



Sen. Jennifer Bertino-Tarrant

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1 AMENDMENT TO HOUSE BILL 3576

2 AMENDMENT NO. _____. Amend House Bill 3576 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical

1 records received by the Experimental Organ Transplantation
2 Procedures Board and any and all documents or other records
3 prepared by the Experimental Organ Transplantation
4 Procedures Board or its staff relating to applications it
5 has received.

6 (d) Information and records held by the Department of
7 Public Health and its authorized representatives relating
8 to known or suspected cases of sexually transmissible
9 disease or any information the disclosure of which is
10 restricted under the Illinois Sexually Transmissible
11 Disease Control Act.

12 (e) Information the disclosure of which is exempted
13 under Section 30 of the Radon Industry Licensing Act.

14 (f) Firm performance evaluations under Section 55 of
15 the Architectural, Engineering, and Land Surveying
16 Qualifications Based Selection Act.

17 (g) Information the disclosure of which is restricted
18 and exempted under Section 50 of the Illinois Prepaid
19 Tuition Act.

20 (h) Information the disclosure of which is exempted
21 under the State Officials and Employees Ethics Act, and
22 records of any lawfully created State or local inspector
23 general's office that would be exempt if created or
24 obtained by an Executive Inspector General's office under
25 that Act.

26 (i) Information contained in a local emergency energy

1 plan submitted to a municipality in accordance with a local
2 emergency energy plan ordinance that is adopted under
3 Section 11-21.5-5 of the Illinois Municipal Code.

4 (j) Information and data concerning the distribution
5 of surcharge moneys collected and remitted by carriers
6 under the Emergency Telephone System Act.

7 (k) Law enforcement officer identification information
8 or driver identification information compiled by a law
9 enforcement agency or the Department of Transportation
10 under Section 11-212 of the Illinois Vehicle Code.

11 (l) Records and information provided to a residential
12 health care facility resident sexual assault and death
13 review team or the Executive Council under the Abuse
14 Prevention Review Team Act.

15 (m) Information provided to the predatory lending
16 database created pursuant to Article 3 of the Residential
17 Real Property Disclosure Act, except to the extent
18 authorized under that Article.

19 (n) Defense budgets and petitions for certification of
20 compensation and expenses for court appointed trial
21 counsel as provided under Sections 10 and 15 of the Capital
22 Crimes Litigation Act. This subsection (n) shall apply
23 until the conclusion of the trial of the case, even if the
24 prosecution chooses not to pursue the death penalty prior
25 to trial or sentencing.

26 (o) Information that is prohibited from being

1 disclosed under Section 4 of the Illinois Health and
2 Hazardous Substances Registry Act.

3 (p) Security portions of system safety program plans,
4 investigation reports, surveys, schedules, lists, data, or
5 information compiled, collected, or prepared by or for the
6 Regional Transportation Authority under Section 2.11 of
7 the Regional Transportation Authority Act or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

10 (q) Information prohibited from being disclosed by the
11 Personnel Record ~~Records~~ Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted
15 under Section 5-108 of the Public Utilities Act.

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained in,
18 stored in, submitted to, transferred by, or released from
19 the Illinois Health Information Exchange, and identified
20 or deidentified health information in the form of health
21 data and medical records of the Illinois Health Information
22 Exchange in the possession of the Illinois Health
23 Information Exchange Authority due to its administration
24 of the Illinois Health Information Exchange. The terms
25 "identified" and "deidentified" shall be given the same
26 meaning as in the Health Insurance Portability and

1 Accountability Act of 1996, Public Law 104-191, or any
2 subsequent amendments thereto, and any regulations
3 promulgated thereunder.

4 (u) Records and information provided to an independent
5 team of experts under the Developmental Disability and
6 Mental Health Safety Act (also known as Brian's Law).

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed Carry
14 Licensing Review Board under the Firearm Concealed Carry
15 Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of an
3 eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

5 (z) Records and information provided to a fatality
6 review team or the Illinois Fatality Review Team Advisory
7 Council under Section 15 of the Adult Protective Services
8 Act.

9 (aa) Information which is exempted from disclosure
10 under Section 2.37 of the Wildlife Code.

11 (bb) Information which is or was prohibited from
12 disclosure by the Juvenile Court Act of 1987.

13 (cc) Recordings made under the Law Enforcement
14 Officer-Worn Body Camera Act, except to the extent
15 authorized under that Act.

16 (dd) Information that is prohibited from being
17 disclosed under Section 45 of the Condominium and Common
18 Interest Community Ombudsperson Act.

19 (ee) Information that is exempted from disclosure
20 under Section 30.1 of the Pharmacy Practice Act.

21 (ff) Information that is exempted from disclosure
22 under the Revised Uniform Unclaimed Property Act.

23 (gg) Information that is prohibited from being
24 disclosed under Section 7-603.5 of the Illinois Vehicle
25 Code.

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

2 (ii) Information which is exempted from disclosure
3 under Section 2505-800 of the Department of Revenue Law of
4 the Civil Administrative Code of Illinois.

5 (jj) Information and reports that are required to be
6 submitted to the Department of Labor by registering day and
7 temporary labor service agencies but are exempt from
8 disclosure under subsection (a-1) of Section 45 of the Day
9 and Temporary Labor Services Act.

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

12 (ll) Information the disclosure of which is restricted
13 and exempted under Section 5-30.8 of the Illinois Public
14 Aid Code.

15 (mm) ~~(ll)~~ Records that are exempt from disclosure under
16 Section 4.2 of the Crime Victims Compensation Act.

17 (nn) ~~(ll)~~ Information that is exempt from disclosure
18 under Section 70 of the Higher Education Student Assistance
19 Act.

20 (oo) Records and information exempt from disclosure
21 under Section 2605-304 of the Department of State Police
22 Law of the Civil Administrative Code of Illinois.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
24 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
25 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
26 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.

1 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
2 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
3 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
4 10-12-18.)

5 Section 10. The Department of State Police Law of the Civil
6 Administrative Code of Illinois is amended by adding Sections
7 2605-304 and 2605-610 as follows:

8 (20 ILCS 2605/2605-304 new)

9 Sec. 2605-304. Prohibited Persons Portal.

10 (a) Within 180 days of the effective date of this
11 amendatory Act of the 101st General Assembly, the Department
12 shall establish a Portal for use by federal, State, or local
13 law enforcement agencies, including State's Attorneys and the
14 Office of the Attorney General, to capture a report of persons
15 whose Firearm Owner's Identification Cards have been revoked or
16 suspended. The Portal is for law enforcement purposes only.

17 (b) The Department shall include in the report the reason
18 the person's Firearm Owner's Identification Card was subject to
19 revocation or suspension, to the extent allowed by law,
20 consistent with Section 8 of the Firearm Owners Identification
21 Card Act.

22 (c) The Department shall indicate whether the person
23 subject to the revocation or suspension of his or her Firearm
24 Owner's Identification Card has surrendered his or her revoked

1 or suspended Firearm Owner's Identification Card and whether
2 the person has completed a Firearm Disposition Record required
3 under Section 9.5 of the Firearm Owners Identification Card
4 Act.

5 (d) The Department shall provide updates of information
6 related to an individual's current Firearm Owner's
7 Identification Card revocation or suspension status, including
8 compliance under Section 9.5 of the Firearm Owners
9 Identification Card Act, in the Department's Law Enforcement
10 Agencies Data System.

11 (e) Records and information in the Portal are exempt from
12 disclosure under the Freedom of Information Act.

