



Sen. Don Harmon

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09300HB7057sam001

LRB093 18519 EFG 48513 a

1 AMENDMENT TO HOUSE BILL 7057

2 AMENDMENT NO. _____. Amend House Bill 7057 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-6-3 and 5-6-3.1 as follows:

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

7 (Text of Section from P.A. 93-475)

8 Sec. 5-6-3. Conditions of Probation and of Conditional
9 Discharge.

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

12 (1) not violate any criminal statute of any
13 jurisdiction;

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

16 (3) refrain from possessing a firearm or other
17 dangerous weapon;

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

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

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

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

23 (7) if he or she is at least 17 years of age and has
24 been sentenced to probation or conditional discharge for a
25 misdemeanor or felony in a county of 3,000,000 or more
26 inhabitants and has not been previously convicted of a
27 misdemeanor or felony, may be required by the sentencing
28 court to attend educational courses designed to prepare the
29 defendant for a high school diploma and to work toward a
30 high school diploma or to work toward passing the high
31 school level Test of General Educational Development (GED)
32 or to work toward completing a vocational training program
33 approved by the court. The person on probation or
34 conditional discharge must attend a public institution of

1 education to obtain the educational or vocational training
2 required by this clause (7). The court shall revoke the
3 probation or conditional discharge of a person who wilfully
4 fails to comply with this clause (7). The person on
5 probation or conditional discharge shall be required to pay
6 for the cost of the educational courses or GED test, if a
7 fee is charged for those courses or test. The court shall
8 resentence the offender whose probation or conditional
9 discharge has been revoked as provided in Section 5-6-4.
10 This clause (7) does not apply to a person who has a high
11 school diploma or has successfully passed the GED test.
12 This clause (7) does not apply to a person who is
13 determined by the court to be developmentally disabled 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 or Illinois
18 Controlled Substances Act after a previous conviction or
19 disposition of supervision for possession of a substance
20 prohibited by the Cannabis Control Act or Illinois
21 Controlled Substances Act or after a sentence of probation
22 under Section 10 of the Cannabis Control Act or Section 410
23 of the Illinois Controlled Substances Act and upon a
24 finding by the court that the person is addicted, undergo
25 treatment at a substance abuse program approved by the
26 court; ~~and~~

27 (8.5) if convicted of a felony sex offense as defined
28 in the Sex Offender Management Board Act, the person shall
29 undergo and successfully complete sex offender treatment
30 by a treatment provider approved by the Board and conducted
31 in conformance with the standards developed under the Sex
32 Offender Management Board Act; and

33 (9) if convicted of a felony, physically surrender at a
34 time and place designated by the court, his or her Firearm

1 Owner's Identification Card and any and all firearms in his
2 or her possession.

3 (b) The Court may in addition to other reasonable
4 conditions relating to the nature of the offense or the
5 rehabilitation of the defendant as determined for each
6 defendant in the proper discretion of the Court require that
7 the person:

8 (1) serve a term of periodic imprisonment under Article
9 7 for a period not to exceed that specified in paragraph
10 (d) of Section 5-7-1;

11 (2) pay a fine and costs;

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

14 (4) undergo medical, psychological or psychiatric
15 treatment; or treatment for drug addiction or alcoholism;

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

18 (6) support his dependents;

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

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

21 (ii) attend school;

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

23 (iv) contribute to his own support at home or in a
24 foster home;

25 (v) with the consent of the superintendent of the
26 facility, attend an educational program at a facility
27 other than the school in which the offense was
28 committed if he or she is convicted of a crime of
29 violence as defined in Section 2 of the Crime Victims
30 Compensation Act committed in a school, on the real
31 property comprising a school, or within 1,000 feet of
32 the real property comprising a school;

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

1 (9) perform some reasonable public or community
2 service;

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

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

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

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

18 (iv) for persons convicted of any alcohol,
19 cannabis or controlled substance violation who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the offender to pay the
26 fee, the court assesses a lesser fee or no fee as the
27 case may be. This fee shall be imposed in addition to
28 the fees imposed under subsections (g) and (i) of this
29 Section. The fee shall be collected by the clerk of the
30 circuit court. The clerk of the circuit court shall pay
31 all monies collected from this fee to the county
32 treasurer for deposit in the substance abuse services
33 fund under Section 5-1086.1 of the Counties Code; and

