

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 and by
6 adding Section 5-1-8.5 as follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions.

9 (a) "Chief Administrative Officer" means the person
10 designated by the Director to exercise the powers and duties of
11 the Department of Corrections in regard to committed persons
12 within a correctional institution or facility, and includes the
13 superintendent of any juvenile institution or facility.

14 (a-5) "Sex offense" for the purposes of paragraph (16) of
15 subsection (a) of Section 3-3-7, paragraph (10) of subsection
16 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
17 Section 5-6-3.1 only means:

18 (i) A violation of any of the following Sections of the
19 Criminal Code of 1961: 10-7 (aiding and abetting child
20 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
21 luring), 11-6 (indecent solicitation of a child), 11-6.5
22 (indecent solicitation of an adult), 11-15.1 (soliciting
23 for a juvenile prostitute), 11-17.1 (keeping a place of

1 juvenile prostitution), 11-18.1 (patronizing a juvenile
2 prostitute), 11-19.1 (juvenile pimping), 11-19.2
3 (exploitation of a child), 11-20.1 (child pornography),
4 12-14.1 (predatory criminal sexual assault of a child), or
5 12-33 (ritualized abuse of a child). An attempt to commit
6 any of these offenses.

7 (ii) A violation of any of the following Sections of
8 the Criminal Code of 1961: 12-13 (criminal sexual assault),
9 12-14 (aggravated criminal sexual assault), 12-16
10 (aggravated criminal sexual abuse), and subsection (a) of
11 Section 12-15 (criminal sexual abuse). An attempt to commit
12 any of these offenses.

13 (iii) A violation of any of the following Sections of
14 the Criminal Code of 1961 when the defendant is not a
15 parent of the victim:

- 16 10-1 (kidnapping),
- 17 10-2 (aggravated kidnapping),
- 18 10-3 (unlawful restraint),
- 19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

21 (iv) A violation of any former law of this State
22 substantially equivalent to any offense listed in this
23 subsection (a-5).

24 An offense violating federal law or the law of another
25 state that is substantially equivalent to any offense listed in
26 this subsection (a-5) shall constitute a sex offense for the

1 purpose of this subsection (a-5). A finding or adjudication as
2 a sexually dangerous person under any federal law or law of
3 another state that is substantially equivalent to the Sexually
4 Dangerous Persons Act shall constitute an adjudication for a
5 sex offense for the purposes of this subsection (a-5).

6 (b) "Commitment" means a judicially determined placement
7 in the custody of the Department of Corrections on the basis of
8 delinquency or conviction.

9 (c) "Committed Person" is a person committed to the
10 Department, however a committed person shall not be considered
11 to be an employee of the Department of Corrections for any
12 purpose, including eligibility for a pension, benefits, or any
13 other compensation or rights or privileges which may be
14 provided to employees of the Department.

15 (c-5) "Computer scrub software" means any third-party
16 added software, designed to delete information from the
17 computer unit, the hard drive, or other software, which would
18 eliminate and prevent discovery of browser activity, including
19 but not limited to Internet history, address bar or bars, cache
20 or caches, and/or cookies, and which would over-write files in
21 a way so as to make previous computer activity, including but
22 not limited to website access, more difficult to discover.

23 (d) "Correctional Institution or Facility" means any
24 building or part of a building where committed persons are kept
25 in a secured manner.

26 (e) In the case of functions performed before the effective

1 date of this amendatory Act of the 94th General Assembly,
2 "Department" means the Department of Corrections of this State.
3 In the case of functions performed on or after the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Department" has the meaning ascribed to it in subsection
6 (f-5).

7 (f) In the case of functions performed before the effective
8 date of this amendatory Act of the 94th General Assembly,
9 "Director" means the Director of the Department of Corrections.
10 In the case of functions performed on or after the effective
11 date of this amendatory Act of the 94th General Assembly,
12 "Director" has the meaning ascribed to it in subsection (f-5).

13 (f-5) In the case of functions performed on or after the
14 effective date of this amendatory Act of the 94th General
15 Assembly, references to "Department" or "Director" refer to
16 either the Department of Corrections or the Director of
17 Corrections or to the Department of Juvenile Justice or the
18 Director of Juvenile Justice unless the context is specific to
19 the Department of Juvenile Justice or the Director of Juvenile
20 Justice.

