

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 2. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-715 as follows:

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall  
9 not exceed 5 years or until the minor has attained the age of  
10 21 years, whichever is less, except as provided in this Section  
11 for a minor who is found to be guilty for an offense which is  
12 first degree murder, a Class X felony or a forcible felony. The  
13 juvenile court may terminate probation or conditional  
14 discharge and discharge the minor at any time if warranted by  
15 the conduct of the minor and the ends of justice; provided,  
16 however, that the period of probation for a minor who is found  
17 to be guilty for an offense which is first degree murder, a  
18 Class X felony, or a forcible felony shall be at least 5 years.

19 (2) The court may as a condition of probation or of  
20 conditional discharge require that the minor:

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

23 (b) make a report to and appear in person before any

1 person or agency as directed by the court;

2 (c) work or pursue a course of study or vocational  
3 training;

4 (d) undergo medical or psychiatric treatment, rendered  
5 by a psychiatrist or psychological treatment rendered by a  
6 clinical psychologist or social work services rendered by a  
7 clinical social worker, or treatment for drug addiction or  
8 alcoholism;

9 (e) attend or reside in a facility established for the  
10 instruction or residence of persons on probation;

11 (f) support his or her dependents, if any;

12 (g) refrain from possessing a firearm or other  
13 dangerous weapon, or an automobile;

14 (h) permit the probation officer to visit him or her at  
15 his or her home or elsewhere;

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

17 (j) attend school;

18 (j-5) with the consent of the superintendent of the  
19 facility, attend an educational program at a facility other  
20 than the school in which the offense was committed if he or  
21 she committed a crime of violence as defined in Section 2  
22 of the Crime Victims Compensation Act in a school, on the  
23 real property comprising a school, or within 1,000 feet of  
24 the real property comprising a school;

25 (k) attend a non-residential program for youth;

26 (l) make restitution under the terms of subsection (4)

1 of Section 5-710;

2 (m) contribute to his or her own support at home or in  
3 a foster home;

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

6 (o) participate with community corrections programs  
7 including unified delinquency intervention services  
8 administered by the Department of Human Services subject to  
9 Section 5 of the Children and Family Services Act;

10 (p) pay costs;

11 (q) serve a term of home confinement. In addition to  
12 any other applicable condition of probation or conditional  
13 discharge, the conditions of home confinement shall be that  
14 the minor:

15 (i) remain within the interior premises of the  
16 place designated for his or her confinement during the  
17 hours designated by the court;

18 (ii) admit any person or agent designated by the  
19 court into the minor's place of confinement at any time  
20 for purposes of verifying the minor's compliance with  
21 the conditions of his or her confinement; and

22 (iii) use an approved electronic monitoring device  
23 if ordered by the court subject to Article 8A of  
24 Chapter V of the Unified Code of Corrections;

25 (r) refrain from entering into a designated geographic  
26 area except upon terms as the court finds appropriate. The

1 terms may include consideration of the purpose of the  
2 entry, the time of day, other persons accompanying the  
3 minor, and advance approval by a probation officer, if the  
4 minor has been placed on probation, or advance approval by  
5 the court, if the minor has been placed on conditional  
6 discharge;

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

11 (s-5) undergo a medical or other procedure to have a  
12 tattoo symbolizing allegiance to a street gang removed from  
13 his or her body;

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

21 (u) comply with other conditions as may be ordered by  
22 the court.

23 (3) The court may as a condition of probation or of  
24 conditional discharge require that a minor found guilty on any  
25 alcohol, cannabis, methamphetamine, or controlled substance  
26 violation, refrain from acquiring a driver's license during the

1 period of probation or conditional discharge. If the minor is  
2 in possession of a permit or license, the court may require  
3 that the minor refrain from driving or operating any motor  
4 vehicle during the period of probation or conditional  
5 discharge, except as may be necessary in the course of the  
6 minor's lawful employment.

7 (3.5) The court shall, as a condition of probation or of  
8 conditional discharge, require that a minor found to be guilty  
9 and placed on probation for reasons that include a violation of  
10 Section 3.02 or Section 3.03 of the Humane Care for Animals Act  
11 or paragraph (4) of subsection (a) of Section 21-1 of the  
12 Criminal Code of 2012 undergo medical or psychiatric treatment  
13 rendered by a psychiatrist or psychological treatment rendered  
14 by a clinical psychologist. The condition may be in addition to  
15 any other condition.

