

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 110-10 as follows:

6 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

7 Sec. 110-10. Conditions of bail bond.

8 (a) If a person is released prior to conviction, either  
9 upon payment of bail security or on his or her own  
10 recognizance, the conditions of the bail bond shall be that he  
11 or she will:

12 (1) Appear to answer the charge in the court having  
13 jurisdiction on a day certain and thereafter as ordered by  
14 the court until discharged or final order of the court;

15 (2) Submit himself or herself to the orders and process  
16 of the court;

17 (3) Not depart this State without leave of the court;

18 (4) Not violate any criminal statute of any  
19 jurisdiction;

20 (5) At a time and place designated by the court,  
21 surrender all firearms in his or her possession to a law  
22 enforcement officer designated by the court to take custody  
23 of and impound the firearms and physically surrender his or

1 her Firearm Owner's Identification Card to the clerk of the  
2 circuit court when the offense the person has been charged  
3 with is a forcible felony, stalking, aggravated stalking,  
4 domestic battery, any violation of the Illinois Controlled  
5 Substances Act, the Methamphetamine Control and Community  
6 Protection Act, or the Cannabis Control Act that is  
7 classified as a Class 2 or greater felony, or any felony  
8 violation of Article 24 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012; the court may, however, forgo the  
10 imposition of this condition when the circumstances of the  
11 case clearly do not warrant it or when its imposition would  
12 be impractical; if the Firearm Owner's Identification Card  
13 is confiscated, the clerk of the circuit court shall mail  
14 the confiscated card to the Illinois State Police; all  
15 legally possessed firearms shall be returned to the person  
16 upon the charges being dismissed, or if the person is found  
17 not guilty, unless the finding of not guilty is by reason  
18 of insanity; and

19 (6) At a time and place designated by the court, submit  
20 to a psychological evaluation when the person has been  
21 charged with a violation of item (4) of subsection (a) of  
22 Section 24-1 of the Criminal Code of 1961 or the Criminal  
23 Code of 2012 and that violation occurred in a school or in  
24 any conveyance owned, leased, or contracted by a school to  
25 transport students to or from school or a school-related  
26 activity, or on any public way within 1,000 feet of real

1 property comprising any school.

2 Psychological evaluations ordered pursuant to this Section  
3 shall be completed promptly and made available to the State,  
4 the defendant, and the court. As a further condition of bail  
5 under these circumstances, the court shall order the defendant  
6 to refrain from entering upon the property of the school,  
7 including any conveyance owned, leased, or contracted by a  
8 school to transport students to or from school or a  
9 school-related activity, or on any public way within 1,000 feet  
10 of real property comprising any school. Upon receipt of the  
11 psychological evaluation, either the State or the defendant may  
12 request a change in the conditions of bail, pursuant to Section  
13 110-6 of this Code. The court may change the conditions of bail  
14 to include a requirement that the defendant follow the  
15 recommendations of the psychological evaluation, including  
16 undergoing psychiatric treatment. The conclusions of the  
17 psychological evaluation and any statements elicited from the  
18 defendant during its administration are not admissible as  
19 evidence of guilt during the course of any trial on the charged  
20 offense, unless the defendant places his or her mental  
21 competency in issue.

22 (b) The court may impose other conditions, such as the  
23 following, if the court finds that such conditions are  
24 reasonably necessary to assure the defendant's appearance in  
25 court, protect the public from the defendant, or prevent the  
26 defendant's unlawful interference with the orderly

1 administration of justice:

2 (1) Report to or appear in person before such person or  
3 agency as the court may direct;

4 (2) Refrain from possessing a firearm or other  
5 dangerous weapon;

6 (3) Refrain from approaching or communicating with  
7 particular persons or classes of persons;

8 (4) Refrain from going to certain described  
9 geographical areas or premises;

10 (5) Refrain from engaging in certain activities or  
11 indulging in intoxicating liquors or in certain drugs;

12 (6) Undergo treatment for drug addiction or  
13 alcoholism;

14 (7) Undergo medical or psychiatric treatment;

15 (8) Work or pursue a course of study or vocational  
16 training;

17 (9) Attend or reside in a facility designated by the  
18 court;

19 (10) Support his or her dependents;

20 (11) If a minor resides with his or her parents or in a  
21 foster home, attend school, attend a non-residential  
22 program for youths, and contribute to his or her own  
23 support at home or in a foster home;

24 (12) Observe any curfew ordered by the court;

25 (13) Remain in the custody of such designated person or  
26 organization agreeing to supervise his release. Such third

1 party custodian shall be responsible for notifying the  
2 court if the defendant fails to observe the conditions of  
3 release which the custodian has agreed to monitor, and  
4 shall be subject to contempt of court for failure so to  
5 notify the court;

6 (14) Be placed under direct supervision of the Pretrial  
7 Services Agency, Probation Department or Court Services  
8 Department in a pretrial bond home supervision capacity  
9 with or without the use of an approved electronic  
10 monitoring device subject to Article 8A of Chapter V of the  
11 Unified Code of Corrections;

12 (14.1) The court shall impose upon a defendant who is  
13 charged with any alcohol, cannabis, methamphetamine, or  
14 controlled substance violation and is placed under direct  
15 supervision of the Pretrial Services Agency, Probation  
16 Department or Court Services Department in a pretrial bond  
17 home supervision capacity with the use of an approved  
18 monitoring device, as a condition of such bail bond, a fee  
19 that represents costs incidental to the electronic  
20 monitoring for each day of such bail supervision ordered by  
21 the court, unless after determining the inability of the  
22 defendant to pay the fee, the court assesses a lesser fee  
23 or no fee as the case may be. The fee shall be collected by  
24 the clerk of the circuit court, except as provided in an  
25 administrative order of the Chief Judge of the circuit  
26 court. The clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for deposit  
2 in the substance abuse services fund under Section 5-1086.1  
3 of the Counties Code, except as provided in an  
4 administrative order of the Chief Judge of the circuit  
5 court.

6 The Chief Judge of the circuit court of the county may  
7 by administrative order establish a program for electronic  
8 monitoring of offenders with regard to drug-related and  
9 alcohol-related offenses, in which a vendor supplies and  
10 monitors the operation of the electronic monitoring  
11 device, and collects the fees on behalf of the county. The  
12 program shall include provisions for indigent offenders  
13 and the collection of unpaid fees. The program shall not  
14 unduly burden the offender and shall be subject to review  
15 by the Chief Judge.

