



Sen. John G. Mulroe

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09900SB2870sam001

LRB099 19901 RLC 46663 a

1 AMENDMENT TO SENATE BILL 2870

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2870 by replacing  
3 everything after the enacting clause with the following:

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;

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

2 (4) Not violate any criminal statute of any  
3 jurisdiction;

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

26 (6) At a time and place designated by the court, submit

1 to a psychological evaluation when the person has been  
2 charged with a violation of item (4) of subsection (a) of  
3 Section 24-1 of the Criminal Code of 1961 or the Criminal  
4 Code of 2012 and that violation occurred in a school or in  
5 any conveyance owned, leased, or contracted by a school to  
6 transport students to or from school or a school-related  
7 activity, or on any public way within 1,000 feet of real  
8 property comprising any school.

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

1 offense, unless the defendant places his or her mental  
2 competency in issue.

3 (b) The court may impose other conditions, such as the  
4 following, if the court finds that such conditions are  
5 reasonably necessary to assure the defendant's appearance in  
6 court, protect the public from the defendant, or prevent the  
7 defendant's unlawful interference with the orderly  
8 administration of justice:

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

11 (2) Refrain from possessing a firearm or other  
12 dangerous weapon;

13 (3) Refrain from approaching or communicating with  
14 particular persons or classes of persons;

15 (4) Refrain from going to certain described  
16 geographical areas or premises;

17 (5) Refrain from engaging in certain activities or  
18 indulging in intoxicating liquors or in certain drugs;

19 (6) Undergo treatment for drug addiction or  
20 alcoholism;

21 (7) Undergo medical or psychiatric treatment;

22 (8) Work or pursue a course of study or vocational  
23 training;

24 (9) Attend or reside in a facility designated by the  
25 court;

26 (10) Support his or her dependents;

1           (11) If a minor resides with his or her parents or in a  
2 foster home, attend school, attend a non-residential  
3 program for youths, and contribute to his or her own  
4 support at home or in a foster home;

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

6           (13) Remain in the custody of such designated person or  
7 organization agreeing to supervise his release. Such third  
8 party custodian shall be responsible for notifying the  
9 court if the defendant fails to observe the conditions of  
10 release which the custodian has agreed to monitor, and  
11 shall be subject to contempt of court for failure so to  
12 notify the court;

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

19           (14.1) The court shall impose upon a defendant who is  
20 charged with any alcohol, cannabis, methamphetamine, or  
21 controlled substance violation and is placed under direct  
22 supervision of the Pretrial Services Agency, Probation  
23 Department or Court Services Department in a pretrial bond  
24 home supervision capacity with the use of an approved  
25 monitoring device, as a condition of such bail bond, a fee  
26 that represents costs incidental to the electronic

1 monitoring for each day of such bail supervision ordered by  
2 the court, unless after determining the inability of the  
3 defendant to pay the fee, the court assesses a lesser fee  
4 or no fee as the case may be. The fee shall be collected by  
5 the clerk of the circuit court, except as provided in an  
6 administrative order of the Chief Judge of the circuit  
7 court. The clerk of the circuit court shall pay all monies  
8 collected from this fee to the county treasurer for deposit  
9 in the substance abuse services fund under Section 5-1086.1  
10 of the Counties Code, except as provided in an  
11 administrative order of the Chief Judge of the circuit  
12 court.

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

23 The Chief Judge of the circuit court may suspend any  
24 additional charges or fees for late payment, interest, or  
25 damage to any device;

26 (14.2) The court shall impose upon all defendants,

1 including those defendants subject to paragraph (14.1)  
2 above, placed under direct supervision of the Pretrial  
3 Services Agency, Probation Department or Court Services  
4 Department in a pretrial bond home supervision capacity  
5 with the use of an approved monitoring device, as a  
6 condition of such bail bond, a fee which shall represent  
7 costs incidental to such electronic monitoring for each day  
8 of such bail supervision ordered by the court, unless after  
9 determining the inability of the defendant to pay the fee,  
10 the court assesses a lesser fee or no fee as the case may  
11 be. The fee shall be collected by the clerk of the circuit  
12 court, except as provided in an administrative order of the  
13 Chief Judge of the circuit court. The clerk of the circuit  
14 court shall pay all monies collected from this fee to the  
15 county treasurer who shall use the monies collected to  
16 defray the costs of corrections. The county treasurer shall  
17 deposit the fee collected in the county working cash fund  
18 under Section 6-27001 or Section 6-29002 of the Counties  
19 Code, as the case may be, except as provided in an  
20 administrative order of the Chief Judge of the circuit  
21 court.

