

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 Illinois Administrative Procedure Act is
5 amended by changing Section 1-5 as follows:

6 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

7 Sec. 1-5. Applicability.

8 (a) This Act applies to every agency as defined in this
9 Act. Beginning January 1, 1978, in case of conflict between
10 the provisions of this Act and the Act creating or conferring
11 power on an agency, this Act shall control. If, however, an
12 agency (or its predecessor in the case of an agency that has
13 been consolidated or reorganized) has existing procedures on
14 July 1, 1977, specifically for contested cases or licensing,
15 those existing provisions control, except that this exception
16 respecting contested cases and licensing does not apply if
17 the Act creating or conferring power on the agency adopts by
18 express reference the provisions of this Act. Where the Act
19 creating or conferring power on an agency establishes
20 administrative procedures not covered by this Act, those
21 procedures shall remain in effect.

22 (b) The provisions of this Act do not apply to (i)
23 preliminary hearings, investigations, or practices where no
24 final determinations affecting State funding are made by the
25 State Board of Education, (ii) legal opinions issued under
26 Section 2-3.7 of the School Code, (iii) as to State colleges
27 and universities, their disciplinary and grievance
28 proceedings, academic irregularity and capricious grading
29 proceedings, and admission standards and procedures, and (iv)
30 the class specifications for positions and individual
31 position descriptions prepared and maintained under the

1 Personnel Code. Those class specifications shall, however,
2 be made reasonably available to the public for inspection and
3 copying. The provisions of this Act do not apply to hearings
4 under Section 20 of the Uniform Disposition of Unclaimed
5 Property Act.

6 (c) Section 5-35 of this Act relating to procedures for
7 rulemaking does not apply to the following:

8 (1) Rules adopted by the Pollution Control Board
9 that, in accordance with Section 7.2 of the Environmental
10 Protection Act, are identical in substance to federal
11 regulations or amendments to those regulations
12 implementing the following: Sections 3001, 3002, 3003,
13 3004, 3005, and 9003 of the Solid Waste Disposal Act;
14 Section 105 of the Comprehensive Environmental Response,
15 Compensation, and Liability Act of 1980; Sections 307(b),
16 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
17 Water Pollution Control Act; and Sections 1412(b),
18 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
19 Water Act.

20 (2) Rules adopted by the Pollution Control Board
21 that establish or amend standards for the emission of
22 hydrocarbons and carbon monoxide from gasoline powered
23 motor vehicles subject to inspection under Section
24 13A-105 of the Vehicle Emissions Inspection Law and rules
25 adopted under Section 13B-20 of the Vehicle Emissions
26 Inspection Law of 1995.

27 (3) Procedural rules adopted by the Pollution
28 Control Board governing requests for exceptions under
29 Section 14.2 of the Environmental Protection Act.

30 (4) The Pollution Control Board's grant, pursuant
31 to an adjudicatory determination, of an adjusted standard
32 for persons who can justify an adjustment consistent with
33 subsection (a) of Section 27 of the Environmental
34 Protection Act.

1 (5) Rules adopted by the Pollution Control Board
 2 that are identical in substance to the regulations
 3 adopted by the Office of the State Fire Marshal under
 4 clause (ii) of paragraph (b) of subsection (3) of Section
 5 2 of the Gasoline Storage Act.

6 (d) Pay rates established under Section 8a of the
 7 Personnel Code shall be amended or repealed pursuant to the
 8 process set forth in Section 5-50 within 30 days after it
 9 becomes necessary to do so due to a conflict between the
 10 rates and the terms of a collective bargaining agreement
 11 covering the compensation of an employee subject to that
 12 Code.

13 (e) Section 10-45 of this Act shall not apply to any
 14 hearing, proceeding, or investigation conducted under Section
 15 13-515 of the Public Utilities Act.

16 (f) ~~(Blank) Article 10 of this Act does not apply to any~~
 17 ~~hearing, proceeding, or investigation conducted by the State~~
 18 ~~Council for the State of Illinois created under Section~~
 19 ~~3-3-11.05 of the Unified Code of Corrections or by the~~
 20 ~~Interstate Commission for Adult Offender Supervision created~~
 21 ~~under the Interstate Compact for Adult Offender Supervision.~~

22 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

23 (45 ILCS 170/Act rep.)

