



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2260

Introduced 5/27/2019, by Sen. Jennifer Bertino-Tarrant

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
20 ILCS 2605/2605-304 new	
20 ILCS 2605/2605-610 new	
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 65/8.4 new	
430 ILCS 65/9.5	
725 ILCS 5/110-10	from Ch. 38, par. 110-10
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Department of State Police shall establish a Portal for use by federal, State, or local law enforcement agencies, including State's Attorneys and the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended. Creates the Firearm Recovery Task Force led by the State Police to seize and recover the Firearm Owner's Identification Cards of revoked persons and to enforce the revocation and suspension of Firearm Owner's Identification Cards under the Firearm Owner's Identification Card Act. Amends the Firearm Owner's Identification Card Act. Provides that the Department of State Police shall include in the report the reason the person's Firearm Owner's Identification Card was revoked or suspended. Amends the Code of Criminal Procedure of 1963. Provides the defendant shall physically surrender all firearms in his or her possession to a law enforcement agency designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of the Deadly Weapons Article of the Criminal Code of 1961 or the Criminal Code of 2012. Amends the Freedom of Information Act and the Unified Code of Corrections to make conforming changes. Effective immediately.

LRB101 12646 RLC 61160 b

A BILL FOR

1 AN ACT concerning public safety.

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

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  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other records  
19 prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a local  
21 emergency energy plan ordinance that is adopted under  
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential  
5 health care facility resident sexual assault and death  
6 review team or the Executive Council under the Abuse  
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending  
9 database created pursuant to Article 3 of the Residential  
10 Real Property Disclosure Act, except to the extent  
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of  
13 compensation and expenses for court appointed trial  
14 counsel as provided under Sections 10 and 15 of the Capital  
15 Crimes Litigation Act. This subsection (n) shall apply  
16 until the conclusion of the trial of the case, even if the  
17 prosecution chooses not to pursue the death penalty prior  
18 to trial or sentencing.

19 (o) Information that is prohibited from being  
20 disclosed under Section 4 of the Illinois Health and  
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Regional Transportation Authority under Section 2.11 of  
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety  
2 Act.

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

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

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

9 (t) All identified or deidentified health information  
10 in the form of health data or medical records contained in,  
11 stored in, submitted to, transferred by, or released from  
12 the Illinois Health Information Exchange, and identified  
13 or deidentified health information in the form of health  
14 data and medical records of the Illinois Health Information  
15 Exchange in the possession of the Illinois Health  
16 Information Exchange Authority due to its administration  
17 of the Illinois Health Information Exchange. The terms  
18 "identified" and "deidentified" shall be given the same  
19 meaning as in the Health Insurance Portability and  
20 Accountability Act of 1996, Public Law 104-191, or any  
21 subsequent amendments thereto, and any regulations  
22 promulgated thereunder.

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

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

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

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

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

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

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

16 (gg) Information that is prohibited from being  
17 disclosed under Section 7-603.5 of the Illinois Vehicle  
18 Code.

19 (hh) Records that are exempt from disclosure under  
20 Section 1A-16.7 of the Election Code.

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

24 (jj) Information and reports that are required to be  
25 submitted to the Department of Labor by registering day and  
26 temporary labor service agencies but are exempt from

1 disclosure under subsection (a-1) of Section 45 of the Day  
2 and Temporary Labor Services Act.

3 (kk) Information prohibited from disclosure under the  
4 Seizure and Forfeiture Reporting Act.

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

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

10 (nn) ~~(ll)~~ Information that is exempt from disclosure  
11 under Section 70 of the Higher Education Student Assistance  
12 Act.

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

16 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
17 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
18 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
19 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
20 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
21 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
22 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised  
23 10-12-18.)

24 Section 10. The Department of State Police Law of the Civil  
25 Administrative Code of Illinois is amended by adding Sections



1 2605-304 and 2605-610 as follows:

2 (20 ILCS 2605/2605-304 new)

3 Sec. 2605-304. Prohibited Persons Portal.

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

11 (b) The Department shall include in the report the reason  
12 the person's Firearm Owner's Identification Card was subject to  
13 revocation or suspension, to the extent allowed by law,  
14 consistent with Section 8 of the Firearm Owners Identification  
15 Card Act.

16 (c) The Department shall indicate whether the person  
17 subject to the revocation or suspension of his or her Firearm  
18 Owner's Identification Card has surrendered his or her revoked  
19 or suspended Firearm Owner's Identification Card and whether  
20 the person has completed a Firearm Disposition Record required  
21 under Section 9.5 of the Firearm Owners Identification Card  
22 Act.

