



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0121

Introduced 1/7/2005, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7	from Ch. 38, par. 1003-3-7
730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
730 ILCS 152/121 new	

Amends the Unified Code of Corrections. Provides that as a condition of probation, conditional discharge, parole, or mandatory supervised release, a sex offender may not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. Amends the Sex Offender and Child Murderer Community Notification Law. Provides that a law enforcement agency having jurisdiction may provide to the public a special alert list warning parents to be aware that sex offenders may attempt to contact children during holidays involving children, such as Halloween, Christmas, and Easter and to inform parents that information containing the names and addresses of registered sex offenders are accessible on the Internet by means of a hyperlink labeled "Sex Offender Information" on the Department of State Police's World Wide Web home page and are available for public inspection at the agency's headquarters. Effective immediately.

LRB094 04173 RLC 34197 b

1 AN ACT in relation to sex offenders.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

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

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

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

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

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

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

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

1 (7.5) if convicted of a sex offense as defined in the
2 Sex Offender Management Board Act, the individual shall
3 undergo and successfully complete sex offender treatment
4 conducted in conformance with the standards developed by
5 the Sex Offender Management Board Act by a treatment
6 provider approved by the Board;

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

9 (9) obtain permission of an agent of the Department of
10 Corrections before changing his or her residence or
11 employment;

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

14 (11) refrain from the use or possession of narcotics or
15 other controlled substances in any form, or both, or any
16 paraphernalia related to those substances and submit to a
17 urinalysis test as instructed by a parole agent of the
18 Department of Corrections;

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

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

27 (14) provide true and accurate information, as it
28 relates to his or her adjustment in the community while on
29 parole or mandatory supervised release or to his or her
30 conduct while incarcerated, in response to inquiries by his
31 or her parole agent or of the Department of Corrections;
32 ~~and~~

33 (15) follow any specific instructions provided by the
34 parole agent that are consistent with furthering
35 conditions set and approved by the Prisoner Review Board or
36 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate; and -

5 (16) if convicted of a sex offense as defined in
6 Section 10 of the Sex Offender Management Board Act, not
7 participate in a holiday event involving children under 18
8 years of age, such as distributing candy or other items to
9 children on Halloween, wearing a Santa Claus costume on or
10 preceding Christmas, being employed as a department store
11 Santa Claus, or wearing an Easter Bunny costume on or
12 preceding Easter.

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

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

17 (2) undergo medical or psychiatric treatment, or
18 treatment for drug addiction or alcoholism;

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

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) comply with the terms and conditions of an order of
25 protection issued pursuant to the Illinois Domestic
26 Violence Act of 1986, enacted by the 84th General Assembly,
27 or an order of protection issued by the court of another
28 state, tribe, or United States territory; and

29 (8) in addition, if a minor:

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

31 (ii) attend school;

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

33 or

34 (iv) contribute to his own support at home or in a
35 foster home.

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

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

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

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

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

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

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

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

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

27 (8) refrain from having any contact, including written
28 or oral communications, directly or indirectly, personally
29 or by telephone, letter, or through a third party with
30 certain specified persons including, but not limited to,
31 the victim or the victim's family without the prior written
32 approval of an agent of the Department of Corrections;

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

1 (10) neither possess or have under his or her control
2 any material that is sexually oriented, sexually
3 stimulating, or that shows male or female sex organs or any
4 pictures depicting children under 18 years of age nude or
5 any written or audio material describing sexual
6 intercourse or that depicts or alludes to sexual activity,
7 including but not limited to visual, auditory, telephonic,
8 or electronic media, or any matter obtained through access
9 to any computer or material linked to computer access use;

10 (11) not patronize any business providing sexually
11 stimulating or sexually oriented entertainment nor utilize
12 "900" or adult telephone numbers;

13 (12) not reside near, visit, or be in or about parks,
14 schools, day care centers, swimming pools, beaches,
15 theaters, or any other places where minor children
16 congregate without advance approval of an agent of the
17 Department of Corrections and immediately report any
18 incidental contact with minor children to the Department;

19 (13) not possess or have under his or her control
20 certain specified items of contraband related to the
21 incidence of sexually offending as determined by an agent
22 of the Department of Corrections;

23 (14) may be required to provide a written daily log of
24 activities if directed by an agent of the Department of
25 Corrections;

26 (15) comply with all other special conditions that the
27 Department may impose that restrict the person from
28 high-risk situations and limit access to potential
29 victims.

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

1 supervision.

2 (d) After a hearing under Section 3-3-9, the Prisoner
3 Review Board may modify or enlarge the conditions of parole or
4 mandatory supervised release.

