



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0590

Introduced 2/6/2009, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

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 Unified Code of Corrections. Provides that the provisions of Public Act 95-983 that a person serving a mandatory supervised release term, probation, or supervision for an offense that would qualify the offender as a sex offender under the Sex Offender Registration Act committed on or after the effective date of that amendatory Act, may be required: (1) not access or use a computer or any other device with Internet capability without the prior written approval of specified officials; (2) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by certain specified officials; (3) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and (4) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability is mandatory where the trier of fact at the offender's trial made a finding that a computer or any other device with Internet capability was used to facilitate the commission of the offense (rather than mandatory for certain sex offenses). Effective June 1, 2009.

LRB096 08030 RLC 18135 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL 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 Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 (Text of Section after amendment by P.A. 95-983)

8 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
9 Release.

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

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

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

19 (3) report to an agent of the Department of
20 Corrections;

21 (4) permit the agent to visit him or her at his or her
22 home, employment, or elsewhere to the extent necessary for
23 the agent to discharge his or her duties;

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

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

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

11 (7.5) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, the individual shall
13 undergo and successfully complete sex offender treatment
14 conducted in conformance with the standards developed by
15 the Sex Offender Management Board Act by a treatment
16 provider approved by the Board;

17 (7.6) if convicted of a sex offense as defined in the
18 Sex Offender Management Board Act, refrain from residing at
19 the same address or in the same condominium unit or
20 apartment unit or in the same condominium complex or
21 apartment complex with another person he or she knows or
22 reasonably should know is a convicted sex offender or has
23 been placed on supervision for a sex offense; the
24 provisions of this paragraph do not apply to a person
25 convicted of a sex offense who is placed in a Department of
26 Corrections licensed transitional housing facility for sex

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

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

13 (7.8) 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 not
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 (7.8), "Internet" has the meaning ascribed to it
22 in Section 16J-5 of the Criminal Code of 1961; and a person
23 is not related to the accused if the person is not: (i) the
24 spouse, brother, or sister of the accused; (ii) a
25 descendant of the accused; (iii) a first or second cousin
26 of the accused; or (iv) a step-child or adopted child of

1 the accused;

2 (7.9) if convicted under Section 11-6, 11-20.1,
3 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
4 search of computers, PDAs, cellular phones, and other
5 devices under his or her control that are capable of
6 accessing the Internet or storing electronic files, in
7 order to confirm Internet protocol addresses reported in
8 accordance with the Sex Offender Registration Act and
9 compliance with conditions in this Act;

10 (7.10) if convicted for an offense that would qualify
11 the accused as a sex offender or sexual predator under the
12 Sex Offender Registration Act on or after the effective
13 date of this amendatory Act of the 95th General Assembly,
14 not possess prescription drugs for erectile dysfunction;

15 (7.11) if convicted for an offense that would qualify
16 the subject as a sex offender or sexual predator under the
17 Sex Offender Registration Act ~~under Section 11-6, 11-9.1,~~
18 ~~11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of~~
19 ~~1961, or any attempt to commit any of these offenses,~~
20 committed on or after June 1, 2009 (the effective date of
21 Public Act 95-983) where the trier of fact at the subject's
22 trial made a finding that a computer or any other device
23 with Internet capability was used to facilitate the
24 commission of the offense ~~this amendatory Act of the 95th~~
25 ~~General Assembly:~~

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Board; except the subject may
3 use a computer or any other device with Internet
4 capability in connection with that subject's
5 employment or search for employment with the prior
6 approval of the person's supervising officer
7 ~~Department;~~

8 (ii) submit to periodic unannounced examinations
9 of the offender's computer or any other device with
10 Internet capability by the offender's supervising
11 agent, a law enforcement officer, or assigned computer
12 or information technology specialist, including the
13 retrieval and copying of all data from the computer or
14 device and any internal or external peripherals and
15 removal of such information, equipment, or device to
16 conduct a more thorough inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 offender's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the Board, ~~the Department or the offender's~~
25 ~~supervising agent;~~

26 For purposes of this paragraph (7.11):

1 "Computer" has the meaning ascribed to it in
2 Section 16J-5 of the Criminal Code of 1961.