21 (g) "Discharge" means the final termination of a commitment
22 to the Department of Corrections.

23 (h) "Discipline" means the rules and regulations for the
24 maintenance of order and the protection of persons and property
25 within the institutions and facilities of the Department and
26 their enforcement.

1 (i) "Escape" means the intentional and unauthorized
2 absence of a committed person from the custody of the
3 Department.

4 (j) "Furlough" means an authorized leave of absence from
5 the Department of Corrections for a designated purpose and
6 period of time.

7 (k) "Parole" means the conditional and revocable release of
8 a committed person under the supervision of a parole officer.

9 (l) "Prisoner Review Board" means the Board established in
10 Section 3-3-1(a), independent of the Department, to review
11 rules and regulations with respect to good time credits, to
12 hear charges brought by the Department against certain
13 prisoners alleged to have violated Department rules with
14 respect to good time credits, to set release dates for certain
15 prisoners sentenced under the law in effect prior to the
16 effective date of this Amendatory Act of 1977, to hear requests
17 and make recommendations to the Governor with respect to
18 pardon, reprieve or commutation, to set conditions for parole
19 and mandatory supervised release and determine whether
20 violations of those conditions justify revocation of parole or
21 release, and to assume all other functions previously exercised
22 by the Illinois Parole and Pardon Board.

23 (m) Whenever medical treatment, service, counseling, or
24 care is referred to in this Unified Code of Corrections, such
25 term may be construed by the Department or Court, within its
26 discretion, to include treatment, service or counseling by a

1 Christian Science practitioner or nursing care appropriate
2 therewith whenever request therefor is made by a person subject
3 to the provisions of this Act.

4 (n) "Victim" shall have the meaning ascribed to it in
5 subsection (a) of Section 3 of the Bill of Rights for Victims
6 and Witnesses of Violent Crime Act.

7 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

8 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

9 (Text of Section after amendment by P.A. 95-464, 95-579,
10 and 95-640)

11 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
12 Release.

13 (a) The conditions of parole or mandatory supervised
14 release shall be such as the Prisoner Review Board deems
15 necessary to assist the subject in leading a law-abiding life.
16 The conditions of every parole and mandatory supervised release
17 are that the subject:

18 (1) not violate any criminal statute of any
19 jurisdiction during the parole or release term;

20 (2) refrain from possessing a firearm or other
21 dangerous weapon;

22 (3) report to an agent of the Department of
23 Corrections;

24 (4) permit the agent to visit him or her at his or her
25 home, employment, or elsewhere to the extent necessary for

1 the agent to discharge his or her duties;

2 (5) attend or reside in a facility established for the
3 instruction or residence of persons on parole or mandatory
4 supervised release;

5 (6) secure permission before visiting or writing a
6 committed person in an Illinois Department of Corrections
7 facility;

8 (7) report all arrests to an agent of the Department of
9 Corrections as soon as permitted by the arresting authority
10 but in no event later than 24 hours after release from
11 custody;

12 (7.5) if convicted of a sex offense as defined in the
13 Sex Offender Management Board Act, the individual shall
14 undergo and successfully complete sex offender treatment
15 conducted in conformance with the standards developed by
16 the Sex Offender Management Board Act by a treatment
17 provider approved by the Board;

18 (7.6) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, refrain from residing at
20 the same address or in the same condominium unit or
21 apartment unit or in the same condominium complex or
22 apartment complex with another person he or she knows or
23 reasonably should know is a convicted sex offender or has
24 been placed on supervision for a sex offense; the
25 provisions of this paragraph do not apply to a person
26 convicted of a sex offense who is placed in a Department of

1 Corrections licensed transitional housing facility for sex
2 offenders, or is in any facility operated or licensed by
3 the Department of Children and Family Services or by the
4 Department of Human Services, or is in any licensed medical
5 facility;

6 (7.7) if convicted for an offense that would qualify
7 the accused as a sexual predator under the Sex Offender
8 Registration Act on or after the effective date of this
9 amendatory Act of the 94th General Assembly, wear an
10 approved electronic monitoring device as defined in
11 Section 5-8A-2 for the duration of the person's parole,
12 mandatory supervised release term, or extended mandatory
13 supervised release term;