23 (d) The Department shall provide updates of information  
24 related to an individual's current Firearm Owner's  
25 Identification Card revocation or suspension status, including

1 compliance under Section 9.5 of the Firearm Owners  
2 Identification Card Act, in the Department's Law Enforcement  
3 Agencies Data System.

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

6 (f) The Department may adopt rules necessary to implement  
7 this Section.

8 (20 ILCS 2605/2605-610 new)

9 Sec. 2605-610. Firearm Recovery Task Force. The Director  
10 shall establish a statewide multi-jurisdictional Firearm  
11 Recovery Task Force led by the Department to seize and recover  
12 the Firearm Owner's Identification Cards of revoked persons and  
13 to enforce Section 9.5 of the Firearm Owner's Identification  
14 Card Act.

15 The Task Force may work with units of local government in  
16 its recovery efforts. In working with a unit of local  
17 government, the Task Force shall operate under an  
18 intergovernmental agreement entered into with that unit of  
19 local government in conformity with the provisions of the  
20 Intergovernmental Cooperation Act. Units of local government  
21 cooperating with the Task Force shall be reimbursed by the  
22 Department for expenses incurred in their cooperation with the  
23 Task Force.

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

25 For purposes of this Section:

1       "Revoked person" means a person whose Firearm Owner's  
2       Identification Card has been revoked under Section 8 of the  
3       Firearm Owner's Identification Card Act.

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

7       Section 15. The Firearm Owners Identification Card Act is  
8       amended by changing Sections 3.1, 8, and 9.5 and by adding  
9       Section 8.4 as follows:

10       (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

11       Sec. 3.1. Dial up system.

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

22       (b) Upon receiving a request from a federally licensed  
23       firearm dealer, gun show promoter, or gun show vendor, the  
24       Department of State Police shall immediately approve, or within

1 the time period established by Section 24-3 of the Criminal  
2 Code of 2012 regarding the delivery of firearms, stun guns, and  
3 tasers notify the inquiring dealer, gun show promoter, or gun  
4 show vendor of any objection that would disqualify the  
5 transferee from acquiring or possessing a firearm, stun gun, or  
6 taser. In conducting the inquiry, the Department of State  
7 Police shall initiate and complete an automated search of its  
8 criminal history record information files and those of the  
9 Federal Bureau of Investigation, including the National  
10 Instant Criminal Background Check System, and of the files of  
11 the Department of Human Services relating to mental health and  
12 developmental disabilities to obtain any prohibiting  
13 information ~~felony conviction~~ or patient hospitalization  
14 information which would disqualify a person from obtaining or  
15 require revocation of a currently valid Firearm Owner's  
16 Identification Card.

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

20 (1) assign a unique identification number to the  
21 transfer; and

22 (2) provide the licensee, gun show promoter, or gun  
23 show vendor with the number.

24 (d) Approvals issued by the Department of State Police for  
25 the purchase of a firearm are valid for 30 days from the date  
26 of issue.

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

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

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

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

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

25           (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

10          (b) A person under 21 years of age who does not have  
11 the written consent of his parent or guardian to acquire  
12 and possess firearms and firearm ammunition, or whose  
13 parent or guardian has revoked such written consent, or  
14 where such parent or guardian does not qualify to have a  
15 Firearm Owner's Identification Card;

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

18          (d) A person addicted to narcotics;

19          (e) A person who has been a patient of a mental health  
20 facility within the past 5 years or a person who has been a  
21 patient in a mental health facility more than 5 years ago  
22 who has not received the certification required under  
23 subsection (u) of this Section. An active law enforcement  
24 officer employed by a unit of government who is denied,  
25 revoked, or has his or her Firearm Owner's Identification  
26 Card seized under this subsection (e) may obtain relief as

1 described in subsection (c-5) of Section 10 of this Act if  
2 the officer did not act in a manner threatening to the  
3 officer, another person, or the public as determined by the  
4 treating clinical psychologist or physician, and the  
5 officer seeks mental health treatment;

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

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

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

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

14 (i-5) An alien who has been admitted to the United  
15 States under a non-immigrant visa (as that term is defined  
16 in Section 101(a)(26) of the Immigration and Nationality  
17 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
18 (i-5) does not apply to any alien who has been lawfully  
19 admitted to the United States under a non-immigrant visa if  
20 that alien is:

21 (1) admitted to the United States for lawful  
22 hunting or sporting purposes;

23 (2) an official representative of a foreign  
24 government who is:

25 (A) accredited to the United States Government  
26 or the Government's mission to an international

