

1 AMENDMENT TO HOUSE BILL 3556

2 AMENDMENT NO. _____. Amend House Bill 3556 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sex Offender Management Board Act is
5 amended by changing Sections 10 and 15 and adding Sections
6 16, 17, 18, and 19 as follows:

7 (20 ILCS 4026/10)

8 Sec. 10. Definitions. In this Act, unless the context
9 otherwise requires:

10 (a) "Board" means the Sex Offender Management Board
11 created in Section 15.

12 (b) "Sex offender" means any person who is convicted or
13 found delinquent in the State of Illinois, or under any
14 substantially similar federal law or law of another state, of
15 any sex offense or attempt of a sex offense as defined in
16 subsection (c) of this Section, or any former statute of this
17 State that defined a felony sex offense, or who has been
18 certified as a sexually dangerous person under the Sexually
19 Dangerous Persons Act or declared a sexually violent person
20 under the Sexually Violent Persons Commitment Act, or any
21 substantially similar federal law or law of another state.

22 (c) "Sex offense" means any felony or misdemeanor

1 offense described in this subsection (c) as follows:

2 (1) Indecent solicitation of a child, in violation
3 of Section 11-6 of the Criminal Code of 1961;

4 (2) Indecent solicitation of an adult, in violation
5 of Section 11-6.5 of the Criminal Code of 1961;

6 (3) Public indecency, in violation of Section 11-9
7 of the Criminal Code of 1961;

8 (4) Sexual exploitation of a child, in violation of
9 Section 11-9.1 of the Criminal Code of 1961;

10 (5) Sexual relations within families, in violation
11 of Section 11-11 of the Criminal Code of 1961;

12 (6) Soliciting for a juvenile prostitute, in
13 violation of Section 11-15.1 of the Criminal Code of
14 1961;

15 (7) Keeping a place of juvenile prostitution, in
16 violation of Section 11-17.1 of the Criminal Code of
17 1961;

18 (8) Patronizing a juvenile prostitute, in violation
19 of Section 11-18.1 of the Criminal Code of 1961;

20 (9) Juvenile pimping, in violation of Section
21 11-19.1 of the Criminal Code of 1961;

22 (10) Exploitation of a child, in violation of
23 Section 11-19.2 of the Criminal Code of 1961;

24 (11) Child pornography, in violation of Section
25 11-20.1 of the Criminal Code of 1961;

26 (12) Harmful material, in violation of Section
27 11-21 of the Criminal Code of 1961;

28 (13) Criminal sexual assault, in violation of
29 Section 12-13 of the Criminal Code of 1961;

30 (14) Aggravated criminal sexual assault, in
31 violation of Section 12-14 of the Criminal Code of 1961;

32 (15) Predatory criminal sexual assault of a child,
33 in violation of Section 12-14.1 of the Criminal Code of
34 1961;

1 (16) Criminal sexual abuse, in violation of Section
2 12-15 of the Criminal Code of 1961;

3 (17) Aggravated criminal sexual abuse, in violation
4 of Section 12-16 of the Criminal Code of 1961;

5 (18) Ritualized abuse of a child, in violation of
6 Section 12-33 of the Criminal Code of 1961;

7 (19) An attempt to commit any of the offenses
8 enumerated in this subsection (c); or-

9 (20) Any felony offense under Illinois law that is
10 sexually motivated.

11 (d) "Management" means counseling, monitoring, and
12 supervision of any sex offender that conforms to the
13 standards created by the Board under Section 15.

14 (e) "Sexually motivated" means one or more of the facts
15 of the underlying offense indicates conduct that is of a
16 sexual nature or that shows an intent to engage in behavior
17 of a sexual nature.

18 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

19 (20 ILCS 4026/15)

20 Sec. 15. Sex Offender Management Board; creation;
21 duties.

22 (a) There is created the Sex Offender Management Board,
23 which shall consist of 24 20 members. The membership of the
24 Board shall consist of the following persons:

25 (1) Two members appointed by the Governor
26 representing the judiciary, one representing juvenile
27 court matters and one representing adult criminal court
28 matters;

29 (2) One member appointed by the Governor
30 representing Probation Services;

31 (3) One member appointed by the Governor
32 representing the Department of Corrections;

33 (4) One member appointed by the Governor

1 representing the Department of Human Services;

2 (5) One member appointed by the Governor
3 representing the Illinois State Police;

4 (6) One member appointed by the Governor
5 representing the Department of Children and Family
6 Services;

7 (7) One member appointed by the Attorney General
8 representing the Office of the Attorney General;

9 (8) Two members appointed by the Attorney General
10 who are licensed mental health professionals with
11 documented expertise in the treatment of sex offenders;

12 (9) Two members appointed by the Attorney General
13 who are State's Attorneys or assistant State's Attorneys,
14 one representing juvenile court matters and one
15 representing felony court matters;

16 (10) One member being the Cook County State's
17 Attorney or his or her designee;

18 (11) One member being the Director of the State's
19 Attorneys Appellate Prosecutor or his or her designee;

20 (12) One member being the Cook County Public
21 Defender or his or her designee;

22 (13) Two members appointed by the Governor who are
23 representatives of law enforcement, one juvenile officer
24 and one sex crime investigator;

25 (14) Two members appointed by the Attorney General
26 who are recognized experts in the field of sexual assault
27 and who can represent sexual assault victims and victims'
28 rights organizations; and

29 (15) One member being the State Appellate Defender
30 or his or her designee;

31 (16) One member being the President of the Illinois
32 Polygraph Society or his or her designee;

33 (17) One member being the Executive Director of the
34 Criminal Justice Information Authority or his or her

1 designee;

2 (18) One member being the President of the Illinois
3 Chapter of the Association for the Treatment of Sexual
4 Abusers or his or her designee; and

5 (19) One member representing the Illinois Principal
6 Association.

7 (b) The Governor and the Attorney General shall appoint
8 a presiding officer for the Board from among the board
9 members appointed under subsection (a) of this Section, which
10 presiding officer shall serve at the pleasure of the Governor
11 and the Attorney General.

12 (c) Each member of the Board shall demonstrate
13 substantial expertise and experience in the field of sexual
14 assault.

15 (d) (1) Any member of the Board created in subsection
16 (a) of this Section who is appointed under paragraphs (1)
17 through (7) of subsection (a) of this Section shall serve at
18 the pleasure of the official who appointed that member, for a
19 term of 5 years and may be reappointed. The members shall
20 serve without additional compensation.

21 (2) Any member of the Board created in subsection (a) of
22 this Section who is appointed under paragraphs (8) through
23 (14) of subsection (a) of this Section shall serve for a term
24 of 5 years and may be reappointed. The members shall serve
25 without compensation.

26 (3) The travel costs associated with membership on the
27 Board created in subsection (a) of this Section will be
28 reimbursed subject to availability of funds.

29 (e) The first meeting of this Board shall be held within
30 45 days of the effective date of this Act.

31 (f) The Board shall carry out the following duties:

32 (1) Not later than December 31, 2001, the Board
33 shall develop and prescribe separate standardized
34 procedures for the evaluation and identification of the

1 offender and recommend behavior management, monitoring,
2 and treatment eounseling based upon the knowledge that
3 sex offenders are extremely habituated and that there is
4 no known cure for the propensity to commit sex abuse.
5 The Board shall develop and implement measures of success
6 based upon a no-cure policy for intervention. The Board
7 shall develop and implement methods of intervention for
8 sex offenders which have as a priority the physical and
9 psychological safety of victims and potential victims and
10 which are appropriate to the needs of the particular
11 offender, so long as there is no reduction of the safety
12 of victims and potential victims.

13 (2) Not later than December 31, 2001, the Board
14 shall develop separate guidelines and standards for a
15 system of programs for the evaluation and treatment
16 eounseling of both juvenile and adult sex offenders which
17 shall ean be utilized by offenders who are placed on
18 probation, committed to the Department of Corrections or
19 Department of Human Services, or placed on mandatory
20 supervised release or parole. The programs developed
21 under this paragraph (f) shall be as flexible as possible
22 so that the programs may be utilized by each offender to
23 prevent the offender from harming victims and potential
24 victims. The programs shall be structured in such a
25 manner that the programs provide a continuing monitoring
26 process as well as a continuum of counseling programs for
27 each offender as that offender proceeds through the
28 justice system. Also, the programs shall be developed in
29 such a manner that, to the extent possible, the programs
30 may be accessed by all offenders in the justice system.

31 (3) There is established the Sex Offender
32 Management Board Fund in the State Treasury into which
33 funds received under any provision of law or from public
34 or private sources shall be deposited, and from which

1 funds shall be appropriated for the purposes set forth in
 2 Section 19 of this Act and in Section 5-6-3 of the
 3 Unified Code of Corrections, and the remainder shall be
 4 appropriated to the Sex Offender Management Board for
 5 planning and research.

6 (4) The Board shall develop and prescribe a plan to
 7 research and analyze the effectiveness of the evaluation,
 8 identification, and counseling procedures and programs
 9 developed under this Act. The Board shall also develop
 10 and prescribe a system for implementation of the
 11 guidelines and standards developed under paragraph (2) of
 12 this subsection (f) and for tracking offenders who have
 13 been subjected to evaluation, identification, and
 14 treatment ~~eounseling~~ under this Act. In addition, the
 15 Board shall develop a system for monitoring offender
 16 behaviors and offender adherence to prescribed behavioral
 17 changes. The results of the tracking and behavioral
 18 monitoring shall be a part of any analysis made under
 19 this paragraph (4).

20 (g) The Board may promulgate rules as are necessary to
 21 carry out the duties of the Board.

22 (h) The Board and the individual members of the Board
 23 shall be immune from any liability, whether civil or
 24 criminal, for the good faith performance of the duties of the
 25 Board as specified in this Section.

26 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98;
 27 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

28 (20 ILCS 4026/16 new)

29 Sec. 16. Sex offender evaluation and identification
 30 required.

31 (a) Beginning on the effective date of this amendatory
 32 Act of the 93rd General Assembly, each felony sex offender
 33 who is to be considered for probation shall be required as

1 part of the pre-sentence or social investigation to submit to
2 an evaluation for treatment, an evaluation for risk, and
3 procedures for monitoring of behavior to protect victims and
4 potential victims developed pursuant to item (1) of
5 subsection (f) of Section 15 of this Act.

6 (b) The evaluation required by subsection (a) of this
7 Section shall be by an evaluator approved by the Sex Offender
8 Management Board and shall be at the expense of the person
9 evaluated, based upon that person's ability to pay for such
10 treatment.

11 (20 ILCS 4026/17 new)

12 Sec. 17. Sentencing of sex offenders; treatment based
13 upon evaluation and identification required.

14 (a) Each felony sex offender sentenced by the court for
15 a sex offense shall be required as a part of any sentence to
16 probation, conditional release, or periodic imprisonment to
17 undergo treatment based upon the recommendations of the
18 evaluation made pursuant to Section 16 or based upon any
19 subsequent recommendations by the Administrative Office of
20 the Illinois Courts or the county probation department,
21 whichever is appropriate. Any such treatment and monitoring
22 shall be at a facility or with a person approved by the Board
23 and at such offender's own expense based upon the offender's
24 ability to pay for such treatment.

25 (b) Beginning on the effective date of this amendatory
26 Act of the 93rd General Assembly, each sex offender placed on
27 parole or mandatory supervised release by the Prisoner Review
28 Board shall be required as a condition of parole to undergo
29 treatment based upon any evaluation or subsequent
30 reevaluation regarding such offender during the offender's
31 incarceration or any period of parole. Any such treatment
32 shall be by an individual approved by the Board and at the
33 offender's expense based upon the offender's ability to pay

1 for such treatment.

2 (20 ILCS 4026/18 new)

3 Sec. 18. Sex offender treatment contracts with
4 providers. The county probation department or the Department
5 of Human Services shall not employ or contract with and shall
6 not allow a sex offender to employ or contract with any
7 individual or entity to provide sex offender evaluation or
8 treatment services pursuant to this Act unless the sex
9 offender evaluation or treatment services provided are by an
10 individual approved by the Board pursuant to item (2) of
11 subsection (f) of Section 15 of this Act.