3 "Internet" means the global information system
4 that is logically linked together by a globally unique
5 address space based on the Internet Protocol (IP), or
6 its subsequent extensions, and that is able to support
7 communications using the Transmission Control
8 Protocol/Internet Protocol (TCP/IP) suite, or its
9 subsequent extensions, or other IP-compatible
10 protocols, and that provides, uses, or makes
11 accessible, either publicly or privately, high level
12 services layered on the communications and related
13 infrastructure;

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

16 (9) obtain permission of an agent of the Department of
17 Corrections before changing his or her residence or
18 employment;

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

21 (11) refrain from the use or possession of narcotics or
22 other controlled substances in any form, or both, or any
23 paraphernalia related to those substances and submit to a
24 urinalysis test as instructed by a parole agent of the
25 Department of Corrections;

26 (12) not frequent places where controlled substances

1 are illegally sold, used, distributed, or administered;

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

8 (14) provide true and accurate information, as it
9 relates to his or her adjustment in the community while on
10 parole or mandatory supervised release or to his or her
11 conduct while incarcerated, in response to inquiries by his
12 or her parole agent or of the Department of Corrections;

13 (15) follow any specific instructions provided by the
14 parole agent that are consistent with furthering
15 conditions set and approved by the Prisoner Review Board or
16 by law, exclusive of placement on electronic detention, to
17 achieve the goals and objectives of his or her parole or
18 mandatory supervised release or to protect the public.
19 These instructions by the parole agent may be modified at
20 any time, as the agent deems appropriate;

21 (16) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter; and

5 (17) if convicted of a violation of an order of
6 protection under Section 12-30 of the Criminal Code of
7 1961, be placed under electronic surveillance as provided
8 in Section 5-8A-7 of this Code.

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

11 (1) work or pursue a course of study or vocational
12 training;

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

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

17 (4) support his dependents;

18 (5) (blank);

19 (6) (blank);

20 (7) comply with the terms and conditions of an order of
21 protection issued pursuant to the Illinois Domestic
22 Violence Act of 1986, enacted by the 84th General Assembly,
23 or an order of protection issued by the court of another
24 state, tribe, or United States territory;

25 (7.5) 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
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 (7.5), "Internet" has the meaning ascribed to it
8 in Section 16J-5 of the Criminal Code of 1961; and a person
9 is related to the accused if the person is: (i) the spouse,
10 brother, or sister of the accused; (ii) a descendant of the
11 accused; (iii) a first or second cousin of the accused; or
12 (iv) a step-child or adopted child of the accused;

13 (7.6) (blank) ~~if convicted for an offense committed on~~
14 ~~or after the effective date of this amendatory Act of the~~
15 ~~95th General Assembly that would qualify as a sex offense~~
16 ~~as defined in the Sex Offender Registration Act:~~

17 ~~(i) not access or use a computer or any other~~
18 ~~device with Internet capability without the prior~~
19 ~~written approval of the Department;~~

20 ~~(ii) submit to periodic unannounced examinations~~
21 ~~of the offender's computer or any other device with~~
22 ~~Internet capability by the offender's supervising~~
23 ~~agent, a law enforcement officer, or assigned computer~~
24 ~~or information technology specialist, including the~~
25 ~~retrieval and copying of all data from the computer or~~
26 ~~device and any internal or external peripherals and~~

1 ~~removal of such information, equipment, or device to~~
2 ~~conduct a more thorough inspection;~~

3 ~~(iii) submit to the installation on the offender's~~
4 ~~computer or device with Internet capability, at the~~
5 ~~offender's expense, of one or more hardware or software~~
6 ~~systems to monitor the Internet use; and~~

7 ~~(iv) submit to any other appropriate restrictions~~
8 ~~concerning the offender's use of or access to a~~
9 ~~computer or any other device with Internet capability~~
10 ~~imposed by the Board, the Department or the offender's~~
11 ~~supervising agent; and~~

12 (8) in addition, if a minor:

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

14 (ii) attend school;

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

16 or

17 (iv) contribute to his own support at home or in a
18 foster home.