14 (7.8) if convicted for an offense committed on or after
15 the effective date of this amendatory Act of the 95th
16 General Assembly that would qualify the accused as a child
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the
18 Criminal Code of 1961, refrain from communicating with or
19 contacting, by means of the Internet, a person who is not
20 related to the accused and whom the accused reasonably
21 believes to be under 18 years of age; for purposes of this
22 paragraph (7.8), "Internet" has the meaning ascribed to it
23 in Section 16J-5 of the Criminal Code of 1961, as added by
24 Public Act 94-179; and a person is not related to the
25 accused if the person is not: (i) the spouse, brother, or
26 sister of the accused; (ii) a descendant of the accused;

1 (iii) a first or second cousin of the accused; or (iv) a
2 step-child or adopted child of the accused;

3 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,
4 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
5 search of computers, PDAs, cellular phones, and other
6 devices under his or her control that are capable of
7 accessing the Internet or storing electronic files, in
8 order to confirm Internet protocol addresses reported in
9 accordance with the Sex Offender Registration Act and
10 compliance with conditions in this Act;

11 (7.10) ~~(7.8)~~ if convicted for an offense that would
12 qualify the accused as a sex offender or sexual predator
13 under the Sex Offender Registration Act on or after the
14 effective date of this amendatory Act of the 95th General
15 Assembly, not possess prescription drugs for erectile
16 dysfunction;

17 (7.11) if convicted of a sex offense as defined in
18 Section 2 of the Sex Offender Registration Act committed on
19 or after the effective date of this amendatory Act of the
20 95th General Assembly that requires the person to register
21 as a sex offender under that Act, may not knowingly use any
22 computer scrub software on any computer that the sex
23 offender uses;

24 (8) obtain permission of an agent of the Department of
25 Corrections before leaving the State of Illinois;

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or
2 employment;

3 (10) consent to a search of his or her person,
4 property, or residence under his or her control;

5 (11) refrain from the use or possession of narcotics or
6 other controlled substances in any form, or both, or any
7 paraphernalia related to those substances and submit to a
8 urinalysis test as instructed by a parole agent of the
9 Department of Corrections;

10 (12) not frequent places where controlled substances
11 are illegally sold, used, distributed, or administered;

12 (13) not knowingly associate with other persons on
13 parole or mandatory supervised release without prior
14 written permission of his or her parole agent and not
15 associate with persons who are members of an organized gang
16 as that term is defined in the Illinois Streetgang
17 Terrorism Omnibus Prevention Act;

18 (14) provide true and accurate information, as it
19 relates to his or her adjustment in the community while on
20 parole or mandatory supervised release or to his or her
21 conduct while incarcerated, in response to inquiries by his
22 or her parole agent or of the Department of Corrections;

23 (15) follow any specific instructions provided by the
24 parole agent that are consistent with furthering
25 conditions set and approved by the Prisoner Review Board or
26 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate; and

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

15 (b) The Board may in addition to other conditions require
16 that the subject:

17 (1) work or pursue a course of study or vocational
18 training;

19 (2) undergo medical or psychiatric treatment, or
20 treatment for drug addiction or alcoholism;

21 (3) attend or reside in a facility established for the
22 instruction or residence of persons on probation or parole;

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

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

1 protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986, enacted by the 84th General Assembly,
3 or an order of protection issued by the court of another
4 state, tribe, or United States territory;

5 (7.5) if convicted for an offense committed on or after
6 the effective date of this amendatory Act of the 95th
7 General Assembly that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961, refrain from communicating with or
10 contacting, by means of the Internet, a person who is
11 related to the accused and whom the accused reasonably
12 believes to be under 18 years of age; for purposes of this
13 paragraph (7.5), "Internet" has the meaning ascribed to it
14 in Section 16J-5 of the Criminal Code of 1961, as added by
15 Public Act 94-179; and a person is related to the accused
16 if the person is: (i) the spouse, brother, or sister of the
17 accused; (ii) a descendant of the accused; (iii) a first or
18 second cousin of the accused; or (iv) a step-child or
19 adopted child of the accused; and

20 (8) in addition, if a minor:

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

22 (ii) attend school;

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

24 or

25 (iv) contribute to his own support at home or in a
26 foster home.

