

1 AN ACT in relation to criminal law.

2 Whereas: The interstate compact for the supervision of
3 Parolees and Probationers was established in 1937, it is the
4 earliest corrections "compact" established among the states
5 and has not been amended since its adoption over 62 years
6 ago;

7 Whereas: This compact is the only vehicle for the
8 controlled movement of adult parolees and probationers across
9 state lines, and it currently has jurisdiction over more than
10 a quarter of a million offenders;

11 Whereas: The complexities of the compact have become more
12 difficult to administer, and many jurisdictions have expanded
13 supervision expectations to include currently unregulated
14 practices such as victim input, victim notification
15 requirements and sex offender registration;

16 Whereas: After hearings, national surveys, and a detailed
17 study by a task force appointed by the National Institute of
18 Corrections, the overwhelming recommendation has been to
19 amend the document to bring about an effective management
20 capacity that addresses public safety concerns and offender
21 accountability;

22 Whereas: Upon the adoption of this Interstate Compact for
23 Adult Offender Supervision, it is the intention of the
24 legislature to repeal the previous Interstate Compact for the
25 Supervision of Parolees and Probationers on the effective
26 date of this Compact; therefore

27 Be it enacted by the People of the State of Illinois,
28 represented in the General Assembly:

29 Section 1. Short title. This Act may be cited as the
30 Interstate Compact for Adult Offender Supervision.

1 Section 5. Interstate Compact for Adult Offender
2 Supervision. The Governor of this State is hereby authorized
3 and directed to enter into a compact on behalf of this State
4 with any of the United States legally joining therein in the
5 form substantially as follows:

6 ARTICLE I:

7 PURPOSE

8 (a) The compacting states to this Interstate Compact
9 recognize that each state is responsible for the supervision
10 of adult offenders in the community who are authorized
11 pursuant to the Bylaws and Rules of this compact to travel
12 across state lines both to and from each compacting state in
13 such a manner as to: track the location of offenders,
14 transfer supervision authority in an orderly and efficient
15 manner, and when necessary return offenders to the
16 originating jurisdictions. The compacting states also
17 recognize that Congress, by enacting the Crime Control Act, 4
18 U.S.C. Section 112 (1965), has authorized and encouraged
19 compacts for cooperative efforts and mutual assistance in the
20 prevention of crime.

21 (b) It is the purpose of this compact and the Interstate
22 Commission created hereunder, through means of joint and
23 cooperative action among the compacting states: to provide
24 the framework for the promotion of public safety and protect
25 the rights of victims through the control and regulation of
26 the interstate movement of offenders in the community; to
27 provide for the effective tracking, supervision, and
28 rehabilitation of these offenders by the sending and
29 receiving states; and to equitably distribute the costs,
30 benefits and obligations of the compact among the compacting
31 states.

32 (c) In addition, this compact will: create an Interstate
33 Commission which will establish uniform procedures to manage
34 the movement between states of adults placed under community

1 supervision and released to the community under the
2 jurisdiction of courts, paroling authorities, corrections or
3 other criminal justice agencies which will promulgate rules
4 to achieve the purpose of this compact; ensure an opportunity
5 for input and timely notice to victims and to jurisdictions
6 where defined offenders are authorized to travel or to
7 relocate across state lines; establish a system of uniform
8 data collection, access to information on active cases by
9 authorized criminal justice officials, and regular reporting
10 of Compact activities to heads of state councils, state
11 executive, judicial, and legislative branches and criminal
12 justice administrators; monitor compliance with rules
13 governing interstate movement of offenders and initiate
14 interventions to address and correct non-compliance; and
15 coordinate training and education regarding regulations of
16 interstate movement of offenders for officials involved in
17 such activity.

18 (d) The compacting states recognize that there is no
19 "right" of any offender to live in another state and that
20 duly accredited officers of a sending state may at all times
21 enter a receiving state and there apprehend and retake any
22 offender under supervision subject to the provisions of this
23 compact and Bylaws and Rules promulgated hereunder. It is the
24 policy of the compacting states that the activities conducted
25 by the Interstate Commission created herein are the formation
26 of public policies and are therefore public business.

27 ARTICLE II:

28 DEFINITIONS

29 As used in this compact, unless the context clearly
30 requires a different construction:

31 (1) "Adult" means both individuals legally
32 classified as adults and juveniles treated as adults by
33 court order, statute, or operation of law.

34 (2) "By-laws" mean those by-laws established by the

1 Interstate Commission for its governance, or for
2 directing or controlling the Interstate Commission's
3 actions or conduct.

4 (3) "Compact Administrator" means the individual in
5 each compacting state appointed pursuant to the terms of
6 this compact responsible for the administration and
7 management of the state's supervision and transfer of
8 offenders subject to the terms of this compact, the rules
9 adopted by the Interstate Commission and policies adopted
10 by the State Council under this compact.

11 (4) "Compacting state" means any state which has
12 enacted the enabling legislation for this compact.

13 (5) "Commissioner" means the voting representative
14 of each compacting state appointed pursuant to Article
15 III of this compact.

16 (6) "Interstate Commission" means the Interstate
17 Commission for Adult Offender Supervision established by
18 this compact.

19 (7) "Member" means the commissioner of a compacting
20 state or designee, who shall be a person officially
21 connected with the commissioner.

22 (8) "Non Compacting state" means any state which
23 has not enacted the enabling legislation for this
24 compact.

25 (9) "Offender" means an adult placed under, or
26 subject to, supervision as the result of the commission
27 of a criminal offense and released to the community under
28 the jurisdiction of courts, paroling authorities,
29 corrections, or other criminal justice agencies.

30 (10) "Person" means any individual, corporation,
31 business enterprise, or other legal entity, either public
32 or private.

33 (11) "Rules" means acts of the Interstate
34 Commission, duly promulgated pursuant to Article VII of

1 this compact, substantially affecting interested parties
2 in addition to the Interstate Commission, which shall
3 have the force and effect of law in the compacting
4 states.

5 (12) "State" means a state of the United States,
6 the District of Columbia and any other territorial
7 possessions of the United States.

8 (13) "State Council" means the resident members of
9 the State Council for Interstate Adult Offender
10 Supervision created by each state under Article III of
11 this compact.

12 ARTICLE III:

13 THE COMPACT COMMISSION

14 (a) The compacting states hereby create the "Interstate
15 Commission for Adult Offender Supervision." The Interstate
16 Commission shall be a body corporate and joint agency of the
17 compacting states. The Interstate Commission shall have all
18 the responsibilities, powers and duties set forth herein,
19 including the power to sue and be sued, and such additional
20 powers as may be conferred upon it by subsequent action of
21 the respective legislatures of the compacting states in
22 accordance with the terms of this compact.

23 (b) The Interstate Commission shall consist of
24 Commissioners selected and appointed by resident members of a
25 State Council for Interstate Adult Offender Supervision for
26 each state.

27 (c) In addition to the Commissioners who are the voting
28 representatives of each state, the Interstate Commission
29 shall include individuals who are not commissioners but who
30 are members of interested organizations; such
31 non-commissioner members must include a member of the
32 national organizations of governors, legislators, state chief
33 justices, attorneys general and crime victims. All
34 non-commissioner members of the Interstate Commission shall

1 be ex-officio (nonvoting) members. The Interstate Commission
2 may provide in its by-laws for such additional, ex-officio,
3 non-voting members as it deems necessary.

4 (d) Each compacting state represented at any meeting of
5 the Interstate Commission is entitled to one vote. A majority
6 of the compacting states shall constitute a quorum for the
7 transaction of business, unless a larger quorum is required
8 by the by-laws of the Interstate Commission. The Interstate
9 Commission shall meet at least once each calendar year. The
10 chairperson may call additional meetings and, upon the
11 request of 27 or more compacting states, shall call
12 additional meetings. Public notice shall be given of all
13 meetings and meetings shall be open to the public.

