



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5303

by Rep. Dennis M. Reboletti

SYNOPSIS AS INTRODUCED:

See Index

Creates the County Impact Incarceration Abolition Act. Abolishes the county impact incarceration program. Provides that on and after the effective date of the Act, a court may not sentence a defendant to a county impact incarceration program; nor may a county board that has not approved the operation of a county impact incarceration program authorize the sheriff to operate that program. Provides that a person sentenced to a county impact incarceration program before the effective date of the Act shall continue to serve in the program until his or her successful completion of the program or his or her removal from the program. Amends the Counties Code, the Criminal Code of 2012, the Unified Code of Corrections, and the County Jail Good Behavior Allowance Act to make conforming changes.

LRB098 15132 RLC 50106 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 1. Short title. This Act may be cited as the County
5 Impact Incarceration Abolition Act.

6 Section 5. Purpose and applicability; non-retroactive. The
7 purpose of this Act is to abolish the county impact
8 incarceration program created under Sections 3-6038 and
9 3-15003.5 of the Counties Code and Section 5-8-1.2 of the
10 Unified Code of Corrections. On and after the effective date of
11 this Act, a court may not sentence a defendant to a county
12 impact incarceration program; nor may a county board that has
13 not approved the operation of a county impact incarceration
14 program authorize the sheriff to operate that program. A person
15 sentenced to a county impact incarceration program before the
16 effective date of this Act shall continue to serve in the
17 program until his or her successful completion of the program
18 or his or her removal from the program.

19 (55 ILCS 5/3-6038 rep.)

20 (55 ILCS 5/3-15003.5 rep.)

21 Section 10. The Counties Code is amended by repealing
22 Sections 3-6038 and 3-15003.5.

1 Section 15. The Criminal Code of 2012 is amended by
2 changing Section 33G-5 as follows:

3 (720 ILCS 5/33G-5)

4 (Section scheduled to be repealed on June 11, 2017)

5 Sec. 33G-5. Penalties. Under this Article, notwithstanding
6 any other provision of law:

7 (a) Any violation of subsection (a) of Section 33G-4 of
8 this Article shall be sentenced as a Class X felony with a term
9 of imprisonment of not less than 7 years and not more than 30
10 years, or the sentence applicable to the underlying predicate
11 activity, whichever is higher, and the sentence imposed shall
12 also include restitution, and/or a criminal fine, jointly and
13 severally, up to \$250,000 or twice the gross amount of any
14 intended proceeds of the violation, if any, whichever is
15 higher.

16 (b) Any violation of subsection (b) of Section 33G-4 of
17 this Article shall be sentenced as a Class X felony, and the
18 sentence imposed shall also include restitution, and/or a
19 criminal fine, jointly and severally, up to \$250,000 or twice
20 the gross amount of any intended proceeds of the violation, if
21 any, whichever is higher.

22 (c) Wherever the unlawful death of any person or persons
23 results as a necessary or natural consequence of any violation
24 of this Article, the sentence imposed on the defendant shall

1 include an enhanced term of imprisonment of at least 25 years
2 up to natural life, in addition to any other penalty imposed by
3 the court, provided:

4 (1) the death or deaths were reasonably foreseeable to
5 the defendant to be sentenced; and

6 (2) the death or deaths occurred when the defendant was
7 otherwise engaged in the violation of this Article as a
8 whole.

9 (d) A sentence of probation, periodic imprisonment,
10 conditional discharge, impact incarceration ~~or county impact~~
11 ~~incarceration~~, court supervision, withheld adjudication, or
12 any pretrial diversionary sentence or suspended sentence, is
13 not authorized for a violation of this Article.

14 (Source: P.A. 97-686, eff. 6-11-12; 98-463, eff. 8-16-13.)

15 Section 20. The Unified Code of Corrections is amended by
16 changing Sections 3-2-2, 5-3-2, 5-4.5-20, 5-4.5-25, 5-4.5-30,
17 5-4.5-35, 5-4.5-40, 5-4.5-45, 5-4.5-55, 5-4.5-60, 5-4.5-65,
18 5-6-3, and 5-6-4 as follows:

19 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

20 Sec. 3-2-2. Powers and Duties of the Department.

21 (1) In addition to the powers, duties and responsibilities
22 which are otherwise provided by law, the Department shall have
23 the following powers:

24 (a) To accept persons committed to it by the courts of

1 this State for care, custody, treatment and
2 rehabilitation, and to accept federal prisoners and aliens
3 over whom the Office of the Federal Detention Trustee is
4 authorized to exercise the federal detention function for
5 limited purposes and periods of time.

6 (b) To develop and maintain reception and evaluation
7 units for purposes of analyzing the custody and
8 rehabilitation needs of persons committed to it and to
9 assign such persons to institutions and programs under its
10 control or transfer them to other appropriate agencies. In
11 consultation with the Department of Alcoholism and
12 Substance Abuse (now the Department of Human Services), the
13 Department of Corrections shall develop a master plan for
14 the screening and evaluation of persons committed to its
15 custody who have alcohol or drug abuse problems, and for
16 making appropriate treatment available to such persons;
17 the Department shall report to the General Assembly on such
18 plan not later than April 1, 1987. The maintenance and
19 implementation of such plan shall be contingent upon the
20 availability of funds.

21 (b-1) To create and implement, on January 1, 2002, a
22 pilot program to establish the effectiveness of
23 pupillometer technology (the measurement of the pupil's
24 reaction to light) as an alternative to a urine test for
25 purposes of screening and evaluating persons committed to
26 its custody who have alcohol or drug problems. The pilot

1 program shall require the pupillometer technology to be
2 used in at least one Department of Corrections facility.
3 The Director may expand the pilot program to include an
4 additional facility or facilities as he or she deems
5 appropriate. A minimum of 4,000 tests shall be included in
6 the pilot program. The Department must report to the
7 General Assembly on the effectiveness of the program by
8 January 1, 2003.

9 (b-5) To develop, in consultation with the Department
10 of State Police, a program for tracking and evaluating each
11 inmate from commitment through release for recording his or
12 her gang affiliations, activities, or ranks.

13 (c) To maintain and administer all State correctional
14 institutions and facilities under its control and to
15 establish new ones as needed. Pursuant to its power to
16 establish new institutions and facilities, the Department
17 may, with the written approval of the Governor, authorize
18 the Department of Central Management Services to enter into
19 an agreement of the type described in subsection (d) of
20 Section 405-300 of the Department of Central Management
21 Services Law (20 ILCS 405/405-300). The Department shall
22 designate those institutions which shall constitute the
23 State Penitentiary System.