16 The Chief Judge of the circuit court may suspend any  
17 additional charges or fees for late payment, interest, or  
18 damage to any device;

19 (14.2) The court shall impose upon all defendants,  
20 including those defendants subject to paragraph (14.1)  
21 above, placed under direct supervision of the Pretrial  
22 Services Agency, Probation Department or Court Services  
23 Department in a pretrial bond home supervision capacity  
24 with the use of an approved monitoring device, as a  
25 condition of such bail bond, a fee which shall represent  
26 costs incidental to such electronic monitoring for each day

1 of such bail supervision ordered by the court, unless after  
2 determining the inability of the defendant to pay the fee,  
3 the court assesses a lesser fee or no fee as the case may  
4 be. The fee shall be collected by the clerk of the circuit  
5 court, except as provided in an administrative order of the  
6 Chief Judge of the circuit court. The clerk of the circuit  
7 court shall pay all monies collected from this fee to the  
8 county treasurer who shall use the monies collected to  
9 defray the costs of corrections. The county treasurer shall  
10 deposit the fee collected in the county working cash fund  
11 under Section 6-27001 or Section 6-29002 of the Counties  
12 Code, as the case may be, except as provided in an  
13 administrative order of the Chief Judge of the circuit  
14 court.

15 The Chief Judge of the circuit court of the county may  
16 by administrative order establish a program for electronic  
17 monitoring of offenders with regard to drug-related and  
18 alcohol-related offenses, in which a vendor supplies and  
19 monitors the operation of the electronic monitoring  
20 device, and collects the fees on behalf of the county. The  
21 program shall include provisions for indigent offenders  
22 and the collection of unpaid fees. The program shall not  
23 unduly burden the offender and shall be subject to review  
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any  
26 additional charges or fees for late payment, interest, or

1           damage to any device;

2           (14.3) The Chief Judge of the Judicial Circuit may  
3           establish reasonable fees to be paid by a person receiving  
4           pretrial services while under supervision of a pretrial  
5           services agency, probation department, or court services  
6           department. Reasonable fees may be charged for pretrial  
7           services including, but not limited to, pretrial  
8           supervision, diversion programs, electronic monitoring,  
9           victim impact services, drug and alcohol testing, DNA  
10          testing, GPS electronic monitoring, assessments and  
11          evaluations related to domestic violence and other  
12          victims, and victim mediation services. The person  
13          receiving pretrial services may be ordered to pay all costs  
14          incidental to pretrial services in accordance with his or  
15          her ability to pay those costs;

16          (14.4) For persons charged with violating Section  
17          11-501 of the Illinois Vehicle Code, refrain from operating  
18          a motor vehicle not equipped with an ignition interlock  
19          device, as defined in Section 1-129.1 of the Illinois  
20          Vehicle Code, pursuant to the rules promulgated by the  
21          Secretary of State for the installation of ignition  
22          interlock devices. Under this condition the court may allow  
23          a defendant who is not self-employed to operate a vehicle  
24          owned by the defendant's employer that is not equipped with  
25          an ignition interlock device in the course and scope of the  
26          defendant's employment;



1           (15) Comply with the terms and conditions of an order  
2           of protection issued by the court under the Illinois  
3           Domestic Violence Act of 1986 or an order of protection  
4           issued by the court of another state, tribe, or United  
5           States territory;

6           (16) Under Section 110-6.5 comply with the conditions  
7           of the drug testing program; and

8           (17) Such other reasonable conditions as the court may  
9           impose.

10          (c) When a person is charged with an offense under Section  
11          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
12          12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
13          Criminal Code of 2012, involving a victim who is a minor under  
14          18 years of age living in the same household with the defendant  
15          at the time of the offense, in granting bail or releasing the  
16          defendant on his own recognizance, the judge shall impose  
17          conditions to restrict the defendant's access to the victim  
18          which may include, but are not limited to conditions that he  
19          will:

- 20                1. Vacate the Household.
- 21                2. Make payment of temporary support to his dependents.
- 22                3. Refrain from contact or communication with the child  
23                victim, except as ordered by the court.

24          (d) When a person is charged with a criminal offense and  
25          the victim is a family or household member as defined in  
26          Article 112A, conditions shall be imposed at the time of the

1 defendant's release on bond that restrict the defendant's  
2 access to the victim. Unless provided otherwise by the court,  
3 the restrictions shall include requirements that the defendant  
4 do the following:

5 (1) refrain from contact or communication with the  
6 victim for a minimum period of 72 hours following the  
7 defendant's release; and

8 (2) refrain from entering or remaining at the victim's  
9 residence for a minimum period of 72 hours following the  
10 defendant's release.

11 (e) Local law enforcement agencies shall develop  
12 standardized bond forms for use in cases involving family or  
13 household members as defined in Article 112A, including  
14 specific conditions of bond as provided in subsection (d).  
15 Failure of any law enforcement department to develop or use  
16 those forms shall in no way limit the applicability and  
17 enforcement of subsections (d) and (f).

18 (f) If the defendant is admitted to bail after conviction  
19 the conditions of the bail bond shall be that he will, in  
20 addition to the conditions set forth in subsections (a) and (b)  
21 hereof:

22 (1) Duly prosecute his appeal;

23 (2) Appear at such time and place as the court may  
24 direct;

25 (3) Not depart this State without leave of the court;

26 (4) Comply with such other reasonable conditions as the

1 court may impose; and

2 (5) If the judgment is affirmed or the cause reversed  
3 and remanded for a new trial, forthwith surrender to the  
4 officer from whose custody he was bailed.

5 (g) Upon a finding of guilty for any felony offense, the  
6 defendant shall physically surrender, at a time and place  
7 designated by the court, any and all firearms in his or her  
8 possession and his or her Firearm Owner's Identification Card  
9 as a condition of remaining on bond pending sentencing.

10 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
11 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
12 1-25-13.)