16 (3.10) The court shall order that a minor placed on  
17 probation or conditional discharge for a sex offense as defined  
18 in the Sex Offender Management Board Act undergo and  
19 successfully complete sex offender treatment. The treatment  
20 shall be in conformance with the standards developed under the  
21 Sex Offender Management Board Act and conducted by a treatment  
22 provider approved by the Board. The treatment shall be at the  
23 expense of the person evaluated based upon that person's  
24 ability to pay for the treatment.

25 (4) A minor on probation or conditional discharge shall be  
26 given a certificate setting forth the conditions upon which he

1 or she is being released.

2 (5) The court shall impose upon a minor placed on probation  
3 or conditional discharge, as a condition of the probation or  
4 conditional discharge, a fee of \$50 for each month of probation  
5 or conditional discharge supervision ordered by the court,  
6 unless after determining the inability of the minor placed on  
7 probation or conditional discharge to pay the fee, the court  
8 assesses a lesser amount. The court may not impose the fee on a  
9 minor who is made a ward of the State under this Act while the  
10 minor is in placement. The fee shall be imposed only upon a  
11 minor who is actively supervised by the probation and court  
12 services department. The court may order the parent, guardian,  
13 or legal custodian of the minor to pay some or all of the fee on  
14 the minor's behalf.

15 (5.5) 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) of Section 5-6-3 of the Unified Code of  
25 Corrections. For all transfer cases, as defined in Section 9b  
26 of the Probation and Probation Officers Act, the probation

1 department from the original sentencing court shall retain all  
2 probation fees collected prior to the transfer. After the  
3 transfer, all probation fees shall be paid to the probation  
4 department within the circuit to which jurisdiction has been  
5 transferred.

6 (6) The General Assembly finds that in order to protect the  
7 public, the juvenile justice system must compel compliance with  
8 the conditions of probation by responding to violations with  
9 swift, certain, and fair punishments and intermediate  
10 sanctions. The Chief Judge of each circuit shall adopt a system  
11 of structured, intermediate sanctions for violations of the  
12 terms and conditions of a sentence of supervision, probation or  
13 conditional discharge, under this Act.

14 The court shall provide as a condition of a disposition of  
15 probation, conditional discharge, or supervision, that the  
16 probation agency may invoke any sanction from the list of  
17 intermediate sanctions adopted by the chief judge of the  
18 circuit court for violations of the terms and conditions of the  
19 sentence of probation, conditional discharge, or supervision,  
20 subject to the provisions of Section 5-720 of this Act.

21 (Source: P.A. 96-1414, eff. 1-1-11; 97-1108, eff. 1-1-13;  
22 97-1150, eff. 1-25-13.)

23 Section 3. The Unified Code of Corrections is amended by  
24 changing Section 5-6-3 as follows:

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)  
2 Sec. 5-6-3. Conditions of Probation and of Conditional  
3 Discharge.

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

6 (1) not violate any criminal statute of any  
7 jurisdiction;

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

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

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

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

26 (6) perform no less than 30 hours of community service



1 and not more than 120 hours of community service, if  
2 community service is available in the jurisdiction and is  
3 funded and approved by the county board where the offense  
4 was committed, where the offense was related to or in  
5 furtherance of the criminal activities of an organized gang  
6 and was motivated by the offender's membership in or  
7 allegiance to an organized gang. The community service  
8 shall include, but not be limited to, the cleanup and  
9 repair of any damage caused by a violation of Section  
10 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
11 2012 and similar damage to property located within the  
12 municipality or county in which the violation occurred.  
13 When possible and reasonable, the community service should  
14 be performed in the offender's neighborhood. For purposes  
15 of this Section, "organized gang" has the meaning ascribed  
16 to it in Section 10 of the Illinois Streetgang Terrorism  
17 Omnibus Prevention Act;

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

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

19 (8) if convicted of possession of a substance  
20 prohibited by the Cannabis Control Act, the Illinois  
21 Controlled Substances Act, or the Methamphetamine Control  
22 and Community Protection Act after a previous conviction or  
23 disposition of supervision for possession of a substance  
24 prohibited by the Cannabis Control Act or Illinois  
25 Controlled Substances Act or after a sentence of probation  
26 under Section 10 of the Cannabis Control Act, Section 410