24 Pursuant to its power to establish new institutions and
25 facilities, the Department may authorize the Department of
26 Central Management Services to accept bids from counties

1 and municipalities for the construction, remodeling or
2 conversion of a structure to be leased to the Department of
3 Corrections for the purposes of its serving as a
4 correctional institution or facility. Such construction,
5 remodeling or conversion may be financed with revenue bonds
6 issued pursuant to the Industrial Building Revenue Bond Act
7 by the municipality or county. The lease specified in a bid
8 shall be for a term of not less than the time needed to
9 retire any revenue bonds used to finance the project, but
10 not to exceed 40 years. The lease may grant to the State
11 the option to purchase the structure outright.

12 Upon receipt of the bids, the Department may certify
13 one or more of the bids and shall submit any such bids to
14 the General Assembly for approval. Upon approval of a bid
15 by a constitutional majority of both houses of the General
16 Assembly, pursuant to joint resolution, the Department of
17 Central Management Services may enter into an agreement
18 with the county or municipality pursuant to such bid.

19 (c-5) To build and maintain regional juvenile
20 detention centers and to charge a per diem to the counties
21 as established by the Department to defray the costs of
22 housing each minor in a center. In this subsection (c-5),
23 "juvenile detention center" means a facility to house
24 minors during pendency of trial who have been transferred
25 from proceedings under the Juvenile Court Act of 1987 to
26 prosecutions under the criminal laws of this State in

1 accordance with Section 5-805 of the Juvenile Court Act of
2 1987, whether the transfer was by operation of law or
3 permissive under that Section. The Department shall
4 designate the counties to be served by each regional
5 juvenile detention center.

6 (d) To develop and maintain programs of control,
7 rehabilitation and employment of committed persons within
8 its institutions.

9 (d-5) To provide a pre-release job preparation program
10 for inmates at Illinois adult correctional centers.

11 (e) To establish a system of supervision and guidance
12 of committed persons in the community.

13 (f) To establish in cooperation with the Department of
14 Transportation to supply a sufficient number of prisoners
15 for use by the Department of Transportation to clean up the
16 trash and garbage along State, county, township, or
17 municipal highways as designated by the Department of
18 Transportation. The Department of Corrections, at the
19 request of the Department of Transportation, shall furnish
20 such prisoners at least annually for a period to be agreed
21 upon between the Director of Corrections and the Director
22 of Transportation. The prisoners used on this program shall
23 be selected by the Director of Corrections on whatever
24 basis he deems proper in consideration of their term,
25 behavior and earned eligibility to participate in such
26 program - where they will be outside of the prison facility

1 but still in the custody of the Department of Corrections.
2 Prisoners convicted of first degree murder, or a Class X
3 felony, or armed violence, or aggravated kidnapping, or
4 criminal sexual assault, aggravated criminal sexual abuse
5 or a subsequent conviction for criminal sexual abuse, or
6 forcible detention, or arson, or a prisoner adjudged a
7 Habitual Criminal shall not be eligible for selection to
8 participate in such program. The prisoners shall remain as
9 prisoners in the custody of the Department of Corrections
10 and such Department shall furnish whatever security is
11 necessary. The Department of Transportation shall furnish
12 trucks and equipment for the highway cleanup program and
13 personnel to supervise and direct the program. Neither the
14 Department of Corrections nor the Department of
15 Transportation shall replace any regular employee with a
16 prisoner.

17 (g) To maintain records of persons committed to it and
18 to establish programs of research, statistics and
19 planning.

20 (h) To investigate the grievances of any person
21 committed to the Department, to inquire into any alleged
22 misconduct by employees or committed persons, and to
23 investigate the assets of committed persons to implement
24 Section 3-7-6 of this Code; and for these purposes it may
25 issue subpoenas and compel the attendance of witnesses and
26 the production of writings and papers, and may examine

1 under oath any witnesses who may appear before it; to also
2 investigate alleged violations of a parolee's or
3 releasee's conditions of parole or release; and for this
4 purpose it may issue subpoenas and compel the attendance of
5 witnesses and the production of documents only if there is
6 reason to believe that such procedures would provide
7 evidence that such violations have occurred.

8 If any person fails to obey a subpoena issued under
9 this subsection, the Director may apply to any circuit
10 court to secure compliance with the subpoena. The failure
11 to comply with the order of the court issued in response
12 thereto shall be punishable as contempt of court.

13 (i) To appoint and remove the chief administrative
14 officers, and administer programs of training and
15 development of personnel of the Department. Personnel
16 assigned by the Department to be responsible for the
17 custody and control of committed persons or to investigate
18 the alleged misconduct of committed persons or employees or
19 alleged violations of a parolee's or releasee's conditions
20 of parole shall be conservators of the peace for those
21 purposes, and shall have the full power of peace officers
22 outside of the facilities of the Department in the
23 protection, arrest, retaking and reconfining of committed
24 persons or where the exercise of such power is necessary to
25 the investigation of such misconduct or violations. This
26 subsection shall not apply to persons committed to the

1 Department of Juvenile Justice under the Juvenile Court Act
2 of 1987 on aftercare release.

3 (j) To cooperate with other departments and agencies
4 and with local communities for the development of standards
5 and programs for better correctional services in this
6 State.

7 (k) To administer all moneys and properties of the
8 Department.

9 (l) To report annually to the Governor on the committed
10 persons, institutions and programs of the Department.

11 (l-5) (Blank).

12 (m) To make all rules and regulations and exercise all
13 powers and duties vested by law in the Department.

14 (n) To establish rules and regulations for
15 administering a system of sentence credits, established in
16 accordance with Section 3-6-3, subject to review by the
17 Prisoner Review Board.

18 (o) To administer the distribution of funds from the
19 State Treasury to reimburse counties where State penal
20 institutions are located for the payment of assistant
21 state's attorneys' salaries under Section 4-2001 of the
22 Counties Code.

23 (p) To exchange information with the Department of
24 Human Services and the Department of Healthcare and Family
25 Services for the purpose of verifying living arrangements
26 and for other purposes directly connected with the

1 administration of this Code and the Illinois Public Aid
2 Code.

3 (q) To establish a diversion program.

4 The program shall provide a structured environment for
5 selected technical parole or mandatory supervised release
6 violators and committed persons who have violated the rules
7 governing their conduct while in work release. This program
8 shall not apply to those persons who have committed a new
9 offense while serving on parole or mandatory supervised
10 release or while committed to work release.

11 Elements of the program shall include, but shall not be
12 limited to, the following:

13 (1) The staff of a diversion facility shall provide
14 supervision in accordance with required objectives set
15 by the facility.

16 (2) Participants shall be required to maintain
17 employment.

18 (3) Each participant shall pay for room and board
19 at the facility on a sliding-scale basis according to
20 the participant's income.

21 (4) Each participant shall:

22 (A) provide restitution to victims in
23 accordance with any court order;

24 (B) provide financial support to his
25 dependents; and

26 (C) make appropriate payments toward any other

1 court-ordered obligations.

2 (5) Each participant shall complete community
3 service in addition to employment.

