



Rep. Stephanie A. Kifowit

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1 AMENDMENT TO HOUSE BILL 2390

2 AMENDMENT NO. _____. Amend House Bill 2390 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-7.1 as follows:

6 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

7 Sec. 12-7.1. Hate crime.

8 (a) A person commits hate crime when, by reason of the
9 actual or perceived race, color, creed, religion, ancestry,
10 gender, sexual orientation, physical or mental disability, or
11 national origin of another individual or group of individuals,
12 regardless of the existence of any other motivating factor or
13 factors, he commits assault, battery, aggravated assault,
14 misdemeanor theft, criminal trespass to residence, misdemeanor
15 criminal damage to property, criminal trespass to vehicle,
16 criminal trespass to real property, mob action, disorderly

1 conduct, harassment by telephone, or harassment through
2 electronic communications as these crimes are defined in
3 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
4 25-1, 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of Section
5 26.5-3 of this Code, respectively.

6 (b) Except as provided in subsection (b-5), hate crime is a
7 Class 4 felony for a first offense and a Class 2 felony for a
8 second or subsequent offense.

9 (b-5) Hate crime is a Class 3 felony for a first offense
10 and a Class 2 felony for a second or subsequent offense if
11 committed:

12 (1) in, or upon the exterior or grounds of, a church,
13 synagogue, mosque, or other building, structure, or place
14 identified or associated with a particular religion or used
15 for religious worship or other religious purpose;

16 (2) in a cemetery, mortuary, or other facility used for
17 the purpose of burial or memorializing the dead;

18 (3) in a school or other educational facility,
19 including an administrative facility or public or private
20 dormitory facility of or associated with the school or
21 other educational facility;

22 (4) in a public park or an ethnic or religious
23 community center;

24 (5) on the real property comprising any location
25 specified in clauses (1) through (4) of this subsection
26 (b-5); or

1 (6) on a public way within 1,000 feet of the real
2 property comprising any location specified in clauses (1)
3 through (4) of this subsection (b-5).

4 (b-10) Upon imposition of any sentence, the trial court
5 shall also either order restitution paid to the victim or
6 impose a fine in an amount to be determined by the court based
7 on the severity of the crime and the injury or damages suffered
8 by the victim up to \$1,000. In addition, any order of probation
9 or conditional discharge entered following a conviction or an
10 adjudication of delinquency shall include a condition that the
11 offender perform public or community service of no less than
12 200 hours if that service is established in the county where
13 the offender was convicted of hate crime. In addition, any
14 order of probation or conditional discharge entered following a
15 conviction or an adjudication of delinquency shall include a
16 condition that the offender enroll in an educational program
17 discouraging hate crimes involving the protected class
18 identified in subsection (a) that gave rise to the offense the
19 offender committed ~~if the offender caused criminal damage to~~
20 ~~property consisting of religious fixtures, objects, or~~
21 ~~decorations.~~ The educational program must be attended by the
22 offender in-person and may be administered, as determined by
23 the court, by a university, college, community college,
24 non-profit organization, ~~or~~ the Illinois Holocaust and
25 Genocide Commission, or any other organization that provides
26 educational programs discouraging hate crimes, except that

1 programs administered online or that can otherwise be attended
2 remotely are prohibited. ~~Nothing in this subsection (b-10)~~
3 ~~prohibits courses discouraging hate crimes from being made~~
4 ~~available online.~~ The court may also impose any other condition
5 of probation or conditional discharge under this Section. If
6 the court sentences the offender to imprisonment or periodic
7 imprisonment for a violation of this Section, as a condition of
8 the offender's mandatory supervised release, the court shall
9 require that the offender perform public or community service
10 of no less than 200 hours and enroll in an educational program
11 discouraging hate crimes involving the protected class
12 identified in subsection (a) that gave rise to the offense the
13 offender committed.