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

9 (Source: P.A. 92-460, eff. 1-1-02; 93-616, eff. 1-1-04; 93-865,
10 eff. 1-1-05.)

11 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

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

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

22 (4) not leave the State without the consent of the
23 court or, in circumstances in which the reason for the
24 absence is of such an emergency nature that prior consent
25 by the court is not possible, without the prior
26 notification and approval of the person's probation
27 officer. Transfer of a person's probation or conditional
28 discharge supervision to another state is subject to
29 acceptance by the other state pursuant to the Interstate
30 Compact for Adult Offender Supervision;

31 (5) permit the probation officer to visit him at his
32 home or elsewhere to the extent necessary to discharge his
33 duties;

34 (6) perform no less than 30 hours of community service
35 and not more than 120 hours of community service, if

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

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

1 This clause (7) does not apply to a person who has a high
2 school diploma or has successfully passed the GED test.
3 This clause (7) does not apply to a person who is
4 determined by the court to be developmentally disabled or
5 otherwise mentally incapable of completing the educational
6 or vocational program;

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

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

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

28 (10) if convicted of a sex offense as defined in
29 Section 10 of the Sex Offender Management Board Act, not
30 participate in a holiday event involving children under 18
31 years of age, such as distributing candy or other items to
32 children on Halloween, wearing a Santa Claus costume on or
33 preceding Christmas, being employed as a department store
34 Santa Claus, or wearing an Easter Bunny costume on or
35 preceding Easter.

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

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

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

8 (2) pay a fine and costs;

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

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

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

15 (6) support his dependents;

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

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

18 (ii) attend school;

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

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

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

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

32 (9) perform some reasonable public or community
33 service;

34 (10) serve a term of home confinement. In addition to
35 any other applicable condition of probation or conditional
36 discharge, the conditions of home confinement shall be that

1 the offender:

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

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

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

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

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

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

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

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

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

30 (14) refrain from entering into a designated
31 geographic area except upon such terms as the court finds
32 appropriate. Such terms may include consideration of the
33 purpose of the entry, the time of day, other persons
34 accompanying the defendant, and advance approval by a
35 probation officer, if the defendant has been placed on
36 probation or advance approval by the court, if the

1 defendant was placed on conditional discharge;

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

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

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

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

25 (e) Except where the offender has committed a fourth or
26 subsequent violation of subsection (c) of Section 6-303 of the
27 Illinois Vehicle Code, the court shall not require as a
28 condition of the sentence of probation or conditional discharge
29 that the offender be committed to a period of imprisonment in
30 excess of 6 months. This 6 month limit shall not include
31 periods of confinement given pursuant to a sentence of county
32 impact incarceration under Section 5-8-1.2. This 6 month limit
33 does not apply to a person sentenced to probation as a result
34 of a conviction of a fourth or subsequent violation of
35 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
36 or a similar provision of a local ordinance.

1 Persons committed to imprisonment as a condition of
2 probation or conditional discharge shall not be committed to
3 the Department of Corrections.

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

8 (g) An offender sentenced to probation or to conditional
9 discharge and who during the term of either undergoes mandatory
10 drug or alcohol testing, or both, or is assigned to be placed
11 on an approved electronic monitoring device, shall be ordered
12 to pay all costs incidental to such mandatory drug or alcohol
13 testing, or both, and all costs incidental to such approved
14 electronic monitoring in accordance with the defendant's
15 ability to pay those costs. The county board with the
16 concurrence of the Chief Judge of the judicial circuit in which
17 the county is located shall establish reasonable fees for the
18 cost of maintenance, testing, and incidental expenses related
19 to the mandatory drug or alcohol testing, or both, and all
20 costs incidental to approved electronic monitoring, involved
21 in a successful probation program for the county. The
22 concurrence of the Chief Judge shall be in the form of an
23 administrative order. The fees shall be collected by the clerk
24 of the circuit court. The clerk of the circuit court shall pay
25 all moneys collected from these fees to the county treasurer
26 who shall use the moneys collected to defray the costs of drug
27 testing, alcohol testing, and electronic monitoring. The
28 county treasurer shall deposit the fees collected in the county
29 working cash fund under Section 6-27001 or Section 6-29002 of
30 the Counties Code, as the case may be.

31 (h) Jurisdiction over an offender may be transferred from
32 the sentencing court to the court of another circuit with the
33 concurrence of both courts. Further transfers or retransfers of
34 jurisdiction are also authorized in the same manner. The court
35 to which jurisdiction has been transferred shall have the same
36 powers as the sentencing court.

