



Rep. Stephanie A. Kifowit

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LRB100 07950 RLC 24104 a

1 AMENDMENT TO HOUSE BILL 2390

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

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

7 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

8 Sec. 12-7.1. Hate crime.

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

1 criminal trespass to real property, mob action, disorderly
2 conduct, harassment by telephone, or harassment through
3 electronic communications as these crimes are defined in
4 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
5 25-1, 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of Section
6 26.5-3 of this Code, respectively.

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

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

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

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

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

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

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

1 (b-5); or

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

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

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

15 (c) Independent of any criminal prosecution or the result
16 thereof, any person suffering injury to his person or damage to
17 his property as a result of a hate crime may bring a civil
18 action for damages, injunction or other appropriate relief. The
19 court may award actual damages, including damages for emotional
20 distress, as well as ~~or~~ punitive damages. A judgment in favor
21 of a person who brings a civil action under this subsection (c)
22 shall ~~may~~ include attorney's fees and costs. The parents or
23 legal guardians, other than guardians appointed pursuant to the
24 Juvenile Court Act or the Juvenile Court Act of 1987, of an
25 unemancipated minor shall be liable for the amount of any
26 judgment for all ~~actual~~ damages rendered against such minor

1 under this subsection (c) in any amount not exceeding the
2 amount provided under Section 5 of the Parental Responsibility
3 Law.

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

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

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

10 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

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

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

24 (4) permit the agent to visit him or her at his or her

1 home, employment, or elsewhere to the extent necessary for
2 the agent to discharge his or her duties;

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

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

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

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

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

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

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

1 Global Positioning System (GPS) capability for the
2 duration of the person's parole, mandatory supervised
3 release term, or extended mandatory supervised release
4 term;

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

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

1 Offender Registration Act and compliance with conditions
2 in this Act;

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

8 (7.11) if convicted for an offense under Section 11-6,
9 11-9.1, 11-14.4 that involves soliciting for a juvenile
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 or any attempt to commit any of these offenses, committed
13 on or after June 1, 2009 (the effective date of Public Act
14 95-983):

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

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

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

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

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

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

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

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

26 (10) consent to a search of his or her person,

1 property, or residence under his or her control;

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

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

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

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

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

1 mandatory supervised release or to protect the public.
2 These instructions by the parole agent may be modified at
3 any time, as the agent deems appropriate;

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

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

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

26 (19) if convicted of a violation of the Methamphetamine

1 Control and Community Protection Act, the Methamphetamine
2 Precursor Control Act, or a methamphetamine related
3 offense, be:

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

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

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

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

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

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

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

26 (4) support his or her dependents;

1 (5) (blank);

2 (6) (blank);

3 (7) (blank);

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

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

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

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

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

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

18 (8) in addition, if a minor:

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

21 (ii) attend school;

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

23 or

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

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections, may be required by the Board to comply with the
5 following specific conditions of release:

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

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

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

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

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

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

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

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

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

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

20 (11) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers;

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

1 Department of Corrections and immediately report any
2 incidental contact with minor children to the Department;

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

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

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

14 (16) take an annual polygraph exam;

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

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

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

26 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole or
2 mandatory supervised release.

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

7 (f) (Blank).

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

10 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

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

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

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

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

1 Omnibus Prevention Act;

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

1 otherwise mentally incapable of completing the educational
2 or vocational program;

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

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

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

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

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

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

1 on or after June 1, 2009 (the effective date of Public Act
2 95-983):

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

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

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

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

1 (8.9) if convicted of a sex offense as defined in the
2 Sex Offender Registration Act committed on or after January
3 1, 2010 (the effective date of Public Act 96-262), refrain
4 from accessing or using a social networking website as
5 defined in Section 17-0.5 of the Criminal Code of 2012;

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

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

1 costume on or preceding Easter;

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

8 ~~and~~

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

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

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

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

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

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

9 (2) pay a fine and costs;

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

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

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

16 (6) support his dependents;

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

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

19 (ii) attend school;

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

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

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

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act committed in a school, on the real
3 property comprising a school, or within 1,000 feet of
4 the real property comprising a school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

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

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

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

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

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

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject'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 offender's probation officer; and

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

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

1 any motor vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

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

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

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

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

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

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

1 and shall be subject to review by the Chief Judge.

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

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

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

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

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

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

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

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

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

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

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

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

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

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