12 (20 ILCS 4026/19 new)

13 Sec. 19. Sex Offender Management Board Fund.

14 (a) Any and all practices endorsed or required under
15 this Act, including but not limited to evaluation, treatment,
16 or monitoring of programs that are or may be developed by the
17 agency providing supervision, the Department of Corrections,
18 or the Department of Human Services shall be at the expense
19 of the person evaluated or treated, based upon the person's
20 ability to pay. If it is determined by the agency providing
21 supervision, the Department of Corrections, or the Department
22 of Human Services that the person does not have the ability
23 to pay for practices endorsed or required by this Act, the
24 agency providing supervision of the sex offender shall
25 request reimbursement for services. The Sex Offender
26 Management Board shall provide the agency providing
27 supervision, the Department of Corrections, or the Department
28 of Human Services with factors to be considered and criteria
29 to determine a person's ability to pay. The Sex Offender
30 Management Board shall coordinate the expenditures of moneys
31 from the Sex Offender Management Board Fund with any money
32 expended by counties, the Department of Corrections or the

1 Department of Human Services. The Board shall develop a plan
2 for the allocation of moneys deposited in this Fund among the
3 agency providing supervision, the Department of Corrections,
4 or the Department of Human Services.

5 (b) Up to 20% of this Fund shall be retained by the Sex
6 Offender Management Board for administrative costs, including
7 staff, incurred pursuant to this Act.

8 (c) Monies expended for this Fund shall be used to
9 supplement, not replace offenders' self-pay, or county
10 appropriations for probation and court services.

11 (d) Interest earned on monies deposited in this Fund may
12 be used by the Board for its administrative costs and
13 expenses.

14 (e) In addition to the funds provided by the sex
15 offender, counties, or Departments providing treatment, the
16 Board shall explore funding sources including but not limited
17 to State, federal, and private funds.

18 Section 10. The Juvenile Court Act of 1987 is amended by
19 changing Sections 5-701 and 5-715 as follows:

20 (705 ILCS 405/5-701)

21 Sec. 5-701. Social investigation report. Upon the order
22 of the court, a social investigation report shall be prepared
23 and delivered to the parties at least 3 days prior to the
24 sentencing hearing. The written report of social
25 investigation shall include an investigation and report of
26 the minor's physical and mental history and condition, family
27 situation and background, economic status, education,
28 occupation, personal habits, minor's history of delinquency
29 or criminality or other matters which have been brought to
30 the attention of the juvenile court, information about
31 special resources known to the person preparing the report
32 which might be available to assist in the minor's

1 rehabilitation, and any other matters which may be helpful to
2 the court or which the court directs to be included.

3 Any minor found to be guilty of a sex offense as defined
4 by the Sex Offender Management Board Act shall be required as
5 part of the social investigation to submit to a sex offender
6 evaluation. The evaluation shall be performed in conformance
7 with the standards developed under the Sex Offender
8 Management Board Act and by an evaluator approved by the
9 Board.

10 (Source: P.A. 90-590, eff. 1-1-99.)

11 (705 ILCS 405/5-715)

12 Sec. 5-715. Probation.

13 (1) The period of probation or conditional discharge
14 shall not exceed 5 years or until the minor has attained the
15 age of 21 years, whichever is less, except as provided in
16 this Section for a minor who is found to be guilty for an
17 offense which is first degree murder, a Class X felony or a
18 forcible felony. The juvenile court may terminate probation
19 or conditional discharge and discharge the minor at any time
20 if warranted by the conduct of the minor and the ends of
21 justice; provided, however, that the period of probation for
22 a minor who is found to be guilty for an offense which is
23 first degree murder, a Class X felony, or a forcible felony
24 shall be at least 5 years.

25 (2) The court may as a condition of probation or of
26 conditional discharge require that the minor:

27 (a) not violate any criminal statute of any
28 jurisdiction;

29 (b) make a report to and appear in person before
30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational
32 training;

33 (d) undergo medical or psychiatric treatment,

1 rendered by a psychiatrist or psychological treatment
2 rendered by a clinical psychologist or social work
3 services rendered by a clinical social worker, or
4 treatment for drug addiction or alcoholism;

5 (e) attend or reside in a facility established for
6 the instruction or residence of persons on probation;

7 (f) support his or her dependents, if any;

8 (g) refrain from possessing a firearm or other
9 dangerous weapon, or an automobile;

10 (h) permit the probation officer to visit him or
11 her at his or her home or elsewhere;

12 (i) reside with his or her parents or in a foster
13 home;

14 (j) attend school;

15 (j-5) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was committed
18 if he or she committed a crime of violence as defined in
19 Section 2 of the Crime Victims Compensation Act in a
20 school, on the real property comprising a school, or
21 within 1,000 feet of the real property comprising a
22 school;

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

24 (l) make restitution under the terms of subsection
25 (4) of Section 5-710;

26 (m) contribute to his or her own support at home or
27 in a foster home;

28 (n) perform some reasonable public or community
29 service;

30 (o) participate with community corrections programs
31 including unified delinquency intervention services
32 administered by the Department of Human Services subject
33 to Section 5 of the Children and Family Services Act;

34 (p) pay costs;

1 (q) serve a term of home confinement. In addition
2 to any other applicable condition of probation or
3 conditional discharge, the conditions of home confinement
4 shall be that the minor:

5 (i) remain within the interior premises of the
6 place designated for his or her confinement during
7 the hours designated by the court;

8 (ii) admit any person or agent designated by
9 the court into the minor's place of confinement at
10 any time for purposes of verifying the minor's
11 compliance with the conditions of his or her
12 confinement; and

13 (iii) use an approved electronic monitoring
14 device if ordered by the court subject to Article 8A
15 of Chapter V of the Unified Code of Corrections;

16 (r) refrain from entering into a designated
17 geographic area except upon terms as the court finds
18 appropriate. The terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the minor, and advance approval by a
21 probation officer, if the minor has been placed on
22 probation, or advance approval by the court, if the minor
23 has been placed on conditional discharge;

24 (s) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of
27 street gangs and drug users or dealers;

28 (s-5) undergo a medical or other procedure to have
29 a tattoo symbolizing allegiance to a street gang removed
30 from his or her body;

31 (t) refrain from having in his or her body the
32 presence of any illicit drug prohibited by the Cannabis
33 Control Act or the Illinois Controlled Substances Act,
34 unless prescribed by a physician, and shall submit

1 samples of his or her blood or urine or both for tests to
2 determine the presence of any illicit drug; or

3 (u) comply with other conditions as may be ordered
4 by the court.

5 (3) The court may as a condition of probation or of
6 conditional discharge require that a minor found guilty on
7 any alcohol, cannabis, or controlled substance violation,
8 refrain from acquiring a driver's license during the period
9 of probation or conditional discharge. If the minor is in
10 possession of a permit or license, the court may require that
11 the minor refrain from driving or operating any motor vehicle
12 during the period of probation or conditional discharge,
13 except as may be necessary in the course of the minor's
14 lawful employment.

15 (3.5) The court shall, as a condition of probation or of
16 conditional discharge, require that a minor found to be
17 guilty and placed on probation for reasons that include a
18 violation of Section 3.02 or Section 3.03 of the Humane Care
19 for Animals Act or paragraph (d) of subsection (1) of Section
20 21-1 of the Criminal Code of 1961 undergo medical or
21 psychiatric treatment rendered by a psychiatrist or
22 psychological treatment rendered by a clinical psychologist.
23 The condition may be in addition to any other condition.

24 (3.10) The court shall order that a minor placed on
25 probation or conditional discharge for a sex offense as
26 defined in the Sex Offender Management Board Act undergo and
27 successfully complete sex offender treatment. The treatment
28 shall be in conformance with the standards developed under
29 the Sex Offender Management Board Act and conducted by a
30 treatment provider approved by the Board. The treatment
31 shall be at the expense of the person evaluated based upon
32 that person's ability to pay for the treatment.

33 (4) A minor on probation or conditional discharge shall
34 be given a certificate setting forth the conditions upon

1 which he or she is being released.

2 (5) The court shall impose upon a minor placed on
3 probation or conditional discharge, as a condition of the
4 probation or conditional discharge, a fee of \$25 for each
5 month of probation or conditional discharge supervision
6 ordered by the court, unless after determining the inability
7 of the minor placed on probation or conditional discharge to
8 pay the fee, the court assesses a lesser amount. The court
9 may not impose the fee on a minor who is made a ward of the
10 State under this Act while the minor is in placement. The
11 fee shall be imposed only upon a minor who is actively
12 supervised by the probation and court services department.
13 The court may order the parent, guardian, or legal custodian
14 of the minor to pay some or all of the fee on the minor's
15 behalf.

16 (6) The General Assembly finds that in order to protect
17 the public, the juvenile justice system must compel
18 compliance with the conditions of probation by responding to
19 violations with swift, certain, and fair punishments and
20 intermediate sanctions. The Chief Judge of each circuit
21 shall adopt a system of structured, intermediate sanctions
22 for violations of the terms and conditions of a sentence of
23 supervision, probation or conditional discharge, under this
24 Act.

25 The court shall provide as a condition of a disposition
26 of probation, conditional discharge, or supervision, that the
27 probation agency may invoke any sanction from the list of
28 intermediate sanctions adopted by the chief judge of the
29 circuit court for violations of the terms and conditions of
30 the sentence of probation, conditional discharge, or
31 supervision, subject to the provisions of Section 5-720 of
32 this Act.

33 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;
34 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

1 Section 15. The Sexually Dangerous Persons Act is
2 amended by changing Section 8 as follows:

3 (725 ILCS 205/8) (from Ch. 38, par. 105-8)

4 Sec. 8. If the respondent is found to be a sexually
5 dangerous person then the court shall appoint the Director of
6 Corrections guardian of the person found to be sexually
7 dangerous and such person shall stand committed to the
8 custody of such guardian. The Director of Corrections as
9 guardian shall keep safely the person so committed until the
10 person has recovered and is released as hereinafter provided.
11 The Director of Corrections as guardian shall provide care
12 and treatment for the person committed to him designed to
13 effect recovery. Any treatment provided under this Section
14 shall be in conformance with the standards promulgated by the
15 Sex Offender Management Board and conducted by a treatment
16 provider approved by the Board. The Director may place that
17 ward in any facility in the Department of Corrections or
18 portion thereof set aside for the care and treatment of
19 sexually dangerous persons. The Department of Corrections may
20 also request another state Department or Agency to examine
21 such person and upon such request, such Department or Agency
22 shall make such examination and the Department of Corrections
23 may, with the consent of the chief executive officer of such
24 other Department or Agency, thereupon place such person in
25 the care and treatment of such other Department or Agency.
26 (Source: P.A. 92-786, eff. 8-6-02.)

27 Section 20. The Sexually Violent Persons Commitment Act
28 is amended by changing Sections 10, 25, 30, 40, 55, 60, and
29 65 as follows:

30 (725 ILCS 207/10)

31 Sec. 10. Notice to the Attorney General and State's

1 Attorney.

2 (a) In this Act, "agency with jurisdiction" means the
3 agency with the authority or duty to release or discharge the
4 person.

5 (b) If an agency with jurisdiction has control or
6 custody over a person who may meet the criteria for
7 commitment as a sexually violent person, the agency with
8 jurisdiction shall inform the Attorney General and the
9 State's Attorney in a position to file a petition under
10 paragraph (a)(2) of Section 15 of this Act regarding the
11 person as soon as possible beginning 3 months prior to the
12 applicable date of the following:

13 (1) The anticipated release from imprisonment or
14 the anticipated entry into mandatory supervised release
15 of a person who has been convicted of a sexually violent
16 offense.

17 (2) The anticipated release from a Department of
18 Corrections correctional facility or juvenile
19 correctional facility of a person adjudicated delinquent
20 under Section 5-20 of the Juvenile Court Act of 1987 (now
21 repealed) or found guilty under Section 5-620 of that
22 Act, on the basis of a sexually violent offense.

23 (3) The discharge or conditional release of a
24 person who has been found not guilty of a sexually
25 violent offense by reason of insanity under Section 5-2-4
26 of the Unified Code of Corrections.