4 (6) Participants shall take part in such
5 counseling, educational and other programs as the
6 Department may deem appropriate.

7 (7) Participants shall submit to drug and alcohol
8 screening.

9 (8) The Department shall promulgate rules
10 governing the administration of the program.

11 (r) (Blank). ~~To enter into intergovernmental~~
12 ~~cooperation agreements under which persons in the custody~~
13 ~~of the Department may participate in a county impact~~
14 ~~incarceration program established under Section 3-6038 or~~
15 ~~3-15003.5 of the Counties Code.~~

16 (r-5) (Blank).

17 (r-10) To systematically and routinely identify with
18 respect to each streetgang active within the correctional
19 system: (1) each active gang; (2) every existing inter-gang
20 affiliation or alliance; and (3) the current leaders in
21 each gang. The Department shall promptly segregate leaders
22 from inmates who belong to their gangs and allied gangs.
23 "Segregate" means no physical contact and, to the extent
24 possible under the conditions and space available at the
25 correctional facility, prohibition of visual and sound
26 communication. For the purposes of this paragraph (r-10),

1 "leaders" means persons who:

2 (i) are members of a criminal streetgang;

3 (ii) with respect to other individuals within the
4 streetgang, occupy a position of organizer,
5 supervisor, or other position of management or
6 leadership; and

7 (iii) are actively and personally engaged in
8 directing, ordering, authorizing, or requesting
9 commission of criminal acts by others, which are
10 punishable as a felony, in furtherance of streetgang
11 related activity both within and outside of the
12 Department of Corrections.

13 "Streetgang", "gang", and "streetgang related" have the
14 meanings ascribed to them in Section 10 of the Illinois
15 Streetgang Terrorism Omnibus Prevention Act.

16 (s) To operate a super-maximum security institution,
17 in order to manage and supervise inmates who are disruptive
18 or dangerous and provide for the safety and security of the
19 staff and the other inmates.

20 (t) To monitor any unprivileged conversation or any
21 unprivileged communication, whether in person or by mail,
22 telephone, or other means, between an inmate who, before
23 commitment to the Department, was a member of an organized
24 gang and any other person without the need to show cause or
25 satisfy any other requirement of law before beginning the
26 monitoring, except as constitutionally required. The

1 monitoring may be by video, voice, or other method of
2 recording or by any other means. As used in this
3 subdivision (1)(t), "organized gang" has the meaning
4 ascribed to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 As used in this subdivision (1)(t), "unprivileged
7 conversation" or "unprivileged communication" means a
8 conversation or communication that is not protected by any
9 privilege recognized by law or by decision, rule, or order
10 of the Illinois Supreme Court.

11 (u) To establish a Women's and Children's Pre-release
12 Community Supervision Program for the purpose of providing
13 housing and services to eligible female inmates, as
14 determined by the Department, and their newborn and young
15 children.

16 (u-5) To issue an order, whenever a person committed to
17 the Department absconds or absents himself or herself,
18 without authority to do so, from any facility or program to
19 which he or she is assigned. The order shall be certified
20 by the Director, the Supervisor of the Apprehension Unit,
21 or any person duly designated by the Director, with the
22 seal of the Department affixed. The order shall be directed
23 to all sheriffs, coroners, and police officers, or to any
24 particular person named in the order. Any order issued
25 pursuant to this subdivision (1) (u-5) shall be sufficient
26 warrant for the officer or person named in the order to

1 arrest and deliver the committed person to the proper
2 correctional officials and shall be executed the same as
3 criminal process.

4 (v) To do all other acts necessary to carry out the
5 provisions of this Chapter.

6 (2) The Department of Corrections shall by January 1, 1998,
7 consider building and operating a correctional facility within
8 100 miles of a county of over 2,000,000 inhabitants, especially
9 a facility designed to house juvenile participants in the
10 impact incarceration program.

11 (3) When the Department lets bids for contracts for medical
12 services to be provided to persons committed to Department
13 facilities by a health maintenance organization, medical
14 service corporation, or other health care provider, the bid may
15 only be let to a health care provider that has obtained an
16 irrevocable letter of credit or performance bond issued by a
17 company whose bonds have an investment grade or higher rating
18 by a bond rating organization.

19 (4) When the Department lets bids for contracts for food or
20 commissary services to be provided to Department facilities,
21 the bid may only be let to a food or commissary services
22 provider that has obtained an irrevocable letter of credit or
23 performance bond issued by a company whose bonds have an
24 investment grade or higher rating by a bond rating
25 organization.

26 (5) On and after the date 6 months after August 16, 2013

1 ~~(the effective date of Public Act 98-488) ~~this amendatory Act~~~~
2 ~~of the 98th General Assembly~~, as provided in the Executive
3 Order 1 (2012) Implementation Act, all of the powers, duties,
4 rights, and responsibilities related to State healthcare
5 purchasing under this Code that were transferred from the
6 Department of Corrections to the Department of Healthcare and
7 Family Services by Executive Order 3 (2005) are transferred
8 back to the Department of Corrections; however, powers, duties,
9 rights, and responsibilities related to State healthcare
10 purchasing under this Code that were exercised by the
11 Department of Corrections before the effective date of
12 Executive Order 3 (2005) but that pertain to individuals
13 resident in facilities operated by the Department of Juvenile
14 Justice are transferred to the Department of Juvenile Justice.
15 (Source: P.A. 97-697, eff. 6-22-12; 97-800, eff. 7-13-12;
16 97-802, eff. 7-13-12; 98-463, eff. 8-16-13; 98-488, eff.
17 8-16-13; 98-558, eff. 1-1-14; revised 9-24-13.)

18 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

19 Sec. 5-3-2. Presentence Report.

20 (a) In felony cases, the presentence report shall set
21 forth:

22 (1) the defendant's history of delinquency or
23 criminality, physical and mental history and condition,
24 family situation and background, economic status,
25 education, occupation and personal habits;

1 (2) information about special resources within the
2 community which might be available to assist the
3 defendant's rehabilitation, including treatment centers,
4 residential facilities, vocational training services,
5 correctional manpower programs, employment opportunities,
6 special educational programs, alcohol and drug abuse
7 programming, psychiatric and marriage counseling, and
8 other programs and facilities which could aid the
9 defendant's successful reintegration into society;

10 (3) the effect the offense committed has had upon the
11 victim or victims thereof, and any compensatory benefit
12 that various sentencing alternatives would confer on such
13 victim or victims;

14 (3.5) information provided by the victim's spouse,
15 guardian, parent, grandparent, and other immediate family
16 and household members about the effect the offense
17 committed has had on the victim and on the person providing
18 the information; if the victim's spouse, guardian, parent,
19 grandparent, or other immediate family or household member
20 has provided a written statement, the statement shall be
21 attached to the report;

22 (4) information concerning the defendant's status
23 since arrest, including his record if released on his own
24 recognizance, or the defendant's achievement record if
25 released on a conditional pre-trial supervision program;

26 (5) when appropriate, a plan, based upon the personal,

1 economic and social adjustment needs of the defendant,
2 utilizing public and private community resources as an
3 alternative to institutional sentencing;

4 (6) any other matters that the investigatory officer
5 deems relevant or the court directs to be included; and

6 (7) (blank). ~~information concerning defendant's~~
7 ~~eligibility for a sentence to a county impact incarceration~~
8 ~~program under Section 5-8-1.2 of this Code.~~

9 (b) The investigation shall include a physical and mental
10 examination of the defendant when so ordered by the court. If
11 the court determines that such an examination should be made,
12 it shall issue an order that the defendant submit to
13 examination at such time and place as designated by the court
14 and that such examination be conducted by a physician,
15 psychologist or psychiatrist designated by the court. Such an
16 examination may be conducted in a court clinic if so ordered by
17 the court. The cost of such examination shall be paid by the
18 county in which the trial is held.