13 (f) The Department may adopt rules necessary to implement
14 this Section.

15 (20 ILCS 2605/2605-610 new)

16 Sec. 2605-610. Firearm Recovery Task Force. The Director
17 shall establish a statewide multi-jurisdictional Firearm
18 Recovery Task Force led by the Department to seize and recover
19 the Firearm Owner's Identification Cards of revoked persons and
20 to enforce Section 9.5 of the Firearm Owner's Identification
21 Card Act.

22 The Task Force may work with units of local government in
23 its recovery efforts. In working with a unit of local
24 government, the Task Force shall operate under an
25 intergovernmental agreement entered into with that unit of

1 local government in conformity with the provisions of the
2 Intergovernmental Cooperation Act. Units of local government
3 cooperating with the Task Force shall be reimbursed by the
4 Department for expenses incurred in their cooperation with the
5 Task Force.

6 The creation of the Task Force is subject to appropriation.

7 For purposes of this Section:

8 "Revoked person" means a person whose Firearm Owner's
9 Identification Card has been revoked under Section 8 of the
10 Firearm Owners Identification Card Act.

11 "Unit of local government" has the meaning provided in
12 Section 1 of Article VII of the Illinois Constitution and
13 includes both home rule and non-home rule units.

14 Section 15. The State Finance Act is amended by adding
15 Sections 5.891, 5.893, 6z-107, and 6z-108 as follows:

16 (30 ILCS 105/5.891 new)

17 Sec. 5.891. The State Police Revocation Enforcement Fund.

18 (30 ILCS 105/5.893 new)

19 Sec. 5.893. The School-Based Mental Health Services Fund.

20 (30 ILCS 105/6z-107 new)

21 Sec. 6z-107. State Police Revocation Enforcement Fund.

22 (a) The State Police Revocation Enforcement Fund is

1 established as a special fund in the State treasury. This Fund
2 is established to receive moneys from the Firearm Owners
3 Identification Card Act to enforce that Act, the Firearm
4 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
5 and other firearm offenses. The Fund may also receive revenue
6 from grants, donations, appropriations, and any other legal
7 source.

8 (b) The Department of State Police may use moneys from the
9 Fund to establish task forces and, if necessary, include other
10 law enforcement agencies, pursuant to intergovernmental
11 contracts written and executed in conformity with the
12 Intergovernmental Cooperation Act.

13 (c) The Department of State Police may use moneys in the
14 Fund to hire and train State Police officers and other law
15 enforcement purposes.

16 (d) The State Police Revocation Enforcement Fund is not
17 subject to administrative chargebacks.

18 (30 ILCS 105/6z-108 new)

19 Sec. 6z-108. School-Based Mental Health Services Fund. The
20 School-Based Mental Health Services Fund is created as a
21 special fund in the State treasury. Moneys in the fund shall be
22 distributed annually by the Department of Human Services to
23 issue grants that use and promote the National School Mental
24 Health Curriculum model for school-based mental health
25 support, integration, and services. The Department of Human

1 Services may adopt any rules necessary to carry out this
2 provision.

3 Section 20. The Firearm Owners Identification Card Act is
4 amended by changing Sections 3.1, 5, 8, and 9.5 and by adding
5 Section 8.4 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up
9 telephone system or utilize other existing technology which
10 shall be used by any federally licensed firearm dealer, gun
11 show promoter, or gun show vendor who is to transfer a firearm,
12 stun gun, or taser under the provisions of this Act. The
13 Department of State Police may utilize existing technology
14 which allows the caller to be charged a fee not to exceed \$2.
15 Fees collected by the Department of State Police shall be
16 deposited in the State Police Services Fund and used to provide
17 the service.

18 (b) Upon receiving a request from a federally licensed
19 firearm dealer, gun show promoter, or gun show vendor, the
20 Department of State Police shall immediately approve, or within
21 the time period established by Section 24-3 of the Criminal
22 Code of 2012 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun
24 show vendor of any objection that would disqualify the

1 transferee from acquiring or possessing a firearm, stun gun, or
2 taser. In conducting the inquiry, the Department of State
3 Police shall initiate and complete an automated search of its
4 criminal history record information files and those of the
5 Federal Bureau of Investigation, including the National
6 Instant Criminal Background Check System, and of the files of
7 the Department of Human Services relating to mental health and
8 developmental disabilities to obtain any prohibiting
9 information ~~felony conviction~~ or patient hospitalization
10 information which would disqualify a person from obtaining or
11 require revocation of a currently valid Firearm Owner's
12 Identification Card.

13 (c) If receipt of a firearm would not violate Section 24-3
14 of the Criminal Code of 2012, federal law, or this Act the
15 Department of State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

20 (d) Approvals issued by the Department of State Police for
21 the purchase of a firearm are valid for 30 days from the date
22 of issue.

23 (e) (1) The Department of State Police must act as the
24 Illinois Point of Contact for the National Instant Criminal
25 Background Check System.

26 (2) The Department of State Police and the Department of

1 Human Services shall, in accordance with State and federal law
2 regarding confidentiality, enter into a memorandum of
3 understanding with the Federal Bureau of Investigation for the
4 purpose of implementing the National Instant Criminal
5 Background Check System in the State. The Department of State
6 Police shall report the name, date of birth, and physical
7 description of any person prohibited from possessing a firearm
8 pursuant to the Firearm Owners Identification Card Act or 18
9 U.S.C. 922(g) and (n) to the National Instant Criminal
10 Background Check System Index, Denied Persons Files.

11 (3) The Department of State Police shall provide notice of
12 the disqualification of a person under subsection (b) of this
13 Section or the revocation of a person's Firearm Owner's
14 Identification Card under Section 8 or Section 8.2 of this Act,
15 and the reason for the disqualification or revocation, to all
16 law enforcement agencies with jurisdiction to assist with the
17 seizure of the person's Firearm Owner's Identification Card.

18 (f) The Department of State Police shall adopt rules not
19 inconsistent with this Section to implement this system.

20 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

21 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

22 Sec. 5. Application and renewal.

23 (a) The Department of State Police shall either approve or
24 deny all complete applications within 30 business days from the
25 date they are received, except as provided in subsection (b) of

1 this Section, and every applicant found qualified under Section
2 8 of this Act by the Department shall be entitled to a Firearm
3 Owner's Identification Card upon the payment of a \$20 ~~\$10~~ fee,
4 and applicable processing fees. Any applicant who is an active
5 duty member of the Armed Forces of the United States, a member
6 of the Illinois National Guard, or a member of the Reserve
7 Forces of the United States is exempt from the application fee.
8 \$9 of each fee derived from the issuance of Firearm Owner's
9 Identification Cards, or renewals thereof, shall be deposited
10 in the State Police Firearm Services Fund; \$6 of the fee shall
11 be deposited in the Wildlife and Fish Fund in the State
12 Treasury; and \$5 of the fee shall be deposited in the State
13 Police Revocation Enforcement Fund. ~~\$6 of each fee derived from~~
14 ~~the issuance of Firearm Owner's Identification Cards, or~~
15 ~~renewals thereof, shall be deposited in the Wildlife and Fish~~
16 ~~Fund in the State Treasury; \$1 of the fee shall be deposited in~~
17 ~~the State Police Services Fund and \$3 of the fee shall be~~
18 ~~deposited in the State Police Firearm Services Fund.~~

19 (b) Complete renewal ~~Renewal~~ applications shall be
20 approved or denied within 60 business days, provided the
21 applicant submitted his or her renewal application prior to the
22 expiration of his or her Firearm Owner's Identification Card.
23 If a renewal application has been submitted prior to the
24 expiration date of the applicant's Firearm Owner's
25 Identification Card, the Firearm Owner's Identification Card
26 shall remain valid while the Department processes the

1 application, unless the person is subject to or becomes subject
2 to revocation under this Act. The cost for a renewal
3 application shall be \$20 and applicable processing fees, of \$10
4 which \$9 shall be deposited into the State Police Firearm
5 Services Fund; \$6 of the fee shall be deposited in the Wildlife
6 and Fish Fund in the State Treasury; and \$5 shall be deposited
7 in the State Police Revocation Enforcement Fund.