27 (c) The agency with jurisdiction shall provide the
28 Attorney General and the State's Attorney with all of the
29 following:

30 (1) The person's name, identifying factors,
31 anticipated future residence and offense history;

32 (2) A comprehensive evaluation of the person's
33 mental condition, the basis upon which a determination
34 has been made that the person is subject to commitment

1 under subsection (b) of Section 15 of this Act and a
2 recommendation for action in furtherance of the purposes
3 of this Act. The evaluation shall be conducted in
4 conformance with the standards developed under the Sex
5 Offender Management Board Act and by an evaluator
6 approved by the Board; and

7 (3) If applicable, documentation of any treatment
8 and the person's adjustment to any institutional
9 placement.

10 (d) Any agency or officer, employee or agent of an
11 agency is immune from criminal or civil liability for any
12 acts or omissions as the result of a good faith effort to
13 comply with this Section.

14 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
15 91-357, eff. 7-29-99.)

16 (725 ILCS 207/25)

17 Sec. 25. Rights of persons subject to petition.

18 (a) Any person who is the subject of a petition filed
19 under Section 15 of this Act shall be served with a copy of
20 the petition in accordance with the Civil Practice Law.

21 (b) The circuit court in which a petition under Section
22 15 of this Act is filed shall conduct all hearings under this
23 Act. The court shall give the person who is the subject of
24 the petition reasonable notice of the time and place of each
25 such hearing. The court may designate additional persons to
26 receive these notices.

27 (c) Except as provided in paragraph (b)(1) of Section 65
28 and Section 70 of this Act, at any hearing conducted under
29 this Act, the person who is the subject of the petition has
30 the right to:

31 (1) To be present and to be represented by counsel.
32 If the person is indigent, the court shall appoint
33 counsel.

- 1 (2) Remain silent.
- 2 (3) Present and cross-examine witnesses.
- 3 (4) Have the hearing recorded by a court reporter.

4 (d) The person who is the subject of the petition, the
5 person's attorney, the Attorney General or the State's
6 Attorney may request that a trial under Section 35 of this
7 Act be to a jury. A verdict of a jury under this Act is not
8 valid unless it is unanimous.

9 (e) Whenever the person who is the subject of the
10 petition is required to submit to an examination under this
11 Act, he or she may retain experts or professional persons to
12 perform an examination. The respondent's chosen evaluator
13 must be approved by the Sex Offender Management Board and the
14 evaluation must be conducted in conformance with the
15 standards developed under the Sex Offender Management Board
16 Act. If the person retains a qualified expert or
17 professional person of his or her own choice to conduct an
18 examination, the examiner shall have reasonable access to the
19 person for the purpose of the examination, as well as to the
20 person's past and present treatment records and patient
21 health care records. If the person is indigent, the court
22 shall, upon the person's request, appoint a qualified and
23 available expert or professional person to perform an
24 examination. Upon the order of the circuit court, the county
25 shall pay, as part of the costs of the action, the costs of a
26 court-appointed expert or professional person to perform an
27 examination and participate in the trial on behalf of an
28 indigent person.

29 (Source: P.A. 90-40, eff. 1-1-98.)

30 (725 ILCS 207/30)

31 Sec. 30. Detention; probable cause hearing; transfer for
32 examination.

33 (a) Upon the filing of a petition under Section 15 of

1 this Act, the court shall review the petition to determine
2 whether to issue an order for detention of the person who is
3 the subject of the petition. The person shall be detained
4 only if there is cause to believe that the person is eligible
5 for commitment under subsection (f) of Section 35 of this
6 Act. A person detained under this Section shall be held in a
7 facility approved by the Department. If the person is
8 serving a sentence of imprisonment, is in a Department of
9 Corrections correctional facility or juvenile correctional
10 facility or is committed to institutional care, and the court
11 orders detention under this Section, the court shall order
12 that the person be transferred to a detention facility
13 approved by the Department. A detention order under this
14 Section remains in effect until the person is discharged
15 after a trial under Section 35 of this Act or until the
16 effective date of a commitment order under Section 40 of this
17 Act, whichever is applicable.

18 (b) Whenever a petition is filed under Section 15 of
19 this Act, the court shall hold a hearing to determine whether
20 there is probable cause to believe that the person named in
21 the petition is a sexually violent person. If the person
22 named in the petition is in custody, the court shall hold the
23 probable cause hearing within 72 hours after the petition is
24 filed, excluding Saturdays, Sundays and legal holidays. The
25 court may grant a continuance of the probable cause hearing
26 for no more than 7 additional days upon the motion of the
27 respondent, for good cause. If the person named in the
28 petition has been released, is on parole, is on mandatory
29 supervised release, or otherwise is not in custody, the court
30 shall hold the probable cause hearing within a reasonable
31 time after the filing of the petition. At the probable cause
32 hearing, the court shall admit and consider all relevant
33 hearsay evidence.

34 (c) If the court determines after a hearing that there

1 is probable cause to believe that the person named in the
2 petition is a sexually violent person, the court shall order
3 that the person be taken into custody if he or she is not in
4 custody and shall order the person to be transferred within a
5 reasonable time to an appropriate facility for an evaluation
6 as to whether the person is a sexually violent person. If the
7 person who is named in the petition refuses to speak to,
8 communicate with, or otherwise fails to cooperate with the
9 examining evaluator from the Department of Human Services or
10 the Department of Corrections, that person may only introduce
11 evidence and testimony from any expert or professional person
12 who is retained or court-appointed to conduct an examination
13 of the person that results from a review of the records and
14 may not introduce evidence resulting from an examination of
15 the person. Any evaluation conducted under this Section shall
16 be by an evaluator approved by the Sex Offender Management
17 Board and conducted in conformance with the standards
18 developed under the Sex Offender Management Board Act.
19 Notwithstanding the provisions of Section 10 of the Mental
20 Health and Developmental Disabilities Confidentiality Act,
21 all evaluations conducted pursuant to this Act and all
22 Illinois Department of Corrections treatment records shall be
23 admissible at all proceedings held pursuant to this Act,
24 including the probable cause hearing and the trial.

25 If the court determines that probable cause does not
26 exist to believe that the person is a sexually violent
27 person, the court shall dismiss the petition.

28 (d) The Department shall promulgate rules that provide
29 the qualifications for persons conducting evaluations under
30 subsection (c) of this Section.

31 (e) If the person named in the petition claims or
32 appears to be indigent, the court shall, prior to the
33 probable cause hearing under subsection (b) of this Section,
34 appoint counsel.

1 (Source: P.A. 92-415, eff. 8-17-01.)

2 (725 ILCS 207/40)

3 Sec. 40. Commitment.

4 (a) If a court or jury determines that the person who is
5 the subject of a petition under Section 15 of this Act is a
6 sexually violent person, the court shall order the person to
7 be committed to the custody of the Department for control,
8 care and treatment until such time as the person is no longer
9 a sexually violent person.

10 (b) (1) The court shall enter an initial commitment
11 order under this Section pursuant to a hearing held as
12 soon as practicable after the judgment is entered that
13 the person who is the subject of a petition under Section
14 15 is a sexually violent person. If the court lacks
15 sufficient information to make the determination required
16 by paragraph (b)(2) of this Section immediately after
17 trial, it may adjourn the hearing and order the
18 Department to conduct a predisposition investigation or a
19 supplementary mental examination, or both, to assist the
20 court in framing the commitment order. A supplementary
21 mental examination under this Section shall be conducted
22 in accordance with Section 3-804 of the Mental Health and
23 Developmental Disabilities Code.

24 (2) An order for commitment under this Section
25 shall specify either institutional care in a secure
26 facility, as provided under Section 50 of this Act, or
27 conditional release. In determining whether commitment
28 shall be for institutional care in a secure facility or
29 for conditional release, the court shall consider the
30 nature and circumstances of the behavior that was the
31 basis of the allegation in the petition under paragraph
32 (b)(1) of Section 15, the person's mental history and
33 present mental condition, where the person will live, how

1 the person will support himself or herself, and what
2 arrangements are available to ensure that the person has
3 access to and will participate in necessary treatment.
4 All treatment, whether in institutional care, in a secure
5 facility, or while on conditional release, shall be
6 conducted in conformance with the standards developed
7 under the Sex Offender Management Board Act and conducted
8 by a treatment provider approved by the Board. The
9 Department shall arrange for control, care and treatment
10 of the person in the least restrictive manner consistent
11 with the requirements of the person and in accordance
12 with the court's commitment order.

13 (3) If the court finds that the person is
14 appropriate for conditional release, the court shall
15 notify the Department. The Department shall prepare a
16 plan that identifies the treatment and services, if any,
17 that the person will receive in the community. The plan
18 shall address the person's need, if any, for supervision,
19 counseling, medication, community support services,
20 residential services, vocational services, and alcohol or
21 other drug abuse treatment. The Department may contract
22 with a county health department, with another public
23 agency or with a private agency to provide the treatment
24 and services identified in the plan. The plan shall
25 specify who will be responsible for providing the
26 treatment and services identified in the plan. The plan
27 shall be presented to the court for its approval within
28 60 days after the court finding that the person is
29 appropriate for conditional release, unless the
30 Department and the person to be released request
31 additional time to develop the plan. The conditional
32 release program operated under this Section is not
33 subject to the provisions of the Mental Health and
34 Developmental Disabilities Confidentiality Act.

1 (4) An order for conditional release places the
2 person in the custody and control of the Department. A
3 person on conditional release is subject to the
4 conditions set by the court and to the rules of the
5 Department. Before a person is placed on conditional
6 release by the court under this Section, the court shall
7 so notify the municipal police department and county
8 sheriff for the municipality and county in which the
9 person will be residing. The notification requirement
10 under this Section does not apply if a municipal police
11 department or county sheriff submits to the court a
12 written statement waiving the right to be notified. If
13 the Department alleges that a released person has
14 violated any condition or rule, or that the safety of
15 others requires that conditional release be revoked, he
16 or she may be taken into custody under the rules of the
17 Department.

18 At any time during which the person is on
19 conditional release, if the Department determines that
20 the person has violated any condition or rule, or that
21 the safety of others requires that conditional release be
22 revoked, the Department may request the Attorney General
23 or State's Attorney to request the court to issue an
24 emergency ex parte order directing any law enforcement
25 officer to take the person into custody and transport the
26 person to the county jail. The Department may request, or
27 the Attorney General or State's Attorney may request
28 independently of the Department, that a petition to
29 revoke conditional release be filed. When a petition is
30 filed, the court may order the Department to issue a
31 notice to the person to be present at the Department or
32 other agency designated by the court, order a summons to
33 the person to be present, or order a body attachment for
34 all law enforcement officers to take the person into

1 custody and transport him or her to the county jail,
2 hospital, or treatment facility. The Department shall
3 submit a statement showing probable cause of the
4 detention and a petition to revoke the order for
5 conditional release to the committing court within 48
6 hours after the detention. The court shall hear the
7 petition within 30 days, unless the hearing or time
8 deadline is waived by the detained person. Pending the
9 revocation hearing, the Department may detain the person
10 in a jail, in a hospital or treatment facility. The
11 State has the burden of proving by clear and convincing
12 evidence that any rule or condition of release has been
13 violated, or that the safety of others requires that the
14 conditional release be revoked. If the court determines
15 after hearing that any rule or condition of release has
16 been violated, or that the safety of others requires that
17 conditional release be revoked, it may revoke the order
18 for conditional release and order that the released
19 person be placed in an appropriate institution until the
20 person is discharged from the commitment under Section 65
21 of this Act or until again placed on conditional release
22 under Section 60 of this Act.