1 organization having its headquarters in the United  
2 States; or

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

5 (3) an official of a foreign government or  
6 distinguished foreign visitor who has been so  
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a friendly  
9 foreign government entering the United States on  
10 official business; or

11 (5) one who has received a waiver from the Attorney  
12 General of the United States pursuant to 18 U.S.C.  
13 922(y)(3);

14 (j) (Blank);

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

20 (l) A person who has been convicted of domestic  
21 battery, aggravated domestic battery, or a substantially  
22 similar offense in another jurisdiction committed before,  
23 on or after January 1, 2012 (the effective date of Public  
24 Act 97-158). If the applicant or person who has been  
25 previously issued a Firearm Owner's Identification Card  
26 under this Act knowingly and intelligently waives the right



1 to have an offense described in this paragraph (l) tried by  
2 a jury, and by guilty plea or otherwise, results in a  
3 conviction for an offense in which a domestic relationship  
4 is not a required element of the offense but in which a  
5 determination of the applicability of 18 U.S.C. 922(g)(9)  
6 is made under Section 112A-11.1 of the Code of Criminal  
7 Procedure of 1963, an entry by the court of a judgment of  
8 conviction for that offense shall be grounds for denying an  
9 application for and for revoking and seizing a Firearm  
10 Owner's Identification Card previously issued to the  
11 person under this Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or  
14 possessing firearms or firearm ammunition by any Illinois  
15 State statute or by federal law;

16 (o) A minor subject to a petition filed under Section  
17 5-520 of the Juvenile Court Act of 1987 alleging that the  
18 minor is a delinquent minor for the commission of an  
19 offense that if committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent  
21 minor under the Juvenile Court Act of 1987 for the  
22 commission of an offense that if committed by an adult  
23 would be a felony;

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

1           (r) A person who has been adjudicated as a person with  
2           a mental disability;

3           (s) A person who has been found to have a developmental  
4           disability;

5           (t) A person involuntarily admitted into a mental  
6           health facility; ~~or~~

7           (u) A person who has had his or her Firearm Owner's  
8           Identification Card revoked or denied under subsection (e)  
9           of this Section or item (iv) of paragraph (2) of subsection  
10          (a) of Section 4 of this Act because he or she was a  
11          patient in a mental health facility as provided in  
12          subsection (e) of this Section, shall not be permitted to  
13          obtain a Firearm Owner's Identification Card, after the  
14          5-year period has lapsed, unless he or she has received a  
15          mental health evaluation by a physician, clinical  
16          psychologist, or qualified examiner as those terms are  
17          defined in the Mental Health and Developmental  
18          Disabilities Code, and has received a certification that he  
19          or she is not a clear and present danger to himself,  
20          herself, or others. The physician, clinical psychologist,  
21          or qualified examiner making the certification and his or  
22          her employer shall not be held criminally, civilly, or  
23          professionally liable for making or not making the  
24          certification required under this subsection, except for  
25          willful or wanton misconduct. This subsection does not  
26          apply to a person whose firearm possession rights have been

1 restored through administrative or judicial action under  
2 Section 10 or 11 of this Act; or -

3 (v) A person who is under guardianship under the  
4 Probate Act of 1975 because he or she is a person with a  
5 disability as defined in Section 11a-2 of the Probate Act  
6 of 1975.

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

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

13 (430 ILCS 65/8.4 new)

14 Sec. 8.4. Cancellation of Firearm Owner's Identification  
15 Card. The Department of State Police may cancel a Firearm  
16 Owner's Identification Card if a person is not prohibited by  
17 State or federal law from acquiring or possessing a firearm or  
18 firearm ammunition and the sole purpose is for an  
19 administrative reason. Administrative reasons include, but are  
20 not limited to: a person who surrenders his or her Illinois  
21 drivers license or Illinois Identification Card to another  
22 jurisdiction, death, or where a person's Firearm Owner's  
23 Identification Card is reported as lost, stolen, or destroyed.  
24 The Department of State Police may adopt rules necessary to  
25 implement this Section.

1 (430 ILCS 65/9.5)

2 Sec. 9.5. Revocation or suspension of Firearm Owner's  
3 Identification Card.

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

7 (1) surrender his or her Firearm Owner's  
8 Identification Card to the local law enforcement agency  
9 where the person resides. The local law enforcement agency  
10 shall provide the person a receipt and transmit the Firearm  
11 Owner's Identification Card to the Department of State  
12 Police; and

13 (2) complete a Firearm Disposition Record on a form  
14 prescribed by the Department of State Police and place his  
15 or her firearms in the location or with the person reported  
16 in the Firearm Disposition Record. The form shall require  
17 the person to disclose:

18 (A) the make, model, and serial number of each  
19 firearm owned by or under the custody and control of  
20 the revoked or suspended person;

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

23 (C) if any firearm will be transferred to the  
24 custody of another person, the name, address and  
25 Firearm Owner's Identification Card number of the

1 transferee.