24 Section 10. The Interstate Compact for Adult Offender
 25 Supervision is repealed.

26 Section 15. The Unified Code of Corrections is amended
 27 by changing Sections 5-4-3 and 5-6-3 and adding Section
 28 3-3-11.6 as follows:

29 (730 ILCS 5/3-3-11.6 new)

30 Sec. 3-3-11.6. Interstate transfer of probation,
 31 parolees, and releasees prohibited. On and after the

1 effective date of this amendatory Act of the 93rd General
 2 Assembly, the transfer of persons serving probation, parole,
 3 or mandatory supervised release out of this State is
 4 prohibited and the transfer of prisoners from other states
 5 into this State to serve their probation or parole is
 6 prohibited.

7 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

8 Sec. 5-4-3. Persons convicted of, or found delinquent
 9 for, certain offenses or institutionalized as sexually
 10 dangerous; specimens; genetic marker groups.

11 (a) Any person convicted of, found guilty under the
 12 Juvenile Court Act of 1987 for, or who received a disposition
 13 of court supervision for, a qualifying offense or attempt of
 14 a qualifying offense, convicted or found guilty of any
 15 offense classified as a felony under Illinois law, found
 16 guilty or given supervision for any offense classified as a
 17 felony under the Juvenile Court Act of 1987, or
 18 institutionalized as a sexually dangerous person under the
 19 Sexually Dangerous Persons Act, or committed as a sexually
 20 violent person under the Sexually Violent Persons Commitment
 21 Act shall, regardless of the sentence or disposition imposed,
 22 be required to submit specimens of blood, saliva, or tissue
 23 to the Illinois Department of State Police in accordance with
 24 the provisions of this Section, provided such person is:

25 (1) convicted of a qualifying offense or attempt of
 26 a qualifying offense on or after July 1, 1990 the
 27 ~~effective--date--of--this--amendatory--Act--of--1989,~~ and
 28 sentenced to a term of imprisonment, periodic
 29 imprisonment, fine, probation, conditional discharge or
 30 any other form of sentence, or given a disposition of
 31 court supervision for the offense; ~~7-01~~

32 (1.5) found guilty or given supervision under the
 33 Juvenile Court Act of 1987 for a qualifying offense or

1 attempt of a qualifying offense on or after January 1,
2 1997; ~~the-effective-date-of-this-amendatory-Act-of-1996,~~
3 ~~or~~

4 (2) ordered institutionalized as a sexually
5 dangerous person on or after July 1, 1990; ~~the--effective~~
6 ~~date-of-this-amendatory-Act-of-1989,~~ ~~or~~

7 (3) convicted of a qualifying offense or attempt of
8 a qualifying offense before July 1, 1990 ~~the-effective~~
9 ~~date-of-this-amendatory-Act--of--1989~~ and is presently
10 confined as a result of such conviction in any State
11 correctional facility or county jail or is presently
12 serving a sentence of probation, conditional discharge or
13 periodic imprisonment as a result of such conviction; ~~or~~

14 (3.5) convicted or found guilty of any offense
15 classified as a felony under Illinois law or found guilty
16 or given supervision for such an offense under the
17 Juvenile Court Act of 1987 on or after August 22, 2002;
18 ~~the-effective-date--of-this-amendatory-Act--of--the--92nd~~
19 ~~General-Assembly,~~ ~~or~~

20 (4) presently institutionalized as a sexually
21 dangerous person or presently institutionalized as a
22 person found guilty but mentally ill of a sexual offense
23 or attempt to commit a sexual offense; ~~or~~

24 (4.5) ordered committed as a sexually violent
25 person on or after the effective date of the Sexually
26 Violent Persons Commitment Act; or

27 (5) (blank) ~~seeking-transfer--to--or--residency--in~~
28 ~~Illinois-under-Sections-3-3-11.05-through-3-3-11.5-of-the~~
29 ~~Unified--Code--of--Corrections-and-the-Interstate-Compact~~
30 ~~for--Adult--Offender--Supervision---or---the---Interstate~~
31 ~~Agreements-on-Sexually-Dangerous-Persons-Act.~~

32 Notwithstanding other provisions of this Section, any
33 person incarcerated in a facility of the Illinois Department
34 of Corrections on or after August 22, 2002 ~~the-effective-date~~

1 ~~ef--this-amendatory-Act-of-the-92nd-General-Assembly~~ shall be
2 required to submit a specimen of blood, saliva, or tissue
3 prior to his or her release on parole or mandatory supervised
4 release, as a condition of his or her parole or mandatory
5 supervised release.