23 (5) An order for conditional release places the
24 person in the custody, care, and control of the
25 Department. The court shall order the person be subject
26 to the following rules of conditional release, in
27 addition to any other conditions ordered, and the person
28 shall be given a certificate setting forth the conditions
29 of conditional release. These conditions shall be that
30 the person:

31 (A) not violate any criminal statute of any
32 jurisdiction;

33 (B) report to or appear in person before such
34 person or agency as directed by the court and the

1 Department;

2 (C) refrain from possession of a firearm or
3 other dangerous weapon;

4 (D) not leave the State without the consent of
5 the court or, in circumstances in which the reason
6 for the absence is of such an emergency nature, that
7 prior consent by the court is not possible without
8 the prior notification and approval of the
9 Department;

10 (E) at the direction of the Department, notify
11 third parties of the risks that may be occasioned by
12 his or her criminal record or sexual offending
13 history or characteristics, and permit the
14 supervising officer or agent to make the
15 notification requirement;

16 (F) attend and fully participate in
17 assessment, treatment, and behavior monitoring
18 including, but not limited to, medical,
19 psychological or psychiatric treatment specific to
20 sexual offending, drug addiction, or alcoholism, to
21 the extent appropriate to the person based upon the
22 recommendation and findings made in the Department
23 evaluation or based upon any subsequent
24 recommendations by the Department;

25 (G) waive confidentiality allowing the court
26 and Department access to assessment or treatment
27 results or both;

28 (H) work regularly at a Department approved
29 occupation or pursue a course of study or vocational
30 training and notify the Department within 72 hours
31 of any change in employment, study, or training;

32 (I) not be employed or participate in any
33 volunteer activity that involves contact with
34 children, except under circumstances approved in

1 advance and in writing by the Department officer;

2 (J) submit to the search of his or her person,
3 residence, vehicle, or any personal or real property
4 under his or her control at any time by the
5 Department;

6 (K) financially support his or her dependents
7 and provide the Department access to any requested
8 financial information;

9 (L) serve a term of home confinement, the
10 conditions of which shall be that the person:

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

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

20 (iii) if deemed necessary by the
21 Department, be placed on an electronic
22 monitoring device;

23 (M) comply with the terms and conditions of an
24 order of protection issued by the court pursuant to
25 the Illinois Domestic Violence Act of 1986. A copy
26 of the order of protection shall be transmitted to
27 the Department by the clerk of the court;

28 (N) refrain from entering into a designated
29 geographic area except upon terms the Department
30 finds appropriate. The terms may include
31 consideration of the purpose of the entry, the time
32 of day, others accompanying the person, and advance
33 approval by the Department;

34 (O) refrain from having any contact, including

1 written or oral communications, directly or
2 indirectly, with certain specified persons
3 including, but not limited to, the victim or the
4 victim's family, and report any incidental contact
5 with the victim or the victim's family to the
6 Department within 72 hours; refrain from entering
7 onto the premises of, traveling past, or loitering
8 near the victim's residence, place of employment, or
9 other places frequented by the victim;

10 (P) refrain from having any contact, including
11 written or oral communications, directly or
12 indirectly, with particular types of persons,
13 including but not limited to members of street
14 gangs, drug users, drug dealers, or prostitutes;

15 (Q) refrain from all contact, direct or
16 indirect, personally, by telephone, letter, or
17 through another person, with minor children without
18 prior identification and approval of the Department;

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

26 (S) not establish a dating, intimate, or
27 sexual relationship with a person without prior
28 written notification to the Department;

29 (T) neither possess or have under his or her
30 control any material that is pornographic, sexually
31 oriented, or sexually stimulating, or that depicts
32 or alludes to sexual activity or depicts minors
33 under the age of 18, including but not limited to
34 visual, auditory, telephonic, electronic media, or

1 any matter obtained through access to any computer
2 or material linked to computer access use;

3 (U) not patronize any business providing
4 sexually stimulating or sexually oriented
5 entertainment nor utilize "900" or adult telephone
6 numbers or any other sex-related telephone numbers;

7 (V) not reside near, visit, or be in or about
8 parks, schools, day care centers, swimming pools,
9 beaches, theaters, or any other places where minor
10 children congregate without advance approval of the
11 Department and report any incidental contact with
12 minor children to the Department within 72 hours;

13 (W) not establish any living arrangement or
14 residence without prior approval of the Department;

15 (X) not publish any materials or print any
16 advertisements without providing a copy of the
17 proposed publications to the Department officer and
18 obtaining permission prior to publication;

19 (Y) not leave the county except with prior
20 permission of the Department and provide the
21 Department officer or agent with written travel
22 routes to and from work and any other designated
23 destinations;

24 (Z) not possess or have under his or her
25 control certain specified items of contraband
26 related to the incidence of sexually offending items
27 including video or still camera items or children's
28 toys;

29 (AA) provide a written daily log of activities
30 as directed by the Department;

31 (BB) comply with all other special conditions
32 that the Department may impose that restrict the
33 person from high-risk situations and limit access or
34 potential victims.

1 (6) A person placed on conditional release and who
2 during the term undergoes mandatory drug or alcohol
3 testing or is assigned to be placed on an approved
4 electronic monitoring device may be ordered to pay all
5 costs incidental to the mandatory drug or alcohol testing
6 and all costs incidental to the approved electronic
7 monitoring in accordance with the person's ability to pay
8 those costs. The Department may establish reasonable
9 fees for the cost of maintenance, testing, and incidental
10 expenses related to the mandatory drug or alcohol testing
11 and all costs incidental to approved electronic
12 monitoring.

13 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

14 (725 ILCS 207/55)

15 Sec. 55. Periodic reexamination; report.

16 (a) If a person has been committed under Section 40 of
17 this Act and has not been discharged under Section 65 of this
18 Act, the Department shall conduct an examination of his or
19 her mental condition within 6 months after an initial
20 commitment under Section 40 and then at least once every 12
21 months from the completion of the last evaluation for the
22 purpose of determining whether the person has made sufficient
23 progress to be conditionally released or discharged. At the
24 time of a reexamination under this Section, the person who
25 has been committed may retain or, if he or she is indigent
26 and so requests, the court may appoint a qualified expert or
27 a professional person to examine him or her.

28 (b) Any examiner conducting an examination under this
29 Section shall prepare a written report of the examination no
30 later than 30 days after the date of the examination. The
31 examiner shall place a copy of the report in the person's
32 health care records and shall provide a copy of the report to
33 the court that committed the person under Section 40. The

1 examination shall be conducted in conformance with the
2 standards developed under the Sex Offender Management Board
3 Act and by an evaluator approved by the Board.

4 (c) Notwithstanding subsection (a) of this Section, the
5 court that committed a person under Section 40 may order a
6 reexamination of the person at any time during the period in
7 which the person is subject to the commitment order.

8 (d) Petitions for discharge after reexamination must
9 follow the procedure outlined in Section 65 of this Act.

10 (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98;
11 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

12 (725 ILCS 207/60)

13 Sec. 60. Petition for conditional release.

14 (a) Any person who is committed for institutional care
15 in a secure facility or other facility under Section 40 of
16 this Act may petition the committing court to modify its
17 order by authorizing conditional release if at least 6 months
18 have elapsed since the initial commitment order was entered,
19 the most recent release petition was denied or the most
20 recent order for conditional release was revoked. The
21 director of the facility at which the person is placed may
22 file a petition under this Section on the person's behalf at
23 any time.

24 (b) If the person files a timely petition without
25 counsel, the court shall serve a copy of the petition on the
26 Attorney General or State's Attorney, whichever is applicable
27 and, subject to paragraph (c)(1) of Section 25 of this Act,
28 appoint counsel. If the person petitions through counsel,
29 his or her attorney shall serve the Attorney General or
30 State's Attorney, whichever is applicable.

31 (c) Within 20 days after receipt of the petition, the
32 court shall appoint one or more examiners having the
33 specialized knowledge determined by the court to be

1 appropriate, who shall examine the mental condition of the
2 person and furnish a written report of the examination to the
3 court within 30 days after appointment. The examiners shall
4 have reasonable access to the person for purposes of
5 examination and to the person's past and present treatment
6 records and patient health care records. If any such
7 examiner believes that the person is appropriate for
8 conditional release, the examiner shall report on the type of
9 treatment and services that the person may need while in the
10 community on conditional release. The State has the right to
11 have the person evaluated by experts chosen by the State. Any
12 examination or evaluation conducted under this Section shall
13 be in conformance with the standards developed under the Sex
14 Offender Management Board Act and conducted by an evaluator
15 approved by the Board. The court shall set a probable cause
16 hearing as soon as practical after the examiner's report is
17 filed. If the court determines at the probable cause hearing
18 that cause exists to believe that it is not substantially
19 probable that the person will engage in acts of sexual
20 violence if on release or conditional release, the court
21 shall set a hearing on the issue.

22 (d) The court, without a jury, shall hear the petition
23 within 30 days after the report of the court-appointed
24 examiner is filed with the court, unless the petitioner
25 waives this time limit. The court shall grant the petition
26 unless the State proves by clear and convincing evidence that
27 the person has not made sufficient progress to be
28 conditionally released. In making a decision under this
29 subsection, the court must consider the nature and
30 circumstances of the behavior that was the basis of the
31 allegation in the petition under paragraph (b)(1) of Section
32 15 of this Act, the person's mental history and present
33 mental condition, where the person will live, how the person
34 will support himself or herself and what arrangements are

1 available to ensure that the person has access to and will
2 participate in necessary treatment.

3 (e) Before the court may enter an order directing
4 conditional release to a less restrictive alternative it must
5 find the following: (1) the person will be treated by a
6 Department approved treatment provider, (2) the treatment
7 provider has presented a specific course of treatment and has
8 agreed to assume responsibility for the treatment and will
9 report progress to the Department on a regular basis, and
10 will report violations immediately to the Department,
11 consistent with treatment and supervision needs of the
12 respondent, (3) housing exists that is sufficiently secure to
13 protect the community, and the person or agency providing
14 housing to the conditionally released person has agreed in
15 writing to accept the person, to provide the level of
16 security required by the court, and immediately to report to
17 the Department if the person leaves the housing to which he
18 or she has been assigned without authorization, (4) the
19 person is willing to or has agreed to comply with the
20 treatment provider, the Department, and the court, and (5)
21 the person has agreed or is willing to agree to comply with
22 the behavioral monitoring requirements imposed by the court
23 and the Department.

24 (f) If the court finds that the person is appropriate
25 for conditional release, the court shall notify the
26 Department. The Department shall prepare a plan that
27 identifies the treatment and services, if any, that the
28 person will receive in the community. The plan shall address
29 the person's need, if any, for supervision, counseling,
30 medication, community support services, residential services,
31 vocational services, and alcohol or other drug abuse
32 treatment. The Department may contract with a county health
33 department, with another public agency or with a private
34 agency to provide the treatment and services identified in

1 the plan. The plan shall specify who will be responsible for
2 providing the treatment and services identified in the plan.
3 The plan shall be presented to the court for its approval
4 within 60 days after the court finding that the person is
5 appropriate for conditional release, unless the Department
6 and the person to be released request additional time to
7 develop the plan.

8 (g) The provisions of paragraph (b)(4) of Section 40 of
9 this Act apply to an order for conditional release issued
10 under this Section.

11 (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

12 (725 ILCS 207/65)

13 Sec. 65. Petition for discharge; procedure.

14 (a)(1) If the Secretary determines at any time that a
15 person committed under this Act is no longer a sexually
16 violent person, the Secretary shall authorize the person to
17 petition the committing court for discharge. The person
18 shall file the petition with the court and serve a copy upon
19 the Attorney General or the State's Attorney's office that
20 filed the petition under subsection (a) of Section 15 of this
21 Act, whichever is applicable. The court, upon receipt of the
22 petition for discharge, shall order a hearing to be held
23 within 45 days after the date of receipt of the petition.

24 (2) At a hearing under this subsection, the Attorney
25 General or State's Attorney, whichever filed the original
26 petition, shall represent the State and shall have the right
27 to have the petitioner examined by an expert or professional
28 person of his or her choice. The examination shall be
29 conducted in conformance with the standards developed under
30 the Sex Offender Management Board Act and by an evaluator
31 approved by the Board. The committed person or the State may
32 elect to have the hearing before a jury. The State has the
33 burden of proving by clear and convincing evidence that the

1 petitioner is still a sexually violent person.

2 (3) If the court or jury is satisfied that the State has
3 not met its burden of proof under paragraph (a)(2) of this
4 Section, the petitioner shall be discharged from the custody
5 or supervision of the Department. If the court is satisfied
6 that the State has met its burden of proof under paragraph
7 (a)(2), the court may proceed under Section 40 of this Act to
8 determine whether to modify the petitioner's existing
9 commitment order.