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

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

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

8 (3) intends to retain possession of the firearm or  
9 firearms until it is determined that the transferor is  
10 legally eligible to possess a firearm and has an active  
11 Firearm Owners Identification Card, if applicable, or  
12 until a new person is chosen to hold the firearm or  
13 firearms.

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

18 (c) If the person whose Firearm Owner's Identification Card  
19 has been revoked or suspended fails to comply with the  
20 requirements of this Section, the sheriff or law enforcement  
21 agency where the person resides may petition the circuit court  
22 to issue a warrant to search for and seize the Firearm Owner's  
23 Identification Card and firearms in the possession or under the  
24 custody or control of the person whose Firearm Owner's  
25 Identification Card has been revoked or suspended.

26 (d) A violation of subsection (a) of this Section is a

1 Class A misdemeanor.

2 (e) The observation of a Firearm Owner's Identification  
3 Card in the possession of a person whose Firearm Owner's  
4 Identification Card has been revoked or suspended constitutes a  
5 sufficient basis for the arrest of that person for violation of  
6 this Section.

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

13 (g) A person whose Firearm Owner's Identification Card has  
14 been revoked or suspended and who received notice under  
15 subsection (f) shall comply with the requirements of this  
16 Section within 48 hours of receiving notice.

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

18 Section 20. The Code of Criminal Procedure of 1963 is  
19 amended by changing Section 110-10 as follows:

20 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

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

22 (a) If a person is released prior to conviction, either  
23 upon payment of bail security or on his or her own  
24 recognizance, the conditions of the bail bond shall be that he

1 or she will:

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

5 (2) Submit himself or herself to the orders and process  
6 of the court;

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

8 (4) Not violate any criminal statute of any  
9 jurisdiction;

10 (5) At a time and place designated by the court, the  
11 defendant shall physically surrender all firearms in his or  
12 her possession to a law enforcement agency designated by  
13 the court to take custody of and impound the firearms and  
14 physically surrender his or her Firearm Owner's  
15 Identification Card to the law enforcement agency as a  
16 condition of remaining on bond pending sentencing  
17 ~~surrender 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 clerk of the~~  
21 ~~circuit court~~ when the offense the person has been charged  
22 with is a forcible felony, stalking, aggravated stalking,  
23 domestic battery, any violation of the Illinois Controlled  
24 Substances Act, the Methamphetamine Control and Community  
25 Protection Act, or the Cannabis Control Act that is  
26 classified as a Class 2 or greater felony, or any felony

1 violation of Article 24 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, unless the defendant requests to  
3 transfer his or her firearms under Section 9.5 of the  
4 Firearm Owners Identification Card Act first. A defendant  
5 whose Firearm Owner's Identification Card has been revoked  
6 or suspended may petition the court to transfer the  
7 defendant's firearm to a person who is lawfully able to  
8 possess the firearm if the person does not reside at the  
9 same address as the defendant. The transferee who receives  
10 the defendant's firearms must swear or affirm by affidavit  
11 that he or she shall not transfer the firearm to the  
12 defendant or to anyone residing in the same residence as  
13 the defendant, until the defendant's Firearm Owner's  
14 Identification Card has been reinstated. The law  
15 enforcement agency, upon transfer of the firearms, shall  
16 require the defendant to complete a Firearm Disposition  
17 Record under Section 9.5 of the Firearm Owners  
18 Identification Card Act and provide a copy to the  
19 Department of State Police along with the defendant's  
20 Firearm Owner's Identification Card; the court may,  
21 however, forgo the imposition of this condition when the  
22 defendant has provided proof to the court that he or she  
23 has legally disposed or transferred his or her firearms and  
24 returned his or her Firearm Owner's Identification Card to  
25 the Department of State Police. If the court finds the  
26 circumstances of the case clearly do not warrant it or when