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

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

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

23 (8.7) if convicted for an offense committed on or after  
24 June 1, 2008 (the effective date of Public Act 95-464) that  
25 would qualify the accused as a child sex offender as  
26 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1 1961 or the Criminal Code of 2012, refrain from  
2 communicating with or contacting, by means of the Internet,  
3 a person who is not related to the accused and whom the  
4 accused reasonably believes to be under 18 years of age;  
5 for purposes of this paragraph (8.7), "Internet" has the  
6 meaning ascribed to it in Section 16-0.1 of the Criminal  
7 Code of 2012; and a person is not related to the accused if  
8 the person is not: (i) the spouse, brother, or sister of  
9 the accused; (ii) a descendant of the accused; (iii) a  
10 first or second cousin of the accused; or (iv) a step-child  
11 or adopted child of the accused;

12 (8.8) if convicted for an offense under Section 11-6,  
13 11-9.1, 11-14.4 that involves soliciting for a juvenile  
14 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
15 of the Criminal Code of 1961 or the Criminal Code of 2012,  
16 or any attempt to commit any of these offenses, committed  
17 on or after June 1, 2009 (the effective date of Public Act  
18 95-983):

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

25 (ii) submit to periodic unannounced examinations  
26 of the offender's computer or any other device with

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

17 (8.9) if convicted of a sex offense as defined in the  
18 Sex Offender Registration Act committed on or after January  
19 1, 2010 (the effective date of Public Act 96-262), refrain  
20 from accessing or using a social networking website as  
21 defined in Section 17-0.5 of the Criminal Code of 2012;

22 (9) if convicted of a felony or of any misdemeanor  
23 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
24 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 that was determined, pursuant to Section 112A-11.1 of  
26 the Code of Criminal Procedure of 1963, to trigger the

1 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
2 at a time and place designated by the court, his or her  
3 Firearm Owner's Identification Card and any and all  
4 firearms in his or her possession. The Court shall return  
5 to the Department of State Police Firearm Owner's  
6 Identification Card Office the person's Firearm Owner's  
7 Identification Card;

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

18 (11) if convicted of a sex offense as defined in  
19 Section 2 of the Sex Offender Registration Act committed on  
20 or after January 1, 2010 (the effective date of Public Act  
21 96-362) that requires the person to register as a sex  
22 offender under that Act, may not knowingly use any computer  
23 scrub software on any computer that the sex offender uses;  
24 and

25 (12) if convicted of a violation of the Methamphetamine  
26 Control and Community Protection Act, the Methamphetamine

1 Precursor Control Act, or a methamphetamine related  
2 offense:

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

6 (B) prohibited from purchasing, possessing, or  
7 having under his or her control any product containing  
8 ammonium nitrate.

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

14 (1) serve a term of periodic imprisonment under Article  
15 7 for a period not to exceed that specified in paragraph  
16 (d) of Section 5-7-1;

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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

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



1 compliance with the conditions of his confinement; and

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

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

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

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

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

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

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

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

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

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

1 unless prescribed by a physician, and submit samples of his  
2 or her blood or urine or both for tests to determine the  
3 presence of any illicit drug;

4 (17) if convicted for an offense committed on or after  
5 June 1, 2008 (the effective date of Public Act 95-464) that  
6 would qualify the accused as a child sex offender as  
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, refrain from  
9 communicating with or contacting, by means of the Internet,  
10 a person who is related to the accused and whom the accused  
11 reasonably believes to be under 18 years of age; for  
12 purposes of this paragraph (17), "Internet" has the meaning  
13 ascribed to it in Section 16-0.1 of the Criminal Code of  
14 2012; and a person is related to the accused if the person  
15 is: (i) the spouse, brother, or sister of the accused; (ii)  
16 a descendant of the accused; (iii) a first or second cousin  
17 of the accused; or (iv) a step-child or adopted child of  
18 the accused;

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

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

1 search for employment with the prior approval of the  
2 offender's probation officer;

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

13 (iii) submit to the installation on the offender's  
14 computer or device with Internet capability, at the  
15 subject's expense, of one or more hardware or software  
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions  
18 concerning the offender's use of or access to a  
19 computer or any other device with Internet capability  
20 imposed by the offender's probation officer; and

21 (19) refrain from possessing a firearm or other  
22 dangerous weapon where the offense is a misdemeanor that  
23 did not involve the intentional or knowing infliction of  
24 bodily harm or threat of bodily harm.