19 (b-5) In cases involving felony sex offenses in which the
20 offender is being considered for probation only or any felony
21 offense that is sexually motivated as defined in the Sex
22 Offender Management Board Act in which the offender is being
23 considered for probation only, the investigation shall include
24 a sex offender evaluation by an evaluator approved by the Board
25 and conducted in conformance with the standards developed under
26 the Sex Offender Management Board Act. In cases in which the

1 offender is being considered for any mandatory prison sentence,
2 the investigation shall not include a sex offender evaluation.

3 (c) In misdemeanor, business offense or petty offense
4 cases, except as specified in subsection (d) of this Section,
5 when a presentence report has been ordered by the court, such
6 presentence report shall contain information on the
7 defendant's history of delinquency or criminality and shall
8 further contain only those matters listed in any of paragraphs
9 (1) through (6) of subsection (a) or in subsection (b) of this
10 Section as are specified by the court in its order for the
11 report.

12 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
13 12-30 of the Criminal Code of 1961 or the Criminal Code of
14 2012, the presentence report shall set forth information about
15 alcohol, drug abuse, psychiatric, and marriage counseling or
16 other treatment programs and facilities, information on the
17 defendant's history of delinquency or criminality, and shall
18 contain those additional matters listed in any of paragraphs
19 (1) through (6) of subsection (a) or in subsection (b) of this
20 Section as are specified by the court.

21 (e) Nothing in this Section shall cause the defendant to be
22 held without bail or to have his bail revoked for the purpose
23 of preparing the presentence report or making an examination.

24 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
25 98-372, eff. 1-1-14.)

1 (730 ILCS 5/5-4.5-20)

2 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
3 degree murder:

4 (a) TERM. The defendant shall be sentenced to imprisonment
5 or, if appropriate, death under Section 9-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012 (720 ILCS 5/9-1).
7 Imprisonment shall be for a determinate term of (1) not less
8 than 20 years and not more than 60 years; (2) not less than 60
9 years and not more than 100 years when an extended term is
10 imposed under Section 5-8-2 (730 ILCS 5/5-8-2); or (3) natural
11 life as provided in Section 5-8-1 (730 ILCS 5/5-8-1).

12 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
13 shall not be imposed.

14 (c) IMPACT INCARCERATION. The impact incarceration program
15 ~~or the county impact incarceration program~~ is not an authorized
16 disposition.

17 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
18 probation or conditional discharge shall not be imposed.

19 (e) FINE. Fines may be imposed as provided in Section
20 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

21 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
22 concerning restitution.

23 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
24 be concurrent or consecutive as provided in Section 5-8-4 (730
25 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

26 (h) DRUG COURT. Drug court is not an authorized

1 disposition.

2 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
3 ILCS 5/5-4.5-100) concerning no credit for time spent in home
4 detention prior to judgment.

5 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
6 for rules and regulations for sentence credit.

7 (k) ELECTRONIC HOME DETENTION. Electronic home detention
8 is not an authorized disposition, except in limited
9 circumstances as provided in Section 5-8A-3 (730 ILCS
10 5/5-8A-3).

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
13 mandatory supervised release term shall be 3 years upon release
14 from imprisonment.

15 (Source: P.A. 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

16 (730 ILCS 5/5-4.5-25)

17 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
18 felony:

19 (a) TERM. The sentence of imprisonment shall be a
20 determinate sentence of not less than 6 years and not more than
21 30 years. The sentence of imprisonment for an extended term
22 Class X felony, as provided in Section 5-8-2 (730 ILCS
23 5/5-8-2), shall be not less than 30 years and not more than 60
24 years.

25 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment

1 shall not be imposed.

2 (c) IMPACT INCARCERATION. The impact incarceration program
3 ~~or the county impact incarceration program~~ is not an authorized
4 disposition.

5 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
6 probation or conditional discharge shall not be imposed.

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning no credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 (730 ILCS 5/3-6-3)
21 for rules and regulations for sentence credit.

22 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
23 5/5-8A-3) concerning eligibility for electronic home
24 detention.

25 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
26 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or

1 5/5-8-1), the parole or mandatory supervised release term shall
2 be 3 years upon release from imprisonment.

3 (Source: P.A. 97-697, eff. 6-22-12.)

4 (730 ILCS 5/5-4.5-30)

5 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
6 felony:

7 (a) TERM. The sentence of imprisonment, other than for
8 second degree murder, shall be a determinate sentence of not
9 less than 4 years and not more than 15 years. The sentence of
10 imprisonment for second degree murder shall be a determinate
11 sentence of not less than 4 years and not more than 20 years.
12 The sentence of imprisonment for an extended term Class 1
13 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
14 be a term not less than 15 years and not more than 30 years.

15 (b) PERIODIC IMPRISONMENT. A sentence of periodic
16 imprisonment shall be for a definite term of from 3 to 4 years,
17 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
18 ILCS 5/5-5-3 or 5/5-7-1).

19 (c) IMPACT INCARCERATION. See Section ~~Sections~~ 5-8-1.1 and
20 ~~5-8-1.2~~ (730 ILCS 5/5-8-1.1 and ~~5/5-8-1.2~~) concerning
21 eligibility for the impact incarceration program ~~or the county~~
22 ~~impact incarceration program.~~

23 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
24 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
25 period of probation or conditional discharge shall not exceed 4

1 years. The court shall specify the conditions of probation or
2 conditional discharge as set forth in Section 5-6-3 (730 ILCS
3 5/5-6-3). In no case shall an offender be eligible for a
4 disposition of probation or conditional discharge for a Class 1
5 felony committed while he or she was serving a term of
6 probation or conditional discharge for a felony.

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
21 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
22 (730 ILCS 130/) for rules and regulations for sentence credit.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as

1 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
2 5/5-8-1), the parole or mandatory supervised release term shall
3 be 2 years upon release from imprisonment.