1 its imposition would be impractical, the court shall  
2 indicate on the record and in writing and the court's basis  
3 for making the determination ~~when the circumstances of the~~  
4 ~~case clearly do not warrant it or when its imposition would~~  
5 ~~be impractical;~~ all legally possessed firearms shall be  
6 returned to the person upon proof being provided to the law  
7 enforcement agency of the reinstatement of the person's  
8 Firearm Owner's Identification Card; ~~if the Firearm~~  
9 ~~Owner's Identification Card is confiscated, the clerk of~~  
10 ~~the circuit court shall mail the confiscated card to the~~  
11 ~~Illinois State Police;~~ ~~all legally possessed firearms~~  
12 ~~shall be returned to the person upon the charges being~~  
13 ~~dismissed, or if the person is found not guilty, unless the~~  
14 ~~finding of not guilty is by reason of insanity;~~ and

15 (6) At a time and place designated by the court, submit  
16 to a psychological evaluation when the person has been  
17 charged with a violation of item (4) of subsection (a) of  
18 Section 24-1 of the Criminal Code of 1961 or the Criminal  
19 Code of 2012 and that violation occurred in a school or in  
20 any conveyance owned, leased, or contracted by a school to  
21 transport students to or from school or a school-related  
22 activity, or on any public way within 1,000 feet of real  
23 property comprising any school.

24 Psychological evaluations ordered pursuant to this Section  
25 shall be completed promptly and made available to the State,  
26 the defendant, and the court. As a further condition of bail

1 under these circumstances, the court shall order the defendant  
2 to refrain from entering upon the property of the school,  
3 including any conveyance owned, leased, or contracted by a  
4 school to transport students to or from school or a  
5 school-related activity, or on any public way within 1,000 feet  
6 of real property comprising any school. Upon receipt of the  
7 psychological evaluation, either the State or the defendant may  
8 request a change in the conditions of bail, pursuant to Section  
9 110-6 of this Code. The court may change the conditions of bail  
10 to include a requirement that the defendant follow the  
11 recommendations of the psychological evaluation, including  
12 undergoing psychiatric treatment. The conclusions of the  
13 psychological evaluation and any statements elicited from the  
14 defendant during its administration are not admissible as  
15 evidence of guilt during the course of any trial on the charged  
16 offense, unless the defendant places his or her mental  
17 competency in issue.

18 (b) The court may impose other conditions, such as the  
19 following, if the court finds that such conditions are  
20 reasonably necessary to assure the defendant's appearance in  
21 court, protect the public from the defendant, or prevent the  
22 defendant's unlawful interference with the orderly  
23 administration of justice:

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

26 (2) Refrain from possessing a firearm or other

1 dangerous weapon;

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

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

6 (5) Refrain from engaging in certain activities or  
7 indulging in intoxicating liquors or in certain drugs;

8 (6) Undergo treatment for drug addiction or  
9 alcoholism;

10 (7) Undergo medical or psychiatric treatment;

11 (8) Work or pursue a course of study or vocational  
12 training;

13 (9) Attend or reside in a facility designated by the  
14 court;

15 (10) Support his or her dependents;

16 (11) If a minor resides with his or her parents or in a  
17 foster home, attend school, attend a non-residential  
18 program for youths, and contribute to his or her own  
19 support at home or in a foster home;

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

21 (13) Remain in the custody of such designated person or  
22 organization agreeing to supervise his release. Such third  
23 party custodian shall be responsible for notifying the  
24 court if the defendant fails to observe the conditions of  
25 release which the custodian has agreed to monitor, and  
26 shall be subject to contempt of court for failure so to

1           notify the court;

2           (14) Be placed under direct supervision of the Pretrial  
3           Services Agency, Probation Department or Court Services  
4           Department in a pretrial bond home supervision capacity  
5           with or without the use of an approved electronic  
6           monitoring device subject to Article 8A of Chapter V of the  
7           Unified Code of Corrections;

8           (14.1) The court shall impose upon a defendant who is  
9           charged with any alcohol, cannabis, methamphetamine, or  
10          controlled substance violation and is placed under direct  
11          supervision of the Pretrial Services Agency, Probation  
12          Department or Court Services Department in a pretrial bond  
13          home supervision capacity with the use of an approved  
14          monitoring device, as a condition of such bail bond, a fee  
15          that represents costs incidental to the electronic  
16          monitoring for each day of such bail supervision ordered by  
17          the court, unless after determining the inability of the  
18          defendant to pay the fee, the court assesses a lesser fee  
19          or no fee as the case may be. The fee shall be collected by  
20          the clerk of the circuit court, except as provided in an  
21          administrative order of the Chief Judge of the circuit  
22          court. The clerk of the circuit court shall pay all monies  
23          collected from this fee to the county treasurer for deposit  
24          in the substance abuse services fund under Section 5-1086.1  
25          of the Counties Code, except as provided in an  
26          administrative order of the Chief Judge of the circuit

1 court.