6 (a-5) Any person who was otherwise convicted of or
7 received a disposition of court supervision for any other
8 offense under the Criminal Code of 1961 or who was found
9 guilty or given supervision for such a violation under the
10 Juvenile Court Act of 1987, may, regardless of the sentence
11 imposed, be required by an order of the court to submit
12 specimens of blood, saliva, or tissue to the Illinois
13 Department of State Police in accordance with the provisions
14 of this Section.

15 (b) Any person required by paragraphs (a)(1), (a)(1.5),
16 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
17 saliva, or tissue shall provide specimens of blood, saliva,
18 or tissue within 45 days after sentencing or disposition at a
19 collection site designated by the Illinois Department of
20 State Police.

21 (c) Any person required by paragraphs (a)(3), (a)(4),
22 and (a)(4.5) to provide specimens of blood, saliva, or tissue
23 shall be required to provide such samples prior to final
24 discharge, parole, or release at a collection site designated
25 by the Illinois Department of State Police.

26 (c-5) Any person required by paragraph (a)(5) to provide
27 specimens of blood, saliva, or tissue shall, where feasible,
28 be required to provide the specimens before being accepted
29 for conditioned residency in Illinois under the interstate
30 compact or agreement, but no later than 45 days after arrival
31 in this State.

32 (c-6) The Illinois Department of State Police may
33 determine which type of specimen or specimens, blood, saliva,
34 or tissue, is acceptable for submission to the Division of

1 Forensic Services for analysis.

2 (d) The Illinois Department of State Police shall
3 provide all equipment and instructions necessary for the
4 collection of blood samples. The collection of samples shall
5 be performed in a medically approved manner. Only a
6 physician authorized to practice medicine, a registered nurse
7 or other qualified person trained in venipuncture may
8 withdraw blood for the purposes of this Act. The samples
9 shall thereafter be forwarded to the Illinois Department of
10 State Police, Division of Forensic Services, for analysis and
11 categorizing into genetic marker groupings.

12 (d-1) The Illinois Department of State Police shall
13 provide all equipment and instructions necessary for the
14 collection of saliva samples. The collection of saliva
15 samples shall be performed in a medically approved manner.
16 Only a person trained in the instructions promulgated by the
17 Illinois State Police on collecting saliva may collect saliva
18 for the purposes of this Section. The samples shall
19 thereafter be forwarded to the Illinois Department of State
20 Police, Division of Forensic Services, for analysis and
21 categorizing into genetic marker groupings.

22 (d-2) The Illinois Department of State Police shall
23 provide all equipment and instructions necessary for the
24 collection of tissue samples. The collection of tissue
25 samples shall be performed in a medically approved manner.
26 Only a person trained in the instructions promulgated by the
27 Illinois State Police on collecting tissue may collect tissue
28 for the purposes of this Section. The samples shall
29 thereafter be forwarded to the Illinois Department of State
30 Police, Division of Forensic Services, for analysis and
31 categorizing into genetic marker groupings.

32 (d-5) To the extent that funds are available, the
33 Illinois Department of State Police shall contract with
34 qualified personnel and certified laboratories for the

1 collection, analysis, and categorization of known samples.

2 (e) The genetic marker groupings shall be maintained by
3 the Illinois Department of State Police, Division of Forensic
4 Services.

5 (f) The genetic marker grouping analysis information
6 obtained pursuant to this Act shall be confidential and shall
7 be released only to peace officers of the United States, of
8 other states or territories, of the insular possessions of
9 the United States, of foreign countries duly authorized to
10 receive the same, to all peace officers of the State of
11 Illinois and to all prosecutorial agencies. The genetic
12 marker grouping analysis information obtained pursuant to
13 this Act shall be used only for (i) valid law enforcement
14 identification purposes and as required by the Federal Bureau
15 of Investigation for participation in the National DNA
16 database or (ii) technology validation purposes.
17 Notwithstanding any other statutory provision to the
18 contrary, all information obtained under this Section shall
19 be maintained in a single State data base, which may be
20 uploaded into a national database, and which information may
21 be subject to expungement only as set forth in subsection
22 (f-1).

