



## 95TH GENERAL ASSEMBLY

### State of Illinois

#### 2007 and 2008

##### HB4875

by Rep. Sandra M. Pihos - Bob Biggins - Renée Kosel - Dennis M. Reboletti - Tom Cross, et al.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/16D-2	from Ch. 38, par. 16D-2
720 ILCS 5/16D-5.5 new	
730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Criminal Code of 1961. Provides that it is a Class 4 felony for a person required to register as a sex offender under the Sex Offender Registration Act to access or use a social networking website during the period for which the sex offender is required to register under that Act. Amends the Unified Code of Corrections. Requires as condition of parole, mandatory supervised release, probation, conditional discharge, or supervision that a sex offender refrain from accessing or using a social networking website during the period for which the sex offender is required to register under the Sex Offender Registration Act.

LRB095 14000 RLC 39827 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Criminal Code of 1961 is amended by changing  
5 16D-2 and by adding Section 16D-5.5 as follows:

6 (720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

7 Sec. 16D-2. Definitions. As used in this Article, unless  
8 the context otherwise indicates:

9 (a) "Computer" means a device that accepts, processes,  
10 stores, retrieves or outputs data, and includes but is not  
11 limited to auxiliary storage and telecommunications devices  
12 connected to computers.

13 (a-5) "Computer network" means a set of related, remotely  
14 connected devices and any communications facilities including  
15 more than one computer with the capability to transmit data  
16 among them through the communications facilities.

17 (b) "Computer program" or "program" means a series of coded  
18 instructions or statements in a form acceptable to a computer  
19 which causes the computer to process data and supply the  
20 results of the data processing.

21 (b-5) "Computer services" means computer time or services,  
22 including data processing services, Internet services,  
23 electronic mail services, electronic message services, or

1 information or data stored in connection therewith.

2 (c) "Data" means a representation of information,  
3 knowledge, facts, concepts or instructions, including program  
4 documentation, which is prepared in a formalized manner and is  
5 stored or processed in or transmitted by a computer. Data shall  
6 be considered property and may be in any form including but not  
7 limited to printouts, magnetic or optical storage media, punch  
8 cards or data stored internally in the memory of the computer.

9 (c-5) "Electronic mail service provider" means any person  
10 who (1) is an intermediary in sending or receiving electronic  
11 mail and (2) provides to end-users of electronic mail services  
12 the ability to send or receive electronic mail.

13 (d) In addition to its meaning as defined in Section 15-1  
14 of this Code, "property" means: (1) electronic impulses; (2)  
15 electronically produced data; (3) confidential, copyrighted or  
16 proprietary information; (4) private identification codes or  
17 numbers which permit access to a computer by authorized  
18 computer users or generate billings to consumers for purchase  
19 of goods and services, including but not limited to credit card  
20 transactions and telecommunications services or permit  
21 electronic fund transfers; (5) software or programs in either  
22 machine or human readable form; or (6) any other tangible or  
23 intangible item relating to a computer or any part thereof.

24 (e) "Access" means to use, instruct, communicate with,  
25 store data in, retrieve or intercept data from, or otherwise  
26 utilize any services of a computer.

1 (f) "Services" includes but is not limited to computer  
2 time, data manipulation or storage functions.

3 (g) "Vital services or operations" means those services or  
4 operations required to provide, operate, maintain, and repair  
5 network cabling, transmission, distribution, or computer  
6 facilities necessary to ensure or protect the public health,  
7 safety, or welfare. Public health, safety, or welfare include,  
8 but are not limited to, services provided by medical personnel  
9 or institutions, fire departments, emergency services  
10 agencies, national defense contractors, armed forces or  
11 militia personnel, private and public utility companies, or law  
12 enforcement agencies.

