen an
21 estate, petition to modify, terminate, or enforce a
22 judgment or order for child or spousal support, or
23 petition to modify, suspend, or terminate an order for
24 withholding, the fee shall not exceed \$60 in a county with
25 a population of 3,000,000 or more and shall not exceed \$50
26 in any other county, except as applied to units of local

1 government and school districts in counties with more than
2 3,000,000 inhabitants an amount not to exceed \$50.

3 (2) In a proceeding involving a petition to vacate or
4 modify any final judgment or order filed more than 30 days
5 after the judgment or order was entered, except for a
6 petition to modify, terminate, or enforce a judgment or
7 order for child or spousal support, or petition to modify,
8 suspend, or terminate an order for withholding, the fee
9 shall not exceed \$75.

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

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

18 (1) if the record contains no more than 100 pages, the
19 fee shall not exceed \$70 in a county with a population of
20 3,000,000 or more and shall not exceed \$50 in any other
21 county;

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

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

1 (i) Remands. In any cases remanded to the circuit court
2 from the Supreme Court or the appellate court for a new trial,
3 the clerk shall reinstate the case with either its original
4 number or a new number. The clerk shall not charge any new or
5 additional fee for the reinstatement. Upon reinstatement, the
6 clerk shall advise the parties of the reinstatement. Parties
7 shall have the same right to a jury trial on remand and
8 reinstatement that they had before the appeal, and no
9 additional or new fee or charge shall be made for a jury trial
10 after remand.

11 (j) Garnishment, wage deduction, and citation. In
12 garnishment affidavit, wage deduction affidavit, and citation
13 petition proceedings:

14 (1) if the amount in controversy in the proceeding is
15 not more than \$1,000, the fee may not exceed \$35 in a
16 county with a population of 3,000,000 or more and may not
17 exceed \$15 in any other county, except as applied to units
18 of local government and school districts in counties with
19 more than 3,000,000 inhabitants an amount not to exceed
20 \$15;

21 (2) if the amount in controversy in the proceeding is
22 greater than \$1,000 and not more than \$5,000, the fee may
23 not exceed \$45 in a county with a population of 3,000,000
24 or more and may not exceed \$30 in any other county, except
25 as applied to units of local government and school
26 districts in counties with more than 3,000,000 inhabitants

1 an amount not to exceed \$30; and

2 (3) if the amount in controversy in the proceeding is
3 greater than \$5,000, the fee may not exceed \$65 in a county
4 with a population of 3,000,000 or more and may not exceed
5 \$50 in any other county, except as applied to units of
6 local government and school districts in counties with
7 more than 3,000,000 inhabitants an amount not to exceed
8 \$50.

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

14 (1) \$35 if the amount in controversy in the proceeding
15 is not more than \$1,000;

16 (2) \$45 if the amount in controversy in the proceeding
17 is greater than \$1,000 and not more than \$5,000; and

18 (3) \$65 if the amount in controversy in the proceeding
19 is greater than \$5,000.

20 (k) Collections.

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

25 (2) In child support and maintenance cases, the clerk
26 may collect an annual fee of up to \$36 from the person

1 making payment for maintaining child support records and
2 the processing of support orders to the State of Illinois
3 KIDS system and the recording of payments issued by the
4 State Disbursement Unit for the official record of the
5 Court. This fee is in addition to and separate from
6 amounts ordered to be paid as maintenance or child support
7 and shall be deposited into a Separate Maintenance and
8 Child Support Collection Fund, of which the clerk shall be
9 the custodian, ex officio, to be used by the clerk to
10 maintain child support orders and record all payments
11 issued by the State Disbursement Unit for the official
12 record of the Court. The clerk may recover from the person
13 making the maintenance or child support payment any
14 additional cost incurred in the collection of this annual
15 fee.

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

21 (4) In proceedings to foreclose the lien of delinquent
22 real estate taxes, State's Attorneys shall receive a fee
23 of 10% of the total amount realized from the sale of real
24 estate sold in the proceedings. The clerk shall collect
25 the fee from the total amount realized from the sale of the
26 real estate sold in the proceedings and remit to the

1 County Treasurer to be credited to the earnings of the
2 Office of the State's Attorney.

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

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

7 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

1 (q) Index inquiry and other records. No fee shall be
2 charged for a single plaintiff and defendant index inquiry or
3 single case record inquiry when this request is made in person
4 and the records are maintained in a current automated medium,
5 and when no hard copy print output is requested. The fees to be
6 charged for management records, multiple case records, and
7 multiple journal records may be specified by the Chief Judge
8 pursuant to the guidelines for access and dissemination of
9 information approved by the Supreme Court.

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

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

25 (t) Expungement petition. Except as provided in Sections
26 1-19 and 5-915 of the Juvenile Court Act of 1987, the ~~The~~ clerk

1 may collect a fee not to exceed \$60 for each expungement
2 petition filed and an additional fee not to exceed \$4 for each
3 certified copy of an order to expunge arrest records.

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

7 (v) Probate filings.

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

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

24 (3) For filing in an estate a claim, petition, or
25 supplemental proceeding based upon an action seeking
26 equitable relief including the construction or contest of

1 a will, enforcement of a contract to make a will, and
2 proceedings involving testamentary trusts or the
3 appointment of testamentary trustees, the fee shall not
4 exceed \$60.

5 (4) There shall be no fee for filing in an estate: (i)
6 the appearance of any person for the purpose of consent;
7 or (ii) the appearance of an executor, administrator,
8 administrator to collect, guardian, guardian ad litem, or
9 special administrator.

10 (5) For each jury demand, the fee shall not exceed
11 \$137.50.

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

15 (7) For each exemplification, the fee shall not exceed
16 \$2, plus the fee for certification.

17 (8) The executor, administrator, guardian, petitioner,
18 or other interested person or his or her attorney shall
19 pay the cost of publication by the clerk directly to the
20 newspaper.

21 (9) The person on whose behalf a charge is incurred
22 for witness, court reporter, appraiser, or other
23 miscellaneous fees shall pay the same directly to the
24 person entitled thereto.

25 (10) The executor, administrator, guardian,
26 petitioner, or other interested person or his or her

1 attorney shall pay to the clerk all postage charges
2 incurred by the clerk in mailing petitions, orders,
3 notices, or other documents pursuant to the provisions of
4 the Probate Act of 1975.

5 (w) Corrections of numbers. For correction of the case
6 number, case title, or attorney computer identification
7 number, if required by rule of court, on any document filed in
8 the clerk's office, to be charged against the party that filed
9 the document, the fee shall not exceed \$25.

10 (x) Miscellaneous.

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

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

18 (y) Other fees. Any fees not covered in this Section shall
19 be set by rule or administrative order of the circuit court
20 with the approval of the Administrative Office of the Illinois
21 Courts. The clerk of the circuit court may provide services in
22 connection with the operation of the clerk's office, other
23 than those services mentioned in this Section, as may be
24 requested by the public and agreed to by the clerk and approved
25 by the Chief Judge. Any charges for additional services shall
26 be as agreed to between the clerk and the party making the

1 request and approved by the Chief Judge. Nothing in this
2 subsection shall be construed to require any clerk to provide
3 any service not otherwise required by law.

4 (y-5) Unpaid fees. Unless a court ordered payment schedule
5 is implemented or the fee requirements of this Section are
6 waived under a court order, the clerk of the circuit court may
7 add to any unpaid fees and costs under this Section a
8 delinquency amount equal to 5% of the unpaid fees that remain
9 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
10 after 60 days, and 15% of the unpaid fees 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 Court Clerk Operations and Administration Fund and
15 used to defray additional administrative costs incurred by the
16 clerk of the circuit court in collecting unpaid fees and
17 costs.

18 (z) Exceptions.

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

20 (A) police departments or other law enforcement
21 agencies. In this Section, "law enforcement agency"
22 means: an agency of the State or agency of a unit of
23 local government which is vested by law or ordinance
24 with the duty to maintain public order and to enforce
25 criminal laws or ordinances; the Attorney General; or
26 any State's Attorney;

1 (A-5) any unit of local government or school
2 district, except in counties having a population of
3 500,000 or more the county board may by resolution set
4 fees for units of local government or school districts
5 no greater than the minimum fees applicable in
6 counties with a population less than 3,000,000;
7 provided however, no fee may be charged to any unit of
8 local government or school district in connection with
9 any action which, in whole or in part, is: (i) to
10 enforce an ordinance; (ii) to collect a debt; or (iii)
11 under the Administrative Review Law;

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

22 (C) any commitment petition or petition for an
23 order authorizing the administration of psychotropic
24 medication or electroconvulsive therapy under the
25 Mental Health and Developmental Disabilities Code;

26 (D) a petitioner in any order of protection

1 proceeding, including, but not limited to, fees for
2 filing, modifying, withdrawing, certifying, or
3 photocopying petitions for orders of protection,
4 issuing alias summons, any related filing service, or
5 certifying, modifying, vacating, or photocopying any
6 orders of protection; ~~or~~

7 (E) proceedings for the appointment of a
8 confidential intermediary under the Adoption Act; ~~or~~

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

12 (G) a minor under the age of 18 transferred to
13 adult court or excluded from juvenile court
14 jurisdiction under Article V of the Juvenile Court Act
15 of 1987, or the minor's parent, guardian, or legal
16 custodian.

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

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

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

25 (Source: P.A. 101-645, eff. 6-26-20; 102-145, eff. 7-23-21;
26 102-278, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff.

1 5-13-22.)

2 (705 ILCS 105/27.3b-1)

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

4 (a) Unless otherwise specified by law, the minimum fine
5 for a conviction or supervision disposition on a minor traffic
6 offense is \$25 and the minimum fine for a conviction,
7 supervision disposition, or violation based upon a plea of
8 guilty or finding of guilt for any other offense is \$75. If the
9 court finds that the fine would impose an undue burden on the
10 victim, the court may reduce or waive the fine. In this
11 subsection (a), "victim" shall not be construed to include the
12 defendant.

13 (a-5) Except for traffic fines, the court shall not order
14 any fees, fines, costs, or other applicable assessments
15 authorized under this Section against a minor subject to
16 Article III, IV, or V of the Juvenile Court Act of 1987, or a
17 minor under the age of 18 transferred to adult court or
18 excluded from juvenile court jurisdiction under Article V of
19 the Juvenile Court Act of 1987, or the minor's parent,
20 guardian, or legal custodian.

21 (b) Unless otherwise specified by law, all fines imposed
22 on a misdemeanor offense, other than a traffic, conservation,
23 or driving under the influence offense, or on a felony offense
24 shall be disbursed within 60 days after receipt by the circuit
25 clerk to the county treasurer for deposit into the county's

1 General Fund. Unless otherwise specified by law, all fines
2 imposed on an ordinance offense or a misdemeanor traffic,
3 misdemeanor conservation, or misdemeanor driving under the
4 influence offense shall be disbursed within 60 days after
5 receipt by the circuit clerk to the treasurer of the unit of
6 government of the arresting agency. If the arresting agency is
7 the office of the sheriff, the county treasurer shall deposit
8 the portion into a fund to support the law enforcement
9 operations of the office of the sheriff. If the arresting
10 agency is a State agency, the State Treasurer shall deposit
11 the portion as follows:

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

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

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

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

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

23 Section 15. The Criminal and Traffic Assessment Act is
24 amended by changing Sections 5-5, 5-10, 5-15, and 15-70 as
25 follows:

1 (705 ILCS 135/5-5)

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

3 Sec. 5-5. Minimum fine. Unless otherwise specified by law,
4 the minimum fine for a conviction or supervision disposition
5 on a minor traffic offense is \$25 and the minimum fine for a
6 conviction, supervision disposition, or violation based upon a
7 plea of guilty or finding of guilt for any other offense is
8 \$75. If the court finds that the fine would impose an undue
9 burden on the victim, the court may reduce or waive the fine.
10 In this Section, "victim" shall not be construed to include
11 the defendant. Except for traffic fines, the court shall not
12 order any fees, fines, costs, or other applicable assessments
13 authorized under this Section against a minor subject to
14 Article III, IV, or V of the Juvenile Court Act of 1987, or a
15 minor 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, or the minor's parent,
18 guardian, or legal custodian.