1 (i) The court shall impose upon an offender sentenced to
2 probation after January 1, 1989 or to conditional discharge
3 after January 1, 1992 or to community service under the
4 supervision of a probation or court services department after
5 January 1, 2004, as a condition of such probation or
6 conditional discharge or supervised community service, a fee of
7 \$50 for each month of probation or conditional discharge
8 supervision or supervised community service ordered by the
9 court, unless after determining the inability of the person
10 sentenced to probation or conditional discharge or supervised
11 community service to pay the fee, the court assesses a lesser
12 fee. The court may not impose the fee on a minor who is made a
13 ward of the State under the Juvenile Court Act of 1987 while
14 the minor is in placement. The fee shall be imposed only upon
15 an offender who is actively supervised by the probation and
16 court services department. The fee shall be collected by the
17 clerk of the circuit court. The clerk of the circuit court
18 shall pay all monies collected from this fee to the county
19 treasurer for deposit in the probation and court services fund
20 under Section 15.1 of the Probation and Probation Officers Act.

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless: (1) the
23 circuit court has adopted, by administrative order issued by
24 the chief judge, a standard probation fee guide determining an
25 offender's ability to pay, under guidelines developed by the
26 Administrative Office of the Illinois Courts; and (2) the
27 circuit court has authorized, by administrative order issued by
28 the chief judge, the creation of a Crime Victim's Services
29 Fund, to be administered by the Chief Judge or his or her
30 designee, for services to crime victims and their families. Of
31 the amount collected as a probation fee, up to \$5 of that fee
32 collected per month may be used to provide services to crime
33 victims and their families.

34 This amendatory Act of the 93rd General Assembly deletes
35 the \$10 increase in the fee under this subsection that was
36 imposed by Public Act 93-616. This deletion is intended to

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

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

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

20 (k) Any offender who is sentenced to probation or
21 conditional discharge for a felony sex offense as defined in
22 the Sex Offender Management Board Act or any offense that the
23 court or probation department has determined to be sexually
24 motivated as defined in the Sex Offender Management Board Act
25 shall be required to refrain from any contact, directly or
26 indirectly, with any persons specified by the court and shall
27 be available for all evaluations and treatment programs
28 required by the court or the probation department.

29 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
30 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
31 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-616,
32 eff. 1-1-04; 93-970, eff. 8-20-04.)

33 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
34 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

35 (a) When a defendant is placed on supervision, the court

1 shall enter an order for supervision specifying the period of
2 such supervision, and shall defer further proceedings in the
3 case until the conclusion of the period.

4 (b) The period of supervision shall be reasonable under all
5 of the circumstances of the case, but may not be longer than 2
6 years, unless the defendant has failed to pay the assessment
7 required by Section 10.3 of the Cannabis Control Act or Section
8 411.2 of the Illinois Controlled Substances Act, in which case
9 the court may extend supervision beyond 2 years. Additionally,
10 the court shall order the defendant to perform no less than 30
11 hours of community service and not more than 120 hours of
12 community service, if community service is available in the
13 jurisdiction and is funded and approved by the county board
14 where the offense was committed, when the offense (1) was
15 related to or in furtherance of the criminal activities of an
16 organized gang or was motivated by the defendant's membership
17 in or allegiance to an organized gang; or (2) is a violation of
18 any Section of Article 24 of the Criminal Code of 1961 where a
19 disposition of supervision is not prohibited by Section 5-6-1
20 of this Code. The community service shall include, but not be
21 limited to, the cleanup and repair of any damage caused by
22 violation of Section 21-1.3 of the Criminal Code of 1961 and
23 similar damages to property located within the municipality or
24 county in which the violation occurred. Where possible and
25 reasonable, the community service should be performed in the
26 offender's neighborhood.

27 For the purposes of this Section, "organized gang" has the
28 meaning ascribed to it in Section 10 of the Illinois Streetgang
29 Terrorism Omnibus Prevention Act.