13 (h) "Social networking website" means an Internet website  
14 containing profile web pages of the members of the website that  
15 include the names or nicknames of such members, photographs  
16 placed on the profile web pages by such members, or any other  
17 personal or personally identifying information about such  
18 members and links to other profile web pages on social  
19 networking websites of friends or associates of such members  
20 that can be accessed by other members or visitors to the  
21 website. A social networking website provides members of or  
22 visitors to such website the ability to leave messages or  
23 comments on the profile web page that are visible to all or  
24 some visitors to the profile web page and may also include a  
25 form of electronic mail for members of the social networking  
26 website.

1 (Source: P.A. 91-233, eff. 1-1-00.)

2 (720 ILCS 5/16D-5.5 new)

3 Sec. 16D-5.5. Use of social networking websites by sex  
4 offenders prohibited.

5 (a) The access to or use of a social networking website by  
6 a person required to register as a sex offender under the Sex  
7 Offender Registration Act is prohibited during the period for  
8 which the sex offender is required to register under that Act.

9 (b) Sentence. A violation of subsection (a) of this Section  
10 is a Class 4 felony.

11 Section 10. The Unified Code of Corrections is amended by  
12 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

13 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

14 (Text of Section after amendment by P.A. 95-464, 95-579,  
15 95-640)

16 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
17 Release.

18 (a) The conditions of parole or mandatory supervised  
19 release shall be such as the Prisoner Review Board deems  
20 necessary to assist the subject in leading a law-abiding life.  
21 The conditions of every parole and mandatory supervised release  
22 are that the subject:

23 (1) not violate any criminal statute of any

1 jurisdiction during the parole or release term;

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

4 (3) report to an agent of the Department of  
5 Corrections;

6 (4) permit the agent to visit him or her at his or her  
7 home, employment, or elsewhere to the extent necessary for  
8 the agent to discharge his or her duties;

9 (5) attend or reside in a facility established for the  
10 instruction or residence of persons on parole or mandatory  
11 supervised release;

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

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

19 (7.5) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, the individual shall  
21 undergo and successfully complete sex offender treatment  
22 conducted in conformance with the standards developed by  
23 the Sex Offender Management Board Act by a treatment  
24 provider approved by the Board;

25 (7.6) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or  
2 apartment unit or in the same condominium complex or  
3 apartment complex with another person he or she knows or  
4 reasonably should know is a convicted sex offender or has  
5 been placed on supervision for a sex offense; the  
6 provisions of this paragraph do not apply to a person  
7 convicted of a sex offense who is placed in a Department of  
8 Corrections licensed transitional housing facility for sex  
9 offenders, or is in any facility operated or licensed by  
10 the Department of Children and Family Services or by the  
11 Department of Human Services, or is in any licensed medical  
12 facility;

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

21 (7.8) if convicted for an offense committed on or after  
22 the effective date of this amendatory Act of the 95th  
23 General Assembly that would qualify the accused as a child  
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961, refrain from communicating with or  
26 contacting, by means of the Internet, a person who is not

1 related to the accused and whom the accused reasonably  
2 believes to be under 18 years of age; for purposes of this  
3 paragraph (7.8), "Internet" has the meaning ascribed to it  
4 in Section 16J-5 of the Criminal Code of 1961, as added by  
5 Public Act 94-179; and a person is not related to the  
6 accused if the person is not: (i) the spouse, brother, or  
7 sister of the accused; (ii) a descendant of the accused;  
8 (iii) a first or second cousin of the accused; or (iv) a  
9 step-child or adopted child of the accused;

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

18 (7.10) ~~(7.8)~~ if convicted for an offense that would  
19 qualify the accused as a sex offender or sexual predator  
20 under the Sex Offender Registration Act on or after the  
21 effective date of this amendatory Act of the 95th General  
22 Assembly, not possess prescription drugs for erectile  
23 dysfunction;

24 (7.11) if convicted of a sex offense as defined in the  
25 Sex Offender Registration Act committed on or after the  
26 effective date of this amendatory Act of the 95th General



1 Assembly, refrain from accessing or using a social  
2 networking website as defined in Section 16D-2 of the  
3 Criminal Code of 1961 during the period for which the sex  
4 offender is required to register under the Sex Offender  
5 Registration Act;