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

20 (705 ILCS 135/5-10)

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

22 Sec. 5-10. Schedules; payment.

23 (a) In each case, the court shall order an assessment at
24 the time of sentencing, as set forth in this Act, for a

1 defendant to pay in addition to any fine, restitution, or
2 forfeiture ordered by the court when the defendant is
3 convicted of, pleads guilty to, or is placed on court
4 supervision for a violation of a statute of this State or a
5 similar local ordinance. The court may order a fine,
6 restitution, or forfeiture on any violation that is being
7 sentenced but shall order only one assessment from the
8 Schedule of Assessments 1 through 13 of this Act for all
9 sentenced violations in a case, that being the schedule
10 applicable to the highest classified offense violation that is
11 being sentenced, plus any conditional assessments under
12 Section 15-70 of this Act applicable to any sentenced
13 violation in the case.

14 (a-5) Except for restitution and traffic violations, the
15 court shall not order any fees, fines, costs, or other
16 applicable assessments authorized under this Section against a
17 minor subject to Article III, IV, or V of the Juvenile Court
18 Act of 1987, or a minor under the age of 18 transferred to
19 adult court or excluded from juvenile court jurisdiction under
20 Article V of the Juvenile Court Act of 1987, or the minor's
21 parent, guardian, or legal custodian.

22 (b) If the court finds that the schedule of assessments
23 will cause an undue burden on any victim in a case or if the
24 court orders community service or some other punishment in
25 place of the applicable schedule of assessments, the court may
26 reduce the amount set forth in the applicable schedule of

1 assessments or not order the applicable schedule of
2 assessments. If the court reduces the amount set forth in the
3 applicable schedule of assessments, then all recipients of the
4 funds collected will receive a prorated amount to reflect the
5 reduction.

6 (c) The court may order the assessments to be paid
7 forthwith or within a specified period of time or in
8 installments.

9 (c-3) Excluding any ordered conditional assessment, if the
10 assessment is not paid within the period of probation,
11 conditional discharge, or supervision to which the defendant
12 was originally sentenced, the court may extend the period of
13 probation, conditional discharge, or supervision under Section
14 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
15 applicable, until the assessment is paid or until successful
16 completion of public or community service set forth in
17 subsection (b) of Section 5-20 of this Act or the successful
18 completion of the substance abuse intervention or treatment
19 program set forth in subsection (c-5) of this Section.

20 Except for traffic violations, the court shall not order a
21 fee or other cost under this subsection (c-3) against a minor
22 subject to Article III, IV, or V of the Juvenile Court Act of
23 1987, or a minor under the age of 18 transferred to adult court
24 or excluded from juvenile court jurisdiction under Article V
25 of the Juvenile Court Act of 1987, or the minor's parent,
26 guardian, or legal custodian.

1 (c-5) Excluding any ordered conditional assessment, the
2 court may suspend the collection of the assessment; provided,
3 the defendant agrees to enter a substance abuse intervention
4 or treatment program approved by the court; and further
5 provided that the defendant agrees to pay for all or some
6 portion of the costs associated with the intervention or
7 treatment program. In this case, the collection of the
8 assessment shall be suspended during the defendant's
9 participation in the approved intervention or treatment
10 program. Upon successful completion of the program, the
11 defendant may apply to the court to reduce the assessment
12 imposed under this Section by any amount actually paid by the
13 defendant for his or her participation in the program. The
14 court shall not reduce the assessment under this subsection
15 unless the defendant establishes to the satisfaction of the
16 court that he or she has successfully completed the
17 intervention or treatment program. If the defendant's
18 participation is for any reason terminated before his or her
19 successful completion of the intervention or treatment
20 program, collection of the entire assessment imposed under
21 this Act shall be enforced. Nothing in this Section shall be
22 deemed to affect or suspend any other fines, restitution
23 costs, forfeitures, or assessments imposed under this or any
24 other Act.

25 Except for traffic violations, the court shall not order a
26 fee or other cost under this subsection (c-5) against a minor

1 subject to Article III, IV, or V of the Juvenile Court Act of
2 1987, or a minor under the age of 18 transferred to adult court
3 or excluded from juvenile court jurisdiction under Article V
4 of the Juvenile Court Act of 1987, or the minor's parent,
5 guardian, or legal custodian.

6 (d) Except as provided in Section 5-15 of this Act, the
7 defendant shall pay to the clerk of the court and the clerk
8 shall remit the assessment to the appropriate entity as set
9 forth in the ordered schedule of assessments within one month
10 of its receipt.

11 (e) Unless a court ordered payment schedule is implemented
12 or the assessment requirements of this Act are waived under a
13 court order, the clerk of the circuit court may add to any
14 unpaid assessments under this Act a delinquency amount equal
15 to 5% of the unpaid assessments that remain unpaid after 30
16 days, 10% of the unpaid assessments that remain unpaid after
17 60 days, and 15% of the unpaid assessments that remain unpaid
18 after 90 days. Notice to those parties may be made by signage
19 posting or publication. The additional delinquency amounts
20 collected under this Section shall be deposited into the
21 Circuit Clerk Operations and Administration Fund and used to
22 defray additional administrative costs incurred by the clerk
23 of the circuit court in collecting unpaid assessments.

24 (f) The clerk of the circuit court shall not add
25 delinquency amounts to unpaid assessments against a minor
26 subject to Article III, IV, or V of the Juvenile Court Act of

1 1987, or a minor under the age of 18 transferred to adult court
2 or excluded from juvenile court jurisdiction under Article V
3 of the Juvenile Court Act of 1987, or the minor's parent,
4 guardian, or legal custodian.

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

6 (705 ILCS 135/5-15)

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

8 Sec. 5-15. Service provider costs. Unless otherwise
9 provided in Article 15 of this Act, the defendant shall pay
10 service provider costs to the entity that provided the
11 service. Service provider costs are not eligible for credit
12 for time served, substitution of community service, or waiver.
13 The circuit court may, through administrative order or local
14 rule, appoint the clerk of the court as the receiver and
15 remitter of certain service provider costs, which may include,
16 but are not limited to, probation fees, traffic school fees,
17 or drug or alcohol testing fees. Except for traffic
18 violations, the costs, fees, or any other assessments
19 referenced in this Section shall not apply to a minor subject
20 to Article III, IV, or V of the Juvenile Court Act of 1987, or
21 a 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 (Source: P.A. 100-987, eff. 7-1-19.)

1 (705 ILCS 135/15-70)

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

3 Sec. 15-70. Conditional assessments. In addition to
4 payments under one of the Schedule of Assessments 1 through 13
5 of this Act, the court shall also order payment of any of the
6 following conditional assessment amounts for each sentenced
7 violation in the case to which a conditional assessment is
8 applicable, which shall be collected and remitted by the Clerk
9 of the Circuit Court as provided in this Section:

10 (1) arson, residential arson, or aggravated arson,
11 \$500 per conviction to the State Treasurer for deposit
12 into the Fire Prevention Fund;

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

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

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

4 (3) crime laboratory drug analysis for a drug-related
5 offense involving possession or delivery of cannabis or
6 possession or delivery of a controlled substance as
7 defined in the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act, \$100 reimbursement for
10 laboratory analysis, as set forth in subsection (f) of
11 Section 5-9-1.4 of the Unified Code of Corrections;

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

16 (5) DUI analysis, \$150 on each sentenced violation in
17 which it was used as set forth in subsection (f) of Section
18 5-9-1.9 of the Unified Code of Corrections;

19 (6) drug-related offense involving possession or
20 delivery of cannabis or possession or delivery of a
21 controlled substance, other than methamphetamine, as
22 defined in the Cannabis Control Act or the Illinois
23 Controlled Substances Act, an amount not less than the
24 full street value of the cannabis or controlled substance
25 seized for each conviction to be disbursed as follows:

26 (A) 12.5% of the street value assessment shall be

1 paid into the Youth Drug Abuse Prevention Fund, to be
2 used by the Department of Human Services for the
3 funding of programs and services for drug-abuse
4 treatment, and prevention and education services;

5 (B) 37.5% to the county in which the charge was
6 prosecuted, to be deposited into the county General
7 Fund;

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

13 (D) if the arrest was made in combination with
14 multiple law enforcement agencies, the clerk shall
15 equitably allocate the portion in subparagraph (C) of
16 this paragraph (6) among the law enforcement agencies
17 involved in the arrest;

18 (6.5) Kane County or Will County, in felony,
19 misdemeanor, local or county ordinance, traffic, or
20 conservation cases, up to \$30 as set by the county board
21 under Section 5-1101.3 of the Counties Code upon the entry
22 of a judgment of conviction, an order of supervision, or a
23 sentence of probation without entry of judgment under
24 Section 10 of the Cannabis Control Act, Section 410 of the
25 Illinois Controlled Substances Act, Section 70 of the
26 Methamphetamine Control and Community Protection Act,

1 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
2 the Criminal Code of 1961 or the Criminal Code of 2012,
3 Section 10-102 of the Illinois Alcoholism and Other Drug
4 Dependency Act, or Section 10 of the Steroid Control Act;
5 except in local or county ordinance, traffic, and
6 conservation cases, if fines are paid in full without a
7 court appearance, then the assessment shall not be imposed
8 or collected. Distribution of assessments collected under
9 this paragraph (6.5) shall be as provided in Section
10 5-1101.3 of the Counties Code;

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

23 (A) 12.5% of the street value assessment shall be
24 paid into the Youth Drug Abuse Prevention Fund, to be
25 used by the Department of Human Services for the
26 funding of programs and services for drug-abuse

1 treatment, and prevention and education services;

2 (B) 37.5% to the county in which the charge was
3 prosecuted, to be deposited into the county General
4 Fund;

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

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

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

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

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

26 (A) petty or business offense, \$4 to the county

1 treasurer of which \$2 deposited into the State's
2 Attorney Records Automation Fund and \$2 into the
3 Public Defender Records Automation Fund;

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

7 (11) speeding in a construction zone violation, \$250
8 to the State Treasurer for deposit into the Transportation
9 Safety Highway Hire-back Fund, unless (i) the violation
10 occurred on a highway other than an interstate highway and
11 (ii) a county police officer wrote the ticket for the
12 violation, in which case to the county treasurer for
13 deposit into that county's Transportation Safety Highway
14 Hire-back Fund;

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

19 (13) victim and offender are family or household
20 members as defined in Section 103 of the Illinois Domestic
21 Violence Act of 1986 and offender pleads guilty or no
22 contest to or is convicted of murder, voluntary
23 manslaughter, involuntary manslaughter, burglary,
24 residential burglary, criminal trespass to residence,
25 criminal trespass to vehicle, criminal trespass to land,
26 criminal damage to property, telephone harassment,