22 The Chief Judge of the circuit court of the county may  
23 by administrative order establish a program for electronic  
24 monitoring of offenders with regard to drug-related and  
25 alcohol-related offenses, in which a vendor supplies and  
26 monitors the operation of the electronic monitoring

1       device, and collects the fees on behalf of the county. The  
2       program shall include provisions for indigent offenders  
3       and the collection of unpaid fees. The program shall not  
4       unduly burden the offender and shall be subject to review  
5       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       (14.3) The Chief Judge of the Judicial Circuit may  
10      establish reasonable fees to be paid by a person receiving  
11      pretrial services while under supervision of a pretrial  
12      services agency, probation department, or court services  
13      department. Reasonable fees may be charged for pretrial  
14      services including, but not limited to, pretrial  
15      supervision, diversion programs, electronic monitoring,  
16      victim impact services, drug and alcohol testing, DNA  
17      testing, GPS electronic monitoring, assessments and  
18      evaluations related to domestic violence and other  
19      victims, and victim mediation services. The person  
20      receiving pretrial services may be ordered to pay all costs  
21      incidental to pretrial services in accordance with his or  
22      her ability to pay those costs;

23      (14.4) For persons charged with violating Section  
24      11-501 of the Illinois Vehicle Code, refrain from operating  
25      a motor vehicle not equipped with an ignition interlock  
26      device, as defined in Section 1-129.1 of the Illinois



1 Vehicle Code, pursuant to the rules promulgated by the  
2 Secretary of State for the installation of ignition  
3 interlock devices. Under this condition the court may allow  
4 a defendant who is not self-employed to operate a vehicle  
5 owned by the defendant's employer that is not equipped with  
6 an ignition interlock device in the course and scope of the  
7 defendant's employment;

8 (15) Comply with the terms and conditions of an order  
9 of protection issued by the court under the Illinois  
10 Domestic Violence Act of 1986 or an order of protection  
11 issued by the court of another state, tribe, or United  
12 States territory;

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

15 (17) Such other reasonable conditions as the court may  
16 impose.

17 (c) When a person is charged with an offense under Section  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
19 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, involving a victim who is a minor under  
21 18 years of age living in the same household with the defendant  
22 at the time of the offense, in granting bail or releasing the  
23 defendant on his own recognizance, the judge shall impose  
24 conditions to restrict the defendant's access to the victim  
25 which may include, but are not limited to conditions that he  
26 will:

1           1. Vacate the Household.

2           2. Make payment of temporary support to his dependents.

3           3. Refrain from contact or communication with the child  
4           victim, except as ordered by the court.

5           (d) When a person is charged with a criminal offense and  
6           the victim is a family or household member as defined in  
7           Article 112A, conditions shall be imposed at the time of the  
8           defendant's release on bond that restrict the defendant's  
9           access to the victim. Unless provided otherwise by the court,  
10          the restrictions shall include requirements that the defendant  
11          do the following:

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

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

18          (e) Local law enforcement agencies shall develop  
19          standardized bond forms for use in cases involving family or  
20          household members as defined in Article 112A, including  
21          specific conditions of bond as provided in subsection (d).  
22          Failure of any law enforcement department to develop or use  
23          those forms shall in no way limit the applicability and  
24          enforcement of subsections (d) and (f).

25          (f) If the defendant is admitted to bail after conviction  
26          the conditions of the bail bond shall be that he will, in

1 addition to the conditions set forth in subsections (a) and (b)  
2 hereof:

3 (1) Duly prosecute his appeal;

4 (2) Appear at such time and place as the court may  
5 direct;

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

7 (4) Comply with such other reasonable conditions as the  
8 court may impose; and

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

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

17 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
18 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
19 1-25-13.)