14 (c) Independent of any criminal prosecution or the result
15 thereof, any person suffering injury to his person or damage to
16 his property as a result of a hate crime may bring a civil
17 action for damages, injunction or other appropriate relief. The
18 court may award actual damages, including damages for emotional
19 distress, as well as ~~or~~ punitive damages. A judgment in favor
20 of a person who brings a civil action under this subsection (c)
21 shall ~~may~~ include attorney's fees and costs. The parents or
22 legal guardians, other than guardians appointed pursuant to the
23 Juvenile Court Act or the Juvenile Court Act of 1987, of an
24 unemancipated minor shall be liable for the amount of any
25 judgment for all ~~actual~~ damages rendered against such minor
26 under this subsection (c) in any amount not exceeding the

1 amount provided under Section 5 of the Parental Responsibility
2 Law.

3 (d) "Sexual orientation" has the meaning ascribed to it in
4 paragraph (O-1) of Section 1-103 of the Illinois Human Rights
5 Act.

6 (Source: P.A. 99-77, eff. 1-1-16.)

7 Section 10. The Unified Code of Corrections is amended by
8 changing Sections 3-3-7 and 5-6-3 as follows:

9 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

23 (4) permit the agent to visit him or her at his or her
24 home, employment, or elsewhere to the extent necessary for

1 the agent to discharge his or her duties;

2 (5) attend or reside in a facility established for the
3 instruction or residence of persons on parole or mandatory
4 supervised release;

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

8 (7) report all arrests to an agent of the Department of
9 Corrections as soon as permitted by the arresting authority
10 but in no event later than 24 hours after release from
11 custody and immediately report service or notification of
12 an order of protection, a civil no contact order, or a
13 stalking no contact order to an agent of the Department of
14 Corrections;

15 (7.5) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, the individual shall
17 undergo and successfully complete sex offender treatment
18 conducted in conformance with the standards developed by
19 the Sex Offender Management Board Act by a treatment
20 provider approved by the Board;

21 (7.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders, or is in any facility operated or licensed by
6 the Department of Children and Family Services or by the
7 Department of Human Services, or is in any licensed medical
8 facility;

9 (7.7) if convicted for an offense that would qualify
10 the accused as a sexual predator under the Sex Offender
11 Registration Act on or after January 1, 2007 (the effective
12 date of Public Act 94-988), wear an approved electronic
13 monitoring device as defined in Section 5-8A-2 for the
14 duration of the person's parole, mandatory supervised
15 release term, or extended mandatory supervised release
16 term and if convicted for an offense of criminal sexual
17 assault, aggravated criminal sexual assault, predatory
18 criminal sexual assault of a child, criminal sexual abuse,
19 aggravated criminal sexual abuse, or ritualized abuse of a
20 child committed on or after August 11, 2009 (the effective
21 date of Public Act 96-236) when the victim was under 18
22 years of age at the time of the commission of the offense
23 and the defendant used force or the threat of force in the
24 commission of the offense wear an approved electronic
25 monitoring device as defined in Section 5-8A-2 that has
26 Global Positioning System (GPS) capability for the

1 duration of the person's parole, mandatory supervised
2 release term, or extended mandatory supervised release
3 term;

4 (7.8) if convicted for an offense committed on or after
5 June 1, 2008 (the effective date of Public Act 95-464) that
6 would qualify the accused as a child sex offender as
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, refrain from
9 communicating with or contacting, by means of the Internet,
10 a person who is not related to the accused and whom the
11 accused reasonably believes to be under 18 years of age;
12 for purposes of this paragraph (7.8), "Internet" has the
13 meaning ascribed to it in Section 16-0.1 of the Criminal
14 Code of 2012; and a person is not related to the accused if
15 the person is not: (i) the spouse, brother, or sister of
16 the accused; (ii) a descendant of the accused; (iii) a
17 first or second cousin of the accused; or (iv) a step-child
18 or adopted child of the accused;

19 (7.9) if convicted under Section 11-6, 11-20.1,
20 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, consent to search of computers,
22 PDAs, cellular phones, and other devices under his or her
23 control that are capable of accessing the Internet or
24 storing electronic files, in order to confirm Internet
25 protocol addresses reported in accordance with the Sex
26 Offender Registration Act and compliance with conditions

1 in this Act;

2 (7.10) if convicted for an offense that would qualify
3 the accused as a sex offender or sexual predator under the
4 Sex Offender Registration Act on or after June 1, 2008 (the
5 effective date of Public Act 95-640), not possess
6 prescription drugs for erectile dysfunction;