1 kidnapping, aggravated kidnaping, unlawful restraint,
2 forcible detention, child abduction, indecent solicitation
3 of a child, sexual relations between siblings,
4 exploitation of a child, child pornography, assault,
5 aggravated assault, battery, aggravated battery, heinous
6 battery, aggravated battery of a child, domestic battery,
7 reckless conduct, intimidation, criminal sexual assault,
8 predatory criminal sexual assault of a child, aggravated
9 criminal sexual assault, criminal sexual abuse, aggravated
10 criminal sexual abuse, violation of an order of
11 protection, disorderly conduct, endangering the life or
12 health of a child, child abandonment, contributing to
13 dependency or neglect of child, or cruelty to children and
14 others, \$200 for each sentenced violation to the State
15 Treasurer for deposit as follows: (i) for sexual assault,
16 as defined in Section 5-9-1.7 of the Unified Code of
17 Corrections, when the offender and victim are family
18 members, one-half to the Domestic Violence Shelter and
19 Service Fund, and one-half to the Sexual Assault Services
20 Fund; (ii) for the remaining offenses to the Domestic
21 Violence Shelter and Service Fund;

22 (14) violation of Section 11-501 of the Illinois
23 Vehicle Code, Section 5-7 of the Snowmobile Registration
24 and Safety Act, Section 5-16 of the Boat Registration and
25 Safety Act, or a similar provision, whose operation of a
26 motor vehicle, snowmobile, or watercraft while in

1 violation of Section 11-501, Section 5-7 of the Snowmobile
2 Registration and Safety Act, Section 5-16 of the Boat
3 Registration and Safety Act, or a similar provision
4 proximately caused an incident resulting in an appropriate
5 emergency response, \$1,000 maximum to the public agency
6 that provided an emergency response related to the
7 person's violation, or as provided in subsection (c) of
8 Section 10-5 if the arresting agency was a State agency,
9 unless more than one agency was responsible for the
10 arrest, in which case the amount shall be remitted to each
11 unit of government equally;

12 (15) violation of Section 401, 407, or 407.2 of the
13 Illinois Controlled Substances Act that proximately caused
14 any incident resulting in an appropriate drug-related
15 emergency response, \$1,000 as reimbursement for the
16 emergency response to the law enforcement agency that made
17 the arrest, or as provided in subsection (c) of Section
18 10-5 if the arresting agency was a State agency, unless
19 more than one agency was responsible for the arrest, in
20 which case the amount shall be remitted to each unit of
21 government equally;

22 (16) violation of reckless driving, aggravated
23 reckless driving, or driving 26 miles per hour or more in
24 excess of the speed limit that triggered an emergency
25 response, \$1,000 maximum reimbursement for the emergency
26 response to be distributed in its entirety to a public

1 agency that provided an emergency response related to the
2 person's violation, or as provided in subsection (c) of
3 Section 10-5 if the arresting agency was a State agency,
4 unless more than one agency was responsible for the
5 arrest, in which case the amount shall be remitted to each
6 unit of government equally;

7 (17) violation based upon each plea of guilty,
8 stipulation of facts, or finding of guilt resulting in a
9 judgment of conviction or order of supervision for an
10 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
11 the Criminal Code of 2012 that results in the imposition
12 of a fine, to be distributed as follows:

13 (A) \$50 to the county treasurer for deposit into
14 the Circuit Court Clerk Operation and Administrative
15 Fund to cover the costs in administering this
16 paragraph (17);

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

19 (i) if the arresting or investigating agency
20 is the Illinois State Police, into the State
21 Police Law Enforcement Administration Fund;

22 (ii) if the arresting or investigating agency
23 is the Department of Natural Resources, into the
24 Conservation Police Operations Assistance Fund;

25 (iii) if the arresting or investigating agency
26 is the Secretary of State, into the Secretary of

1 State Police Services Fund;

2 (iv) if the arresting or investigating agency
3 is the Illinois Commerce Commission, into the
4 Transportation Regulatory Fund; or

5 (v) if more than one of the State agencies in
6 this subparagraph (B) is the arresting or
7 investigating agency, then equal shares with the
8 shares deposited as provided in the applicable
9 items (i) through (iv) of this subparagraph (B);
10 and

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

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

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

26 Except for traffic violations, the fees, fines, or other

1 assessments under this Section shall not apply to a minor
2 subject to Article III, IV, or V of the Juvenile Court Act of
3 1987, or a minor under the age of 18 transferred to adult court
4 or excluded from juvenile court jurisdiction under Article V
5 of the Juvenile Court Act of 1987, or the minor's parent,
6 guardian, or legal custodian.

7 (Source: P.A. 101-173, eff. 1-1-20; 101-636, eff. 6-10-20;
8 102-145, eff. 7-23-21; 102-505, eff. 8-20-21; 102-538, eff.
9 8-20-21; 102-813, eff. 5-13-22.)

10 Section 20. The Juvenile Court Act of 1987 is amended by
11 changing Sections 3-17, 3-19, 3-21, 3-24, 3-33.5, 4-14, 4-16,
12 4-18, 4-21, 5-525, 5-610, 5-615, 5-710, 5-715, 5-915, 6-7, and
13 6-9 and by adding Section 1-19 as follows:

14 (705 ILCS 405/1-19 new)

15 Sec. 1-19. Assessments and outstanding balances owed by
16 minors or their parents, guardians, or legal custodians;
17 report.

18 (a) The court shall not order any assessments, such as
19 fees, fines, or administrative costs, except for those
20 provided in Section 5-125 of this Act, against a minor subject
21 to Article III, IV, or V of this Act or against the minor's
22 parent, guardian, or legal custodian.

23 (b) The court shall not order fees, fines, or
24 administrative costs, except for those provided in Section

1 5-125 of this Act, against a minor under the age of 18
2 transferred to adult court or excluded from juvenile court
3 jurisdiction under Article V of this Act, or the minor's
4 parent, guardian, or legal custodian.

5 (c) Except for assessments made in traffic, boating, or
6 fish and game law, or municipal ordinance violations as
7 provided in Section 5-125 of this Act, any judgment, order,
8 agreement, or other legally enforceable encumbrance directing
9 a minor or his or her parent, guardian, or legal custodian to
10 pay assessments prior to the effective date of this amendatory
11 Act of the 103rd General Assembly is null, void, and not
12 collectible if there remains a balance due, including
13 interest, penalties, or collection fees.

14 (d) Within 90 calendar days after the effective date of
15 this amendatory Act of the 103rd General Assembly, the court
16 shall automatically vacate all orders or other legally
17 enforceable encumbrances directing a minor or his or her
18 parent, guardian, or legal custodian to pay any fees, fines,
19 or administrative costs of any balances due, including
20 interest, penalties, or collection fees, as of the effective
21 date of this amendatory Act of the 103rd General Assembly.

22 (e) Within 30 calendar days after the effective date of
23 this amendatory Act of the 103rd General Assembly, the clerk
24 of the circuit court shall provide written notice to any and
25 all collection agencies and circuit court staff to inform them
26 that any pending or outstanding fees, fines, or administrative

1 costs made not collectible by this amendatory Act of the 103rd
2 General Assembly have been vacated and are null, void, and not
3 collectible.

4 (f) Within 30 calendar days after the effective date of
5 this amendatory Act of the 103rd General Assembly, the
6 probation officer, if applicable, or any other designated
7 person from the juvenile probation department and the clerk of
8 the circuit court shall provide written notice to the minor
9 and the minor's parent, guardian, or legal custodian that, as
10 of the effective date of this amendatory Act of the 103rd
11 General Assembly, all payment obligations are discharged for
12 any pending or outstanding fees, fines, or administrative
13 costs made not collectible by this amendatory Act of the 103rd
14 General Assembly.

15 (g) If a payment is made by a minor or his or her parent,
16 guardian, or legal custodian on or after the effective date of
17 this amendatory Act of the 103rd General Assembly, the clerk
18 of the circuit court shall automatically and immediately
19 reimburse payments made toward fees, fines, and costs made
20 null, void, and uncollectible by this amendatory Act of the
21 103rd General Assembly.

22 (h) One year after the effective date of this amendatory
23 Act of the 103rd General Assembly, the Administrative Office
24 of the Illinois Courts shall report to the General Assembly:

25 (1) the number of judgments, orders, agreements, or
26 other legally enforceable encumbrances vacated pursuant to

1 this Section in each judicial district; and

2 (2) the total balances of fees, fines, and
3 administrative costs vacated in each judicial district.

4 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

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

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

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

25 (4) The summons may be served by any county sheriff,

1 coroner or probation officer, even though the officer is the
2 petitioner. The return of the summons with endorsement of
3 service by the officer is sufficient proof thereof.

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

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

1 the parent or other person, the minor, or both.

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

8 (8) The court shall not order the minor or his or her
9 parent, guardian, or legal custodian to pay fees, fines, or
10 administrative costs in the service of process.

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

12 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

13 Sec. 3-19. Guardian ad litem.

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

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

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

1 the commission of such offense.

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

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

7 (a) no parent, guardian, custodian or relative of the
8 minor appears at the first or any subsequent hearing of
9 the case;

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

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

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

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

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

25 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

1 Sec. 3-21. Continuance under supervision.

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

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

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

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

26 (5) If a petition is filed charging a violation of a

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

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

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

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

9 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

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

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

1 until he or she attains 18 years of age.

2 (2) Any order of disposition may provide for protective
3 supervision under Section 3-25 and may include an order of
4 protection under Section 3-26.

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

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

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

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

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

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

24 (705 ILCS 405/3-33.5)

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

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

1 superintendent of schools or truancy review board, which
2 reports each shall certify the date of the minor's referral
3 and the extent of the minor's progress and participation in
4 truancy intervention services provided by the comprehensive
5 community based youth service agency. In addition, if, after
6 referral by the office of the regional superintendent of
7 schools or community truancy review board, the minor declines
8 or refuses to fully participate in truancy intervention
9 services provided by the comprehensive community based youth
10 service agency, then the agency shall immediately certify such
11 facts to the office of the regional superintendent of schools
12 or community truancy review board.

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

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

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

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

1 regional superintendent of schools. The regional
2 superintendent of schools must approve the establishment and
3 organization of a community truancy review board, and the
4 regional superintendent of schools or his or her designee
5 shall chair the board.

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

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

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

17 (2) required to comply with a service plan as
18 specifically provided by the appropriate regional
19 superintendent of schools;

20 (3) ordered to obtain counseling or other supportive
21 services;

22 (4) (blank);

23 (5) required to perform some reasonable public service
24 work that does not interfere with school hours,
25 school-related activities, or work commitments of the
26 minor or the minor's parent, guardian, or legal custodian

1 ~~such as, but not limited to, the picking up of litter in~~
2 ~~public parks or along public highways or the maintenance~~
3 ~~of public facilities; or~~

4 (6) (blank).

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

11 (c) Orders entered under this Section may be enforced by
12 contempt proceedings. The Court shall not order fees or fines
13 in contempt proceedings under this Section.

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

15 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

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

25 (2) The summons must contain a statement that the minor or

1 any of the respondents is entitled to have an attorney present
2 at the hearing on the petition, and that the clerk of the court
3 should be notified promptly if the minor or any other
4 respondent desires to be represented by an attorney but is
5 financially unable to employ counsel.