14 (e) The Interstate Commission shall establish an
15 Executive Committee which shall include commission officers,
16 members and others as shall be determined by the By-laws. The
17 Executive Committee shall have the power to act on behalf of
18 the Interstate Commission during periods when the Interstate
19 Commission is not in session, with the exception of
20 rulemaking and/or amendment to the Compact. The Executive
21 Committee oversees the day-to-day activities managed by the
22 Executive Director and Interstate Commission staff;
23 administers enforcement and compliance with the provisions of
24 the compact, its by-laws and as directed by the Interstate
25 Commission and performs other duties as directed by
26 Commission or set forth in the By-laws.

27 ARTICLE IV:

28 THE STATE COUNCIL

29 (a) Each member state shall create a State Council for
30 Interstate Adult Offender Supervision which shall be
31 responsible for the appointment of the commissioner who shall
32 serve on the Interstate Commission from that state.

33 (b) Each state council shall appoint as its commissioner
34 the Compact Administrator from the state to serve on the

1 Interstate Commission in such capacity under or pursuant to
2 applicable law of the member state. While each member state
3 may determine the membership of its own state council, its
4 membership must include at least one representative from the
5 legislative, judicial, and executive branches of government,
6 victims groups, and compact administrators. Each compacting
7 state retains the right to determine the qualifications of
8 the Compact Administrator who shall be appointed by the state
9 council or by the Governor in consultation with the
10 Legislature and the Judiciary.

11 (c) In addition to appointment of its commissioner to
12 the National Interstate Commission, each state council shall
13 exercise oversight and advocacy concerning its participation
14 in Interstate Commission activities and other duties as may
15 be determined by each member state including but not limited
16 to, development of policy concerning operations and
17 procedures of the compact within that state.

18 ARTICLE V:

19 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall have the following
21 powers:

22 (1) To adopt a seal and suitable by-laws governing
23 the management and operation of the Interstate
24 Commission.

25 (2) To promulgate rules which shall have the force
26 and effect of statutory law and shall be binding in the
27 compacting states to the extent and in the manner
28 provided in this compact.

29 (3) To oversee, supervise and coordinate the
30 interstate movement of offenders subject to the terms of
31 this compact and any by-laws adopted and rules
32 promulgated by the compact commission.

33 (4) To enforce compliance with compact provisions,
34 Interstate Commission rules, and by-laws, using all

1 necessary and proper means, including but not limited to,
2 the use of judicial process.

3 (5) To establish and maintain offices.

4 (6) To purchase and maintain insurance and bonds.

5 (7) To borrow, accept, or contract for services of
6 personnel, including, but not limited to, members and
7 their staffs.

8 (8) To establish and appoint committees and hire
9 staff which it deems necessary for the carrying out of
10 its functions including, but not limited to, an executive
11 committee as required by Article III which shall have the
12 power to act on behalf of the Interstate Commission in
13 carrying out its powers and duties hereunder.

14 (9) To elect or appoint such officers, attorneys,
15 employees, agents, or consultants, and to fix their
16 compensation, define their duties and determine their
17 qualifications; and to establish the Interstate
18 Commission's personnel policies and programs relating to,
19 among other things, conflicts of interest, rates of
20 compensation, and qualifications of personnel.

21 (10) To accept any and all donations and grants of
22 money, equipment, supplies, materials, and services, and
23 to receive, utilize, and dispose of same.

24 (11) To lease, purchase, accept contributions or
25 donations of, or otherwise to own, hold, improve or use
26 any property, real, personal, or mixed.

27 (12) To sell, convey, mortgage, pledge, lease,
28 exchange, abandon, or otherwise dispose of any property,
29 real, personal or mixed.

30 (13) To establish a budget and make expenditures
31 and levy dues as provided in Article IX of this compact.

32 (14) To sue and be sued.

33 (15) To provide for dispute resolution among
34 Compacting States.

1 (16) To perform such functions as may be necessary
2 or appropriate to achieve the purposes of this compact.

3 (17) To report annually to the legislatures,
4 governors, judiciary, and state councils of the
5 compacting states concerning the activities of the
6 Interstate Commission during the preceding year. Such
7 reports shall also include any recommendations that may
8 have been adopted by the Interstate Commission.

9 (18) To coordinate education, training and public
10 awareness regarding the interstate movement of offenders
11 for officials involved in such activity.

12 (19) To establish uniform standards for the
13 reporting, collecting, and exchanging of data.

14 ARTICLE VI:

15 ORGANIZATION AND OPERATION OF THE INTERSTATE
16 COMMISSION

17 (a) By-laws. The Interstate Commission shall, by a
18 majority of the Members, within twelve months of the first
19 Interstate Commission meeting, adopt By-laws to govern its
20 conduct as may be necessary or appropriate to carry out the
21 purposes of the Compact, including, but not limited to:

22 (1) establishing the fiscal year of the Interstate
23 Commission;

24 (2) establishing an executive committee and such
25 other committees as may be necessary;

26 (3) providing reasonable standards and procedures:

27 (i) for the establishment of committees, and

28 (ii) governing any general or specific
29 delegation of any authority or function of the
30 Interstate Commission;

31 (4) providing reasonable procedures for calling and
32 conducting meetings of the Interstate Commission, and
33 ensuring reasonable notice of each such meeting;

34 (5) establishing the titles and responsibilities of

1 the officers of the Interstate Commission;

2 (6) providing reasonable standards and procedures
3 for the establishment of the personnel policies and
4 programs of the Interstate Commission. Notwithstanding
5 any civil service or other similar laws of any Compacting
6 State, the By-laws shall exclusively govern the personnel
7 policies and programs of the Interstate Commission;

8 (7) providing a mechanism for winding up the
9 operations of the Interstate Commission and the equitable
10 return of any surplus funds that may exist upon the
11 termination of the Compact after the payment and/or
12 reserving of all of its debts and obligations;

13 (8) providing transition rules for "start up"
14 administration of the compact;

15 (9) establishing standards and procedures for
16 compliance and technical assistance in carrying out the
17 compact.

18 (b) Officers and Staff.

19 (1) The Interstate Commission shall, by a majority
20 of the Members, elect from among its Members a
21 chairperson and a vice chairperson, each of whom shall
22 have such authorities and duties as may be specified in
23 the By-laws. The chairperson or, in his or her absence or
24 disability, the vice chairperson, shall preside at all
25 meetings of the Interstate Commission. The Officers so
26 elected shall serve without compensation or remuneration
27 from the Interstate Commission; PROVIDED THAT, subject to
28 the availability of budgeted funds, the officers shall be
29 reimbursed for any actual and necessary costs and
30 expenses incurred by them in the performance of their
31 duties and responsibilities as officers of the Interstate
32 Commission.

33 (2) The Interstate Commission shall, through its
34 executive committee, appoint or retain an executive

1 director for such period, upon such terms and conditions
2 and for such compensation as the Interstate Commission
3 may deem appropriate. The executive director shall serve
4 as secretary to the Interstate Commission, and hire and
5 supervise such other staff as may be authorized by the
6 Interstate Commission, but shall not be a member.

7 (c) Corporate Records of the Interstate Commission. The
8 Interstate Commission shall maintain its corporate books and
9 records in accordance with the By-laws.

10 (d) Qualified Immunity, Defense and Indemnification.

11 (1) The Members, officers, executive director and
12 employees of the Interstate Commission shall be immune
13 from suit and liability, either personally or in their
14 official capacity, for any claim for damage to or loss of
15 property or personal injury or other civil liability
16 caused or arising out of any actual or alleged act, error
17 or omission that occurred within the scope of Interstate
18 Commission employment, duties or responsibilities;
19 PROVIDED, that nothing in this paragraph shall be
20 construed to protect any such person from suit and/or
21 liability for any damage, loss, injury or liability
22 caused by the intentional or willful and wanton
23 misconduct of any such person.

