

1 AMENDMENT TO SENATE BILL 1457

2 AMENDMENT NO. _____. Amend Senate Bill 1457 as follows:

3 on page 1, by replacing lines 4 and 5 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 and by adding Sections
6 5-5-10 and 5-9-1.12 as follows:

7 (730 ILCS 5/5-5-10 new)

8 Sec. 5-5-10. Community service fee. When an offender or
9 defendant is ordered by the court to perform community
10 service and the offender is not otherwise assessed a fee for
11 probation services, the court shall impose a fee of \$50 for
12 each month the community service ordered by the court is
13 supervised by a probation and court services department,
14 unless after determining the inability of the person
15 sentenced to community service to pay the fee, the court
16 assesses a lesser fee. The court may not impose a fee on a
17 minor who is made a ward of the State under the Juvenile
18 Court Act of 1987 while the minor is in placement. The fee
19 shall be imposed only on an offender who is actively
20 supervised by the probation and court services department.
21 The fee shall be collected by the clerk of the circuit court.

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

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

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

19 Sec. 5-6-3. Conditions of Probation and of Conditional
20 Discharge.

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

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

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

27 (3) refrain from possessing a firearm or other
28 dangerous weapon;

29 (4) not leave the State without the consent of the
30 court or, in circumstances in which the reason for the
31 absence is of such an emergency nature that prior consent
32 by the court is not possible, without the prior
33 notification and approval of the person's probation

1 officer. Transfer of a person's probation or conditional
2 discharge supervision to another state is subject to
3 acceptance by the other state pursuant to the Interstate
4 Compact for Adult Offender Supervision;

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

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

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

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

20 (8) if convicted of possession of a substance
21 prohibited by the Cannabis Control Act or Illinois
22 Controlled Substances Act after a previous conviction or
23 disposition of supervision for possession of a substance
24 prohibited by the Cannabis Control Act or Illinois
25 Controlled Substances Act or after a sentence of
26 probation under Section 10 of the Cannabis Control Act or
27 Section 410 of the Illinois Controlled Substances Act and
28 upon a finding by the court that the person is addicted,
29 undergo treatment at a substance abuse program approved
30 by the court; and

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

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

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

9 (2) pay a fine and costs;

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

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

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

16 (6) support his dependents;

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

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

20 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

1 Section 5-1086.1 of the Counties Code; and

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

22 (11) comply with the terms and conditions of an
23 order of protection issued by the court pursuant to the
24 Illinois Domestic Violence Act of 1986, as now or
25 hereafter amended, or an order of protection issued by
26 the court of another state, tribe, or United States
27 territory. A copy of the order of protection shall be
28 transmitted to the probation officer or agency having
29 responsibility for the case;

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

1 defendant was sentenced;

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

7 (14) refrain from entering into a designated
8 geographic area except upon such terms as the court finds
9 appropriate. Such terms may include consideration of the
10 purpose of the entry, the time of day, other persons
11 accompanying the defendant, and advance approval by a
12 probation officer, if the defendant has been placed on
13 probation or advance approval by the court, if the
14 defendant was placed on conditional discharge;

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

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

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

1 (d) An offender sentenced to probation or to conditional
2 discharge shall be given a certificate setting forth the
3 conditions thereof.

4 (e) Except where the offender has committed a fourth or
5 subsequent violation of subsection (c) of Section 6-303 of
6 the Illinois Vehicle Code, the court shall not require as a
7 condition of the sentence of probation or conditional
8 discharge that the offender be committed to a period of
9 imprisonment in excess of 6 months. This 6 month limit shall
10 not include periods of confinement given pursuant to a
11 sentence of county impact incarceration under Section
12 5-8-1.2. This 6 month limit does not apply to a person
13 sentenced to probation as a result of a conviction of a
14 fourth or subsequent violation of subsection (c-4) of Section
15 11-501 of the Illinois Vehicle Code or a similar provision of
16 a local ordinance.

17 Persons committed to imprisonment as a condition of
18 probation or conditional discharge shall not be committed to
19 the Department of Corrections.

20 (f) The court may combine a sentence of periodic
21 imprisonment under Article 7 or a sentence to a county impact
22 incarceration program under Article 8 with a sentence of
23 probation or conditional discharge.

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

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

14 (h) Jurisdiction over an offender may be transferred
15 from the sentencing court to the court of another circuit
16 with the concurrence of both courts. Further transfers or
17 retransfers of jurisdiction are also authorized in the same
18 manner. The court to which jurisdiction has been transferred
19 shall have the same powers as the sentencing court.

20 (i) The court shall impose upon an offender sentenced to
21 probation after January 1, 1989 or to conditional discharge
22 after January 1, 1992 or to community service under the
23 supervision of a probation or court services department after
24 January 1, 2004, as a condition of such probation or
25 conditional discharge or supervised community service, a fee
26 of \$50 \$25 for each month of probation or conditional
27 discharge supervision or supervised community service ordered
28 by the court, unless after determining the inability of the
29 person sentenced to probation or conditional discharge or
30 supervised community service to pay the fee, the court
31 assesses a lesser fee. The court may not impose the fee on a
32 minor who is made a ward of the State under the Juvenile
33 Court Act of 1987 while the minor is in placement. The fee
34 shall be imposed only upon an offender who is actively

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

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

20 (j) All fines and costs imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance,
23 and any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected
25 and disbursed by the circuit clerk as provided under Section
26 27.5 of the Clerks of Courts Act.