20 Section 10. The Unified Code of Corrections is amended by  
21 changing the heading of Article 8A of Chapter V and Sections  
22 5-6-3, 5-6-3.1, 5-7-1, 5-8A-1, 5-8A-2, 5-8A-3, 5-8A-4,  
23 5-8A-4.1, 5-8A-5, 5-8A-5.1, 5-8A-6, 5-8A-7, and 5-8A-8 and by  
24 adding Section 5-8A-9 as follows:

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) pay a fine and costs;

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

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

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

24 (6) support his dependents;

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

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

1 (ii) attend school;

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

3 (iv) contribute to his own support at home or in a  
4 foster home;

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

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

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

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

21 (i) remain within the interior premises of the  
22 place designated for his confinement during the hours  
23 designated by the court;

24 (ii) admit any person or agent designated by the  
25 court into the offender's place of confinement at any  
26 time for purposes of verifying the offender's

1 compliance with the conditions of his confinement; and

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

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

26 The Chief Judge of the circuit court of the county

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

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

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

1 collected from this fee to the county treasurer who  
2 shall use the monies collected to defray the costs of  
3 corrections. The county treasurer shall deposit the  
4 fee collected in the probation and court services fund.  
5 The Chief Judge of the circuit court of the county may  
6 by administrative order establish a program for  
7 electronic monitoring of offenders, in which a vendor  
8 supplies and monitors the operation of the electronic  
9 monitoring device, and collects the fees on behalf of  
10 the county. The program shall include provisions for  
11 indigent offenders and the collection of unpaid fees.  
12 The program shall not unduly burden the offender and  
13 shall be subject to review by the Chief Judge.

14 The Chief Judge of the circuit court may suspend  
15 any additional charges or fees for late payment,  
16 interest, or damage to any device.

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, as now or hereafter amended,  
20 or an order of protection issued by the court of another  
21 state, tribe, or United States territory. A copy of the  
22 order of protection shall be transmitted to the probation  
23 officer or agency having responsibility for the case;

24 (12) reimburse any "local anti-crime program" as  
25 defined in Section 7 of the Anti-Crime Advisory Council Act  
26 for any reasonable expenses incurred by the program on the

1 offender's case, not to exceed the maximum amount of the  
2 fine authorized for the offense for which the defendant was  
3 sentenced;

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

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

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

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

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

1 device with Internet capability without the prior  
2 written approval of the offender's probation officer,  
3 except in connection with the offender's employment or  
4 search for employment with the prior approval of the  
5 offender's probation officer;

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

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

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

24 (19) refrain from possessing a firearm or other  
25 dangerous weapon where the offense is a misdemeanor that  
26 did not involve the intentional or knowing infliction of

1           bodily harm or threat of bodily harm.

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

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

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

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

26           (f) The court may combine a sentence of periodic

1 imprisonment under Article 7 or a sentence to a county impact  
2 incarceration program under Article 8 with a sentence of  
3 probation or conditional discharge.

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

1 6-27001 or Section 6-29002 of the Counties Code, as the case  
2 may be. The Chief Judge of the circuit court of the county may  
3 by administrative order establish a program for electronic  
4 monitoring of offenders, in which a vendor supplies and  
5 monitors the operation of the electronic monitoring device, and  
6 collects the fees on behalf of the county. The program shall  
7 include provisions for indigent offenders and the collection of  
8 unpaid fees. The program shall not unduly burden the offender  
9 and shall be subject to review by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any  
11 additional charges or fees for late payment, interest, or  
12 damage to any device.

13 (h) Jurisdiction over an offender may be transferred from  
14 the sentencing court to the court of another circuit with the  
15 concurrence of both courts. Further transfers or retransfers of  
16 jurisdiction are also authorized in the same manner. The court  
17 to which jurisdiction has been transferred shall have the same  
18 powers as the sentencing court. The probation department within  
19 the circuit to which jurisdiction has been transferred, or  
20 which has agreed to provide supervision, may impose probation  
21 fees upon receiving the transferred offender, as provided in  
22 subsection (i). For all transfer cases, as defined in Section  
23 9b of the Probation and Probation Officers Act, the probation  
24 department from the original sentencing court shall retain all  
25 probation fees collected prior to the transfer. After the  
26 transfer all probation fees shall be paid to the probation

1 department within the circuit to which jurisdiction has been  
2 transferred.

