

1 with or without also being put on probation or
2 conditional discharge;

3 (iii) required to undergo a substance abuse
4 assessment conducted by a licensed provider and
5 participate in the indicated clinical level of care;

6 (iv) placed in the guardianship of the
7 Department of Children and Family Services, but only
8 if the delinquent minor is under 13 years of age;

9 (v) placed in detention for a period not to
10 exceed 30 days, either as the exclusive order of
11 disposition or, where appropriate, in conjunction
12 with any other order of disposition issued under
13 this paragraph, provided that any such detention
14 shall be in a juvenile detention home and the minor
15 so detained shall be 10 years of age or older.
16 However, the 30-day limitation may be extended by
17 further order of the court for a minor under age 13
18 committed to the Department of Children and Family
19 Services if the court finds that the minor is a
20 danger to himself or others. The minor shall be
21 given credit on the sentencing order of detention
22 for time spent in detention under Sections 5-501,
23 5-601, 5-710, or 5-720 of this Article as a result
24 of the offense for which the sentencing order was
25 imposed. The court may grant credit on a sentencing
26 order of detention entered under a violation of
27 probation or violation of conditional discharge
28 under Section 5-720 of this Article for time spent
29 in detention before the filing of the petition
30 alleging the violation. A minor shall not be
31 deprived of credit for time spent in detention
32 before the filing of a violation of probation or
33 conditional discharge alleging the same or related
34 act or acts;

1 (vi) ordered partially or completely
2 emancipated in accordance with the provisions of the
3 Emancipation of Mature Minors Act;

4 (vii) subject to having his or her driver's
5 license or driving privileges suspended for such
6 time as determined by the court but only until he or
7 she attains 18 years of age;

8 (viii) put on probation or conditional
9 discharge and placed in detention under Section
10 3-6039 of the Counties Code for a period not to
11 exceed the period of incarceration permitted by law
12 for adults found guilty of the same offense or
13 offenses for which the minor was adjudicated
14 delinquent, and in any event no longer than upon
15 attainment of age 21; this subdivision (viii)
16 notwithstanding any contrary provision of the law;
17 or

18 (ix) ordered to undergo a medical or other
19 procedure to have a tattoo symbolizing allegiance to
20 a street gang removed from his or her body.

21 (b) A minor found to be guilty may be committed to
22 the Department of Corrections, Juvenile Division, under
23 Section 5-750 if the minor is 13 years of age or older,
24 provided that the commitment to the Department of
25 Corrections, Juvenile Division, shall be made only if a
26 term of incarceration is permitted by law for adults
27 found guilty of the offense for which the minor was
28 adjudicated delinquent. The time during which a minor is
29 in custody before being released upon the request of a
30 parent, guardian or legal custodian shall be considered
31 as time spent in detention.

32 (c) When a minor is found to be guilty for an
33 offense which is a violation of the Illinois Controlled
34 Substances Act or the Cannabis Control Act and made a

1 ward of the court, the court may enter a disposition
2 order requiring the minor to undergo assessment,
3 counseling or treatment in a substance abuse program
4 approved by the Department of Human Services.

5 (2) Any sentencing order other than commitment to the
6 Department of Corrections, Juvenile Division, may provide for
7 protective supervision under Section 5-725 and may include an
8 order of protection under Section 5-730.

9 (3) Unless the sentencing order expressly so provides,
10 it does not operate to close proceedings on the pending
11 petition, but is subject to modification until final closing
12 and discharge of the proceedings under Section 5-750.

13 (4) In addition to any other sentence, the court may
14 order any minor found to be delinquent to make restitution,
15 in monetary or non-monetary form, under the terms and
16 conditions of Section 5-5-6 of the Unified Code of
17 Corrections, except that the "presentencing hearing" referred
18 to in that Section shall be the sentencing hearing for
19 purposes of this Section. The parent, guardian or legal
20 custodian of the minor may be ordered by the court to pay
21 some or all of the restitution on the minor's behalf,
22 pursuant to the Parental Responsibility Law. The State's
23 Attorney is authorized to act on behalf of any victim in
24 seeking restitution in proceedings under this Section, up to
25 the maximum amount allowed in Section 5 of the Parental
26 Responsibility Law.

27 (5) Any sentencing order where the minor is committed or
28 placed in accordance with Section 5-740 shall provide for the
29 parents or guardian of the estate of the minor to pay to the
30 legal custodian or guardian of the person of the minor such
31 sums as are determined by the custodian or guardian of the
32 person of the minor as necessary for the minor's needs. The
33 payments may not exceed the maximum amounts provided for by
34 Section 9.1 of the Children and Family Services Act.

1 (6) Whenever the sentencing order requires the minor to
2 attend school or participate in a program of training, the
3 truant officer or designated school official shall regularly
4 report to the court if the minor is a chronic or habitual
5 truant under Section 26-2a of the School Code.

6 (7) In no event shall a guilty minor be committed to the
7 Department of Corrections, Juvenile Division for a period of
8 time in excess of that period for which an adult could be
9 committed for the same act.

10 (8) A minor found to be guilty for reasons that include
11 a violation of Section 21-1.3 of the Criminal Code of 1961
12 shall be ordered to perform community service for not less
13 than 30 and not more than 120 hours, if community service is
14 available in the jurisdiction. The community service shall
15 include, but need not be limited to, the cleanup and repair
16 of the damage that was caused by the violation or similar
17 damage to property located in the municipality or county in
18 which the violation occurred. The order may be in addition
19 to any other order authorized by this Section.

20 (8.5) A minor found to be guilty for reasons that
21 include a violation of Section 3.02 or Section 3.03 of the
22 Humane Care for Animals Act or paragraph (d) of subsection
23 (1) of Section 21-1 of the Criminal Code of 1961 shall be
24 ordered to undergo medical or psychiatric treatment rendered
25 by a psychiatrist or psychological treatment rendered by a
26 clinical psychologist. The order may be in addition to any
27 other order authorized by this Section.

28 (8.10) Any minor found to be guilty of a sex offense as
29 defined in the Sex Offender Management Board Act shall be
30 required as part of the social investigation to submit to a
31 sex offender evaluation. The evaluation shall be performed
32 in conformance with the standards developed under the Sex
33 Offender Management Board Act.

34 (9) In addition to any other sentencing order, the court

1 shall order any minor found to be guilty for an act which
2 would constitute, predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, criminal sexual
4 assault, aggravated criminal sexual abuse, or criminal sexual
5 abuse if committed by an adult to undergo medical testing to
6 determine whether the defendant has any sexually
7 transmissible disease including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agency of acquired immunodeficiency syndrome
10 (AIDS). Any medical test shall be performed only by
11 appropriately licensed medical practitioners and may include
12 an analysis of any bodily fluids as well as an examination of
13 the minor's person. Except as otherwise provided by law, the
14 results of the test shall be kept strictly confidential by
15 all medical personnel involved in the testing and must be
16 personally delivered in a sealed envelope to the judge of the
17 court in which the sentencing order was entered for the
18 judge's inspection in camera. Acting in accordance with the
19 best interests of the victim and the public, the judge shall
20 have the discretion to determine to whom the results of the
21 testing may be revealed. The court shall notify the minor of
22 the results of the test for infection with the human
23 immunodeficiency virus (HIV). The court shall also notify
24 the victim if requested by the victim, and if the victim is
25 under the age of 15 and if requested by the victim's parents
26 or legal guardian, the court shall notify the victim's
27 parents or the legal guardian, of the results of the test for
28 infection with the human immunodeficiency virus (HIV). The
29 court shall provide information on the availability of HIV
30 testing and counseling at the Department of Public Health
31 facilities to all parties to whom the results of the testing
32 are revealed. The court shall order that the cost of any
33 test shall be paid by the county and may be taxed as costs
34 against the minor.