8 (c) In this Section, "complete application" and "complete
9 renewal application" means the applicant has submitted the
10 evidence required by Section 4.

11 (Source: P.A. 100-906, eff. 1-1-19.)

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 Sec. 8. Grounds for denial and revocation. The Department
14 of State Police has authority to deny an application for or to
15 revoke and seize a Firearm Owner's Identification Card
16 previously issued under this Act only if the Department finds
17 that the applicant or the person to whom such card was issued
18 is or was at the time of issuance:

19 (a) A person under 21 years of age who has been
20 convicted of a misdemeanor other than a traffic offense or
21 adjudged delinquent;

22 (b) A person under 21 years of age who does not have
23 the written consent of his parent or guardian to acquire
24 and possess firearms and firearm ammunition, or whose
25 parent or guardian has revoked such written consent, or

1 where such parent or guardian does not qualify to have a
2 Firearm Owner's Identification Card;

3 (c) A person convicted of a felony under the laws of
4 this or any other jurisdiction;

5 (d) A person addicted to narcotics;

6 (e) A person who has been a patient of a mental health
7 facility within the past 5 years or a person who has been a
8 patient in a mental health facility more than 5 years ago
9 who has not received the certification required under
10 subsection (u) of this Section. An active law enforcement
11 officer employed by a unit of government who is denied,
12 revoked, or has his or her Firearm Owner's Identification
13 Card seized under this subsection (e) may obtain relief as
14 described in subsection (c-5) of Section 10 of this Act if
15 the officer did not act in a manner threatening to the
16 officer, another person, or the public as determined by the
17 treating clinical psychologist or physician, and the
18 officer seeks mental health treatment;

19 (f) A person whose mental condition is of such a nature
20 that it poses a clear and present danger to the applicant,
21 any other person or persons or the community;

22 (g) A person who has an intellectual disability;

23 (h) A person who intentionally makes a false statement
24 in the Firearm Owner's Identification Card application;

25 (i) An alien who is unlawfully present in the United
26 States under the laws of the United States;

1 (i-5) An alien who has been admitted to the United
2 States under a non-immigrant visa (as that term is defined
3 in Section 101(a)(26) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)(26))), except that this subsection
5 (i-5) does not apply to any alien who has been lawfully
6 admitted to the United States under a non-immigrant visa if
7 that alien is:

8 (1) admitted to the United States for lawful
9 hunting or sporting purposes;

10 (2) an official representative of a foreign
11 government who is:

12 (A) accredited to the United States Government
13 or the Government's mission to an international
14 organization having its headquarters in the United
15 States; or

16 (B) en route to or from another country to
17 which that alien is accredited;

18 (3) an official of a foreign government or
19 distinguished foreign visitor who has been so
20 designated by the Department of State;

21 (4) a foreign law enforcement officer of a friendly
22 foreign government entering the United States on
23 official business; or

24 (5) one who has received a waiver from the Attorney
25 General of the United States pursuant to 18 U.S.C.
26 922(y)(3);

1 (j) (Blank);

2 (k) A person who has been convicted within the past 5
3 years of battery, assault, aggravated assault, violation
4 of an order of protection, or a substantially similar
5 offense in another jurisdiction, in which a firearm was
6 used or possessed;

7 (l) A person who has been convicted of domestic
8 battery, aggravated domestic battery, or a substantially
9 similar offense in another jurisdiction committed before,
10 on or after January 1, 2012 (the effective date of Public
11 Act 97-158). If the applicant or person who has been
12 previously issued a Firearm Owner's Identification Card
13 under this Act knowingly and intelligently waives the right
14 to have an offense described in this paragraph (l) tried by
15 a jury, and by guilty plea or otherwise, results in a
16 conviction for an offense in which a domestic relationship
17 is not a required element of the offense but in which a
18 determination of the applicability of 18 U.S.C. 922(g)(9)
19 is made under Section 112A-11.1 of the Code of Criminal
20 Procedure of 1963, an entry by the court of a judgment of
21 conviction for that offense shall be grounds for denying an
22 application for and for revoking and seizing a Firearm
23 Owner's Identification Card previously issued to the
24 person under this Act;

25 (m) (Blank);

26 (n) A person who is prohibited from acquiring or

1 possessing firearms or firearm ammunition by any Illinois
2 State statute or by federal law;

3 (o) A minor subject to a petition filed under Section
4 5-520 of the Juvenile Court Act of 1987 alleging that the
5 minor is a delinquent minor for the commission of an
6 offense that if committed by an adult would be a felony;

7 (p) An adult who had been adjudicated a delinquent
8 minor under the Juvenile Court Act of 1987 for the
9 commission of an offense that if committed by an adult
10 would be a felony;

11 (q) A person who is not a resident of the State of
12 Illinois, except as provided in subsection (a-10) of
13 Section 4;

14 (r) A person who has been adjudicated as a person with
15 a mental disability;

16 (s) A person who has been found to have a developmental
17 disability;

18 (t) A person involuntarily admitted into a mental
19 health facility; ~~or~~

20 (u) A person who has had his or her Firearm Owner's
21 Identification Card revoked or denied under subsection (e)
22 of this Section or item (iv) of paragraph (2) of subsection
23 (a) of Section 4 of this Act because he or she was a
24 patient in a mental health facility as provided in
25 subsection (e) of this Section, shall not be permitted to
26 obtain a Firearm Owner's Identification Card, after the

1 5-year period has lapsed, unless he or she has received a
2 mental health evaluation by a physician, clinical
3 psychologist, or qualified examiner as those terms are
4 defined in the Mental Health and Developmental
5 Disabilities Code, and has received a certification that he
6 or she is not a clear and present danger to himself,
7 herself, or others. The physician, clinical psychologist,
8 or qualified examiner making the certification and his or
9 her employer shall not be held criminally, civilly, or
10 professionally liable for making or not making the
11 certification required under this subsection, except for
12 willful or wanton misconduct. This subsection does not
13 apply to a person whose firearm possession rights have been
14 restored through administrative or judicial action under
15 Section 10 or 11 of this Act; or -

16 (v) A person who is under guardianship under the
17 Probate Act of 1975 because he or she is a person with a
18 disability as defined in Section 11a-2 of the Probate Act
19 of 1975.

20 Upon revocation of a person's Firearm Owner's
21 Identification Card, the Department of State Police shall
22 provide notice to the person within 7 business days and the
23 person shall comply with Section 9.5 of this Act.

24 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
25 eff. 7-16-14; 99-143, eff. 7-27-15.)