23 (f-1) Upon receipt of notification of a reversal of a
24 conviction based on actual innocence, or of the granting of a
25 pardon pursuant to Section 12 of Article V of the Illinois
26 Constitution, if that pardon document specifically states
27 that the reason for the pardon is the actual innocence of an
28 individual whose DNA record has been stored in the State or
29 national DNA identification index in accordance with this
30 Section by the Illinois Department of State Police, the DNA
31 record shall be expunged from the DNA identification index,
32 and the Department shall by rule prescribe procedures to
33 ensure that the record and any samples, analyses, or other
34 documents relating to such record, whether in the possession

1 of the Department or any law enforcement or police agency, or
2 any forensic DNA laboratory, including any duplicates or
3 copies thereof, are destroyed and a letter is sent to the
4 court verifying the expungement is completed.

5 (f-5) Any person who intentionally uses genetic marker
6 grouping analysis information, or any other information
7 derived from a DNA sample, beyond the authorized uses as
8 provided under this Section, or any other Illinois law, is
9 guilty of a Class 4 felony, and shall be subject to a fine of
10 not less than \$5,000.

11 (g) For the purposes of this Section, "qualifying
12 offense" means any of the following:

13 (1) any violation or inchoate violation of Section
14 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the
15 Criminal Code of 1961;~~i7-er~~

16 (1.1) any violation or inchoate violation of
17 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
18 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
19 for which persons are convicted on or after July 1,
20 2001;~~i7-er~~

21 (2) any former statute of this State which defined
22 a felony sexual offense;~~i7-er~~

23 (3) (blank);~~i7-er~~

24 (4) any inchoate violation of Section 9-3.1,
25 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~i7~~
26 or

27 (5) any violation or inchoate violation of Article
28 29D of the Criminal Code of 1961.

29 (g-5) (Blank).

30 (h) The Illinois Department of State Police shall be the
31 State central repository for all genetic marker grouping
32 analysis information obtained pursuant to this Act. The
33 Illinois Department of State Police may promulgate rules for
34 the form and manner of the collection of blood, saliva, or

1 tissue samples and other procedures for the operation of this
2 Act. The provisions of the Administrative Review Law shall
3 apply to all actions taken under the rules so promulgated.

4 (i) A person required to provide a blood, saliva, or
5 tissue specimen shall cooperate with the collection of the
6 specimen and any deliberate act by that person intended to
7 impede, delay or stop the collection of the blood, saliva, or
8 tissue specimen is a Class A misdemeanor.

9 (j) Any person required by subsection (a) to submit
10 specimens of blood, saliva, or tissue to the Illinois
11 Department of State Police for analysis and categorization
12 into genetic marker grouping, in addition to any other
13 disposition, penalty, or fine imposed, shall pay an analysis
14 fee of \$200. If the analysis fee is not paid at the time of
15 sentencing, the court shall establish a fee schedule by which
16 the entire amount of the analysis fee shall be paid in full,
17 such schedule not to exceed 24 months from the time of
18 conviction. The inability to pay this analysis fee shall not
19 be the sole ground to incarcerate the person.

20 (k) All analysis and categorization fees provided for by
21 subsection (j) shall be regulated as follows:

22 (1) The State Offender DNA Identification System
23 Fund is hereby created as a special fund in the State
24 Treasury.

25 (2) All fees shall be collected by the clerk of the
26 court and forwarded to the State Offender DNA
27 Identification System Fund for deposit. The clerk of the
28 circuit court may retain the amount of \$10 from each
29 collected analysis fee to offset administrative costs
30 incurred in carrying out the clerk's responsibilities
31 under this Section.

32 (3) Fees deposited into the State Offender DNA
33 Identification System Fund shall be used by Illinois
34 State Police crime laboratories as designated by the

1 Director of State Police. These funds shall be in
2 addition to any allocations made pursuant to existing
3 laws and shall be designated for the exclusive use of
4 State crime laboratories. These uses may include, but
5 are not limited to, the following:

6 (A) Costs incurred in providing analysis and
7 genetic marker categorization as required by
8 subsection (d).