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

23 A circuit court may not impose a probation fee under this  
24 subsection (i) in excess of \$25 per month unless the circuit  
25 court has adopted, by administrative order issued by the chief  
26 judge, a standard probation fee guide determining an offender's

1 ability to pay Of the amount collected as a probation fee, up  
2 to \$5 of that fee collected per month may be used to provide  
3 services to crime victims and their families.

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

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

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

1 department shall assess additional fees to pay for all costs of  
2 treatment, assessment, evaluation for risk and treatment, and  
3 monitoring the offender, based on that offender's ability to  
4 pay those costs either as they occur or under a payment plan.

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

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

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

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



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

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

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

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

1 any damage caused by violation of Section 21-1.3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
3 damages to property located within the municipality or county  
4 in which the violation occurred. Where possible and reasonable,  
5 the community service should be performed in the offender's  
6 neighborhood.

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

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

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

19 (2) pay a fine and costs;

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

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

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

26 (6) support his dependents;

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

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

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

5                 (ii) attend school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (e) At the conclusion of the period of supervision, if the  
4 court determines that the defendant has successfully complied  
5 with all of the conditions of supervision, the court shall  
6 discharge the defendant and enter a judgment dismissing the  
7 charges.

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

1 for a violation of Section 11-501 of the Illinois Vehicle Code  
2 or a similar provision of a local ordinance shall not have his  
3 or her record of arrest sealed or expunged.

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

21 The clerk of the circuit court shall pay all moneys collected  
22 from these fees to the county treasurer who shall use the  
23 moneys collected to defray the costs of drug testing, alcohol  
24 testing, and electronic monitoring. The county treasurer shall  
25 deposit the fees collected in the county working cash fund  
26 under Section 6-27001 or Section 6-29002 of the Counties Code,



1 as the case may be.

2 The Chief Judge of the circuit court of the county may by  
3 administrative order establish a program for electronic  
4 monitoring of offenders, in which a vendor supplies and  
5 monitors the operation of the electronic monitoring device, and  
6 collects the fees on behalf of the county. The program shall  
7 include provisions for indigent offenders and the collection of  
8 unpaid fees. The program shall not unduly burden the offender  
9 and shall be subject to review by the Chief Judge.

10 The Chief Judge of the circuit court may suspend any  
11 additional charges or fees for late payment, interest, or  
12 damage to any device.

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

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

1 supervised by the probation and court services department. The  
2 fee shall be collected by the clerk of the circuit court. The  
3 clerk of the circuit court shall pay all monies collected from  
4 this fee to the county treasurer for deposit in the probation  
5 and court services fund pursuant to Section 15.1 of the  
6 Probation and Probation Officers Act.

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

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

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
2 Code, or a similar provision of a local ordinance, and any  
3 violation of the Child Passenger Protection Act, or a similar  
4 provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under Section 27.5  
6 of the Clerks of Courts Act.

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

1 successfully passed high school equivalency testing. This  
2 subsection (k) does not apply to a defendant who is determined  
3 by the court to be developmentally disabled or otherwise  
4 mentally incapable of completing the educational or vocational  
5 program.

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

19 (m) The Secretary of State shall require anyone placed on  
20 court supervision for a violation of Section 3-707 of the  
21 Illinois Vehicle Code or a similar provision of a local  
22 ordinance to give proof of his or her financial responsibility  
23 as defined in Section 7-315 of the Illinois Vehicle Code. The  
24 proof shall be maintained by the individual in a manner  
25 satisfactory to the Secretary of State for a minimum period of  
26 3 years after the date the proof is first filed. The proof

1 shall be limited to a single action per arrest and may not be  
2 affected by any post-sentence disposition. The Secretary of  
3 State shall suspend the driver's license of any person  
4 determined by the Secretary to be in violation of this  
5 subsection.