25 (c) The court may as a condition of probation or of  
26 conditional discharge require that a person under 18 years of

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

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

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

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

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

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

24 (h) Jurisdiction over an offender may be transferred from  
25 the sentencing court to the court of another circuit with the  
26 concurrence of both courts. Further transfers or retransfers of

1 jurisdiction are also authorized in the same manner. The court  
2 to which jurisdiction has been transferred shall have the same  
3 powers as the sentencing court. The probation department within  
4 the circuit to which jurisdiction has been transferred, or  
5 which has agreed to provide supervision, may impose probation  
6 fees upon receiving the transferred offender, as provided in  
7 subsection (i). For all transfer cases, as defined in Section  
8 9b of the Probation and Probation Officers Act, the ~~The~~  
9 probation department from the original sentencing court shall  
10 retain all probation fees collected prior to the transfer.  
11 After the transfer all probation fees shall be paid to the  
12 probation department within the circuit to which jurisdiction  
13 has been transferred.

14 (i) The court shall impose upon an offender sentenced to  
15 probation after January 1, 1989 or to conditional discharge  
16 after January 1, 1992 or to community service under the  
17 supervision of a probation or court services department after  
18 January 1, 2004, as a condition of such probation or  
19 conditional discharge or supervised community service, a fee of  
20 \$50 for each month of probation or conditional discharge  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 sentenced to probation or conditional discharge or supervised  
24 community service to pay the fee, the court assesses a lesser  
25 fee. The court may not impose the fee on a minor who is made a  
26 ward of the State under the Juvenile Court Act of 1987 while



1 the minor is in placement. The fee shall be imposed only upon  
2 an offender who is actively supervised by the probation and  
3 court services department. The fee shall be collected by the  
4 clerk of the circuit court. The clerk of the circuit court  
5 shall pay all monies collected from this fee to the county  
6 treasurer for deposit in the probation and court services fund  
7 under Section 15.1 of the Probation and Probation Officers Act.

8 A circuit court may not impose a probation fee under this  
9 subsection (i) in excess of \$25 per month unless the circuit  
10 court has adopted, by administrative order issued by the chief  
11 judge, a standard probation fee guide determining an offender's  
12 ability to pay. Of the amount collected as a probation fee, up  
13 to \$5 of that fee collected per month may be used to provide  
14 services to crime victims and their families.

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

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

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

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

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

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

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

10 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
11 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
12 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,  
13 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
14 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
15 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.  
16 1-25-13.)

17 Section 5. The Probation and Probation Officers Act is  
18 amended by changing Section 9b as follows:

19 (730 ILCS 110/9b) (from Ch. 38, par. 204-1b)

20 Sec. 9b. For the purposes of this Act, the words and  
21 phrases described in this Section have the meanings designated  
22 in this Section, except when a particular context clearly  
23 requires a different meaning.

24 (1) "Division" means the Division of Probation Services of

1 the Supreme Court.

2 (2) "Department" means a probation or court services  
3 department that provides probation or court services and such  
4 other related services assigned to it by the circuit court or  
5 by law.

6 (3) "Probation Officer" means a person employed full time  
7 in a probation or court services department providing services  
8 to a court under this Act or the Juvenile Court Act of 1987. A  
9 probation officer includes detention staff, non-secure group  
10 home staff and management personnel who meet minimum standards  
11 established by the Supreme Court and who are hired under the  
12 direction of the circuit court. These probation officers are  
13 judicial employees designated on a circuit wide or county basis  
14 and compensated by the appropriate county board or boards.

15 (4) "Basic Services" means the number of personnel  
16 determined by the Division as necessary to comply with adult,  
17 juvenile, and detention services workload standards and to  
18 operate authorized programs of intermediate sanctions,  
19 intensive probation supervision, public or community service,  
20 intake services, secure detention services, non-secure group  
21 home services and home confinement.

22 (5) "New or Expanded Services" means personnel necessary to  
23 operate pretrial programs, victim and restitution programs,  
24 psychological services, drunk driving programs, specialized  
25 caseloads, community resource coordination programs, and other  
26 programs designed to generally improve the quality of probation

1 and court services.

2 (6) "Individualized Services and Programs" means  
3 individualized services provided through purchase of service  
4 agreements with individuals, specialists, and local public or  
5 private agencies providing non-residential services for the  
6 rehabilitation of adult and juvenile offenders as an  
7 alternative to local or state incarceration.

8 (7) "Jurisdiction" means the geographical area of  
9 authority of a probation department as designated by the chief  
10 judge of each circuit court under Section 15 of this Act.

11 (8) "Transfer case" means any case where an adult or  
12 juvenile offender seeks to have supervision transferred from  
13 one county to another or from another state to a county in  
14 Illinois, and the transfer is approved by a judicial officer, a  
15 department, or through an interstate compact.

16 (Source: P.A. 89-198, eff. 7-21-95.)