1 (430 ILCS 65/8.4 new)

2 Sec. 8.4. Cancellation of Firearm Owner's Identification
3 Card. The Department of State Police may cancel a Firearm
4 Owner's Identification Card if a person is not prohibited by
5 State or federal law from acquiring or possessing a firearm or
6 firearm ammunition and the sole purpose is for an
7 administrative reason. Administrative reasons include, but are
8 not limited to: a person who surrenders his or her Illinois
9 drivers license or Illinois Identification Card to another
10 jurisdiction, death, or where a person's Firearm Owner's
11 Identification Card is reported as lost, stolen, or destroyed.
12 The Department of State Police may adopt rules necessary to
13 implement this Section.

14 (430 ILCS 65/9.5)

15 Sec. 9.5. Revocation or suspension of Firearm Owner's
16 Identification Card.

17 (a) A person who receives a revocation or suspension notice
18 under Section 9 of this Act shall, within 48 hours of receiving
19 notice of the revocation or suspension:

20 (1) surrender his or her Firearm Owner's
21 Identification Card to the local law enforcement agency
22 where the person resides. The local law enforcement agency
23 shall provide the person a receipt and transmit the Firearm
24 Owner's Identification Card to the Department of State
25 Police; and

1 (2) complete a Firearm Disposition Record on a form
2 prescribed by the Department of State Police and place his
3 or her firearms in the location or with the person reported
4 in the Firearm Disposition Record. The form shall require
5 the person to disclose:

6 (A) the make, model, and serial number of each
7 firearm owned by or under the custody and control of
8 the revoked or suspended person;

9 (B) the location where each firearm will be
10 maintained during the prohibited term; and

11 (C) if any firearm will be transferred to the
12 custody of another person, the name, address and
13 Firearm Owner's Identification Card number of the
14 transferee.

15 (a-5) The Firearm Disposition Record shall contain a
16 statement to be signed by the transferee that the transferee:

17 (1) is aware of, and will abide by, current law
18 regarding the unlawful transfer of a firearm;

19 (2) is aware of the penalties for violating the law as
20 it pertains to unlawful transfer of a firearm; and

21 (3) intends to retain possession of the firearm or
22 firearms until it is determined that the transferor is
23 legally eligible to possess a firearm and has an active
24 Firearm Owner's Identification Card, if applicable, or
25 until a new person is chosen to hold the firearm or
26 firearms.

1 (b) The local law enforcement agency shall provide a copy
2 of the Firearm Disposition Record to the person whose Firearm
3 Owner's Identification Card has been revoked or suspended, the
4 transferee, and to the Department of State Police.

5 (c) If the person whose Firearm Owner's Identification Card
6 has been revoked or suspended fails to comply with the
7 requirements of this Section, the sheriff or law enforcement
8 agency where the person resides may petition the circuit court
9 to issue a warrant to search for and seize the Firearm Owner's
10 Identification Card and firearms in the possession or under the
11 custody or control of the person whose Firearm Owner's
12 Identification Card has been revoked or suspended.

13 (d) A violation of subsection (a) of this Section is a
14 Class A misdemeanor.

15 (e) The observation of a Firearm Owner's Identification
16 Card in the possession of a person whose Firearm Owner's
17 Identification Card has been revoked or suspended constitutes a
18 sufficient basis for the arrest of that person for violation of
19 this Section.

20 (f) Within 30 days after the effective date of this
21 amendatory Act of the 98th General Assembly, the Department of
22 State Police shall provide written notice of the requirements
23 of this Section to persons whose Firearm Owner's Identification
24 Cards have been revoked, suspended, or expired and who have
25 failed to surrender their cards to the Department.

26 (g) A person whose Firearm Owner's Identification Card has

1 been revoked or suspended and who received notice under
2 subsection (f) shall comply with the requirements of this
3 Section within 48 hours of receiving notice.

4 (Source: P.A. 98-63, eff. 7-9-13.)

5 Section 25. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 110-10 as follows:

7 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

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

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

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

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

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

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

1 physically surrender his or her Firearm Owner's
2 Identification Card to the law enforcement agency as a
3 condition of remaining on bond pending sentencing
4 ~~surrender all firearms in his or her possession to a law~~
5 ~~enforcement officer designated by the court to take custody~~
6 ~~of and impound the firearms and physically surrender his or~~
7 ~~her Firearm Owner's Identification Card to the clerk of the~~
8 ~~circuit court~~ when the offense the person has been charged
9 with is a forcible felony, stalking, aggravated stalking,
10 domestic battery, any violation of the Illinois Controlled
11 Substances Act, the Methamphetamine Control and Community
12 Protection Act, or the Cannabis Control Act that is
13 classified as a Class 2 or greater felony, or any felony
14 violation of Article 24 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, unless the defendant requests to
16 transfer his or her firearms under Section 9.5 of the
17 Firearm Owners Identification Card Act first. A defendant
18 whose Firearm Owner's Identification Card has been revoked
19 or suspended may petition the court to transfer the
20 defendant's firearm to a person who is lawfully able to
21 possess the firearm if the person does not reside at the
22 same address as the defendant. The transferee who receives
23 the defendant's firearms must swear or affirm by affidavit
24 that he or she shall not transfer the firearm to the
25 defendant or to anyone residing in the same residence as
26 the defendant, until the defendant's Firearm Owner's

1 Identification Card has been reinstated. The law
2 enforcement agency, upon transfer of the firearms, shall
3 require the defendant to complete a Firearm Disposition
4 Record under Section 9.5 of the Firearm Owners
5 Identification Card Act and provide a copy to the
6 Department of State Police along with the defendant's
7 Firearm Owner's Identification Card; the court may,
8 however, forgo the imposition of this condition when the
9 defendant has provided proof to the court that he or she
10 has legally disposed or transferred his or her firearms and
11 returned his or her Firearm Owner's Identification Card to
12 the Department of State Police. If the court finds the
13 circumstances of the case clearly do not warrant it or when
14 its imposition would be impractical, the court shall
15 indicate on the record and in writing and the court's basis
16 for making the determination ~~when the circumstances of the~~
17 ~~case clearly do not warrant it or when its imposition would~~
18 ~~be impractical;~~ all legally possessed firearms shall be
19 returned to the person upon proof being provided to the law
20 enforcement agency of the reinstatement of the person's
21 Firearm Owner's Identification Card; ~~if the Firearm~~
22 ~~Owner's Identification Card is confiscated, the clerk of~~
23 ~~the circuit court shall mail the confiscated card to the~~
24 ~~Illinois State Police;~~ all legally possessed firearms
25 shall be returned to the person upon the charges being
26 dismissed, or if the person is found not guilty, unless the

1 ~~finding of not guilty is by reason of insanity;~~ and

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

11 Psychological evaluations ordered pursuant to this Section
12 shall be completed promptly and made available to the State,
13 the defendant, and the court. As a further condition of bail
14 under these circumstances, the court shall order the defendant
15 to refrain from entering upon the property of the school,
16 including any conveyance owned, leased, or contracted by a
17 school to transport students to or from school or a
18 school-related activity, or on any public way within 1,000 feet
19 of real property comprising any school. Upon receipt of the
20 psychological evaluation, either the State or the defendant may
21 request a change in the conditions of bail, pursuant to Section
22 110-6 of this Code. The court may change the conditions of bail
23 to include a requirement that the defendant follow the
24 recommendations of the psychological evaluation, including
25 undergoing psychiatric treatment. The conclusions of the
26 psychological evaluation and any statements elicited from the

1 defendant during its administration are not admissible as
2 evidence of guilt during the course of any trial on the charged
3 offense, unless the defendant places his or her mental
4 competency in issue.