4 (Source: P.A. 97-697, eff. 6-22-12.)

5 (730 ILCS 5/5-4.5-35)

6 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
7 felony:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of not less than 3 years and not more than
10 7 years. The sentence of imprisonment for an extended term
11 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
12 5/5-8-2), shall be a term not less than 7 years and not more
13 than 14 years.

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic
15 imprisonment shall be for a definite term of from 18 to 30
16 months, except as otherwise provided in Section 5-5-3 or 5-7-1
17 (730 ILCS 5/5-5-3 or 5/5-7-1).

18 (c) IMPACT INCARCERATION. See Section ~~Sections~~ 5-8-1.1 and
19 ~~5-8-1.2~~ (730 ILCS 5/5-8-1.1 and ~~5/5-8-1.2~~) concerning
20 eligibility for the impact incarceration program ~~or the county~~
21 ~~impact incarceration program.~~

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed 4
25 years. The court shall specify the conditions of probation or

1 conditional discharge as set forth in Section 5-6-3 (730 ILCS
2 5/5-6-3).

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term shall
25 be 2 years upon release from imprisonment.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-40)

2 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
3 felony:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not less than 2 years and not more than
6 5 years. The sentence of imprisonment for an extended term
7 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
8 5/5-8-2), shall be a term not less than 5 years and not more
9 than 10 years.

10 (b) PERIODIC IMPRISONMENT. A sentence of periodic
11 imprisonment shall be for a definite term of up to 18 months,
12 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
13 ILCS 5/5-5-3 or 5/5-7-1).

14 (c) IMPACT INCARCERATION. See Section ~~Sections~~ 5-8-1.1 and
15 ~~5-8-1.2~~ (730 ILCS 5/5-8-1.1 and ~~5/5-8-1.2~~) concerning
16 eligibility for the impact incarceration program ~~or the county~~
17 ~~impact incarceration program.~~

18 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
19 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
20 period of probation or conditional discharge shall not exceed
21 30 months. The court shall specify the conditions of probation
22 or conditional discharge as set forth in Section 5-6-3 (730
23 ILCS 5/5-6-3).

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
13 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
14 (730 ILCS 130/) for rules and regulations for sentence credit.

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
16 5/5-8A-3) concerning eligibility for electronic home
17 detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
20 5/5-8-1), the parole or mandatory supervised release term shall
21 be one year upon release from imprisonment.

22 (Source: P.A. 97-697, eff. 6-22-12.)

23 (730 ILCS 5/5-4.5-45)

24 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
25 felony:

1 (a) TERM. The sentence of imprisonment shall be a
2 determinate sentence of not less than one year and not more
3 than 3 years. The sentence of imprisonment for an extended term
4 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
5 5/5-8-2), shall be a term not less than 3 years and not more
6 than 6 years.

7 (b) PERIODIC IMPRISONMENT. A sentence of periodic
8 imprisonment shall be for a definite term of up to 18 months,
9 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
10 ILCS 5/5-5-3 or 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Section ~~Sections~~ 5-8-1.1 and
12 ~~5-8-1.2~~ (730 ILCS 5/5-8-1.1 and ~~5/5-8-1.2~~) concerning
13 eligibility for the impact incarceration program ~~or the county~~
14 ~~impact incarceration program.~~

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
17 period of probation or conditional discharge shall not exceed
18 30 months. The court shall specify the conditions of probation
19 or conditional discharge as set forth in Section 5-6-3 (730
20 ILCS 5/5-6-3).

21 (e) FINE. Fines may be imposed as provided in Section
22 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
9 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
10 (730 ILCS 130/) for rules and regulations for sentence credit.

11 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
12 5/5-8A-3) concerning eligibility for electronic home
13 detention.

14 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
15 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
16 5/5-8-1), the parole or mandatory supervised release term shall
17 be one year upon release from imprisonment.

18 (Source: P.A. 97-697, eff. 6-22-12.)

19 (730 ILCS 5/5-4.5-55)

20 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
21 A misdemeanor:

22 (a) TERM. The sentence of imprisonment shall be a
23 determinate sentence of less than one year.

24 (b) PERIODIC IMPRISONMENT. A sentence of periodic
25 imprisonment shall be for a definite term of less than one

1 year, except as otherwise provided in Section 5-5-3 or 5-7-1
2 (730 ILCS 5/5-5-3 or 5/5-7-1).

3 (c) (BLANK). ~~IMPACT INCARCERATION. See Section 5-8-1.2~~
4 ~~(730 ILCS 5/5-8-1.2) concerning eligibility for the county~~
5 ~~impact incarceration program.~~

6 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
7 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
8 period of probation or conditional discharge shall not exceed 2
9 years. The court shall specify the conditions of probation or
10 conditional discharge as set forth in Section 5-6-3 (730 ILCS
11 5/5-6-3).

12 (e) FINE. A fine not to exceed \$2,500 for each offense or
13 the amount specified in the offense, whichever is greater, may
14 be imposed. A fine may be imposed in addition to a sentence of
15 conditional discharge, probation, periodic imprisonment, or
16 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
17 Art. 9) for imposition of additional amounts and determination
18 of amounts and payment.

19 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
20 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
22 be concurrent or consecutive as provided in Section 5-8-4 (730
23 ILCS 5/5-8-4).

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
25 Act (730 ILCS 166/20) concerning eligibility for a drug court
26 program.

1 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
2 ILCS 5/5-4.5-100) concerning credit for time spent in home
3 detention prior to judgment.

4 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
5 Behavior Allowance Act (730 ILCS 130/) for rules and
6 regulations for good behavior allowance.

7 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
8 5/5-8A-3) concerning eligibility for electronic home
9 detention.

10 (Source: P.A. 97-697, eff. 6-22-12.)

11 (730 ILCS 5/5-4.5-60)

12 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
13 B misdemeanor:

14 (a) TERM. The sentence of imprisonment shall be a
15 determinate sentence of not more than 6 months.

16 (b) PERIODIC IMPRISONMENT. A sentence of periodic
17 imprisonment shall be for a definite term of up to 6 months or
18 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

19 (c) (BLANK). ~~IMPACT INCARCERATION. See Section 5-8-1.2~~
20 ~~(730 ILCS 5/5-8-1.2) concerning eligibility for the county~~
21 ~~impact incarceration program.~~

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
24 conditional discharge shall not exceed 2 years. The court shall
25 specify the conditions of probation or conditional discharge as

1 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

2 (e) FINE. A fine not to exceed \$1,500 for each offense or
3 the amount specified in the offense, whichever is greater, may
4 be imposed. A fine may be imposed in addition to a sentence of
5 conditional discharge, probation, periodic imprisonment, or
6 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
7 Art. 9) for imposition of additional amounts and determination
8 of amounts and payment.