13 Section 10. The Unified Code of Corrections is amended by  
14 changing the heading of Article 8A of Chapter V and Sections  
15 5-6-3, 5-6-3.1, 5-7-1, 5-8A-1, 5-8A-2, 5-8A-3, 5-8A-4,  
16 5-8A-4.1, 5-8A-5, 5-8A-5.1, 5-8A-6, 5-8A-7, and 5-8A-8 and by  
17 adding Section 5-8A-9 as follows:

18 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

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

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

19           (6) perform no less than 30 hours of community service  
20 and not more than 120 hours of community service, if  
21 community service is available in the jurisdiction and is  
22 funded and approved by the county board where the offense  
23 was committed, where the offense was related to or in  
24 furtherance of the criminal activities of an organized gang  
25 and was motivated by the offender's membership in or  
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and  
2 repair of any damage caused by a violation of Section  
3 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
4 2012 and similar damage to property located within the  
5 municipality or county in which the violation occurred.  
6 When possible and reasonable, the community service should  
7 be performed in the offender's neighborhood. For purposes  
8 of this Section, "organized gang" has the meaning ascribed  
9 to it in Section 10 of the Illinois Streetgang Terrorism  
10 Omnibus Prevention Act;

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

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

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

25 (8.5) if convicted of a felony sex offense as defined  
26 in the Sex Offender Management Board Act, the person shall

1           undergo and successfully complete sex offender treatment  
2           by a treatment provider approved by the Board and conducted  
3           in conformance with the standards developed under the Sex  
4           Offender Management Board Act;

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

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

1 the person is not: (i) the spouse, brother, or sister of  
2 the accused; (ii) a descendant of the accused; (iii) a  
3 first or second cousin of the accused; or (iv) a step-child  
4 or adopted child of the accused;

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

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

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



1 inspection;

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

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

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

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

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

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

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

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

25           (B) prohibited from purchasing, possessing, or  
26 having under his or her control any product containing

1 ammonium nitrate.

2 (b) The Court may in addition to other reasonable  
3 conditions relating to the nature of the offense or the  
4 rehabilitation of the defendant as determined for each  
5 defendant in the proper discretion of the Court require that  
6 the person:

7 (1) serve a term of periodic imprisonment under Article  
8 7 for a period not to exceed that specified in paragraph  
9 (d) of Section 5-7-1;

10 (2) pay a fine and costs;

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

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

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

17 (6) support his dependents;

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

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

20 (ii) attend school;

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

22 (iv) contribute to his own support at home or in a  
23 foster home;

24 (v) with the consent of the superintendent of the  
25 facility, attend an educational program at a facility  
26 other than the school in which the offense was

1 committed if he or she is convicted of a crime of  
2 violence as defined in Section 2 of the Crime Victims  
3 Compensation Act committed in a school, on the real  
4 property comprising a school, or within 1,000 feet of  
5 the real property comprising a school;

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

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

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

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

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

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

25 (iv) for persons convicted of any alcohol,  
26 cannabis or controlled substance violation who are

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

19 The Chief Judge of the circuit court of the county  
20 may by administrative order establish a program for  
21 electronic monitoring of offenders, in which a vendor  
22 supplies and monitors the operation of the electronic  
23 monitoring device, and collects the fees on behalf of  
24 the county. The program shall include provisions for  
25 indigent offenders and the collection of unpaid fees.  
26 The program shall not unduly burden the offender and

1           shall be subject to review by the Chief Judge.

2           The Chief Judge of the circuit court may suspend  
3           any additional charges or fees for late payment,  
4           interest, or damage to any device; and

5           (v) for persons convicted of offenses other than  
6           those referenced in clause (iv) above and who are  
7           placed on an approved monitoring device as a condition  
8           of probation or conditional discharge, the court shall  
9           impose a reasonable fee for each day of the use of the  
10          device, as established by the county board in  
11          subsection (g) of this Section, unless after  
12          determining the inability of the defendant to pay the  
13          fee, the court assesses a lesser fee or no fee as the  
14          case may be. This fee shall be imposed in addition to  
15          the fees imposed under subsections (g) and (i) of this  
16          Section. The fee shall be collected by the clerk of the  
17          circuit court, except as provided in an administrative  
18          order of the Chief Judge of the circuit court. The

19          clerk of the circuit court shall pay all monies  
20          collected from this fee to the county treasurer who  
21          shall use the monies collected to defray the costs of  
22          corrections. The county treasurer shall deposit the  
23          fee collected in the probation and court services fund.  
24          The Chief Judge of the circuit court of the county may  
25          by administrative order establish a program for  
26          electronic monitoring of offenders, in which a vendor

1           supplies and monitors the operation of the electronic  
2           monitoring device, and collects the fees on behalf of  
3           the county. The program shall include provisions for  
4           indigent offenders and the collection of unpaid fees.  
5           The program shall not unduly burden the offender and  
6           shall be subject to review by the Chief Judge.

7           The Chief Judge of the circuit court may suspend  
8           any additional charges or fees for late payment,  
9           interest, or damage to any device.

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

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

23           (13) contribute a reasonable sum of money, not to  
24           exceed the maximum amount of the fine authorized for the  
25           offense for which the defendant was sentenced, (i) to a  
26           "local anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act, or (ii) for offenses under  
2 the jurisdiction of the Department of Natural Resources, to  
3 the fund established by the Department of Natural Resources  
4 for the purchase of evidence for investigation purposes and  
5 to conduct investigations as outlined in Section 805-105 of  
6 the Department of Natural Resources (Conservation) Law;

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

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

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

26 (17) if convicted for an offense committed on or after



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

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

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 subject'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; and

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

21 (c) The court may as a condition of probation or of  
22 conditional discharge require that a person under 18 years of  
23 age found guilty of any alcohol, cannabis or controlled  
24 substance violation, refrain from acquiring a driver's license  
25 during the period of probation or conditional discharge. If  
26 such person is in possession of a permit or license, the court

1 may require that the minor refrain from driving or operating  
2 any motor vehicle during the period of probation or conditional  
3 discharge, except as may be necessary in the course of the  
4 minor's lawful employment.

5 (d) An offender sentenced to probation or to conditional  
6 discharge shall be given a certificate setting forth the  
7 conditions thereof.

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

16 Persons committed to imprisonment as a condition of  
17 probation or conditional discharge shall not be committed to  
18 the Department of Corrections.