1 (10) When a court finds a minor to be guilty the court
2 shall, before entering a sentencing order under this Section,
3 make a finding whether the offense committed either: (a) was
4 related to or in furtherance of the criminal activities of an
5 organized gang or was motivated by the minor's membership in
6 or allegiance to an organized gang, or (b) involved a
7 violation of subsection (a) of Section 12-7.1 of the Criminal
8 Code of 1961, a violation of any Section of Article 24 of the
9 Criminal Code of 1961, or a violation of any statute that
10 involved the wrongful use of a firearm. If the court
11 determines the question in the affirmative, and the court
12 does not commit the minor to the Department of Corrections,
13 Juvenile Division, the court shall order the minor to perform
14 community service for not less than 30 hours nor more than
15 120 hours, provided that community service is available in
16 the jurisdiction and is funded and approved by the county
17 board of the county where the offense was committed. The
18 community service shall include, but need not be limited to,
19 the cleanup and repair of any damage caused by a violation of
20 Section 21-1.3 of the Criminal Code of 1961 and similar
21 damage to property located in the municipality or county in
22 which the violation occurred. When possible and reasonable,
23 the community service shall be performed in the minor's
24 neighborhood. This order shall be in addition to any other
25 order authorized by this Section except for an order to place
26 the minor in the custody of the Department of Corrections,
27 Juvenile Division. For the purposes of this Section,
28 "organized gang" has the meaning ascribed to it in Section 10
29 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
30 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02.)

31 (705 ILCS 405/5-715)

32 Sec. 5-715. Probation.

33 (1) The period of probation or conditional discharge

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

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

14 (a) not violate any criminal statute of any
15 jurisdiction;

16 (b) make a report to and appear in person before
17 any person or agency as directed by the court;

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

20 (d) undergo medical or psychiatric treatment,
21 rendered by a psychiatrist or psychological treatment
22 rendered by a clinical psychologist or social work
23 services rendered by a clinical social worker, or
24 treatment for drug addiction or alcoholism;

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

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

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

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

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

34 (j) attend school;

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

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

10 (l) make restitution under the terms of subsection
11 (4) of Section 5-710;

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

14 (n) perform some reasonable public or community
15 service;

16 (o) participate with community corrections programs
17 including unified delinquency intervention services
18 administered by the Department of Human Services subject
19 to Section 5 of the Children and Family Services Act;

20 (p) pay costs;

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

25 (i) remain within the interior premises of the
26 place designated for his or her confinement during
27 the hours designated by the court;

28 (ii) admit any person or agent designated by
29 the court into the minor's place of confinement at
30 any time for purposes of verifying the minor's
31 compliance with the conditions of his or her
32 confinement; and

33 (iii) use an approved electronic monitoring
34 device if ordered by the court subject to Article 8A

1 of Chapter V of the Unified Code of Corrections;

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

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

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

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

23 (u) comply with other conditions as may be ordered
24 by the court.

25 (3) The court may as a condition of probation or of
26 conditional discharge require that a minor found guilty on
27 any alcohol, cannabis, or controlled substance violation,
28 refrain from acquiring a driver's license during the period
29 of probation or conditional discharge. If the minor is in
30 possession of a permit or license, the court may require that
31 the minor refrain from driving or operating any motor vehicle
32 during the period of probation or conditional discharge,
33 except as may be necessary in the course of the minor's
34 lawful employment.

1 (3.5) The court shall, as a condition of probation or of
2 conditional discharge, require that a minor found to be
3 guilty and placed on probation for reasons that include a
4 violation of Section 3.02 or Section 3.03 of the Humane Care
5 for Animals Act or paragraph (d) of subsection (1) of Section
6 21-1 of the Criminal Code of 1961 undergo medical or
7 psychiatric treatment rendered by a psychiatrist or
8 psychological treatment rendered by a clinical psychologist.
9 The condition may be in addition to any other condition.

10 (3.10) The court shall order that a minor placed on
11 probation or conditional discharge for a sex offense as
12 defined in the Sex Offender Management Board Act undergo and
13 successfully complete sex offender treatment. The treatment
14 shall be in conformance with the standards developed under
15 the Sex Offender Management Board Act and shall be at the
16 expense of the person evaluated based upon that person's
17 ability to pay for the treatment.

18 (4) A minor on probation or conditional discharge shall
19 be given a certificate setting forth the conditions upon
20 which he or she is being released.

21 (5) The court shall impose upon a minor placed on
22 probation or conditional discharge, as a condition of the
23 probation or conditional discharge, a fee of \$25 for each
24 month of probation or conditional discharge supervision
25 ordered by the court, unless after determining the inability
26 of the minor placed on probation or conditional discharge to
27 pay the fee, the court assesses a lesser amount. The court
28 may not impose the fee on a minor who is made a ward of the
29 State under this Act while the minor is in placement. The
30 fee shall be imposed only upon a minor who is actively
31 supervised by the probation and court services department.
32 The court may order the parent, guardian, or legal custodian
33 of the minor to pay some or all of the fee on the minor's
34 behalf.

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

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

18 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
19 92-454, eff. 1-1-02; revised 10-11-01.)

20 Section 10. The Sexually Dangerous Persons Act is
21 amended by changing Section 8 as follows:

22 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

23 Sec. 8. If the respondent is found to be a sexually
24 dangerous person then the court shall appoint the Director of
25 Corrections guardian of the person found to be sexually
26 dangerous and such person shall stand committed to the
27 custody of such guardian. The Director of Corrections as
28 guardian shall keep safely the person so committed until the
29 person has recovered and is released as hereinafter provided.
30 The Director of Corrections as guardian shall provide care
31 and treatment for the person committed to him designed to
32 effect recovery. Any treatment provided under this Section

1 shall be in conformance with the standards promulgated by the
2 Sex Offender Management Board. The Director may place that
3 ward in any facility in the Department of Corrections or
4 portion thereof set aside for the care and treatment of
5 sexually dangerous persons. The Department of Corrections may
6 also request another state Department or Agency to examine
7 such patient and upon such request, such Department or Agency
8 shall make such examination and the Department of Corrections
9 may, with the consent of the chief executive officer of such
10 other Department or Agency, thereupon place such patient in
11 the care and treatment of such other Department or Agency.
12 (Source: P.A. 77-2477.)

13 Section 15. The Sexually Violent Persons Commitment Act
14 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
15 65 as follows:

16 (725 ILCS 207/10)

17 Sec. 10. Notice to the Attorney General and State's
18 Attorney.

19 (a) In this Act, "agency with jurisdiction" means the
20 agency with the authority or duty to release or discharge the
21 person.

22 (b) If an agency with jurisdiction has control or
23 custody over a person who may meet the criteria for
24 commitment as a sexually violent person, the agency with
25 jurisdiction shall inform the Attorney General and the
26 State's Attorney in a position to file a petition under
27 paragraph (a)(2) of Section 15 of this Act regarding the
28 person as soon as possible beginning 3 months prior to the
29 applicable date of the following:

30 (1) The anticipated release from imprisonment or
31 the anticipated entry into mandatory supervised release
32 of a person who has been convicted of a sexually violent

1 offense.

2 (2) The anticipated release from a Department of
3 Corrections correctional facility or juvenile
4 correctional facility of a person adjudicated delinquent
5 under Section 5-20 of the Juvenile Court Act of 1987 (now
6 repealed) or found guilty under Section 5-620 of that
7 Act, on the basis of a sexually violent offense.

8 (3) The discharge or conditional release of a
9 person who has been found not guilty of a sexually
10 violent offense by reason of insanity under Section 5-2-4
11 of the Unified Code of Corrections.

12 (c) The agency with jurisdiction shall provide the
13 Attorney General and the State's Attorney with all of the
14 following:

15 (1) The person's name, identifying factors,
16 anticipated future residence and offense history;

17 (2) A comprehensive evaluation of the person's
18 mental condition, the basis upon which a determination
19 has been made that the person is subject to commitment
20 under subsection (b) of Section 15 of this Act and a
21 recommendation for action in furtherance of the purposes
22 of this Act. The evaluation shall be conducted in
23 conformance with the standards developed under the Sex
24 Offender Management Board Act; and

25 (3) If applicable, documentation of any treatment
26 and the person's adjustment to any institutional
27 placement.

28 (d) Any agency or officer, employee or agent of an
29 agency is immune from criminal or civil liability for any
30 acts or omissions as the result of a good faith effort to
31 comply with this Section.