10 (b)(1) A person may petition the committing court for
11 discharge from custody or supervision without the Secretary's
12 approval. At the time of an examination under subsection (a)
13 of Section 55 of this Act, the Secretary shall provide the
14 committed person with a written notice of the person's right
15 to petition the court for discharge over the Secretary's
16 objection. The notice shall contain a waiver of rights. The
17 Secretary shall forward the notice and waiver form to the
18 court with the report of the Department's examination under
19 Section 55 of this Act. If the person does not affirmatively
20 waive the right to petition, the court shall set a probable
21 cause hearing to determine whether facts exist that warrant a
22 hearing on whether the person is still a sexually violent
23 person. If a person does not file a petition for discharge,
24 yet fails to waive the right to petition under this Section,
25 then the probable cause hearing consists only of a review of
26 the reexamination reports and arguments on behalf of the
27 parties. The committed person has a right to have an attorney
28 represent him or her at the probable cause hearing, but the
29 person is not entitled to be present at the probable cause
30 hearing. The probable cause hearing under this Section must
31 be held within 45 days of the filing of the reexamination
32 report under Section 55 of this Act.

33 (2) If the court determines at the probable cause
34 hearing under paragraph (b)(1) of this Section that probable

1 cause exists to believe that the committed person is no
2 longer a sexually violent person, then the court shall set a
3 hearing on the issue. At a hearing under this Section, the
4 committed person is entitled to be present and to the benefit
5 of the protections afforded to the person under Section 25 of
6 this Act. The committed person or the State may elect to have
7 a hearing under this Section before a jury. A verdict of a
8 jury under this Section is not valid unless it is unanimous.
9 The Attorney General or State's Attorney, whichever filed the
10 original petition, shall represent the State at a hearing
11 under this Section. The State has the right to have the
12 committed person evaluated by experts chosen by the State.
13 The examination shall be conducted in conformance with the
14 standards developed under the Sex Offender Management Board
15 Act and by an evaluator approved by the Board. At the
16 hearing, the State has the burden of proving by clear and
17 convincing evidence that the committed person is still a
18 sexually violent person.

19 (3) If the court or jury is satisfied that the State has
20 not met its burden of proof under paragraph (b)(2) of this
21 Section, the person shall be discharged from the custody or
22 supervision of the Department. If the court or jury is
23 satisfied that the State has met its burden of proof under
24 paragraph (b)(2) of this Section, the court may proceed under
25 Section 40 of this Act to determine whether to modify the
26 person's existing commitment order.

27 (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

28 Section 20. The Unified Code of Corrections is amended
29 by changing Sections 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2,
30 5-4-1, 5-6-3, and 5-7-1 as follows:

31 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

32 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised

1 Release.

2 (a) The conditions of parole or mandatory supervised
3 release shall be such as the Prisoner Review Board deems
4 necessary to assist the subject in leading a law-abiding
5 life. The conditions of every parole and mandatory supervised
6 release are that the subject:

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

9 (2) refrain from possessing a firearm or other
10 dangerous weapon;

11 (3) report to an agent of the Department of
12 Corrections;

13 (4) permit the agent to visit him or her at his or
14 her home, employment, or elsewhere to the extent
15 necessary for the agent to discharge his or her duties;

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

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

22 (7) report all arrests to an agent of the
23 Department of Corrections as soon as permitted by the
24 arresting authority but in no event later than 24 hours
25 after release from custody;

26 (7.5) if convicted of a sex offense as defined in
27 the Sex Offender Management Board Act, the individual
28 shall undergo and successfully complete sex offender
29 treatment conducted in conformance with the standards
30 developed by the Sex Offender Management Board Act by a
31 treatment provider approved by the Board;

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

34 (9) obtain permission of an agent of the Department

1 of Corrections before changing his or her residence or
2 employment;

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

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

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

13 (13) not knowingly associate with other persons on
14 parole or mandatory supervised release without prior
15 written permission of his or her parole agent and not
16 associate with persons who are members of an organized
17 gang as that term is defined in the Illinois Streetgang
18 Terrorism Omnibus Prevention Act;

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

25 (15) follow any specific instructions provided by
26 the parole agent that are consistent with furthering
27 conditions set and approved by the Prisoner Review Board
28 or by law, exclusive of placement on electronic
29 detention, to achieve the goals and objectives of his or
30 her parole or mandatory supervised release or to protect
31 the public. These instructions by the parole agent may be
32 modified at any time, as the agent deems appropriate.

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

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

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

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

8 (4) support his dependents;

9 (5) (blank);

10 (6) (blank);

11 (7) comply with the terms and conditions of an
12 order of protection issued pursuant to the Illinois
13 Domestic Violence Act of 1986, enacted by the 84th
14 General Assembly, or an order of protection issued by the
15 court of another state, tribe, or United States
16 territory; and

17 (8) in addition, if a minor:

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

20 (ii) attend school;

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

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

25 (c) The conditions under which the parole or mandatory
26 supervised release is to be served shall be communicated to
27 the person in writing prior to his release, and he shall sign
28 the same before release. A signed copy of these conditions,
29 including a copy of an order of protection where one had been
30 issued by the criminal court, shall be retained by the person
31 and another copy forwarded to the officer in charge of his
32 supervision.

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

1 or mandatory supervised release.

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

7 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

8 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

9 Sec. 3-6-2. Institutions and Facility Administration.

10 (a) Each institution and facility of the Department
11 shall be administered by a chief administrative officer
12 appointed by the Director. A chief administrative officer
13 shall be responsible for all persons assigned to the
14 institution or facility. The chief administrative officer
15 shall administer the programs of the Department for the
16 custody and treatment of such persons.

17 (b) The chief administrative officer shall have such
18 assistants as the Department may assign.

19 (c) The Director or Assistant Director shall have the
20 emergency powers to temporarily transfer individuals without
21 formal procedures to any State, county, municipal or regional
22 correctional or detention institution or facility in the
23 State, subject to the acceptance of such receiving
24 institution or facility, or to designate any reasonably
25 secure place in the State as such an institution or facility
26 and to make transfers thereto. However, transfers made under
27 emergency powers shall be reviewed as soon as practicable
28 under Article 8, and shall be subject to Section 5-905 of the
29 Juvenile Court Act of 1987. This Section shall not apply to
30 transfers to the Department of Human Services which are
31 provided for under Section 3-8-5 or Section 3-10-5.

32 (d) The Department shall provide educational programs
33 for all committed persons so that all persons have an

1 opportunity to attain the achievement level equivalent to the
2 completion of the twelfth grade in the public school system
3 in this State. Other higher levels of attainment shall be
4 encouraged and professional instruction shall be maintained
5 wherever possible. The Department may establish programs of
6 mandatory education and may establish rules and regulations
7 for the administration of such programs. A person committed
8 to the Department who, during the period of his or her
9 incarceration, participates in an educational program
10 provided by or through the Department and through that
11 program is awarded or earns the number of hours of credit
12 required for the award of an associate, baccalaureate, or
13 higher degree from a community college, college, or
14 university located in Illinois shall reimburse the State,
15 through the Department, for the costs incurred by the State
16 in providing that person during his or her incarceration with
17 the education that qualifies him or her for the award of that
18 degree. The costs for which reimbursement is required under
19 this subsection shall be determined and computed by the
20 Department under rules and regulations that it shall
21 establish for that purpose. However, interest at the rate of
22 6% per annum shall be charged on the balance of those costs
23 from time to time remaining unpaid, from the date of the
24 person's parole, mandatory supervised release, or release
25 constituting a final termination of his or her commitment to
26 the Department until paid.

27 (e) A person committed to the Department who becomes in
28 need of medical or surgical treatment but is incapable of
29 giving consent thereto shall receive such medical or surgical
30 treatment by the chief administrative officer consenting on
31 the person's behalf. Before the chief administrative officer
32 consents, he or she shall obtain the advice of one or more
33 physicians licensed to practice medicine in all its branches
34 in this State. If such physician or physicians advise:

1 (1) that immediate medical or surgical treatment is
2 required relative to a condition threatening to cause
3 death, damage or impairment to bodily functions, or
4 disfigurement; and

5 (2) that the person is not capable of giving
6 consent to such treatment; the chief administrative
7 officer may give consent for such medical or surgical
8 treatment, and such consent shall be deemed to be the
9 consent of the person for all purposes, including, but
10 not limited to, the authority of a physician to give such
11 treatment.

12 (f) In the event that the person requires medical care
13 and treatment at a place other than the institution or
14 facility, the person may be removed therefrom under
15 conditions prescribed by the Department. The Department shall
16 require the committed person receiving medical or dental
17 services on a non-emergency basis to pay a \$2 co-payment to
18 the Department for each visit for medical or dental services.
19 The amount of each co-payment shall be deducted from the
20 committed person's individual account. A committed person who
21 has a chronic illness, as defined by Department rules and
22 regulations, shall be exempt from the \$2 co-payment for
23 treatment of the chronic illness. A committed person shall
24 not be subject to a \$2 co-payment for follow-up visits
25 ordered by a physician, who is employed by, or contracts
26 with, the Department. A committed person who is indigent is
27 exempt from the \$2 co-payment and is entitled to receive
28 medical or dental services on the same basis as a committed
29 person who is financially able to afford the co-payment.
30 Notwithstanding any other provision in this subsection (f) to
31 the contrary, any person committed to any facility operated
32 by the Juvenile Division, as set forth in subsection (b) of
33 Section 3-2-5 of this Code, is exempt from the co-payment
34 requirement for the duration of confinement in those

1 facilities.

2 (g) Any person having sole custody of a child at the
3 time of commitment or any woman giving birth to a child after
4 her commitment, may arrange through the Department of
5 Children and Family Services for suitable placement of the
6 child outside of the Department of Corrections. The Director
7 of the Department of Corrections may determine that there are
8 special reasons why the child should continue in the custody
9 of the mother until the child is 6 years old.

10 (h) The Department may provide Family Responsibility
11 Services which may consist of, but not be limited to the
12 following:

- 13 (1) family advocacy counseling;
- 14 (2) parent self-help group;
- 15 (3) parenting skills training;
- 16 (4) parent and child overnight program;
- 17 (5) parent and child reunification counseling,
18 either separately or together, preceding the inmate's
19 release; and
- 20 (6) a prerelease reunification staffing involving
21 the family advocate, the inmate and the child's
22 counselor, or both and the inmate.

23 (i) Prior to the release of any inmate who has a
24 documented history of intravenous drug use, and upon the
25 receipt of that inmate's written informed consent, the
26 Department shall provide for the testing of such inmate for
27 infection with human immunodeficiency virus (HIV) and any
28 other identified causative agent of acquired immunodeficiency
29 syndrome (AIDS). The testing provided under this subsection
30 shall consist of an enzyme-linked immunosorbent assay (ELISA)
31 test or such other test as may be approved by the Illinois
32 Department of Public Health. If the test result is positive,
33 the Western Blot Assay or more reliable confirmatory test
34 shall be administered. All inmates tested in accordance with

1 the provisions of this subsection shall be provided with
2 pre-test and post-test counseling. Notwithstanding any
3 provision of this subsection to the contrary, the Department
4 shall not be required to conduct the testing and counseling
5 required by this subsection unless sufficient funds to cover
6 all costs of such testing and counseling are appropriated for
7 that purpose by the General Assembly.

8 (j) Any person convicted of a sex offense as defined in
9 the Sex Offender Management Board Act shall be required to
10 receive a sex offender evaluation prior to release into the
11 community from the Department of Corrections. The sex
12 offender evaluation shall be conducted in conformance with
13 the standards and guidelines developed under the Sex Offender
14 Management Board Act and by an evaluator approved by the
15 Board.

16 (k) Any minor committed to the Department of
17 Corrections-Juvenile Division for a sex offense as defined by
18 the Sex Offender Management Board Act shall be required to
19 undergo sex offender treatment by a treatment provider
20 approved by the Board and conducted in conformance with the
21 Sex Offender Management Board Act.

22 (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

23 (730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)
24 Sec. 3-9-7. Sexual abuse counseling programs.

25 (a) The Juvenile Division shall establish and offer
26 sexual abuse counseling to both victims of sexual abuse and
27 sexual offenders in as many facilities as necessary to insure
28 sexual abuse counseling throughout the State.

29 (b) Any minor committed to the Department of
30 Corrections-Juvenile Division for a sex offense as defined
31 under the Sex Offender Management Board Act shall be required
32 to undergo sex offender treatment by a treatment provider
33 approved by the Board and conducted in conformance with the

1 standards developed by the Sex Offender Management Board Act.

2 (Source: P.A. 87-444.)

3 (730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

4 Sec. 5-3-1. Presentence Investigation. A defendant shall
5 not be sentenced for a felony before a written presentence
6 report of investigation is presented to and considered by the
7 court.