1 (b-1) In addition to the conditions set forth in
2 subsections (a) and (b), persons required to register as sex
3 offenders pursuant to the Sex Offender Registration Act, upon
4 release from the custody of the Illinois Department of
5 Corrections, may be required by the Board to comply with the
6 following specific conditions of release:

7 (1) reside only at a Department approved location;

8 (2) comply with all requirements of the Sex Offender
9 Registration Act;

10 (3) notify third parties of the risks that may be
11 occasioned by his or her criminal record;

12 (4) obtain the approval of an agent of the Department
13 of Corrections prior to accepting employment or pursuing a
14 course of study or vocational training and notify the
15 Department prior to any change in employment, study, or
16 training;

17 (5) not be employed or participate in any volunteer
18 activity that involves contact with children, except under
19 circumstances approved in advance and in writing by an
20 agent of the Department of Corrections;

21 (6) be electronically monitored for a minimum of 12
22 months from the date of release as determined by the Board;

23 (7) refrain from entering into a designated geographic
24 area except upon terms approved in advance by an agent of
25 the Department of Corrections. The terms may include
26 consideration of the purpose of the entry, the time of day,

1 and others accompanying the person;

2 (8) refrain from having any contact, including written
3 or oral communications, directly or indirectly, personally
4 or by telephone, letter, or through a third party with
5 certain specified persons including, but not limited to,
6 the victim or the victim's family without the prior written
7 approval of an agent of the Department of Corrections;

8 (9) refrain from all contact, directly or indirectly,
9 personally, by telephone, letter, or through a third party,
10 with minor children without prior identification and
11 approval of an agent of the Department of Corrections;

12 (10) neither possess or have under his or her control
13 any material that is sexually oriented, sexually
14 stimulating, or that shows male or female sex organs or any
15 pictures depicting children under 18 years of age nude or
16 any written or audio material describing sexual
17 intercourse or that depicts or alludes to sexual activity,
18 including but not limited to visual, auditory, telephonic,
19 or electronic media, or any matter obtained through access
20 to any computer or material linked to computer access use;

21 (11) not patronize any business providing sexually
22 stimulating or sexually oriented entertainment nor utilize
23 "900" or adult telephone numbers;

24 (12) not reside near, visit, or be in or about parks,
25 schools, day care centers, swimming pools, beaches,
26 theaters, or any other places where minor children

1 congregate without advance approval of an agent of the
2 Department of Corrections and immediately report any
3 incidental contact with minor children to the Department;

4 (13) not possess or have under his or her control
5 certain specified items of contraband related to the
6 incidence of sexually offending as determined by an agent
7 of the Department of Corrections;

8 (14) may be required to provide a written daily log of
9 activities if directed by an agent of the Department of
10 Corrections;

11 (15) comply with all other special conditions that the
12 Department may impose that restrict the person from
13 high-risk situations and limit access to potential
14 victims;

15 (16) take an annual polygraph exam;

16 (17) maintain a log of his or her travel; or

17 (18) obtain prior approval of his or her parole officer
18 before driving alone in a motor vehicle.

19 (c) The conditions under which the parole or mandatory
20 supervised release is to be served shall be communicated to the
21 person in writing prior to his release, and he shall sign the
22 same before release. A signed copy of these conditions,
23 including a copy of an order of protection where one had been
24 issued by the criminal court, shall be retained by the person
25 and another copy forwarded to the officer in charge of his
26 supervision.

1 (d) After a hearing under Section 3-3-9, the Prisoner
2 Review Board may modify or enlarge the conditions of parole or
3 mandatory supervised release.

4 (e) The Department shall inform all offenders committed to
5 the Department of the optional services available to them upon
6 release and shall assist inmates in availing themselves of such
7 optional services upon their release on a voluntary basis.