9 (B) Costs incurred in maintaining genetic
10 marker groupings as required by subsection (e).

11 (C) Costs incurred in the purchase and
12 maintenance of equipment for use in performing
13 analyses.

14 (D) Costs incurred in continuing research and
15 development of new techniques for analysis and
16 genetic marker categorization.

17 (E) Costs incurred in continuing education,
18 training, and professional development of forensic
19 scientists regularly employed by these laboratories.

20 (1) The failure of a person to provide a specimen, or of
21 any person or agency to collect a specimen, within the 45 day
22 period shall in no way alter the obligation of the person to
23 submit such specimen, or the authority of the Illinois
24 Department of State Police or persons designated by the
25 Department to collect the specimen, or the authority of the
26 Illinois Department of State Police to accept, analyze and
27 maintain the specimen or to maintain or upload results of
28 genetic marker grouping analysis information into a State or
29 national database.

30 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
31 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.
32 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised
33 1-20-03.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
 2 Sec. 5-6-3. Conditions of Probation and of Conditional
 3 Discharge.

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

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

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

10 (3) refrain from possessing a firearm or other
 11 dangerous weapon;

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

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

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

1 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
4 should be performed in the offender's neighborhood. For
5 purposes of this Section, "organized gang" has the
6 meaning ascribed to it in Section 10 of the Illinois
7 Streetgang Terrorism Omnibus Prevention Act;

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

1 educational or vocational program;

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

13 (9) if convicted of a felony, physically surrender
14 at a time and place designated by the court, his or her
15 Firearm Owner's Identification Card and any and all
16 firearms in his or her possession.

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
27 training;

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

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

32 (6) support his dependents;

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

34 (i) reside with his parents or in a foster

- 1 home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for
4 youth;
- 5 (iv) contribute to his own support at home or
6 in a foster home;
- 7 (v) with the consent of the superintendent of
8 the facility, attend an educational program at a
9 facility other than the school in which the offense
10 was committed if he or she is convicted of a crime
11 of violence as defined in Section 2 of the Crime
12 Victims Compensation Act committed in a school, on
13 the real property comprising a school, or within
14 1,000 feet of the real property comprising a school;
- 15 (8) make restitution as provided in Section 5-5-6
16 of this Code;
- 17 (9) perform some reasonable public or community
18 service;
- 19 (10) serve a term of home confinement. In addition
20 to any other applicable condition of probation or
21 conditional discharge, the conditions of home confinement
22 shall be that the offender:
- 23 (i) remain within the interior premises of the
24 place designated for his confinement during the
25 hours designated by the court;
- 26 (ii) admit any person or agent designated by
27 the court into the offender's place of confinement
28 at any time for purposes of verifying the offender's
29 compliance with the conditions of his confinement;
30 and
- 31 (iii) if further deemed necessary by the court
32 or the Probation or Court Services Department, be
33 placed on an approved electronic monitoring device,
34 subject to Article 8A of Chapter V;

1 (iv) for persons convicted of any alcohol,
2 cannabis or controlled substance violation who are
3 placed on an approved monitoring device as a
4 condition of probation or conditional discharge, the
5 court shall impose a reasonable fee for each day of
6 the use of the device, as established by the county
7 board in subsection (g) of this Section, unless
8 after determining the inability of the offender to
9 pay the fee, the court assesses a lesser fee or no
10 fee as the case may be. This fee shall be imposed in
11 addition to the fees imposed under subsections
12 (g) and (i) of this Section. The fee shall be
13 collected by the clerk of the circuit court. The
14 clerk of the circuit court shall pay all monies
15 collected from this fee to the county treasurer for
16 deposit in the substance abuse services fund under
17 Section 5-1086.1 of the Counties Code; and

18 (v) for persons convicted of offenses other
19 than those referenced in clause (iv) above and who
20 are placed on an approved monitoring device as a
21 condition of probation or conditional discharge, the
22 court shall impose a reasonable fee for each day of
23 the use of the device, as established by the county
24 board in subsection (g) of this Section, unless
25 after determining the inability of the defendant to
26 pay the fee, the court assesses a lesser fee or no
27 fee as the case may be. This fee shall be imposed
28 in addition to the fees imposed under subsections
29 (g) and (i) of this Section. The fee shall be
30 collected by the clerk of the circuit court. The
31 clerk of the circuit court shall pay all monies
32 collected from this fee to the county treasurer who
33 shall use the monies collected to defray the costs
34 of corrections. The county treasurer shall deposit

1 the fee collected in the county working cash fund
2 under Section 6-27001 or Section 6-29002 of the
3 Counties Code, as the case may be.

