



Rep. Lilian Jiménez

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10300SB1886ham001

LRB103 27323 RLC 61575 a

1 AMENDMENT TO SENATE BILL 1886

2 AMENDMENT NO. _____. Amend Senate Bill 1886 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 5-6-3. Conditions of probation and of conditional
8 discharge.

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

11 (1) not violate any criminal statute of any
12 jurisdiction;

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

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a

1 misdemeanor, the offense involved the intentional or
2 knowing infliction of bodily harm or threat of bodily
3 harm;

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

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

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized
22 gang and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

1 2012 and similar damage to property located within the
2 municipality or county in which the violation occurred.
3 When possible and reasonable, the community service should
4 be performed in the offender's neighborhood. For purposes
5 of this Section, "organized gang" has the meaning ascribed
6 to it in Section 10 of the Illinois Streetgang Terrorism
7 Omnibus Prevention Act. The court may give credit toward
8 the fulfillment of community service hours for
9 participation in activities and treatment as determined by
10 court services;

11 (7) if he or she is at least 17 years of age and has
12 been sentenced to probation or conditional discharge for a
13 misdemeanor or felony in a county of 3,000,000 or more
14 inhabitants and has not been previously convicted of a
15 misdemeanor or felony, may be required by the sentencing
16 court to attend educational courses designed to prepare
17 the defendant for a high school diploma and to work toward
18 a high school diploma or to work toward passing high
19 school equivalency testing or to work toward completing a
20 vocational training program approved by the court. The
21 person on probation or conditional discharge must attend a
22 public institution of education to obtain the educational
23 or vocational training required by this paragraph (7). The
24 court shall revoke the probation or conditional discharge
25 of a person who willfully fails to comply with this
26 paragraph (7). The person on probation or conditional

1 discharge shall be required to pay for the cost of the
2 educational courses or high school equivalency testing if
3 a fee is charged for those courses or testing. The court
4 shall resentence the offender whose probation or
5 conditional discharge has been revoked as provided in
6 Section 5-6-4. This paragraph (7) does not apply to a
7 person who has a high school diploma or has successfully
8 passed high school equivalency testing. This paragraph (7)
9 does not apply to a person who is determined by the court
10 to be a person with a developmental disability or
11 otherwise mentally incapable of completing the educational
12 or vocational program;

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

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall
2 undergo and successfully complete sex offender treatment
3 by a treatment provider approved by the Board and
4 conducted in conformance with the standards developed
5 under the Sex Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing
8 at the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders;

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

1 16-0.1 of the Criminal Code of 2012; and a person is not
2 related to the accused if the person is not: (i) the
3 spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin
5 of the accused; or (iv) a step-child or adopted child of
6 the accused;

7 (8.8) 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 offender's probation officer,
17 except in connection with the offender's employment or
18 search for employment with the prior approval of the
19 offender's probation officer;

20 (ii) submit to periodic unannounced examinations
21 of the offender's computer or any other device with
22 Internet capability by the offender's probation
23 officer, a law enforcement officer, or assigned
24 computer or information technology specialist,
25 including the retrieval and copying of all data from
26 the computer or device and any internal or external

1 peripherals and removal of such information,
2 equipment, or device to conduct a more thorough
3 inspection;

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

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

12 (8.9) if convicted of a sex offense as defined in the
13 Sex Offender Registration Act committed on or after
14 January 1, 2010 (the effective date of Public Act 96-262),
15 refrain from accessing or using a social networking
16 website as defined in Section 17-0.5 of the Criminal Code
17 of 2012;

18 (9) if convicted of a felony or of any misdemeanor
19 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
20 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
21 2012 that was determined, pursuant to Section 112A-11.1 of
22 the Code of Criminal Procedure of 1963, to trigger the
23 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
24 at a time and place designated by the court, his or her
25 Firearm Owner's Identification Card and any and all
26 firearms in his or her possession. The Court shall return

1 to the Illinois State Police Firearm Owner's
2 Identification Card Office the person's Firearm Owner's
3 Identification Card;

4 (10) 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
8 minors are present, not participate in a holiday event
9 involving children under 18 years of age, such as
10 distributing candy or other items to children on
11 Halloween, wearing a Santa Claus costume on or preceding
12 Christmas, being employed as a department store Santa
13 Claus, or wearing an Easter Bunny costume on or preceding
14 Easter;

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

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

26 (A) prohibited from purchasing, possessing, or

1 having under his or her control any product containing
2 pseudoephedrine unless prescribed by a physician; and

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

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

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

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

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

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

3 (6) support his dependents;

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

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

6 (ii) attend school;

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

8 (iv) contribute to his own support at home or in a
9 foster home;

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

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

20 (9) perform some reasonable public or community
21 service;

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

26 (i) remain within the interior premises of the

1 place designated for his confinement during the hours
2 designated by the court;

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

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

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

1 deposit in the substance abuse services fund under
2 Section 5-1086.1 of the Counties Code, except as
3 provided in an administrative order of the Chief Judge
4 of the circuit court.