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

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

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

1 appearance. If the guardian or custodian is an agency of the
2 State of Illinois, proper service may be made by leaving a copy
3 of the summons and petition with any administrative employee
4 of such agency designated by such agency to accept service of
5 summons and petitions. The certificate of the officer or
6 affidavit of the person that he has sent the copy pursuant to
7 this Section is sufficient proof of service.

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

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

19 (8) The court shall not order the minor or his or her
20 parent, guardian, or legal custodian to pay fees, fines, or
21 administrative costs in the service of process.

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

23 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

24 Sec. 4-16. Guardian ad litem.

25 (1) Immediately upon the filing of a petition alleging

1 that the minor is a person described in Section 4-3 of this
2 Act, the court may appoint a guardian ad litem for the minor
3 if:

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

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

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

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

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

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

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

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

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

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

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

13 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

14 Sec. 4-18. Continuance under supervision.

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

25 (2) If the minor, his parent, guardian, custodian,

1 responsible relative, defense attorney or State's Attorney,
2 objects in open court to any such continuance and insists upon
3 proceeding to findings and adjudication, the court shall so
4 proceed.

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

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

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

1 of the period of continuance under supervision for the period
2 of such delay.

3 (6) (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 IV, 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 405/4-21) (from Ch. 37, par. 804-21)

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

23 (1) A minor found to be addicted under Section 4-3 may be
24 (a) committed to the Department of Children and Family
25 Services, subject to Section 5 of the Children and Family

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

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

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

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

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

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

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

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

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

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

13 (705 ILCS 405/5-525)

14 Sec. 5-525. Service.

15 (1) Service by summons.

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

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

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

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

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

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

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

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

24 (2) Service by certified mail or publication.

25 (a) If service on individuals as provided in
26 subsection (1) is not made on any respondent within a

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

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

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

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

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

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

1
2

3 Clerk

4 Dated (insert the date of publication)"

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

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

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

25 (4) The appearance of the minor's parent, guardian or
26 legal custodian, or a person named as a respondent in a

1 petition, in any proceeding under this Act shall constitute a
2 waiver of service and submission to the jurisdiction of the
3 court. A copy of the petition shall be provided to the person
4 at the time of his or her appearance.

5 (5) The court shall not require the minor or his or her
6 parent, guardian, or legal custodian to pay fees, fines, or
7 administrative costs in the service of process.

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) The court shall not, as a condition of continuance
15 under supervision, order the minor or the minor's parent,
16 guardian, or legal custodian to pay fees, fines, or costs,
17 including any fee, fine, or administrative cost authorized
18 under Section 5-4.5-105, 5-5-10, 5-6-3, 5-6-3.1, 5-7-6,
19 5-9-1.4, or 5-9-1.9 of the Unified Code of Corrections. If the
20 minor or the minor's parent, guardian, or legal custodian is
21 unable to cover the cost of a condition under this subsection,
22 the court shall not preclude the minor from receiving
23 continuance under supervision based on the inability to pay.
24 Inability to pay shall not be grounds to object to the minor's
25 placement on 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) The court shall not order a minor or the minor's
16 parent, guardian, or legal custodian to pay costs relating to
17 any sentencing order, including any fee, fine, or
18 administrative cost authorized under Section 5-4.5-105,
19 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the
20 Unified Code of Corrections. The inability of a minor, or
21 minor's parent, guardian, or legal custodian, to cover the
22 costs associated with an appropriate sentencing order shall
23 not be the basis for the court to enter a sentencing order
24 incongruent with the court's findings regarding the offense on
25 which the minor was adjudicated or the mitigating factors.

26 (Source: P.A. 101-2, eff. 7-1-19; 101-79, eff. 7-12-19;

1 101-159, eff. 1-1-20; 102-558, eff. 8-20-21.)

2 (705 ILCS 405/5-715)

3 Sec. 5-715. Probation.

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

14 (1.5) The period of probation for a minor who is found
15 guilty of aggravated criminal sexual assault, criminal sexual
16 assault, or aggravated battery with a firearm shall be at
17 least 36 months. The period of probation for a minor who is
18 found to be guilty of any other Class X felony shall be at
19 least 24 months. The period of probation for a Class 1 or Class
20 2 forcible felony shall be at least 18 months. Regardless of
21 the length of probation ordered by the court, for all offenses
22 under this paragraph (1.5), the court shall schedule hearings
23 to determine whether it is in the best interest of the minor
24 and public safety to terminate probation after the minimum
25 period of probation has been served. In such a hearing, there

1 shall be a rebuttable presumption that it is in the best
2 interest of the minor and public safety to terminate
3 probation.

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

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

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

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

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

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

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

25 (j) attend school;

26 (j-5) with the consent of the superintendent of the

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

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

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

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

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

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

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

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

26 (i) remain within the interior premises of the

1 place designated for his or her confinement during the
2 hours designated by the court;

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

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

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

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

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

25 (t) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Cannabis

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

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

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

18 (3.5) The court shall, as a condition of probation or of
19 conditional discharge, require that a minor found to be guilty
20 and placed on probation for reasons that include a violation
21 of Section 3.02 or Section 3.03 of the Humane Care for Animals
22 Act or paragraph (4) of subsection (a) of Section 21-1 of the
23 Criminal Code of 2012 undergo medical or psychiatric treatment
24 rendered by a psychiatrist or psychological treatment rendered
25 by a clinical psychologist. The condition may be in addition
26 to any other condition.

1 (3.10) The court shall order that a minor placed on
2 probation or conditional discharge for a sex offense as
3 defined in the Sex Offender Management Board Act undergo and
4 successfully complete sex offender treatment. The treatment
5 shall be in conformance with the standards developed under the
6 Sex Offender Management Board Act and conducted by a treatment
7 provider approved by the Board. ~~The treatment shall be at the~~
8 ~~expense of the person evaluated based upon that person's~~
9 ~~ability to pay for the treatment.~~

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

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

1 (5.5) Jurisdiction over an offender may be transferred
2 from the sentencing court to the court of another circuit with
3 the concurrence of both courts. Further transfers or
4 retransfers of jurisdiction are also authorized in the same
5 manner. The court to which jurisdiction has been transferred
6 shall have the same powers as the sentencing court. ~~The~~
7 ~~probation department within the circuit to which jurisdiction~~
8 ~~has been transferred, or which has agreed to provide~~
9 ~~supervision, may impose probation fees upon receiving the~~
10 ~~transferred offender, as provided in subsection (i) of Section~~
11 ~~5-6-3 of the Unified Code of Corrections. For all transfer~~
12 ~~eases, as defined in Section 9b of the Probation and Probation~~
13 ~~Officers Act, the probation department from the original~~
14 ~~sentencing court shall retain all probation fees collected~~
15 ~~prior to the transfer. After the transfer, all probation fees~~
16 ~~shall be paid to the probation department within the circuit~~
17 ~~to which jurisdiction has been transferred.~~

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

24 (6) The General Assembly finds that in order to protect
25 the public, the juvenile justice system must compel compliance
26 with the conditions of probation by responding to violations

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

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

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

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

2 (705 ILCS 405/5-915)

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

5 (0.05) (Blank).

6 (0.1) (a) The Illinois State Police and all law
7 enforcement agencies within the State shall automatically
8 expunge, on or before January 1 of each year, except as
9 described in paragraph (c) of subsection (0.1), all juvenile
10 law enforcement records relating to events occurring before an
11 individual's 18th birthday if:

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

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

19 (3) 6 months have elapsed since the date of the arrest
20 without an additional subsequent arrest or filing of a
21 petition for delinquency or criminal charges whether
22 related or not to the arrest or law enforcement
23 interaction documented in the records.

24 (b) If the law enforcement agency is unable to verify
25 satisfaction of conditions (2) and (3) of this subsection

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

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

13 (0.15) If a juvenile law enforcement record meets
14 paragraph (a) of subsection (0.1) of this Section, a juvenile
15 law enforcement record created:

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

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

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

24 Nothing in this subsection (0.15) shall be construed to
25 restrict or modify an individual's right to have his or her
26 juvenile law enforcement records expunged except as otherwise

1 may be provided in this Act.

2 (0.2) (a) Upon dismissal of a petition alleging
3 delinquency or upon a finding of not delinquent, the
4 successful termination of an order of supervision, or the
5 successful termination of an adjudication for an offense which
6 would be a Class B misdemeanor, Class C misdemeanor, or a petty
7 or business offense if committed by an adult, the court shall
8 automatically order the expungement of the juvenile court
9 records and juvenile law enforcement records. The clerk shall
10 deliver a certified copy of the expungement order to the
11 Illinois State Police and the arresting agency. Upon request,
12 the State's Attorney shall furnish the name of the arresting
13 agency. The expungement shall be completed within 60 business
14 days after the receipt of the expungement order.

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

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

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

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

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

19 (0.4) Automatic expungement for the purposes of this
20 Section shall not require law enforcement agencies to
21 obliterate or otherwise destroy juvenile law enforcement
22 records that would otherwise need to be automatically expunged
23 under this Act, except after 2 years following the subject
24 arrest for purposes of use in civil litigation against a
25 governmental entity or its law enforcement agency or personnel
26 which created, maintained, or used the records. However, these

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

5 (0.5) Subsection (0.1) or (0.2) of this Section does not
6 apply to violations of traffic, boating, fish and game laws,
7 or county or municipal ordinances.

8 (0.6) Juvenile law enforcement records of a plaintiff who
9 has filed civil litigation against the governmental entity or
10 its law enforcement agency or personnel that created,
11 maintained, or used the records, or juvenile law enforcement
12 records that contain information related to the allegations
13 set forth in the civil litigation may not be expunged until
14 after 2 years have elapsed after the conclusion of the
15 lawsuit, including any appeal.

16 (0.7) Officer-worn body camera recordings shall not be
17 automatically expunged except as otherwise authorized by the
18 Law Enforcement Officer-Worn Body Camera Act.

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

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

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

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

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

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

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

20 (1.5) At no cost to the person, the ~~The~~ Illinois State
21 Police shall allow a person to use the Access and Review
22 process, established in the Illinois State Police, for
23 verifying that his or her juvenile law enforcement records
24 relating to incidents occurring before his or her 18th
25 birthday eligible under this Act have been expunged.

26 (1.6) (Blank).

1 (1.7) (Blank).

2 (1.8) (Blank).

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

18 (2.5) If a minor is arrested and no petition for
19 delinquency is filed with the clerk of the circuit court at the
20 time the minor is released from custody, the youth officer, if
21 applicable, or other designated person from the arresting
22 agency, shall notify verbally and in writing to the minor or
23 the minor's parents or guardians that the minor shall have an
24 arrest record and shall provide the minor and the minor's
25 parents or guardians with an expungement information packet,
26 information regarding this State's expungement laws including

1 a petition to expunge juvenile law enforcement and juvenile
2 court records obtained from the clerk of the circuit court.