30 (c) The court may in addition to other reasonable
31 conditions relating to the nature of the offense or the
32 rehabilitation of the defendant as determined for each
33 defendant in the proper discretion of the court require that
34 the person:

35 (1) make a report to and appear in person before or
36 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order
2 of supervision;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational
5 training;

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

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

10 (6) support his dependents;

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

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

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

15 (ii) attend school;

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

17 (iv) contribute to his own support at home or in a
18 foster home; or

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

27 (9) make restitution or reparation in an amount not to
28 exceed actual loss or damage to property and pecuniary loss
29 or make restitution under Section 5-5-6 to a domestic
30 violence shelter. The court shall determine the amount and
31 conditions of payment;

32 (10) perform some reasonable public or community
33 service;

34 (11) comply with the terms and conditions of an order
35 of protection issued by the court pursuant to the Illinois
36 Domestic Violence Act of 1986 or an order of protection

1 issued by the court of another state, tribe, or United
2 States territory. If the court has ordered the defendant to
3 make a report and appear in person under paragraph (1) of
4 this subsection, a copy of the order of protection shall be
5 transmitted to the person or agency so designated by the
6 court;

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

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

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

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

28 (16) refrain from having in his or her body the
29 presence of any illicit drug prohibited by the Cannabis
30 Control Act or the Illinois Controlled Substances Act,
31 unless prescribed by a physician, and submit samples of his
32 or her blood or urine or both for tests to determine the
33 presence of any illicit drug;

34 (17) refrain from operating any motor vehicle not
35 equipped with an ignition interlock device as defined in
36 Section 1-129.1 of the Illinois Vehicle Code. Under this

1 condition the court may allow a defendant who is not
2 self-employed to operate a vehicle owned by the defendant's
3 employer that is not equipped with an ignition interlock
4 device in the course and scope of the defendant's
5 employment; ~~and-~~

6 (18) if placed on supervision for a sex offense as
7 defined in Section 10 of the Sex Offender Management Board
8 Act, not participate in a holiday event involving children
9 under 18 years of age, such as distributing candy or other
10 items to children on Halloween, wearing a Santa Claus
11 costume on or preceding Christmas, being employed as a
12 department store Santa Claus, or wearing an Easter Bunny
13 costume on or preceding Easter.

14 (d) The court shall defer entering any judgment on the
15 charges until the conclusion of the supervision.

16 (e) At the conclusion of the period of supervision, if the
17 court determines that the defendant has successfully complied
18 with all of the conditions of supervision, the court shall
19 discharge the defendant and enter a judgment dismissing the
20 charges.

21 (f) Discharge and dismissal upon a successful conclusion of
22 a disposition of supervision shall be deemed without
23 adjudication of guilt and shall not be termed a conviction for
24 purposes of disqualification or disabilities imposed by law
25 upon conviction of a crime. Two years after the discharge and
26 dismissal under this Section, unless the disposition of
27 supervision was for a violation of Sections 3-707, 3-708,
28 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
29 similar provision of a local ordinance, or for a violation of
30 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
31 case it shall be 5 years after discharge and dismissal, a
32 person may have his record of arrest sealed or expunged as may
33 be provided by law. However, any defendant placed on
34 supervision before January 1, 1980, may move for sealing or
35 expungement of his arrest record, as provided by law, at any
36 time after discharge and dismissal under this Section. A person

1 placed on supervision for a sexual offense committed against a
2 minor as defined in subsection (g) of Section 5 of the Criminal
3 Identification Act or for a violation of Section 11-501 of the
4 Illinois Vehicle Code or a similar provision of a local
5 ordinance shall not have his or her record of arrest sealed or
6 expunged.

7 (g) A defendant placed on supervision and who during the
8 period of supervision undergoes mandatory drug or alcohol
9 testing, or both, or is assigned to be placed on an approved
10 electronic monitoring device, shall be ordered to pay the costs
11 incidental to such mandatory drug or alcohol testing, or both,
12 and costs incidental to such approved electronic monitoring in
13 accordance with the defendant's ability to pay those costs. The
14 county board with the concurrence of the Chief Judge of the
15 judicial circuit in which the county is located shall establish
16 reasonable fees for the cost of maintenance, testing, and
17 incidental expenses related to the mandatory drug or alcohol
18 testing, or both, and all costs incidental to approved
19 electronic monitoring, of all defendants placed on
20 supervision. The concurrence of the Chief Judge shall be in the
21 form of an administrative order. The fees shall be collected by
22 the clerk of the circuit court. The clerk of the circuit court
23 shall pay all moneys collected from these fees to the county
24 treasurer who shall use the moneys collected to defray the
25 costs of drug testing, alcohol testing, and electronic
26 monitoring. The county treasurer shall deposit the fees
27 collected in the county working cash fund under Section 6-27001
28 or Section 6-29002 of the Counties Code, as the case may be.

29 (h) A disposition of supervision is a final order for the
30 purposes of appeal.