7 (7.11) if convicted for an offense under Section 11-6,
8 11-9.1, 11-14.4 that involves soliciting for a juvenile
9 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 or any attempt to commit any of these offenses, committed
12 on or after June 1, 2009 (the effective date of Public Act
13 95-983):

14 (i) not access or use a computer or any other
15 device with Internet capability without the prior
16 written approval of the Department;

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

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the Board, the Department or the offender's
8 supervising agent;

9 (7.12) if convicted of a sex offense as defined in the
10 Sex Offender Registration Act committed on or after January
11 1, 2010 (the effective date of Public Act 96-262), refrain
12 from accessing or using a social networking website as
13 defined in Section 17-0.5 of the Criminal Code of 2012;

14 (7.13) if convicted of a sex offense as defined in
15 Section 2 of the Sex Offender Registration Act committed on
16 or after January 1, 2010 (the effective date of Public Act
17 96-362) that requires the person to register as a sex
18 offender under that Act, may not knowingly use any computer
19 scrub software on any computer that the sex offender uses;

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

22 (9) obtain permission of an agent of the Department of
23 Corrections before changing his or her residence or
24 employment;

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

1 (11) refrain from the use or possession of narcotics or
2 other controlled substances in any form, or both, or any
3 paraphernalia related to those substances and submit to a
4 urinalysis test as instructed by a parole agent of the
5 Department of Corrections;

6 (12) not frequent places where controlled substances
7 are illegally sold, used, distributed, or administered;

8 (13) not knowingly associate with other persons on
9 parole or mandatory supervised release without prior
10 written permission of his or her parole agent, except when
11 the association involves activities related to community
12 programs, worship services, volunteering, and engaging
13 families, and not associate with persons who are members of
14 an organized gang as that term is defined in the Illinois
15 Streetgang Terrorism Omnibus Prevention Act;

16 (14) provide true and accurate information, as it
17 relates to his or her adjustment in the community while on
18 parole or mandatory supervised release or to his or her
19 conduct while incarcerated, in response to inquiries by his
20 or her parole agent or of the Department of Corrections;

21 (15) follow any specific instructions provided by the
22 parole agent that are consistent with furthering
23 conditions set and approved by the Prisoner Review Board or
24 by law, exclusive of placement on electronic detention, to
25 achieve the goals and objectives of his or her parole or
26 mandatory supervised release or to protect the public.

1 These instructions by the parole agent may be modified at
2 any time, as the agent deems appropriate;

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

13 (17) if convicted of a violation of an order of
14 protection under Section 12-3.4 or Section 12-30 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, be
16 placed under electronic surveillance as provided in
17 Section 5-8A-7 of this Code;

18 (18) comply with the terms and conditions of an order
19 of protection issued pursuant to the Illinois Domestic
20 Violence Act of 1986; an order of protection issued by the
21 court of another state, tribe, or United States territory;
22 a no contact order issued pursuant to the Civil No Contact
23 Order Act; or a no contact order issued pursuant to the
24 Stalking No Contact Order Act; ~~and~~

25 (19) if convicted of a violation of the Methamphetamine
26 Control and Community Protection Act, the Methamphetamine

1 Precursor Control Act, or a methamphetamine related
2 offense, be:

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

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

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

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

19 (1) work or pursue a course of study or vocational
20 training;

21 (2) undergo medical or psychiatric treatment, or
22 treatment for drug addiction or alcoholism;

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

25 (4) support his or her dependents;

26 (5) (blank);

1 (6) (blank);

2 (7) (blank);

3 (7.5) if convicted for an offense committed on or after
4 the effective date of this amendatory Act of the 95th
5 General Assembly that would qualify the accused as a child
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, refrain
8 from communicating with or contacting, by means of the
9 Internet, a person who is related to the accused and whom
10 the accused reasonably believes to be under 18 years of
11 age; for purposes of this paragraph (7.5), "Internet" has
12 the meaning ascribed to it in Section 16-0.1 of the
13 Criminal Code of 2012; and a person is related to the
14 accused if the person is: (i) the spouse, brother, or
15 sister of the accused; (ii) a descendant of the accused;
16 (iii) a first or second cousin of the accused; or (iv) a
17 step-child or adopted child of the accused;