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

8 (9) obtain permission of an agent of the Department of  
9 Corrections before changing his or her residence or  
10 employment;

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

13 (11) refrain from the use or possession of narcotics or  
14 other controlled substances in any form, or both, or any  
15 paraphernalia related to those substances and submit to a  
16 urinalysis test as instructed by a parole agent of the  
17 Department of Corrections;

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

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

26 (14) provide true and accurate information, as it

1 relates to his or her adjustment in the community while on  
2 parole or mandatory supervised release or to his or her  
3 conduct while incarcerated, in response to inquiries by his  
4 or her parole agent or of the Department of Corrections;

5 (15) follow any specific instructions provided by the  
6 parole agent that are consistent with furthering  
7 conditions set and approved by the Prisoner Review Board or  
8 by law, exclusive of placement on electronic detention, to  
9 achieve the goals and objectives of his or her parole or  
10 mandatory supervised release or to protect the public.  
11 These instructions by the parole agent may be modified at  
12 any time, as the agent deems appropriate; and

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

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

25 (1) work or pursue a course of study or vocational  
26 training;

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

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

5           (4) support his dependents;

6           (5) (blank);

7           (6) (blank);

8           (7) comply with the terms and conditions of an order of  
9 protection issued pursuant to the Illinois Domestic  
10 Violence Act of 1986, enacted by the 84th General Assembly,  
11 or an order of protection issued by the court of another  
12 state, tribe, or United States territory;

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

1 adopted child of the accused; and

2 (8) in addition, if a minor:

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

4 (ii) attend school;

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

6 or

7 (iv) contribute to his own support at home or in a

8 foster home.

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

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

16 (2) comply with all requirements of the Sex Offender  
17 Registration Act;

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

20 (4) obtain the approval of an agent of the Department  
21 of Corrections prior to accepting employment or pursuing a  
22 course of study or vocational training and notify the  
23 Department prior to any change in employment, study, or  
24 training;

25 (5) not be employed or participate in any volunteer  
26 activity that involves contact with children, except under

1 circumstances approved in advance and in writing by an  
2 agent of the Department of Corrections;

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

5 (7) refrain from entering into a designated geographic  
6 area except upon terms approved in advance by an agent of  
7 the Department of Corrections. The terms may include  
8 consideration of the purpose of the entry, the time of day,  
9 and others accompanying the person;

10 (8) refrain from having any contact, including written  
11 or oral communications, directly or indirectly, personally  
12 or by telephone, letter, or through a third party with  
13 certain specified persons including, but not limited to,  
14 the victim or the victim's family without the prior written  
15 approval of an agent of the Department of Corrections;

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

20 (10) neither possess or have under his or her control  
21 any material that is sexually oriented, sexually  
22 stimulating, or that shows male or female sex organs or any  
23 pictures depicting children under 18 years of age nude or  
24 any written or audio material describing sexual  
25 intercourse or that depicts or alludes to sexual activity,  
26 including but not limited to visual, auditory, telephonic,

1 or electronic media, or any matter obtained through access  
2 to any computer or material linked to computer access use;

3 (11) not patronize any business providing sexually  
4 stimulating or sexually oriented entertainment nor utilize  
5 "900" or adult telephone numbers;

6 (12) not reside near, visit, or be in or about parks,  
7 schools, day care centers, swimming pools, beaches,  
8 theaters, or any other places where minor children  
9 congregate without advance approval of an agent of the  
10 Department of Corrections and immediately report any  
11 incidental contact with minor children to the Department;

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

16 (14) may be required to provide a written daily log of  
17 activities if directed by an agent of the Department of  
18 Corrections;

19 (15) comply with all other special conditions that the  
20 Department may impose that restrict the person from  
21 high-risk situations and limit access to potential  
22 victims;

23 (16) take an annual polygraph exam;

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

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

1           (c) The conditions under which the parole or mandatory  
2 supervised release is to be served shall be communicated to the  
3 person in writing prior to his release, and he shall sign the  
4 same before release. A signed copy of these conditions,  
5 including a copy of an order of protection where one had been  
6 issued by the criminal court, shall be retained by the person  
7 and another copy forwarded to the officer in charge of his  
8 supervision.