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

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

15 (14.2) The court shall impose upon all defendants,  
16 including those defendants subject to paragraph (14.1)  
17 above, placed under direct supervision of the Pretrial  
18 Services Agency, Probation Department or Court Services  
19 Department in a pretrial bond home supervision capacity  
20 with the use of an approved monitoring device, as a  
21 condition of such bail bond, a fee which shall represent  
22 costs incidental to such electronic monitoring for each day  
23 of such bail supervision ordered by the court, unless after  
24 determining the inability of the defendant to pay the fee,  
25 the court assesses a lesser fee or no fee as the case may  
26 be. The fee shall be collected by the clerk of the circuit

1 court, except as provided in an administrative order of the  
2 Chief Judge of the circuit court. The clerk of the circuit  
3 court shall pay all monies collected from this fee to the  
4 county treasurer who shall use the monies collected to  
5 defray the costs of corrections. The county treasurer shall  
6 deposit the fee collected in the county working cash fund  
7 under Section 6-27001 or Section 6-29002 of the Counties  
8 Code, as the case may be, except as provided in an  
9 administrative order of the Chief Judge of the circuit  
10 court.

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

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

24 (14.3) The Chief Judge of the Judicial Circuit may  
25 establish reasonable fees to be paid by a person receiving  
26 pretrial services while under supervision of a pretrial

1 services agency, probation department, or court services  
2 department. Reasonable fees may be charged for pretrial  
3 services including, but not limited to, pretrial  
4 supervision, diversion programs, electronic monitoring,  
5 victim impact services, drug and alcohol testing, DNA  
6 testing, GPS electronic monitoring, assessments and  
7 evaluations related to domestic violence and other  
8 victims, and victim mediation services. The person  
9 receiving pretrial services may be ordered to pay all costs  
10 incidental to pretrial services in accordance with his or  
11 her ability to pay those costs;

12 (14.4) For persons charged with violating Section  
13 11-501 of the Illinois Vehicle Code, refrain from operating  
14 a motor vehicle not equipped with an ignition interlock  
15 device, as defined in Section 1-129.1 of the Illinois  
16 Vehicle Code, pursuant to the rules promulgated by the  
17 Secretary of State for the installation of ignition  
18 interlock devices. Under this condition the court may allow  
19 a defendant who is not self-employed to operate a vehicle  
20 owned by the defendant's employer that is not equipped with  
21 an ignition interlock device in the course and scope of the  
22 defendant's employment;

23 (15) Comply with the terms and conditions of an order  
24 of protection issued by the court under the Illinois  
25 Domestic Violence Act of 1986 or an order of protection  
26 issued by the court of another state, tribe, or United

1 States territory;

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

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

6 (c) When a person is charged with an offense under Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, involving a victim who is a minor under  
10 18 years of age living in the same household with the defendant  
11 at the time of the offense, in granting bail or releasing the  
12 defendant on his own recognizance, the judge shall impose  
13 conditions to restrict the defendant's access to the victim  
14 which may include, but are not limited to conditions that he  
15 will:

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

20 (d) When a person is charged with a criminal offense and  
21 the victim is a family or household member as defined in  
22 Article 112A, conditions shall be imposed at the time of the  
23 defendant's release on bond that restrict the defendant's  
24 access to the victim. Unless provided otherwise by the court,  
25 the restrictions shall include requirements that the defendant  
26 do the following:



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

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

7           (e) Local law enforcement agencies shall develop  
8           standardized bond forms for use in cases involving family or  
9           household members as defined in Article 112A, including  
10          specific conditions of bond as provided in subsection (d).  
11          Failure of any law enforcement department to develop or use  
12          those forms shall in no way limit the applicability and  
13          enforcement of subsections (d) and (f).

14          (f) If the defendant is admitted to bail after conviction  
15          the conditions of the bail bond shall be that he will, in  
16          addition to the conditions set forth in subsections (a) and (b)  
17          hereof:

18                 (1) Duly prosecute his appeal;

19                 (2) Appear at such time and place as the court may  
20                 direct;

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

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

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

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

1 ~~possession and his or her Firearm Owner's Identification Card~~  
2 as a condition of remaining on bond pending sentencing.

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

1 returned to the person upon proof being provided to the law  
2 enforcement agency of the reinstatement of the person's Firearm  
3 Owner's Identification Card.

