

1 AN ACT in relation to minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 5-615 and 5-715 as follows:

6 (705 ILCS 405/5-615)

7 Sec. 5-615. Continuance under supervision.

8 (1) The court may enter an order of continuance under
9 supervision for an offense other than first degree murder, a
10 Class X felony or a forcible felony (a) upon an admission or
11 stipulation by the appropriate respondent or minor respondent
12 of the facts supporting the petition and before proceeding to
13 adjudication, or after hearing the evidence at the trial, and
14 (b) in the absence of objection made in open court by the
15 minor, his or her parent, guardian, or legal custodian, the
16 minor's attorney or the State's Attorney.

17 (2) If the minor, his or her parent, guardian, or legal
18 custodian, the minor's attorney or State's Attorney objects
19 in open court to any continuance and insists upon proceeding
20 to findings and adjudication, the court shall so proceed.

21 (3) Nothing in this Section limits the power of the
22 court to order a continuance of the hearing for the
23 production of additional evidence or for any other proper
24 reason.

25 (4) When a hearing where a minor is alleged to be a
26 delinquent is continued pursuant to this Section, the period
27 of continuance under supervision may not exceed 24 months.
28 The court may terminate a continuance under supervision at
29 any time if warranted by the conduct of the minor and the
30 ends of justice.

31 (5) When a hearing where a minor is alleged to be

1 delinquent is continued pursuant to this Section, the court
2 may, as conditions of the continuance under supervision,
3 require the minor to do any of the following:

4 (a) not violate any criminal statute of any
5 jurisdiction;

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

8 (c) work or pursue a course of study or vocational
9 training;

10 (d) undergo medical or psychotherapeutic treatment
11 rendered by a therapist licensed under the provisions of
12 the Medical Practice Act of 1987, the Clinical
13 Psychologist Licensing Act, or the Clinical Social Work
14 and Social Work Practice Act, or an entity licensed by
15 the Department of Human Services as a successor to the
16 Department of Alcoholism and Substance Abuse, for the
17 provision of drug addiction and alcoholism treatment;

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

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

21 (g) pay costs;

22 (h) refrain from possessing a firearm or other
23 dangerous weapon, or an automobile;

24 (i) permit the probation officer to visit him or
25 her at his or her home or elsewhere;

26 (j) reside with his or her parents or in a foster
27 home;

28 (k) attend school;

29 (k-5) with the consent of the superintendent of the
30 facility, attend an educational program at a facility
31 other than the school in which the offense was committed
32 if he or she committed a crime of violence as defined in
33 Section 2 of the Crime Victims Compensation Act in a
34 school, on the real property comprising a school, or

1 within 1,000 feet of the real property comprising a
2 school;

3 (l) attend a non-residential program for youth;

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

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

8 (o) make restitution to the victim, in the same
9 manner and under the same conditions as provided in
10 subsection (4) of Section 5-710, except that the
11 "sentencing hearing" referred to in that Section shall be
12 the adjudicatory hearing for purposes of this Section;

13 (p) comply with curfew requirements as designated
14 by the court;

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

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

25 (r-5) undergo a medical or other procedure to have
26 a tattoo symbolizing allegiance to a street gang removed
27 from his or her body;

28 (s) refrain from having in his or her body the
29 presence of any illicit drug prohibited by the Cannabis
30 Control Act or the Illinois Controlled Substances Act,
31 unless prescribed by a physician, and submit samples of
32 his or her blood or urine or both for tests to determine
33 the presence of any illicit drug; or

34 (t) comply with any other conditions as may be

1 ordered by the court.

2 (6) A minor whose case is continued under supervision
3 under subsection (5) shall be given a certificate setting
4 forth the conditions imposed by the court. Those conditions
5 may be reduced, enlarged, or modified by the court on motion
6 of the probation officer or on its own motion, or that of the
7 State's Attorney, or, at the request of the minor after
8 notice and hearing.