6 (n) Any offender placed on supervision for any offense that  
7 the court or probation department has determined to be sexually  
8 motivated as defined in the Sex Offender Management Board Act  
9 shall be required to refrain from any contact, directly or  
10 indirectly, with any persons specified by the court and shall  
11 be available for all evaluations and treatment programs  
12 required by the court or the probation department.

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

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

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

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

1           (r) An offender placed on supervision for an offense under  
2 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
3 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
4 11-21 of the Criminal Code of 1961 or the Criminal Code of  
5 2012, or any attempt to commit any of these offenses, committed  
6 on or after the effective date of this amendatory Act of the  
7 95th General Assembly shall:

8           (i) not access or use a computer or any other device  
9 with Internet capability without the prior written  
10 approval of the court, except in connection with the  
11 offender's employment or search for employment with the  
12 prior approval of the court;

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

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

25           (iv) submit to any other appropriate restrictions  
26 concerning the offender's use of or access to a computer or

1           any other device with Internet capability imposed by the  
2           court.

3           (s) An offender placed on supervision for an offense that  
4           is a sex offense as defined in Section 2 of the Sex Offender  
5           Registration Act that is committed on or after January 1, 2010  
6           (the effective date of Public Act 96-362) that requires the  
7           person to register as a sex offender under that Act, may not  
8           knowingly use any computer scrub software on any computer that  
9           the sex offender uses.

10          (t) An offender placed on supervision for a sex offense as  
11          defined in the Sex Offender Registration Act committed on or  
12          after January 1, 2010 (the effective date of Public Act 96-262)  
13          shall refrain from accessing or using a social networking  
14          website as defined in Section 17-0.5 of the Criminal Code of  
15          2012.

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



1 (Source: P.A. 97-454, eff. 1-1-12; 97-597, eff. 1-1-12;  
2 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-718, eff.  
3 1-1-15; 98-940, eff. 1-1-15; revised 10-1-14.)

4 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

5 Sec. 5-7-1. Sentence of Periodic Imprisonment.

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

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

20 (1) seek employment;

21 (2) work;

22 (3) conduct a business or other self-employed  
23 occupation including housekeeping;

24 (4) attend to family needs;

25 (5) attend an educational institution, including

1 vocational education;

2 (6) obtain medical or psychological treatment;

3 (7) perform work duties at a county, municipal, or  
4 regional correctional or detention institution or  
5 facility;

6 (8) continue to reside at home with or without  
7 supervision involving the use of an approved electronic  
8 monitoring device, subject to Article 8A of Chapter V; or

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

10 (c) Except where prohibited by other provisions of this  
11 Code, the court may impose a sentence of periodic imprisonment  
12 for a felony or misdemeanor on a person who is 17 years of age  
13 or older. The court shall not impose a sentence of periodic  
14 imprisonment if it imposes a sentence of imprisonment upon the  
15 defendant in excess of 90 days.

16 (d) A sentence of periodic imprisonment shall be for a  
17 definite term of from 3 to 4 years for a Class 1 felony, 18 to  
18 30 months for a Class 2 felony, and up to 18 months, or the  
19 longest sentence of imprisonment that could be imposed for the  
20 offense, whichever is less, for all other offenses; however, no  
21 person shall be sentenced to a term of periodic imprisonment  
22 longer than one year if he is committed to a county  
23 correctional institution or facility, and in conjunction with  
24 that sentence participate in a county work release program  
25 comparable to the work and day release program provided for in  
26 Article 13 of the Unified Code of Corrections in State

1 facilities. The term of the sentence shall be calculated upon  
2 the basis of the duration of its term rather than upon the  
3 basis of the actual days spent in confinement. No sentence of  
4 periodic imprisonment shall be subject to the good time credit  
5 provisions of Section 3-6-3 of this Code.

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

8 (1) the term of such sentence;

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

11 (3) the conditions.

12 (f) The court may issue an order of protection pursuant to  
13 the Illinois Domestic Violence Act of 1986 as a condition of a  
14 sentence of periodic imprisonment. The Illinois Domestic  
15 Violence Act of 1986 shall govern the issuance, enforcement and  
16 recording of orders of protection issued under this Section. A  
17 copy of the order of protection shall be transmitted to the  
18 person or agency having responsibility for the case.