18 (7.6) if convicted for an offense committed on or after
19 June 1, 2009 (the effective date of Public Act 95-983) that
20 would qualify as a sex offense as defined in the Sex
21 Offender Registration Act:

22 (i) not access or use a computer or any other
23 device with Internet capability without the prior
24 written approval of the Department;

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

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

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

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the Board, the Department or the offender's
16 supervising agent; and

17 (8) in addition, if a minor:

18 (i) reside with his or her parents or in a foster
19 home;

20 (ii) attend school;

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

22 or

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

25 (b-1) In addition to the conditions set forth in
26 subsections (a) and (b), persons required to register as sex

1 offenders pursuant to the Sex Offender Registration Act, upon
2 release from the custody of the Illinois Department of
3 Corrections, may be required by the Board to comply with the
4 following specific conditions of release:

5 (1) reside only at a Department approved location;

6 (2) comply with all requirements of the Sex Offender
7 Registration Act;

8 (3) notify third parties of the risks that may be
9 occasioned by his or her criminal record;

10 (4) obtain the approval of an agent of the Department
11 of Corrections prior to accepting employment or pursuing a
12 course of study or vocational training and notify the
13 Department prior to any change in employment, study, or
14 training;

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

19 (6) be electronically monitored for a minimum of 12
20 months from the date of release as determined by the Board;

21 (7) refrain from entering into a designated geographic
22 area except upon terms approved in advance by an agent of
23 the Department of Corrections. The terms may include
24 consideration of the purpose of the entry, the time of day,
25 and others accompanying the person;

26 (8) refrain from having any contact, including written

1 or oral communications, directly or indirectly, personally
2 or by telephone, letter, or through a third party with
3 certain specified persons including, but not limited to,
4 the victim or the victim's family without the prior written
5 approval of an agent of the Department of Corrections;

6 (9) refrain from all contact, directly or indirectly,
7 personally, by telephone, letter, or through a third party,
8 with minor children without prior identification and
9 approval of an agent of the Department of Corrections;

10 (10) neither possess or have under his or her control
11 any material that is sexually oriented, sexually
12 stimulating, or that shows male or female sex organs or any
13 pictures depicting children under 18 years of age nude or
14 any written or audio material describing sexual
15 intercourse or that depicts or alludes to sexual activity,
16 including but not limited to visual, auditory, telephonic,
17 or electronic media, or any matter obtained through access
18 to any computer or material linked to computer access use;

19 (11) not patronize any business providing sexually
20 stimulating or sexually oriented entertainment nor utilize
21 "900" or adult telephone numbers;

22 (12) not reside near, visit, or be in or about parks,
23 schools, day care centers, swimming pools, beaches,
24 theaters, or any other places where minor children
25 congregate without advance approval of an agent of the
26 Department of Corrections and immediately report any

1 incidental contact with minor children to the Department;

2 (13) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending as determined by an agent
5 of the Department of Corrections;

6 (14) may be required to provide a written daily log of
7 activities if directed by an agent of the Department of
8 Corrections;

9 (15) comply with all other special conditions that the
10 Department may impose that restrict the person from
11 high-risk situations and limit access to potential
12 victims;

13 (16) take an annual polygraph exam;

14 (17) maintain a log of his or her travel; or

15 (18) obtain prior approval of his or her parole officer
16 before driving alone in a motor vehicle.

17 (c) The conditions under which the parole or mandatory
18 supervised release is to be served shall be communicated to the
19 person in writing prior to his or her release, and he or she
20 shall sign the same before release. A signed copy of these
21 conditions, including a copy of an order of protection where
22 one had been issued by the criminal court, shall be retained by
23 the person and another copy forwarded to the officer in charge
24 of his or her supervision.

25 (d) After a hearing under Section 3-3-9, the Prisoner
26 Review Board may modify or enlarge the conditions of parole or

1 mandatory supervised release.