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

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

16           (f) When the subject is in compliance with all conditions  
17 of his or her parole or mandatory supervised release, the  
18 subject shall receive a reduction of the period of his or her  
19 parole or mandatory supervised release of 90 days upon passage  
20 of the high school level Test of General Educational  
21 Development during the period of his or her parole or mandatory  
22 supervised release. This reduction in the period of a subject's  
23 term of parole or mandatory supervised release shall be  
24 available only to subjects who have not previously earned a  
25 high school diploma or who have not previously passed the high  
26 school level Test of General Educational Development.

1 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
2 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
3 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 10-17-07.)

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

5 (Text of Section after amendment by P.A. 95-464, 95-578)

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

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

10 (1) not violate any criminal statute of any  
11 jurisdiction;

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

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

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

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



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

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

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

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

21 (8) if convicted of possession of a substance  
22 prohibited by the Cannabis Control Act, the Illinois  
23 Controlled Substances Act, or the Methamphetamine Control  
24 and Community Protection Act after a previous conviction or  
25 disposition of supervision for possession of a substance  
26 prohibited by the Cannabis Control Act or Illinois

1           Controlled Substances Act or after a sentence of probation  
2           under Section 10 of the Cannabis Control Act, Section 410  
3           of the Illinois Controlled Substances Act, or Section 70 of  
4           the Methamphetamine Control and Community Protection Act  
5           and upon a finding by the court that the person is  
6           addicted, undergo treatment at a substance abuse program  
7           approved by the court;

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

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

25          (8.7) if convicted for an offense committed on or after  
26          the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child  
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
3 Criminal Code of 1961, refrain from communicating with or  
4 contacting, by means of the Internet, a person who is not  
5 related to the accused and whom the accused reasonably  
6 believes to be under 18 years of age; for purposes of this  
7 paragraph (8.7), "Internet" has the meaning ascribed to it  
8 in Section 16J-5 of the Criminal Code of 1961, as added by  
9 Public Act 94-179; and a person is not related to the  
10 accused if the person is not: (i) the spouse, brother, or  
11 sister of the accused; (ii) a descendant of the accused;  
12 (iii) a first or second cousin of the accused; or (iv) a  
13 step-child or adopted child of the accused;

14 (8.8) if convicted of a sex offense as defined in the  
15 Sex Offender Registration Act committed on or after the  
16 effective date of this amendatory Act of the 95th General  
17 Assembly, refrain from accessing or using a social  
18 networking website as defined in Section 16D-2 of the  
19 Criminal Code of 1961 during the period for which the sex  
20 offender is required to register under the Sex Offender  
21 Registration Act;

22 (9) if convicted of a felony, physically surrender at a  
23 time and place designated by the court, his or her Firearm  
24 Owner's Identification Card and any and all firearms in his  
25 or her possession; and

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

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

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

15 (1) serve a term of periodic imprisonment under Article  
16 7 for a period not to exceed that specified in paragraph

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

18 (2) pay a fine and costs;

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

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

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

25 (6) support his dependents;

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

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

1 time for purposes of verifying the offender's  
2 compliance with the conditions of his confinement; and

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

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

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

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

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

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



1 fine authorized for the offense for which the defendant was  
2 sentenced;

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

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

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

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

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

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

26          (d) An offender sentenced to probation or to conditional

1 discharge shall be given a certificate setting forth the  
2 conditions thereof.