34 (v) for persons convicted of offenses other than

1 those referenced in clause (iv) above and who are
2 placed on an approved monitoring device as a condition
3 of probation or conditional discharge, the court shall
4 impose a reasonable fee for each day of the use of the
5 device, as established by the county board in
6 subsection (g) of this Section, unless after
7 determining the inability of the defendant to pay the
8 fee, the court assesses a lesser fee or no fee as the
9 case may be. This fee shall be imposed in addition to
10 the fees imposed under subsections (g) and (i) of this
11 Section. The fee shall be collected by the clerk of the
12 circuit court. The clerk of the circuit court shall pay
13 all monies collected from this fee to the county
14 treasurer who shall use the monies collected to defray
15 the costs of corrections. The county treasurer shall
16 deposit the fee collected in the county working cash
17 fund under Section 6-27001 or Section 6-29002 of the
18 Counties Code, as the case may be.

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, as now or hereafter amended,
22 or an order of protection issued by the court of another
23 state, tribe, or United States territory. A copy of the
24 order of protection shall be transmitted to the probation
25 officer or agency having responsibility for the case;

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

1 anti-crime program", as defined in Section 7 of the
2 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, if the defendant has been placed on
9 probation or advance approval by the court, if the
10 defendant was placed on conditional discharge;

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

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

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

31 (d) An offender sentenced to probation or to conditional
32 discharge shall be given a certificate setting forth the
33 conditions thereof.

34 (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 discharge
4 that the offender be committed to a period of imprisonment in
5 excess of 6 months. This 6 month limit shall not include
6 periods of confinement given pursuant to a sentence of county
7 impact incarceration under Section 5-8-1.2. This 6 month limit
8 does not apply to a person sentenced to probation as a result
9 of a conviction of a fourth or subsequent violation of
10 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance.

12 Persons committed to imprisonment as a condition of
13 probation or conditional discharge shall not be committed to
14 the Department of Corrections.

15 (f) The court may combine a sentence of periodic
16 imprisonment under Article 7 or a sentence to a county impact
17 incarceration program under Article 8 with a sentence of
18 probation or conditional discharge.

19 (g) An offender sentenced to probation or to conditional
20 discharge and who during the term of either undergoes mandatory
21 drug or alcohol testing, or both, or is assigned to be placed
22 on an approved electronic monitoring device, shall be ordered
23 to pay all costs incidental to such mandatory drug or alcohol
24 testing, or both, and all costs incidental to such approved
25 electronic monitoring in accordance with the defendant's
26 ability to pay those costs. The county board with the
27 concurrence of the Chief Judge of the judicial circuit in which
28 the county is located shall establish reasonable fees for the
29 cost of maintenance, testing, and incidental expenses related
30 to the mandatory drug or alcohol testing, or both, and all
31 costs incidental to approved electronic monitoring, involved
32 in a successful probation program for the county. The
33 concurrence of the Chief Judge shall be in the form of an
34 administrative order. The fees shall be collected by the clerk

1 of the circuit court. The clerk of the circuit court shall pay
2 all moneys collected from these fees to the county treasurer
3 who shall use the moneys collected to defray the costs of drug
4 testing, alcohol testing, and electronic monitoring. The
5 county treasurer shall deposit the fees collected in the county
6 working cash fund under Section 6-27001 or Section 6-29002 of
7 the Counties Code, as the case may be.

8 (h) Jurisdiction over an offender may be transferred from
9 the sentencing court to the court of another circuit with the
10 concurrence of both courts. Further transfers or retransfers of
11 jurisdiction are also authorized in the same manner. The court
12 to which jurisdiction has been transferred shall have the same
13 powers as the sentencing court.

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 of
20 \$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 made a
26 ward of the State under the Juvenile Court Act of 1987 while
27 the minor is in placement. The fee shall be imposed only upon
28 an offender who is actively supervised by the probation and
29 court services department. The fee shall be collected by the
30 clerk of the circuit court. The clerk of the circuit court
31 shall pay all monies collected from this fee to the county
32 treasurer for deposit in the probation and court services fund
33 under Section 15.1 of the Probation and Probation Officers Act.