4 (11) comply with the terms and conditions of an
5 order of protection issued by the court pursuant to the
6 Illinois Domestic Violence Act of 1986, as now or
7 hereafter amended, or an order of protection issued by
8 the court of another state, tribe, or United States
9 territory. A copy of the order of protection shall be
10 transmitted to the probation officer or agency having
11 responsibility for the case;

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

18 (13) contribute a reasonable sum of money, not to
19 exceed the maximum amount of the fine authorized for the
20 offense for which the defendant was sentenced, to a
21 "local anti-crime program", as defined in Section 7 of
22 the Anti-Crime Advisory Council Act;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons
27 accompanying the defendant, and advance approval by a
28 probation officer, if the defendant has been placed on
29 probation or advance approval by the court, if the
30 defendant was placed on conditional discharge;

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

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

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

17 (d) An offender sentenced to probation or to conditional
18 discharge shall be given a certificate setting forth the
19 conditions thereof.

20 (e) Except where the offender has committed a fourth or
21 subsequent violation of subsection (c) of Section 6-303 of
22 the Illinois Vehicle Code, the court shall not require as a
23 condition of the sentence of probation or conditional
24 discharge that the offender be committed to a period of
25 imprisonment in excess of 6 months. This 6 month limit shall
26 not include periods of confinement given pursuant to a
27 sentence of county impact incarceration under Section
28 5-8-1.2. This 6 month limit does not apply to a person
29 sentenced to probation as a result of a conviction of a
30 fourth or subsequent violation of subsection (c-4) of Section
31 11-501 of the Illinois Vehicle Code or a similar provision of
32 a local ordinance.

33 Persons committed to imprisonment as a condition of
34 probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic
3 imprisonment under Article 7 or a sentence to a county impact
4 incarceration program under Article 8 with a sentence of
5 probation or conditional discharge.

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

30 (h) Jurisdiction over an offender may be transferred
31 from the sentencing court to the court of another circuit
32 with the concurrence of both courts. Further transfers or
33 retransfers of jurisdiction are also authorized in the same
34 manner. The court to which jurisdiction has been transferred

1 shall have the same powers as the sentencing court.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992, as a condition of such probation or
5 conditional discharge, a fee of \$25 for each month of
6 probation or conditional discharge supervision ordered by the
7 court, unless after determining the inability of the person
8 sentenced to probation or conditional discharge to pay the
9 fee, the court assesses a lesser fee. The court may not
10 impose the fee on a minor who is made a ward of the State
11 under the Juvenile Court Act of 1987 while the minor is in
12 placement. The fee shall be imposed only upon an offender who
13 is actively supervised by the probation and court services
14 department. The fee shall be collected by the clerk of the
15 circuit court. The clerk of the circuit court shall pay all
16 monies collected from this fee to the county treasurer for
17 deposit in the probation and court services fund under
18 Section 15.1 of the Probation and Probation Officers Act.

19 (j) All fines and costs imposed under this Section for
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance,
22 and any violation of the Child Passenger Protection Act, or a
23 similar provision of a local ordinance, shall be collected
24 and disbursed by the circuit clerk as provided under Section
25 27.5 of the Clerks of Courts Act.

26 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
27 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
28 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
29 eff. 6-26-02; 92-651, eff. 7-11-02.)

30 (730 ILCS 5/3-3-11.05 rep.)

31 (730 ILCS 5/3-3-11.1 rep.)

32 (730 ILCS 5/3-3-11.4 rep.)

33 (730 ILCS 5/3-3-11.5 rep.)

1 (730 ILCS 5/3-3-12 rep.)

2 Section 20. The Unified Code of Corrections is amended

3 by repealing Sections 3-3-11.05, 3-3-11.1, 3-3-11.4,

4 3-3-11.5, and 3-3-12.