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
21 Behavior Allowance Act (730 ILCS 130/) for rules and
22 regulations for good behavior allowance.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-65)

2 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
3 C misdemeanor:

4 (a) TERM. The sentence of imprisonment shall be a
5 determinate sentence of not more than 30 days.

6 (b) PERIODIC IMPRISONMENT. A sentence of periodic
7 imprisonment shall be for a definite term of up to 30 days or
8 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

9 (c) (BLANK). ~~IMPACT INCARCERATION. See Section 5-8-1.2~~
10 ~~(730 ILCS 5/5-8-1.2) concerning eligibility for the county~~
11 ~~impact incarceration program.~~

12 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
13 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
14 conditional discharge shall not exceed 2 years. The court shall
15 specify the conditions of probation or conditional discharge as
16 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

17 (e) FINE. A fine not to exceed \$1,500 for each offense or
18 the amount specified in the offense, whichever is greater, may
19 be imposed. A fine may be imposed in addition to a sentence of
20 conditional discharge, probation, periodic imprisonment, or
21 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
22 Art. 9) for imposition of additional amounts and determination
23 of amounts and payment.

24 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
25 concerning restitution.

1 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
2 be concurrent or consecutive as provided in Section 5-8-4 (730
3 ILCS 5/5-8-4).

4 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
5 Act (730 ILCS 166/20) concerning eligibility for a drug court
6 program.

7 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
8 ILCS 5/5-4.5-100) concerning credit for time spent in home
9 detention prior to judgment.

10 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
11 Behavior Allowance Act (730 ILCS 130/) for rules and
12 regulations for good behavior allowance.

13 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
14 5/5-8A-3) concerning eligibility for electronic home
15 detention.

16 (Source: P.A. 97-697, eff. 6-22-12.)

17 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

1 (3) refrain from possessing a firearm or other
2 dangerous weapon where the offense is a felony or, if a
3 misdemeanor, the offense involved the intentional or
4 knowing infliction of bodily harm or threat of bodily harm;

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

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

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

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
2 2012 and similar damage to property located within the
3 municipality or county in which the violation occurred.
4 When possible and reasonable, the community service should
5 be performed in the offender's neighborhood. For purposes
6 of this Section, "organized gang" has the meaning ascribed
7 to it in Section 10 of the Illinois Streetgang Terrorism
8 Omnibus Prevention Act;

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

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

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

23 (8.5) if convicted of a felony sex offense as defined
24 in the Sex Offender Management Board Act, the person shall
25 undergo and successfully complete sex offender treatment
26 by a treatment provider approved by the Board and conducted

1 in conformance with the standards developed under the Sex
2 Offender Management Board Act;

3 (8.6) if convicted of a sex offense as defined in the
4 Sex Offender Management Board Act, refrain from residing at
5 the same address or in the same condominium unit or
6 apartment unit or in the same condominium complex or
7 apartment complex with another person he or she knows or
8 reasonably should know is a convicted sex offender or has
9 been placed on supervision for a sex offense; the
10 provisions of this paragraph do not apply to a person
11 convicted of a sex offense who is placed in a Department of
12 Corrections licensed transitional housing facility for sex
13 offenders;

14 (8.7) if convicted for an offense committed on or after
15 June 1, 2008 (the effective date of Public Act 95-464) that
16 would qualify the accused as a child sex offender as
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
18 1961 or the Criminal Code of 2012, refrain from
19 communicating with or contacting, by means of the Internet,
20 a person who is not related to the accused and whom the
21 accused reasonably believes to be under 18 years of age;
22 for purposes of this paragraph (8.7), "Internet" has the
23 meaning ascribed to it in Section 16-0.1 of the Criminal
24 Code of 2012; and a person is not related to the accused if
25 the person is not: (i) the spouse, brother, or sister of
26 the accused; (ii) a descendant of the accused; (iii) a

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

3 (8.8) if convicted for an offense under Section 11-6,
4 11-9.1, 11-14.4 that involves soliciting for a juvenile
5 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 or any attempt to commit any of these offenses, committed
8 on or after June 1, 2009 (the effective date of Public Act
9 95-983):

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;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer;

8 (8.9) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act committed on or after January
10 1, 2010 (the effective date of Public Act 96-262), refrain
11 from accessing or using a social networking website as
12 defined in Section 17-0.5 of the Criminal Code of 2012;

13 (9) if convicted of a felony or of any misdemeanor
14 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
15 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
16 2012 that was determined, pursuant to Section 112A-11.1 of
17 the Code of Criminal Procedure of 1963, to trigger the
18 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
19 at a time and place designated by the court, his or her
20 Firearm Owner's Identification Card and any and all
21 firearms in his or her possession. The Court shall return
22 to the Department of State Police Firearm Owner's
23 Identification Card Office the person's Firearm Owner's
24 Identification Card;

25 (10) if convicted of a sex offense as defined in
26 subsection (a-5) of Section 3-1-2 of this Code, unless the

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

9 (11) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed on
11 or after January 1, 2010 (the effective date of Public Act
12 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;
15 and

16 (12) if convicted of a violation of the Methamphetamine
17 Control and Community Protection Act, the Methamphetamine
18 Precursor Control Act, or a methamphetamine related
19 offense:

20 (A) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate.

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

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

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

8 (2) pay a fine and costs;

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

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

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

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

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

1 Compensation Act committed in a school, on the real
2 property comprising a school, or within 1,000 feet of
3 the real property comprising a school;

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

6 (9) perform some reasonable public or community
7 service;

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

12 (i) remain within the interior premises of the
13 place designated for his confinement during the hours
14 designated by the court;

15 (ii) admit any person or agent designated by the
16 court into the offender's place of confinement at any
17 time for purposes of verifying the offender's
18 compliance with the conditions of his confinement; and

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

23 (iv) for persons convicted of any alcohol,
24 cannabis or controlled substance violation 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 offender 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 for deposit in the substance abuse services
12 fund under Section 5-1086.1 of the Counties Code; and

13 (v) for persons convicted of offenses other than
14 those referenced in clause (iv) above and who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the defendant to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court. The clerk of the circuit court shall pay
26 all monies collected from this fee to the county

1 treasurer who shall use the monies collected to defray
2 the costs of corrections. The county treasurer shall
3 deposit the fee collected in the probation and court
4 services fund.