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

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

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

18 (g) An offender sentenced to probation or to conditional  
19 discharge and who during the term of either undergoes mandatory  
20 drug or alcohol testing, or both, or is assigned to be placed  
21 on an approved electronic monitoring device, shall be ordered  
22 to pay all costs incidental to such mandatory drug or alcohol  
23 testing, or both, and all costs incidental to such approved  
24 electronic monitoring in accordance with the defendant's  
25 ability to pay those costs. The county board with the  
26 concurrence of the Chief Judge of the judicial circuit in which

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

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

21 (i) The court shall impose upon an offender sentenced to  
22 probation after January 1, 1989 or to conditional discharge  
23 after January 1, 1992 or to community service under the  
24 supervision of a probation or court services department after  
25 January 1, 2004, as a condition of such probation or  
26 conditional discharge or supervised community service, a fee of

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

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

1 victims and their families.

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

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

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

24 (k) Any offender who is sentenced to probation or  
25 conditional discharge for a felony sex offense as defined in  
26 the Sex Offender Management Board Act or any offense that the

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

7 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
8 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
9 6-1-08; 95-578, eff. 6-1-08; revised 10-17-07.)

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

12 (a) When a defendant is placed on supervision, the court  
13 shall enter an order for supervision specifying the period of  
14 such supervision, and shall defer further proceedings in the  
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under all  
17 of the circumstances of the case, but may not be longer than 2  
18 years, unless the defendant has failed to pay the assessment  
19 required by Section 10.3 of the Cannabis Control Act, Section  
20 411.2 of the Illinois Controlled Substances Act, or Section 80  
21 of the Methamphetamine Control and Community Protection Act, in  
22 which case the court may extend supervision beyond 2 years.  
23 Additionally, the court shall order the defendant to perform no  
24 less than 30 hours of community service and not more than 120  
25 hours of community service, if community service is available

1 in the jurisdiction and is funded and approved by the county  
2 board where the offense was committed, when the offense (1) was  
3 related to or in furtherance of the criminal activities of an  
4 organized gang or was motivated by the defendant's membership  
5 in or allegiance to an organized gang; or (2) is a violation of  
6 any Section of Article 24 of the Criminal Code of 1961 where a  
7 disposition of supervision is not prohibited by Section 5-6-1  
8 of this Code. The community service shall include, but not be  
9 limited to, the cleanup and repair of any damage caused by  
10 violation of Section 21-1.3 of the Criminal Code of 1961 and  
11 similar damages to property located within the municipality or  
12 county in which the violation occurred. Where possible and  
13 reasonable, the community service should be performed in the  
14 offender's neighborhood.

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

18 (c) The court may in addition to other reasonable  
19 conditions relating to the nature of the offense or the  
20 rehabilitation of the defendant as determined for each  
21 defendant in the proper discretion of the court require that  
22 the person:

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



- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational  
3 training;
- 4 (4) undergo medical, psychological or psychiatric  
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other  
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
  - 12 (i) reside with his parents or in a foster home;
  - 13 (ii) attend school;
  - 14 (iii) attend a non-residential program for youth;
  - 15 (iv) contribute to his own support at home or in a  
16 foster home; or
  - 17 (v) with the consent of the superintendent of the  
18 facility, attend an educational program at a facility  
19 other than the school in which the offense was  
20 committed if he or she is placed on supervision for a  
21 crime of violence as defined in Section 2 of the Crime  
22 Victims Compensation Act committed in a school, on the  
23 real property comprising a school, or within 1,000 feet  
24 of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to  
26 exceed actual loss or damage to property and pecuniary loss

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

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

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

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

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds  
2 appropriate. Such terms may include consideration of the  
3 purpose of the entry, the time of day, other persons  
4 accompanying the defendant, and advance approval by a  
5 probation officer;

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

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

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

25 (18) if placed on supervision for a sex offense as  
26 defined in subsection (a-5) of Section 3-1-2 of this Code,

1 unless the offender is a parent or guardian of the person  
2 under 18 years of age present in the home and no  
3 non-familial minors are present, not participate in a  
4 holiday event involving children under 18 years of age,  
5 such as distributing candy or other items to children on  
6 Halloween, wearing a Santa Claus costume on or preceding  
7 Christmas, being employed as a department store Santa  
8 Claus, or wearing an Easter Bunny costume on or preceding  
9 Easter.