9 (7) If a petition is filed charging a violation of a
10 condition of the continuance under supervision, the court
11 shall conduct a hearing. If the court finds that a condition
12 of supervision has not been fulfilled, the court may proceed
13 to findings and adjudication and disposition. The filing of
14 a petition for violation of a condition of the continuance
15 under supervision shall toll the period of continuance under
16 supervision until the final determination of the charge, and
17 the term of the continuance under supervision shall not run
18 until the hearing and disposition of the petition for
19 violation; provided where the petition alleges conduct that
20 does not constitute a criminal offense, the hearing must be
21 held within 30 days of the filing of the petition unless a
22 delay shall continue the tolling of the period of continuance
23 under supervision for the period of the delay.

24 (8) When a hearing in which a minor is alleged to be a
25 delinquent for reasons that include a violation of Section
26 21-1.3 of the Criminal Code of 1961 is continued under this
27 Section, the court shall, as a condition of the continuance
28 under supervision, require the minor to perform community
29 service for not less than 30 and not more than 120 hours, if
30 community service is available in the jurisdiction. The
31 community service shall include, but need not be limited to,
32 the cleanup and repair of the damage that was caused by the
33 alleged violation or similar damage to property located in
34 the municipality or county in which the alleged violation

1 occurred. The condition may be in addition to any other
2 condition.

3 (9) When a hearing in which a minor is alleged to be a
4 delinquent is continued under this Section, the court, before
5 continuing the case, shall make a finding whether the offense
6 alleged to have been committed either: (i) was related to or
7 in furtherance of the activities of an organized gang or was
8 motivated by the minor's membership in or allegiance to an
9 organized gang, or (ii) is a violation of paragraph (13) of
10 subsection (a) of Section 12-2 of the Criminal Code of 1961,
11 a violation of any Section of Article 24 of the Criminal Code
12 of 1961, or a violation of any statute that involved the
13 unlawful use of a firearm. If the court determines the
14 question in the affirmative the court shall, as a condition
15 of the continuance under supervision and as part of or in
16 addition to any other condition of the supervision, require
17 the minor to perform community service for not less than 30
18 hours, provided that community service is available in the
19 jurisdiction and is funded and approved by the county board
20 of the county where the offense was committed. The community
21 service shall include, but need not be limited to, the
22 cleanup and repair of any damage caused by an alleged
23 violation of Section 21-1.3 of the Criminal Code of 1961 and
24 similar damage to property located in the municipality or
25 county in which the alleged violation occurred. When
26 possible and reasonable, the community service shall be
27 performed in the minor's neighborhood. For the purposes of
28 this Section, "organized gang" has the meaning ascribed to it
29 in Section 10 of the Illinois Streetgang Terrorism Omnibus
30 Prevention Act.

31 (10) The court shall impose upon a minor placed on
32 supervision, as a condition of the supervision, a fee of \$25
33 for each month of supervision ordered by the court, unless
34 after determining the inability of the minor placed on

1 supervision to pay the fee, the court assesses a lesser
2 amount. The court may not impose the fee on a minor who is
3 made a ward of the State under this Act while the minor is in
4 placement. The fee shall be imposed only upon a minor who is
5 actively supervised by the probation and court services
6 department. A court may order the parent, guardian, or legal
7 custodian of the minor to pay some or all of the fee on the
8 minor's behalf.

9 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;
10 91-332, eff. 7-29-99; revised 10-7-99.)

11 (705 ILCS 405/5-715)

12 Sec. 5-715. Probation.

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

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

27 (a) not violate any criminal statute of any
28 jurisdiction;

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

31 (c) work or pursue a course of study or vocational
32 training;

33 (d) undergo medical or psychiatric treatment,

1 rendered by a psychiatrist or psychological treatment
 2 rendered by a clinical psychologist or social work
 3 services rendered by a clinical social worker, or
 4 treatment for drug addiction or alcoholism;

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

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

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

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

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

14 (j) attend school;

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

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

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

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

28 (n) perform some reasonable public or community
 29 service;

30 (o) participate with community corrections programs
 31 including unified delinquency intervention services
 32 administered by the Department of Human Services subject
 33 to Section 5 of the Children and Family Services Act;

34 (p) pay costs;

1 (q) serve a term of home confinement. In addition
2 to any other applicable condition of probation or
3 conditional discharge, the conditions of home confinement
4 shall be that the minor:

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

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

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

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

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

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

31 (t) refrain from having in his or her body the
32 presence of any illicit drug prohibited by the Cannabis
33 Control Act or the Illinois Controlled Substances Act,
34 unless prescribed by a physician, and shall submit

1 samples of his or her blood or urine or both for tests to
2 determine the presence of any illicit drug; or

3 (u) comply with other conditions as may be ordered
4 by the court.