8 However, in cases other than felony sex offenses as
9 defined in the Sex Offender Management Board Act, the court
10 need not order a presentence report of investigation where
11 both parties agree to the imposition of a specific sentence,
12 provided there is a finding made for the record as to the
13 defendant's history of delinquency or criminality, including
14 any previous sentence to a term of probation, periodic
15 imprisonment, conditional discharge, or imprisonment.

16 The court may order a presentence investigation of any
17 defendant.

18 (Source: P.A. 80-1099.)

19 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

20 Sec. 5-3-2. Presentence Report.

21 (a) In felony cases, the presentence report shall set
22 forth:

23 (1) the defendant's history of delinquency or
24 criminality, physical and mental history and condition,
25 family situation and background, economic status,
26 education, occupation and personal habits;

27 (2) information about special resources within the
28 community which might be available to assist the
29 defendant's rehabilitation, including treatment centers,
30 residential facilities, vocational training services,
31 correctional manpower programs, employment opportunities,
32 special educational programs, alcohol and drug abuse

1 programming, psychiatric and marriage counseling, and
2 other programs and facilities which could aid the
3 defendant's successful reintegration into society;

4 (3) the effect the offense committed has had upon
5 the victim or victims thereof, and any compensatory
6 benefit that various sentencing alternatives would confer
7 on such victim or victims;

8 (4) information concerning the defendant's status
9 since arrest, including his record if released on his own
10 recognizance, or the defendant's achievement record if
11 released on a conditional pre-trial supervision program;

12 (5) when appropriate, a plan, based upon the
13 personal, economic and social adjustment needs of the
14 defendant, utilizing public and private community
15 resources as an alternative to institutional sentencing;

16 (6) any other matters that the investigatory
17 officer deems relevant or the court directs to be
18 included; and

19 (7) information concerning defendant's eligibility
20 for a sentence to a county impact incarceration program
21 under Section 5-8-1.2 of this Code.

22 (b) The investigation shall include a physical and
23 mental examination of the defendant when so ordered by the
24 court. If the court determines that such an examination
25 should be made, it shall issue an order that the defendant
26 submit to examination at such time and place as designated by
27 the court and that such examination be conducted by a
28 physician, psychologist or psychiatrist designated by the
29 court. Such an examination may be conducted in a court
30 clinic if so ordered by the court. The cost of such
31 examination shall be paid by the county in which the trial is
32 held.

33 (b-5) In cases involving felony sex offenses or any
34 felony offense that is sexually motivated as defined in the

1 Sex Offender Management Board Act, the investigation shall
2 include a sex offender evaluation by an evaluator approved by
3 the Board and conducted in conformance with the standards
4 developed under the Sex Offender Management Board Act.

5 (c) In misdemeanor, business offense or petty offense
6 cases, except as specified in subsection (d) of this Section,
7 when a presentence report has been ordered by the court, such
8 presentence report shall contain information on the
9 defendant's history of delinquency or criminality and shall
10 further contain only those matters listed in any of
11 paragraphs (1) through (6) of subsection (a) or in subsection
12 (b) of this Section as are specified by the court in its
13 order for the report.

14 (d) In cases under Section 12-15 and Section 12-30 of
15 the Criminal Code of 1961, as amended, the presentence report
16 shall set forth information about alcohol, drug abuse,
17 psychiatric, and marriage counseling or other treatment
18 programs and facilities, information on the defendant's
19 history of delinquency or criminality, and shall contain
20 those additional matters listed in any of paragraphs (1)
21 through (6) of subsection (a) or in subsection (b) of this
22 Section as are specified by the court.

23 (e) Nothing in this Section shall cause the defendant to
24 be held without bail or to have his bail revoked for the
25 purpose of preparing the presentence report or making an
26 examination.

27 (Source: P.A. 89-587, eff. 7-31-96.)

28 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

29 Sec. 5-4-1. Sentencing Hearing.

30 (a) Except when the death penalty is sought under
31 hearing procedures otherwise specified, after a determination
32 of guilt, a hearing shall be held to impose the sentence.
33 However, prior to the imposition of sentence on an individual

1 being sentenced for an offense based upon a charge for a
2 violation of Section 11-501 of the Illinois Vehicle Code or a
3 similar provision of a local ordinance, the individual must
4 undergo a professional evaluation to determine if an alcohol
5 or other drug abuse problem exists and the extent of such a
6 problem. Programs conducting these evaluations shall be
7 licensed by the Department of Human Services. However, if
8 the individual is not a resident of Illinois, the court may,
9 in its discretion, accept an evaluation from a program in the
10 state of such individual's residence. The court may in its
11 sentencing order approve an eligible defendant for placement
12 in a Department of Corrections impact incarceration program
13 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing
14 the court shall:

15 (1) consider the evidence, if any, received upon
16 the trial;

17 (2) consider any presentence reports;

18 (3) consider the financial impact of incarceration
19 based on the financial impact statement filed with the
20 clerk of the court by the Department of Corrections;

21 (4) consider evidence and information offered by
22 the parties in aggravation and mitigation;

23 (5) hear arguments as to sentencing alternatives;

24 (6) afford the defendant the opportunity to make a
25 statement in his own behalf;

26 (7) afford the victim of a violent crime or a
27 violation of Section 11-501 of the Illinois Vehicle Code,
28 or a similar provision of a local ordinance, or a
29 qualified individual affected by a violation of Section
30 405, 405.1, 405.2, or 407 of the Illinois Controlled
31 Substances Act, committed by the defendant the
32 opportunity to make a statement concerning the impact on
33 the victim and to offer evidence in aggravation or
34 mitigation; provided that the statement and evidence

1 offered in aggravation or mitigation must first be
2 prepared in writing in conjunction with the State's
3 Attorney before it may be presented orally at the
4 hearing. Any sworn testimony offered by the victim is
5 subject to the defendant's right to cross-examine. All
6 statements and evidence offered under this paragraph (7)
7 shall become part of the record of the court. For the
8 purpose of this paragraph (7), "qualified individual"
9 means any person who (i) lived or worked within the
10 territorial jurisdiction where the offense took place
11 when the offense took place; and (ii) is familiar with
12 various public places within the territorial jurisdiction
13 where the offense took place when the offense took place.
14 For the purposes of this paragraph (7), "qualified
15 individual" includes any peace officer, or any member of
16 any duly organized State, county, or municipal peace unit
17 assigned to the territorial jurisdiction where the
18 offense took place when the offense took place; and

19 (8) in cases of reckless homicide afford the
20 victim's spouse, guardians, parents or other immediate
21 family members an opportunity to make oral statements;
22 and-

23 (9) in cases involving a felony sex offense as
24 defined under the Sex Offender Management Board Act,
25 consider the results of the sex offender evaluation
26 conducted pursuant to Section 5-3-2 of this Act.

27 (b) All sentences shall be imposed by the judge based
28 upon his independent assessment of the elements specified
29 above and any agreement as to sentence reached by the
30 parties. The judge who presided at the trial or the judge
31 who accepted the plea of guilty shall impose the sentence
32 unless he is no longer sitting as a judge in that court.
33 Where the judge does not impose sentence at the same time on
34 all defendants who are convicted as a result of being

1 involved in the same offense, the defendant or the State's
2 Attorney may advise the sentencing court of the disposition
3 of any other defendants who have been sentenced.

4 (c) In imposing a sentence for a violent crime or for an
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other drug
7 or any combination thereof, or a similar provision of a local
8 ordinance, when such offense resulted in the personal injury
9 to someone other than the defendant, the trial judge shall
10 specify on the record the particular evidence, information,
11 factors in mitigation and aggravation or other reasons that
12 led to his sentencing determination. The full verbatim record
13 of the sentencing hearing shall be filed with the clerk of
14 the court and shall be a public record.

15 (c-1) In imposing a sentence for the offense of
16 aggravated kidnapping for ransom, home invasion, armed
17 robbery, aggravated vehicular hijacking, aggravated discharge
18 of a firearm, or armed violence with a category I weapon or
19 category II weapon, the trial judge shall make a finding as
20 to whether the conduct leading to conviction for the offense
21 resulted in great bodily harm to a victim, and shall enter
22 that finding and the basis for that finding in the record.

23 (c-2) If the defendant is sentenced to prison, other
24 than when a sentence of natural life imprisonment or a
25 sentence of death is imposed, at the time the sentence is
26 imposed the judge shall state on the record in open court the
27 approximate period of time the defendant will serve in
28 custody according to the then current statutory rules and
29 regulations for early release found in Section 3-6-3 and
30 other related provisions of this Code. This statement is
31 intended solely to inform the public, has no legal effect on
32 the defendant's actual release, and may not be relied on by
33 the defendant on appeal.

34 The judge's statement, to be given after pronouncing the

1 sentence, other than when the sentence is imposed for one of
2 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
3 shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend
6 in prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois
8 as applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, assuming the defendant receives all of his or her good
11 conduct credit, the period of estimated actual custody is ...
12 years and ... months, less up to 180 days additional good
13 conduct credit for meritorious service. If the defendant,
14 because of his or her own misconduct or failure to comply
15 with the institutional regulations, does not receive those
16 credits, the actual time served in prison will be longer.
17 The defendant may also receive an additional one-half day
18 good conduct credit for each day of participation in
19 vocational, industry, substance abuse, and educational
20 programs as provided for by Illinois statute."

21 When the sentence is imposed for one of the offenses
22 enumerated in paragraph (a)(3) of Section 3-6-3, other than
23 when the sentence is imposed for one of the offenses
24 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
25 or after June 19, 1998, and other than when the sentence is
26 imposed for reckless homicide as defined in subsection (e) of
27 Section 9-3 of the Criminal Code of 1961 if the offense was
28 committed on or after January 1, 1999, and other than when
29 the sentence is imposed for aggravated arson if the offense
30 was committed on or after the effective date of this
31 amendatory Act of the 92nd General Assembly, the judge's
32 statement, to be given after pronouncing the sentence, shall
33 include the following:

34 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend
2 in prison as a result of this sentence. The actual period of
3 prison time served is determined by the statutes of Illinois
4 as applied to this sentence by the Illinois Department of
5 Corrections and the Illinois Prisoner Review Board. In this
6 case, assuming the defendant receives all of his or her good
7 conduct credit, the period of estimated actual custody is ...
8 years and ... months, less up to 90 days additional good
9 conduct credit for meritorious service. If the defendant,
10 because of his or her own misconduct or failure to comply
11 with the institutional regulations, does not receive those
12 credits, the actual time served in prison will be longer.
13 The defendant may also receive an additional one-half day
14 good conduct credit for each day of participation in
15 vocational, industry, substance abuse, and educational
16 programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than
19 first degree murder, and the offense was committed on or
20 after June 19, 1998, and when the sentence is imposed for
21 reckless homicide as defined in subsection (e) of Section 9-3
22 of the Criminal Code of 1961 if the offense was committed on
23 or after January 1, 1999, and when the sentence is imposed
24 for aggravated arson if the offense was committed on or after
25 the effective date of this amendatory Act of the 92nd General
26 Assembly, the judge's statement, to be given after
27 pronouncing the sentence, shall include the following:

28 "The purpose of this statement is to inform the public of
29 the actual period of time this defendant is likely to spend
30 in prison as a result of this sentence. The actual period of
31 prison time served is determined by the statutes of Illinois
32 as applied to this sentence by the Illinois Department of
33 Corrections and the Illinois Prisoner Review Board. In this
34 case, the defendant is entitled to no more than 4 1/2 days of

1 good conduct credit for each month of his or her sentence of
2 imprisonment. Therefore, this defendant will serve at least
3 85% of his or her sentence. Assuming the defendant receives
4 4 1/2 days credit for each month of his or her sentence, the
5 period of estimated actual custody is ... years and ...
6 months. If the defendant, because of his or her own
7 misconduct or failure to comply with the institutional
8 regulations receives lesser credit, the actual time served in
9 prison will be longer."