3 (2.6) If a minor is referred to court, then, at the time of
4 sentencing, dismissal of the case, or successful completion of
5 supervision, the judge shall inform the delinquent minor of
6 his or her rights regarding expungement and the clerk of the
7 circuit court shall provide an expungement information packet
8 to the minor, written in plain language, including information
9 regarding this State's expungement laws and a petition for
10 expungement, a sample of a completed petition, expungement
11 instructions that shall include information informing the
12 minor that (i) once the case is expunged, it shall be treated
13 as if it never occurred, (ii) he or she shall not be charged a
14 fee to petition for expungement ~~may apply to have petition~~
15 ~~fees waived~~, (iii) once he or she obtains an expungement, he or
16 she may not be required to disclose that he or she had a
17 juvenile law enforcement or juvenile court record, and (iv) if
18 petitioning he or she may file the petition on his or her own
19 or with the assistance of an attorney. The failure of the judge
20 to inform the delinquent minor of his or her right to petition
21 for expungement as provided by law does not create a
22 substantive right, nor is that failure grounds for: (i) a
23 reversal of an adjudication of delinquency; (ii) a new trial;
24 or (iii) an appeal.

25 (2.7) (Blank).

26 (2.8) (Blank).

1 (3) (Blank).

2 (3.1) (Blank).

3 (3.2) (Blank).

4 (3.3) (Blank).

5 (4) (Blank).

6 (5) (Blank).

7 (5.5) Whether or not expunged, records eligible for
8 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
9 (0.3) (a) may be treated as expunged by the individual subject
10 to the records.

11 (6) (Blank).

12 (6.5) The Illinois State Police or any employee of the
13 Illinois State Police shall be immune from civil or criminal
14 liability for failure to expunge any records of arrest that
15 are subject to expungement under this Section because of
16 inability to verify a record. Nothing in this Section shall
17 create Illinois State Police liability or responsibility for
18 the expungement of juvenile law enforcement records it does
19 not possess.

20 (7) (Blank).

21 (7.5) (Blank).

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

26 (9) (Blank).

1 (10) (Blank).

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

4 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

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

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

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

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

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

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

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

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

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

6 The court shall not order a parent, guardian, or legal
7 custodian liable under the law for the support of a minor to
8 pay for costs associated with detention, legal representation,
9 or other matters under Article III, IV, or V of this Act.

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

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

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

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

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

25 (3) If the minor is a recipient of public aid under the
26 Illinois Public Aid Code, the court shall order that payments

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

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

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

3 (705 ILCS 410/25)

4 Sec. 25. Procedure.

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

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

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

22 (d) In addition to any conditions authorized under
23 Sections 5-505, 5-710, and 5-715 of the Juvenile Court Act of
24 1987, the court may order the minor to complete substance
25 abuse treatment in an outpatient, inpatient, residential, or

1 detention-based custodial treatment program. Any period of
2 time a minor shall serve in a detention-based treatment
3 program may not be reduced by the accumulation of good time or
4 other credits and may be for a period of up to 120 days.

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

17 (f) The court shall not order any fees, fines, or
18 administrative costs under this Section against minors or
19 their parents, guardians, or legal custodians.

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

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

23 (720 ILCS 5/12C-60)

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

1 Sec. 12C-60. Curfew.

2 (a) Curfew offenses.

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

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

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

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

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

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

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

21 (5) involved in an emergency;

22 (6) on the sidewalk abutting the minor's residence or
23 abutting the residence of a next-door neighbor if the
24 neighbor did not complain to the police department about
25 the minor's presence;

26 (7) attending an official school, religious, or other

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

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

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

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

22 (d) Definitions. In this Section:

23 (1) "Curfew hours" means:

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

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

26 and

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

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

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

13 (4) "Guardian" means:

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

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

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

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

20 (A) a natural parent, adoptive parent, or
21 step-parent of another person; or

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

25 (7) "Public place" means any place to which the public
26 or a substantial group of the public has access and

1 includes, but is not limited to, streets, highways, and
2 the common areas of schools, hospitals, apartment houses,
3 office buildings, transport facilities, and shops.

4 (8) "Remain" means to:

5 (A) linger or stay; or

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

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

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

1 person convicted of a violation of subsection (a) of this
2 Section shall not conflict with the dates and times that the
3 person is employed in his or her regular occupation. The court
4 shall not order fees, fines, or administrative costs against a
5 minor under the age of 18 transferred to adult court or
6 excluded from juvenile court jurisdiction under Article V of
7 the Juvenile Court Act of 1987, or the minor's parent,
8 guardian, or legal custodian.

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

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

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

18 Sec. 12C-60. Curfew.

19 (a) Curfew offenses.

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

23 (2) A parent or guardian of a minor or other person in
24 custody or control of a minor commits a curfew offense
25 when he or she knowingly permits the minor to remain in any

1 public place or on the premises of any establishment
2 during curfew hours.

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

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

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

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

10 (4) engaged in an employment activity or going to or
11 returning home from an employment activity, without any
12 detour or stop;

13 (5) involved in an emergency;

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

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

1 that takes responsibility for the minor;

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

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

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

14 (d) Definitions. In this Section:

15 (1) "Curfew hours" means:

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

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

18 and

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

21 (2) "Emergency" means an unforeseen combination of
22 circumstances or the resulting state that calls for
23 immediate action. The term includes, but is not limited
24 to, a fire, a natural disaster, an automobile crash, or
25 any situation requiring immediate action to prevent
26 serious bodily injury or loss of life.

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

5 (4) "Guardian" means:

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

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

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

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

12 (A) a natural parent, adoptive parent, or
13 step-parent of another person; or

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

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

22 (8) "Remain" means to:

23 (A) linger or stay; or

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

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

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

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

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

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

11 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

15 Any person who violates this Section with respect to:

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

23 (1) \$10 of the fine to the circuit clerk and \$10 of
24 the fine to the law enforcement agency that issued the

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

8 (2) \$15 to the county to fund drug addiction
9 services;

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

12 (4) \$10 to the State's Attorney; and

13 (5) any remainder of the fine to the law
14 enforcement agency that issued the citation for the
15 violation.

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

24 (b) more than 10 grams but not more than 30 grams of
25 any substance containing cannabis is guilty of a Class B
26 misdemeanor;

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

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

11 (e) more than 500 grams but not more than 2,000 grams
12 of any substance containing cannabis is guilty of a Class
13 3 felony;

14 (f) more than 2,000 grams but not more than 5,000
15 grams of any substance containing cannabis is guilty of a
16 Class 2 felony;

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

19 The court shall not order fines or any other applicable
20 assessments authorized under this Section against a minor
21 subject to Article III, IV, or V of the Juvenile Court Act of
22 1987, or a minor under the age of 18 transferred to adult court
23 or excluded from juvenile court jurisdiction under Article V
24 of the Juvenile Court Act of 1987, or the minor's parent,
25 guardian, or legal custodian.

26 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19;

1 102-538, eff. 8-20-21.)

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

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

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

16 (c) The conditions of probation shall be that the person:
17 (1) not violate any criminal statute of any jurisdiction; (2)
18 refrain from possession of a firearm or other dangerous
19 weapon; (3) submit to periodic drug testing at a time and in a
20 manner as ordered by the court, but no less than 3 times during
21 the period of the probation, with the cost of the testing to be
22 paid by the probationer; and (4) perform no less than 30 hours
23 of community service, provided community service is available
24 in the jurisdiction and is funded and approved by the county
25 board. The court may give credit toward the fulfillment of

1 community service hours for participation in activities and
2 treatment as determined by court services.

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

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

9 (2) pay a fine and costs;

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

12 (4) undergo medical or psychiatric treatment; or
13 treatment for drug addiction or alcoholism;

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

16 (6) support his dependents;

17 (7) refrain from possessing a firearm or other
18 dangerous weapon;

19 (7-5) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the Cannabis
21 Control Act, the Illinois Controlled Substances Act, or
22 the Methamphetamine Control and Community Protection Act,
23 unless prescribed by a physician, and submit samples of
24 his or her blood or urine or both for tests to determine
25 the presence of any illicit drug;

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

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

2 (ii) attend school;

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

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

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

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

9 (f) Upon fulfillment of the terms and conditions of
10 probation, the court shall discharge such person and dismiss
11 the proceedings against him.

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

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

22 (i) If a person is convicted of an offense under this Act,
23 the Illinois Controlled Substances Act, or the Methamphetamine
24 Control and Community Protection Act within 5 years subsequent
25 to a discharge and dismissal under this Section, the discharge
26 and dismissal under this Section shall be admissible in the

1 sentencing proceeding for that conviction as a factor in
2 aggravation.

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

17 (k) The court shall not order fees, fines, costs or any
18 other assessments authorized under this Section against a
19 minor subject to Article III, IV, or V of the Juvenile Court
20 Act of 1987, or a minor under the age of 18 transferred to
21 adult court or excluded from juvenile court jurisdiction under
22 Article V of the Juvenile Court Act of 1987, or the minor's
23 parent, guardian, or legal custodian.

24 (Source: P.A. 99-480, eff. 9-9-15; 100-3, eff. 1-1-18;
25 100-575, eff. 1-8-18.)

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

4 (730 ILCS 5/5-4.5-105)

5 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF
6 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

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

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

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

22 (3) the person's family, home environment, educational
23 and social background, including any history of parental
24 neglect, physical abuse, or other childhood trauma;

25 (4) the person's potential for rehabilitation or

1 evidence of rehabilitation, or both;

2 (5) the circumstances of the offense;

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

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

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

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

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

26 (c) Notwithstanding any other provision of law, if the

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

11 (d) The court shall not order any fees, fines, or
12 administrative costs against a minor subject to this Code or
13 against the minor's parent, guardian, or legal custodian. For
14 purposes of this amendatory Act of the 103rd General Assembly,
15 "minor" has the meaning provided in Section 1-3 of the
16 Juvenile Court Act of 1987 and includes any 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.

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

22 (730 ILCS 5/5-5-10)

23 Sec. 5-5-10. Community service fee. When an offender or
24 defendant is ordered by the court to perform community service
25 and the offender is not otherwise assessed a fee for probation

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

22 A circuit court shall ~~may~~ not impose a probation fee on a
23 minor subject to the Juvenile Court Act of 1987, or on a minor
24 under the age of 18 transferred to adult court or excluded from
25 juvenile court jurisdiction under Article V of the Juvenile
26 Court Act of 1987, or the minor's parent, guardian, or legal

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

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

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

20 (1) not violate any criminal statute of any
21 jurisdiction;

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

24 (3) refrain from possessing a firearm or other
25 dangerous weapon where the offense is a felony or, if a

1 misdemeanor, the offense involved the intentional or
2 knowing infliction of bodily harm or threat of bodily
3 harm;

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

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

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized
22 gang and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

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

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

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

16 (8) if convicted of possession of a substance
17 prohibited by the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act after a previous conviction
20 or disposition of supervision for possession of a
21 substance prohibited by the Cannabis Control Act or
22 Illinois Controlled Substances Act or after a sentence of
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act and upon a finding by the court that the

1 person is addicted, undergo treatment at a substance abuse
2 program approved by the court;

3 (8.5) if convicted of a felony sex offense as defined
4 in the Sex Offender Management Board Act, the person shall
5 undergo and successfully complete sex offender treatment
6 by a treatment provider approved by the Board and
7 conducted in conformance with the standards developed
8 under the Sex Offender Management Board Act;

9 (8.6) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing
11 at the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders;

20 (8.7) if convicted for an offense committed on or
21 after June 1, 2008 (the effective date of Public Act
22 95-464) that would qualify the accused as a child sex
23 offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 refrain from communicating with or contacting, by means of
26 the Internet, a person who is not related to the accused

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

10 (8.8) if convicted for an offense under Section 11-6,
11 11-9.1, 11-14.4 that involves soliciting for a juvenile
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 or any attempt to commit any of these offenses, committed
15 on or after June 1, 2009 (the effective date of Public Act
16 95-983):