34 A circuit court may not impose a probation fee under this

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

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

18 (i-5) In addition to the fees imposed under subsection (i)
19 of this Section, in the case of an offender convicted of a
20 felony sex offense (as defined in the Sex Offender Management
21 Board Act) or an offense that the court or probation department
22 has determined to be sexually motivated (as defined in the Sex
23 Offender Management Board Act), the court or the probation
24 department shall assess additional fees to pay for all costs of
25 treatment, assessment, evaluation for risk and treatment, and
26 monitoring the offender, based on that offender's ability to
27 pay those costs either as they occur or under a payment plan.

28 (j) All fines and costs imposed under this Section for any
29 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
30 Code, or a similar provision of a local ordinance, and any
31 violation of the Child Passenger Protection Act, or a similar
32 provision of a local ordinance, shall be collected and
33 disbursed by the circuit clerk as provided under Section 27.5
34 of the Clerks of Courts Act.

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

10 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
11 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
12 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

13 (Text of Section from P.A. 93-616)

14 Sec. 5-6-3. Conditions of Probation and of Conditional
15 Discharge.

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

18 (1) not violate any criminal statute of any
19 jurisdiction;

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

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

24 (4) not leave the State without the consent of the
25 court or, in circumstances in which the reason for the
26 absence is of such an emergency nature that prior consent
27 by the court is not possible, without the prior
28 notification and approval of the person's probation
29 officer. Transfer of a person's probation or conditional
30 discharge supervision to another state is subject to
31 acceptance by the other state pursuant to the Interstate
32 Compact for Adult Offender Supervision;

33 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

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

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a
27 high school diploma or to work toward passing the high
28 school level Test of General Educational Development (GED)
29 or to work toward completing a vocational training program
30 approved by the court. The person on probation or
31 conditional discharge must attend a public institution of
32 education to obtain the educational or vocational training
33 required by this clause (7). The court shall revoke the
34 probation or conditional discharge of a person who wilfully

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

13 (8) if convicted of possession of a substance
14 prohibited by the Cannabis Control Act or Illinois
15 Controlled Substances Act after a previous conviction or
16 disposition of supervision for possession of a substance
17 prohibited by the Cannabis Control Act or Illinois
18 Controlled Substances Act or after a sentence of probation
19 under Section 10 of the Cannabis Control Act or Section 410
20 of the Illinois Controlled Substances Act and upon a
21 finding by the court that the person is addicted, undergo
22 treatment at a substance abuse program approved by the
23 court;

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment
27 by a treatment provider approved by the Board and conducted
28 in conformance with the standards developed under the Sex
29 Offender Management Board Act; and

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

34 (b) The Court may in addition to other reasonable

1 conditions relating to the nature of the offense or the
2 rehabilitation of the defendant as determined for each
3 defendant in the proper discretion of the Court require that
4 the person:

5 (1) serve a term of periodic imprisonment under Article
6 7 for a period not to exceed that specified in paragraph
7 (d) of Section 5-7-1;

8 (2) pay a fine and costs;

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

11 (4) undergo medical, psychological or psychiatric
12 treatment; or treatment for drug addiction or alcoholism;

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

20 (iv) contribute to his own support at home or in a
21 foster home;

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

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

32 (9) perform some reasonable public or community
33 service;

34 (10) serve a term of home confinement. In addition to

1 any other applicable condition of probation or conditional
2 discharge, the conditions of home confinement shall be that
3 the offender:

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

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

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

15 (iv) for persons convicted of any alcohol,
16 cannabis or controlled substance violation who are
17 placed on an approved monitoring device as a condition
18 of probation or conditional discharge, the court shall
19 impose a reasonable fee for each day of the use of the
20 device, as established by the county board in
21 subsection (g) of this Section, unless after
22 determining the inability of the offender to pay the
23 fee, the court assesses a lesser fee or no fee as the
24 case may be. This fee shall be imposed in addition to
25 the fees imposed under subsections (g) and (i) of this
26 Section. The fee shall be collected by the clerk of the
27 circuit court. The clerk of the circuit court shall pay
28 all monies collected from this fee to the county
29 treasurer for deposit in the substance abuse services
30 fund under Section 5-1086.1 of the Counties Code; and

31 (v) for persons convicted of offenses other than
32 those referenced in clause (iv) above and who are
33 placed on an approved monitoring device as a condition
34 of probation or conditional discharge, the court shall