8 (f) When the subject is in compliance with all conditions
9 of his or her parole or mandatory supervised release, the
10 subject shall receive a reduction of the period of his or her
11 parole or mandatory supervised release of 90 days upon passage
12 of the high school level Test of General Educational
13 Development during the period of his or her parole or mandatory
14 supervised release. This reduction in the period of a subject's
15 term of parole or mandatory supervised release shall be
16 available only to subjects who have not previously earned a
17 high school diploma or who have not previously passed the high
18 school level Test of General Educational Development.

19 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
20 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
21 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 10-30-07.)

22 (730 ILCS 5/5-1-8.5 new)

23 Sec. 5-1-8.5. Computer scrub software. "Computer scrub
24 software" has the meaning ascribed to it in subsection (c-5) of
25 Section 3-1-2 of this Code.

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)
2 (Text of Section after amendment by P.A. 95-464, 95-578,
3 and 95-696)

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

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

8 (1) not violate any criminal statute of any
9 jurisdiction;

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

12 (3) refrain from possessing a firearm or other
13 dangerous weapon;

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

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

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

18 (7) if he or she is at least 17 years of age and has
19 been sentenced to probation or conditional discharge for a
20 misdemeanor or felony in a county of 3,000,000 or more
21 inhabitants and has not been previously convicted of a
22 misdemeanor or felony, may be required by the sentencing
23 court to attend educational courses designed to prepare the
24 defendant for a high school diploma and to work toward a
25 high school diploma or to work toward passing the high
26 school level Test of General Educational Development (GED)

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

19 (8) if convicted of possession of a substance
20 prohibited by the Cannabis Control Act, the Illinois
21 Controlled Substances Act, or the Methamphetamine Control
22 and Community Protection 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 probation
26 under Section 10 of the Cannabis Control Act, Section 410

1 of the Illinois Controlled Substances Act, or Section 70 of
2 the Methamphetamine Control and Community Protection Act
3 and upon a finding by the court that the person is
4 addicted, undergo treatment at a substance abuse program
5 approved by the court;

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

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

23 (8.7) if convicted for an offense committed on or after
24 the effective date of this amendatory Act of the 95th
25 General Assembly that would qualify the accused as a child
26 sex offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961, refrain from communicating with or
2 contacting, by means of the Internet, a person who is not
3 related to the accused and whom the accused reasonably
4 believes to be under 18 years of age; for purposes of this
5 paragraph (8.7), "Internet" has the meaning ascribed to it
6 in Section 16J-5 of the Criminal Code of 1961, as added by
7 Public Act 94-179; and a person is not related to the
8 accused if the person is not: (i) the spouse, brother, or
9 sister of the accused; (ii) a descendant of the accused;
10 (iii) a first or second cousin of the accused; or (iv) a
11 step-child or adopted child of the accused;

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

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

26 (11) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act committed on
2 or after the effective date of this amendatory Act of the
3 95th General Assembly that requires the person to register
4 as a sex offender under that Act, may not knowingly use any
5 computer scrub software on any computer that the sex
6 offender uses.

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

12 (1) serve a term of periodic imprisonment under Article
13 7 for a period not to exceed that specified in paragraph

14 (d) of Section 5-7-1;

15 (2) pay a fine and costs;

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

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

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

22 (6) support his dependents;

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

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

25 (ii) attend school;

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

1 (iv) contribute to his own support at home or in a
2 foster home;

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

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

13 (9) perform some reasonable public or community
14 service;

15 (10) serve a term of home confinement. In addition to
16 any other applicable condition of probation or conditional
17 discharge, the conditions of home confinement shall be that
18 the offender:

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

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

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

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

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

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

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, (i) to a
3 "local anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act, or (ii) for offenses under
5 the jurisdiction of the Department of Natural Resources, to
6 the fund established by the Department of Natural Resources
7 for the purchase of evidence for investigation purposes and
8 to conduct investigations as outlined in Section 805-105 of
9 the Department of Natural Resources (Conservation) Law;

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

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

22 (16) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug; and

3 (17) if convicted for an offense committed on or after
4 the effective date of this amendatory Act of the 95th
5 General Assembly that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961, refrain from communicating with or
8 contacting, by means of the Internet, a person who is
9 related to the accused and whom the accused reasonably
10 believes to be under 18 years of age; for purposes of this
11 paragraph (17), "Internet" has the meaning ascribed to it
12 in Section 16J-5 of the Criminal Code of 1961, as added by
13 Public Act 94-179; and a person is related to the accused
14 if the person is: (i) the spouse, brother, or sister of the
15 accused; (ii) a descendant of the accused; (iii) a first or
16 second cousin of the accused; or (iv) a step-child or
17 adopted child of the accused.