24 (2) The Interstate Commission shall defend the
25 Commissioner of a Compacting State, or his or her
26 representatives or employees, or the Interstate
27 Commission's representatives or employees, in any civil
28 action seeking to impose liability, arising out of any
29 actual or alleged act, error or omission that occurred
30 within the scope of Interstate Commission employment,
31 duties or responsibilities, or that the defendant had a
32 reasonable basis for believing occurred within the scope
33 of Interstate Commission employment, duties or
34 responsibilities; PROVIDED, that the actual or alleged

1 act, error or omission did not result from intentional
2 wrongdoing on the part of such person.

3 (3) The Interstate Commission shall indemnify and
4 hold the Commissioner of a Compacting State, the
5 appointed designee or employees, or the Interstate
6 Commission's representatives or employees, harmless in
7 the amount of any settlement or judgment obtained against
8 such persons arising out of any actual or alleged act,
9 error or omission that occurred within the scope of
10 Interstate Commission employment, duties or
11 responsibilities, or that such persons had a reasonable
12 basis for believing occurred within the scope of
13 Interstate Commission employment, duties or
14 responsibilities, provided, that the actual or alleged
15 act, error or omission did not result from gross
16 negligence or intentional wrongdoing on the part of such
17 person.

18 ARTICLE VII:

19 ACTIVITIES OF THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall meet and take such
21 actions as are consistent with the provisions of this
22 Compact.

23 (b) Except as otherwise provided in this Compact and
24 unless a greater percentage is required by the By-laws, in
25 order to constitute an act of the Interstate Commission, such
26 act shall have been taken at a meeting of the Interstate
27 Commission and shall have received an affirmative vote of a
28 majority of the members present.

29 (c) Each Member of the Interstate Commission shall have
30 the right and power to cast a vote to which that Compacting
31 State is entitled and to participate in the business and
32 affairs of the Interstate Commission. A member shall vote in
33 person on behalf of the state and shall not delegate a vote
34 to another member state. However, a State Council shall

1 appoint another authorized representative, in the absence of
2 the commissioner from that state, to cast a vote on behalf of
3 the member state at a specified meeting. The By-laws may
4 provide for Members' participation in meetings by telephone
5 or other means of telecommunication or electronic
6 communication. Any voting conducted by telephone, or other
7 means of telecommunication or electronic communication shall
8 be subject to the same quorum requirements of meetings where
9 members are present in person.

10 (d) The Interstate Commission shall meet at least once
11 during each calendar year. The chairperson of the Interstate
12 Commission may call additional meetings at any time and, upon
13 the request of a majority of the Members, shall call
14 additional meetings.

15 (e) The Interstate Commission's By-laws shall establish
16 conditions and procedures under which the Interstate
17 Commission shall make its information and official records
18 available to the public for inspection or copying. The
19 Interstate Commission may exempt from disclosure any
20 information or official records to the extent they would
21 adversely affect personal privacy rights or proprietary
22 interests. In promulgating such Rules, the Interstate
23 Commission may make available to law enforcement agencies
24 records and information otherwise exempt from disclosure, and
25 may enter into agreements with law enforcement agencies to
26 receive or exchange information or records subject to non-
27 disclosure and confidentiality provisions.

28 (f) Public notice shall be given of all meetings and all
29 meetings shall be open to the public, except as set forth in
30 the Rules or as otherwise provided in the Compact. The
31 Interstate Commission shall promulgate Rules consistent with
32 the principles contained in the "Government in Sunshine Act,"
33 5 U.S.C. Section 552(b), as may be amended. The Interstate
34 Commission and any of its committees may close a meeting to

1 the public where it determines by two-thirds vote that an
2 open meeting would be likely to:

3 (1) relate solely to the Interstate Commission's
4 internal personnel practices and procedures;

5 (2) disclose matters specifically exempted from
6 disclosure by statute;

7 (3) disclose trade secrets or commercial or
8 financial information which is privileged or
9 confidential;

10 (4) involve accusing any person of a crime, or
11 formally censuring any person;

12 (5) disclose information of a personal nature where
13 disclosure would constitute a clearly unwarranted
14 invasion of personal privacy;

15 (6) disclose investigatory records compiled for law
16 enforcement purposes;

17 (7) disclose information contained in or related to
18 examination, operating or condition reports prepared by,
19 or on behalf of or for the use of, the Interstate
20 Commission with respect to a regulated entity for the
21 purpose of regulation or supervision of such entity;

22 (8) disclose information, the premature disclosure
23 of which would significantly endanger the life of a
24 person or the stability of a regulated entity;

25 (9) specifically relate to the Interstate
26 Commission's issuance of a subpoena, or its participation
27 in a civil action or proceeding.

28 (g) For every meeting closed pursuant to this provision,
29 the Interstate Commission's chief legal officer shall
30 publicly certify that, in his or her opinion, the meeting may
31 be closed to the public, and shall reference each relevant
32 exemptive provision. The Interstate Commission shall keep
33 minutes which shall fully and clearly describe all matters
34 discussed in any meeting and shall provide a full and

1 accurate summary of any actions taken, and the reasons
2 therefor, including a description of each of the views
3 expressed on any item and the record of any roll call vote
4 (reflected in the vote of each Member on the question). All
5 documents considered in connection with any action shall be
6 identified in such minutes.

7 (h) The Interstate Commission shall collect standardized
8 data concerning the interstate movement of offenders as
9 directed through its By-laws and Rules which shall specify
10 the data to be collected, the means of collection and data
11 exchange and reporting requirements.

12 ARTICLE VIII:

13 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

14 (a) The Interstate Commission shall promulgate Rules in
15 order to effectively and efficiently achieve the purposes of
16 the Compact including transition rules governing
17 administration of the compact during the period in which it
18 is being considered and enacted by the states.

19 (b) Rulemaking shall occur pursuant to the criteria set
20 forth in this Article and the By-laws and Rules adopted
21 pursuant thereto. Such rulemaking shall substantially conform
22 to the principles of the federal Administrative Procedure
23 Act, 5 U.S.C.S. section 551 et seq., and the Federal Advisory
24 Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may
25 be amended (hereinafter "APA"). All Rules and amendments
26 shall become binding as of the date specified in each Rule or
27 amendment.

28 (c) If a majority of the legislatures of the Compacting
29 States rejects a Rule, by enactment of a statute or
30 resolution in the same manner used to adopt the compact, then
31 such Rule shall have no further force and effect in any
32 Compacting State.

33 (d) When promulgating a Rule, the Interstate Commission
34 shall:

1 (1) publish the proposed Rule stating with
2 particularity the text of the Rule which is proposed and
3 the reason for the proposed Rule;

4 (2) allow persons to submit written data, facts,
5 opinions and arguments, which information shall be
6 publicly available;

7 (3) provide an opportunity for an informal hearing;
8 and

9 (4) promulgate a final Rule and its effective date,
10 if appropriate, based on the rulemaking record.

11 (e) Not later than sixty days after a Rule is
12 promulgated, any interested person may file a petition in the
13 United States District Court for the District of Columbia or
14 in the Federal District Court where the Interstate
15 Commission's principal office is located for judicial review
16 of such Rule. If the court finds that the Interstate
17 Commission's action is not supported by substantial evidence
18 (as defined in the APA), in the rulemaking record, the court
19 shall hold the Rule unlawful and set it aside. Subjects to be
20 addressed within 12 months after the first meeting must at a
21 minimum include:

22 (1) notice to victims and opportunity to be heard;

23 (2) offender registration and compliance;

24 (3) violations/returns;

25 (4) transfer procedures and forms;

26 (5) eligibility for transfer;

27 (6) collection of restitution and fees from
28 offenders;

29 (7) data collection and reporting;

30 (8) the level of supervision to be provided by the
31 receiving state;

32 (9) transition rules governing the operation of the
33 compact and the Interstate Commission during all or part
34 of the period between the effective date of the compact

1 and the date on which the last eligible state adopts the
2 compact;

3 (10) Mediation, arbitration and dispute resolution.