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

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

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

32 (6) The General Assembly finds that in order to protect
33 the public, the juvenile justice system must compel
34 compliance with the conditions of probation by responding to

1 violations with swift, certain, and fair punishments and
2 intermediate sanctions. The Chief Judge of each circuit
3 shall adopt a system of structured, intermediate sanctions
4 for violations of the terms and conditions of a sentence of
5 supervision, probation or conditional discharge, under this
6 Act.

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

15 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

16 Section 10. The Unified Code of Corrections is amended
17 by changing Sections 5-6-3 and 5-6-3.1 as follows:

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

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

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

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

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

27 (3) refrain from possessing a firearm or other
28 dangerous weapon;

29 (4) not leave the State without the consent of the
30 court or, in circumstances in which the reason for the
31 absence is of such an emergency nature that prior consent
32 by the court is not possible, without the prior

1 notification and approval of the person's probation
2 officer;

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

6 (6) perform no less than 30 hours of community
7 service and not more than 120 hours of community service,
8 if community service is available in the jurisdiction and
9 is funded and approved by the county board where the
10 offense was committed, where the offense was related to
11 or in furtherance of the criminal activities of an
12 organized gang and was motivated by the offender's
13 membership in or allegiance to an organized gang. The
14 community service shall include, but not be limited to,
15 the cleanup and repair of any damage caused by a
16 violation of Section 21-1.3 of the Criminal Code of 1961
17 and similar damage to property located within the
18 municipality or county in which the violation occurred.
19 When possible and reasonable, the community service
20 should be performed in the offender's neighborhood. For
21 purposes of this Section, "organized gang" has the
22 meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act;

24 (7) if he or she is at least 17 years of age and
25 has been sentenced to probation or conditional discharge
26 for a misdemeanor or felony in a county of 3,000,000 or
27 more inhabitants and has not been previously convicted of
28 a misdemeanor or felony, may be required by the
29 sentencing court to attend educational courses designed
30 to prepare the defendant for a high school diploma and to
31 work toward a high school diploma or to work toward
32 passing the high school level Test of General Educational
33 Development (GED) or to work toward completing a
34 vocational training program approved by the court. The

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

18 (8) if convicted of possession of a substance
19 prohibited by the Cannabis Control Act or Illinois
20 Controlled Substances Act after a previous conviction or
21 disposition of supervision for possession of a substance
22 prohibited by the Cannabis Control Act or Illinois
23 Controlled Substances Act or after a sentence of
24 probation under Section 10 of the Cannabis Control Act or
25 Section 410 of the Illinois Controlled Substances Act and
26 upon a finding by the court that the person is addicted,
27 undergo treatment at a substance abuse program approved
28 by the court.

29 (b) The Court may in addition to other reasonable
30 conditions relating to the nature of the offense or the
31 rehabilitation of the defendant as determined for each
32 defendant in the proper discretion of the Court require that
33 the person:

34 (1) serve a term of periodic imprisonment under

1 Article 7 for a period not to exceed that specified in
2 paragraph (d) of Section 5-7-1;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

6 (4) undergo medical, psychological or psychiatric
7 treatment; or treatment for drug addiction or alcoholism;

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

10 (6) support his dependents;

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

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

14 (ii) attend school;

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

17 (iv) contribute to his own support at home or
18 in a foster home;

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

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

29 (9) perform some reasonable public or community
30 service;

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

1 (i) remain within the interior premises of the
2 place designated for his confinement during the
3 hours designated by the court;

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

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

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

30 (v) for persons convicted of offenses other
31 than those referenced in clause (iv) above and who
32 are placed on an approved monitoring device as a
33 condition of probation or conditional discharge, the
34 court shall impose a reasonable fee for each day of

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

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

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

30 (13) contribute a reasonable sum of money, not to
31 exceed the maximum amount of the fine authorized for the
32 offense for which the defendant was sentenced, to a
33 "local anti-crime program", as defined in Section 7 of
34 the Anti-Crime Advisory Council Act;

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

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

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

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

29 (d) An offender sentenced to probation or to conditional
30 discharge shall be given a certificate setting forth the
31 conditions thereof.