10 When a sentence of imprisonment is imposed for first
11 degree murder and the offense was committed on or after June
12 19, 1998, the judge's statement, to be given after
13 pronouncing the sentence, shall include the following:

14 "The purpose of this statement is to inform the public of
15 the actual period of time this defendant is likely to spend
16 in prison as a result of this sentence. The actual period of
17 prison time served is determined by the statutes of Illinois
18 as applied to this sentence by the Illinois Department of
19 Corrections and the Illinois Prisoner Review Board. In this
20 case, the defendant is not entitled to good conduct credit.
21 Therefore, this defendant will serve 100% of his or her
22 sentence."

23 (d) When the defendant is committed to the Department of
24 Corrections, the State's Attorney shall and counsel for the
25 defendant may file a statement with the clerk of the court to
26 be transmitted to the department, agency or institution to
27 which the defendant is committed to furnish such department,
28 agency or institution with the facts and circumstances of the
29 offense for which the person was committed together with all
30 other factual information accessible to them in regard to the
31 person prior to his commitment relative to his habits,
32 associates, disposition and reputation and any other facts
33 and circumstances which may aid such department, agency or
34 institution during its custody of such person. The clerk

1 shall within 10 days after receiving any such statements
2 transmit a copy to such department, agency or institution and
3 a copy to the other party, provided, however, that this shall
4 not be cause for delay in conveying the person to the
5 department, agency or institution to which he has been
6 committed.

7 (e) The clerk of the court shall transmit to the
8 department, agency or institution, if any, to which the
9 defendant is committed, the following:

- 10 (1) the sentence imposed;
- 11 (2) any statement by the court of the basis for
12 imposing the sentence;
- 13 (3) any presentence reports;
- 14 (3.5) any sex offender evaluations;
- 15 (4) the number of days, if any, which the defendant
16 has been in custody and for which he is entitled to
17 credit against the sentence, which information shall be
18 provided to the clerk by the sheriff;
- 19 (4.1) any finding of great bodily harm made by the
20 court with respect to an offense enumerated in subsection
21 (c-1);
- 22 (5) all statements filed under subsection (d) of
23 this Section;
- 24 (6) any medical or mental health records or
25 summaries of the defendant;
- 26 (7) the municipality where the arrest of the
27 offender or the commission of the offense has occurred,
28 where such municipality has a population of more than
29 25,000 persons;
- 30 (8) all statements made and evidence offered under
31 paragraph (7) of subsection (a) of this Section; and
- 32 (9) all additional matters which the court directs
33 the clerk to transmit.

34 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;

1 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

7 (1) not violate any criminal statute of any
8 jurisdiction;

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

11 (3) refrain from possessing a firearm or other
12 dangerous weapon;

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

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

25 (6) perform no less than 30 hours of community
26 service and not more than 120 hours of community service,
27 if community service is available in the jurisdiction and
28 is funded and approved by the county board where the
29 offense was committed, where the offense was related to
30 or in furtherance of the criminal activities of an
31 organized gang and was motivated by the offender's
32 membership in or allegiance to an organized gang. The
33 community service shall include, but not be limited to,

1 the cleanup and repair of any damage caused by a
2 violation of Section 21-1.3 of the Criminal Code of 1961
3 and similar damage to property located within the
4 municipality or county in which the violation occurred.
5 When possible and reasonable, the community service
6 should be performed in the offender's neighborhood. For
7 purposes of this Section, "organized gang" has the
8 meaning ascribed to it in Section 10 of the Illinois
9 Streetgang Terrorism Omnibus Prevention Act;

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

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the
3 educational or vocational program;

4 (8) if convicted of possession of a substance
5 prohibited by the Cannabis Control Act or Illinois
6 Controlled Substances 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
10 probation under Section 10 of the Cannabis Control Act or
11 Section 410 of the Illinois Controlled Substances Act and
12 upon a finding by the court that the person is addicted,
13 undergo treatment at a substance abuse program approved
14 by the court; and

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

22 (9) if convicted of a felony, physically surrender
23 at a time and place designated by the court, his or her
24 Firearm Owner's Identification Card and any and all
25 firearms in his or her possession.

26 (b) The Court may in addition to other reasonable
27 conditions relating to the nature of the offense or the
28 rehabilitation of the defendant as determined for each
29 defendant in the proper discretion of the Court require that
30 the person:

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

34 (2) pay a fine and costs;

1 (3) work or pursue a course of study or vocational
2 training;

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

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

7 (6) support his dependents;

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

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

11 (ii) attend school;

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

14 (iv) contribute to his own support at home or
15 in a foster home;

16 (v) with the consent of the superintendent of
17 the facility, attend an educational program at a
18 facility other than the school in which the offense
19 was committed if he or she is convicted of a crime
20 of violence as defined in Section 2 of the Crime
21 Victims Compensation Act committed in a school, on
22 the real property comprising a school, or within
23 1,000 feet of the real property comprising a school;

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

26 (9) perform some reasonable public or community
27 service;

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

32 (i) remain within the interior premises of the
33 place designated for his confinement during the
34 hours designated by the court;

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

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

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

27 (v) for persons convicted of offenses other
28 than those referenced in clause (iv) above and who
29 are placed on an approved monitoring device as a
30 condition of probation or conditional discharge, the
31 court shall impose a reasonable fee for each day of
32 the use of the device, as established by the county
33 board in subsection (g) of this Section, unless
34 after determining the inability of the defendant to

1 pay the fee, the court assesses a lesser fee or no
2 fee as the case may be. This fee shall be imposed
3 in addition to the fees imposed under subsections
4 (g) and (i) of this Section. The fee shall be
5 collected by the clerk of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer who
8 shall use the monies collected to defray the costs
9 of corrections. The county treasurer shall deposit
10 the fee collected in the county working cash fund
11 under Section 6-27001 or Section 6-29002 of the
12 Counties Code, as the case may be.

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

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

27 (13) contribute a reasonable sum of money, not to
28 exceed the maximum amount of the fine authorized for the
29 offense for which the defendant was sentenced, to a
30 "local anti-crime program", as defined in Section 7 of
31 the Anti-Crime Advisory Council Act;

32 (14) refrain from entering into a designated
33 geographic area except upon such terms as the court finds
34 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer, if the defendant has been placed on
4 probation or advance approval by the court, if the
5 defendant was placed on conditional discharge;

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

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

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

26 (d) An offender sentenced to probation or to conditional
27 discharge shall be given a certificate setting forth the
28 conditions thereof.

29 (e) Except where the offender has committed a fourth or
30 subsequent violation of subsection (c) of Section 6-303 of
31 the Illinois Vehicle Code, the court shall not require as a
32 condition of the sentence of probation or conditional
33 discharge that the offender be committed to a period of
34 imprisonment in excess of 6 months. This 6 month limit shall

1 not include periods of confinement given pursuant to a
2 sentence of county impact incarceration under Section
3 5-8-1.2. This 6 month limit does not apply to a person
4 sentenced to probation as a result of a conviction of a
5 fourth or subsequent violation of subsection (c-4) of Section
6 11-501 of the Illinois Vehicle Code or a similar provision of
7 a local ordinance.

8 Persons committed to imprisonment as a condition of
9 probation or conditional discharge shall not be committed to
10 the Department of Corrections.

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

15 (g) An offender sentenced to probation or to conditional
16 discharge and who during the term of either undergoes
17 mandatory drug or alcohol testing, or both, or is assigned to
18 be placed on an approved electronic monitoring device, shall
19 be ordered to pay all costs incidental to such mandatory drug
20 or alcohol testing, or both, and all costs incidental to such
21 approved electronic monitoring in accordance with the
22 defendant's ability to pay those costs. The county board
23 with the concurrence of the Chief Judge of the judicial
24 circuit in which the county is located shall establish
25 reasonable fees for the cost of maintenance, testing, and
26 incidental expenses related to the mandatory drug or alcohol
27 testing, or both, and all costs incidental to approved
28 electronic monitoring, involved in a successful probation
29 program for the county. The concurrence of the Chief Judge
30 shall be in the form of an administrative order. The fees
31 shall be collected by the clerk of the circuit court. The
32 clerk of the circuit court shall pay all moneys collected
33 from these fees to the county treasurer who shall use the
34 moneys collected to defray the costs of drug testing, alcohol

1 testing, and electronic monitoring. The county treasurer
2 shall deposit the fees collected in the county working cash
3 fund under Section 6-27001 or Section 6-29002 of the Counties
4 Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred
6 from the sentencing court to the court of another circuit
7 with the concurrence of both courts. Further transfers or
8 retransfers of jurisdiction are also authorized in the same
9 manner. The court to which jurisdiction has been transferred
10 shall have the same powers as the sentencing court.

11 (i) The court shall impose upon an offender sentenced to
12 probation after January 1, 1989 or to conditional discharge
13 after January 1, 1992, as a condition of such probation or
14 conditional discharge, a fee of \$35 \$25 for each month of
15 probation or conditional discharge supervision ordered by the
16 court, unless after determining the inability of the person
17 sentenced to probation or conditional discharge to pay the
18 fee, the court assesses a lesser fee. The court may not
19 impose the fee on a minor who is made a ward of the State
20 under the Juvenile Court Act of 1987 while the minor is in
21 placement. The fee shall be imposed only upon an offender who
22 is actively supervised by the probation and court services
23 department. The fee shall be collected by the clerk of the
24 circuit court. The clerk of the circuit court shall deposit
25 \$25 ~~pay-all-monies~~ collected from this fee to the county
26 treasurer for deposit in the probation and court services
27 fund under Section 15.1 of the Probation and Probation
28 Officers Act. The clerk of the court shall deposit \$10
29 collected from this fee into the Sex Offender Management
30 Board Fund under Section 19 of the Sex Offender Management
31 Board Act. Money deposited into the Sex Offender Management
32 Board Fund shall be administered by the Sex Offender
33 Management Board and be used to fund practices endorsed or
34 required under the Sex Offender Management Board Act,

1 including but not limited to sex offender evaluation,
2 treatment, and monitoring programs that are or may be
3 developed by the agency providing supervision, the Department
4 of Corrections or the Department of Human Services. This Fund
5 shall also be used for administrative costs, including staff,
6 incurred by the Board.

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

14 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
15 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
16 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
17 eff. 6-26-02; 92-651, eff. 7-11-02.)

18 (730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)
19 Sec. 5-7-1. Sentence of Periodic Imprisonment.

20 (a) A sentence of periodic imprisonment is a sentence of
21 imprisonment during which the committed person may be
22 released for periods of time during the day or night or for
23 periods of days, or both, or if convicted of a felony, other
24 than first degree murder, a Class X or Class 1 felony,
25 committed to any county, municipal, or regional correctional
26 or detention institution or facility in this State for such
27 periods of time as the court may direct. Unless the court
28 orders otherwise, the particular times and conditions of
29 release shall be determined by the Department of Corrections,
30 the sheriff, or the Superintendent of the house of
31 corrections, who is administering the program.

32 (b) A sentence of periodic imprisonment may be imposed
33 to permit the defendant to:

- 1 (1) seek employment;
- 2 (2) work;
- 3 (3) conduct a business or other self-employed
- 4 occupation including housekeeping;
- 5 (4) attend to family needs;
- 6 (5) attend an educational institution, including
- 7 vocational education;
- 8 (6) obtain medical or psychological treatment;
- 9 (7) perform work duties at a county, municipal, or
- 10 regional correctional or detention institution or
- 11 facility;
- 12 (8) continue to reside at home with or without
- 13 supervision involving the use of an approved electronic
- 14 monitoring device, subject to Article 8A of Chapter V; or
- 15 (9) for any other purpose determined by the court.

16 (c) Except where prohibited by other provisions of this
17 Code, the court may impose a sentence of periodic
18 imprisonment for a felony or misdemeanor on a person who is
19 17 years of age or older. The court shall not impose a
20 sentence of periodic imprisonment if it imposes a sentence of
21 imprisonment upon the defendant in excess of 90 days.

22 (d) A sentence of periodic imprisonment shall be for a
23 definite term of from 3 to 4 years for a Class 1 felony, 18
24 to 30 months for a Class 2 felony, and up to 18 months, or
25 the longest sentence of imprisonment that could be imposed
26 for the offense, whichever is less, for all other offenses;
27 however, no person shall be sentenced to a term of periodic
28 imprisonment longer than one year if he is committed to a
29 county correctional institution or facility, and in
30 conjunction with that sentence participate in a county work
31 release program comparable to the work and day release
32 program provided for in Article 13 of the Unified Code of
33 Corrections in State facilities. The term of the sentence
34 shall be calculated upon the basis of the duration of its

1 term rather than upon the basis of the actual days spent in
2 confinement. No sentence of periodic imprisonment shall be
3 subject to the good time credit provisions of Section 3-6-3
4 of this Code.