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

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's probation
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,
2 including the retrieval and copying of all data from
3 the computer or device and any internal or external
4 peripherals and removal of such information,
5 equipment, or device to conduct a more thorough
6 inspection;

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

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

15 (8.9) if convicted of a sex offense as defined in the
16 Sex Offender Registration Act committed on or after
17 January 1, 2010 (the effective date of Public Act 96-262),
18 refrain from accessing or using a social networking
19 website as defined in Section 17-0.5 of the Criminal Code
20 of 2012;

21 (9) if convicted of a felony or of any misdemeanor
22 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
23 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
24 2012 that was determined, pursuant to Section 112A-11.1 of
25 the Code of Criminal Procedure of 1963, to trigger the
26 prohibitions of 18 U.S.C. 922(g)(9), physically surrender

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

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

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

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

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

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

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

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

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

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

25 (2) pay a fine and costs;

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

1 training;

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

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

6 (6) support his dependents;

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

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

9 (ii) attend school;

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

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

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

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

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

25 (10) serve a term of home confinement. In addition to
26 any other applicable condition of probation or conditional

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the meaning ascribed to it in Section 16-0.1 of the
2 Criminal Code of 2012; and a person is related to the
3 accused if the person is: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused;
5 (iii) a first or second cousin of the accused; or (iv) a
6 step-child or adopted child of the accused;

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

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

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

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

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

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

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

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

26 (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the
2 Illinois Vehicle Code, the court shall not require as a
3 condition of the sentence of probation or conditional
4 discharge that the offender be committed to a period of
5 imprisonment in excess of 6 months. This 6-month limit shall
6 not include periods of confinement given pursuant to a
7 sentence of county impact incarceration under Section 5-8-1.2.

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

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

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

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

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

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

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

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

1 and Family Services under the Juvenile Court Act of 1987 while
2 the minor is in placement. The fee shall be imposed only upon
3 an offender 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 under Section 15.1 of the Probation and Probation Officers
9 Act.

10 A circuit court may not impose a probation fee under this
11 subsection (i) in excess of \$25 per month unless the circuit
12 court has adopted, by administrative order issued by the chief
13 judge, a standard probation fee guide determining an
14 offender's ability to pay. Of the amount collected as a
15 probation fee, up to \$5 of that fee collected per month may be
16 used to provide services to 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 Public Act 93-970 deletes the \$10 increase in the fee
4 under this subsection that was imposed by Public Act 93-616.
5 This deletion is intended to control over any other Act of the
6 93rd General Assembly that retains or incorporates that fee
7 increase.

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

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

26 (k) Any offender who is sentenced to probation or

1 conditional discharge for a felony sex offense as defined in
2 the Sex Offender Management Board Act or any offense that the
3 court or probation department has determined to be sexually
4 motivated as defined in the Sex Offender Management Board Act
5 shall be required to refrain from any contact, directly or
6 indirectly, with any persons specified by the court and shall
7 be available for all evaluations and treatment programs
8 required by the court or the probation department.

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

13 (m) Except for restitution, the court shall not order any
14 fees, fines, costs, or other applicable assessments authorized
15 under this Section against a minor subject to Article III, IV,
16 or V of the Juvenile Court Act of 1987, or a minor under the
17 age 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 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

21 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

22 Sec. 5-6-3.1. Incidents and conditions of supervision.

23 (a) When a defendant is placed on supervision, the court
24 shall enter an order for supervision specifying the period of
25 such supervision, and shall defer further proceedings in the

1 case until the conclusion of the period.

2 (b) The period of supervision shall be reasonable under
3 all of the circumstances of the case, but may not be longer
4 than 2 years, unless the defendant has failed to pay the
5 assessment required by Section 10.3 of the Cannabis Control
6 Act, Section 411.2 of the Illinois Controlled Substances Act,
7 or Section 80 of the Methamphetamine Control and Community
8 Protection Act, in which case the court may extend supervision
9 beyond 2 years. Additionally, the court shall order the
10 defendant to perform no less than 30 hours of community
11 service and not more than 120 hours of community service, if
12 community service is available in the jurisdiction and is
13 funded and approved by the county board where the offense was
14 committed, when the offense (1) was related to or in
15 furtherance of the criminal activities of an organized gang or
16 was motivated by the defendant's membership in or allegiance
17 to an organized gang; or (2) is a violation of any Section of
18 Article 24 of the Criminal Code of 1961 or the Criminal Code of
19 2012 where a disposition of supervision is not prohibited by
20 Section 5-6-1 of this Code. The community service shall
21 include, but not be limited to, the cleanup and repair of any
22 damage caused by violation of Section 21-1.3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 and similar damages
24 to property located within the municipality or county in which
25 the violation occurred. Where possible and reasonable, the
26 community service should be performed in the offender's

1 neighborhood.

2 For the purposes of this Section, "organized gang" has the
3 meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (c) The court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the court require that
9 the person:

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

14 (2) pay a fine and costs;

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

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

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

21 (6) support his dependents;

22 (7) refrain from possessing a firearm or other
23 dangerous weapon;

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

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

26 (ii) attend school;

- 1 (iii) attend a non-residential program for youth;
- 2 (iv) provide nonfinancial contributions ~~contribute~~
- 3 to his own support at home or in a foster home; or
- 4 (v) with the consent of the superintendent of the
- 5 facility, attend an educational program at a facility
- 6 other than the school in which the offense was
- 7 committed if he or she is placed on supervision for a
- 8 crime of violence as defined in Section 2 of the Crime
- 9 Victims Compensation Act committed in a school, on the
- 10 real property comprising a school, or within 1,000
- 11 feet of the real property comprising a school;
- 12 (9) make restitution or reparation in an amount not to
- 13 exceed actual loss or damage to property and pecuniary
- 14 loss or make restitution under Section 5-5-6 to a domestic
- 15 violence shelter. The court shall determine the amount and
- 16 conditions of payment;
- 17 (10) perform some reasonable public or community
- 18 service;
- 19 (11) comply with the terms and conditions of an order
- 20 of protection issued by the court pursuant to the Illinois
- 21 Domestic Violence Act of 1986 or an order of protection
- 22 issued by the court of another state, tribe, or United
- 23 States territory. If the court has ordered the defendant
- 24 to make a report and appear in person under paragraph (1)
- 25 of this subsection, a copy of the order of protection
- 26 shall be transmitted to the person or agency so designated

1 by the court;

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

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

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

25 (15) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of person, including but not limited to members of
2 street gangs and drug users or dealers;

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

10 (17) refrain from operating any motor vehicle not
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1 of the Illinois Vehicle Code; under this
13 condition the court may allow a defendant who is not
14 self-employed to operate a vehicle owned by the
15 defendant's employer that is not equipped with an ignition
16 interlock device in the course and scope of the
17 defendant's employment; and

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

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

3 (c-5) If payment of restitution as ordered has not been
4 made, the victim shall file a petition notifying the
5 sentencing court, any other person to whom restitution is
6 owed, and the State's Attorney of the status of the ordered
7 restitution payments unpaid at least 90 days before the
8 supervision expiration date. If payment as ordered has not
9 been made, the court shall hold a review hearing prior to the
10 expiration date, unless the hearing is voluntarily waived by
11 the defendant with the knowledge that waiver may result in an
12 extension of the supervision period or in a revocation of
13 supervision. If the court does not extend supervision, it
14 shall issue a judgment for the unpaid restitution and direct
15 the clerk of the circuit court to file and enter the judgment
16 in the judgment and lien docket, without fee, unless it finds
17 that the victim has recovered a judgment against the defendant
18 for the amount covered by the restitution order. If the court
19 issues a judgment for the unpaid restitution, the court shall
20 send to the defendant at his or her last known address written
21 notification that a civil judgment has been issued for the
22 unpaid restitution.

23 (d) The court shall defer entering any judgment on the
24 charges until the conclusion of the supervision.

25 (e) At the conclusion of the period of supervision, if the
26 court determines that the defendant has successfully complied

1 with all of the conditions of supervision, the court shall
2 discharge the defendant and enter a judgment dismissing the
3 charges.

4 (f) Discharge and dismissal upon a successful conclusion
5 of a disposition of supervision shall be deemed without
6 adjudication of guilt and shall not be termed a conviction for
7 purposes of disqualification or disabilities imposed by law
8 upon conviction of a crime. Two years after the discharge and
9 dismissal under this Section, unless the disposition of
10 supervision was for a violation of Sections 3-707, 3-708,
11 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance, or for a violation of
13 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961
14 or the Criminal Code of 2012, in which case it shall be 5 years
15 after discharge and dismissal, a person may have his record of
16 arrest sealed or expunged as may be provided by law. However,
17 any defendant placed on supervision before January 1, 1980,
18 may move for sealing or expungement of his arrest record, as
19 provided by law, at any time after discharge and dismissal
20 under this Section. A person placed on supervision for a
21 sexual offense committed against a minor as defined in clause
22 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
23 for a violation of Section 11-501 of the Illinois Vehicle Code
24 or a similar provision of a local ordinance shall not have his
25 or her record of arrest sealed or expunged.

26 (g) A defendant placed on supervision and who during the

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

24 The Chief Judge of the circuit court of the county may by
25 administrative order establish a program for electronic
26 monitoring of offenders, in which a vendor supplies and

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

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

9 (h) A disposition of supervision is a final order for the
10 purposes of appeal.

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

1 shall pay all monies collected from this fee to the county
2 treasurer for deposit in the probation and court services fund
3 pursuant to Section 15.1 of the Probation and Probation
4 Officers Act.

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

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

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar
2 provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under the Criminal
4 and Traffic Assessment Act.

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

1 by the court to be a person with a developmental disability or
2 otherwise mentally incapable of completing the educational or
3 vocational program.

4 (1) The court shall require a defendant placed on
5 supervision for possession of a substance prohibited by the
6 Cannabis Control Act, the Illinois Controlled Substances Act,
7 or the Methamphetamine Control and Community Protection Act
8 after a previous conviction or disposition of supervision for
9 possession of a substance prohibited by the Cannabis Control
10 Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act or a
12 sentence of probation under Section 10 of the Cannabis Control
13 Act or Section 410 of the Illinois Controlled Substances Act
14 and after a finding by the court that the person is addicted,
15 to undergo treatment at a substance abuse program approved by
16 the court.

17 (m) The Secretary of State shall require anyone placed on
18 court supervision for a violation of Section 3-707 of the
19 Illinois Vehicle Code or a similar provision of a local
20 ordinance to give proof of his or her financial responsibility
21 as defined in Section 7-315 of the Illinois Vehicle Code. The
22 proof shall be maintained by the individual in a manner
23 satisfactory to the Secretary of State for a minimum period of
24 3 years after the date the proof is first filed. The proof
25 shall be limited to a single action per arrest and may not be
26 affected by any post-sentence disposition. The Secretary of

1 State shall suspend the driver's license of any person
2 determined by the Secretary to be in violation of this
3 subsection. This subsection does not apply to a person who, at
4 the time of the offense, was operating a motor vehicle
5 registered in a state other than Illinois.

6 (n) Any offender placed on supervision for any offense
7 that the court or probation department has determined to be
8 sexually motivated as defined in the Sex Offender Management
9 Board Act shall be required to refrain from any contact,
10 directly or indirectly, with any persons specified by the
11 court and shall be available for all evaluations and treatment
12 programs required by the court or the probation department.