32 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
33 91-357, eff. 7-29-99.)

1 (725 ILCS 207/25)

2 Sec. 25. Rights of persons subject to petition.

3 (a) Any person who is the subject of a petition filed
4 under Section 15 of this Act shall be served with a copy of
5 the petition in accordance with the Civil Practice Law.

6 (b) The circuit court in which a petition under Section
7 15 of this Act is filed shall conduct all hearings under this
8 Act. The court shall give the person who is the subject of
9 the petition reasonable notice of the time and place of each
10 such hearing. The court may designate additional persons to
11 receive these notices.

12 (c) Except as provided in paragraph (b)(1) of Section 65
13 and Section 70 of this Act, at any hearing conducted under
14 this Act, the person who is the subject of the petition has
15 the right to:

16 (1) To be present and to be represented by counsel.
17 If the person is indigent, the court shall appoint
18 counsel.

19 (2) Remain silent.

20 (3) Present and cross-examine witnesses.

21 (4) Have the hearing recorded by a court reporter.

22 (d) The person who is the subject of the petition, the
23 person's attorney, the Attorney General or the State's
24 Attorney may request that a trial under Section 35 of this
25 Act be to a jury. A verdict of a jury under this Act is not
26 valid unless it is unanimous.

27 (e) Whenever the person who is the subject of the
28 petition is required to submit to an examination under this
29 Act, he or she may retain experts or professional persons to
30 perform an examination. The respondent's chosen evaluator
31 must be certified by the Sex Offender Management Board and
32 the evaluation must be conducted in conformance with the
33 standards developed under the Sex Offender Management Board
34 Act. If the person retains a qualified expert or

1 professional person of his or her own choice to conduct an
2 examination, the examiner shall have reasonable access to the
3 person for the purpose of the examination, as well as to the
4 person's past and present treatment records and patient
5 health care records. If the person is indigent, the court
6 shall, upon the person's request, appoint a qualified and
7 available expert or professional person to perform an
8 examination. Upon the order of the circuit court, the county
9 shall pay, as part of the costs of the action, the costs of a
10 court-appointed expert or professional person to perform an
11 examination and participate in the trial on behalf of an
12 indigent person.

13 (Source: P.A. 90-40, eff. 1-1-98.)

14 (725 ILCS 207/30)

15 Sec. 30. Detention; probable cause hearing; transfer for
16 examination.

17 (a) Upon the filing of a petition under Section 15 of
18 this Act, the court shall review the petition to determine
19 whether to issue an order for detention of the person who is
20 the subject of the petition. The person shall be detained
21 only if there is cause to believe that the person is eligible
22 for commitment under subsection (f) of Section 35 of this
23 Act. A person detained under this Section shall be held in a
24 facility approved by the Department. If the person is
25 serving a sentence of imprisonment, is in a Department of
26 Corrections correctional facility or juvenile correctional
27 facility or is committed to institutional care, and the court
28 orders detention under this Section, the court shall order
29 that the person be transferred to a detention facility
30 approved by the Department. A detention order under this
31 Section remains in effect until the person is discharged
32 after a trial under Section 35 of this Act or until the
33 effective date of a commitment order under Section 40 of this

1 Act, whichever is applicable.

2 (b) Whenever a petition is filed under Section 15 of
3 this Act, the court shall hold a hearing to determine whether
4 there is probable cause to believe that the person named in
5 the petition is a sexually violent person. If the person
6 named in the petition is in custody, the court shall hold the
7 probable cause hearing within 72 hours after the petition is
8 filed, excluding Saturdays, Sundays and legal holidays. The
9 court may grant a continuance of the probable cause hearing
10 for no more than 7 additional days upon the motion of the
11 respondent, for good cause. If the person named in the
12 petition has been released, is on parole, is on mandatory
13 supervised release, or otherwise is not in custody, the court
14 shall hold the probable cause hearing within a reasonable
15 time after the filing of the petition. At the probable cause
16 hearing, the court shall admit and consider all relevant
17 hearsay evidence.

18 (c) If the court determines after a hearing that there
19 is probable cause to believe that the person named in the
20 petition is a sexually violent person, the court shall order
21 that the person be taken into custody if he or she is not in
22 custody and shall order the person to be transferred within a
23 reasonable time to an appropriate facility for an evaluation
24 as to whether the person is a sexually violent person. If the
25 person who is named in the petition refuses to speak to,
26 communicate with, or otherwise fails to cooperate with the
27 examining evaluator from the Department of Human Services or
28 the Department of Corrections, that person may only introduce
29 evidence and testimony from any expert or professional person
30 who is retained or court-appointed to conduct an examination
31 of the person that results from a review of the records and
32 may not introduce evidence resulting from an examination of
33 the person. Any evaluation conducted under this Section shall
34 be by an evaluator who is certified by the Sex Offender

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

3 Notwithstanding the provisions of Section 10 of the Mental
4 Health and Developmental Disabilities Confidentiality Act,
5 all evaluations conducted pursuant to this Act and all
6 Illinois Department of Corrections treatment records shall be
7 admissible at all proceedings held pursuant to this Act,
8 including the probable cause hearing and the trial.

9 If the court determines that probable cause does not
10 exist to believe that the person is a sexually violent
11 person, the court shall dismiss the petition.

12 (d) The Department shall promulgate rules that provide
13 the qualifications for persons conducting evaluations under
14 subsection (c) of this Section.

15 (e) If the person named in the petition claims or
16 appears to be indigent, the court shall, prior to the
17 probable cause hearing under subsection (b) of this Section,
18 appoint counsel.

19 (Source: P.A. 92-415, eff. 8-17-01.)

20 (725 ILCS 207/40)

21 Sec. 40. Commitment.

22 (a) If a court or jury determines that the person who is
23 the subject of a petition under Section 15 of this Act is a
24 sexually violent person, the court shall order the person to
25 be committed to the custody of the Department for control,
26 care and treatment until such time as the person is no longer
27 a sexually violent person.

28 (b) (1) The court shall enter an initial commitment
29 order under this Section pursuant to a hearing held as
30 soon as practicable after the judgment is entered that
31 the person who is the subject of a petition under Section
32 15 is a sexually violent person. If the court lacks
33 sufficient information to make the determination required

1 by paragraph (b)(2) of this Section immediately after
2 trial, it may adjourn the hearing and order the
3 Department to conduct a predisposition investigation or a
4 supplementary mental examination, or both, to assist the
5 court in framing the commitment order. A supplementary
6 mental examination under this Section shall be conducted
7 in accordance with Section 3-804 of the Mental Health and
8 Developmental Disabilities Code.

9 (2) An order for commitment under this Section
10 shall specify either institutional care in a secure
11 facility, as provided under Section 50 of this Act, or
12 conditional release. In determining whether commitment
13 shall be for institutional care in a secure facility or
14 for conditional release, the court shall consider the
15 nature and circumstances of the behavior that was the
16 basis of the allegation in the petition under paragraph
17 (b)(1) of Section 15, the person's mental history and
18 present mental condition, where the person will live, how
19 the person will support himself or herself, and what
20 arrangements are available to ensure that the person has
21 access to and will participate in necessary treatment.
22 All treatment, whether in institutional care in a secure
23 facility or while on conditional release, shall be
24 provided by an individual who is in conformance with the
25 standards developed under the Sex Offender Management
26 Board Act. The Department shall arrange for control, care
27 and treatment of the person in the least restrictive
28 manner consistent with the requirements of the person and
29 in accordance with the court's commitment order.

30 (3) If the court finds that the person is
31 appropriate for conditional release, the court shall
32 notify the Department. The Department shall prepare a
33 plan that identifies the treatment and services, if any,
34 that the person will receive in the community. The plan

1 shall address the person's need, if any, for supervision,
2 counseling, medication, community support services,
3 residential services, vocational services, and alcohol or
4 other drug abuse treatment. The Department may contract
5 with a county health department, with another public
6 agency or with a private agency to provide the treatment
7 and services identified in the plan. The plan shall
8 specify who will be responsible for providing the
9 treatment and services identified in the plan. The plan
10 shall be presented to the court for its approval within
11 60 days after the court finding that the person is
12 appropriate for conditional release, unless the
13 Department and the person to be released request
14 additional time to develop the plan. The conditional
15 release program operated under this Section is not
16 subject to the provisions of the Mental Health and
17 Developmental Disabilities Confidentiality Act.