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

1 minor's lawful employment.

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

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

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

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

20 (g) An offender sentenced to probation or to conditional
21 discharge and who during the term of either undergoes mandatory
22 drug or alcohol testing, or both, or is assigned to be placed
23 on an approved electronic monitoring device, shall be ordered
24 to pay all costs incidental to such mandatory drug or alcohol
25 testing, or both, and all costs incidental to such approved
26 electronic monitoring in accordance with the defendant's

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

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

23 (i) The court shall impose upon an offender sentenced to
24 probation after January 1, 1989 or to conditional discharge
25 after January 1, 1992 or to community service under the
26 supervision of a probation or court services department after

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

17 A circuit court may not impose a probation fee under this
18 subsection (i) in excess of \$25 per month unless: (1) the
19 circuit court has adopted, by administrative order issued by
20 the chief judge, a standard probation fee guide determining an
21 offender's ability to pay, under guidelines developed by the
22 Administrative Office of the Illinois Courts; and (2) the
23 circuit court has authorized, by administrative order issued by
24 the chief judge, the creation of a Crime Victim's Services
25 Fund, to be administered by the Chief Judge or his or her
26 designee, for services to crime victims and their families. Of

1 the amount collected as a probation fee, up to \$5 of that fee
2 collected per month may be used to provide services to crime
3 victims and their families.

4 This amendatory Act of the 93rd General Assembly deletes
5 the \$10 increase in the fee under this subsection that was
6 imposed by Public Act 93-616. This deletion is intended to
7 control over any other Act of the 93rd General Assembly that
8 retains or incorporates that fee increase.

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

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

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

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

9 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
10 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
11 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised
12 11-19-07.)

13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

14 (Text of Section after amendment by P.A. 95-464 and 95-696)

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

16 (a) When a defendant is placed on supervision, the court
17 shall enter an order for supervision specifying the period of
18 such supervision, and shall defer further proceedings in the
19 case until the conclusion of the period.

20 (b) The period of supervision shall be reasonable under all
21 of the circumstances of the case, but may not be longer than 2
22 years, unless the defendant has failed to pay the assessment
23 required by Section 10.3 of the Cannabis Control Act, Section
24 411.2 of the Illinois Controlled Substances Act, or Section 80
25 of the Methamphetamine Control and Community Protection Act, in

1 which case the court may extend supervision beyond 2 years.
2 Additionally, the court shall order the defendant to perform no
3 less than 30 hours of community service and not more than 120
4 hours of community service, if community service is available
5 in the jurisdiction and is funded and approved by the county
6 board 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:

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

5 (2) pay a fine and costs;

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

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

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

12 (6) support his dependents;

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

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

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

17 (ii) attend school;

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

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

21 (v) with the consent of the superintendent of the
22 facility, attend an educational program at a facility
23 other than the school in which the offense was
24 committed if he or she is placed on supervision for a
25 crime of violence as defined in Section 2 of the Crime
26 Victims Compensation Act committed in a school, on the

1 real property comprising a school, or within 1,000 feet
2 of the real property comprising a school;

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

8 (10) perform some reasonable public or community
9 service;

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

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

25 (13) contribute a reasonable sum of money, not to
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, (i) to a
2 "local anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act, or (ii) for offenses under
4 the jurisdiction of the Department of Natural Resources, to
5 the fund established by the Department of Natural Resources
6 for the purchase of evidence for investigation purposes and
7 to conduct investigations as outlined in Section 805-105 of
8 the Department of Natural Resources (Conservation) Law;

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

15 (15) refrain from having any contact, directly or
16 indirectly, with certain specified persons or particular
17 types of person, 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, the Illinois Controlled Substances Act, or the
22 Methamphetamine Control and Community Protection Act,
23 unless prescribed by a physician, and submit samples of his
24 or her blood or urine or both for tests to determine the
25 presence of any illicit drug;