19 (f-5) An offender sentenced to a term of periodic  
20 imprisonment for a felony sex offense as defined in the Sex  
21 Offender Management Board Act shall be required to undergo and  
22 successfully complete sex offender treatment by a treatment  
23 provider approved by the Board and conducted in conformance  
24 with the standards developed under the Sex Offender Management  
25 Board Act.

26 (g) An offender sentenced to periodic imprisonment who

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

24 (h) All fees 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 The Chief Judge of the circuit court of the county may by  
6 administrative order establish a program for electronic  
7 monitoring of offenders, in which a vendor supplies and  
8 monitors the operation of the electronic monitoring device, and  
9 collects the fees on behalf of the county. The program shall  
10 include provisions for indigent offenders and the collection of  
11 unpaid fees. The program shall not unduly burden the offender  
12 and shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any  
14 additional charges or fees for late payment, interest, or  
15 damage to any device.

16 (i) A defendant at least 17 years of age who is convicted  
17 of a misdemeanor or felony in a county of 3,000,000 or more  
18 inhabitants and who has not been previously convicted of a  
19 misdemeanor or a felony and who is sentenced to a term of  
20 periodic imprisonment may as a condition of his or her sentence  
21 be required by the court to attend educational courses designed  
22 to prepare the defendant for a high school diploma and to work  
23 toward receiving a high school diploma or to work toward  
24 passing high school equivalency testing or to work toward  
25 completing a vocational training program approved by the court.  
26 The defendant sentenced to periodic imprisonment must attend a

1 public institution of education to obtain the educational or  
2 vocational training required by this subsection (i). The  
3 defendant sentenced to a term of periodic imprisonment shall be  
4 required to pay for the cost of the educational courses or high  
5 school equivalency testing if a fee is charged for those  
6 courses or testing. The court shall revoke the sentence of  
7 periodic imprisonment of the defendant who wilfully fails to  
8 comply with this subsection (i). The court shall resentence the  
9 defendant whose sentence of periodic imprisonment has been  
10 revoked as provided in Section 5-7-2. This subsection (i) does  
11 not apply to a defendant who has a high school diploma or has  
12 successfully passed high school equivalency testing. This  
13 subsection (i) does not apply to a defendant who is determined  
14 by the court to be a person with a developmental disability or  
15 otherwise mentally incapable of completing the educational or  
16 vocational program.

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

18 (730 ILCS 5/Ch. V Art. 8A heading)

19 ARTICLE 8A. ELECTRONIC MONITORING AND HOME DETENTION

20 (730 ILCS 5/5-8A-1) (from Ch. 38, par. 1005-8A-1)

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

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

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

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

4 (A) "Approved electronic monitoring device" means a device  
5 approved by the supervising authority which is primarily  
6 intended to record or transmit information as to the  
7 defendant's presence or nonpresence in the home, consumption of  
8 alcohol, consumption of drugs, location as determined through  
9 GPS, cellular triangulation, Wi-Fi, or other electronic means.

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

16 An approved electronic monitoring device may be used to  
17 record a conversation between the participant and the  
18 monitoring device, or the participant and the person  
19 supervising the participant solely for the purpose of  
20 identification and not for the purpose of eavesdropping or  
21 conducting any other illegally intrusive monitoring.

22 (A-10) "Department" means the Department of Corrections or  
23 the Department of Juvenile Justice.

24 (A-20) "Electronic monitoring" means the monitoring of an  
25 inmate, person, or offender with an electronic device both

1 within and outside of their home under the terms and conditions  
2 established by the supervising authority.

3 (B) "Excluded offenses" means first degree murder, escape,  
4 predatory criminal sexual assault of a child, aggravated  
5 criminal sexual assault, criminal sexual assault, aggravated  
6 battery with a firearm as described in Section 12-4.2 or  
7 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
8 12-3.05, bringing or possessing a firearm, ammunition or  
9 explosive in a penal institution, any "Super-X" drug offense or  
10 calculated criminal drug conspiracy or streetgang criminal  
11 drug conspiracy, or any predecessor or successor offenses with  
12 the same or substantially the same elements, or any inchoate  
13 offenses relating to the foregoing offenses.