18 (4) An order for conditional release places the
19 person in the custody and control of the Department. A
20 person on conditional release is subject to the
21 conditions set by the court and to the rules of the
22 Department. Before a person is placed on conditional
23 release by the court under this Section, the court shall
24 so notify the municipal police department and county
25 sheriff for the municipality and county in which the
26 person will be residing. The notification requirement
27 under this Section does not apply if a municipal police
28 department or county sheriff submits to the court a
29 written statement waiving the right to be notified. If
30 the Department alleges that a released person has
31 violated any condition or rule, or that the safety of
32 others requires that conditional release be revoked, he
33 or she may be taken into custody under the rules of the
34 Department.

1 At any time during which the person is on
2 conditional release, if the Department determines that
3 the person has violated any condition or rule, or that
4 the safety of others requires that conditional release be
5 revoked, the Department may request the Attorney General
6 or State's Attorney to request the court to issue an
7 emergency ex parte order directing any law enforcement
8 officer to take the person into custody and transport the
9 person to the county jail. The Department may request, or
10 the Attorney General or State's Attorney may request
11 independently of the Department, that a petition to
12 revoke conditional release be filed. When a petition is
13 filed, the court may order the Department to issue a
14 notice to the person to be present at the Department or
15 other agency designated by the court, order a summons to
16 the person to be present, or order a body attachment for
17 all law enforcement officers to take the person into
18 custody and transport him or her to the county jail,
19 hospital, or treatment facility. The Department shall
20 submit a statement showing probable cause of the
21 detention and a petition to revoke the order for
22 conditional release to the committing court within 48
23 hours after the detention. The court shall hear the
24 petition within 30 days, unless the hearing or time
25 deadline is waived by the detained person. Pending the
26 revocation hearing, the Department may detain the person
27 in a jail, in a hospital or treatment facility. The
28 State has the burden of proving by clear and convincing
29 evidence that any rule or condition of release has been
30 violated, or that the safety of others requires that the
31 conditional release be revoked. If the court determines
32 after hearing that any rule or condition of release has
33 been violated, or that the safety of others requires that
34 conditional release be revoked, it may revoke the order

1 for conditional release and order that the released
2 person be placed in an appropriate institution until the
3 person is discharged from the commitment under Section 65
4 of this Act or until again placed on conditional release
5 under Section 60 of this Act.

6 (5) An order for conditional release places the
7 person in the custody, care, and control of the
8 Department. The court shall order the person be subject
9 to the following rules of conditional release, in
10 addition to any other conditions ordered, and the person
11 shall be given a certificate setting forth the conditions
12 of conditional release. These conditions shall be that
13 the person:

14 (A) not violate any criminal statute of any
15 jurisdiction;

16 (B) report to or appear in person before such
17 person or agency as directed by the court and the
18 Department;

19 (C) refrain from possession of a firearm or
20 other dangerous weapon;

21 (D) not leave the State without the consent of
22 the court or, in circumstances in which the reason
23 for the absence is of such an emergency nature, that
24 prior consent by the court is not possible without
25 the prior notification and approval of the
26 Department;

27 (E) at the direction of the Department, notify
28 third parties of the risks that may be occasioned by
29 his or her criminal record or sexual offending
30 history or characteristics, and permit the
31 supervising officer or agent to make the
32 notification requirement;

33 (F) attend and fully participate in
34 assessment, treatment, and behavior monitoring

1 including, but not limited to, medical,
2 psychological or psychiatric treatment specific to
3 sexual offending, drug addiction, or alcoholism, to
4 the extent appropriate to the person based upon the
5 recommendation and findings made in the Department
6 evaluation or based upon any subsequent
7 recommendations by the Department;

8 (G) waive confidentiality allowing the court
9 and Department access to assessment or treatment
10 results or both;

11 (H) work regularly at a Department approved
12 occupation or pursue a course of study or vocational
13 training and notify the Department within 72 hours
14 of any change in employment, study, or training;

15 (I) not be employed or participate in any
16 volunteer activity that involves contact with
17 children, except under circumstances approved in
18 advance and in writing by the Department officer;

19 (J) submit to the search of his or her person,
20 residence, vehicle, or any personal or real property
21 under his or her control at any time by the
22 Department;

23 (K) financially support his or her dependents
24 and provide the Department access to any requested
25 financial information;

26 (L) serve a term of home confinement, the
27 conditions of which shall be that the person:

28 (i) remain within the interior premises
29 of the place designated for his or her
30 confinement during the hours designated by the
31 Department;

32 (ii) admit any person or agent designated
33 by the Department into the offender's place of
34 confinement at any time for purposes of

1 verifying the person's compliance with the
2 condition of his or her confinement;

3 (iii) if deemed necessary by the
4 Department, be placed on an electronic
5 monitoring device;

6 (M) comply with the terms and conditions of an
7 order of protection issued by the court pursuant to
8 the Illinois Domestic Violence Act of 1986. A copy
9 of the order of protection shall be transmitted to
10 the Department by the clerk of the court;

11 (N) refrain from entering into a designated
12 geographic area except upon terms the Department
13 finds appropriate. The terms may include
14 consideration of the purpose of the entry, the time
15 of day, others accompanying the person, and advance
16 approval by the Department;

17 (O) refrain from having any contact, including
18 written or oral communications, directly or
19 indirectly, with certain specified persons
20 including, but not limited to, the victim or the
21 victim's family, and report any incidental contact
22 with the victim or the victim's family to the
23 Department within 72 hours; refrain from entering
24 onto the premises of, traveling past, or loitering
25 near the victim's residence, place of employment, or
26 other places frequented by the victim;

27 (P) refrain from having any contact, including
28 written or oral communications, directly or
29 indirectly, with particular types of persons,
30 including but not limited to members of street
31 gangs, drug users, drug dealers, or prostitutes;

32 (Q) refrain from all contact, direct or
33 indirect, personally, by telephone, letter, or
34 through another person, with minor children without

1 prior identification and approval of the Department;

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

9 (S) not establish a dating, intimate, or
10 sexual relationship with a person without prior
11 written notification to the Department;

12 (T) neither possess or have under his or her
13 control any material that is pornographic, sexually
14 oriented, or sexually stimulating, or that depicts
15 or alludes to sexual activity or depicts minors
16 under the age of 18, including but not limited to
17 visual, auditory, telephonic, electronic media, or
18 any matter obtained through access to any computer
19 or material linked to computer access use;

20 (U) not patronize any business providing
21 sexually stimulating or sexually oriented
22 entertainment nor utilize "900" or adult telephone
23 numbers or any other sex-related telephone numbers;

24 (V) not reside near, visit, or be in or about
25 parks, schools, day care centers, swimming pools,
26 beaches, theaters, or any other places where minor
27 children congregate without advance approval of the
28 Department and report any incidental contact with
29 minor children to the Department within 72 hours;

30 (W) not establish any living arrangement or
31 residence without prior approval of the Department;

32 (X) not publish any materials or print any
33 advertisements without providing a copy of the
34 proposed publications to the Department officer and

1 obtaining permission prior to publication;

2 (Y) not leave the county except with prior
3 permission of the Department and provide the
4 Department officer or agent with written travel
5 routes to and from work and any other designated
6 destinations;

7 (Z) not possess or have under his or her
8 control certain specified items of contraband
9 related to the incidence of sexually offending items
10 including video or still camera items or children's
11 toys;

12 (AA) provide a written daily log of activities
13 as directed by the Department;

14 (BB) comply with all other special conditions
15 that the Department may impose that restrict the
16 person from high-risk situations and limit access or
17 potential victims.