2 (e) The Department shall inform all offenders committed to
3 the Department of the optional services available to them upon
4 release and shall assist inmates in availing themselves of such
5 optional services upon their release on a voluntary basis.

6 (f) (Blank).

7 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17; 99-698,
8 eff. 7-29-16; revised 9-1-16.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of Probation and of Conditional
11 Discharge.

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

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

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

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

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

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

1 or vocational program;

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

15 (8.5) if convicted of a felony sex offense as defined
16 in the Sex Offender Management Board Act, the person shall
17 undergo and successfully complete sex offender treatment
18 by a treatment provider approved by the Board and conducted
19 in conformance with the standards developed under the Sex
20 Offender Management Board Act;

21 (8.6) if convicted of a sex offense as defined in the
22 Sex Offender Management Board Act, refrain from residing at
23 the same address or in the same condominium unit or
24 apartment unit or in the same condominium complex or
25 apartment complex with another person he or she knows or
26 reasonably should know is a convicted sex offender or has

1 been placed on supervision for a sex offense; the
2 provisions of this paragraph do not apply to a person
3 convicted of a sex offense who is placed in a Department of
4 Corrections licensed transitional housing facility for sex
5 offenders;

6 (8.7) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464) that
8 would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
10 1961 or the Criminal Code of 2012, refrain from
11 communicating with or contacting, by means of the Internet,
12 a person who is not related to the accused and whom the
13 accused reasonably believes to be under 18 years of age;
14 for purposes of this paragraph (8.7), "Internet" has the
15 meaning ascribed to it in Section 16-0.1 of the Criminal
16 Code of 2012; and a person is not related to the accused if
17 the person is not: (i) the spouse, brother, or sister of
18 the accused; (ii) a descendant of the accused; (iii) a
19 first or second cousin of the accused; or (iv) a step-child
20 or adopted child of the accused;

21 (8.8) if convicted for an offense under Section 11-6,
22 11-9.1, 11-14.4 that involves soliciting for a juvenile
23 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 or any attempt to commit any of these offenses, committed
26 on or after June 1, 2009 (the effective date of Public Act

1 95-983):

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

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

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 offender's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the offender's probation officer;

26 (8.9) if convicted of a sex offense as defined in the

1 Sex Offender Registration Act committed on or after January
2 1, 2010 (the effective date of Public Act 96-262), refrain
3 from accessing or using a social networking website as
4 defined in Section 17-0.5 of the Criminal Code of 2012;

5 (9) if convicted of a felony or of any misdemeanor
6 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
7 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
8 2012 that was determined, pursuant to Section 112A-11.1 of
9 the Code of Criminal Procedure of 1963, to trigger the
10 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
11 at a time and place designated by the court, his or her
12 Firearm Owner's Identification Card and any and all
13 firearms in his or her possession. The Court shall return
14 to the Department of State Police Firearm Owner's
15 Identification Card Office the person's Firearm Owner's
16 Identification Card;

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

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

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

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

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

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

26 (b) The Court may in addition to other reasonable

1 conditions relating to the nature of the offense or the
2 rehabilitation of the defendant as determined for each
3 defendant in the proper discretion of the Court require that
4 the person:

5 (1) serve a term of periodic imprisonment under Article
6 7 for a period not to exceed that specified in paragraph
7 (d) of Section 5-7-1;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical, psychological or psychiatric
12 treatment; or treatment for drug addiction or alcoholism;

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

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

22 (v) with the consent of the superintendent of the
23 facility, attend an educational program at a facility
24 other than the school in which the offense was
25 committed if he or she is convicted of a crime of
26 violence as defined in Section 2 of the Crime Victims

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

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

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

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

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

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

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

23 (iv) for persons convicted of any alcohol,
24 cannabis or controlled substance violation who are
25 placed on an approved monitoring device as a condition
26 of probation or conditional discharge, the court shall

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

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

26 The Chief Judge of the circuit court may suspend

1 any additional charges or fees for late payment,
2 interest, or damage to any device; and

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

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

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

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

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

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses under
26 the jurisdiction of the Department of Natural Resources, to

1 the fund established by the Department of Natural Resources
2 for the purchase of evidence for investigation purposes and
3 to conduct investigations as outlined in Section 805-105 of
4 the Department of Natural Resources (Conservation) Law;