32 (e) The court shall not require as a condition of the
33 sentence of probation or conditional discharge that the
34 offender be committed to a period of imprisonment in excess

1 of 6 months. This 6 month limit shall not include periods of
2 confinement given pursuant to a sentence of county impact
3 incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of
5 probation or conditional discharge shall not be committed to
6 the Department of Corrections.

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

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

1 (h) Jurisdiction over an offender may be transferred
2 from the sentencing court to the court of another circuit
3 with the concurrence of both courts, or to another state
4 under an Interstate Probation Reciprocal Agreement as
5 provided in Section 3-3-11. Further transfers or retransfers
6 of jurisdiction are also authorized in the same manner. The
7 court to which jurisdiction has been transferred shall have
8 the same powers as the sentencing court.

9 (i) The court shall impose upon an offender sentenced to
10 probation after January 1, 1989 or to conditional discharge
11 after January 1, 1992, as a condition of such probation or
12 conditional discharge, a fee of \$25 for each month of
13 probation or conditional discharge supervision ordered by the
14 court, unless after determining the inability of the person
15 sentenced to probation or conditional discharge to pay the
16 fee, the court assesses a lesser fee. The court may not
17 impose the fee on a minor who is made a ward of the State
18 under the Juvenile Court Act of 1987 while the minor is in
19 placement. The fee shall be imposed only upon an offender who
20 is actively supervised by the probation and court services
21 department. The fee shall be collected by the clerk of the
22 circuit court. The clerk of the circuit court shall pay all
23 monies collected from this fee to the county treasurer for
24 deposit in the probation and court services fund under
25 Section 15.1 of the Probation and Probation Officers Act.

26 (j) All fines and costs imposed under this Section for
27 any violation of Chapters 3, 4, 6, and 11 of the Illinois
28 Vehicle Code, or a similar provision of a local ordinance,
29 and any violation of the Child Passenger Protection Act, or a
30 similar provision of a local ordinance, shall be collected
31 and disbursed by the circuit clerk as provided under Section
32 27.5 of the Clerks of Courts Act.

33 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
34 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.

1 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

2 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

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

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

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

32 For the purposes of this Section, "organized gang" has
33 the meaning ascribed to it in Section 10 of the Illinois

1 Streetgang Terrorism Omnibus Prevention Act.

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

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

11 (2) pay a fine and costs;

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

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

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

18 (6) support his dependents;

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

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

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

24 (ii) attend school;

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

27 (iv) contribute to his own support at home or
28 in a foster home; or and

29 (v) with the consent of the superintendent of
30 the facility, attend an educational program at a
31 facility other than the school in which the offense
32 was committed if he or she is placed on supervision
33 for a crime of violence as defined in Section 2 of
34 the Crime Victims Compensation Act committed in a

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

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

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

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

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

26 (13) contribute a reasonable sum of money, not to
27 exceed the maximum amount of the fine authorized for the
28 offense for which the defendant was sentenced, to a
29 "local anti-crime program", as defined in Section 7 of
30 the Anti-Crime Advisory Council Act;

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

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

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

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

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

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

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

28 (f) Discharge and dismissal upon a successful conclusion
29 of a disposition of supervision shall be deemed without
30 adjudication of guilt and shall not be termed a conviction
31 for purposes of disqualification or disabilities imposed by
32 law upon conviction of a crime. Two years after the
33 discharge and dismissal under this Section, unless the
34 disposition of supervision was for a violation of Sections

1 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance, or
3 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
4 Code of 1961, in which case it shall be 5 years after
5 discharge and dismissal, a person may have his record of
6 arrest sealed or expunged as may be provided by law.
7 However, any defendant placed on supervision before January
8 1, 1980, may move for sealing or expungement of his arrest
9 record, as provided by law, at any time after discharge and
10 dismissal under this Section. A person placed on supervision
11 for a sexual offense committed against a minor as defined in
12 subsection (g) of Section 5 of the Criminal Identification
13 Act or for a violation of Section 11-501 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance
15 shall not have his or her record of arrest sealed or
16 expunged.