5 (e) When the court imposes a sentence of periodic
6 imprisonment, it shall state:

7 (1) the term of such sentence;

8 (2) the days or parts of days which the defendant
9 is to be confined;

10 (3) the conditions.

11 (f) The court may issue an order of protection pursuant
12 to the Illinois Domestic Violence Act of 1986 as a condition
13 of a sentence of periodic imprisonment. The Illinois Domestic
14 Violence Act of 1986 shall govern the issuance, enforcement
15 and recording of orders of protection issued under this
16 Section. A copy of the order of protection shall be
17 transmitted to the person or agency having responsibility for
18 the case.

19 (f-5) An offender sentenced to a term of periodic
20 imprisonment for a felony sex offense as defined in the Sex
21 Offender Management Board Act shall be required to undergo
22 and successfully complete sex offender treatment by a
23 treatment provider approved by the Board and conducted in
24 conformance with the standards developed under the Sex
25 Offender Management Board Act.

26 (g) An offender sentenced to periodic imprisonment who
27 undergoes mandatory drug or alcohol testing, or both, or is
28 assigned to be placed on an approved electronic monitoring
29 device, shall be ordered to pay the costs incidental to such
30 mandatory drug or alcohol testing, or both, and costs
31 incidental to such approved electronic monitoring in
32 accordance with the defendant's ability to pay those costs.
33 The county board with the concurrence of the Chief Judge of
34 the judicial circuit in which the county is located shall

1 establish reasonable fees for the cost of maintenance,
2 testing, and incidental expenses related to the mandatory
3 drug or alcohol testing, or both, and all costs incidental to
4 approved electronic monitoring, of all offenders with a
5 sentence of periodic imprisonment. The concurrence of the
6 Chief Judge shall be in the form of an administrative order.
7 The fees shall be collected by the clerk of the circuit
8 court. The clerk of the circuit court shall pay all moneys
9 collected from these fees to the county treasurer who shall
10 use the moneys collected to defray the costs of drug
11 testing, alcohol testing, and electronic monitoring. The
12 county treasurer shall deposit the fees collected in the
13 county working cash fund under Section 6-27001 or Section
14 6-29002 of the Counties Code, as the case may be.

15 (h) All fees and costs imposed under this Section for
16 any violation of Chapters 3, 4, 6, and 11 of the Illinois
17 Vehicle Code, or a similar provision of a local ordinance,
18 and any violation of the Child Passenger Protection Act, or a
19 similar provision of a local ordinance, shall be collected
20 and disbursed by the circuit clerk as provided under Section
21 27.5 of the Clerks of Courts Act.

22 (i) A defendant at least 17 years of age who is
23 convicted of a misdemeanor or felony in a county of 3,000,000
24 or more inhabitants and who has not been previously convicted
25 of a misdemeanor or a felony and who is sentenced to a term
26 of periodic imprisonment may as a condition of his or her
27 sentence be required by the court to attend educational
28 courses designed to prepare the defendant for a high school
29 diploma and to work toward receiving a high school diploma or
30 to work toward passing the high school level Test of General
31 Educational Development (GED) or to work toward completing a
32 vocational training program approved by the court. The
33 defendant sentenced to periodic imprisonment must attend a
34 public institution of education to obtain the educational or

1 vocational training required by this subsection (i). The
2 defendant sentenced to a term of periodic imprisonment shall
3 be required to pay for the cost of the educational courses or
4 GED test, if a fee is charged for those courses or test. The
5 court shall revoke the sentence of periodic imprisonment of
6 the defendant who wilfully fails to comply with this
7 subsection (i). The court shall resentence the defendant
8 whose sentence of periodic imprisonment has been revoked as
9 provided in Section 5-7-2. This subsection (i) does not
10 apply to a defendant who has a high school diploma or has
11 successfully passed the GED test. This subsection (i) does
12 not apply to a defendant who is determined by the court to be
13 developmentally disabled or otherwise mentally incapable of
14 completing the educational or vocational program.

15 (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98;
16 90-655, eff. 7-30-98.)

17 Section 25. The Probation and Probation Officers Act is
18 amended by changing Section 15.1 as follows:

19 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

20 Sec. 15.1. Probation and Court Services Fund.

21 (a) The county treasurer in each county shall establish
22 a probation and court services fund consisting of fees
23 collected pursuant to subsection (i) of Section 5-6-3 and
24 subsection (i) of Section 5-6-3.1 of the Unified Code of
25 Corrections, subsection (10) of Section 5-615 and subsection
26 (5) of Section 5-715 of the Juvenile Court Act of 1987, and
27 paragraph 14.3 of subsection (b) of Section 110-10 of the
28 Code of Criminal Procedure of 1963. The county treasurer
29 shall disburse monies from the fund only at the direction of
30 the chief judge of the circuit court in such circuit where
31 the county is located. The county treasurer of each county
32 shall, on or before January 10 of each year, submit an annual

1 report to the Supreme Court.

2 (b) Monies in the probation and court services fund
3 shall be appropriated by the county board to be used within
4 the county or jurisdiction where collected in accordance with
5 policies and guidelines approved by the Supreme Court for the
6 costs of operating the probation and court services
7 department or departments; however, monies in the probation
8 and court services fund shall not be used for the payment of
9 salaries of probation and court services personnel.

10 (c) Monies expended from the probation and court
11 services fund shall be used to supplement, not supplant,
12 county appropriations for probation and court services.

13 (d) Interest earned on monies deposited in a probation
14 and court services fund may be used by the county for its
15 ordinary and contingent expenditures.

16 (e) The county board may appropriate moneys from the
17 probation and court services fund, upon the direction of the
18 chief judge, to support programs that are part of the
19 continuum of juvenile delinquency intervention programs which
20 are or may be developed within the county. The grants from
21 the probation and court services fund shall be for no more
22 than one year and may be used for any expenses attributable
23 to the program including administration and oversight of the
24 program by the probation department.

25 (f) The county board may appropriate moneys from the
26 probation and court services fund, upon the direction of the
27 chief judge, to support practices endorsed or required under
28 the Sex Offender Management Board Act, including but not
29 limited to sex offender evaluation, treatment, and monitoring
30 programs that are or may be developed within the county.

31 (Source: P.A. 92-329, eff. 8-9-01.)

32 Section 30. The Sex Offender Registration Act is
33 amended by changing Section 3 as follows:

1 (730 ILCS 150/3) (from Ch. 38, par. 223)

2 Sec. 3. Duty to register.

3 (a) A sex offender, as defined in Section 2 of this Act,
4 or sexual predator shall, within the time period prescribed
5 in subsections (b) and (c), register in person and provide
6 accurate information as required by the Department of State
7 Police. Such information shall include current address,
8 current place of employment, and school attended. The sex
9 offender or sexual predator shall register:

10 (1) with the chief of police in each of the
11 municipalities in which he or she attends school, is
12 employed, resides or is temporarily domiciled for a
13 period of time of 10 or more days, unless the
14 municipality is the City of Chicago, in which case he or
15 she shall register at the Chicago Police Department
16 Headquarters; or

17 (2) with the sheriff in each of the counties in
18 which he or she attends school, is employed, resides or
19 is temporarily domiciled in an unincorporated area or, if
20 incorporated, no police chief exists.

21 For purposes of this Article, the place of residence or
22 temporary domicile is defined as any and all places where the
23 sex offender resides for an aggregate period of time of 10 or
24 more days during any calendar year.

25 The sex offender or sexual predator shall provide
26 accurate information as required by the Department of State
27 Police. That information shall include the sex offender's or
28 sexual predator's current place of employment.

29 (a-5) An out-of-state student or out-of-state employee
30 shall, within 10 days after beginning school or employment in
31 this State, register in person and provide accurate
32 information as required by the Department of State Police.
33 Such information will include current place of employment,
34 school attended, and address in state of residence:

1 (1) with the chief of police in each of the
2 municipalities in which he or she attends school or is
3 employed for a period of time of 10 or more days or for
4 an aggregate period of time of more than 30 days during
5 any calendar year, unless the municipality is the City of
6 Chicago, in which case he or she shall register at the
7 Chicago Police Department Headquarters; or

8 (2) with the sheriff in each of the counties in
9 which he or she attends school or is employed for a
10 period of time of 10 or more days or for an aggregate
11 period of time of more than 30 days during any calendar
12 year in an unincorporated area or, if incorporated, no
13 police chief exists.

14 The out-of-state student or out-of-state employee shall
15 provide accurate information as required by the Department of
16 State Police. That information shall include the
17 out-of-state student's current place of school attendance or
18 the out-of-state employee's current place of employment.

19 (b) Any sex offender, as defined in Section 2 of this
20 Act, or sexual predator, regardless of any initial, prior, or
21 other registration, shall, within 10 days of beginning
22 school, or establishing a residence, place of employment, or
23 temporary domicile in any county, register in person as set
24 forth in subsection (a) or (a-5).

25 (c) The registration for any person required to register
26 under this Article shall be as follows:

27 (1) Any person registered under the Habitual Child
28 Sex Offender Registration Act or the Child Sex Offender
29 Registration Act prior to January 1, 1996, shall be
30 deemed initially registered as of January 1, 1996;
31 however, this shall not be construed to extend the
32 duration of registration set forth in Section 7.

33 (2) Except as provided in subsection (c)(4), any
34 person convicted or adjudicated prior to January 1, 1996,

1 whose liability for registration under Section 7 has not
2 expired, shall register in person prior to January 31,
3 1996.

4 (2.5) Except as provided in subsection (c)(4), any
5 person who has not been notified of his or her
6 responsibility to register shall be notified by a
7 criminal justice entity of his or her responsibility to
8 register. Upon notification the person must then
9 register within 10 days of notification of his or her
10 requirement to register. If notification is not made
11 within the offender's 10 year registration requirement,
12 and the Department of State Police determines no evidence
13 exists or indicates the offender attempted to avoid
14 registration, the offender will no longer be required to
15 register under this Act.

16 (3) Except as provided in subsection (c)(4), any
17 person convicted on or after January 1, 1996, shall
18 register in person within 10 days after the entry of the
19 sentencing order based upon his or her conviction.

20 (4) Any person unable to comply with the
21 registration requirements of this Article because he or
22 she is confined, institutionalized, or imprisoned in
23 Illinois on or after January 1, 1996, shall register in
24 person within 10 days of discharge, parole or release.

25 (5) The person shall provide positive
26 identification and documentation that substantiates proof
27 of residence at the registering address.

28 (6) The person shall pay a \$10 initial registration
29 fee and a \$5 annual renewal fee. The fees shall be used
30 by the registering agency for official purposes. The
31 agency shall establish procedures to document receipt and
32 use of the funds. The law enforcement agency having
33 jurisdiction may waive the registration fee if it
34 determines that the person is indigent and unable to pay

1 the registration fee. Ten dollars for the initial
2 registration fee and \$5 of the annual renewal fee shall
3 be used by the registering agency for official purposes.
4 Ten dollars of the initial registration fee and \$5 of the
5 annual fee shall be deposited into the Sex Offender
6 Management Board Fund under Section 19 of the Sex
7 Offender Management Board Act. Money deposited into the
8 Sex Offender Management Board Fund shall be administered
9 by the Sex Offender Management Board and shall be used to
10 fund practices endorsed or required by the Sex Offender
11 Management Board Act including but not limited to sex
12 offenders evaluation, treatment, or monitoring programs
13 that are or may be developed, as well as for
14 administrative costs, including staff, incurred by the
15 Board.

16 (d) Within 10 days after obtaining or changing
17 employment and, if employed on January 1, 2000, within 10
18 days after that date, a person required to register under
19 this Section must report, in person or in writing to the law
20 enforcement agency having jurisdiction, the business name and
21 address where he or she is employed. If the person has
22 multiple businesses or work locations, every business and
23 work location must be reported to the law enforcement agency
24 having jurisdiction.

25 (Source: P.A. 91-48, eff. 7-1-99; 91-394, eff. 1-1-00;
26 92-828, eff. 8-22-02.)

27 Section 99. Effective date. This Act takes effect
28 January 1, 2004."