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

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

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

12 (q) An offender placed on supervision for an offense
13 committed on or after June 1, 2008 (the effective date of
14 Public Act 95-464) that would qualify the accused as a child
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
17 ordered by the court, refrain from communicating with or
18 contacting, by means of the Internet, a person who is related
19 to the accused and whom the accused reasonably believes to be
20 under 18 years of age. For purposes of this subsection (q),
21 "Internet" has the meaning ascribed to it in Section 16-0.1 of
22 the Criminal Code of 2012; and a person is related to the
23 accused if the person is: (i) the spouse, brother, or sister of
24 the accused; (ii) a descendant of the accused; (iii) a first or
25 second cousin of the accused; or (iv) a step-child or adopted
26 child of the accused.

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

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

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

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

26 (iv) submit to any other appropriate restrictions

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

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

11 (t) An offender placed on supervision for a sex offense as
12 defined in the Sex Offender Registration Act committed on or
13 after January 1, 2010 (the effective date of Public Act
14 96-262) shall refrain from accessing or using a social
15 networking website as defined in Section 17-0.5 of the
16 Criminal Code of 2012.

17 (u) Jurisdiction over an offender may be transferred from
18 the sentencing court to the court of another circuit with the
19 concurrence of both courts. Further transfers or retransfers
20 of jurisdiction are also authorized in the same manner. The
21 court to which jurisdiction has been transferred shall have
22 the same powers as the sentencing court. The probation
23 department within the circuit to which jurisdiction has been
24 transferred may impose probation fees upon receiving the
25 transferred offender, as provided in subsection (i). The
26 probation department from the original sentencing court shall

1 retain all probation fees collected prior to the transfer.

2 (v) Except for restitution, the court shall not order any
3 fees, fines, costs, or other applicable assessments authorized
4 under this Section against a minor subject to Article III, IV,
5 or V of the Juvenile Court Act of 1987, or a minor under the
6 age of 18 transferred to adult court or excluded from juvenile
7 court jurisdiction under Article V of the Juvenile Court Act
8 of 1987, or the minor's parent, guardian, or legal custodian.

9 (Source: P.A. 102-299, eff. 8-6-21.)

10 (730 ILCS 5/5-7-6) (from Ch. 38, par. 1005-7-6)

11 Sec. 5-7-6. Duty of Clerk of Court or the Department of
12 Corrections; collection and disposition of compensation.

13 (a) Every gainfully employed offender shall be responsible
14 for managing his or her earnings. The clerk of the circuit
15 court shall have only those responsibilities regarding an
16 offender's earnings as are set forth in this Section.

17 Every offender, including offenders who are sentenced to
18 periodic imprisonment for weekends only, gainfully employed
19 shall pay a fee for room and board at a rate established, with
20 the concurrence of the chief judge of the judicial circuit, by
21 the county board of the county in which the offender is
22 incarcerated. The concurrence of the chief judge shall be in
23 the form of an administrative order. In establishing the fee
24 for room and board consideration may be given to all costs
25 incidental to the incarceration of offenders. If an offender

1 is necessarily absent from the institution at mealtime he or
2 she shall, without additional charge, be furnished with a meal
3 to carry to work. Each week, on a day designated by the clerk
4 of the circuit court, every offender shall pay the clerk the
5 fees for the offender's room and board. Failure to pay the
6 clerk on the day designated shall result in the termination of
7 the offender's release. All fees for room and board collected
8 by the circuit court clerk shall be disbursed into the
9 county's General Corporate Fund.

10 By order of the court, all or a portion of the earnings of
11 employed offenders shall be turned over to the clerk to be
12 distributed for the following purposes, in the order stated:

13 (1) the room and board of the offender;

14 (2) necessary travel expenses to and from work and
15 other incidental expenses of the offender, when those
16 expenses are incurred by the administrator of the
17 offender's imprisonment;

18 (3) support of the offender's dependents, if any.

19 (b) If the offender has one or more dependents who are
20 recipients of financial assistance pursuant to the Illinois
21 Public Aid Code, or who are residents of a State hospital,
22 State school or foster care facility provided by the State,
23 the court shall order the offender to turn over all or a
24 portion of his earnings to the clerk who shall, after making
25 the deductions provided for under paragraph (a), distribute
26 those earnings to the appropriate agency as reimbursement for

1 the cost of care of such dependents. The order shall permit the
2 Department of Human Services (acting as successor to the
3 Illinois Department of Public Aid under the Department of
4 Human Services Act) or the local governmental unit, as the
5 case may be, to request the clerk that subsequent payments be
6 made directly to the dependents, or to some agency or person in
7 their behalf, upon removal of the dependents from the public
8 aid rolls; and upon such direction and removal of the
9 recipients from the public aid rolls, the Department of Human
10 Services or the local governmental unit, as the case requires,
11 shall give written notice of such action to the court.
12 Payments received by the Department of Human Services or by
13 governmental units in behalf of recipients of public aid shall
14 be deposited into the General Revenue Fund of the State
15 Treasury or General Assistance Fund of the governmental unit,
16 under Section 10-19 of the Illinois Public Aid Code.

17 (c) The clerk of the circuit court shall keep individual
18 accounts of all money collected by him as required by this
19 Article. He shall deposit all moneys as trustee in a
20 depository designated by the county board and shall make
21 payments required by the court's order from such trustee
22 account. Such accounts shall be subject to audit in the same
23 manner as accounts of the county are audited.

24 (d) If an institution or the Department of Corrections
25 certifies to the court that it can administer this Section
26 with respect to persons committed to it under this Article,

1 the clerk of the court shall be relieved of its duties under
2 this Section and they shall be assumed by such institution or
3 the Department.

4 (e) The court shall not order any fees, fines, costs, or
5 other applicable assessments authorized under this Section
6 against a minor subject to Article III, IV, or V of the
7 Juvenile Court Act of 1987, or a minor under the age of 18
8 transferred to adult court or excluded from juvenile court
9 jurisdiction under Article V of the Juvenile Court Act of
10 1987, or the minor's parent, guardian, or legal custodian.

11 (Source: P.A. 90-14, eff. 7-1-97; 91-357, eff. 7-29-99.)

12 (730 ILCS 5/5-8A-6)

13 Sec. 5-8A-6. Electronic monitoring of certain sex
14 offenders. For a sexual predator subject to electronic
15 monitoring under paragraph (7.7) of subsection (a) of Section
16 3-3-7, the Department of Corrections must use a system that
17 actively monitors and identifies the offender's current
18 location and timely reports or records the offender's presence
19 and that alerts the Department of the offender's presence
20 within a prohibited area described in Section 11-9.3 of the
21 Criminal Code of 2012, in a court order, or as a condition of
22 the offender's parole, mandatory supervised release, or
23 extended mandatory supervised release and the offender's
24 departure from specified geographic limitations. To the extent
25 that he or she is able to do so, which the Department of

1 Corrections by rule shall determine, the offender must pay for
2 the cost of the electronic monitoring. The court shall not
3 order any costs authorized under this Section against a minor
4 subject to Article III, IV, or V of the Juvenile Court Act of
5 1987, or a minor under the age of 18 transferred to adult court
6 or excluded from juvenile court jurisdiction under Article V
7 of the Juvenile Court Act of 1987, or the minor's parent,
8 guardian, or legal custodian.

9 (Source: P.A. 99-797, eff. 8-12-16; 100-431, eff. 8-25-17.)

10 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

11 Sec. 5-9-1.4. (a) "Crime laboratory" means any
12 not-for-profit laboratory registered with the Drug Enforcement
13 Administration of the United States Department of Justice,
14 substantially funded by a unit or combination of units of
15 local government or the State of Illinois, which regularly
16 employs at least one person engaged in the analysis of
17 controlled substances, cannabis, methamphetamine, or steroids
18 for criminal justice agencies in criminal matters and provides
19 testimony with respect to such examinations.

20 (b) (Blank).

21 (c) (Blank). ~~In addition to any other disposition made~~
22 ~~pursuant to the provisions of the Juvenile Court Act of 1987,~~
23 ~~any minor adjudicated delinquent for an offense which if~~
24 ~~committed by an adult would constitute a violation of the~~
25 ~~Cannabis Control Act, the Illinois Controlled Substances Act,~~

1 ~~the Methamphetamine Control and Community Protection Act, or~~
2 ~~the Steroid Control Act shall be required to pay a criminal~~
3 ~~laboratory analysis assessment of \$100 for each adjudication.~~
4 ~~Upon verified petition of the minor, the court may suspend~~
5 ~~payment of all or part of the assessment if it finds that the~~
6 ~~minor does not have the ability to pay the assessment. The~~
7 ~~parent, guardian, or legal custodian of the minor may pay some~~
8 ~~or all of such assessment on the minor's behalf.~~

9 (c-1) The court shall not order the payment of a criminal
10 laboratory analysis assessment, or equivalent fine, fee, or
11 administrative cost, by a minor subject to Article III, IV, or
12 V of the Juvenile Court Act of 1987, or a minor under the age
13 of 18 transferred to adult court or excluded from juvenile
14 court jurisdiction under Article V of the Juvenile Court Act
15 of 1987, or the minor's parent, guardian, or legal custodian.

16 (d) Notwithstanding subsection (c-1) of this Section, all
17 funds ~~All criminal laboratory analysis fees~~ provided for by
18 this Section shall be collected by the clerk of the court and
19 forwarded to the appropriate crime laboratory fund as provided
20 in subsection (f).

21 (e) Crime laboratory funds shall be established as
22 follows:

23 (1) Any unit of local government which maintains a
24 crime laboratory may establish a crime laboratory fund
25 within the office of the county or municipal treasurer.

26 (2) Any combination of units of local government which

1 maintains a crime laboratory may establish a crime
2 laboratory fund within the office of the treasurer of the
3 county where the crime laboratory is situated.

4 (3) The State Crime Laboratory Fund is hereby created
5 as a special fund in the State Treasury. Notwithstanding
6 any other provision of law to the contrary, and in
7 addition to any other transfers that may be provided by
8 law, on August 20, 2021 (the effective date of Public Act
9 102-505), or as soon thereafter as practical, the State
10 Comptroller shall direct and the State Treasurer shall
11 transfer the remaining balance from the State Offender DNA
12 Identification System Fund into the State Crime Laboratory
13 Fund. Upon completion of the transfer, the State Offender
14 DNA Identification System Fund is dissolved, and any
15 future deposits due to that Fund and any outstanding
16 obligations or liabilities of that Fund shall pass to the
17 State Crime Laboratory Fund.

18 (f) Funds ~~The analysis assessment provided for in~~
19 ~~subsection (c) of this Section~~ shall be forwarded to the
20 office of the treasurer of the unit of local government that
21 performed the analysis if that unit of local government has
22 established a crime laboratory fund, or to the State Crime
23 Laboratory Fund if the analysis was performed by a laboratory
24 operated by the Illinois State Police. If the analysis was
25 performed by a crime laboratory funded by a combination of
26 units of local government, the funds ~~analysis assessment~~ shall

1 be forwarded to the treasurer of the county where the crime
2 laboratory is situated if a crime laboratory fund has been
3 established in that county. If the unit of local government or
4 combination of units of local government has not established a
5 crime laboratory fund, then the funds ~~analysis~~ assessment
6 shall be forwarded to the State Crime Laboratory Fund.