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

5 Section 25. The Unified Code of Corrections is amended by  
6 changing Section 5-6-3 as follows:

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

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

9 Sec. 5-6-3. Conditions of probation and of conditional  
10 discharge.

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

13 (1) not violate any criminal statute of any  
14 jurisdiction;

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

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

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

1 notification and approval of the person's probation  
2 officer. Transfer of a person's probation or conditional  
3 discharge supervision to another state is subject to  
4 acceptance by the other state pursuant to the Interstate  
5 Compact for Adult Offender Supervision;

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

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

1 the fulfillment of community service hours for  
2 participation in activities and treatment as determined by  
3 court services;

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

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

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

19 (8.5) if convicted of a felony sex offense as defined  
20 in the Sex Offender Management Board Act, the person shall  
21 undergo and successfully complete sex offender treatment  
22 by a treatment provider approved by the Board and conducted  
23 in conformance with the standards developed under the Sex  
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, refrain from residing at

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

10 (8.7) if convicted for an offense committed on or after  
11 June 1, 2008 (the effective date of Public Act 95-464) that  
12 would qualify the accused as a child sex offender as  
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
14 1961 or the Criminal Code of 2012, refrain from  
15 communicating with or contacting, by means of the Internet,  
16 a person who is not related to the accused and whom the  
17 accused reasonably believes to be under 18 years of age;  
18 for purposes of this paragraph (8.7), "Internet" has the  
19 meaning ascribed to it in Section 16-0.1 of the Criminal  
20 Code of 2012; and a person is not related to the accused if  
21 the person is not: (i) the spouse, brother, or sister of  
22 the accused; (ii) a descendant of the accused; (iii) a  
23 first or second cousin of the accused; or (iv) a step-child  
24 or adopted child of the accused;

25 (8.8) if convicted for an offense under Section 11-6,  
26 11-9.1, 11-14.4 that involves soliciting for a juvenile



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

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

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

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

26 (iv) submit to any other appropriate restrictions

1           concerning the offender's use of or access to a  
2           computer or any other device with Internet capability  
3           imposed by the offender's probation officer;

4           (8.9) if convicted of a sex offense as defined in the  
5           Sex Offender Registration Act committed on or after January  
6           1, 2010 (the effective date of Public Act 96-262), refrain  
7           from accessing or using a social networking website as  
8           defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

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

1 Claus costume on or preceding Christmas, being employed as  
2 a department store Santa Claus, or wearing an Easter Bunny  
3 costume on or preceding Easter;

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

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

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

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

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

1 ordered by the court; —

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

1 Firearm Owner's Identification Card; and

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

1       copy to the Department of State Police along with the  
2       defendants Firearm Owner's Identification Card.

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

8               (1) serve a term of periodic imprisonment under Article  
9       7 for a period not to exceed that specified in paragraph  
10       (d) of Section 5-7-1;

11              (2) pay a fine and costs;

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

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

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

18              (6) support his dependents;

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

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

21                      (ii) attend school;

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

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

25                      (v) with the consent of the superintendent of the  
26       facility, attend an educational program at a facility

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

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

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

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

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

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

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

26 (iv) for persons convicted of any alcohol,



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

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

1 The program shall not unduly burden the offender and  
2 shall be subject to review by the Chief Judge.

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

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

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

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

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

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

24 (13) contribute a reasonable sum of money, not to  
25 exceed the maximum amount of the fine authorized for the  
26 offense for which the defendant was sentenced, (i) to a

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

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

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

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

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

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

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

26                 (ii) submit to periodic unannounced examinations

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

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

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

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

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

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

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

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

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

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

24 (g) An offender sentenced to probation or to conditional  
25 discharge and who during the term of either undergoes mandatory  
26 drug or alcohol testing, or both, or is assigned to be placed

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



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

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

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

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

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

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

25 The Court may only waive probation fees based on an  
26 offender's ability to pay. The probation department may

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

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

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

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

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

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

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

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

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

24 Sec. 5-6-3. Conditions of probation and of conditional  
25 discharge.

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

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

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

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

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

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

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

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

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

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

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

1 under Section 10 of the Cannabis Control Act, Section 410  
2 of the Illinois Controlled Substances Act, or Section 70 of  
3 the Methamphetamine Control and Community Protection Act  
4 and upon a finding by the court that the person is  
5 addicted, undergo treatment at a substance abuse program  
6 approved by the court;

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

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

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



1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
2 1961 or the Criminal Code of 2012, refrain from  
3 communicating with or contacting, by means of the Internet,  
4 a person who is not related to the accused and whom the  
5 accused reasonably believes to be under 18 years of age;  
6 for purposes of this paragraph (8.7), "Internet" has the  
7 meaning ascribed to it in Section 16-0.1 of the Criminal  
8 Code of 2012; and a person is not related to the accused if  
9 the person is not: (i) the spouse, brother, or sister of  
10 the accused; (ii) a descendant of the accused; (iii) a  
11 first or second cousin of the accused; or (iv) a step-child  
12 or adopted child of the accused;