1 impose a reasonable fee for each day of the use of the
2 device, as established by the county board in
3 subsection (g) of this Section, unless after
4 determining the inability of the defendant to pay the
5 fee, the court assesses a lesser fee or no fee as the
6 case may be. This fee shall be imposed in addition to
7 the fees imposed under subsections (g) and (i) of this
8 Section. The fee shall be collected by the clerk of the
9 circuit court. The clerk of the circuit court shall pay
10 all monies collected from this fee to the county
11 treasurer who shall use the monies collected to defray
12 the costs of corrections. The county treasurer shall
13 deposit the fee collected in the county working cash
14 fund under Section 6-27001 or Section 6-29002 of the
15 Counties Code, as the case may be.

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

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

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

34 (14) refrain from entering into a designated

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

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

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

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

28 (d) An offender sentenced to probation or to conditional
29 discharge shall be given a certificate setting forth the
30 conditions thereof.

31 (e) Except where the offender has committed a fourth or
32 subsequent violation of subsection (c) of Section 6-303 of the
33 Illinois Vehicle Code, the court shall not require as a
34 condition of the sentence of probation or conditional discharge

1 that the offender be committed to a period of imprisonment in
2 excess of 6 months. This 6 month limit shall not include
3 periods of confinement given pursuant to a sentence of county
4 impact incarceration under Section 5-8-1.2. This 6 month limit
5 does not apply to a person sentenced to probation as a result
6 of a conviction of a fourth or subsequent violation of
7 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
8 or a similar provision of a local ordinance.

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

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

16 (g) An offender sentenced to probation or to conditional
17 discharge and who during the term of either undergoes mandatory
18 drug or alcohol testing, or both, or is assigned to be placed
19 on an approved electronic monitoring device, shall be ordered
20 to pay all costs incidental to such mandatory drug or alcohol
21 testing, or both, and all costs incidental to such approved
22 electronic monitoring in accordance with the defendant's
23 ability to pay those costs. The county board with the
24 concurrence of the Chief Judge of the judicial circuit in which
25 the county is located shall establish reasonable fees for the
26 cost of maintenance, testing, and incidental expenses related
27 to the mandatory drug or alcohol testing, or both, and all
28 costs incidental to approved electronic monitoring, involved
29 in a successful probation program for the county. The
30 concurrence of the Chief Judge shall be in the form of an
31 administrative order. The fees shall be collected by the clerk
32 of the circuit court. The clerk of the circuit court shall pay
33 all moneys collected from these fees to the county treasurer
34 who shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The
2 county treasurer shall deposit the fees collected in the county
3 working cash fund under Section 6-27001 or Section 6-29002 of
4 the Counties Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court.

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992 or to community service under the
14 supervision of a probation or court services department after
15 January 1, 2004, as a condition of such probation or
16 conditional discharge or supervised community service, a fee of
17 \$50 ~~\$35~~ for each month of probation or conditional discharge
18 supervision or supervised community service ordered by the
19 court, unless after determining the inability of the person
20 sentenced to probation or conditional discharge or supervised
21 community service to pay the fee, the court assesses a lesser
22 fee. The court may not impose the fee on a minor who is made a
23 ward of the State under the Juvenile Court Act of 1987 while
24 the minor is in placement. The fee shall be imposed only upon
25 an offender who is actively supervised by the probation and
26 court services department. The fee shall be collected by the
27 clerk of the circuit court. The clerk of the circuit court
28 shall pay all monies ~~deposit the first \$25~~ collected from this
29 fee to the county treasurer for deposit in the probation and
30 court services fund under Section 15.1 of the Probation and
31 Probation Officers Act.

32 A circuit court may not impose a probation fee under this
33 subsection (i) in excess of \$25 per month unless: (1) the
34 circuit court has adopted, by administrative order issued by

1 the chief judge, a standard probation fee guide determining an
2 offender's ability to pay, under guidelines developed by the
3 Administrative Office of the Illinois Courts; and (2) the
4 circuit court has authorized, by administrative order issued by
5 the chief judge, the creation of a Crime Victim's Services
6 Fund, to be administered by the Chief Judge or his or her
7 designee, for services to crime victims and their families. Of
8 the amount collected as a probation fee, up to \$5 of that fee
9 collected per month may be used to provide services to crime
10 victims and their families.