7 (g) Moneys deposited into a crime laboratory fund created
8 pursuant to paragraph (1) or (2) of subsection (e) of this
9 Section shall be in addition to any allocations made pursuant
10 to existing law and shall be designated for the exclusive use
11 of the crime laboratory. These uses may include, but are not
12 limited to, the following:

13 (1) costs incurred in providing analysis for
14 controlled substances in connection with criminal
15 investigations conducted within this State;

16 (2) purchase and maintenance of equipment for use in
17 performing analyses; and

18 (3) continuing education, training, and professional
19 development of forensic scientists regularly employed by
20 these laboratories.

21 (h) Moneys deposited in the State Crime Laboratory Fund
22 created pursuant to paragraph (3) of subsection (d) of this
23 Section shall be used by State crime laboratories as
24 designated by the Director of the Illinois State Police. These
25 funds shall be in addition to any allocations made pursuant to
26 existing law and shall be designated for the exclusive use of

1 State crime laboratories or for the sexual assault evidence
2 tracking system created under Section 50 of the Sexual Assault
3 Evidence Submission Act. These uses may include those
4 enumerated in subsection (g) of this Section.

5 (Source: P.A. 101-377, eff. 8-16-19; 102-505, eff. 8-20-21;
6 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

7 (730 ILCS 5/5-9-1.9)

8 Sec. 5-9-1.9. DUI analysis ~~fee~~.

9 (a) "Crime laboratory" means a not-for-profit laboratory
10 substantially funded by a single unit or combination of units
11 of local government or the State of Illinois that regularly
12 employs at least one person engaged in the DUI analysis of
13 blood, other bodily substance, and urine for criminal justice
14 agencies in criminal matters and provides testimony with
15 respect to such examinations.

16 "DUI analysis" means an analysis of blood, other bodily
17 substance, or urine for purposes of determining whether a
18 violation of Section 11-501 of the Illinois Vehicle Code has
19 occurred.

20 (b) (Blank).

21 (c) (Blank). ~~In addition to any other disposition made~~
22 ~~under the provisions of the Juvenile Court Act of 1987, any~~
23 ~~minor adjudicated delinquent for an offense which if committed~~
24 ~~by an adult would constitute a violation of Section 11-501 of~~
25 ~~the Illinois Vehicle Code shall pay a crime laboratory DUI~~

1 ~~analysis assessment of \$150 for each adjudication. Upon~~
2 ~~verified petition of the minor, the court may suspend payment~~
3 ~~of all or part of the assessment if it finds that the minor~~
4 ~~does not have the ability to pay the assessment. The parent,~~
5 ~~guardian, or legal custodian of the minor may pay some or all~~
6 ~~of the assessment on the minor's behalf.~~

7 (c-1) The court shall not order the payment of a criminal
8 laboratory DUI analysis assessment, or equivalent fine, fee,
9 or administrative cost, by a minor subject to Article III, IV,
10 or V of the Juvenile Court Act of 1987, or a minor under the
11 age of 18 transferred to adult court or excluded from juvenile
12 court jurisdiction under Article V of the Juvenile Court Act
13 of 1987, or the minor's parent, guardian, or legal custodian.

14 (d) Notwithstanding subsection (c-1), all funds ~~All crime~~
15 ~~laboratory DUI analysis assessments~~ provided for by this
16 Section shall be collected by the clerk of the court and
17 forwarded to the appropriate crime laboratory DUI fund as
18 provided in subsection (f).

19 (e) Crime laboratory funds shall be established as
20 follows:

21 (1) A unit of local government that maintains a crime
22 laboratory may establish a crime laboratory DUI fund
23 within the office of the county or municipal treasurer.

24 (2) Any combination of units of local government that
25 maintains a crime laboratory may establish a crime
26 laboratory DUI fund within the office of the treasurer of

1 the county where the crime laboratory is situated.

2 (3) (Blank).

3 (f) Notwithstanding subsection (c-1), all funds ~~The~~
4 ~~analysis assessment provided for in subsection (c) of this~~
5 ~~Section~~ shall be forwarded to the office of the treasurer of
6 the unit of local government that performed the analysis if
7 that unit of local government has established a crime
8 laboratory DUI fund, or remitted to the State Treasurer for
9 deposit into the State Crime Laboratory Fund if the analysis
10 was performed by a laboratory operated by the Illinois State
11 Police. If the analysis was performed by a crime laboratory
12 funded by a combination of units of local government, the
13 funds ~~analysis assessment~~ shall be forwarded to the treasurer
14 of the county where the crime laboratory is situated if a crime
15 laboratory DUI fund has been established in that county. If
16 the unit of local government or combination of units of local
17 government has not established a crime laboratory DUI fund,
18 then the funds ~~analysis assessment~~ shall be remitted to the
19 State Treasurer for deposit into the State Crime Laboratory
20 Fund.

21 (g) Moneys deposited into a crime laboratory DUI fund
22 created under paragraphs (1) and (2) of subsection (e) of this
23 Section shall be in addition to any allocations made pursuant
24 to existing law and shall be designated for the exclusive use
25 of the crime laboratory. These uses may include, but are not
26 limited to, the following:

1 (1) Costs incurred in providing analysis for DUI
2 investigations conducted within this State.

3 (2) Purchase and maintenance of equipment for use in
4 performing analyses.

5 (3) Continuing education, training, and professional
6 development of forensic scientists regularly employed by
7 these laboratories.

8 (h) Moneys deposited in the State Crime Laboratory Fund
9 shall be used by State crime laboratories as designated by the
10 Director of the Illinois State Police. These funds shall be in
11 addition to any allocations made according to existing law and
12 shall be designated for the exclusive use of State crime
13 laboratories. These uses may include those enumerated in
14 subsection (g) of this Section.

15 (i) Notwithstanding any other provision of law to the
16 contrary and in addition to any other transfers that may be
17 provided by law, on June 17, 2021 (the effective date of Public
18 Act 102-16), 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 Police DUI Fund
21 into the State Police Operations Assistance Fund. Upon
22 completion of the transfer, the State Police DUI Fund is
23 dissolved, and any future deposits due to that Fund and any
24 outstanding obligations or liabilities of that Fund shall pass
25 to the State Police Operations Assistance Fund.

26 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;

1 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

2 Section 45. The Code of Civil Procedure is amended by
3 changing Section 2-202 as follows:

4 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

5 Sec. 2-202. Persons authorized to serve process; place of
6 service; failure to make return.

7 (a) Process shall be served by a sheriff, or if the sheriff
8 is disqualified, by a coroner of some county of the State. In
9 matters where the county or State is an interested party,
10 process may be served by a special investigator appointed by
11 the State's Attorney of the county, as defined in Section
12 3-9005 of the Counties Code. A sheriff of a county with a
13 population of less than 2,000,000 may employ civilian
14 personnel to serve process. In counties with a population of
15 less than 2,000,000, process may be served, without special
16 appointment, by a person who is licensed or registered as a
17 private detective under the Private Detective, Private Alarm,
18 Private Security, Fingerprint Vendor, and Locksmith Act of
19 2004 or by a registered employee of a private detective agency
20 certified under that Act as defined in Section (a-5). A
21 private detective or licensed employee must supply the sheriff
22 of any county in which he serves process with a copy of his
23 license or certificate; however, the failure of a person to
24 supply the copy shall not in any way impair the validity of

1 process served by the person. The court may, in its discretion
2 upon motion, order service to be made by a private person over
3 18 years of age and not a party to the action. It is not
4 necessary that service be made by a sheriff or coroner of the
5 county in which service is made. If served or sought to be
6 served by a sheriff or coroner, he or she shall endorse his or
7 her return thereon, and if by a private person the return shall
8 be by affidavit.

9 (a-5) Upon motion and in its discretion, the court may
10 appoint as a special process server a private detective agency
11 certified under the Private Detective, Private Alarm, Private
12 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
13 the appointment, any employee of the private detective agency
14 who is registered under that Act may serve the process. The
15 motion and the order of appointment must contain the number of
16 the certificate issued to the private detective agency by the
17 Department of Professional Regulation under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004. A private detective or
20 private detective agency shall send, one time only, a copy of
21 his, her, or its individual private detective license or
22 private detective agency certificate to the county sheriff in
23 each county in which the detective or detective agency or his,
24 her, or its employees serve process, regardless of the size of
25 the population of the county. As long as the license or
26 certificate is valid and meets the requirements of the

1 Department of Financial and Professional Regulation, a new
2 copy of the current license or certificate need not be sent to
3 the sheriff. A private detective agency shall maintain a list
4 of its registered employees. Registered employees shall
5 consist of:

6 (1) an employee who works for the agency holding a
7 valid Permanent Employee Registration Card;

8 (2) a person who has applied for a Permanent Employee
9 Registration Card, has had his or her fingerprints
10 processed and cleared by the Illinois State Police and the
11 FBI, and as to whom the Department of Financial and
12 Professional Regulation website shows that the person's
13 application for a Permanent Employee Registration Card is
14 pending;

15 (3) a person employed by a private detective agency
16 who is exempt from a Permanent Employee Registration Card
17 requirement because the person is a current peace officer;
18 and

19 (4) a private detective who works for a private
20 detective agency as an employee.

21 A detective agency shall maintain this list and forward it to
22 any sheriff's department that requests this list within 5
23 business days after the receipt of the request.

24 (b) Summons may be served upon the defendants wherever
25 they may be found in the State, by any person authorized to
26 serve process. An officer may serve summons in his or her

1 official capacity outside his or her county, but fees for
2 mileage outside the county of the officer cannot be taxed as
3 costs. The person serving the process in a foreign county may
4 make return by mail.

5 (c) If any sheriff, coroner, or other person to whom any
6 process is delivered, neglects or refuses to make return of
7 the same, the plaintiff may petition the court to enter a rule
8 requiring the sheriff, coroner, or other person, to make
9 return of the process on a day to be fixed by the court, or to
10 show cause on that day why that person should not be attached
11 for contempt of the court. The plaintiff shall then cause a
12 written notice of the rule to be served on the sheriff,
13 coroner, or other person. If good and sufficient cause be not
14 shown to excuse the officer or other person, the court shall
15 adjudge him or her guilty of a contempt, and shall impose
16 punishment as in other cases of contempt.

17 (d) Except as provided in Sections 1-19, 3-17, 4-14, and
18 5-252 of the Juvenile Court Act of 1987, if ~~If~~ process is
19 served by a sheriff, coroner, or special investigator
20 appointed by the State's Attorney, the court may tax the fee of
21 the sheriff, coroner, or State's Attorney's special
22 investigator as costs in the proceeding. If process is served
23 by a private person or entity, the court may establish a fee
24 therefor and tax such fee as costs in the proceedings.

25 (e) In addition to the powers stated in Section 8.1a of the
26 Housing Authorities Act, in counties with a population of

1 3,000,000 or more inhabitants, members of a housing authority
2 police force may serve process for eviction actions commenced
3 by that housing authority and may execute eviction orders for
4 that housing authority.

5 (f) In counties with a population of 3,000,000 or more,
6 process may be served, with special appointment by the court,
7 by a private process server or a law enforcement agency other
8 than the county sheriff in proceedings instituted under
9 Article IX of this Code as a result of a lessor or lessor's
10 assignee declaring a lease void pursuant to Section 11 of the
11 Controlled Substance and Cannabis Nuisance Act.

12 (Source: P.A. 102-538, eff. 8-20-21.)

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."