5 (11) comply with the terms and conditions of an order
6 of protection issued by the court pursuant to the Illinois
7 Domestic Violence Act of 1986, as now or hereafter amended,
8 or an order of protection issued by the court of another
9 state, tribe, or United States territory. A copy of the
10 order of protection shall be transmitted to the probation
11 officer or agency having responsibility for the case;

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

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

1 the Department of Natural Resources (Conservation) Law;

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

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

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

21 (17) if convicted for an offense committed on or after
22 June 1, 2008 (the effective date of Public Act 95-464) that
23 would qualify the accused as a child sex offender as
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
25 1961 or the Criminal Code of 2012, refrain from
26 communicating with or contacting, by means of the Internet,

1 a person who is related to the accused and whom the accused
2 reasonably believes to be under 18 years of age; for
3 purposes of this paragraph (17), "Internet" has the meaning
4 ascribed to it in Section 16-0.1 of the Criminal Code of
5 2012; and a person is related to the accused if the person
6 is: (i) the spouse, brother, or sister of the accused; (ii)
7 a descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (18) if convicted for an offense committed on or after
11 June 1, 2009 (the effective date of Public Act 95-983) that
12 would qualify as a sex offense as defined in the Sex
13 Offender Registration Act:

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

12 (19) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a misdemeanor that
14 did not involve the intentional or knowing infliction of
15 bodily harm or threat of bodily harm.

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. The probation department within
21 the circuit to which jurisdiction has been transferred, or
22 which has agreed to provide supervision, may impose probation
23 fees upon receiving the transferred offender, as provided in
24 subsection (i). For all transfer cases, as defined in Section
25 9b of the Probation and Probation Officers Act, the probation
26 department from the original sentencing court shall retain all

1 probation fees collected prior to the transfer. After the
2 transfer all probation fees shall be paid to the probation
3 department within the circuit to which jurisdiction has been
4 transferred.

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

25 A circuit court may not impose a probation fee under this
26 subsection (i) in excess of \$25 per month unless the circuit

1 court has adopted, by administrative order issued by the chief
2 judge, a standard probation fee guide determining an offender's
3 ability to pay Of the amount collected as a probation fee, up
4 to \$5 of that fee collected per month may be used to provide
5 services to crime victims and their families.

6 The Court may only waive probation fees based on an
7 offender's ability to pay. The probation department may
8 re-evaluate an offender's ability to pay every 6 months, and,
9 with the approval of the Director of Court Services or the
10 Chief Probation Officer, adjust the monthly fee amount. An
11 offender may elect to pay probation fees due in a lump sum. Any
12 offender that has been assigned to the supervision of a
13 probation department, or has been transferred either under
14 subsection (h) of this Section or under any interstate compact,
15 shall be required to pay probation fees to the department
16 supervising the offender, based on the offender's ability to
17 pay.

18 This amendatory Act of the 93rd General Assembly deletes
19 the \$10 increase in the fee under this subsection that was
20 imposed by Public Act 93-616. This deletion is intended to
21 control over any other Act of the 93rd General Assembly that
22 retains or incorporates that fee increase.

23 (i-5) In addition to the fees imposed under subsection (i)
24 of this Section, in the case of an offender convicted of a
25 felony sex offense (as defined in the Sex Offender Management
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex
2 Offender Management Board Act), the court or the probation
3 department shall assess additional fees to pay for all costs of
4 treatment, assessment, evaluation for risk and treatment, and
5 monitoring the offender, based on that offender's ability to
6 pay those costs either as they occur or under a payment plan.

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

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

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

1 (Source: P.A. 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597,
2 eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13;
3 97-1150, eff. 1-25-13; 98-575, eff. 1-1-14.)

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

5 Sec. 5-6-4. Violation, Modification or Revocation of
6 Probation, of Conditional Discharge or Supervision ~~or of a~~
7 ~~sentence of county impact incarceration~~ - Hearing.

8 (a) Except in cases where conditional discharge or
9 supervision was imposed for a petty offense as defined in
10 Section 5-1-17, when a petition is filed charging a violation
11 of a condition, the court may:

12 (1) in the case of probation violations, order the
13 issuance of a notice to the offender to be present by the
14 County Probation Department or such other agency
15 designated by the court to handle probation matters; and in
16 the case of conditional discharge or supervision
17 violations, such notice to the offender shall be issued by
18 the Circuit Court Clerk; ~~and in the case of a violation of~~
19 ~~a sentence of county impact incarceration, such notice~~
20 ~~shall be issued by the Sheriff;~~

21 (2) order a summons to the offender to be present for
22 hearing; or

23 (3) order a warrant for the offender's arrest where
24 there is danger of his fleeing the jurisdiction or causing
25 serious harm to others or when the offender fails to answer

1 a summons or notice from the clerk of the court or Sheriff.

2 Personal service of the petition for violation of probation
3 or the issuance of such warrant, summons or notice shall toll
4 the period of probation, conditional discharge, or
5 supervision, ~~or sentence of county impact incarceration~~ until
6 the final determination of the charge, and the term of
7 probation, conditional discharge, or supervision, ~~or sentence~~
8 ~~of county impact incarceration~~ shall not run until the hearing
9 and disposition of the petition for violation.

10 (b) The court shall conduct a hearing of the alleged
11 violation. The court shall admit the offender to bail pending
12 the hearing unless the alleged violation is itself a criminal
13 offense in which case the offender shall be admitted to bail on
14 such terms as are provided in the Code of Criminal Procedure of
15 1963, as amended. In any case where an offender remains
16 incarcerated only as a result of his alleged violation of the
17 court's earlier order of probation, supervision, or
18 conditional discharge, ~~or county impact incarceration~~ such
19 hearing shall be held within 14 days of the onset of said
20 incarceration, unless the alleged violation is the commission
21 of another offense by the offender during the period of
22 probation, supervision or conditional discharge in which case
23 such hearing shall be held within the time limits described in
24 Section 103-5 of the Code of Criminal Procedure of 1963, as
25 amended.

26 (c) The State has the burden of going forward with the

1 evidence and proving the violation by the preponderance of the
2 evidence. The evidence shall be presented in open court with
3 the right of confrontation, cross-examination, and
4 representation by counsel.

5 (d) Probation, conditional discharge, periodic
6 imprisonment and supervision shall not be revoked for failure
7 to comply with conditions of a sentence or supervision, which
8 imposes financial obligations upon the offender unless such
9 failure is due to his willful refusal to pay.

10 (e) If the court finds that the offender has violated a
11 condition at any time prior to the expiration or termination of
12 the period, it may continue him on the existing sentence, with
13 or without modifying or enlarging the conditions, or may impose
14 any other sentence that was available under Article 4.5 of
15 Chapter V of this Code or Section 11-501 of the Illinois
16 Vehicle Code at the time of initial sentencing. ~~If the court
17 finds that the person has failed to successfully complete his
18 or her sentence to a county impact incarceration program, the
19 court may impose any other sentence that was available under
20 Article 4.5 of Chapter V of this Code or Section 11-501 of the
21 Illinois Vehicle Code at the time of initial sentencing, except
22 for a sentence of probation or conditional discharge.~~ If the
23 court finds that the offender has violated paragraph (8.6) of
24 subsection (a) of Section 5-6-3, the court shall revoke the
25 probation of the offender. If the court finds that the offender
26 has violated subsection (o) of Section 5-6-3.1, the court shall

1 revoke the supervision of the offender.