4 (f) The existing rules governing the operation of the
5 previous compact superseded by this Act shall be null and
6 void twelve (12) months after the first meeting of the
7 Interstate Commission created hereunder.

8 (g) Upon determination by the Interstate Commission that
9 an emergency exists, it may promulgate an emergency rule
10 which shall become effective immediately upon adoption,
11 provided that the usual rulemaking procedures provided
12 hereunder shall be retroactively applied to said rule as soon
13 as reasonably possible, in no event later than 90 days after
14 the effective date of the rule.

15 ARTICLE IX:

16 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE

17 INTERSTATE COMMISSION

18 (a) Oversight.

19 (1) The Interstate Commission shall oversee the
20 interstate movement of adult offenders in the compacting
21 states and shall monitor such activities being
22 administered in Non-compacting States which may
23 significantly affect Compacting States.

24 (2) The courts and executive agencies in each
25 Compacting State shall enforce this Compact and shall
26 take all actions necessary and appropriate to effectuate
27 the Compact's purposes and intent. In any judicial or
28 administrative proceeding in a Compacting State
29 pertaining to the subject matter of this Compact which
30 may affect the powers, responsibilities or actions of the
31 Interstate Commission, the Interstate Commission shall be
32 entitled to receive all service of process in any such
33 proceeding, and shall have standing to intervene in the
34 proceeding for all purposes.

1 (b) Dispute Resolution.

2 (1) The Compacting States shall report to the
3 Interstate Commission on issues or activities of concern
4 to them, and cooperate with and support the Interstate
5 Commission in the discharge of its duties and
6 responsibilities.

7 (2) The Interstate Commission shall attempt to
8 resolve any disputes or other issues which are subject to
9 the Compact and which may arise among Compacting States
10 and Non-compacting States.

11 (3) The Interstate Commission shall enact a By-law
12 or promulgate a Rule providing for both mediation and
13 binding dispute resolution for disputes among the
14 Compacting States.

15 (c) Enforcement. The Interstate Commission, in the
16 reasonable exercise of its discretion, shall enforce the
17 provisions of this compact using any or all means set forth
18 in Article XII, Section (b), of this compact.

19 ARTICLE X:

20 FINANCE

21 (a) The Interstate Commission shall pay or provide for
22 the payment of the reasonable expenses of its establishment,
23 organization and ongoing activities.

24 (b) The Interstate Commission shall levy on and collect
25 an annual assessment from each Compacting State to cover the
26 cost of the internal operations and activities of the
27 Interstate Commission and its staff which must be in a total
28 amount sufficient to cover the Interstate Commission's annual
29 budget as approved each year. The aggregate annual assessment
30 amount shall be allocated based upon a formula to be
31 determined by the Interstate Commission, taking into
32 consideration the population of the state and the volume of
33 interstate movement of offenders in each Compacting State and
34 shall promulgate a Rule binding upon all Compacting States

1 which governs said assessment.

2 (c) The Interstate Commission shall not incur any
3 obligations of any kind prior to securing the funds adequate
4 to meet the same; nor shall the Interstate Commission pledge
5 the credit of any of the compacting states, except by and
6 with the authority of the compacting state.

7 (d) The Interstate Commission shall keep accurate
8 accounts of all receipts and disbursements. The receipts and
9 disbursements of the Interstate Commission shall be subject
10 to the audit and accounting procedures established under its
11 By-laws. However, all receipts and disbursements of funds
12 handled by the Interstate Commission shall be audited yearly
13 by a certified or licensed public accountant and the report
14 of the audit shall be included in and become part of the
15 annual report of the Interstate Commission.

16 ARTICLE XI:

17 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

18 (a) Any state, as defined in Article II of this compact,
19 is eligible to become a Compacting State.

20 (b) The Compact shall become effective and binding upon
21 legislative enactment of the Compact into law by no less than
22 35 of the States. The initial effective date shall be the
23 later of July 1, 2001, or upon enactment into law by the 35th
24 jurisdiction. Thereafter it shall become effective and
25 binding, as to any other Compacting State, upon enactment of
26 the Compact into law by that State. The governors of
27 Non-member states or their designees will be invited to
28 participate in Interstate Commission activities on a non-
29 voting basis prior to adoption of the compact by all states
30 and territories of the United States.

31 (c) Amendments to the Compact may be proposed by the
32 Interstate Commission for enactment by the Compacting States.
33 No amendment shall become effective and binding upon the
34 Interstate Commission and the Compacting States unless and

1 until it is enacted into law by unanimous consent of the
2 Compacting States.

3 ARTICLE XII:

4 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
5 ENFORCEMENT

6 (a) Withdrawal.

7 (1) Once effective, the Compact shall continue in
8 force and remain binding upon each and every Compacting
9 State; PROVIDED, that a Compacting State may withdraw
10 from the Compact ("Withdrawing State") by enacting a
11 statute specifically repealing the statute which enacted
12 the Compact into law.

13 (2) The effective date of withdrawal is the
14 effective date of the repeal.

15 (3) The Withdrawing State shall immediately notify
16 the Chairperson of the Interstate Commission in writing
17 upon the introduction of legislation repealing this
18 Compact in the Withdrawing State. The Interstate
19 Commission shall notify the other Compacting States of
20 the Withdrawing State's intent to withdraw within sixty
21 days of its receipt thereof.

22 (4) The Withdrawing State is responsible for all
23 assessments, obligations and liabilities incurred through
24 the effective date of withdrawal, including any
25 obligations, the performance of which extend beyond the
26 effective date of withdrawal.

27 (5) Reinstatement following withdrawal of any
28 Compacting State shall occur upon the Withdrawing State
29 reenacting the Compact or upon such later date as
30 determined by the Interstate Commission.

31 (b) Default.

32 (1) If the Interstate Commission determines that
33 any Compacting State has at any time defaulted
34 ("Defaulting State") in the performance of any of its

1 obligations or responsibilities under this Compact, the
2 By-laws or any duly promulgated Rules, the Interstate
3 Commission may impose any or all of the following
4 penalties:

5 (i) Fines, fees and costs in such amounts as
6 are deemed to be reasonable as fixed by the
7 Interstate Commission;

8 (ii) Remedial training and technical
9 assistance as directed by the Interstate Commission;

10 (iii) Suspension and termination of membership
11 in the compact. Suspension shall be imposed only
12 after all other reasonable means of securing
13 compliance under the By-laws and Rules have been
14 exhausted. Immediate notice of suspension shall be
15 given by the Interstate Commission to the Governor,
16 the Chief Justice or Chief Judicial Officer of the
17 state, the majority and minority leaders of the
18 defaulting state's legislature, and the State
19 Council.

20 (2) The grounds for default include, but are not
21 limited to, failure of a Compacting State to perform such
22 obligations or responsibilities imposed upon it by this
23 compact, Interstate Commission By-laws, or duly
24 promulgated Rules. The Interstate Commission shall
25 immediately notify the Defaulting State in writing of the
26 penalty imposed by the Interstate Commission on the
27 Defaulting State pending a cure of the default. The
28 Interstate Commission shall stipulate the conditions and
29 the time period within which the Defaulting State must
30 cure its default. If the Defaulting State fails to cure
31 the default within the time period specified by the
32 Interstate Commission, in addition to any other penalties
33 imposed herein, the Defaulting State may be terminated
34 from the Compact upon an affirmative vote of a majority

1 of the Compacting States and all rights, privileges and
2 benefits conferred by this Compact shall be terminated
3 from the effective date of suspension. Within sixty days
4 of the effective date of termination of a Defaulting
5 State, the Interstate Commission shall notify the
6 Governor, the Chief Justice or Chief Judicial Officer and
7 the Majority and Minority Leaders of the Defaulting
8 State's legislature and the state council of such
9 termination.

10 (3) The Defaulting State is responsible for all
11 assessments, obligations and liabilities incurred through
12 the effective date of termination including any
13 obligations, the performance of which extends beyond the
14 effective date of termination.