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

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

17 (v) for persons convicted of offenses other than
18 those referenced in clause (iv) above and who are
19 placed on an approved monitoring device as a condition
20 of probation or conditional discharge, the court shall
21 impose a reasonable fee for each day of the use of the
22 device, as established by the county board in
23 subsection (g) of this Section, unless after
24 determining the inability of the defendant to pay the
25 fee, the court assesses a lesser fee or no fee as the
26 case may be. This fee shall be imposed in addition to

1 the fees imposed under subsections (g) and (i) of this
2 Section. The fee shall be collected by the clerk of the
3 circuit court, except as provided in an administrative
4 order of the Chief Judge of the circuit court. The
5 clerk of the circuit court shall pay all monies
6 collected from this fee to the county treasurer who
7 shall use the monies collected to defray the costs of
8 corrections. The county treasurer shall deposit the
9 fee collected in the probation and court services
10 fund. The Chief Judge of the circuit court of the
11 county may by administrative order establish a program
12 for electronic monitoring of offenders, in which a
13 vendor supplies and monitors the operation of the
14 electronic monitoring device, and collects the fees on
15 behalf of the county. The program shall include
16 provisions for indigent offenders and the collection
17 of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the
19 Chief Judge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 systems to monitor the Internet use; and

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

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

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

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

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

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

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

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

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

1 administrative order. The fees shall be collected by the clerk
2 of the circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The clerk of the
4 circuit court shall pay all moneys collected from these fees
5 to the county treasurer who shall use the moneys collected to
6 defray the costs of drug testing, alcohol testing, and
7 electronic monitoring. The county treasurer shall deposit the
8 fees collected in the county working cash fund under Section
9 6-27001 or Section 6-29002 of the Counties Code, as the case
10 may be. The Chief Judge of the circuit court of the county may
11 by administrative order establish a program for electronic
12 monitoring of offenders, in which a vendor supplies and
13 monitors the operation of the electronic monitoring device,
14 and collects the fees on behalf of the county. The program
15 shall include provisions for indigent offenders and the
16 collection of unpaid fees. The program shall not unduly burden
17 the offender and shall be subject to review by the Chief Judge.
18 A person shall not be assessed costs or fees for mandatory
19 testing for drugs, alcohol, or both, if the person is an
20 indigent person as defined in paragraph (2) of subsection (a)
21 of Section 5-105 of the Code of Civil Procedure.

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

25 (h) Jurisdiction over an offender may be transferred from
26 the sentencing court to the court of another circuit with the

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

15 (i) The court shall impose upon an offender sentenced to
16 probation after January 1, 1989 or to conditional discharge
17 after January 1, 1992 or to community service under the
18 supervision of a probation or court services department after
19 January 1, 2004, as a condition of such probation or
20 conditional discharge or supervised community service, a fee
21 of \$50 for each month of probation or conditional discharge
22 supervision or supervised community service ordered by the
23 court, unless after determining the inability of the person
24 sentenced to probation or conditional discharge or supervised
25 community service to pay the fee, the court assesses a lesser
26 fee. The court may not impose the fee on a minor who is placed

1 in the guardianship or custody of the Department of Children
2 and Family Services under the Juvenile Court Act of 1987 while
3 the minor is in placement. The fee shall be imposed only upon
4 an offender who is actively supervised by the probation and
5 court services department. The fee shall be collected by the
6 clerk of the circuit court. The clerk of the circuit court
7 shall pay all monies collected from this fee to the county
8 treasurer for deposit in the probation and court services fund
9 under Section 15.1 of the Probation and Probation Officers
10 Act.

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

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

1 compact, shall be required to pay probation fees to the
2 department supervising the offender, based on the offender's
3 ability to pay.

4 Public Act 93-970 deletes the \$10 increase in the fee
5 under this subsection that was imposed by Public Act 93-616.
6 This deletion is intended to control over any other Act of the
7 93rd General Assembly that retains or incorporates that fee
8 increase.

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

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

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

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

14 (m) A person on probation, conditional discharge, or
15 supervision shall not be ordered to refrain from having
16 cannabis or alcohol in his or her body unless:

17 (1) the person is under 21 years old;

18 (2) the person was sentenced to probation, conditional
19 discharge, or supervision for an offense which had as an
20 element of the offense the presence of an intoxicating
21 compound in the person's body;

22 (3) the person is participating in a problem-solving
23 court certified by the Illinois Supreme Court;

24 (4) the person has undergone a validated clinical
25 assessment and the clinical treatment plan includes
26 alcohol or cannabis testing; or

1 (5) a court ordered evaluation recommends that the
2 person refrain from using alcohol or cannabis, provided
3 the evaluation is a validated clinical assessment and the
4 recommendation originates from a clinical treatment plan.

5 If the court has made findings that alcohol use was a
6 contributing factor in the commission of the underlying
7 offense, the court may order a person on probation,
8 conditional discharge, or supervision to refrain from having
9 alcohol in his or her body during the time between sentencing
10 and the completion of a validated clinical assessment,
11 provided that such order shall not exceed 30 days and shall be
12 terminated if the clinical treatment plan does not recommend
13 abstinence or testing, or both.

14 In this subsection (m), "validated clinical assessment"
15 and "clinical treatment plan" have the meanings ascribed to
16 them in Section 10 of the Drug Court Treatment Act.

17 In any instance in which the court orders testing for
18 cannabis or alcohol, the court shall state the reasonable
19 relation the condition has to the person's crime for which the
20 person was placed on probation, conditional discharge, or
21 supervision.

22 (n) A person on probation, conditional discharge, or
23 supervision shall not be ordered to refrain from use or
24 consumption of any substance lawfully prescribed by a medical
25 provider or authorized by the Compassionate Use of Medical
26 Cannabis Program Act, except where use is prohibited in

1 paragraph (3) or (4) of subsection (m).

2 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)".