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

23 (g) An offender sentenced to probation or to conditional  
24 discharge and who during the term of either undergoes mandatory  
25 drug or alcohol testing, or both, or is assigned to be placed  
26 on an approved electronic monitoring device, shall be ordered

1 to pay all costs incidental to such mandatory drug or alcohol  
2 testing, or both, and all costs incidental to such approved  
3 electronic monitoring in accordance with the defendant's  
4 ability to pay those costs. The county board with the  
5 concurrence of the Chief Judge of the judicial circuit in which  
6 the county is located shall establish reasonable fees for the  
7 cost of maintenance, testing, and incidental expenses related  
8 to the mandatory drug or alcohol testing, or both, and all  
9 costs incidental to approved electronic monitoring, involved  
10 in a successful probation program for the county. The  
11 concurrence of the Chief Judge shall be in the form of an  
12 administrative order. The fees shall be collected by the clerk  
13 of the circuit court, except as provided in an administrative  
14 order of the Chief Judge of the circuit court. The clerk of the  
15 circuit court shall pay all moneys collected from these fees to  
16 the county treasurer who shall use the moneys collected to  
17 defray the costs of drug testing, alcohol testing, and  
18 electronic monitoring. The county treasurer shall deposit the  
19 fees collected in the county working cash fund under Section  
20 6-27001 or Section 6-29002 of the Counties Code, as the case  
21 may be. The Chief Judge of the circuit court of the county may  
22 by administrative order establish a program for electronic  
23 monitoring of offenders, in which a vendor supplies and  
24 monitors the operation of the electronic monitoring device, and  
25 collects the fees on behalf of the county. The program shall  
26 include provisions for indigent offenders and the collection of

1 unpaid fees. The program shall not unduly burden the offender  
2 and shall be subject to review by the Chief Judge.

3 The Chief Judge of the circuit court may suspend any  
4 additional charges or fees for late payment, interest, or  
5 damage to any device.

6 (h) Jurisdiction over an offender may be transferred from  
7 the sentencing court to the court of another circuit with the  
8 concurrence of both courts. Further transfers or retransfers of  
9 jurisdiction are also authorized in the same manner. The court  
10 to which jurisdiction has been transferred shall have the same  
11 powers as the sentencing court. The probation department within  
12 the circuit to which jurisdiction has been transferred, or  
13 which has agreed to provide supervision, may impose probation  
14 fees upon receiving the transferred offender, as provided in  
15 subsection (i). For all transfer cases, as defined in Section  
16 9b of the Probation and Probation Officers Act, the probation  
17 department from the original sentencing court shall retain all  
18 probation fees collected prior to the transfer. After the  
19 transfer all probation fees shall be paid to the probation  
20 department within the circuit to which jurisdiction has been  
21 transferred.

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

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

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

23 The Court may only waive probation fees based on an  
24 offender's ability to pay. The probation department may  
25 re-evaluate an offender's ability to pay every 6 months, and,  
26 with the approval of the Director of Court Services or the

1 Chief Probation Officer, adjust the monthly fee amount. An  
2 offender may elect to pay probation fees due in a lump sum. Any  
3 offender that has been assigned to the supervision of a  
4 probation department, or has been transferred either under  
5 subsection (h) of this Section or under any interstate compact,  
6 shall be required to pay probation fees to the department  
7 supervising the offender, based on the offender's ability to  
8 pay.

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

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

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

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

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

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

18 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,  
19 eff. 7-27-15.)

20 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

22 (a) When a defendant is placed on supervision, the court  
23 shall enter an order for supervision specifying the period of  
24 such supervision, and shall defer further proceedings in the  
25 case until the conclusion of the period.



1           (b) The period of supervision shall be reasonable under all  
2 of the circumstances of the case, but may not be longer than 2  
3 years, unless the defendant has failed to pay the assessment  
4 required by Section 10.3 of the Cannabis Control Act, Section  
5 411.2 of the Illinois Controlled Substances Act, or Section 80  
6 of the Methamphetamine Control and Community Protection Act, in  
7 which case the court may extend supervision beyond 2 years.  
8 Additionally, the court shall order the defendant to perform no  
9 less than 30 hours of community service and not more than 120  
10 hours of community service, if community service is available  
11 in the jurisdiction and is funded and approved by the county  
12 board where the offense was committed, when the offense (1) was  
13 related to or in furtherance of the criminal activities of an  
14 organized gang or was motivated by the defendant's membership  
15 in or allegiance to an organized gang; or (2) is a violation of  
16 any Section of Article 24 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 where a disposition of supervision is not  
18 prohibited by Section 5-6-1 of this Code. The community service  
19 shall include, but not be limited to, the cleanup and repair of  
20 any damage caused by violation of Section 21-1.3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
22 damages to property located within the municipality or county  
23 in which the violation occurred. Where possible and reasonable,  
24 the community service should be performed in the offender's  
25 neighborhood.

26           For the purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 (c) The court may in addition to other reasonable  
4 conditions relating to the nature of the offense or the  
5 rehabilitation of the defendant as determined for each  
6 defendant in the proper discretion of the court require that  
7 the person:

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

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational  
14 training;

15 (4) undergo medical, psychological or psychiatric  
16 treatment; or treatment for drug addiction or alcoholism;

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

19 (6) support his dependents;

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

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

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

24 (ii) attend school;

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

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

1 foster home; or

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

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

15 (10) perform some reasonable public or community  
16 service;

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

26 (12) reimburse any "local anti-crime program" as

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

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

16 (14) refrain from entering into a designated  
17 geographic area except upon such terms as the court finds  
18 appropriate. Such terms may include consideration of the  
19 purpose of the entry, the time of day, other persons  
20 accompanying the defendant, and advance approval by a  
21 probation officer;

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

26 (16) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis  
2 Control Act, the Illinois Controlled Substances Act, or the  
3 Methamphetamine Control and Community Protection Act,  
4 unless prescribed by a physician, and submit samples of his  
5 or her blood or urine or both for tests to determine the  
6 presence of any illicit drug;

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

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

26 (c-5) If payment of restitution as ordered has not been

1 made, the victim shall file a petition notifying the sentencing  
2 court, any other person to whom restitution is owed, and the  
3 State's Attorney of the status of the ordered restitution  
4 payments unpaid at least 90 days before the supervision  
5 expiration date. If payment as ordered has not been made, the  
6 court shall hold a review hearing prior to the expiration date,  
7 unless the hearing is voluntarily waived by the defendant with  
8 the knowledge that waiver may result in an extension of the  
9 supervision period or in a revocation of supervision. If the  
10 court does not extend supervision, it shall issue a judgment  
11 for the unpaid restitution and direct the clerk of the circuit  
12 court to file and enter the judgment in the judgment and lien  
13 docket, without fee, unless it finds that the victim has  
14 recovered a judgment against the defendant for the amount  
15 covered by the restitution order. If the court issues a  
16 judgment for the unpaid restitution, the court shall send to  
17 the defendant at his or her last known address written  
18 notification that a civil judgment has been issued for the  
19 unpaid restitution.