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

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

26 (2) comply with all requirements of the Sex Offender

1 Registration Act;

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

4 (4) obtain the approval of an agent of the Department
5 of Corrections prior to accepting employment or pursuing a
6 course of study or vocational training and notify the
7 Department prior to any change in employment, study, or
8 training;

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

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

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

20 (8) refrain from having any contact, including written
21 or oral communications, directly or indirectly, personally
22 or by telephone, letter, or through a third party with
23 certain specified persons including, but not limited to,
24 the victim or the victim's family without the prior written
25 approval of an agent of the Department of Corrections;

26 (9) refrain from all contact, directly or indirectly,

1 personally, by telephone, letter, or through a third party,
2 with minor children without prior identification and
3 approval of an agent of the Department of Corrections;

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

13 (11) not patronize any business providing sexually
14 stimulating or sexually oriented entertainment nor utilize
15 "900" or adult telephone numbers;

16 (12) not reside near, visit, or be in or about parks,
17 schools, day care centers, swimming pools, beaches,
18 theaters, or any other places where minor children
19 congregate without advance approval of an agent of the
20 Department of Corrections and immediately report any
21 incidental contact with minor children to the Department;

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

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department of
2 Corrections;

3 (15) comply with all other special conditions that the
4 Department may impose that restrict the person from
5 high-risk situations and limit access to potential
6 victims;

7 (16) take an annual polygraph exam;

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

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

11 (c) The conditions under which the parole or mandatory
12 supervised release is to be served shall be communicated to the
13 person in writing prior to his release, and he shall sign the
14 same before release. A signed copy of these conditions,
15 including a copy of an order of protection where one had been
16 issued by the criminal court, shall be retained by the person
17 and another copy forwarded to the officer in charge of his
18 supervision.

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

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

26 (f) When the subject is in compliance with all conditions

1 of his or her parole or mandatory supervised release, the
2 subject shall receive a reduction of the period of his or her
3 parole or mandatory supervised release of 90 days upon passage
4 of the high school level Test of General Educational
5 Development during the period of his or her parole or mandatory
6 supervised release. This reduction in the period of a subject's
7 term of parole or mandatory supervised release shall be
8 available only to subjects who have not previously earned a
9 high school diploma or who have not previously passed the high
10 school level Test of General Educational Development.

11 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
12 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;
13 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
14 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised 10-20-08.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 (Text of Section after amendment by P.A. 95-983)

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

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

21 (1) not violate any criminal statute of any
22 jurisdiction;

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

25 (3) refrain from possessing a firearm or other

1 dangerous weapon;

2 (4) not leave the State without the consent of the
3 court or, in circumstances in which the reason for the
4 absence is of such an emergency nature that prior consent
5 by the court is not possible, without the prior
6 notification and approval of the person's probation
7 officer. Transfer of a person's probation or conditional
8 discharge supervision to another state is subject to
9 acceptance by the other state pursuant to the Interstate
10 Compact for Adult Offender Supervision;

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

14 (6) perform no less than 30 hours of community service
15 and not more than 120 hours of community service, if
16 community service is available in the jurisdiction and is
17 funded and approved by the county board where the offense
18 was committed, where the offense was related to or in
19 furtherance of the criminal activities of an organized gang
20 and was motivated by the offender's membership in or
21 allegiance to an organized gang. The community service
22 shall include, but not be limited to, the cleanup and
23 repair of any damage caused by a violation of Section
24 21-1.3 of the Criminal Code of 1961 and similar damage to
25 property located within the municipality or county in which
26 the violation occurred. When possible and reasonable, the