11 This amendatory Act of the 93rd General Assembly deletes
12 the \$10 increase in the fee under this subsection that was
13 imposed by Public Act 93-616. This deletion is intended to
14 control over any other Act of the 93rd General Assembly that
15 retains or incorporates that fee increase. ~~The clerk of the~~
16 ~~court shall deposit \$10 collected from this fee into the Sex~~
17 ~~Offender Management Board Fund under Section 19 of the Sex~~
18 ~~Offender Management Board Act. Money deposited into the Sex~~
19 ~~Offender Management Board Fund shall be administered by the Sex~~
20 ~~Offender Management Board and be used to fund practices~~
21 ~~endorsed or required under the Sex Offender Management Board~~
22 ~~Act, including but not limited to sex offender evaluation,~~
23 ~~treatment, and monitoring programs that are or may be developed~~
24 ~~by the agency providing supervision, the Department of~~
25 ~~Corrections or the Department of Human Services. This Fund~~
26 ~~shall also be used for administrative costs, including staff,~~
27 ~~incurred by the Board.~~

28 (i-5) In addition to the fees imposed under subsection (i)
29 of this Section, in the case of an offender convicted of a
30 felony sex offense (as defined in the Sex Offender Management
31 Board Act) or an offense that the court or probation department
32 has determined to be sexually motivated (as defined in the Sex
33 Offender Management Board Act), the court or the probation
34 department shall assess additional fees to pay for all costs of

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

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

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

20 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
21 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
22 6-26-02; 92-651, eff. 7-11-02; 93-616, eff. 1-1-04.)

23 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

25 (a) When a defendant is placed on supervision, the court
26 shall enter an order for supervision specifying the period of
27 such supervision, and shall defer further proceedings in the
28 case until the conclusion of the period.

29 (b) The period of supervision shall be reasonable under all
30 of the circumstances of the case, but may not be longer than 2
31 years, unless the defendant has failed to pay the assessment
32 required by Section 10.3 of the Cannabis Control Act or Section
33 411.2 of the Illinois Controlled Substances Act, in which case

1 the court may extend supervision beyond 2 years. Additionally,
2 the court shall order the defendant to perform no less than 30
3 hours of community service and not more than 120 hours of
4 community service, if community service is available in the
5 jurisdiction and is funded and approved by the county board
6 where the offense was committed, when the offense (1) was
7 related to or in furtherance of the criminal activities of an
8 organized gang or was motivated by the defendant's membership
9 in or allegiance to an organized gang; or (2) is a violation of
10 any Section of Article 24 of the Criminal Code of 1961 where a
11 disposition of supervision is not prohibited by Section 5-6-1
12 of this Code. The community service shall include, but not be
13 limited to, the cleanup and repair of any damage caused by
14 violation of Section 21-1.3 of the Criminal Code of 1961 and
15 similar damages to property located within the municipality or
16 county in which the violation occurred. Where possible and
17 reasonable, the community service should be performed in the
18 offender's neighborhood.

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

22 (c) The court may in addition to other reasonable
23 conditions relating to the nature of the offense or the
24 rehabilitation of the defendant as determined for each
25 defendant in the proper discretion of the court require that
26 the person:

27 (1) make a report to and appear in person before or
28 participate with the court or such courts, person, or
29 social service agency as directed by the court in the order
30 of supervision;

31 (2) pay a fine and costs;

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

34 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other
6 dangerous weapon;

7 (8) 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) contribute to his own support at home or in a
12 foster home; or

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 placed on supervision for a
17 crime of violence as defined in Section 2 of the Crime
18 Victims Compensation Act committed in a school, on the
19 real property comprising a school, or within 1,000 feet
20 of the real property comprising a school;

21 (9) make restitution or reparation in an amount not to
22 exceed actual loss or damage to property and pecuniary loss
23 or make restitution under Section 5-5-6 to a domestic
24 violence shelter. The court shall determine the amount and
25 conditions of payment;

26 (10) perform some reasonable public or community
27 service;

28 (11) comply with the terms and conditions of an order
29 of protection issued by the court pursuant to the Illinois
30 Domestic Violence Act of 1986 or an order of protection
31 issued by the court of another state, tribe, or United
32 States territory. If the court has ordered the defendant to
33 make a report and appear in person under paragraph (1) of
34 this subsection, a copy of the order of protection shall be

1 transmitted to the person or agency so designated by the
2 court;

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

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

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

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

24 (16) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act or the Illinois Controlled Substances Act,
27 unless prescribed by a physician, and submit samples of his
28 or her blood or urine or both for tests to determine the
29 presence of any illicit drug;

30 (17) refrain from operating any motor vehicle not
31 equipped with an ignition interlock device as defined in
32 Section 1-129.1 of the Illinois Vehicle Code. Under this
33 condition the court may allow a defendant who is not
34 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock
2 device in the course and scope of the defendant's
3 employment.