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

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

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

23 (E) "Supervising authority" means the Department of  
24 Corrections, the Department of Juvenile Justice, probation  
25 department ~~supervisory authority~~, sheriff, superintendent of  
26 municipal house of corrections or any other officer or agency



1 charged with authorizing and supervising electronic monitoring  
2 and home detention.

3 (F) "Super-X drug offense" means a violation of Section  
4 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
5 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
6 (C), or (D) of the Illinois Controlled Substances Act.

7 (G) "Wi-Fi" or "WiFi" means a device or system which  
8 utilizes a wireless local area network for determining the  
9 location of a person, inmate or offender.

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

11 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

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

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

18 (b) A person serving a sentence for a conviction of a Class  
19 1 felony, other than an excluded offense, may be placed in an  
20 electronic monitoring or home detention program for a period  
21 not to exceed the last 90 days of incarceration.

22 (c) A person serving a sentence for a conviction of a Class  
23 X felony, other than an excluded offense, may be placed in an  
24 electronic monitoring or home detention program for a period  
25 not to exceed the last 90 days of incarceration, provided that

1 the person was sentenced on or after the effective date of this  
2 amendatory Act of 1993 and provided that the court has not  
3 prohibited the program for the person in the sentencing order.

4 (d) A person serving a sentence for conviction of an  
5 offense other than for predatory criminal sexual assault of a  
6 child, aggravated criminal sexual assault, criminal sexual  
7 assault, aggravated criminal sexual abuse, or felony criminal  
8 sexual abuse, may be placed in an electronic monitoring or home  
9 detention program for a period not to exceed the last 12 months  
10 of incarceration, provided that (i) the person is 55 years of  
11 age or older; (ii) the person is serving a determinate  
12 sentence; (iii) the person has served at least 25% of the  
13 sentenced prison term; and (iv) placement in an electronic home  
14 monitoring or detention program is approved by the Prisoner  
15 Review Board.

16 (e) A person serving a sentence for conviction of a Class  
17 2, 3 or 4 felony offense which is not an excluded offense may  
18 be placed in an electronic monitoring or home detention program  
19 pursuant to Department administrative directives.

20 (f) Applications for electronic monitoring or home  
21 detention may include the following:

- 22 (1) pretrial or pre-adjudicatory detention;
- 23 (2) probation;
- 24 (3) conditional discharge;
- 25 (4) periodic imprisonment;
- 26 (5) parole, aftercare release, or mandatory supervised

1 release;

2 (6) work release;

3 (7) furlough; or

4 (8) post-trial incarceration.

5 (g) A person convicted of an offense described in clause  
6 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
7 shall be placed in an electronic monitoring or home detention  
8 program for at least the first 2 years of the person's  
9 mandatory supervised release term.

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

11 (730 ILCS 5/5-8A-4) (from Ch. 38, par. 1005-8A-4)

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

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

23 (1) working or employment approved by the court or  
24 traveling to or from approved employment;

25 (2) unemployed and seeking employment approved for the

1 participant by the court;

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

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

7 (5) attending a regularly scheduled religious service  
8 at a place of worship;

9 (6) participating in community work release or  
10 community service programs approved for the participant by  
11 the supervising authority; or

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

14 (B) The participant shall admit any person or agent  
15 designated by the supervising authority into his or her  
16 residence at any time for purposes of verifying the  
17 participant's compliance with the conditions of his or her  
18 detention.

19 (C) The participant shall make the necessary arrangements  
20 to allow for any person or agent designated by the supervising  
21 authority to visit the participant's place of education or  
22 employment at any time, based upon the approval of the  
23 educational institution employer or both, for the purpose of  
24 verifying the participant's compliance with the conditions of  
25 his or her detention.

26 (D) The participant shall acknowledge and participate with

1 the approved electronic monitoring device as designated by the  
2 supervising authority at any time for the purpose of verifying  
3 the participant's compliance with the conditions of his or her  
4 detention.