15 (4) The Interstate Commission shall not bear any
16 costs relating to the Defaulting State unless otherwise
17 mutually agreed upon between the Interstate Commission
18 and the Defaulting State.

19 (5) Reinstatement following termination of any
20 Compacting State requires both a reenactment of the
21 Compact by the Defaulting State and the approval of the
22 Interstate Commission pursuant to the Rules.

23 (c) Judicial Enforcement. The Interstate Commission may,
24 by majority vote of the Members, initiate legal action in the
25 United States District Court for the District of Columbia or,
26 at the discretion of the Interstate Commission, in the
27 Federal District where the Interstate Commission has its
28 offices to enforce compliance with the provisions of the
29 Compact, its duly promulgated Rules and By-laws, against any
30 Compacting State in default. In the event judicial
31 enforcement is necessary the prevailing party shall be
32 awarded all costs of such litigation including reasonable
33 attorneys fees.

34 (d) Dissolution of Compact.

1 (1) The Compact dissolves effective upon the date
2 of the withdrawal or default of the Compacting State
3 which reduces membership in the Compact to one Compacting
4 State.

5 (2) Upon the dissolution of this Compact, the
6 Compact becomes null and void and shall be of no further
7 force or effect, and the business and affairs of the
8 Interstate Commission shall be wound up and any surplus
9 funds shall be distributed in accordance with the
10 By-laws.

11 ARTICLE XIII:

12 SEVERABILITY AND CONSTRUCTION

13 (a) The provisions of this Compact shall be severable,
14 and if any phrase, clause, sentence or provision is deemed
15 unenforceable, the remaining provisions of the Compact shall
16 be enforceable.

17 (b) The provisions of this Compact shall be liberally
18 constructed to effectuate its purposes.

19 ARTICLE XIV:

20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 (a) Other Laws.

22 (1) Nothing herein prevents the enforcement of any
23 other law of a Compacting State that is not inconsistent
24 with this Compact.

25 (2) All Compacting States' laws conflicting with
26 this Compact are superseded to the extent of the
27 conflict.

28 (b) Binding Effect of the Compact.

29 (1) All lawful actions of the Interstate
30 Commission, including all Rules and By-laws promulgated
31 by the Interstate Commission, are binding upon the
32 Compacting States.

33 (2) All agreements between the Interstate
34 Commission and the Compacting States are binding in

1 accordance with their terms.

2 (3) Upon the request of a party to a conflict over
3 meaning or interpretation of Interstate Commission
4 actions, and upon a majority vote of the Compacting
5 States, the Interstate Commission may issue advisory
6 opinions regarding such meaning or interpretation.

7 (4) In the event any provision of this Compact
8 exceeds the constitutional limits imposed on the
9 legislature of any Compacting State, the obligations,
10 duties, powers or jurisdiction sought to be conferred by
11 such provision upon the Interstate Commission shall be
12 ineffective and such obligations, duties, powers or
13 jurisdiction shall remain in the Compacting State and
14 shall be exercised by the agency thereof to which such
15 obligations, duties, powers or jurisdiction are delegated
16 by law in effect at the time this Compact becomes
17 effective.

18 Section 105. The Illinois Administrative Procedure Act
19 is amended by changing Section 1-5 as follows:

20 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

21 Sec. 1-5. Applicability.

22 (a) This Act applies to every agency as defined in this
23 Act. Beginning January 1, 1978, in case of conflict between
24 the provisions of this Act and the Act creating or conferring
25 power on an agency, this Act shall control. If, however, an
26 agency (or its predecessor in the case of an agency that has
27 been consolidated or reorganized) has existing procedures on
28 July 1, 1977, specifically for contested cases or licensing,
29 those existing provisions control, except that this exception
30 respecting contested cases and licensing does not apply if
31 the Act creating or conferring power on the agency adopts by
32 express reference the provisions of this Act. Where the Act

1 creating or conferring power on an agency establishes
2 administrative procedures not covered by this Act, those
3 procedures shall remain in effect.

4 (b) The provisions of this Act do not apply to (i)
5 preliminary hearings, investigations, or practices where no
6 final determinations affecting State funding are made by the
7 State Board of Education, (ii) legal opinions issued under
8 Section 2-3.7 of the School Code, (iii) as to State colleges
9 and universities, their disciplinary and grievance
10 proceedings, academic irregularity and capricious grading
11 proceedings, and admission standards and procedures, and (iv)
12 the class specifications for positions and individual
13 position descriptions prepared and maintained under the
14 Personnel Code. Those class specifications shall, however,
15 be made reasonably available to the public for inspection and
16 copying. The provisions of this Act do not apply to hearings
17 under Section 20 of the Uniform Disposition of Unclaimed
18 Property Act.

19 (c) Section 5-35 of this Act relating to procedures for
20 rulemaking does not apply to the following:

21 (1) Rules adopted by the Pollution Control Board
22 that, in accordance with Section 7.2 of the Environmental
23 Protection Act, are identical in substance to federal
24 regulations or amendments to those regulations
25 implementing the following: Sections 3001, 3002, 3003,
26 3004, 3005, and 9003 of the Solid Waste Disposal Act;
27 Section 105 of the Comprehensive Environmental Response,
28 Compensation, and Liability Act of 1980; Sections 307(b),
29 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
30 Water Pollution Control Act; and Sections 1412(b),
31 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
32 Water Act.

33 (2) Rules adopted by the Pollution Control Board
34 that establish or amend standards for the emission of

1 hydrocarbons and carbon monoxide from gasoline powered
2 motor vehicles subject to inspection under Section
3 13A-105 of the Vehicle Emissions Inspection Law and rules
4 adopted under Section 13B-20 of the Vehicle Emissions
5 Inspection Law of 1995.

6 (3) Procedural rules adopted by the Pollution
7 Control Board governing requests for exceptions under
8 Section 14.2 of the Environmental Protection Act.

9 (4) The Pollution Control Board's grant, pursuant
10 to an adjudicatory determination, of an adjusted standard
11 for persons who can justify an adjustment consistent with
12 subsection (a) of Section 27 of the Environmental
13 Protection Act.

14 (5) Rules adopted by the Pollution Control Board
15 that are identical in substance to the regulations
16 adopted by the Office of the State Fire Marshal under
17 clause (ii) of paragraph (b) of subsection (3) of Section
18 2 of the Gasoline Storage Act.

19 (d) Pay rates established under Section 8a of the
20 Personnel Code shall be amended or repealed pursuant to the
21 process set forth in Section 5-50 within 30 days after it
22 becomes necessary to do so due to a conflict between the
23 rates and the terms of a collective bargaining agreement
24 covering the compensation of an employee subject to that
25 Code.

26 (e) Section 10-45 of this Act shall not apply to any
27 hearing, proceeding, or investigation conducted under Section
28 13-515 of the Public Utilities Act.

29 (f) Article 10 of this Act does not apply to any
30 hearing, proceeding, or investigation conducted by the State
31 Council for the State of Illinois created under Section
32 3-3-11.05 of the Unified Code of Corrections or by the
33 Interstate Commission for Adult Offender Supervision created
34 under the Interstate Compact for Adult Offender Supervision.

1 (Source: P.A. 90-9, eff. 7-1-97; 90-185, eff. 7-23-97;
2 90-655, eff. 7-30-98.)

3 Section 110. The Unified Code of Corrections is amended
4 by changing Sections 3-3-11.1, 3-3-11.4, 3-3-11.5, 3-3-12,
5 5-4-3, and 5-6-3 and adding Section 3-3-11.05 as follows:

6 (730 ILCS 5/3-3-11.05 new)

7 Sec. 3-3-11.05. State Council for the State of Illinois.

8 (a) Membership and appointing authority.

9 (1) A State Compact Administrator shall be
10 appointed by the Governor. The Compact Administrator
11 shall be a representative of the Illinois Department of
12 Corrections and shall serve as Chairperson of the State
13 Council, as well as act as the day-to-day administrator
14 for the Interstate Compact for Adult Offender
15 Supervision. The State Compact Administrator shall serve
16 as the State's Commissioner to the Interstate Commission
17 as provided in Article IV of the Compact.