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

31 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

33 (a) When a defendant is placed on supervision, the court

1 shall enter an order for supervision specifying the period of
2 such supervision, and shall defer further proceedings in the
3 case until the conclusion of the period.

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

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

31 (c) The court may in addition to other reasonable
32 conditions relating to the nature of the offense or the
33 rehabilitation of the defendant as determined for each
34 defendant in the proper discretion of the court require that

1 the person:

2 (1) make a report to and appear in person before or
3 participate with the court or such courts, person, or
4 social service agency as directed by the court in the
5 order of supervision;

6 (2) pay a fine and costs;

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

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other
15 dangerous weapon;

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

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

19 (ii) attend school;

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

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

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

33 (9) make restitution or reparation in an amount not
34 to exceed actual loss or damage to property and pecuniary

1 loss or make restitution under Section 5-5-6 to a
2 domestic violence shelter. The court shall determine the
3 amount and conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an
7 order of protection issued by the court pursuant to the
8 Illinois Domestic Violence Act of 1986 or an order of
9 protection issued by the court of another state, tribe,
10 or United States territory. If the court has ordered the
11 defendant to make a report and appear in person under
12 paragraph (1) of this subsection, a copy of the order of
13 protection shall be transmitted to the person or agency
14 so designated by the court;

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

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

26 (14) refrain from entering into a designated
27 geographic area except upon such terms as the court finds
28 appropriate. Such terms may include consideration of the
29 purpose of the entry, the time of day, other persons
30 accompanying the defendant, and advance approval by a
31 probation officer;

32 (15) refrain from having any contact, directly or
33 indirectly, with certain specified persons or particular
34 types of person, including but not limited to members of

1 street gangs and drug users or dealers;

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

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

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

18 (e) At the conclusion of the period of supervision, if
19 the court determines that the defendant has successfully
20 complied with all of the conditions of supervision, the court
21 shall discharge the defendant and enter a judgment dismissing
22 the charges.

23 (f) Discharge and dismissal upon a successful conclusion
24 of a disposition of supervision shall be deemed without
25 adjudication of guilt and shall not be termed a conviction
26 for purposes of disqualification or disabilities imposed by
27 law upon conviction of a crime. Two years after the
28 discharge and dismissal under this Section, unless the
29 disposition of supervision was for a violation of Sections
30 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
31 Vehicle Code or a similar provision of a local ordinance, or
32 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
33 Code of 1961, in which case it shall be 5 years after
34 discharge and dismissal, a person may have his record of

1 arrest sealed or expunged as may be provided by law.
2 However, any defendant placed on supervision before January
3 1, 1980, may move for sealing or expungement of his arrest
4 record, as provided by law, at any time after discharge and
5 dismissal under this Section. A person placed on supervision
6 for a sexual offense committed against a minor as defined in
7 subsection (g) of Section 5 of the Criminal Identification
8 Act or for a violation of Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance
10 shall not have his or her record of arrest sealed or
11 expunged.

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

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

3 (i) The court shall impose upon a defendant placed on
4 supervision after January 1, 1992 or to community service
5 under the supervision of a probation or court services
6 department after January 1, 2004, as a condition of
7 supervision or supervised community service, a fee of \$50 \$25
8 for each month of supervision or supervised community service
9 ordered by the court, unless after determining the inability
10 of the person placed on supervision or supervised community
11 service to pay the fee, the court assesses a lesser fee. The
12 court may not impose the fee on a minor who is made a ward of
13 the State under the Juvenile Court Act of 1987 while the
14 minor is in placement. The fee shall be imposed only upon a
15 defendant who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services
20 fund pursuant to Section 15.1 of the Probation and Probation
21 Officers Act.

22 A circuit court may not impose a probation fee in excess
23 of \$25 per month unless: (1) the circuit court has adopted,
24 by administrative order issued by the chief judge, a standard
25 probation fee guide determining an offender's ability to pay,
26 under guidelines developed by the Administrative Office of
27 the Illinois Courts; and (2) the circuit court has
28 authorized, by administrative order issued by the chief
29 judge, the creation of a Crime Victim's Services Fund, to be
30 administered by the Chief Judge or his or her designee, for
31 services to crime victims and their families. Of the amount
32 collected as a probation fee, not to exceed \$5 of that fee
33 collected per month may be used to provide services to crime
34 victims and their families.

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

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

33 (l) The court shall require a defendant placed on
34 supervision for possession of a substance prohibited by the

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

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

23 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;
24 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.
25 8-22-01; 92-651, eff. 7-11-02.)"; and

26 on page 1, by inserting below line 27 the following:

27 "Section 99. Effective date. This Act takes effect upon
28 becoming law."