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

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

1 school diploma or has successfully passed the GED test.
2 This clause (7) does not apply to a person who is
3 determined by the court to be developmentally disabled or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) 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;

10 (8.7) if convicted for an offense committed on or after
11 June 1, 2008 (the effective date of Public Act 95-464) ~~this~~
12 ~~amendatory Act of the 95th General Assembly~~ that would
13 qualify the accused as a child sex offender as defined in
14 Section 11-9.3 or 11-9.4 of the Criminal Code of 1961,
15 refrain from communicating with or contacting, by means of
16 the Internet, a person who is not related to the accused
17 and whom the accused reasonably believes to be under 18
18 years of age; for purposes of this paragraph (8.7),
19 "Internet" has the meaning ascribed to it in Section 16J-5
20 of the Criminal Code of 1961; and a person is not related
21 to the accused if the person is not: (i) the spouse,
22 brother, or sister of the accused; (ii) a descendant of the
23 accused; (iii) a first or second cousin of the accused; or
24 (iv) a step-child or adopted child of the accused;

25 (8.8) if convicted for an offense that would qualify
26 the person as a sex offender or sexual predator under the

1 Sex Offender Registration Act under Section 11-6, 11-9.1,
2 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of
3 1961, or any attempt to commit any of these offenses,
4 committed on or after June 1, 2009 (the effective date of
5 Public Act 95-983), where the trier of fact at the person's
6 trial made a finding that a computer or any other device
7 with Internet capability was used to facilitate the
8 commission of the offense: this amendatory Act of the 95th
9 General Assembly:

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer; except the person may
16 use a computer or any other device with Internet
17 capability in connection with that person's employment
18 or search for employment with the prior approval of the
19 person's probation officer;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's probation
23 officer, a law enforcement officer, or assigned
24 computer or information technology specialist,
25 including the retrieval and copying of all data from
26 the computer or device and any internal or external

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the offender's probation officer;

12 For purposes of this paragraph (8.8):

13 "Computer" has the meaning ascribed to it in
14 Section 16J-5 of the Criminal Code of 1961.

15 "Internet" means the global information system
16 that is logically linked together by a globally unique
17 address space based on the Internet Protocol (IP), or
18 its subsequent extensions, and that is able to support
19 communications using the Transmission Control
20 Protocol/Internet Protocol (TCP/IP) suite, or its
21 subsequent extensions, or other IP-compatible
22 protocols, and that provides, uses, or makes
23 accessible, either publicly or privately, high level
24 services layered on the communications and related
25 infrastructure;

26 (9) if convicted of a felony, physically surrender at a

1 time and place designated by the court, his or her Firearm
2 Owner's Identification Card and any and all firearms in his
3 or her possession; and

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

14 (b) The Court may in addition to other reasonable
15 conditions relating to the nature of the offense or the
16 rehabilitation of the defendant as determined for each
17 defendant in the proper discretion of the Court require that
18 the person:

19 (1) serve a term of periodic imprisonment under Article
20 7 for a period not to exceed that specified in paragraph
21 (d) of Section 5-7-1;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

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

3 (6) support his dependents;

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

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

6 (ii) attend school;

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

8 (iv) contribute to his own support at home or in a
9 foster home;

10 (v) with the consent of the superintendent of the
11 facility, attend an educational program at a facility
12 other than the school in which the offense was
13 committed if he or she is convicted of a crime of
14 violence as defined in Section 2 of the Crime Victims
15 Compensation Act committed in a school, on the real
16 property comprising a school, or within 1,000 feet of
17 the real property comprising a school;

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

20 (9) perform some reasonable public or community
21 service;

22 (10) serve a term of home confinement. In addition to
23 any other applicable condition of probation or conditional
24 discharge, the conditions of home confinement shall be that
25 the offender:

26 (i) remain within the interior premises of the

1 place designated for his confinement during the hours
2 designated by the court;

3 (ii) admit any person or agent designated by the
4 court into the offender's place of confinement at any
5 time for purposes of verifying the offender's
6 compliance with the conditions of his confinement; and