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

12 (e) At the conclusion of the period of supervision, if the  
13 court determines that the defendant has successfully complied  
14 with all of the conditions of supervision, the court shall  
15 discharge the defendant and enter a judgment dismissing the  
16 charges.

17 (f) Discharge and dismissal upon a successful conclusion of  
18 a disposition of supervision shall be deemed without  
19 adjudication of guilt and shall not be termed a conviction for  
20 purposes of disqualification or disabilities imposed by law  
21 upon conviction of a crime. Two years after the discharge and  
22 dismissal under this Section, unless the disposition of  
23 supervision was for a violation of Sections 3-707, 3-708,  
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance, or for a violation of  
26 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which

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

13 (g) A defendant placed on supervision and who during the  
14 period of supervision undergoes mandatory drug or alcohol  
15 testing, or both, or is assigned to be placed on an approved  
16 electronic monitoring device, shall be ordered to pay the costs  
17 incidental to such mandatory drug or alcohol testing, or both,  
18 and costs incidental to such approved electronic monitoring in  
19 accordance with the defendant's ability to pay those costs. The  
20 county board with the concurrence of the Chief Judge of the  
21 judicial circuit in which the county is located shall establish  
22 reasonable fees for the cost of maintenance, testing, and  
23 incidental expenses related to the mandatory drug or alcohol  
24 testing, or both, and all costs incidental to approved  
25 electronic monitoring, of all defendants placed on  
26 supervision. The concurrence of the Chief Judge shall be in the

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

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

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

1 and court services fund pursuant to Section 15.1 of the  
2 Probation and Probation Officers Act.

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

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

22 (k) A defendant at least 17 years of age who is placed on  
23 supervision for a misdemeanor in a county of 3,000,000 or more  
24 inhabitants and who has not been previously convicted of a  
25 misdemeanor or felony may as a condition of his or her  
26 supervision be required by the court to attend educational

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

21 (1) The court shall require a defendant placed on  
22 supervision for possession of a substance prohibited by the  
23 Cannabis Control Act, the Illinois Controlled Substances Act,  
24 or the Methamphetamine Control and Community Protection Act  
25 after a previous conviction or disposition of supervision for  
26 possession of a substance prohibited by the Cannabis Control



1 Act, the Illinois Controlled Substances Act, or the  
2 Methamphetamine Control and Community Protection Act or a  
3 sentence of probation under Section 10 of the Cannabis Control  
4 Act or Section 410 of the Illinois Controlled Substances Act  
5 and after a finding by the court that the person is addicted,  
6 to undergo treatment at a substance abuse program approved by  
7 the court.

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

21 (n) Any offender placed on supervision for any offense that  
22 the court or probation department has determined to be sexually  
23 motivated as defined in the Sex Offender Management Board Act  
24 shall be required to refrain from any contact, directly or  
25 indirectly, with any persons specified by the court and shall  
26 be available for all evaluations and treatment programs

1 required by the court or the probation department.

2 (o) An offender placed on supervision for a sex offense as  
3 defined in the Sex Offender Management Board Act shall refrain  
4 from residing at the same address or in the same condominium  
5 unit or apartment unit or in the same condominium complex or  
6 apartment complex with another person he or she knows or  
7 reasonably should know is a convicted sex offender or has been  
8 placed on supervision for a sex offense. The provisions of this  
9 subsection (o) do not apply to a person convicted of a sex  
10 offense who is placed in a Department of Corrections licensed  
11 transitional housing facility for sex offenders.

12 (p) An offender placed on supervision for a sex offense as  
13 defined in the Sex Offender Registration Act committed on or  
14 after the effective date of this amendatory Act of the 95th  
15 General Assembly shall refrain from accessing or using a social  
16 networking website as defined in Section 16D-2 of the Criminal  
17 Code of 1961 during the period for which the sex offender is  
18 required to register under the Sex Offender Registration Act.

19 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;  
20 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.  
21 9-11-05; revised 8-19-05.)