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

6 (e) At the conclusion of the period of supervision, if the
7 court determines that the defendant has successfully complied
8 with all of the conditions of supervision, the court shall
9 discharge the defendant and enter a judgment dismissing the
10 charges.

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

33 (g) A defendant placed on supervision and who during the
34 period of supervision undergoes mandatory drug or alcohol

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

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

23 (i) The court shall impose upon a defendant placed on
24 supervision after January 1, 1992 or to community service under
25 the supervision of a probation or court services department
26 after January 1, 2004, as a condition of supervision or
27 supervised community service, a fee of \$50 for each month of
28 supervision or supervised community service ordered by the
29 court, unless after determining the inability of the person
30 placed on supervision or supervised community service to pay
31 the fee, the court assesses a lesser fee. The court may not
32 impose the fee on a minor who is made a ward of the State under
33 the Juvenile Court Act of 1987 while the minor is in placement.
34 The fee shall be imposed only upon a defendant who is actively

1 supervised by the probation and court services department. The
2 fee shall be collected by the clerk of the circuit court. The
3 clerk of the circuit court shall pay all monies collected from
4 this fee to the county treasurer for deposit in the probation
5 and court services fund pursuant to Section 15.1 of the
6 Probation and Probation Officers Act.

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

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 Section 27.5
25 of the Clerks of Courts Act.

26 (k) A defendant at least 17 years of age who is placed on
27 supervision for a misdemeanor in a county of 3,000,000 or more
28 inhabitants and who has not been previously convicted of a
29 misdemeanor or felony may as a condition of his or her
30 supervision be required by the court to attend educational
31 courses designed to prepare the defendant for a high school
32 diploma and to work toward a high school diploma or to work
33 toward passing the high school level Test of General
34 Educational Development (GED) or to work toward completing a

1 vocational training program approved by the court. The
2 defendant placed on supervision must attend a public
3 institution of education to obtain the educational or
4 vocational training required by this subsection (k). The
5 defendant placed on supervision shall be required to pay for
6 the cost of the educational courses or GED test, if a fee is
7 charged for those courses or test. The court shall revoke the
8 supervision of a person who wilfully fails to comply with this
9 subsection (k). The court shall resentence the defendant upon
10 revocation of supervision as provided in Section 5-6-4. This
11 subsection (k) does not apply to a defendant who has a high
12 school diploma or has successfully passed the GED test. This
13 subsection (k) does not apply to a defendant who is determined
14 by the court to be developmentally disabled or otherwise
15 mentally incapable of completing the educational or vocational
16 program.

17 (l) The court shall require a defendant placed on
18 supervision for possession of a substance prohibited by the
19 Cannabis Control Act or Illinois Controlled Substances Act
20 after a previous conviction or disposition of supervision for
21 possession of a substance prohibited by the Cannabis Control
22 Act or Illinois Controlled Substances Act or a sentence of
23 probation under Section 10 of the Cannabis Control Act or
24 Section 410 of the Illinois Controlled Substances Act and after
25 a finding by the court that the person is addicted, to undergo
26 treatment at a substance abuse program approved by the court.

27 (m) The Secretary of State shall require anyone placed on
28 court supervision for a violation of Section 3-707 of the
29 Illinois Vehicle Code or a similar provision of a local
30 ordinance to give proof of his or her financial responsibility
31 as defined in Section 7-315 of the Illinois Vehicle Code. The
32 proof shall be maintained by the individual in a manner
33 satisfactory to the Secretary of State for a minimum period of
34 one year after the date the proof is first filed. The proof

1 shall be limited to a single action per arrest and may not be
2 affected by any post-sentence disposition. The Secretary of
3 State shall suspend the driver's license of any person
4 determined by the Secretary to be in violation of this
5 subsection.

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

13 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
14 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".