2 (f) The conditions of probation, of conditional discharge,
3 or of supervision, ~~or of a sentence of county impact~~
4 ~~incarceration~~ may be modified by the court on motion of the
5 supervising agency or on its own motion or at the request of
6 the offender after notice and a hearing.

7 (g) A judgment revoking supervision, probation, or
8 conditional discharge, ~~or a sentence of county impact~~
9 ~~incarceration~~ is a final appealable order.

10 (h) Resentencing after revocation of probation,
11 conditional discharge, or supervision, ~~or a sentence of county~~
12 ~~impact incarceration~~ shall be under Article 4. The term on
13 probation, conditional discharge or supervision shall not be
14 credited by the court against a sentence of imprisonment or
15 periodic imprisonment unless the court orders otherwise. The
16 amount of credit to be applied against a sentence of
17 imprisonment or periodic imprisonment when the defendant
18 served a term or partial term of periodic imprisonment shall be
19 calculated upon the basis of the actual days spent in
20 confinement rather than the duration of the term.

21 (i) Instead of filing a violation of probation, conditional
22 discharge, or supervision, ~~or a sentence of county impact~~
23 ~~incarceration~~, an agent or employee of the supervising agency
24 with the concurrence of his or her supervisor may serve on the
25 defendant a Notice of Intermediate Sanctions. The Notice shall
26 contain the technical violation or violations involved, the

1 date or dates of the violation or violations, and the
2 intermediate sanctions to be imposed. Upon receipt of the
3 Notice, the defendant shall immediately accept or reject the
4 intermediate sanctions. If the sanctions are accepted, they
5 shall be imposed immediately. If the intermediate sanctions are
6 rejected or the defendant does not respond to the Notice, a
7 violation of probation, conditional discharge, or supervision,
8 ~~or a sentence of county impact incarceration~~ shall be
9 immediately filed with the court. The State's Attorney and the
10 sentencing court shall be notified of the Notice of Sanctions.
11 Upon successful completion of the intermediate sanctions, a
12 court may not revoke probation, conditional discharge, or
13 supervision, ~~or a sentence of county impact incarceration~~ or
14 impose additional sanctions for the same violation. A notice of
15 intermediate sanctions may not be issued for any violation of
16 probation, conditional discharge, or supervision, ~~or a~~
17 ~~sentence of county impact incarceration~~ which could warrant an
18 additional, separate felony charge. The intermediate sanctions
19 shall include a term of home detention as provided in Article
20 8A of Chapter V of this Code for multiple or repeat violations
21 of the terms and conditions of a sentence of probation,
22 conditional discharge, or supervision.

23 (j) When an offender is re-sentenced after revocation of
24 probation that was imposed in combination with a sentence of
25 imprisonment for the same offense, the aggregate of the
26 sentences may not exceed the maximum term authorized under

1 Article 4.5 of Chapter V.

2 (Source: P.A. 95-35, eff. 1-1-08; 95-1052, eff. 7-1-09;
3 96-1200, eff. 7-22-10.)

4 (730 ILCS 5/5-8-1.2 rep.)

5 Section 25. The Unified Code of Corrections is amended by
6 repealing Section 5-8-1.2.

7 Section 30. The County Jail Good Behavior Allowance Act is
8 amended by changing Section 3 as follows:

9 (730 ILCS 130/3) (from Ch. 75, par. 32)

10 Sec. 3. The good behavior of any person who commences a
11 sentence of confinement in a county jail for a fixed term of
12 imprisonment after January 1, 1987 shall entitle such person to
13 a good behavior allowance, except that: (1) a person who
14 inflicted physical harm upon another person in committing the
15 offense for which he is confined shall receive no good behavior
16 allowance; and (2) a person sentenced for an offense for which
17 the law provides a mandatory minimum sentence shall not receive
18 any portion of a good behavior allowance that would reduce the
19 sentence below the mandatory minimum; and (3) (blank) ~~a person~~
20 ~~sentenced to a county impact incarceration program;~~ and (4) a
21 person who is convicted of criminal sexual assault under
22 subdivision (a) (3) of Section 11-1.20 or paragraph (a) (3) of
23 Section 12-13 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, criminal sexual abuse, or aggravated criminal sexual
2 abuse shall receive no good behavior allowance. The good
3 behavior allowance provided for in this Section shall not apply
4 to individuals sentenced for a felony to probation or
5 conditional discharge where a condition of such probation or
6 conditional discharge is that the individual serve a sentence
7 of periodic imprisonment or to individuals sentenced under an
8 order of court for civil contempt.

9 Such good behavior allowance shall be cumulative and
10 awarded as provided in this Section.

11 The good behavior allowance rate shall be cumulative and
12 awarded on the following basis:

13 The prisoner shall receive one day of good behavior
14 allowance for each day of service of sentence in the county
15 jail, and one day of good behavior allowance for each day of
16 incarceration in the county jail before sentencing for the
17 offense that he or she is currently serving sentence but was
18 unable to post bail before sentencing, except that a prisoner
19 serving a sentence of periodic imprisonment under Section 5-7-1
20 of the Unified Code of Corrections shall only be eligible to
21 receive good behavior allowance if authorized by the sentencing
22 judge. Each day of good behavior allowance shall reduce by one
23 day the prisoner's period of incarceration set by the court.
24 For the purpose of calculating a prisoner's good behavior
25 allowance, a fractional part of a day shall not be calculated
26 as a day of service of sentence in the county jail unless the

1 fractional part of the day is over 12 hours in which case a
2 whole day shall be credited on the good behavior allowance.

3 If consecutive sentences are served and the time served
4 amounts to a total of one year or more, the good behavior
5 allowance shall be calculated on a continuous basis throughout
6 the entire time served beginning on the first date of sentence
7 or incarceration, as the case may be.

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1	INDEX	
2	Statutes amended in order of appearance	
3	New Act	
4	55 ILCS 5/3-6038 rep.	
5	55 ILCS 5/3-15003.5 rep.	
6	720 ILCS 5/33G-5	
7	730 ILCS 5/3-2-2	from Ch. 38, par. 1003-2-2
8	730 ILCS 5/5-3-2	from Ch. 38, par. 1005-3-2
9	730 ILCS 5/5-4.5-20	
10	730 ILCS 5/5-4.5-25	
11	730 ILCS 5/5-4.5-30	
12	730 ILCS 5/5-4.5-35	
13	730 ILCS 5/5-4.5-40	
14	730 ILCS 5/5-4.5-45	
15	730 ILCS 5/5-4.5-55	
16	730 ILCS 5/5-4.5-60	
17	730 ILCS 5/5-4.5-65	
18	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
19	730 ILCS 5/5-6-4	from Ch. 38, par. 1005-6-4
20	730 ILCS 5/5-8-1.2 rep.	
21	730 ILCS 130/3	from Ch. 75, par. 32