

1 AN ACT in relation to criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-6-3.1 as follows:

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

7 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

8 (a) When a defendant is placed on supervision, the court  
9 shall enter an order for supervision specifying the period of  
10 such supervision, and shall defer further proceedings in the  
11 case until the conclusion of the period.

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

1 damages to property located within the municipality or county  
2 in which the violation occurred. Where possible and  
3 reasonable, the community service should be performed in the  
4 offender's neighborhood.

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

25 (7) refrain from possessing a firearm or other  
26 dangerous weapon;

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

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

30 (ii) attend school;

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

33 (iv) contribute to his own support at home or  
34 in a foster home; or

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

10          (9) make restitution or reparation in an amount not  
11          to exceed actual loss or damage to property and pecuniary  
12          loss or make restitution under Section 5-5-6 to a  
13          domestic violence shelter. The court shall determine the  
14          amount and conditions of payment;

15          (10) perform some reasonable public or community  
16          service;

17          (11) comply with the terms and conditions of an  
18          order of protection issued by the court pursuant to the  
19          Illinois Domestic Violence Act of 1986 or an order of  
20          protection issued by the court of another state, tribe,  
21          or United States territory. If the court has ordered the  
22          defendant to make a report and appear in person under  
23          paragraph (1) of this subsection, a copy of the order of  
24          protection shall be transmitted to the person or agency  
25          so designated by the court;

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

32          (13) contribute a reasonable sum of money, not to  
33          exceed the maximum amount of the fine authorized for the  
34          offense for which the defendant was sentenced, to a

1 "local anti-crime program", as defined in Section 7 of  
2 the Anti-Crime Advisory Council Act;

3 (14) refrain from entering into a designated  
4 geographic area except upon such terms as the court finds  
5 appropriate. Such terms may include consideration of the  
6 purpose of the entry, the time of day, other persons  
7 accompanying the defendant, and advance approval by a  
8 probation officer;

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

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

19 (17) refrain from operating any motor vehicle not  
20 equipped with an ignition interlock device as defined in  
21 Section 1-129.1 of the Illinois Vehicle Code. Under this  
22 condition the court may allow a defendant who is not  
23 self-employed to operate a vehicle owned by the  
24 defendant's employer that is not equipped with an  
25 ignition interlock device in the course and scope of the  
26 defendant's employment.

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

29 (e) At the conclusion of the period of supervision, if  
30 the court determines that the defendant has successfully  
31 complied with all of the conditions of supervision, the court  
32 shall discharge the defendant and enter a judgment dismissing  
33 the charges.

34 (f) Discharge and dismissal upon a successful conclusion

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

23 (g) A defendant placed on supervision and who during the  
24 period of supervision undergoes mandatory drug or alcohol  
25 testing, or both, or is assigned to be placed on an approved  
26 electronic monitoring device, shall be ordered to pay the  
27 costs incidental to such mandatory drug or alcohol testing,  
28 or both, and costs incidental to such approved electronic  
29 monitoring in accordance with the defendant's ability to pay  
30 those costs. The county board with the concurrence of the  
31 Chief Judge of the judicial circuit in which the county is  
32 located shall establish reasonable fees for the cost of  
33 maintenance, testing, and incidental expenses related to the  
34 mandatory drug or alcohol testing, or both, and all costs

1 incidental to approved electronic monitoring, of all  
2 defendants placed on supervision. The concurrence of the  
3 Chief Judge shall be in the form of an administrative order.  
4 The fees shall be collected by the clerk of the circuit  
5 court. The clerk of the circuit court shall pay all moneys  
6 collected from these fees to the county treasurer who shall  
7 use the moneys collected to defray the costs of drug testing,  
8 alcohol testing, and electronic monitoring. The county  
9 treasurer shall deposit the fees collected in the county  
10 working cash fund under Section 6-27001 or Section 6-29002 of  
11 the Counties Code, as the case may be.

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

14 (i) The court shall impose upon a defendant placed on  
15 supervision after January 1, 1992, as a condition of  
16 supervision, a fee of \$25 for each month of supervision  
17 ordered by the court, unless after determining the inability  
18 of the person placed on supervision to pay the fee, the court  
19 assesses a lesser fee. The court may not impose the fee on a  
20 minor who is made a ward of the State under the Juvenile  
21 Court Act of 1987 while the minor is in placement. The fee  
22 shall be imposed only upon a defendant who is actively  
23 supervised by the probation and court services department.  
24 The fee shall be collected by the clerk of the circuit court.  
25 The clerk of the circuit court shall pay all monies collected  
26 from this fee to the county treasurer for deposit in the  
27 probation and court services fund pursuant to Section 15.1 of  
28 the Probation and Probation Officers Act.

29 (j) All fines and costs imposed under this Section for  
30 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
31 Vehicle Code, or a similar provision of a local ordinance,  
32 and any violation of the Child Passenger Protection Act, or a  
33 similar provision of a local ordinance, shall be collected  
34 and disbursed by the circuit clerk as provided under Section

1 27.5 of the Clerks of Courts Act.

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

27 (l) The court shall require a defendant placed on  
28 supervision for possession of a substance prohibited by the  
29 Cannabis Control Act or Illinois Controlled Substances Act  
30 after a previous conviction or disposition of supervision for  
31 possession of a substance prohibited by the Cannabis Control  
32 Act or Illinois Controlled Substances Act or a sentence of  
33 probation under Section 10 of the Cannabis Control Act or  
34 Section 410 of the Illinois Controlled Substances Act and

1 after a finding by the court that the person is addicted, to  
2 undergo treatment at a substance abuse program approved by  
3 the court.

4 (m) The Secretary of State shall require anyone placed  
5 on court supervision for a violation of Section 3-707 of the  
6 Illinois Vehicle Code or a similar provision of a local  
7 ordinance to give proof of his or her financial  
8 responsibility as defined in Section 7-315 of the Illinois  
9 Vehicle Code. The proof shall be maintained by the  
10 individual in a manner satisfactory to the Secretary of State  
11 for a minimum period of 3 years ~~one-year~~ after the date the  
12 proof is first filed. The proof shall be limited to a single  
13 action per arrest and may not be affected by any  
14 post-sentence disposition. The Secretary of State shall  
15 suspend the driver's license of any person determined by the  
16 Secretary to be in violation of this subsection.

17 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;  
18 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.  
19 8-22-01; 92-651, eff. 7-11-02.)