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

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

13 (2) Refrain from possessing a firearm or other
14 dangerous weapon;

15 (3) Refrain from approaching or communicating with
16 particular persons or classes of persons;

17 (4) Refrain from going to certain described
18 geographical areas or premises;

19 (5) Refrain from engaging in certain activities or
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

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

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

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

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

21 (14.1) The court shall impose upon a defendant who is
22 charged with any alcohol, cannabis, methamphetamine, or
23 controlled substance violation and is placed under direct
24 supervision of the Pretrial Services Agency, Probation
25 Department or Court Services Department in a pretrial bond
26 home supervision capacity with the use of an approved

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

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

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

1 damage to any device;

2 (14.2) The court shall impose upon all defendants,
3 including those defendants subject to paragraph (14.1)
4 above, placed under direct supervision of the Pretrial
5 Services Agency, Probation Department or Court Services
6 Department in a pretrial bond home supervision capacity
7 with the use of an approved monitoring device, as a
8 condition of such bail bond, a fee which shall represent
9 costs incidental to such electronic monitoring for each day
10 of such bail supervision ordered by the court, unless after
11 determining the inability of the defendant to pay the fee,
12 the court assesses a lesser fee or no fee as the case may
13 be. The fee shall be collected by the clerk of the circuit
14 court, except as provided in an administrative order of the
15 Chief Judge of the circuit court. The clerk of the circuit
16 court shall pay all monies collected from this fee to the
17 county treasurer who shall use the monies collected to
18 defray the costs of corrections. The county treasurer shall
19 deposit the fee collected in the county working cash fund
20 under Section 6-27001 or Section 6-29002 of the Counties
21 Code, as the case may be, except as provided in an
22 administrative order of the Chief Judge of the circuit
23 court.

24 The Chief Judge of the circuit court of the county may
25 by administrative order establish a program for electronic
26 monitoring of offenders with regard to drug-related and

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

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

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

25 (14.4) For persons charged with violating Section
26 11-501 of the Illinois Vehicle Code, refrain from operating

1 a motor vehicle not equipped with an ignition interlock
2 device, as defined in Section 1-129.1 of the Illinois
3 Vehicle Code, pursuant to the rules promulgated by the
4 Secretary of State for the installation of ignition
5 interlock devices. Under this condition the court may allow
6 a defendant who is not self-employed to operate a vehicle
7 owned by the defendant's employer that is not equipped with
8 an ignition interlock device in the course and scope of the
9 defendant's employment;

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

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

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

19 (c) When a person is charged with an offense under Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, involving a victim who is a minor under
23 18 years of age living in the same household with the defendant
24 at the time of the offense, in granting bail or releasing the
25 defendant on his own recognizance, the judge shall impose
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he
2 will:

- 3 1. Vacate the household.
- 4 2. Make payment of temporary support to his dependents.
- 5 3. Refrain from contact or communication with the child
6 victim, except as ordered by the court.

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

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

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

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

1 (f) If the defendant is admitted to bail after conviction
2 the conditions of the bail bond shall be that he will, in
3 addition to the conditions set forth in subsections (a) and (b)
4 hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may
7 direct;

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

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

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

14 (g) Upon a finding of guilty for any felony offense, the
15 defendant shall physically surrender, at a time and place
16 designated by the court, all firearms in his or her possession
17 to a law enforcement officer designated by the court to take
18 custody of and impound the firearms and physically surrender
19 his or her Firearm Owner's Identification Card to the law
20 enforcement agency as a condition of remaining on bond pending
21 sentencing, unless the defendant requests to transfer his or
22 her firearms under Section 9.5 of the Firearm Owners
23 Identification Card Act first. A defendant whose Firearm
24 Owner's Identification Card has been revoked or suspended may
25 petition the court to transfer the defendant's firearm to a
26 person who is lawfully able to possess the firearm if the

1 person does not reside at the same address as the defendant.
2 The transferee who receives the defendant's firearms must swear
3 or affirm by affidavit that he or she shall not transfer the
4 firearm to the defendant or to anyone residing in the same
5 residence as the defendant, until the defendant's Firearm
6 Owner's Identification Card has been reinstated. The law
7 enforcement agency, upon transfer of the firearms, shall
8 require the defendant to complete a Firearm Disposition Record
9 under Section 9.5 of the Firearm Owners Identification Card Act
10 and provide a copy to the Department of State Police along with
11 the defendant's Firearm Owner's Identification Card ~~the~~
12 ~~defendant shall physically surrender, at a time and place~~
13 ~~designated by the court, any and all firearms in his or her~~
14 ~~possession and his or her Firearm Owner's Identification Card~~
15 as a condition of remaining on bond pending sentencing.

16 (h) Upon indictment for any felony offense, the defendant
17 shall physically surrender, at a time and place designated by
18 the court, all firearms in his or her possession to a law
19 enforcement officer designated by the court to take custody of
20 and impound the firearms and physically surrender his or her
21 Firearm Owner's Identification Card to the law enforcement
22 agency as a condition of remaining on bond pending sentencing,
23 unless the defendant requests to transfer his or her firearms
24 under Section 9.5 of the Firearm Owners Identification Card Act
25 first. A defendant whose Firearm Owner's Identification Card
26 has been revoked or suspended may petition the court to

1 transfer the defendant's firearm to a person who is lawfully
2 able to possess the firearm if the person does not reside at
3 the same address as the defendant. The transferee who receives
4 the defendant's firearms must swear or affirm by affidavit that
5 he or she shall not transfer the firearm to the defendant or to
6 anyone residing in the same residence as the defendant, until
7 the defendant's Firearm Owner's Identification Card has been
8 reinstated. The law enforcement agency upon transfer of the
9 firearms shall require the defendant to complete a Firearm
10 Disposition Record under Section 9.5 of the Firearm Owners
11 Identification Card Act and provide a copy to the Department of
12 State Police along with the defendants Firearm Owner's
13 Identification Card. All legally possessed firearms shall be
14 returned to the person upon proof being provided to the law
15 enforcement agency of the reinstatement of the person's Firearm
16 Owner's Identification Card.

17 (Source: P.A. 99-797, eff. 8-12-16.)

18 Section 30. The Unified Code of Corrections is amended by
19 changing Section 5-6-3 as follows:

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

21 (Text of Section before amendment by P.A. 100-987)

22 Sec. 5-6-3. Conditions of probation and of conditional
23 discharge.

24 (a) The conditions of probation and of conditional

1 discharge shall be that the person:

2 (1) not violate any criminal statute of any
3 jurisdiction;