18 (6) A person placed on conditional release and who
19 during the term undergoes mandatory drug or alcohol
20 testing or is assigned to be placed on an approved
21 electronic monitoring device may be ordered to pay all
22 costs incidental to the mandatory drug or alcohol testing
23 and all costs incidental to the approved electronic
24 monitoring in accordance with the person's ability to pay
25 those costs. The Department may establish reasonable
26 fees for the cost of maintenance, testing, and incidental
27 expenses related to the mandatory drug or alcohol testing
28 and all costs incidental to approved electronic
29 monitoring.

30 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

31 (725 ILCS 207/55)

32 Sec. 55. Periodic reexamination; report.

33 (a) If a person has been committed under Section 40 of

1 this Act and has not been discharged under Section 65 of this
2 Act, the Department shall conduct an examination of his or
3 her mental condition within 6 months after an initial
4 commitment under Section 40 and then at least once every 12
5 months from the completion of the last evaluation for the
6 purpose of determining whether the person has made sufficient
7 progress to be conditionally released or discharged. At the
8 time of a reexamination under this Section, the person who
9 has been committed may retain or, if he or she is indigent
10 and so requests, the court may appoint a qualified expert or
11 a professional person to examine him or her.

12 (b) Any examiner conducting an examination under this
13 Section shall prepare a written report of the examination no
14 later than 30 days after the date of the examination. The
15 examiner shall place a copy of the report in the person's
16 health care records and shall provide a copy of the report to
17 the court that committed the person under Section 40. The
18 examination shall be conducted in conformance with the
19 standards developed under the Sex Offender Management Board
20 Act.

21 (c) Notwithstanding subsection (a) of this Section, the
22 court that committed a person under Section 40 may order a
23 reexamination of the person at any time during the period in
24 which the person is subject to the commitment order.

25 (d) Petitions for discharge after reexamination must
26 follow the procedure outlined in Section 65 of this Act.

27 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
28 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

29 (725 ILCS 207/60)

30 Sec. 60. Petition for conditional release.

31 (a) Any person who is committed for institutional care
32 in a secure facility or other facility under Section 40 of
33 this Act may petition the committing court to modify its

1 order by authorizing conditional release if at least 6 months
2 have elapsed since the initial commitment order was entered,
3 the most recent release petition was denied or the most
4 recent order for conditional release was revoked. The
5 director of the facility at which the person is placed may
6 file a petition under this Section on the person's behalf at
7 any time.

8 (b) If the person files a timely petition without
9 counsel, the court shall serve a copy of the petition on the
10 Attorney General or State's Attorney, whichever is applicable
11 and, subject to paragraph (c)(1) of Section 25 of this Act,
12 appoint counsel. If the person petitions through counsel,
13 his or her attorney shall serve the Attorney General or
14 State's Attorney, whichever is applicable.

15 (c) Within 20 days after receipt of the petition, the
16 court shall appoint one or more examiners having the
17 specialized knowledge determined by the court to be
18 appropriate, who shall examine the mental condition of the
19 person and furnish a written report of the examination to the
20 court within 30 days after appointment. The examiners shall
21 have reasonable access to the person for purposes of
22 examination and to the person's past and present treatment
23 records and patient health care records. If any such
24 examiner believes that the person is appropriate for
25 conditional release, the examiner shall report on the type of
26 treatment and services that the person may need while in the
27 community on conditional release. The State has the right to
28 have the person evaluated by experts chosen by the State. Any
29 examination or evaluation conducted under this Section shall
30 be in conformance with the standards developed under the Sex
31 Offender Management Board Act. The court shall set a
32 probable cause hearing as soon as practical after the
33 examiner's report is filed. If the court determines at the
34 probable cause hearing that cause exists to believe that it

1 is not substantially probable that the person will engage in
2 acts of sexual violence if on release or conditional release,
3 the court shall set a hearing on the issue.

4 (d) The court, without a jury, shall hear the petition
5 within 30 days after the report of the court-appointed
6 examiner is filed with the court, unless the petitioner
7 waives this time limit. The court shall grant the petition
8 unless the State proves by clear and convincing evidence that
9 the person has not made sufficient progress to be
10 conditionally released. In making a decision under this
11 subsection, the court must consider the nature and
12 circumstances of the behavior that was the basis of the
13 allegation in the petition under paragraph (b)(1) of Section
14 15 of this Act, the person's mental history and present
15 mental condition, where the person will live, how the person
16 will support himself or herself and what arrangements are
17 available to ensure that the person has access to and will
18 participate in necessary treatment.

19 (e) Before the court may enter an order directing
20 conditional release to a less restrictive alternative it must
21 find the following: (1) the person will be treated by a
22 Department approved treatment provider, (2) the treatment
23 provider has presented a specific course of treatment and has
24 agreed to assume responsibility for the treatment and will
25 report progress to the Department on a regular basis, and
26 will report violations immediately to the Department,
27 consistent with treatment and supervision needs of the
28 respondent, (3) housing exists that is sufficiently secure to
29 protect the community, and the person or agency providing
30 housing to the conditionally released person has agreed in
31 writing to accept the person, to provide the level of
32 security required by the court, and immediately to report to
33 the Department if the person leaves the housing to which he
34 or she has been assigned without authorization, (4) the

1 person is willing to or has agreed to comply with the
2 treatment provider, the Department, and the court, and (5)
3 the person has agreed or is willing to agree to comply with
4 the behavioral monitoring requirements imposed by the court
5 and the Department.

6 (f) If the court finds that the person is appropriate
7 for conditional release, the court shall notify the
8 Department. The Department shall prepare a plan that
9 identifies the treatment and services, if any, that the
10 person will receive in the community. The plan shall address
11 the person's need, if any, for supervision, counseling,
12 medication, community support services, residential services,
13 vocational services, and alcohol or other drug abuse
14 treatment. The Department may contract with a county health
15 department, with another public agency or with a private
16 agency to provide the treatment and services identified in
17 the plan. The plan shall specify who will be responsible for
18 providing the treatment and services identified in the plan.
19 The plan shall be presented to the court for its approval
20 within 60 days after the court finding that the person is
21 appropriate for conditional release, unless the Department
22 and the person to be released request additional time to
23 develop the plan.

24 (g) The provisions of paragraph (b)(4) of Section 40 of
25 this Act apply to an order for conditional release issued
26 under this Section.

27 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

28 (725 ILCS 207/65)

29 Sec. 65. Petition for discharge; procedure.

30 (a)(1) If the Secretary determines at any time that a
31 person committed under this Act is no longer a sexually
32 violent person, the Secretary shall authorize the person to
33 petition the committing court for discharge. The person

1 shall file the petition with the court and serve a copy upon
2 the Attorney General or the State's Attorney's office that
3 filed the petition under subsection (a) of Section 15 of this
4 Act, whichever is applicable. The court, upon receipt of the
5 petition for discharge, shall order a hearing to be held
6 within 45 days after the date of receipt of the petition.

7 (2) At a hearing under this subsection, the Attorney
8 General or State's Attorney, whichever filed the original
9 petition, shall represent the State and shall have the right
10 to have the petitioner examined by an expert or professional
11 person of his or her choice. The examination shall be
12 conducted in conformance with the standards developed under
13 the Sex Offender Management Board Act. The committed person
14 or the State may elect to have the hearing before a jury.
15 The State has the burden of proving by clear and convincing
16 evidence that the petitioner is still a sexually violent
17 person.

18 (3) If the court or jury is satisfied that the State has
19 not met its burden of proof under paragraph (a)(2) of this
20 Section, the petitioner shall be discharged from the custody
21 or supervision of the Department. If the court is satisfied
22 that the State has met its burden of proof under paragraph
23 (a)(2), the court may proceed under Section 40 of this Act to
24 determine whether to modify the petitioner's existing
25 commitment order.