13 (8.8) if convicted for an offense under Section 11-6,  
14 11-9.1, 11-14.4 that involves soliciting for a juvenile  
15 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 or any attempt to commit any of these offenses, committed  
18 on or after June 1, 2009 (the effective date of Public Act  
19 95-983):

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

26 (ii) submit to periodic unannounced examinations

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

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

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

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

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

1 the Code of Criminal Procedure of 1963, to trigger the  
2 prohibitions of 18 U.S.C. 922(g)(9), the defendant shall  
3 physically surrender, at a time and place designated by the  
4 court, 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 law  
8 enforcement agency as a condition of remaining on bond  
9 pending sentencing, unless the defendant requests to  
10 transfer his or her firearms under Section 9.5 of the  
11 Firearm Owners Identification Card Act first. A defendant  
12 whose Firearm Owner's Identification Card has been revoked  
13 or suspended may petition the court to transfer the  
14 defendant's firearm to a person who is lawfully able to  
15 possess the firearm if the person does not reside at the  
16 same address as the defendant. The transferee who receives  
17 the defendant's firearms must swear or affirm by affidavit  
18 that he or she shall not transfer the firearm to the  
19 defendant or to anyone residing in the same residence as  
20 the defendant, until the defendant's Firearm Owner's  
21 Identification Card has been reinstated. The law  
22 enforcement agency, upon transfer of the firearms, shall  
23 require the defendant to complete a Firearm Disposition  
24 Record under Section 9.5 of the Firearm Owner's  
25 Identification Card Act and provide a copy to the  
26 Department of State Police along with the defendants

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

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

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

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

1 offense:

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

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

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

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

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

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

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

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

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

25               (2) pay a fine and costs;

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

- 1 training;
- 2 (4) undergo medical, psychological or psychiatric
- 3 treatment; or treatment for drug addiction or alcoholism;
- 4 (5) attend or reside in a facility established for the
- 5 instruction or residence of defendants on probation;
- 6 (6) support his dependents;
- 7 (7) and in addition, if a minor:
- 8 (i) reside with his parents or in a foster home;
- 9 (ii) attend school;
- 10 (iii) attend a non-residential program for youth;
- 11 (iv) contribute to his own support at home or in a
- 12 foster home;
- 13 (v) with the consent of the superintendent of the
- 14 facility, attend an educational program at a facility
- 15 other than the school in which the offense was
- 16 committed if he or she is convicted of a crime of
- 17 violence as defined in Section 2 of the Crime Victims
- 18 Compensation Act committed in a school, on the real
- 19 property comprising a school, or within 1,000 feet of
- 20 the real property comprising a school;
- 21 (8) make restitution as provided in Section 5-5-6 of
- 22 this Code;
- 23 (9) perform some reasonable public or community
- 24 service;
- 25 (10) serve a term of home confinement. In addition to
- 26 any other applicable condition of probation or conditional



1 discharge, the conditions of home confinement shall be that  
2 the offender:

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

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

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

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

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

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

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

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

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

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

25 (11) comply with the terms and conditions of an order  
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986, as now or hereafter amended,  
2 or an order of protection issued by the court of another  
3 state, tribe, or United States territory. A copy of the  
4 order of protection shall be transmitted to the probation  
5 officer or agency having responsibility for the case;

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

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

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

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

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

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

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

1 a descendant of the accused; (iii) a first or second cousin  
2 of the accused; or (iv) a step-child or adopted child of  
3 the accused;

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

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

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

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

1 systems to monitor the Internet use; and

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

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

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

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

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

1 that the offender be committed to a period of imprisonment in  
2 excess of 6 months. This 6-month limit shall not include  
3 periods of confinement given pursuant to a sentence of county  
4 impact incarceration under Section 5-8-1.2.

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

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

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



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

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

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

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

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

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

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

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

25 Public Act 93-970 deletes the \$10 increase in the fee under  
26 this subsection that was imposed by Public Act 93-616. This

1 deletion is intended to control over any other Act of the 93rd  
2 General Assembly that retains or incorporates that fee  
3 increase.

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

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

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

1 indirectly, with any persons specified by the court and shall  
2 be available for all evaluations and treatment programs  
3 required by the court or the probation department.

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

8 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
9 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
10 1-8-18; 100-987, eff. 7-1-19.)

11 Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.