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

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

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

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

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

7 (13) contribute a reasonable sum of money, not to
8 exceed the maximum amount of the fine authorized for the
9 offense for which the defendant was sentenced, (i) to a
10 "local anti-crime program", as defined in Section 7 of the
11 Anti-Crime Advisory Council Act, or (ii) for offenses under
12 the jurisdiction of the Department of Natural Resources, to
13 the fund established by the Department of Natural Resources
14 for the purchase of evidence for investigation purposes and
15 to conduct investigations as outlined in Section 805-105 of
16 the Department of Natural Resources (Conservation) Law;

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

25 (15) refrain from having any contact, directly or
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of
2 street gangs and drug users or dealers;

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

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

25 (18) (blank) ~~if convicted for an offense committed on~~
26 ~~or after the effective date of this amendatory Act of the~~

1 ~~95th General Assembly that would qualify as a sex offense~~
2 ~~as defined in the Sex Offender Registration Act:~~

3 ~~(i) not access or use a computer or any other~~
4 ~~device with Internet capability without the prior~~
5 ~~written approval of the offender's probation officer,~~
6 ~~except in connection with the offender's employment or~~
7 ~~search for employment with the prior approval of the~~
8 ~~offender's probation officer;~~

9 ~~(ii) submit to periodic unannounced examinations~~
10 ~~of the offender's computer or any other device with~~
11 ~~Internet capability by the offender's probation~~
12 ~~officer, a law enforcement officer, or assigned~~
13 ~~computer or information technology specialist,~~
14 ~~including the retrieval and copying of all data from~~
15 ~~the computer or device and any internal or external~~
16 ~~peripherals and removal of such information,~~
17 ~~equipment, or device to conduct a more thorough~~
18 ~~inspection;~~

19 ~~(iii) submit to the installation on the offender's~~
20 ~~computer or device with Internet capability, at the~~
21 ~~subject's expense, of one or more hardware or software~~
22 ~~systems to monitor the Internet use; and~~

23 ~~(iv) submit to any other appropriate restrictions~~
24 ~~concerning the offender's use of or access to a~~
25 ~~computer or any other device with Internet capability~~
26 ~~imposed by the offender's probation officer.~~

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

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

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

22 Persons committed to imprisonment as a condition of
23 probation or conditional discharge shall not be committed to
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of
2 probation or conditional discharge.

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

26 (h) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the
2 concurrence of both courts. Further transfers or retransfers of
3 jurisdiction are also authorized in the same manner. The court
4 to which jurisdiction has been transferred shall have the same
5 powers as the sentencing court.

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

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

1 subsection (i) in excess of \$25 per month unless: (1) the
2 circuit court has adopted, by administrative order issued by
3 the chief judge, a standard probation fee guide determining an
4 offender's ability to pay, under guidelines developed by the
5 Administrative Office of the Illinois Courts; and (2) the
6 circuit court has authorized, by administrative order issued by
7 the chief judge, the creation of a Crime Victim's Services
8 Fund, to be administered by the Chief Judge or his or her
9 designee, for services to crime victims and their families. Of
10 the amount collected as a probation fee, up to \$5 of that fee
11 collected per month may be used to provide services to crime
12 victims and their families.

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

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

1 pay those costs either as they occur or under a payment plan.

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

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

18 (l) The court may order an offender who is sentenced to
19 probation or conditional discharge for a violation of an order
20 of protection be placed under electronic surveillance as
21 provided in Section 5-8A-7 of this Code.

22 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
23 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.
24 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff.
25 1-1-09; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; revised
26 10-20-08.)

1 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

2 (Text of Section after amendment by P.A. 95-983)

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

4 (a) When a defendant is placed on supervision, the court
5 shall enter an order for supervision specifying the period of
6 such supervision, and shall defer further proceedings in the
7 case until the conclusion of the period.