26 (b)(1) A person may petition the committing court for
27 discharge from custody or supervision without the Secretary's
28 approval. At the time of an examination under subsection (a)
29 of Section 55 of this Act, the Secretary shall provide the
30 committed person with a written notice of the person's right
31 to petition the court for discharge over the Secretary's
32 objection. The notice shall contain a waiver of rights. The
33 Secretary shall forward the notice and waiver form to the
34 court with the report of the Department's examination under

1 Section 55 of this Act. If the person does not affirmatively
2 waive the right to petition, the court shall set a probable
3 cause hearing to determine whether facts exist that warrant a
4 hearing on whether the person is still a sexually violent
5 person. If a person does not file a petition for discharge,
6 yet fails to waive the right to petition under this Section,
7 then the probable cause hearing consists only of a review of
8 the reexamination reports and arguments on behalf of the
9 parties. The committed person has a right to have an attorney
10 represent him or her at the probable cause hearing, but the
11 person is not entitled to be present at the probable cause
12 hearing. The probable cause hearing under this Section must
13 be held within 45 days of the filing of the reexamination
14 report under Section 55 of this Act.

15 (2) If the court determines at the probable cause
16 hearing under paragraph (b)(1) of this Section that probable
17 cause exists to believe that the committed person is no
18 longer a sexually violent person, then the court shall set a
19 hearing on the issue. At a hearing under this Section, the
20 committed person is entitled to be present and to the benefit
21 of the protections afforded to the person under Section 25 of
22 this Act. The committed person or the State may elect to have
23 a hearing under this Section before a jury. A verdict of a
24 jury under this Section is not valid unless it is unanimous.
25 The Attorney General or State's Attorney, whichever filed the
26 original petition, shall represent the State at a hearing
27 under this Section. The State has the right to have the
28 committed person evaluated by experts chosen by the State.
29 At the hearing, the State has the burden of proving by clear
30 and convincing evidence that the committed person is still a
31 sexually violent person.

32 (3) If the court or jury is satisfied that the State has
33 not met its burden of proof under paragraph (b)(2) of this
34 Section, the person shall be discharged from the custody or

1 supervision of the Department. If the court or jury is
2 satisfied that the State has met its burden of proof under
3 paragraph (b)(2) of this Section, the court may proceed under
4 Section 40 of this Act to determine whether to modify the
5 person's existing commitment order.

6 (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

7 Section 20. The Unified Code of Corrections is amended
8 by changing Sections 3-3-7, 3-6-2, 3-8-2, 5-3-1, 5-3-2,
9 5-6-3, and 5-7-1 as follows:

10 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

11 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
12 Release.

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

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

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

22 (3) report to an agent of the Department of
23 Corrections;

24 (4) permit the agent to visit him or her at his or
25 her home, employment, or elsewhere to the extent
26 necessary for the agent to discharge his or her duties;

27 (5) attend or reside in a facility established for
28 the instruction or residence of persons on parole or
29 mandatory supervised release;

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

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

5 (7.5) if convicted of a sex offense as defined in
6 the Sex Offender Management Board Act, the individual
7 shall undergo and successfully complete sex offender
8 treatment in conformance with the standards developed by
9 the Sex Offender Management Board;

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

12 (9) obtain permission of an agent of the Department
13 of Corrections before changing his or her residence or
14 employment;

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

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

22 (12) not frequent places where controlled
23 substances are illegally sold, used, distributed, or
24 administered;

25 (13) not knowingly associate with other persons on
26 parole or mandatory supervised release without prior
27 written permission of his or her parole agent and not
28 associate with persons who are members of an organized
29 gang as that term is defined in the Illinois Streetgang
30 Terrorism Omnibus Prevention Act;

31 (14) provide true and accurate information, as it
32 relates to his or her adjustment in the community while
33 on parole or mandatory supervised release or to his or
34 her conduct while incarcerated, in response to inquiries

1 by his or her parole agent or of the Department of
2 Corrections; and

3 (15) follow any specific instructions provided by
4 the parole agent that are consistent with furthering
5 conditions set and approved by the Prisoner Review Board
6 or by law, exclusive of placement on electronic
7 detention, to achieve the goals and objectives of his or
8 her parole or mandatory supervised release or to protect
9 the public. These instructions by the parole agent may be
10 modified at any time, as the agent deems appropriate.

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

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

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

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

20 (4) support his dependents;

21 (5) (blank);

22 (6) (blank);

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

29 (8) in addition, if a minor:

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

32 (ii) attend school;

33 (iii) attend a non-residential program for
34 youth; or

1 (iv) contribute to his own support at home or
2 in a foster home.

3 (c) The conditions under which the parole or mandatory
4 supervised release is to be served shall be communicated to
5 the person in writing prior to his release, and he shall sign
6 the same before release. A signed copy of these conditions,
7 including a copy of an order of protection where one had been
8 issued by the criminal court, shall be retained by the person
9 and another copy forwarded to the officer in charge of his
10 supervision.

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

14 (e) The Department shall inform all offenders committed
15 to the Department of the optional services available to them
16 upon release and shall assist inmates in availing themselves
17 of such optional services upon their release on a voluntary
18 basis.

19 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

20 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
21 Sec. 3-6-2. Institutions and Facility Administration.

22 (a) Each institution and facility of the Department
23 shall be administered by a chief administrative officer
24 appointed by the Director. A chief administrative officer
25 shall be responsible for all persons assigned to the
26 institution or facility. The chief administrative officer
27 shall administer the programs of the Department for the
28 custody and treatment of such persons.

29 (b) The chief administrative officer shall have such
30 assistants as the Department may assign.

31 (c) The Director or Assistant Director shall have the
32 emergency powers to temporarily transfer individuals without
33 formal procedures to any State, county, municipal or regional

1 correctional or detention institution or facility in the
2 State, subject to the acceptance of such receiving
3 institution or facility, or to designate any reasonably
4 secure place in the State as such an institution or facility
5 and to make transfers thereto. However, transfers made under
6 emergency powers shall be reviewed as soon as practicable
7 under Article 8, and shall be subject to Section 5-905 of the
8 Juvenile Court Act of 1987. This Section shall not apply to
9 transfers to the Department of Human Services which are
10 provided for under Section 3-8-5 or Section 3-10-5.

11 (d) The Department shall provide educational programs
12 for all committed persons so that all persons have an
13 opportunity to attain the achievement level equivalent to the
14 completion of the twelfth grade in the public school system
15 in this State. Other higher levels of attainment shall be
16 encouraged and professional instruction shall be maintained
17 wherever possible. The Department may establish programs of
18 mandatory education and may establish rules and regulations
19 for the administration of such programs. A person committed
20 to the Department who, during the period of his or her
21 incarceration, participates in an educational program
22 provided by or through the Department and through that
23 program is awarded or earns the number of hours of credit
24 required for the award of an associate, baccalaureate, or
25 higher degree from a community college, college, or
26 university located in Illinois shall reimburse the State,
27 through the Department, for the costs incurred by the State
28 in providing that person during his or her incarceration with
29 the education that qualifies him or her for the award of that
30 degree. The costs for which reimbursement is required under
31 this subsection shall be determined and computed by the
32 Department under rules and regulations that it shall
33 establish for that purpose. However, interest at the rate of
34 6% per annum shall be charged on the balance of those costs

1 from time to time remaining unpaid, from the date of the
2 person's parole, mandatory supervised release, or release
3 constituting a final termination of his or her commitment to
4 the Department until paid.

5 (e) A person committed to the Department who becomes in
6 need of medical or surgical treatment but is incapable of
7 giving consent thereto shall receive such medical or surgical
8 treatment by the chief administrative officer consenting on
9 the person's behalf. Before the chief administrative officer
10 consents, he or she shall obtain the advice of one or more
11 physicians licensed to practice medicine in all its branches
12 in this State. If such physician or physicians advise:

13 (1) that immediate medical or surgical treatment is
14 required relative to a condition threatening to cause
15 death, damage or impairment to bodily functions, or
16 disfigurement; and

17 (2) that the person is not capable of giving
18 consent to such treatment; the chief administrative
19 officer may give consent for such medical or surgical
20 treatment, and such consent shall be deemed to be the
21 consent of the person for all purposes, including, but
22 not limited to, the authority of a physician to give such
23 treatment.