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

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

1           (f) Discharge and dismissal upon a successful conclusion of  
2 a disposition of supervision shall be deemed without  
3 adjudication of guilt and shall not be termed a conviction for  
4 purposes of disqualification or disabilities imposed by law  
5 upon conviction of a crime. Two years after the discharge and  
6 dismissal under this Section, unless the disposition of  
7 supervision was for a violation of Sections 3-707, 3-708,  
8 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
9 similar provision of a local ordinance, or for a violation of  
10 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, in which case it shall be 5 years  
12 after discharge and dismissal, a person may have his record of  
13 arrest sealed or expunged as may be provided by law. However,  
14 any defendant placed on supervision before January 1, 1980, may  
15 move for sealing or expungement of his arrest record, as  
16 provided by law, at any time after discharge and dismissal  
17 under this Section. A person placed on supervision for a sexual  
18 offense committed against a minor as defined in clause  
19 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or  
20 for a violation of Section 11-501 of the Illinois Vehicle Code  
21 or a similar provision of a local ordinance shall not have his  
22 or her record of arrest sealed or expunged.

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

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

21 The Chief Judge of the circuit court of the county may by  
22 administrative order establish a program for electronic  
23 monitoring of offenders, in which a vendor supplies and  
24 monitors the operation of the electronic monitoring device, and  
25 collects the fees on behalf of the county. The program shall  
26 include provisions for indigent offenders and the collection of



1 unpaid fees. The program shall not unduly burden the offender  
2 and shall be subject to review by the Chief Judge.

3 The Chief Judge of the circuit court may suspend any  
4 additional charges or fees for late payment, interest, or  
5 damage to any device.

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

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

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

1 \$25 per month unless the circuit court has adopted, by  
2 administrative order issued by the chief judge, a standard  
3 probation fee guide determining an offender's ability to pay.  
4 Of the amount collected as a probation fee, not to exceed \$5 of  
5 that fee collected per month may be used to provide services to  
6 crime victims and their families.

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

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

26 (k) A defendant at least 17 years of age who is placed on

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

25 (1) The court shall require a defendant placed on  
26 supervision for possession of a substance prohibited by the

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

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

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

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

1 not: (i) the spouse, brother, or sister of the accused; (ii) a  
2 descendant of the accused; (iii) a first or second cousin of  
3 the accused; or (iv) a step-child or adopted child of the  
4 accused.

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

20 (r) An offender placed on supervision for an offense under  
21 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
22 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
23 11-21 of the Criminal Code of 1961 or the Criminal Code of  
24 2012, or any attempt to commit any of these offenses, committed  
25 on or after the effective date of this amendatory Act of the  
26 95th General Assembly shall:

1           (i) not access or use a computer or any other device  
2 with Internet capability without the prior written  
3 approval of the court, except in connection with the  
4 offender's employment or search for employment with the  
5 prior approval of the court;

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

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

18           (iv) submit to any other appropriate restrictions  
19 concerning the offender's use of or access to a computer or  
20 any other device with Internet capability imposed by the  
21 court.

22           (s) An offender placed on supervision for an offense that  
23 is a sex offense as defined in Section 2 of the Sex Offender  
24 Registration Act that is committed on or after January 1, 2010  
25 (the effective date of Public Act 96-362) that requires the  
26 person to register as a sex offender under that Act, may not

1 knowingly use any computer scrub software on any computer that  
2 the sex offender uses.

3 (t) An offender placed on supervision for a sex offense as  
4 defined in the Sex Offender Registration Act committed on or  
5 after January 1, 2010 (the effective date of Public Act 96-262)  
6 shall refrain from accessing or using a social networking  
7 website as defined in Section 17-0.5 of the Criminal Code of  
8 2012.

9 (u) Jurisdiction over an offender may be transferred from  
10 the sentencing court to the court of another circuit with the  
11 concurrence of both courts. Further transfers or retransfers of  
12 jurisdiction are also authorized in the same manner. The court  
13 to which jurisdiction has been transferred shall have the same  
14 powers as the sentencing court. The probation department within  
15 the circuit to which jurisdiction has been transferred may  
16 impose probation fees upon receiving the transferred offender,  
17 as provided in subsection (i). The probation department from  
18 the original sentencing court shall retain all probation fees  
19 collected prior to the transfer.

20 (Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;  
21 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.  
22 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

23 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)  
24 Sec. 5-7-1. Sentence of Periodic Imprisonment.

25 (a) A sentence of periodic imprisonment is a sentence of



1 imprisonment during which the committed person may be released  
2 for periods of time during the day or night or for periods of  
3 days, or both, or if convicted of a felony, other than first  
4 degree murder, a Class X or Class 1 felony, committed to any  
5 county, municipal, or regional correctional or detention  
6 institution or facility in this State for such periods of time  
7 as the court may direct. Unless the court orders otherwise, the  
8 particular times and conditions of release shall be determined  
9 by the Department of Corrections, the sheriff, or the  
10 Superintendent of the house of corrections, who is  
11 administering the program.

12 (b) A sentence of periodic imprisonment may be imposed to  
13 permit the defendant to:

- 14 (1) seek employment;
- 15 (2) work;
- 16 (3) conduct a business or other self-employed  
17 occupation including housekeeping;
- 18 (4) attend to family needs;
- 19 (5) attend an educational institution, including  
20 vocational education;
- 21 (6) obtain medical or psychological treatment;
- 22 (7) perform work duties at a county, municipal, or  
23 regional correctional or detention institution or  
24 facility;
- 25 (8) continue to reside at home with or without  
26 supervision involving the use of an approved electronic

1 monitoring device, subject to Article 8A of Chapter V; or

2 (9) for any other purpose determined by the court.

3 (c) Except where prohibited by other provisions of this  
4 Code, the court may impose a sentence of periodic imprisonment  
5 for a felony or misdemeanor on a person who is 17 years of age  
6 or older. The court shall not impose a sentence of periodic  
7 imprisonment if it imposes a sentence of imprisonment upon the  
8 defendant in excess of 90 days.