26 (17) refrain from operating any motor vehicle not

1 equipped with an ignition interlock device as defined in
2 Section 1-129.1 of the Illinois Vehicle Code; under. ~~Under~~
3 this condition the court may allow a defendant who is not
4 self-employed to operate a vehicle owned by the defendant's
5 employer that is not equipped with an ignition interlock
6 device in the course and scope of the defendant's
7 employment; and

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

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

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

26 (f) Discharge and dismissal upon a successful conclusion of

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

22 (g) A defendant placed on supervision and who during the
23 period of supervision undergoes mandatory drug or alcohol
24 testing, or both, or is assigned to be placed on an approved
25 electronic monitoring device, shall be ordered to pay the costs
26 incidental to such mandatory drug or alcohol testing, or both,

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

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

20 (i) The court shall impose upon a defendant placed on
21 supervision after January 1, 1992 or to community service under
22 the supervision of a probation or court services department
23 after January 1, 2004, as a condition of supervision or
24 supervised community service, a fee of \$50 for each month of
25 supervision or supervised community service ordered by the
26 court, unless after determining the inability of the person

1 placed on supervision or supervised community service to pay
2 the fee, the court assesses a lesser fee. The court may not
3 impose the fee on a minor who is made a ward of the State under
4 the Juvenile Court Act of 1987 while the minor is in placement.
5 The fee shall be imposed only upon a defendant who is actively
6 supervised by the probation and court services department. The
7 fee shall be collected by the clerk of the circuit court. The
8 clerk of the circuit court shall pay all monies collected from
9 this fee to the county treasurer for deposit in the probation
10 and court services fund pursuant to Section 15.1 of the
11 Probation and Probation Officers Act.

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

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

1 violation of the Child Passenger Protection Act, or a similar
2 provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

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

1 by the court to be developmentally disabled or otherwise
2 mentally incapable of completing the educational or vocational
3 program.

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

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

1 State shall suspend the driver's license of any person
2 determined by the Secretary to be in violation of this
3 subsection.

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

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

21 (p) An offender placed on supervision for an offense
22 committed on or after June 1, 2008 ~~(the effective date of~~
23 ~~Public Act 95-464) this amendatory Act of the 95th General~~
24 ~~Assembly~~ that would qualify the accused as a child sex offender
25 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
26 1961 shall refrain from communicating with or contacting, by

1 means of the Internet, a person who is not related to the
2 accused and whom the accused reasonably believes to be under 18
3 years of age. For purposes of this subsection (p), "Internet"
4 has the meaning ascribed to it in Section 16J-5 of the Criminal
5 Code of 1961, ~~as added by Public Act 94-179~~; and a person is
6 not related to the accused if the person is not: (i) the
7 spouse, brother, or sister of the accused; (ii) a descendant of
8 the accused; (iii) a first or second cousin of the accused; or
9 (iv) a step-child or adopted child of the accused.

10 (q) An offender placed on supervision for an offense
11 committed on or after June 1, 2008 ~~(the effective date of~~
12 ~~Public Act 95-464) this amendatory Act of the 95th General~~
13 ~~Assembly~~ that would qualify the accused as a child sex offender
14 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961 shall, if so ordered by the court, refrain from
16 communicating with or contacting, by means of the Internet, a
17 person who is related to the accused and whom the accused
18 reasonably believes to be under 18 years of age. For purposes
19 of this subsection (q), "Internet" has the meaning ascribed to
20 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~
21 ~~Public Act 94-179~~; and a person is related to the accused if
22 the person is: (i) the spouse, brother, or sister of the
23 accused; (ii) a descendant of the accused; (iii) a first or
24 second cousin of the accused; or (iv) a step-child or adopted
25 child of the accused.

26 (r) An offender placed on supervision for an offense that

1 is a sex offense as defined in Section 2 of the Sex Offender
2 Registration Act that is committed on or after the effective
3 date of this amendatory Act of the 95th General Assembly that
4 requires the person to register as a sex offender under that
5 Act, may not knowingly use any computer scrub software on any
6 computer that the sex offender uses.

7 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
8 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
9 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised
10 11-19-07.)