18 (2) A Deputy Compact Administrator from probation
19 shall be appointed by the Supreme Court.

20 (3) A representative shall be appointed by the
21 Speaker of the House of Representatives.

22 (4) A representative shall be appointed by the
23 Minority Leader of the House of Representatives.

24 (5) A representative shall be appointed by the
25 President of the Senate.

26 (6) A representative shall be appointed by the
27 Minority Leader of the Senate.

28 (7) A judicial representative shall be appointed by
29 the Supreme Court.

30 (8) A representative from a crime victims' advocacy
31 group shall be appointed by the Governor.

32 (9) A parole representative shall be appointed by

1 the Director of Corrections.

2 (10) A probation representative shall be appointed
3 by the Director of the Administrative Office of the
4 Illinois Courts.

5 (11) The persons appointed under clauses
6 (1) through (10) of this subsection (a) shall be
7 voting members of the State Council. With the approval of
8 the State Council, persons representing other
9 organizations that may have an interest in the Compact
10 may also be appointed to serve as non-voting members of
11 the State Council by those interested organizations.
12 Those organizations may include, but are not limited to,
13 the Illinois Sheriffs' Association, the Illinois
14 Association of Chiefs of Police, the Illinois State's
15 Attorneys Association, and the Office of Attorney
16 General.

17 (b) Terms of appointment.

18 (1) The Compact Administrator and the Deputy
19 Compact Administrator from Probation shall serve at the
20 will of their respective appointing authorities.

21 (2) The crime victims' advocacy group
22 representative and the judicial representative shall each
23 serve an initial term of 2 years. Thereafter, they shall
24 each serve for a term of 4 years.

25 (3) The representatives appointed by the Speaker of
26 the House of representatives, the President of the
27 Senate, the Minority Leader of the House of
28 representatives, and the Minority Leader of the Senate
29 shall each serve for a term of 4 years. If one of these
30 representatives shall not be able to fulfill the
31 completion of his or her term, then another
32 representative shall be appointed by his or her
33 respective appointing authority for the remainder of his
34 or her term.

1 (4) The probation representative and the parole
2 representative shall each serve a term of 2 years.

3 (c) Duties and responsibilities.

4 (1) The duties and responsibilities of the State
5 Council shall be:

6 (A) To appoint the State Compact Administrator
7 as Illinois' Commissioner on the Interstate
8 Commission.

9 (B) To develop by-laws for the operation of
10 the State Council.

11 (C) To establish policies and procedures for
12 the Interstate Compact operations in Illinois.

13 (D) To monitor and remediate Compact
14 compliance issues in Illinois.

15 (E) To promote system training and public
16 awareness regarding the Compact's mission and
17 mandates.

18 (F) To meet at least twice a year and
19 otherwise as called by the Chairperson.

20 (G) To allow for the appointment of non-voting
21 members as deemed appropriate.

22 (H) To issue rules in accordance with Article
23 5 of the Illinois Administrative Procedure Act.

24 (I) To publish Interstate Commission rules.

25 (d) Funding. The State shall appropriate funds to the
26 Department of Corrections to support the operations of the
27 State Council and its membership dues to the Interstate
28 Commission.

29 (e) Penalties. Procedures for assessment of penalties
30 imposed pursuant to Article XII of the Compact shall be
31 established by the State Council.

32 (f) Notification of ratification of Compact. The State
33 Compact Administrator shall notify the Governor and Secretary
34 of State when 35 States have enacted the Compact.

1 (730 ILCS 5/3-3-11.1) (from Ch. 38, par. 1003-3-11.1)

2 Sec. 3-3-11.1. State defined. As used in Sections
3 3-3-11.05 ~~3-3-11~~ through 3-3-11.3, unless the context clearly
4 indicates otherwise, the term "State" means a state of the
5 United States, the District of Columbia, and any other
6 territorial possessions of the United States ~~any--of--the~~
7 ~~several--states--of--the--United--States--and--the--Commonwealth--of~~
8 ~~Puerto--Rico,--the--Virgin--Islands,--and--the--District--of~~
9 ~~Columbia.~~

10 (Source: P.A. 77-2097.)

11 (730 ILCS 5/3-3-11.4) (from Ch. 38, par. 1003-3-11.4)

12 Sec. 3-3-11.4. Where supervision of an offender ~~a parolee~~
13 ~~or--probationer~~ is being administered pursuant to the
14 Interstate Compact for Adult Offender the Supervision of
15 ~~Parolees--and--Probationers--(Section--3-3-11)~~, the appropriate
16 judicial or administrative authorities in this State shall
17 notify the Compact Administrator of the sending State
18 whenever, in their view, consideration should be given to
19 retaking or reincarceration for a parole or probation
20 violation. Prior to the giving of any such notification, a
21 hearing shall be held within a reasonable time as to whether
22 there is probable cause to believe that the offender ~~parolee~~
23 ~~or--probationer~~ has violated a condition of his parole or
24 probation, unless such hearing is waived by the offender by
25 way of an admission of guilt ~~parolee-or-probationer~~. The
26 appropriate officer or officers of this State shall as soon
27 as practicable, following termination of any such hearing,
28 report to the sending State, furnish a copy of the hearing
29 record, and make recommendations regarding the disposition to
30 be made of the offender ~~parolee-or-probationer~~.

31 (Source: P.A. 78-939.)

32 (730 ILCS 5/3-3-11.5)

1 Sec. 3-3-11.5. Sex offender restrictions.

2 (a) Definition. For purposes of this Act, a "sex
3 offender" is any person who has ever been convicted of a
4 sexual offense or attempt to commit a sexual offense, and
5 sentenced to a term of imprisonment, periodic imprisonment,
6 fine, probation, conditional discharge or any other form of
7 sentence, or given a disposition of court supervision for the
8 offense; or adjudicated or found to be a sexually dangerous
9 person under any law substantially similar to the Sexually
10 Dangerous Persons Act.

11 (b) Residency restrictions. No sex offender shall be
12 accepted for supervised or conditioned residency in Illinois
13 under the Interstate Compact for Adult Offender the
14 Supervision of ~~Parolees and Probationers~~ unless he or she:

15 (1) Complies with any registration requirements
16 imposed by the Sex Offender Registration Act within the
17 times prescribed and with law enforcement agencies
18 designated under that Act;

19 (2) Complies with the requirements of paragraph
20 (a)(5) of Section 5-4-3 of the Unified Code of
21 Corrections relating to the submission of blood specimens
22 for genetic marker grouping by persons seeking transfer
23 to or residency in Illinois; and

24 (3) Signs a written form approved by the Department
25 of Corrections which, at a minimum, includes the
26 substance of this Section or a summary of it and an
27 acknowledgement that he or she agrees to abide by the
28 conditions set forth in that document and this Section.

29 (Source: P.A. 89-8, eff. 1-1-96.)

30 (730 ILCS 5/3-3-12) (from Ch. 38, par. 1003-3-12)

31 Sec. 3-3-12. Parole Outside State. The Prisoner Review
32 Board may assign a non-resident person or a person whose
33 family, relatives, friends or employer reside outside of this

1 State, to a person, firm or company in some state other than
2 Illinois, to serve his parole or mandatory supervised release
3 pursuant to the Interstate Compact for Adult Offender
4 Supervision. An inmate so released shall make regular monthly
5 reports in writing to the Department or supervising
6 authority, obey the rules of the Board, obey the laws of such
7 other state, and in all respects keep faithfully his parole
8 or mandatory supervised release agreement until discharged.
9 Should such person violate his agreement, he shall from the
10 date of such violation be subject to the provisions of
11 Section 3-3-9.

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

13 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

14 Sec. 5-4-3. Persons convicted of, or found delinquent
15 for, qualifying offenses or institutionalized as sexually
16 dangerous; blood specimens; genetic marker groups.