9 (d) A sentence of periodic imprisonment shall be for a  
10 definite term of from 3 to 4 years for a Class 1 felony, 18 to  
11 30 months for a Class 2 felony, and up to 18 months, or the  
12 longest sentence of imprisonment that could be imposed for the  
13 offense, whichever is less, for all other offenses; however, no  
14 person shall be sentenced to a term of periodic imprisonment  
15 longer than one year if he is committed to a county  
16 correctional institution or facility, and in conjunction with  
17 that sentence participate in a county work release program  
18 comparable to the work and day release program provided for in  
19 Article 13 of the Unified Code of Corrections in State  
20 facilities. The term of the sentence shall be calculated upon  
21 the basis of the duration of its term rather than upon the  
22 basis of the actual days spent in confinement. No sentence of  
23 periodic imprisonment shall be subject to the good time credit  
24 provisions of Section 3-6-3 of this Code.

25 (e) When the court imposes a sentence of periodic  
26 imprisonment, it shall state:

1           (1) the term of such sentence;

2           (2) the days or parts of days which the defendant is to  
3           be confined;

4           (3) the conditions.

5           (f) The court may issue an order of protection pursuant to  
6           the Illinois Domestic Violence Act of 1986 as a condition of a  
7           sentence of periodic imprisonment. The Illinois Domestic  
8           Violence Act of 1986 shall govern the issuance, enforcement and  
9           recording of orders of protection issued under this Section. A  
10          copy of the order of protection shall be transmitted to the  
11          person or agency having responsibility for the case.

12          (f-5) An offender sentenced to a term of periodic  
13          imprisonment for a felony sex offense as defined in the Sex  
14          Offender Management Board Act shall be required to undergo and  
15          successfully complete sex offender treatment by a treatment  
16          provider approved by the Board and conducted in conformance  
17          with the standards developed under the Sex Offender Management  
18          Board Act.

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

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

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

24 The Chief Judge of the circuit court of the county may by  
25 administrative order establish a program for electronic  
26 monitoring of offenders, in which a vendor supplies and

1 monitors the operation of the electronic monitoring device, and  
2 collects the fees on behalf of the county. The program shall  
3 include provisions for indigent offenders and the collection of  
4 unpaid fees. The program shall not unduly burden the offender  
5 and shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend any  
7 additional charges or fees for late payment, interest, or  
8 damage to any device.

9 (i) A defendant at least 17 years of age who is convicted  
10 of a misdemeanor or felony in a county of 3,000,000 or more  
11 inhabitants and who has not been previously convicted of a  
12 misdemeanor or a felony and who is sentenced to a term of  
13 periodic imprisonment may as a condition of his or her sentence  
14 be required by the court to attend educational courses designed  
15 to prepare the defendant for a high school diploma and to work  
16 toward receiving a high school diploma or to work toward  
17 passing high school equivalency testing or to work toward  
18 completing a vocational training program approved by the court.  
19 The defendant sentenced to periodic imprisonment must attend a  
20 public institution of education to obtain the educational or  
21 vocational training required by this subsection (i). The  
22 defendant sentenced to a term of periodic imprisonment shall be  
23 required to pay for the cost of the educational courses or high  
24 school equivalency testing if a fee is charged for those  
25 courses or testing. The court shall revoke the sentence of  
26 periodic imprisonment of the defendant who wilfully fails to

1 comply with this subsection (i). The court shall resentence the  
2 defendant whose sentence of periodic imprisonment has been  
3 revoked as provided in Section 5-7-2. This subsection (i) does  
4 not apply to a defendant who has a high school diploma or has  
5 successfully passed high school equivalency testing. This  
6 subsection (i) does not apply to a defendant who is determined  
7 by the court to be a person with a developmental disability or  
8 otherwise mentally incapable of completing the educational or  
9 vocational program.

10 (Source: P.A. 98-718, eff. 1-1-15; 99-143, eff. 7-27-15.)

11 (730 ILCS 5/Ch. V Art. 8A heading)

12 ARTICLE 8A. ELECTRONIC MONITORING AND HOME DETENTION

13 (730 ILCS 5/5-8A-1) (from Ch. 38, par. 1005-8A-1)

14 Sec. 5-8A-1. Title. This Article shall be known and may be  
15 cited as the Electronic Monitoring and Home Detention Law.

16 (Source: P.A. 86-1281.)

17 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

18 Sec. 5-8A-2. Definitions. As used in this Article:

19 (A) "Approved electronic monitoring device" means a device  
20 approved by the supervising authority which is primarily  
21 intended to record or transmit information as to the

1 defendant's presence or nonpresence in the home, consumption of  
2 alcohol, consumption of drugs, location as determined through  
3 GPS, cellular triangulation, Wi-Fi, or other electronic means.

4 An approved electronic monitoring device may record or  
5 transmit: oral or wire communications or an auditory sound;  
6 visual images; or information regarding the offender's  
7 activities while inside the offender's home. These devices are  
8 subject to the required consent as set forth in Section 5-8A-5  
9 of this Article.

10 An approved electronic monitoring device may be used to  
11 record a conversation between the participant and the  
12 monitoring device, or the participant and the person  
13 supervising the participant solely for the purpose of  
14 identification and not for the purpose of eavesdropping or  
15 conducting any other illegally intrusive monitoring.

16 (A-10) "Department" means the Department of Corrections or  
17 the Department of Juvenile Justice.

18 (A-20) "Electronic monitoring" means the monitoring of an  
19 inmate, person, or offender with an electronic device both  
20 within and outside of their home under the terms and conditions  
21 established by the supervising authority.

22 (B) "Excluded offenses" means first degree murder, escape,  
23 predatory criminal sexual assault of a child, aggravated  
24 criminal sexual assault, criminal sexual assault, aggravated  
25 battery with a firearm as described in Section 12-4.2 or  
26 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section

1 12-3.05, bringing or possessing a firearm, ammunition or  
2 explosive in a penal institution, any "Super-X" drug offense or  
3 calculated criminal drug conspiracy or streetgang criminal  
4 drug conspiracy, or any predecessor or successor offenses with  
5 the same or substantially the same elements, or any inchoate  
6 offenses relating to the foregoing offenses.

7 (B-10) "GPS" means a device or system which utilizes the  
8 Global Positioning Satellite system for determining the  
9 location of a person, inmate or offender.