31 (i) The court shall impose upon a defendant placed on
32 supervision after January 1, 1992 or to community service under
33 the supervision of a probation or court services department
34 after January 1, 2004, as a condition of supervision or
35 supervised community service, a fee of \$50 for each month of
36 supervision or supervised community service ordered by the

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

13 A circuit court may not impose a probation fee in excess of
14 \$25 per month unless: (1) the circuit court has adopted, by
15 administrative order issued by the chief judge, a standard
16 probation fee guide determining an offender's ability to pay,
17 under guidelines developed by the Administrative Office of the
18 Illinois Courts; and (2) the circuit court has authorized, by
19 administrative order issued by the chief judge, the creation of
20 a Crime Victim's Services Fund, to be administered by the Chief
21 Judge or his or her designee, for services to crime victims and
22 their families. Of the amount collected as a probation fee, not
23 to exceed \$5 of that fee collected per month may be used to
24 provide services to crime victims and their families.

25 (j) All fines and costs imposed under this Section for any
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
27 Code, or a similar provision of a local ordinance, and any
28 violation of the Child Passenger Protection Act, or a similar
29 provision of a local ordinance, shall be collected and
30 disbursed by the circuit clerk as provided under Section 27.5
31 of the Clerks of Courts Act.

32 (k) A defendant at least 17 years of age who is placed on
33 supervision for a misdemeanor in a county of 3,000,000 or more
34 inhabitants and who has not been previously convicted of a
35 misdemeanor or felony may as a condition of his or her
36 supervision be required by the court to attend educational

1 courses designed to prepare the defendant for a high school
2 diploma and to work toward a high school diploma or to work
3 toward passing the high school level Test of General
4 Educational Development (GED) or to work toward completing a
5 vocational training program approved by the court. The
6 defendant placed on supervision must attend a public
7 institution of education to obtain the educational or
8 vocational training required by this subsection (k). The
9 defendant placed on supervision shall be required to pay for
10 the cost of the educational courses or GED test, if a fee is
11 charged for those courses or test. The court shall revoke the
12 supervision of a person who wilfully fails to comply with this
13 subsection (k). The court shall resentence the defendant upon
14 revocation of supervision as provided in Section 5-6-4. This
15 subsection (k) does not apply to a defendant who has a high
16 school diploma or has successfully passed the GED test. This
17 subsection (k) does not apply to a defendant who is determined
18 by the court to be developmentally disabled or otherwise
19 mentally incapable of completing the educational or vocational
20 program.

21 (l) The court shall require a defendant placed on
22 supervision for possession of a substance prohibited by the
23 Cannabis Control Act or Illinois Controlled Substances Act
24 after a previous conviction or disposition of supervision for
25 possession of a substance prohibited by the Cannabis Control
26 Act or Illinois Controlled Substances Act or a sentence of
27 probation under Section 10 of the Cannabis Control Act or
28 Section 410 of the Illinois Controlled Substances Act and after
29 a finding by the court that the person is addicted, to undergo
30 treatment at a substance abuse program approved by the court.

31 (m) The Secretary of State shall require anyone placed on
32 court supervision for a violation of Section 3-707 of the
33 Illinois Vehicle Code or a similar provision of a local
34 ordinance to give proof of his or her financial responsibility
35 as defined in Section 7-315 of the Illinois Vehicle Code. The
36 proof shall be maintained by the individual in a manner

1 satisfactory to the Secretary of State for a minimum period of
2 one year after the date the proof is first filed. The proof
3 shall be limited to a single action per arrest and may not be
4 affected by any post-sentence disposition. The Secretary of
5 State shall suspend the driver's license of any person
6 determined by the Secretary to be in violation of this
7 subsection.

8 (n) Any offender placed on supervision for any offense that
9 the court or probation department has determined to be sexually
10 motivated as defined in the Sex Offender Management Board Act
11 shall be required to refrain from any contact, directly or
12 indirectly, with any persons specified by the court and shall
13 be available for all evaluations and treatment programs
14 required by the court or the probation department.

15 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
16 92-651, eff. 7-11-02; 93-475, eff. 8-8-03; 93-970, eff.
17 8-20-04.)

18 Section 10. The Sex Offender and Child Murderer Community
19 Notification Law is amended by adding Section 121 as follows:

20 (730 ILCS 152/121 new)

21 Sec. 121. Special alerts. A law enforcement agency having
22 jurisdiction may provide to the public a special alert list
23 warning parents to be aware that sex offenders may attempt to
24 contact children during holidays involving children, such as
25 Halloween, Christmas, and Easter and to inform parents that
26 information containing the names and addresses of registered
27 sex offenders are accessible on the Internet by means of a
28 hyperlink labeled "Sex Offender Information" on the Department
29 of State Police's World Wide Web home page and are available
30 for public inspection at the agency's headquarters.

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.