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

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

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

24 (17) 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 related to the accused and whom the accused
5 reasonably believes to be under 18 years of age; for
6 purposes of this paragraph (17), "Internet" has the meaning
7 ascribed to it in Section 16-0.1 of the Criminal Code of
8 2012; and a person is related to the accused if the person
9 is: (i) the spouse, brother, or sister of the accused; (ii)
10 a descendant of the accused; (iii) a first or second cousin
11 of the accused; or (iv) a step-child or adopted child of
12 the accused;

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

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

23 (ii) submit to periodic unannounced examinations
24 of the offender's computer or any other device with
25 Internet capability by the offender's probation
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,
2 including the retrieval and copying of all data from
3 the computer or device and any internal or external
4 peripherals and removal of such information,
5 equipment, or device to conduct a more thorough
6 inspection;

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

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

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

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

1 discharge, except as may be necessary in the course of the
2 minor's lawful employment.

3 (d) An offender sentenced to probation or to conditional
4 discharge shall be given a certificate setting forth the
5 conditions thereof.

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

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

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

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes mandatory
23 drug or alcohol testing, or both, or is assigned to be placed
24 on an approved electronic monitoring device, shall be ordered
25 to pay all costs incidental to such mandatory drug or alcohol
26 testing, or both, and all costs incidental to such approved

1 electronic monitoring in accordance with the defendant's
2 ability to pay those costs. The county board with the
3 concurrence of the Chief Judge of the judicial circuit in which
4 the county is located shall establish reasonable fees for the
5 cost of maintenance, testing, and incidental expenses related
6 to the mandatory drug or alcohol testing, or both, and all
7 costs incidental to approved electronic monitoring, involved
8 in a successful probation program for the county. The
9 concurrence of the Chief Judge shall be in the form of an
10 administrative order. The fees shall be collected by the clerk
11 of the circuit court, except as provided in an administrative
12 order of the Chief Judge of the circuit court. The clerk of the
13 circuit court shall pay all moneys collected from these fees to
14 the county treasurer who shall use the moneys collected to
15 defray the costs of drug testing, alcohol testing, and
16 electronic monitoring. The county treasurer shall deposit the
17 fees collected in the county working cash fund under Section
18 6-27001 or Section 6-29002 of the Counties Code, as the case
19 may be. The Chief Judge of the circuit court of the county may
20 by administrative order establish a program for electronic
21 monitoring of offenders, in which a vendor supplies and
22 monitors the operation of the electronic monitoring device, and
23 collects the fees on behalf of the county. The program shall
24 include provisions for indigent offenders and the collection of
25 unpaid fees. The program shall not unduly burden the offender
26 and shall be subject to review by the Chief Judge.

1 The Chief Judge of the circuit court may suspend any
2 additional charges or fees for late payment, interest, or
3 damage to any device.

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

20 (i) The court shall impose upon an offender sentenced to
21 probation after January 1, 1989 or to conditional discharge
22 after January 1, 1992 or to community service under the
23 supervision of a probation or court services department after
24 January 1, 2004, as a condition of such probation or
25 conditional discharge or supervised community service, a fee of
26 \$50 for each month of probation or conditional discharge

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

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

21 The Court may only waive probation fees based on an
22 offender's ability to pay. The probation department may
23 re-evaluate an offender's ability to pay every 6 months, and,
24 with the approval of the Director of Court Services or the
25 Chief Probation Officer, adjust the monthly fee amount. An
26 offender may elect to pay probation fees due in a lump sum. Any

1 offender that has been assigned to the supervision of a
2 probation department, or has been transferred either under
3 subsection (h) of this Section or under any interstate compact,
4 shall be required to pay probation fees to the department
5 supervising the offender, based on the offender's ability to
6 pay.

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

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

22 (j) All fines and costs imposed under this Section for any
23 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
24 Code, or a similar provision of a local ordinance, and any
25 violation of the Child Passenger Protection Act, or a similar
26 provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

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

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

16 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,
17 eff. 7-27-15; 99-797, eff. 8-12-16.)".