17 (a) Any person convicted of, found guilty under the
18 Juvenile Court Act of 1987 for, or who received a disposition
19 of court supervision for, a qualifying offense or attempt of
20 a qualifying offense, or institutionalized as a sexually
21 dangerous person under the Sexually Dangerous Persons Act, or
22 committed as a sexually violent person under the Sexually
23 Violent Persons Commitment Act shall, regardless of the
24 sentence or disposition imposed, be required to submit
25 specimens of blood to the Illinois Department of State Police
26 in accordance with the provisions of this Section, provided
27 such person is:

28 (1) convicted of a qualifying offense or attempt of
29 a qualifying offense on or after the effective date of
30 this amendatory Act of 1989, and sentenced to a term of
31 imprisonment, periodic imprisonment, fine, probation,
32 conditional discharge or any other form of sentence, or
33 given a disposition of court supervision for the offense,

1 or

2 (1.5) found guilty or given supervision under the
3 Juvenile Court Act of 1987 for a qualifying offense or
4 attempt of a qualifying offense on or after the effective
5 date of this amendatory Act of 1996, or

6 (2) ordered institutionalized as a sexually
7 dangerous person on or after the effective date of this
8 amendatory Act of 1989, or

9 (3) convicted of a qualifying offense or attempt of
10 a qualifying offense before the effective date of this
11 amendatory Act of 1989 and is presently confined as a
12 result of such conviction in any State correctional
13 facility or county jail or is presently serving a
14 sentence of probation, conditional discharge or periodic
15 imprisonment as a result of such conviction, or

16 (4) presently institutionalized as a sexually
17 dangerous person or presently institutionalized as a
18 person found guilty but mentally ill of a sexual offense
19 or attempt to commit a sexual offense; or

20 (4.5) ordered committed as a sexually violent
21 person on or after the effective date of the Sexually
22 Violent Persons Commitment Act; or

23 (5) seeking transfer to or residency in Illinois
24 under Sections 3-3-11.05 ~~3-3-11~~ through 3-3-11.5 of the
25 Unified Code of Corrections and the ~~(Interstate Compact~~
26 ~~for Adult Offender the Supervision of--Parolees--and~~
27 ~~Probationers)~~ or the Interstate Agreements on Sexually
28 Dangerous Persons Act.

29 (a-5) Any person who was otherwise convicted of or
30 received a disposition of court supervision for any other
31 offense under the Criminal Code of 1961 or any offense
32 classified as a felony under Illinois law or who was found
33 guilty or given supervision for such a violation under the
34 Juvenile Court Act of 1987, may, regardless of the sentence

1 imposed, be required by an order of the court to submit
2 specimens of blood to the Illinois Department of State Police
3 in accordance with the provisions of this Section.

4 (b) Any person required by paragraphs (a)(1), (a)(1.5),
5 (a)(2), and (a-5) to provide specimens of blood shall provide
6 specimens of blood within 45 days after sentencing or
7 disposition at a collection site designated by the Illinois
8 Department of State Police.

9 (c) Any person required by paragraphs (a)(3), (a)(4),
10 and (a)(4.5) to provide specimens of blood shall be required
11 to provide such samples prior to final discharge, parole, or
12 release at a collection site designated by the Illinois
13 Department of State Police.

14 (c-5) Any person required by paragraph (a)(5) to
15 provide specimens of blood shall, where feasible, be required
16 to provide the specimens before being accepted for
17 conditioned residency in Illinois under the interstate
18 compact or agreement, but no later than 45 days after arrival
19 in this State.

20 (d) The Illinois Department of State Police shall
21 provide all equipment and instructions necessary for the
22 collection of blood samples. The collection of samples shall
23 be performed in a medically approved manner. Only a
24 physician authorized to practice medicine, a registered nurse
25 or other qualified person trained in venipuncture may
26 withdraw blood for the purposes of this Act. The samples
27 shall thereafter be forwarded to the Illinois Department of
28 State Police, Division of Forensic Services, for analysis and
29 categorizing into genetic marker groupings.

30 (e) The genetic marker groupings shall be maintained by
31 the Illinois Department of State Police, Division of Forensic
32 Services.

33 (f) The genetic marker grouping analysis information
34 obtained pursuant to this Act shall be confidential and shall

1 be released only to peace officers of the United States, of
2 other states or territories, of the insular possessions of
3 the United States, of foreign countries duly authorized to
4 receive the same, to all peace officers of the State of
5 Illinois and to all prosecutorial agencies. Notwithstanding
6 any other statutory provision to the contrary, all
7 information obtained under this Section shall be maintained
8 in a single State data base, which may be uploaded into a
9 national database, and may not be subject to expungement.

10 (g) For the purposes of this Section, "qualifying
11 offense" means any of the following:

12 (1) Any violation or inchoate violation of Section
13 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
14 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
15 12-33 of the Criminal Code of 1961, or

16 (1.1) Any violation or inchoate violation of
17 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
18 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
19 for which persons are convicted on or after July 1, 2001,
20 or

21 (2) Any former statute of this State which defined
22 a felony sexual offense, or

23 (3) Any violation of paragraph (10) of subsection
24 (b) of Section 10-5 of the Criminal Code of 1961 when
25 the sentencing court, upon a motion by the State's
26 Attorney or Attorney General, makes a finding that the
27 child luring involved an intent to commit sexual
28 penetration or sexual conduct as defined in Section 12-12
29 of the Criminal Code of 1961, or

30 (4) Any violation or inchoate violation of Section
31 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,
32 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of
33 1961.

34 (g-5) The Department of State Police is not required to

1 provide equipment to collect or to accept or process blood
2 specimens from individuals convicted of any offense listed in
3 paragraph (1.1) or (4) of subsection (g), until acquisition
4 of the resources necessary to process such blood specimens,
5 or in the case of paragraph (1.1) of subsection (g) until
6 July 1, 2003, whichever is earlier.

7 Upon acquisition of necessary resources, including an
8 appropriation for the purpose of implementing this amendatory
9 Act of the 91st General Assembly, but in the case of
10 paragraph (1.1) of subsection (g) no later than July 1,
11 2003, the Department of State Police shall notify the
12 Department of Corrections, the Administrative Office of the
13 Illinois Courts, and any other entity deemed appropriate by
14 the Department of State Police, to begin blood specimen
15 collection from individuals convicted of offenses enumerated
16 in paragraphs (1.1) and (4) of subsection (g) that the
17 Department is prepared to provide collection equipment and
18 receive and process blood specimens from individuals
19 convicted of offenses enumerated in paragraph (1.1) of
20 subsection (g).

21 Until the Department of State Police provides
22 notification, designated collection agencies are not required
23 to collect blood specimen from individuals convicted of
24 offenses enumerated in paragraphs (1.1) and (4) of
25 subsection (g).

26 (h) The Illinois Department of State Police shall be the
27 State central repository for all genetic marker grouping
28 analysis information obtained pursuant to this Act. The
29 Illinois Department of State Police may promulgate rules for
30 the form and manner of the collection of blood samples and
31 other procedures for the operation of this Act. The
32 provisions of the Administrative Review Law shall apply to
33 all actions taken under the rules so promulgated.

34 (i) A person required to provide a blood specimen shall

1 cooperate with the collection of the specimen and any
2 deliberate act by that person intended to impede, delay or
3 stop the collection of the blood specimen is a Class A
4 misdemeanor.

5 (j) Any person required by subsection (a) to submit
6 specimens of blood to the Illinois Department of State Police
7 for analysis and categorization into genetic marker grouping,
8 in addition to any other disposition, penalty, or fine
9 imposed, shall pay an analysis fee of \$500. Upon verified
10 petition of the person, the court may suspend payment of all
11 or part of the fee if it finds that the person does not have
12 the ability to pay the fee.

13 (k) All analysis and categorization fees provided for by
14 subsection (j) shall be regulated as follows:

15 (1) The State Offender DNA Identification System
16 Fund is hereby created as a special fund in the State
17 Treasury.