17 (g) A defendant placed on supervision and who during the
18 period of supervision undergoes mandatory drug or alcohol
19 testing, or both, or is assigned to be placed on an approved
20 electronic monitoring device, shall be ordered to pay the
21 costs incidental to such mandatory drug or alcohol testing,
22 or both, and costs incidental to such approved electronic
23 monitoring in accordance with the defendant's ability to pay
24 those costs. The county board with the concurrence of the
25 Chief Judge of the judicial circuit in which the county is
26 located shall establish reasonable fees for the cost of
27 maintenance, testing, and incidental expenses related to the
28 mandatory drug or alcohol testing, or both, and all costs
29 incidental to approved electronic monitoring, of all
30 defendants placed on supervision. The concurrence of the
31 Chief Judge shall be in the form of an administrative order.
32 The fees shall be collected by the clerk of the circuit
33 court. The clerk of the circuit court shall pay all moneys
34 collected from these fees to the county treasurer who shall

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

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

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

23 (j) All fines and costs imposed under this Section for
24 any violation of Chapters 3, 4, 6, and 11 of the Illinois
25 Vehicle Code, or a similar provision of a local ordinance,
26 and any violation of the Child Passenger Protection Act, or a
27 similar provision of a local ordinance, shall be collected
28 and disbursed by the circuit clerk as provided under Section
29 27.5 of the Clerks of Courts Act.

30 (k) A defendant at least 17 years of age who is placed
31 on supervision for a misdemeanor in a county of 3,000,000 or
32 more inhabitants and who has not been previously convicted of
33 a misdemeanor or felony may as a condition of his or her
34 supervision be required by the court to attend educational

1 courses designed to prepare the defendant for a high school
2 diploma and to work toward a high school diploma or to work
3 toward passing the high school level Test of General
4 Educational Development (GED) or to work toward completing a
5 vocational training program approved by the court. The
6 defendant placed on supervision must attend a public
7 institution of education to obtain the educational or
8 vocational training required by this subsection (k). The
9 defendant placed on supervision shall be required to pay for
10 the cost of the educational courses or GED test, if a fee is
11 charged for those courses or test. The court shall revoke
12 the supervision of a person who wilfully fails to comply with
13 this subsection (k). The court shall resentence the
14 defendant upon revocation of supervision as provided in
15 Section 5-6-4. This subsection (k) does not apply to a
16 defendant who has a high school diploma or has successfully
17 passed the GED test. This subsection (k) does not apply to a
18 defendant who is determined by the court to be
19 developmentally disabled or otherwise mentally incapable of
20 completing the educational or vocational program.

21 (l) The court shall require a defendant placed on
22 supervision for possession of a substance prohibited by the
23 Cannabis Control Act or Illinois Controlled Substances Act
24 after a previous conviction or disposition of supervision for
25 possession of a substance prohibited by the Cannabis Control
26 Act or Illinois Controlled Substances Act or a sentence of
27 probation under Section 10 of the Cannabis Control Act or
28 Section 410 of the Illinois Controlled Substances Act and
29 after a finding by the court that the person is addicted, to
30 undergo treatment at a substance abuse program approved by
31 the court.

32 (m) The court shall require a defendant placed on
33 supervision for a violation of Section 3-707 of the Illinois
34 Vehicle Code or a similar provision of a local ordinance, as

1 a condition of supervision, to give proof of his or her
2 financial responsibility as defined in Section 7-315 of the
3 Illinois Vehicle Code. The proof shall be maintained by the
4 defendant in a manner satisfactory to the Secretary of State
5 for a minimum period of one year after the date the proof is
6 first filed. The Secretary of State shall suspend the
7 driver's license of any person determined by the Secretary to
8 be in violation of this subsection.

9 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;
10 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 90-784, eff.
11 1-1-99; 91-127, eff. 1-1-00; 91-696, eff. 4-13-00; 91-903,
12 eff. 1-1-01.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.