5 (E) The participant shall maintain the following:

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

7 (2) a monitoring device in the participant's home, or  
8 on the participant's person, or both; and

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

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

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

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

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

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

22 (730 ILCS 5/5-8A-4.1)

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

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

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

7 (b) A person charged with or convicted of a misdemeanor, or  
8 charged with or adjudicated delinquent for an act which, if  
9 committed by an adult, would constitute a misdemeanor,  
10 conditionally released from the supervising authority through  
11 an electronic ~~home~~ monitoring or home detention program, who  
12 knowingly violates a condition of the electronic ~~home~~  
13 monitoring or home detention program is guilty of a Class B  
14 misdemeanor.

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

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

18 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

19 Sec. 5-8A-5. Consent of the participant. Before entering an  
20 order for commitment for electronic monitoring ~~home detention~~,  
21 the supervising authority shall inform the participant and  
22 other persons residing in the home of the nature and extent of  
23 the approved electronic monitoring devices by doing the  
24 following:

25 (A) Securing the written consent of the participant in the

1 program to comply with the rules and regulations of the program  
2 as stipulated in subsections (A) through (I) of Section 5-8A-4.

3 (B) Where possible, securing the written consent of other  
4 persons residing in the home of the participant, including the  
5 person in whose name the telephone is registered, at the time  
6 of the order or commitment for electronic home detention is  
7 entered and acknowledge the nature and extent of approved  
8 electronic monitoring devices.

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

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

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

19 (730 ILCS 5/5-8A-5.1)

20 Sec. 5-8A-5.1. Public notice of release on electronic ~~home~~  
21 monitoring or home detention. The Department of Corrections  
22 must make identification information and a recent photo of an  
23 inmate being placed on electronic ~~home~~ monitoring or home  
24 detention under the provisions of this Article accessible on  
25 the Internet by means of a hyperlink labeled "Community

1 Notification of Inmate Early Release" on the Department's World  
2 Wide Web homepage. The identification information shall  
3 include the inmate's: name, any known alias, date of birth,  
4 physical characteristics, residence address, commitment  
5 offense and county where conviction was imposed. The  
6 identification information shall be placed on the website  
7 within 3 days of the inmate's release on electronic ~~home~~  
8 monitoring or home detention, and the information may not be  
9 removed until either: completion of the first year of mandatory  
10 supervised release or return of the inmate to custody of the  
11 Department.

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

13 (730 ILCS 5/5-8A-6)

14 Sec. 5-8A-6. Electronic monitoring of certain sex  
15 offenders. For a sexual predator subject to electronic home  
16 monitoring under paragraph (7.7) of subsection (a) of Section  
17 3-3-7, the Department of Corrections must use a system that  
18 actively monitors and identifies the offender's current  
19 location and timely reports or records the offender's presence  
20 and that alerts the Department of the offender's presence  
21 within a prohibited area described in Section 11-9.3 of the  
22 Criminal Code of 2012, in a court order, or as a condition of  
23 the offender's parole, mandatory supervised release, or  
24 extended mandatory supervised release and the offender's  
25 departure from specified geographic limitations. To the extent



1 that he or she is able to do so, which the Department of  
2 Corrections by rule shall determine, the offender must pay for  
3 the cost of the electronic ~~home~~ monitoring.

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

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

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

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

1 (730 ILCS 5/5-8A-8)

2 Sec. 5-8A-8. Service of a minimum term of imprisonment.  
3 When an offender is sentenced under a provision of law that  
4 requires the sentence to include a minimum term of imprisonment  
5 and the offender is committed to the custody of the sheriff to  
6 serve the sentence, the sheriff may place the offender in an  
7 electronic monitoring or home detention program for service of  
8 that minimum term of imprisonment unless (i) the offender was  
9 convicted of an excluded offense or (ii) the court's sentencing  
10 order specifies that the minimum term of imprisonment shall be  
11 served in a county correctional facility.

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

13 (730 ILCS 5/5-8A-9 new)

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

24 The Chief Judge of the circuit court may suspend any

1 additional charges or fees for late payment, interest, or  
2 damage to any device.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".