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

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

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

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

22 (6) perform no less than 30 hours of community service
23 and not more than 120 hours of community service, if
24 community service is available in the jurisdiction and is
25 funded and approved by the county board where the offense
26 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized gang
2 and was motivated by the offender's membership in or
3 allegiance to an organized gang. The community service
4 shall include, but not be limited to, the cleanup and
5 repair of any damage caused by a violation of Section
6 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
7 2012 and similar damage to property located within the
8 municipality or county in which the violation occurred.
9 When possible and reasonable, the community service should
10 be performed in the offender's neighborhood. For purposes
11 of this Section, "organized gang" has the meaning ascribed
12 to it in Section 10 of the Illinois Streetgang Terrorism
13 Omnibus Prevention Act. The court may give credit toward
14 the fulfillment of community service hours for
15 participation in activities and treatment as determined by
16 court services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
2 physically surrender, at a time and place designated by the
3 court, all firearms in his or her possession to a law
4 enforcement officer designated by the court to take custody
5 of and impound the firearms and physically surrender his or
6 her Firearm Owner's Identification Card to the law
7 enforcement agency as a condition of remaining on bond
8 pending sentencing, unless the defendant requests to
9 transfer his or her firearms under Section 9.5 of the
10 Firearm Owners Identification Card Act first. A defendant
11 whose Firearm Owner's Identification Card has been revoked
12 or suspended may petition the court to transfer the
13 defendant's firearm to a person who is lawfully able to
14 possess the firearm if the person does not reside at the
15 same address as the defendant. The transferee who receives
16 the defendant's firearms must swear or affirm by affidavit
17 that he or she shall not transfer the firearm to the
18 defendant or to anyone residing in the same residence as
19 the defendant, until the defendant's Firearm Owner's
20 Identification Card has been reinstated. The law
21 enforcement agency, upon transfer of the firearms, shall
22 require the defendant to complete a Firearm Disposition
23 Record under Section 9.5 of the Firearm Owner's
24 Identification Card Act and provide a copy to the
25 Department of State Police along with the defendants
26 Firearm Owner's Identification Card ~~physically surrender~~

1 ~~at a time and place designated by the court, his or her~~
2 ~~Firearm Owner's Identification Card and any and all~~
3 ~~firearms in his or her possession. The Court shall return~~
4 ~~to the Department of State Police Firearm Owner's~~
5 ~~Identification Card Office the person's Firearm Owner's~~
6 ~~Identification Card;~~

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

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

23 (12) if convicted of a violation of the Methamphetamine
24 Control and Community Protection Act, the Methamphetamine
25 Precursor Control Act, or a methamphetamine related
26 offense:

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

4 (B) prohibited from purchasing, possessing, or
5 having under his or her control any product containing
6 ammonium nitrate; ~~and~~

7 (13) if convicted of a hate crime involving the
8 protected class identified in subsection (a) of Section
9 12-7.1 of the Criminal Code of 2012 that gave rise to the
10 offense the offender committed, perform public or
11 community service of no less than 200 hours and enroll in
12 an educational program discouraging hate crimes that
13 includes racial, ethnic, and cultural sensitivity training
14 ordered by the court; ~~and~~

15 (14) if convicted of a felony, the defendant shall
16 physically surrender, at a time and place designated by the
17 court, all firearms in his or her possession to a law
18 enforcement officer designated by the court to take custody
19 of and impound the firearms and physically surrender his or
20 her Firearm Owner's Identification Card to the law
21 enforcement agency as a condition of remaining on bond
22 pending sentencing, unless the defendant requests to
23 transfer his or her firearms under Section 9.5 of the
24 Firearm Owners Identification Card Act first. A defendant
25 whose Firearm Owner's Identification Card has been revoked
26 or suspended may petition the court to transfer the

1 defendant's firearm to a person who is lawfully able to
2 possess the firearm if the person does not reside at the
3 same address as the defendant. The transferee who receives
4 the defendant's firearms must swear or affirm by affidavit
5 that he or she shall not transfer the firearm to the
6 defendant or to anyone residing in the same residence as
7 the defendant, until the defendant's Firearm Owner's
8 Identification Card has been reinstated. The law
9 enforcement agency, upon transfer of the firearms, shall
10 require the defendant to complete a Firearm Disposition
11 Record under Section 9.5 of the Firearm Owners
12 Identification Card Act and provide a copy to the
13 Department of State Police along with the defendants
14 Firearm Owner's Identification Card; and

15 (15) if the person is under 21 years of age who has
16 been convicted of a misdemeanor offense other than a
17 traffic offense, the defendant shall physically surrender,
18 at a time and place designated by the court, all firearms
19 in his or her possession to a law enforcement officer
20 designated by the court to take custody of and impound the
21 firearms and physically surrender his or her Firearm
22 Owner's Identification Card to the law enforcement agency
23 as a condition of remaining on bond pending sentencing,
24 unless the defendant requests to transfer his or her
25 firearms under Section 9.5 of the Firearm Owners
26 Identification Card Act first. A defendant whose Firearm

1 Owner's Identification Card has been revoked or suspended
2 may petition the court to transfer the defendant's firearm
3 to a person who is lawfully able to possess the firearm if
4 the person does not reside at the same address as the
5 defendant. The transferee who receives the defendant's
6 firearms must swear or affirm by affidavit that he or she
7 shall not transfer the firearm to the defendant or to
8 anyone residing in the same residence as the defendant,
9 until the defendant's Firearm Owner's Identification Card
10 has been reinstated. The law enforcement agency, upon
11 transfer of the firearms, shall require the defendant to
12 complete a Firearm Disposition Record under Section 9.5 of
13 the Firearm Owners Identification Card Act and provide a
14 copy to the Department of State Police along with the
15 defendants Firearm Owner's Identification Card.

16 (b) The Court may in addition to other reasonable
17 conditions relating to the nature of the offense or the
18 rehabilitation of the defendant as determined for each
19 defendant in the proper discretion of the Court require that
20 the person:

21 (1) serve a term of periodic imprisonment under Article
22 7 for a period not to exceed that specified in paragraph
23 (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational
26 training;

1 (4) undergo medical, psychological or psychiatric
2 treatment; or treatment for drug addiction or alcoholism;

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

5 (6) support his dependents;

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

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

8 (ii) attend school;

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

10 (iv) contribute to his own support at home or in a
11 foster home;

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

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

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

24 (10) serve a term of home confinement. In addition to
25 any other applicable condition of probation or conditional
26 discharge, the conditions of home confinement shall be that

1 the offender:

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

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

9 (iii) if further deemed necessary by the court or
10 the Probation or Court Services Department, be placed
11 on an approved electronic monitoring device, subject
12 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 condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the offender to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The

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

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

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

19 (v) for persons convicted of offenses other than
20 those referenced in clause (iv) above and who are
21 placed on an approved monitoring device as a condition
22 of probation or conditional discharge, the court shall
23 impose a reasonable fee for each day of the use of the
24 device, as established by the county board in
25 subsection (g) of this Section, unless after
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the
2 case may be. This fee shall be imposed in addition to
3 the fees imposed under subsections (g) and (i) of this
4 Section. The fee shall be collected by the clerk of the
5 circuit court, except as provided in an administrative
6 order of the Chief Judge of the circuit court. The
7 clerk of the circuit court shall pay all monies
8 collected from this fee to the county treasurer who
9 shall use the monies collected to defray the costs of
10 corrections. The county treasurer shall deposit the
11 fee collected in the probation and court services fund.
12 The Chief Judge of the circuit court of the county may
13 by administrative order establish a program for
14 electronic monitoring of offenders, in which a vendor
15 supplies and monitors the operation of the electronic
16 monitoring device, and collects the fees on behalf of
17 the county. The program shall include provisions for
18 indigent offenders and the collection of unpaid fees.
19 The program shall not unduly burden the offender and
20 shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend
22 any additional charges or fees for late payment,
23 interest, or damage to any device.

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

1 or an order of protection issued by the court of another
2 state, tribe, or United States territory. A copy of the
3 order of protection shall be transmitted to the probation
4 officer or agency having responsibility for the case;

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

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

21 (14) refrain from entering into a designated
22 geographic area except upon such terms as the court finds
23 appropriate. Such terms may include consideration of the
24 purpose of the entry, the time of day, other persons
25 accompanying the defendant, and advance approval by a
26 probation officer, if the defendant has been placed on

1 probation or advance approval by the court, if the
2 defendant was placed on conditional discharge;

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

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

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

1 of the accused; or (iv) a step-child or adopted child of
2 the accused;

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

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

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

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

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer; and

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

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

19 (d) An offender sentenced to probation or to conditional
20 discharge shall be given a certificate setting forth the
21 conditions thereof.