8 (b) The period of supervision shall be reasonable under all
9 of the circumstances of the case, but may not be longer than 2
10 years, unless the defendant has failed to pay the assessment
11 required by Section 10.3 of the Cannabis Control Act, Section
12 411.2 of the Illinois Controlled Substances Act, or Section 80
13 of the Methamphetamine Control and Community Protection Act, in
14 which case the court may extend supervision beyond 2 years.
15 Additionally, the court shall order the defendant to perform no
16 less than 30 hours of community service and not more than 120
17 hours of community service, if community service is available
18 in the jurisdiction and is funded and approved by the county
19 board where the offense was committed, when the offense (1) was
20 related to or in furtherance of the criminal activities of an
21 organized gang or was motivated by the defendant's membership
22 in or allegiance to an organized gang; or (2) is a violation of
23 any Section of Article 24 of the Criminal Code of 1961 where a
24 disposition of supervision is not prohibited by Section 5-6-1
25 of this Code. The community service shall include, but not be

1 limited to, the cleanup and repair of any damage caused by
2 violation of Section 21-1.3 of the Criminal Code of 1961 and
3 similar damages to property located within the municipality or
4 county in which the violation occurred. Where possible and
5 reasonable, the community service should be performed in the
6 offender's neighborhood.

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

10 (c) 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) make a report to and appear in person before or
16 participate with the court or such courts, person, or
17 social service agency as directed by the court in the order
18 of supervision;

19 (2) pay a fine and costs;

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

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

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

26 (6) support his dependents;

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

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

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

5 (ii) attend school;

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

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

9 (v) with the consent of the superintendent of the
10 facility, attend an educational program at a facility
11 other than the school in which the offense was
12 committed if he or she is placed on supervision for a
13 crime of violence as defined in Section 2 of the Crime
14 Victims Compensation Act committed in a school, on the
15 real property comprising a school, or within 1,000 feet
16 of the real property comprising a school;

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

22 (10) perform some reasonable public or community
23 service;

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory. If the court has ordered the defendant to
3 make a report and appear in person under paragraph (1) of
4 this subsection, a copy of the order of protection shall be
5 transmitted to the person or agency so designated by the
6 court;

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

13 (13) contribute a reasonable sum of money, not to
14 exceed the maximum amount of the fine authorized for the
15 offense for which the defendant was sentenced, (i) to a
16 "local anti-crime program", as defined in Section 7 of the
17 Anti-Crime Advisory Council Act, or (ii) for offenses under
18 the jurisdiction of the Department of Natural Resources, to
19 the fund established by the Department of Natural Resources
20 for the purchase of evidence for investigation purposes and
21 to conduct investigations as outlined in Section 805-105 of
22 the Department of Natural Resources (Conservation) Law;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer;

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

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

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

22 (18) if placed on supervision for a sex offense as
23 defined in subsection (a-5) of Section 3-1-2 of this Code,
24 unless the offender is a parent or guardian of the person
25 under 18 years of age present in the home and no
26 non-familial minors are present, not participate in a

1 holiday event involving children under 18 years of age,
2 such as distributing candy or other items to children on
3 Halloween, wearing a Santa Claus costume on or preceding
4 Christmas, being employed as a department store Santa
5 Claus, or wearing an Easter Bunny costume on or preceding
6 Easter.

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

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

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

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

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

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

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

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

26 A circuit court may not impose a probation fee in excess of

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

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

19 (k) A defendant at least 17 years of age who is placed on
20 supervision for a misdemeanor in a county of 3,000,000 or more
21 inhabitants and who has not been previously convicted of a
22 misdemeanor or felony may as a condition of his or her
23 supervision be required by the court to attend educational
24 courses designed to prepare the defendant for a high school
25 diploma and to work toward a high school diploma or to work
26 toward passing the high school level Test of General

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

18 (1) The court shall require a defendant placed on
19 supervision for possession of a substance prohibited by the
20 Cannabis Control Act, the Illinois Controlled Substances Act,
21 or the Methamphetamine Control and Community Protection Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act or a
26 sentence of probation under Section 10 of the Cannabis Control

1 Act or Section 410 of the Illinois Controlled Substances Act
2 and after a finding by the court that the person is addicted,
3 to undergo treatment at a substance abuse program approved by
4 the court.