18 (2) All fees shall be collected by the clerk of the
19 court and forwarded to the State Offender DNA
20 Identification System Fund for deposit. The clerk of the
21 circuit court may retain the amount of \$10 from each
22 collected analysis fee to offset administrative costs
23 incurred in carrying out the clerk's responsibilities
24 under this Section.

25 (3) Fees deposited into the State Offender DNA
26 Identification System Fund shall be used by Illinois
27 State Police crime laboratories as designated by the
28 Director of State Police. These funds shall be in
29 addition to any allocations made pursuant to existing
30 laws and shall be designated for the exclusive use of
31 State crime laboratories. These uses may include, but
32 are not limited to, the following:

33 (A) Costs incurred in providing analysis and
34 genetic marker categorization as required by

1 subsection (d).

2 (B) Costs incurred in maintaining genetic
3 marker groupings as required by subsection (e).

4 (C) Costs incurred in the purchase and
5 maintenance of equipment for use in performing
6 analyses.

7 (D) Costs incurred in continuing research and
8 development of new techniques for analysis and
9 genetic marker categorization.

10 (E) Costs incurred in continuing education,
11 training, and professional development of forensic
12 scientists regularly employed by these laboratories.

13 (1) The failure of a person to provide a specimen, or of
14 any person or agency to collect a specimen, within the 45 day
15 period shall in no way alter the obligation of the person to
16 submit such specimen, or the authority of the Illinois
17 Department of State Police or persons designated by the
18 Department to collect the specimen, or the authority of the
19 Illinois Department of State Police to accept, analyze and
20 maintain the specimen or to maintain or upload results of
21 genetic marker grouping analysis information into a State or
22 national database.

23 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
24 92-40, eff. 6-29-01.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

30 (1) not violate any criminal statute of any
31 jurisdiction;

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

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

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

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

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

33 (7) if he or she is at least 17 years of age and
34 has been sentenced to probation or conditional discharge

1 for a misdemeanor or felony in a county of 3,000,000 or
2 more inhabitants and has not been previously convicted of
3 a misdemeanor or felony, may be required by the
4 sentencing court to attend educational courses designed
5 to prepare the defendant for a high school diploma and to
6 work toward a high school diploma or to work toward
7 passing the high school level Test of General Educational
8 Development (GED) or to work toward completing a
9 vocational training program approved by the court. The
10 person on probation or conditional discharge must attend
11 a public institution of education to obtain the
12 educational or vocational training required by this
13 clause (7). The court shall revoke the probation or
14 conditional discharge of a person who wilfully fails to
15 comply with this clause (7). The person on probation or
16 conditional discharge shall be required to pay for the
17 cost of the educational courses or GED test, if a fee is
18 charged for those courses or test. The court shall
19 resentence the offender whose probation or conditional
20 discharge has been revoked as provided in Section 5-6-4.
21 This clause (7) does not apply to a person who has a
22 high school diploma or has successfully passed the GED
23 test. This clause (7) does not apply to a person who is
24 determined by the court to be developmentally disabled or
25 otherwise mentally incapable of completing the
26 educational or vocational program;

27 (8) if convicted of possession of a substance
28 prohibited by the Cannabis Control Act or Illinois
29 Controlled Substances Act after a previous conviction or
30 disposition of supervision for possession of a substance
31 prohibited by the Cannabis Control Act or Illinois
32 Controlled Substances Act or after a sentence of
33 probation under Section 10 of the Cannabis Control Act or
34 Section 410 of the Illinois Controlled Substances Act and

1 upon a finding by the court that the person is addicted,
2 undergo treatment at a substance abuse program approved
3 by the court; and

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

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

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

16 (2) pay a fine and costs;

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

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

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

23 (6) support his dependents;

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

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

27 (ii) attend school;

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

30 (iv) contribute to his own support at home or
31 in a foster home;

32 (v) with the consent of the superintendent of
33 the facility, attend an educational program at a
34 facility other than the school in which the offense

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

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

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

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

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

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

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

26 (iv) for persons convicted of any alcohol,
27 cannabis or controlled substance violation who are
28 placed on an approved monitoring device as a
29 condition of probation or conditional discharge, the
30 court shall impose a reasonable fee for each day of
31 the use of the device, as established by the county
32 board in subsection (g) of this Section, unless
33 after determining the inability of the offender to
34 pay the fee, the court assesses a lesser fee or no

1 fee as the case may be. This fee shall be imposed in
2 addition to the fees imposed under subsections
3 (g) and (i) of this Section. The fee shall be
4 collected by the clerk of the circuit court. The
5 clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer for
7 deposit in the substance abuse services fund under
8 Section 5-1086.1 of the Counties Code; and

9 (v) for persons convicted of offenses other
10 than those referenced in clause (iv) above and who
11 are placed on an approved monitoring device as a
12 condition of probation or conditional discharge, the
13 court shall impose a reasonable fee for each day of
14 the use of the device, as established by the county
15 board in subsection (g) of this Section, unless
16 after determining the inability of the defendant to
17 pay the fee, the court assesses a lesser fee or no
18 fee as the case may be. This fee shall be imposed
19 in addition to the fees imposed under subsections
20 (g) and (i) of this Section. The fee shall be
21 collected by the clerk of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs
25 of corrections. The county treasurer shall deposit
26 the fee collected in the county working cash fund
27 under Section 6-27001 or Section 6-29002 of the
28 Counties Code, as the case may be.

29 (11) comply with the terms and conditions of an
30 order of protection issued by the court pursuant to the
31 Illinois Domestic Violence Act of 1986, as now or
32 hereafter amended, or an order of protection issued by
33 the court of another state, tribe, or United States
34 territory. A copy of the order of protection shall be

1 transmitted to the probation officer or agency having
2 responsibility for the case;

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

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

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

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

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

32 (c) The court may as a condition of probation or of
33 conditional discharge require that a person under 18 years of
34 age found guilty of any alcohol, cannabis or controlled

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

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

11 (e) Except where the offender has committed a fourth or
12 subsequent violation of subsection (c) of Section 6-303 of
13 the Illinois Vehicle Code, the court shall not require as a
14 condition of the sentence of probation or conditional
15 discharge that the offender be committed to a period of
16 imprisonment in excess of 6 months. This 6 month limit shall
17 not include periods of confinement given pursuant to a
18 sentence of county impact incarceration under Section
19 5-8-1.2. This 6 month limit does not apply to a person
20 sentenced to probation as a result of a conviction of a
21 fourth or subsequent violation of subsection (c-4) of Section
22 11-501 of the Illinois Vehicle Code or a similar provision of
23 a local ordinance.

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

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

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

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

21 (h) Jurisdiction over an offender may be transferred
22 from the sentencing court to the court of another circuit
23 with the concurrence of both courts, ~~or to another state~~
24 ~~under an Interstate Probation Reciprocal Agreement as~~
25 ~~provided in Section 3-3-11.~~ Further transfers or retransfers
26 of jurisdiction are also authorized in the same manner. The
27 court to which jurisdiction has been transferred shall have
28 the same powers as the sentencing court.

29 (i) The court shall impose upon an offender sentenced to
30 probation after January 1, 1989 or to conditional discharge
31 after January 1, 1992, as a condition of such probation or
32 conditional discharge, a fee of \$25 for each month of
33 probation or conditional discharge supervision ordered by the
34 court, unless after determining the inability of the person

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

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

19 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
20 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
21 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised
22 10-11-01.)

23 (730 ILCS 5/3-3-11 rep.)

24 Section 110. The Unified Code of Corrections is amended
25 by repealing Section 3-3-11.

26 Section 999. Effective date. This Act takes effect upon
27 the enactment of the Interstate Compact for Adult Offender
28 Supervision by 35 States, except that this Section, Article
29 IV of Section 5, and Section 3-3-11.05 of the Unified Code of
30 Corrections take effect upon becoming law.