22 (e) Except where the offender has committed a fourth or
23 subsequent violation of subsection (c) of Section 6-303 of the
24 Illinois Vehicle Code, the court shall not require as a
25 condition of the sentence of probation or conditional discharge
26 that the offender be committed to a period of imprisonment in

1 excess of 6 months. This 6-month limit shall not include
2 periods of confinement given pursuant to a sentence of county
3 impact 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 mandatory
13 drug or alcohol testing, or both, or is assigned to be placed
14 on an approved electronic monitoring device, shall be ordered
15 to pay all costs incidental to such mandatory drug or alcohol
16 testing, or both, and all costs incidental to such approved
17 electronic monitoring in accordance with the defendant's
18 ability to pay those costs. The county board with the
19 concurrence of the Chief Judge of the judicial circuit in which
20 the county is located shall establish reasonable fees for the
21 cost of maintenance, testing, and incidental expenses related
22 to the mandatory drug or alcohol testing, or both, and all
23 costs incidental to approved electronic monitoring, involved
24 in a successful probation program for the county. The
25 concurrence of the Chief Judge shall be in the form of an
26 administrative order. The fees shall be collected by the clerk

1 of the circuit court, except as provided in an administrative
2 order of the Chief Judge of the circuit court. The clerk of the
3 circuit court shall pay all moneys collected from these fees to
4 the county treasurer who shall use the moneys collected to
5 defray the costs of drug testing, alcohol testing, and
6 electronic monitoring. The county treasurer shall deposit the
7 fees collected in the county working cash fund under Section
8 6-27001 or Section 6-29002 of the Counties Code, as the case
9 may be. The Chief Judge of the circuit court of the county may
10 by administrative order establish a program for electronic
11 monitoring of offenders, in which a vendor supplies and
12 monitors the operation of the electronic monitoring device, and
13 collects the fees on behalf of the county. The program shall
14 include provisions for indigent offenders and the collection of
15 unpaid fees. The program shall not unduly burden the offender
16 and shall be subject to review by the Chief Judge.

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

20 (h) Jurisdiction over an offender may be transferred from
21 the sentencing court to the court of another circuit with the
22 concurrence of both courts. Further transfers or retransfers of
23 jurisdiction are also authorized in the same manner. The court
24 to which jurisdiction has been transferred shall have the same
25 powers as the sentencing court. The probation department within
26 the circuit to which jurisdiction has been transferred, or

1 which has agreed to provide supervision, may impose probation
2 fees upon receiving the transferred offender, as provided in
3 subsection (i). For all transfer cases, as defined in Section
4 9b of the Probation and Probation Officers Act, the probation
5 department from the original sentencing court shall retain all
6 probation fees collected prior to the transfer. After the
7 transfer, all probation fees shall be paid to the probation
8 department within the circuit to which jurisdiction has been
9 transferred.

10 (i) The court shall impose upon an offender sentenced to
11 probation after January 1, 1989 or to conditional discharge
12 after January 1, 1992 or to community service under the
13 supervision of a probation or court services department after
14 January 1, 2004, as a condition of such probation or
15 conditional discharge or supervised community service, a fee of
16 \$50 for each month of probation or conditional discharge
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 sentenced to probation or conditional discharge or supervised
20 community service to pay the fee, the court assesses a lesser
21 fee. The court may not impose the fee on a minor who is placed
22 in the guardianship or custody of the Department of Children
23 and Family Services under the Juvenile Court Act of 1987 while
24 the minor is in placement. The fee shall be imposed only upon
25 an offender who is actively supervised by the probation and
26 court services department. The fee shall be collected by the

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

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

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

24 Public Act 93-970 deletes the \$10 increase in the fee under
25 this subsection that was imposed by Public Act 93-616. This
26 deletion is intended to control over any other Act of the 93rd

1 General Assembly that retains or incorporates that fee
2 increase.

3 (i-5) In addition to the fees imposed under subsection (i)
4 of this Section, in the case of an offender convicted of a
5 felony sex offense (as defined in the Sex Offender Management
6 Board Act) or an offense that the court or probation department
7 has determined to be sexually motivated (as defined in the Sex
8 Offender Management Board Act), the court or the probation
9 department shall assess additional fees to pay for all costs of
10 treatment, assessment, evaluation for risk and treatment, and
11 monitoring the offender, based on that offender's ability to
12 pay those costs either as they occur or under a payment plan.

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

20 (k) Any offender who is sentenced to probation or
21 conditional discharge for a felony sex offense as defined in
22 the Sex Offender Management Board Act or any offense that the
23 court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs
2 required by the court or the probation department.

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

7 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
8 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
9 1-8-18.)

10 (Text of Section after amendment by P.A. 100-987)

11 Sec. 5-6-3. Conditions of probation and of conditional
12 discharge.

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

15 (1) not violate any criminal statute of any
16 jurisdiction;

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

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

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

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

10 (6) perform no less than 30 hours of community service
11 and not more than 120 hours of community service, if
12 community service is available in the jurisdiction and is
13 funded and approved by the county board where the offense
14 was committed, where the offense was related to or in
15 furtherance of the criminal activities of an organized gang
16 and was motivated by the offender's membership in or
17 allegiance to an organized gang. The community service
18 shall include, but not be limited to, the cleanup and
19 repair of any damage caused by a violation of Section
20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
21 2012 and similar damage to property located within the
22 municipality or county in which the violation occurred.
23 When possible and reasonable, the community service should
24 be performed in the offender's neighborhood. For purposes
25 of this Section, "organized gang" has the meaning ascribed
26 to it in Section 10 of the Illinois Streetgang Terrorism

1 Omnibus Prevention Act. The court may give credit toward
2 the fulfillment of community service hours for
3 participation in activities and treatment as determined by
4 court services;

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

1 person who has a high school diploma or has successfully
2 passed high school equivalency testing. This paragraph (7)
3 does not apply to a person who is determined by the court
4 to be a person with a developmental disability or otherwise
5 mentally incapable of completing the educational or
6 vocational program;

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

20 (8.5) if convicted of a felony sex offense as defined
21 in the Sex Offender Management Board Act, the person shall
22 undergo and successfully complete sex offender treatment
23 by a treatment provider approved by the Board and conducted
24 in conformance with the standards developed under the Sex
25 Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

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

11 (8.7) if convicted for an offense committed on or after
12 June 1, 2008 (the effective date of Public Act 95-464) that
13 would qualify the accused as a child sex offender as
14 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
15 1961 or the Criminal Code of 2012, refrain from
16 communicating with or contacting, by means of the Internet,
17 a person who is not related to the accused and whom the
18 accused reasonably believes to be under 18 years of age;
19 for purposes of this paragraph (8.7), "Internet" has the
20 meaning ascribed to it in Section 16-0.1 of the Criminal
21 Code of 2012; and a person is not related to the accused if
22 the person is not: (i) the spouse, brother, or sister of
23 the accused; (ii) a descendant of the accused; (iii) a
24 first or second cousin of the accused; or (iv) a step-child
25 or adopted child of the accused;

26 (8.8) if convicted for an offense under Section 11-6,

1 11-9.1, 11-14.4 that involves soliciting for a juvenile
2 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 or any attempt to commit any of these offenses, committed
5 on or after June 1, 2009 (the effective date of Public Act
6 95-983):