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

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

25 (o) An offender placed on supervision for a sex offense as
26 defined in the Sex Offender Management Board Act shall refrain

1 from residing at the same address or in the same condominium
2 unit or 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 been
5 placed on supervision for a sex offense. The provisions of this
6 subsection (o) do not apply to a person convicted of a sex
7 offense who is placed in a Department of Corrections licensed
8 transitional housing facility for sex offenders.

9 (p) An offender placed on supervision for an offense
10 committed on or after June 1, 2008 (the effective date of
11 Public Act 95-464) that would qualify the accused as a child
12 sex offender as defined in Section 11-9.3 or 11-9.4 of the
13 Criminal Code of 1961 shall refrain from communicating with or
14 contacting, by means of the Internet, a person who is not
15 related to the accused and whom the accused reasonably believes
16 to be under 18 years of age. For purposes of this subsection
17 (p), "Internet" has the meaning ascribed to it in Section 16J-5
18 of the Criminal Code of 1961; and a person is not related to
19 the accused if the person is not: (i) the spouse, brother, or
20 sister of the accused; (ii) a descendant of the accused; (iii)
21 a first or second cousin of the accused; or (iv) a step-child
22 or adopted child of the accused.

23 (q) An offender placed on supervision for an offense
24 committed on or after June 1, 2008 (the effective date of
25 Public Act 95-464) 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 shall, if so ordered by the court,
2 refrain from communicating with or contacting, by means of the
3 Internet, a person who is related to the accused and whom the
4 accused reasonably believes to be under 18 years of age. For
5 purposes of this subsection (q), "Internet" has the meaning
6 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
7 and a person is related to the accused if the person is: (i)
8 the spouse, brother, or sister of the accused; (ii) a
9 descendant of the accused; (iii) a first or second cousin of
10 the accused; or (iv) a step-child or adopted child of the
11 accused.

12 (r) An offender placed on supervision for an offense that
13 would qualify the offender as a sex offender under the Sex
14 Offender Registration Act under Section 11-6, 11-9.1, 11-15.1,
15 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, or any
16 attempt to commit any of these offenses, committed on or after
17 June 1, 2009 (the effective date of this amendatory Act of the
18 95th General Assembly Public Act 95-983), where the trier of
19 fact at the offender's trial made a finding that a computer or
20 any other device with Internet capability was used to
21 facilitate the commission of the offense shall:

22 (i) not access or use a computer or any other device
23 with Internet capability without the prior written
24 approval of the court, except in connection with the
25 offender's employment or search for employment with the
26 prior approval of the court;

1 (ii) submit to periodic unannounced examinations of
2 the offender's computer or any other device with Internet
3 capability by the offender's probation officer, a law
4 enforcement officer, or assigned computer or information
5 technology specialist, including the retrieval and copying
6 of all data from the computer or device and any internal or
7 external peripherals and removal of such information,
8 equipment, or device to conduct a more thorough inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a computer or
15 any other device with Internet capability imposed by the
16 court.

17 For purposes of this subsection (r):

18 "Computer" has the meaning ascribed to it in Section
19 16J-5 of the Criminal Code of 1961.

20 "Internet" means the global information system that is
21 logically linked together by a globally unique address
22 space based on the Internet Protocol (IP), or its
23 subsequent extensions, and that is able to support
24 communications using the Transmission Control
25 Protocol/Internet Protocol (TCP/IP) suite, or its
26 subsequent extensions, or other IP-compatible protocols,

1 and that provides, uses, or makes accessible, either
2 publicly or privately, high level services layered on the
3 communications and related infrastructure.

4 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
5 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.
6 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff.
7 8-21-08; 95-983, eff. 6-1-09.)

8 Section 99. Effective date. This Act takes effect June 1,
9 2009.