24 (f) In the event that the person requires medical care
25 and treatment at a place other than the institution or
26 facility, the person may be removed therefrom under
27 conditions prescribed by the Department. The Department shall
28 require the committed person receiving medical or dental
29 services on a non-emergency basis to pay a \$2 co-payment to
30 the Department for each visit for medical or dental services.
31 The amount of each co-payment shall be deducted from the
32 committed person's individual account. A committed person who
33 has a chronic illness, as defined by Department rules and
34 regulations, shall be exempt from the \$2 co-payment for

1 treatment of the chronic illness. A committed person shall
2 not be subject to a \$2 co-payment for follow-up visits
3 ordered by a physician, who is employed by, or contracts
4 with, the Department. A committed person who is indigent is
5 exempt from the \$2 co-payment and is entitled to receive
6 medical or dental services on the same basis as a committed
7 person who is financially able to afford the co-payment.
8 Notwithstanding any other provision in this subsection (f) to
9 the contrary, any person committed to any facility operated
10 by the Juvenile Division, as set forth in subsection (b) of
11 Section 3-2-5 of this Code, is exempt from the co-payment
12 requirement for the duration of confinement in those
13 facilities.

14 (g) Any person having sole custody of a child at the
15 time of commitment or any woman giving birth to a child after
16 her commitment, may arrange through the Department of
17 Children and Family Services for suitable placement of the
18 child outside of the Department of Corrections. The Director
19 of the Department of Corrections may determine that there are
20 special reasons why the child should continue in the custody
21 of the mother until the child is 6 years old.

22 (h) The Department may provide Family Responsibility
23 Services which may consist of, but not be limited to the
24 following:

- 25 (1) family advocacy counseling;
- 26 (2) parent self-help group;
- 27 (3) parenting skills training;
- 28 (4) parent and child overnight program;
- 29 (5) parent and child reunification counseling,
30 either separately or together, preceding the inmate's
31 release; and
- 32 (6) a prerelease reunification staffing involving
33 the family advocate, the inmate and the child's
34 counselor, or both and the inmate.

1 (i) Prior to the release of any inmate who has a
2 documented history of intravenous drug use, and upon the
3 receipt of that inmate's written informed consent, the
4 Department shall provide for the testing of such inmate for
5 infection with human immunodeficiency virus (HIV) and any
6 other identified causative agent of acquired immunodeficiency
7 syndrome (AIDS). The testing provided under this subsection
8 shall consist of an enzyme-linked immunosorbent assay (ELISA)
9 test or such other test as may be approved by the Illinois
10 Department of Public Health. If the test result is positive,
11 the Western Blot Assay or more reliable confirmatory test
12 shall be administered. All inmates tested in accordance with
13 the provisions of this subsection shall be provided with
14 pre-test and post-test counseling. Notwithstanding any
15 provision of this subsection to the contrary, the Department
16 shall not be required to conduct the testing and counseling
17 required by this subsection unless sufficient funds to cover
18 all costs of such testing and counseling are appropriated for
19 that purpose by the General Assembly.

20 (j) Any person convicted of a sex offense as defined in
21 the Sex Offender Management Board Act shall be required to
22 undergo sex offender treatment. The treatment shall be
23 provided in accordance with the standards developed under the
24 Sex Offender Management Board Act.

25 (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

26 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

27 Sec. 3-8-2. Social Evaluation. (a) A social evaluation
28 shall be made of a committed person's medical, psychological,
29 educational and vocational condition and history, including
30 the use of alcohol and other drugs, the circumstances of his
31 offense, and such other information as the Department may
32 determine. The committed person shall be assigned to an
33 institution or facility in so far as practicable in

1 accordance with the social evaluation. Recommendations shall
2 be made for medical, dental, psychiatric, psychological and
3 social service treatment.

4 (b) A record of the social evaluation shall be entered
5 in the committed person's master record file and shall be
6 forwarded to the institution or facility to which the person
7 is assigned.

8 (c) Upon admission to a correctional institution each
9 committed person shall be given a physical examination. If he
10 is suspected of having a communicable disease that in the
11 judgment of the Department medical personnel requires medical
12 isolation, the committed person shall remain in medical
13 isolation until it is no longer deemed medically necessary.

14 (d) Upon admission to a correctional institution, each
15 committed person convicted of a sex offense as defined in the
16 Sex Offender Management Board Act shall be required to
17 undergo a sex offender evaluation in conformance with the
18 standards developed under the Sex Offender Management Board
19 Act unless the person has submitted to an evaluation meeting
20 the criteria under that Act within one year of the date of
21 commitment to the correctional institution.

22 (Source: P.A. 87-1256.)

23 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

24 Sec. 5-3-1. Presentence Investigation. A defendant shall
25 not be sentenced for a felony before a written presentence
26 report of investigation is presented to and considered by the
27 court.

28 However, in cases other than felony sex offenses as
29 defined in the Sex Offender Management Board Act, the court
30 need not order a presentence report of investigation where
31 both parties agree to the imposition of a specific sentence,
32 provided there is a finding made for the record as to the
33 defendant's history of delinquency or criminality, including

1 any previous sentence to a term of probation, periodic
2 imprisonment, conditional discharge, or imprisonment.

3 The court may order a presentence investigation of any
4 defendant.

5 (Source: P.A. 80-1099.)

6 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)
7 Sec. 5-3-2. Presentence Report.

8 (a) In felony cases, the presentence report shall set
9 forth:

10 (1) the defendant's history of delinquency or
11 criminality, physical and mental history and condition,
12 family situation and background, economic status,
13 education, occupation and personal habits;

14 (2) information about special resources within the
15 community which might be available to assist the
16 defendant's rehabilitation, including treatment centers,
17 residential facilities, vocational training services,
18 correctional manpower programs, employment opportunities,
19 special educational programs, alcohol and drug abuse
20 programming, psychiatric and marriage counseling, and
21 other programs and facilities which could aid the
22 defendant's successful reintegration into society;

23 (3) the effect the offense committed has had upon
24 the victim or victims thereof, and any compensatory
25 benefit that various sentencing alternatives would confer
26 on such victim or victims;

27 (4) information concerning the defendant's status
28 since arrest, including his record if released on his own
29 recognizance, or the defendant's achievement record if
30 released on a conditional pre-trial supervision program;

31 (5) when appropriate, a plan, based upon the
32 personal, economic and social adjustment needs of the
33 defendant, utilizing public and private community

1 resources as an alternative to institutional sentencing;

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

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

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

19 (b-5) In cases involving felony sex offenses as defined
20 in the Sex Offender Management Board Act, a sex offender
21 evaluation shall be conducted in conformance with the
22 standards developed under the Sex Offender Management Board
23 Act.

24 (c) In misdemeanor, business offense or petty offense
25 cases, except as specified in subsection (d) of this Section,
26 when a presentence report has been ordered by the court, such
27 presentence report shall contain information on the
28 defendant's history of delinquency or criminality and shall
29 further contain only those matters listed in any of
30 paragraphs (1) through (6) of subsection (a) or in subsection
31 (b) of this Section as are specified by the court in its
32 order for the report.

33 (d) In cases under Section 12-15 and Section 12-30 of
34 the Criminal Code of 1961, as amended, the presentence report

1 shall set forth information about alcohol, drug abuse,
2 psychiatric, and marriage counseling or other treatment
3 programs and facilities, information on the defendant's
4 history of delinquency or criminality, and shall contain
5 those additional matters listed in any of paragraphs (1)
6 through (6) of subsection (a) or in subsection (b) of this
7 Section as are specified by the court.

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

12 (Source: P.A. 89-587, eff. 7-31-96.)

13 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

18 (1) not violate any criminal statute of any
19 jurisdiction;

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

22 (3) refrain from possessing a firearm or other
23 dangerous weapon;

24 (4) not leave the State without the consent of the
25 court or, in circumstances in which the reason for the
26 absence is of such an emergency nature that prior consent
27 by the court is not possible, without the prior
28 notification and approval of the person's probation
29 officer;

30 (5) permit the probation officer to visit him at
31 his home or elsewhere to the extent necessary to
32 discharge his duties;

33 (6) perform no less than 30 hours of community

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

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

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

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

23 (8.5) If convicted of a sex offense as defined in
24 the Sex Offender Management Board Act, the person shall
25 undergo and successfully complete sex offender treatment
26 in conformance with the standards developed by the Sex
27 Offender Management Board.