10 (C) "Home detention" means the confinement of a person  
11 convicted or charged with an offense to his or her place of  
12 residence under the terms and conditions established by the  
13 supervising authority.

14 (D) "Participant" means an inmate or offender placed into  
15 an electronic monitoring program.

16 (E) "Supervising authority" means the Department of  
17 Corrections, the Department of Juvenile Justice, probation  
18 department ~~supervisory authority~~, sheriff, superintendent of  
19 municipal house of corrections or any other officer or agency  
20 charged with authorizing and supervising electronic monitoring  
21 and home detention.

22 (F) "Super-X drug offense" means a violation of Section  
23 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
24 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
25 (C), or (D) of the Illinois Controlled Substances Act.

26 (G) "Wi-Fi" or "WiFi" means a device or system which



1 utilizes a wireless local area network for determining the  
2 location of a person, inmate or offender.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

5 Sec. 5-8A-3. Application.

6 (a) Except as provided in subsection (d), a person charged  
7 with or convicted of an excluded offense may not be placed in  
8 an electronic monitoring or home detention program, except for  
9 bond pending trial or appeal or while on parole, aftercare  
10 release, or mandatory supervised release.

11 (b) A person serving a sentence for a conviction of a Class  
12 1 felony, other than an excluded offense, may be placed in an  
13 electronic monitoring or home detention program for a period  
14 not to exceed the last 90 days of incarceration.

15 (c) A person serving a sentence for a conviction of a Class  
16 X felony, other than an excluded offense, may be placed in an  
17 electronic monitoring or home detention program for a period  
18 not to exceed the last 90 days of incarceration, provided that  
19 the person was sentenced on or after the effective date of this  
20 amendatory Act of 1993 and provided that the court has not  
21 prohibited the program for the person in the sentencing order.

22 (d) A person serving a sentence for conviction of an  
23 offense other than for predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 assault, aggravated criminal sexual abuse, or felony criminal

1 sexual abuse, may be placed in an electronic monitoring or home  
2 detention program for a period not to exceed the last 12 months  
3 of incarceration, provided that (i) the person is 55 years of  
4 age or older; (ii) the person is serving a determinate  
5 sentence; (iii) the person has served at least 25% of the  
6 sentenced prison term; and (iv) placement in an electronic home  
7 monitoring or detention program is approved by the Prisoner  
8 Review Board.

9 (e) A person serving a sentence for conviction of a Class  
10 2, 3 or 4 felony offense which is not an excluded offense may  
11 be placed in an electronic monitoring or home detention program  
12 pursuant to Department administrative directives.

13 (f) Applications for electronic monitoring or home  
14 detention may include the following:

- 15 (1) pretrial or pre-adjudicatory detention;
- 16 (2) probation;
- 17 (3) conditional discharge;
- 18 (4) periodic imprisonment;
- 19 (5) parole, aftercare release, or mandatory supervised  
20 release;
- 21 (6) work release;
- 22 (7) furlough; or
- 23 (8) post-trial incarceration.

24 (g) A person convicted of an offense described in clause  
25 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
26 shall be placed in an electronic monitoring or home detention

1 program for at least the first 2 years of the person's  
2 mandatory supervised release term.

3 (Source: P.A. 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

4 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

5 Sec. 5-8A-4. Program description. The supervising  
6 authority may promulgate rules that prescribe reasonable  
7 guidelines under which an electronic monitoring and home  
8 detention program shall operate. When using electronic  
9 monitoring for home detention these ~~These~~ rules shall include  
10 but not be limited to the following:

11 (A) The participant shall remain within the interior  
12 premises or within the property boundaries of his or her  
13 residence at all times during the hours designated by the  
14 supervising authority. Such instances of approved absences  
15 from the home may include but are not limited to the following:

16 (1) working or employment approved by the court or  
17 traveling to or from approved employment;

18 (2) unemployed and seeking employment approved for the  
19 participant by the court;

20 (3) undergoing medical, psychiatric, mental health  
21 treatment, counseling, or other treatment programs  
22 approved for the participant by the court;

23 (4) attending an educational institution or a program  
24 approved for the participant by the court;

25 (5) attending a regularly scheduled religious service

1 at a place of worship;

2 (6) participating in community work release or  
3 community service programs approved for the participant by  
4 the supervising authority; or

5 (7) for another compelling reason consistent with the  
6 public interest, as approved by the supervising authority.

7 (B) The participant shall admit any person or agent  
8 designated by the supervising authority into his or her  
9 residence at any time for purposes of verifying the  
10 participant's compliance with the conditions of his or her  
11 detention.

12 (C) The participant shall make the necessary arrangements  
13 to allow for any person or agent designated by the supervising  
14 authority to visit the participant's place of education or  
15 employment at any time, based upon the approval of the  
16 educational institution employer or both, for the purpose of  
17 verifying the participant's compliance with the conditions of  
18 his or her detention.

19 (D) The participant shall acknowledge and participate with  
20 the approved electronic monitoring device as designated by the  
21 supervising authority at any time for the purpose of verifying  
22 the participant's compliance with the conditions of his or her  
23 detention.

24 (E) The participant shall maintain the following:

25 (1) a working telephone in the participant's home;

26 (2) a monitoring device in the participant's home, or

1 on the participant's person, or both; and

2 (3) a monitoring device in the participant's home and  
3 on the participant's person in the absence of a telephone.

4 (F) The participant shall obtain approval from the  
5 supervising authority before the participant changes residence  
6 or the schedule described in subsection (A) of this Section.

7 (G) The participant shall not commit another crime during  
8 the period of home detention ordered by the Court.

9 (H) Notice to the participant that violation of the order  
10 for home detention may subject the participant to prosecution  
11 for the crime of escape as described in Section 5-8A-4.1.

12 (I) The participant shall abide by other conditions as set  
13 by the supervising authority.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (730 ILCS 5/5-8A-4.1)

16 Sec. 5-8A-4.1. Escape; failure to comply with a condition  
17 of the electronic ~~home~~ monitoring or home detention program.

18 (a) A person charged with or convicted of a felony, or  
19 charged with or adjudicated delinquent for an act which, if  
20 committed by an adult, would constitute a felony, conditionally  
21 released from the supervising authority through an electronic  
22 ~~home~~ monitoring or home detention program, who knowingly  
23 violates a condition of the electronic home monitoring  
24 detention program is guilty of a Class 3 felony.