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

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

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

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer;

5 (8.9) if convicted of a sex offense as defined in the
6 Sex Offender Registration Act committed on or after January
7 1, 2010 (the effective date of Public Act 96-262), refrain
8 from accessing or using a social networking website as
9 defined in Section 17-0.5 of the Criminal Code of 2012;

10 (9) if convicted ~~of a felony or~~ of any misdemeanor
11 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
12 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
13 2012 that was determined, pursuant to Section 112A-11.1 of
14 the Code of Criminal Procedure of 1963, to trigger the
15 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
16 physically surrender, at a time and place designated by the
17 court, all firearms in his or her possession to a law
18 enforcement officer designated by the court to take custody
19 of and impound the firearms and physically surrender his or
20 her Firearm Owner's Identification Card to the law
21 enforcement agency as a condition of remaining on bond
22 pending sentencing, unless the defendant requests to
23 transfer his or her firearms under Section 9.5 of the
24 Firearm Owners Identification Card Act first. A defendant
25 whose Firearm Owner's Identification Card has been revoked
26 or suspended may petition the court to transfer the

1 defendant's firearm to a person who is lawfully able to
2 possess the firearm if the person does not reside at the
3 same address as the defendant. The transferee who receives
4 the defendant's firearms must swear or affirm by affidavit
5 that he or she shall not transfer the firearm to the
6 defendant or to anyone residing in the same residence as
7 the defendant, until the defendant's Firearm Owner's
8 Identification Card has been reinstated. The law
9 enforcement agency, upon transfer of the firearms, shall
10 require the defendant to complete a Firearm Disposition
11 Record under Section 9.5 of the Firearm Owner's
12 Identification Card Act and provide a copy to the
13 Department of State Police along with the defendants
14 Firearm Owner's Identification Card ~~physically surrender~~
15 ~~at a time and place designated by the court, his or her~~
16 ~~Firearm Owner's Identification Card and any and all~~
17 ~~firearms in his or her possession. The Court shall return~~
18 ~~to the Department of State Police Firearm Owner's~~
19 ~~Identification Card Office the person's Firearm Owner's~~
20 ~~Identification Card;~~

21 (10) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter;

5 (11) if convicted of a sex offense as defined in
6 Section 2 of the Sex Offender Registration Act committed on
7 or after January 1, 2010 (the effective date of Public Act
8 96-362) that requires the person to register as a sex
9 offender under that Act, may not knowingly use any computer
10 scrub software on any computer that the sex offender uses;

11 (12) if convicted of a violation of the Methamphetamine
12 Control and Community Protection Act, the Methamphetamine
13 Precursor Control Act, or a methamphetamine related
14 offense:

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

18 (B) prohibited from purchasing, possessing, or
19 having under his or her control any product containing
20 ammonium nitrate; ~~and~~

21 (13) if convicted of a hate crime involving the
22 protected class identified in subsection (a) of Section
23 12-7.1 of the Criminal Code of 2012 that gave rise to the
24 offense the offender committed, perform public or
25 community service of no less than 200 hours and enroll in
26 an educational program discouraging hate crimes that

1 includes racial, ethnic, and cultural sensitivity training
2 ordered by the court; -

3 (14) if convicted of a felony, the defendant shall
4 physically surrender, at a time and place designated by the
5 court, all firearms in his or her possession to a law
6 enforcement officer designated by the court to take custody
7 of and impound the firearms and physically surrender his or
8 her Firearm Owner's Identification Card to the law
9 enforcement agency as a condition of remaining on bond
10 pending sentencing, unless the defendant requests to
11 transfer his or her firearms under Section 9.5 of the
12 Firearm Owners Identification Card Act first. A defendant
13 whose Firearm Owner's Identification Card has been revoked
14 or suspended may petition the court to transfer the
15 defendant's firearm to a person who is lawfully able to
16 possess the firearm if the person does not reside at the
17 same address as the defendant. The transferee who receives
18 the defendant's firearms must swear or affirm by affidavit
19 that he or she shall not transfer the firearm to the
20 defendant or to anyone residing in the same residence as
21 the defendant, until the defendant's Firearm Owner's
22 Identification Card has been reinstated. The law
23 enforcement agency, upon transfer of the firearms, shall
24 require the defendant to complete a Firearm Disposition
25 Record under Section 9.5 of the Firearm Owners
26 Identification Card Act and provide a copy to the

1 Department of State Police along with the defendants
2 Firearm Owner's Identification Card; and

3 (15) if the person is under 21 years of age who has
4 been convicted of a misdemeanor offense other than a
5 traffic offense, the defendant shall physically surrender,
6 at a time and place designated by the court, all firearms
7 in his or her possession to a law enforcement officer
8 designated by the court to take custody of and impound the
9 firearms and physically surrender his or her Firearm
10 Owner's Identification Card to the law enforcement agency
11 as a condition of remaining on bond pending sentencing,
12 unless the defendant requests to transfer his or her
13 firearms under Section 9.5 of the Firearm Owners
14 Identification Card Act first. A defendant whose Firearm
15 Owner's Identification Card has been revoked or suspended
16 may petition the court to transfer the defendant's firearm
17 to a person who is lawfully able to possess the firearm if
18 the person does not reside at the same address as the
19 defendant. The transferee who receives the defendant's
20 firearms must swear or affirm by affidavit that he or she
21 shall not transfer the firearm to the defendant or to
22 anyone residing in the same residence as the defendant,
23 until the defendant's Firearm Owner's Identification Card
24 has been reinstated. The law enforcement agency, upon
25 transfer of the firearms, shall require the defendant to
26 complete a Firearm Disposition Record under Section 9.5 of

1 the Firearm Owners Identification Card Act and provide a
2 copy to the Department of State Police along with the
3 defendants Firearm Owner's Identification Card.

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

9 (1) serve a term of periodic imprisonment under Article
10 7 for a period not to exceed that specified in paragraph

11 (d) of Section 5-7-1;

12 (2) pay a fine and costs;

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

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

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

19 (6) support his dependents;

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

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

22 (ii) attend school;

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

24 (iv) contribute to his own support at home or in a
25 foster home;

26 (v) with the consent of the superintendent of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 offense for which the defendant was sentenced, (i) to a
2 "local anti-crime program", as defined in Section 7 of the
3 Anti-Crime Advisory Council Act, or (ii) for offenses under
4 the jurisdiction of the Department of Natural Resources, to
5 the fund established by the Department of Natural Resources
6 for the purchase of evidence for investigation purposes and
7 to conduct investigations as outlined in Section 805-105 of
8 the Department of Natural Resources (Conservation) Law;

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

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

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

1 presence of any illicit drug;

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

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

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

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

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

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

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

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

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

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

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

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

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

25 (g) An offender sentenced to probation or to conditional
26 discharge and who during the term of either undergoes mandatory

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

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

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

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

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

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

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

26 The Court may only waive probation fees based on an

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

12 Public Act 93-970 deletes the \$10 increase in the fee under
13 this subsection that was imposed by Public Act 93-616. This
14 deletion is intended to control over any other Act of the 93rd
15 General Assembly that retains or incorporates that fee
16 increase.

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

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

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

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

21 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
22 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
23 1-8-18; 100-987, eff. 7-1-19.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section
2 represented by multiple versions), the use of that text does
3 not accelerate or delay the taking effect of (i) the changes
4 made by this Act or (ii) provisions derived from any other
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".