28 (9) if convicted of a felony, physically surrender
29 at a time and place designated by the court, his or her
30 Firearm Owner's Identification Card and any and all
31 firearms in his or her possession.

32 (b) The Court may in addition to other reasonable
33 conditions relating to the nature of the offense or the
34 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

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

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

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

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

17 (ii) attend school;

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

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

22 (v) with the consent of the superintendent of
23 the facility, attend an educational program at a
24 facility other than the school in which the offense
25 was committed if he or she is convicted of a crime
26 of violence as defined in Section 2 of the Crime
27 Victims Compensation Act committed in a school, on
28 the real property comprising a school, or within
29 1,000 feet of the real property comprising a school;

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

32 (9) perform some reasonable public or community
33 service;

34 (10) serve a term of home confinement. In addition

1 to any other applicable condition of probation or
2 conditional discharge, the conditions of home confinement
3 shall be that the offender:

4 (i) remain within the interior premises of the
5 place designated for his confinement during the
6 hours designated by the court;

7 (ii) admit any person or agent designated by
8 the court into the offender's place of confinement
9 at any time for purposes of verifying the offender's
10 compliance with the conditions of his confinement;
11 and

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

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

33 (v) for persons convicted of offenses other
34 than those referenced in clause (iv) above and who

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

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

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

33 (13) contribute a reasonable sum of money, not to
34 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, to a
2 "local anti-crime program", as defined in Section 7 of
3 the Anti-Crime Advisory Council Act;

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

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

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

22 (c) The court may as a condition of probation or of
23 conditional discharge require that a person under 18 years of
24 age found guilty of any alcohol, cannabis or controlled
25 substance violation, refrain from acquiring a driver's
26 license during the period of probation or conditional
27 discharge. If such person is in possession of a permit or
28 license, the court may require that the minor refrain from
29 driving or operating any motor vehicle during the period of
30 probation or conditional discharge, except as may be
31 necessary in the course of the minor's lawful employment.

32 (d) An offender sentenced to probation or to conditional
33 discharge shall be given a certificate setting forth the
34 conditions thereof.

1 (e) Except where the offender has committed a fourth or
2 subsequent violation of subsection (c) of Section 6-303 of
3 the Illinois Vehicle Code, the court shall not require as a
4 condition of the sentence of probation or conditional
5 discharge that the offender be committed to a period of
6 imprisonment in excess of 6 months. This 6 month limit shall
7 not include periods of confinement given pursuant to a
8 sentence of county impact incarceration under Section
9 5-8-1.2. This 6 month limit does not apply to a person
10 sentenced to probation as a result of a conviction of a
11 fourth or subsequent violation of subsection (c-4) of Section
12 11-501 of the Illinois Vehicle Code or a similar provision of
13 a local ordinance.

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

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

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes
23 mandatory drug or alcohol testing, or both, or is assigned to
24 be placed on an approved electronic monitoring device, shall
25 be ordered to pay all costs incidental to such mandatory drug
26 or alcohol testing, or both, and all costs incidental to such
27 approved electronic monitoring in accordance with the
28 defendant's ability to pay those costs. The county board
29 with the concurrence of the Chief Judge of the judicial
30 circuit in which the county is located shall establish
31 reasonable fees for the cost of maintenance, testing, and
32 incidental expenses related to the mandatory drug or alcohol
33 testing, or both, and all costs incidental to approved
34 electronic monitoring, involved in a successful probation

1 program for the county. The concurrence of the Chief Judge
2 shall be in the form of an administrative order. The fees
3 shall be collected by the clerk of the circuit court. The
4 clerk of the circuit court shall pay all moneys collected
5 from these fees to the county treasurer who shall use the
6 moneys collected to defray the costs of drug testing, alcohol
7 testing, and electronic monitoring. The county treasurer
8 shall deposit the fees collected in the county working cash
9 fund under Section 6-27001 or Section 6-29002 of the Counties
10 Code, as the case may be.

11 (h) Jurisdiction over an offender may be transferred
12 from the sentencing court to the court of another circuit
13 with the concurrence of both courts, or to another state
14 under an Interstate Probation Reciprocal Agreement as
15 provided in Section 3-3-11. Further transfers or retransfers
16 of jurisdiction are also authorized in the same manner. The
17 court to which jurisdiction has been transferred shall have
18 the same powers as the sentencing court.

19 (i) The court shall impose upon an offender sentenced to
20 probation after January 1, 1989 or to conditional discharge
21 after January 1, 1992, as a condition of such probation or
22 conditional discharge, a fee of \$25 for each month of
23 probation or conditional discharge supervision ordered by the
24 court, unless after determining the inability of the person
25 sentenced to probation or conditional discharge to pay the
26 fee, the court assesses a lesser fee. The court may not
27 impose the fee on a minor who is made a ward of the State
28 under the Juvenile Court Act of 1987 while the minor is in
29 placement. The fee shall be imposed only upon an offender who
30 is actively supervised by the probation and court services
31 department. The fee shall be collected by the clerk of the
32 circuit court. The clerk of the circuit court shall pay all
33 monies collected from this fee to the county treasurer for
34 deposit in the probation and court services fund under

1 Section 15.1 of the Probation and Probation Officers Act.

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

9 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
10 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
11 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised
12 10-11-01.)

13 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

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

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

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

- 29 (1) seek employment;
- 30 (2) work;
- 31 (3) conduct a business or other self-employed
32 occupation including housekeeping;
- 33 (4) attend to family needs;

1 (5) attend an educational institution, including
2 vocational education;

3 (6) obtain medical or psychological treatment;

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

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

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

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

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

34 (e) When the court imposes a sentence of periodic

1 imprisonment, it shall state:

2 (1) the term of such sentence;

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

5 (3) the conditions.

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

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

20 (g) An offender sentenced to periodic imprisonment who
21 undergoes mandatory drug or alcohol testing, or both, or is
22 assigned to be placed on an approved electronic monitoring
23 device, shall be ordered to pay the costs incidental to such
24 mandatory drug or alcohol testing, or both, and costs
25 incidental to such approved electronic monitoring in
26 accordance with the defendant's ability to pay those costs.
27 The county board with the concurrence of the Chief Judge of
28 the judicial circuit in which the county is located shall
29 establish reasonable fees for the cost of maintenance,
30 testing, and incidental expenses related to the mandatory
31 drug or alcohol testing, or both, and all costs incidental to
32 approved electronic monitoring, of all offenders with a
33 sentence of periodic imprisonment. The concurrence of the
34 Chief Judge shall be in the form of an administrative order.

1 The fees shall be collected by the clerk of the circuit
2 court. The clerk of the circuit court shall pay all moneys
3 collected from these fees to the county treasurer who shall
4 use the moneys collected to defray the costs of drug
5 testing, alcohol testing, and electronic monitoring. The
6 county treasurer shall deposit the fees collected in the
7 county working cash fund under Section 6-27001 or Section
8 6-29002 of the Counties Code, as the case may be.

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

16 (i) A defendant at least 17 years of age who is
17 convicted of a misdemeanor or felony in a county of 3,000,000
18 or more inhabitants and who has not been previously convicted
19 of a misdemeanor or a felony and who is sentenced to a term
20 of periodic imprisonment may as a condition of his or her
21 sentence be required by the court to attend educational
22 courses designed to prepare the defendant for a high school
23 diploma and to work toward receiving a high school diploma or
24 to work toward passing the high school level Test of General
25 Educational Development (GED) or to work toward completing a
26 vocational training program approved by the court. The
27 defendant sentenced to periodic imprisonment must attend a
28 public institution of education to obtain the educational or
29 vocational training required by this subsection (i). The
30 defendant sentenced to a term of periodic imprisonment shall
31 be required to pay for the cost of the educational courses or
32 GED test, if a fee is charged for those courses or test. The
33 court shall revoke the sentence of periodic imprisonment of
34 the defendant who wilfully fails to comply with this

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

9 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
10 90-655, eff. 7-30-98.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."