25 (b) A person charged with or convicted of a misdemeanor, or

1 charged with or adjudicated delinquent for an act which, if  
2 committed by an adult, would constitute a misdemeanor,  
3 conditionally released from the supervising authority through  
4 an electronic ~~home~~ monitoring or home detention program, who  
5 knowingly violates a condition of the electronic ~~home~~  
6 monitoring or home detention program is guilty of a Class B  
7 misdemeanor.

8 (c) A person who violates this Section while armed with a  
9 dangerous weapon is guilty of a Class 1 felony.

10 (Source: P.A. 95-921, eff. 1-1-09.)

11 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

12 Sec. 5-8A-5. Consent of the participant. Before entering an  
13 order for commitment for electronic monitoring ~~home detention~~,  
14 the supervising authority shall inform the participant and  
15 other persons residing in the home of the nature and extent of  
16 the approved electronic monitoring devices by doing the  
17 following:

18 (A) Securing the written consent of the participant in the  
19 program to comply with the rules and regulations of the program  
20 as stipulated in subsections (A) through (I) of Section 5-8A-4.

21 (B) Where possible, securing the written consent of other  
22 persons residing in the home of the participant, including the  
23 person in whose name the telephone is registered, at the time  
24 of the order or commitment for electronic home detention is  
25 entered and acknowledge the nature and extent of approved

1 electronic monitoring devices.

2 (C) Insure that the approved electronic devices be  
3 minimally intrusive upon the privacy of the participant and  
4 other persons residing in the home while remaining in  
5 compliance with subsections (B) through (D) of Section 5-8A-4.

6 (D) This Section does not apply to persons subject to  
7 Electronic ~~Home~~ Monitoring or home detention as a term or  
8 condition of parole, aftercare release, or mandatory  
9 supervised release under subsection (d) of Section 5-8-1 of  
10 this Code.

11 (Source: P.A. 98-558, eff. 1-1-14.)

12 (730 ILCS 5/5-8A-5.1)

13 Sec. 5-8A-5.1. Public notice of release on electronic ~~home~~  
14 monitoring or home detention. The Department of Corrections  
15 must make identification information and a recent photo of an  
16 inmate being placed on electronic ~~home~~ monitoring or home  
17 detention under the provisions of this Article accessible on  
18 the Internet by means of a hyperlink labeled "Community  
19 Notification of Inmate Early Release" on the Department's World  
20 Wide Web homepage. The identification information shall  
21 include the inmate's: name, any known alias, date of birth,  
22 physical characteristics, residence address, commitment  
23 offense and county where conviction was imposed. The  
24 identification information shall be placed on the website  
25 within 3 days of the inmate's release on electronic ~~home~~

1 monitoring or home detention, and the information may not be  
2 removed until either: completion of the first year of mandatory  
3 supervised release or return of the inmate to custody of the  
4 Department.

5 (Source: P.A. 96-1110, eff. 7-19-10.)

6 (730 ILCS 5/5-8A-6)

7 Sec. 5-8A-6. Electronic monitoring of certain sex  
8 offenders. For a sexual predator subject to electronic home  
9 monitoring under paragraph (7.7) of subsection (a) of Section  
10 3-3-7, the Department of Corrections must use a system that  
11 actively monitors and identifies the offender's current  
12 location and timely reports or records the offender's presence  
13 and that alerts the Department of the offender's presence  
14 within a prohibited area described in Section 11-9.3 of the  
15 Criminal Code of 2012, in a court order, or as a condition of  
16 the offender's parole, mandatory supervised release, or  
17 extended mandatory supervised release and the offender's  
18 departure from specified geographic limitations. To the extent  
19 that he or she is able to do so, which the Department of  
20 Corrections by rule shall determine, the offender must pay for  
21 the cost of the electronic ~~home~~ monitoring.

22 (Source: P.A. 97-1150, eff. 1-25-13.)

23 (730 ILCS 5/5-8A-7)

24 Sec. 5-8A-7. Domestic violence surveillance program. If



1 the Prisoner Review Board, Department of Corrections, or court  
2 (the supervising authority) orders electronic surveillance as  
3 a condition of parole, aftercare release, mandatory supervised  
4 release, early release, probation, or conditional discharge  
5 for a violation of an order of protection or as a condition of  
6 bail for a person charged with a violation of an order of  
7 protection, the supervising authority shall use the best  
8 available global positioning technology to track domestic  
9 violence offenders. Best available technology must have  
10 real-time and interactive capabilities that facilitate the  
11 following objectives: (1) immediate notification to the  
12 supervising authority of a breach of a court ordered exclusion  
13 zone; (2) notification of the breach to the offender; and (3)  
14 communication between the supervising authority, law  
15 enforcement, and the victim, regarding the breach. The  
16 supervising authority may also require that the electronic  
17 surveillance ordered under this Section monitor the  
18 consumption of alcohol or drugs.

19 (Source: P.A. 98-558, eff. 1-1-14.)

20 (730 ILCS 5/5-8A-8)

21 Sec. 5-8A-8. Service of a minimum term of imprisonment.  
22 When an offender is sentenced under a provision of law that  
23 requires the sentence to include a minimum term of imprisonment  
24 and the offender is committed to the custody of the sheriff to  
25 serve the sentence, the sheriff may place the offender in an

1 electronic monitoring or home detention program for service of  
2 that minimum term of imprisonment unless (i) the offender was  
3 convicted of an excluded offense or (ii) the court's sentencing  
4 order specifies that the minimum term of imprisonment shall be  
5 served in a county correctional facility.

6 (Source: P.A. 98-161, eff. 1-1-14.)

7 (730 ILCS 5/5-8A-9 new)

8 Sec. 5-8A-9. Electronic monitoring by probation  
9 departments. If the supervising authority is a probation  
10 department, the Chief Judge of the circuit court may by  
11 administrative order establish a program for electronic  
12 monitoring of offenders, in which a vendor supplies and  
13 monitors the operation of the electronic monitoring device, and  
14 collects the fees on behalf of the county. The program shall  
15 include provisions for indigent offenders and the collection of  
16 unpaid fees and shall not unduly burden the offender and shall  
17 be subject to review by the Chief Judge of the circuit court.

18 The Chief Judge of the circuit court may suspend any  
19 additional charges or fees for late payment, interest, or  
20 damage to any device.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.